

Village of McLean

Ordinance#

15-11-02B

**An Ordinance Amending the Village of McLean
Municipal Code Said Municipal Code Being
Ordinance No. 96-5-6A of the Village of McLean to
Provide Amendments Relating to Peddler's,
Solicitors and Itinerant Merchants**

Adopted by the Village Board
Of the
Village of McLean

Published in pamphlet form by authority of the Village of McLean, McLean

County, Illinois this 5th day of November, 2015.

ORDINANCE NO. 15-11-02 B

AN ORDINANCE AMENDING THE VILLAGE OF MCLEAN MUNICIPAL CODE SAID MUNICIPAL CODE BEING ORDINANCE NO. 96-5-6A OF THE VILLAGE OF MCLEAN TO PROVIDE AMENDMENTS RELATING TO PEDDLER'S, SOLICITORS AND ITINERANT MERCHANTS

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MCLEAN:

SECTION 1: §112.01 of the Village of Code of the Village of McLean is hereby amended by deleting the definition of “**BUSINESS ITINERANT MERCHANT PEDDLER,**” and “**SOLICITOR**” and substitute in place thereof the following definitions:

ITINERANT MERCHANT. Any person engaging temporarily in the retail or wholesale sale of goods, services, wares or merchandise in any place within the Village of McLean and who, for the purpose of conducting such business, occupies any lot, building, room or structure of any kind. For the purposes of this definition, “temporarily” shall mean for a period of time not exceeding one hundred (100) days in a calendar year. A person who is a peddler is not an itinerant merchant..

PEDDLER. Any person who sells or offers for sale, barter or exchanges any goods, wares, food items, merchandise or services of any kind (1) while traveling from place to place in, along or upon the streets, alleys or sidewalks of the Village of McLean; or (2) from any public place within the Village.

SOLICITOR. Any person who engages in one or more of the following activities within the Village of McLean: (1) seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs or services of any kind; (2) seeking to obtain prospective customers for application or purchases of insurance or financial services of any type, kind or character; (3) seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or (4) seeking to obtain gifts or contributions of money, clothing or any other valuable thing.

SECTION 2: §112.02(D) of the Village Code of the Village of McLean is hereby amended by deleting the number “30” and substituting “7” in place thereof.

SECTION 3: §112.03(A) of the Village Code of the Village of McLean is hereby amended by adding the following sub-paragraphs:

§112.03(A)(8) A copy of applicant's state issued photo identification.

§112.03(A)(9) The telephone number and email address for all the individuals described in sub-paragraph (1), (2) and (3).

§112.03(A)(10) A description of all vehicle(s) that are proposed to be used as by an itinerant merchant, peddler or solicitor, including, but not limited to the current license plate number(s) with the license plate number matched to each vehicle that is proposed to be used.

SECTION 4: §112.03 of the Village Code of the Village of McLean is hereby amended by deleting sub-paragraph (B) and re-numbering sub-paragraph (C) as sub-paragraph (B) and re-numbering sub-paragraph (D) as sub-paragraph (C)

SECTION 5: §112.04 of the Village Code of the Village of McLean is hereby amended as follows:

1. Subparagraph (A) is deleted and a new sub-paragraph (A) is hereby substituted, which is as follows:

§112.04(A) Upon receipt of an application and the fee that has been established by the Village Board, the Village Clerk should forward the fee received to the Village Treasurer and shall forward the application received to the Chief of Police or his designee. The Chief of Police or his designee shall make an investigation into the applicant's business reputation, responsibility and moral character for the protection of the public welfare and safety.

2. Subparagraph (B) is hereby amended by adding an additional sub-paragraph (6), which is as follows:

(6) Has been convicted of a commission of a felony under the law of the State of Illinois or any other state or federal law of the United States.

3. An additional Sub-paragraph (C) is hereby added as follows:

(C) The Chief of Police or his designee shall approve or deny the application within 30 days of receipt of the application. The Chief of Police or its designee shall inform the applicant of approval or denial.

SECTION 6: §112.05 of the Village Code of the Village of McLean is hereby amended by interlineation by deleting the word "Clerk" and substituting in place thereof the words "Chief of Police or his designee".

SECTION 7: §112.08 of the Village Code of the Village of McLean is hereby amended as follows:

1. Subsection (B) is hereby amended by deleting the word "Clerk" and substituting by interlineation in place thereof the words "Chief of Police or his designee".

2. A sub-paragraph (C) is added which is as follows:

(C) “The Police Chief or his designee shall issue identification cards to all licensed peddlers, itinerant merchants and all licensed solicitors. The identification cards shall contain information that the Police Chief determines is appropriate, which shall include but is not limited to the peddler, itinerant merchant or solicitors name, phone number and the name and phone number of the company represented by the licensed peddler, itinerant merchant or solicitor. All licensed peddlers, itinerant merchants and solicitors must have this card on their possession at all times when peddling or soliciting or engaged in itinerant merchant activities within the village and upon request shall display this card to anyone who is approached for the purposes of peddling, itinerant merchant sales or soliciting.

