

Ordinance No. 897

AN ORDINANCE RESTATING CHAPTER 114 OF THE CITY OF GRAYVILLE, ILLINOIS CODE OF ORDINANCES (FORMERLY ORDINANCE NO. 720), LICENSING AND REGULATING THE ACTIVITIES OF SOLICITORS/PEDDLERS WITHIN THE CITY GRAYVILLE, WHITE AND EDWARDS COUNTIES, ILLINOIS.

WHEREAS, the City Council of the City of Grayville, White and Edwards Counties, Illinois, on October 27, 2008, adopted Ordinance No. 720, licensing and regulating the activities of solicitors/peddlers within the City of Grayville, White and Edwards Counties, Illinois;

AND WHEREAS, said Ordinance No. 720 was subsequently incorporated into the City of Grayville, Illinois Code of Ordinances, as Chapter 114 of said Code;

AND WHEREAS, Chapter 114 of the Code of Ordinances has been found to be in need of numerous changes to its provisions, following a review by the Grayville City Council;

AND WHEREAS, the City Council of the City of Grayville has determined that it is in the best interest of the City to restate the provisions of the Peddlers/Solicitors Ordinance in their entirety, and rescind the October 27, 2008 version of said ordinance;

NOW THEREFORE, be it ordained by the City Council of the City of Grayville, White and Edwards Counties, Illinois:

Chapter 114 of the City of Grayville, Illinois Code of Ordinances (formerly Ordinance No. 720), licensing and regulating the activities of solicitors/peddlers in the City of Grayville, White and Edwards Counties, Illinois, shall read as follows:

ARTICLE I

Section 1.1 Definitions

A. Solicitor: As used in this code, the term solicitor shall mean every person who shall sell or offer for sale, barter or exchange, at retail, any goods, wares, food items, or merchandise from a stationary stand or vehicle (including food trucks) or by traveling from place to place in, along and upon the streets, avenues, alleys or public thoroughfares of the City of Grayville, or who shall sell and deliver from any vehicle goods, wares, food items, or merchandise by going from place to place in the City of Grayville. The term shall include all hawkers, peddlers, itinerant merchants, and transient vendors of merchandise, as described in 65 ILCS 5/11-42-5. The term solicitor shall also mean every person who moves from house to house or from place to place in the City, selling or taking orders for goods, wares, food items, subscriptions or merchandise for future delivery.

The term solicitor shall not include the following groups of persons.

1. Farmers, fruit growers or gardeners who sell the produce of their farm, orchard, vineyard, from a stand.
2. Sellers or deliverers of newspapers.
3. Representatives of civic, patriotic, fraternal, educational or charitable organizations.
4. Students attending schools in Grayville or within a 20 mile radius of Grayville, selling items for scholastic fundraising projects.

B. Motor Vehicles: Any vehicle used for the displaying, storing or transporting of articles offered for sale by a vendor which is required to be licensed and registered with the Secretary of State of Illinois. The term is to include trailers, trucks and automobiles.

C. Stand: Any table, showcase, bench, rack, pushcart, wagon or any other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered with the Secretary of State of Illinois.

ARTICLE II

Section 2.1 License Required

No person may engage in the business of a solicitor within the Grayville corporate limits, without first obtaining a license from the City of Grayville to do so.

Section 2.2 Application

An application for solicitor's license shall be made in writing to the Grayville City Clerk, which shall require the following:

1. The name of the individual applying for the license;
2. The residence, telephone number and driver's license number of the applicant;
3. The address of the principal place of business of the applicant and its telephone number;
4. If the applicant is employed by another person or entity, the name of the employer, its address and telephone number;
5. The type of goods, wares, food items or merchandise to be sold or offered for sale;
6. The location where the applicant plans to sell his goods, wares, food items or merchandise;
7. The time period for which the license is being requested, not to exceed 30 days.
8. Whether the applicant has been convicted of a criminal offense or ordinance violation

(other than traffic or parking offenses) in any jurisdiction and, if so, a list of such convictions, with date and prosecuting jurisdiction.

The applicant shall provide with its application a certificate of insurance issued by an insurance company licensed to do business in Illinois, insuring the applicant for liability for damages for personal injury and property damage caused by the negligence of the solicitor/peddler while carrying out its activities under the license issued by the City, except as otherwise prohibited by law. The certificate must state that it will not be cancelled during the period the license is in effect, and will provide coverage for personal injury of not less than \$500,000.00 per person and \$1,000,000.00 per occurrence, and property damage up to \$100,000.00.

Section 2.3 Fees

The applicant shall pay to the City of Grayville when filing an application, a fee of \$25.00. Should the application be denied, the license fee shall be refunded to the applicant.

No fee shall be required when the applicant is a group or person:

1. Who sells goods, wares, food items, or merchandise on City owned public grounds as part of an event which has been approved by the City of Grayville; or
2. Who sells at events which are sponsored by civic, patriotic, fraternal, educational, religious or benevolent organizations, goods, wares, food items, or merchandise which they have made themselves, such as handicrafts and home sewn items.