SECTION 8: §112.10 of the Village Code of the Village of McLean is hereby deleted and a new §112.10 is hereby substituted which is as follows:

§112.10 NOTICE REGARDING SOLICITING. Any registered peddler or solicitor shall not solicit or peddle at any premises that has posted on or near its principal residence a sign bearing the words “no trespassing” “no peddlers” “no solicitors” or any other similar notice indicating in any manner that the occupants of such premises desire not to be solicited or to have their right to privacy disturbed unless the occupants have specifically requested such solicitation.

SECTION 9: §112.11 of the Village Code of the Village of McLean is hereby amended by deleting sub-paragraph (A) and substituting a new paragraph §112.11(A), which is as follows:

§112.11(A) It shall be the duty of every solicitor and peddler going on to any premises of the village upon which a residence is located to first examine the premises to determine if the notice provided for in §112.10 is posted. If such notice is posted the peddler or solicitor shall immediately and peacefully depart from the premises and not conduct any solicitation or peddling unless they have been invited on the premises by the occupant.

SECTION 10: A new §112.114 is hereby added to the Village Code of the Village of McLean, which is as follows:

§112.14 EXEMPTIONS FROM APPLICATION AND LICENSE REQUIREMENTS.

The following shall be exempt from the application and license process ordinarily required by this Chapter:

- (A) Prior Invitation. Any person who, for the purpose of selling or taking orders for the sale of merchandise or services, has been previously invited by the occupant of a residence to call thereon.
- (B) Farmers. Any person whose principal occupation is that of a farmer who sells products of their own farm, vineyard, orchard or garden.
- (C) Newspaper Vendors. Any person who, on behalf of the publisher of any newspaper of general circulation within the Village, solicits to sell such newspaper.
- (D) Garage Sales. Any person who, outside their usual employment, conducts the casual sale of tangible personal property on private property, which sale is advertised by any means whereby the public at large is or can be made aware of said sale; provided, however, that any person conducting a garage sale or similar casual sale more than four times within a twelve month period or more than four consecutive calendar days at any occurrence shall not be exempt from the application and license provisions of this Chapter.
- (E) Not-for-Profit Entities. Any government entity, not-for-profit corporation or organization, religious organization or school-related activity.
- (F) Local Regular Route-Based Sales. Businesses with a permanent or physical place of business within fifty miles of the Village of McLean and who have an established and regular route for delivering retail products to the Village of McLean.
- (G) Children. Sales by any person under the age of twelve years old.

SECTION 11: §112.99 of the Village Code of the Village of McLean is hereby deleted and in place thereof the following Section shall apply:

§112.99 PENALTY. Whoever violates any provisions of this chapter shall be subject to the general penalty provisions, §10.99 of the Village Code. Each day a violation continues shall be deemed a separate event.


SECTION 12: If any section or part of this Ordinance is held invalid, it shall not affect the validity of the remainder of this Ordinance.

SECTION 13: This Ordinance shall take effect 10 days after publication thereof as provided by law.

SECTION 14: Ordinance No.96-5-6A of the Village of McLean, as amended by this Ordinance, shall remain in full force and effect and all previous amendments to Ordinance No. 96-5-6A shall remain in force and effect except as modified by this Ordinance.

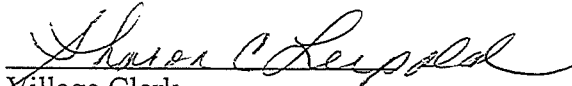
PASSED in due form on a roll call vote by the Board of Trustees of the Village of McLean at a duly held meeting on the 2nd day of NOVEMBER, 2015.

APPROVED:



President of the Board of Trustees of the
Village of McLean

ATTEST:



Village Clerk

AYES: 5
NAYS: 0
ABSENT: 1

STATE OF ILLINOIS)

) SS

COUNTY OF MCLEAN)

PUBLICATION CERTIFICATE

I, the undersigned Village Clerk, certify that I am the duly elected and acting Village Clerk of the Village of McLean, McLean County, Illinois.

I further certify that on Monday, November 2, 2015, the Board of Trustees of such municipality passed and approved Ordinance No. 15-11-02B, entitled:

**An Ordinance Amending the Village of McLean
Municipal Code Said Municipal Code Being
Ordinance No. 96-5-6A of the Village of McLean to
Provide Amendments Relating to Peddler's,
Solicitors and Itinerant Merchants**

Board of Trustees of the Village of McLean previously adopted a Resolution that authorized all Village Ordinances to be published in pamphlet form.

The pamphlet form of Ordinance No. 15-11-02B, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on 11-15, 2015 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

Dated at McLean, Illinois, this 5th day November, 2015.


Village Clerk

(SEAL)