Section 2.4 Possession and Display

All licensees shall have in their possession at all times while engaging in business as a solicitor the license issued to them by the City and shall show it to any person who requests to see it.

Section 2.5 Issuance

The City of Grayville shall issue the license, with copies provided as soon as possible to the White and Edwards County Sheriff's Departments, running for the time period set forth in the permit application, unless the City Clerk, Mayor or Board shall find:

1. That the applicant has been convicted within the last five (5) years of any offense relating to theft, burglary or fraud; or,
2. That the applicant or his employer has had a license issued pursuant to this Chapter, revoked for cause.

Section 2.6 Restrictions

1. No one shall engage in the business of a solicitor traveling from place-to-place within the

City of Grayville, including door-to-door residential solicitations, between the hours of 5 P.M. and 8 A.M.

2. No Solicitor shall park or stand within two hundred (200) feet of a playground or school during the time that organized recreational activities are in progress.
3. No person shall engage in the business of peddling at any residence at which there is displayed upon or near the main entrance door a weatherproof card, approximately three (3) inches by four (4) inches which states one of the following:

NO SOLICITOR INVITED OR NO PEDDLERS INVITED.

Or words to the same effect.

4. No solicitor shall remain at any residence after being asked by an occupant to leave.
5. No solicitor shall sell or offer for sale goods, wares or merchandise other than at the location approved by the City.
6. No solicitor shall leave any stand unattended.
7. No solicitor shall store, park or leave any stand overnight on any street, sidewalk or public right-of-way.
8. No solicitor shall park any motor vehicle other than in a lawful parking place in conformance with City and State parking regulations.
9. All solicitors selling food and beverages for immediate consumption shall have available for public use their own litter receptacle, which is available for their patrons' use.
10. No solicitor shall leave his location without first picking up, removing, and disposing of all trash or refuse from the sales made by him.
11. No solicitor shall solicit or conduct business with persons in motor vehicles.
12. No solicitor shall sell anything other than that which he states in his license application.

Section 2.7 Revocation and Suspension

Any solicitor's license may be revoked, or suspended for a period not to exceed one (1) year, by the City of Grayville, if the City shall find after a hearing:

1. That the licensee has violated any of the provisions of this Chapter, the laws of the State of Illinois, or the Ordinances of the City while engaged in the business as a solicitor, other than traffic or parking offenses.
2. That the licensee has knowingly furnished false or misleading information or withheld relevant information on any application for a solicitor's license or an investigation into any such license.

Prior to holding a hearing concerning the question of whether a license issued pursuant to this article shall be revoked or suspended, the City shall give at least ten (10) days written notice to the licensee setting forth the alleged violations, specifically. The licensee may present evidence at such hearing and cross-examine witnesses.

Section 2.8 Violation

Any person who fails to obtain a license in violation of this ordinance shall, upon conviction thereof, be subject to a fine of not less than \$150.00 and no more than \$500.00. If paid within ten (10) days after receiving a citation for violation of this ordinance, at Grayville City Hall, the fine will be \$150.00.


Passed: November 9, 2020

Approved: November 9, 2020



Travis Thompson, Mayor

ATTEST:





Jo Ellen Seil, City Clerk


VOTE

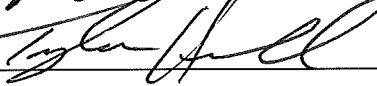
YEAS:

NAYS:









Recorded in the records of said municipality on the 9th day of November, 2020.

Attest:



Jo Ellen Seil
City Clerk
City of Grayville
White and Edwards Counties, Illinois

STATE OF ILLINOIS)
) SS:
COUNTIES OF WHITE & EDWARDS)


CERTIFICATION OF ORDINANCE

I, the undersigned, do hereby certify that I am the duly qualified and acting City Clerk of the City of Grayville, White and Edwards Counties, Illinois (the "Municipality") and as such official, I am the keeper of the official journal of proceedings, books, records# minutes and files of the municipality and of the City Council (the "Corporate Authorities") thereof.

I do further certify that the foregoing is a true copy of Ordinance entitled, "AN ORDINANCE RESTATING THE ORDINANCE LICENSING AND REGULATING THE ACTIVITIES OF SOLICITORS/PEDDLERS WITHIN THE CITY OF GRAYVILLE, WHITE AND EDWARDS COUNTIES " adopted by the Corporate Authorities at a meeting held on the _____ day of October, 2020.

I so further certify that the deliberations of the Corporate Authorities of the adoption of said ordinance were taken openly; that said meeting was held at a specified time and place convenient to the public, requesting such notice; and that said meeting was called and held in strict compliance with the provisions of "An Act in Relation to Meetings", approved July 11, 1957, as amended, and the Illinois Municipal Code, as amended, and the provisions of said Act and said Code with all of the procedural rules of the Corporate Authorities.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the Municipality this 10th day of November, 2020.



JO ELLEN SEIL, CITY CLERK

(SEAL)