

AN ORDINANCE OF THE VILLAGE OF CAMPTON HILLS
AMENDING THE CAMPTON HILLS VILLAGE CODE REGARDING
PEDDLERS AND SOLICITORS TO INCLUDE FOOD VENDORS

WHEREAS, Chapter 2 of Title 4 of the Campton Hills Village Code regulates peddlers, solicitors, and transient merchants operating within the Village; and

WHEREAS, the Village Board of Trustees of Campton Hills desires to amend this Chapter to modify various registration procedures and regulations relating to peddlers, solicitors, and transient merchants operating within the Village to include mobile food vendors, as set forth in this Ordinance.

THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CAMPTON HILLS, KANE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. The above recitals are incorporated into this Ordinance by reference.

Section 2. Chapter 2, entitled “Peddlers, Solicitors, and Transient Merchants, of Title 4, entitled “Business and License Regulations,” of the Campton Hills Village Code is hereby amended as follows:

“Chapter 2

PEDDLERS, SOLICITORS AND MOBILE FOOD VENDORS

4-2-1 DEFINITIONS:

For the purposes of this chapter, the following words, as used herein, shall be construed to have the meanings ascribed to them in this section:

MOBILE FOOD VENDOR:

A self-contained food service operation, located in a readily movable motorized wheeled or towed vehicle, used to store, prepare, display or serve food intended for individual portion service.

PEDDLING:

Any one or more of the following activities:

- A. Selling or offering for sale, barter or exchange at retail any goods, wares, merchandise or services of any kind whatsoever by traveling from place to place along the streets of the village or from residence to residence therein, but shall not include solicitation or canvassing for future delivery.
- B. Itinerant vendor activities by any person who transports tangible personal property for retail sale within the village, where the person does not maintain in the state an established office, distribution house, sales house, warehouse, service center or residence from which such business is conducted; provided, however, this term shall not include any person who delivers tangible personal property within the village who is fulfilling an order for such property which was solicited or placed by mail or other means. It shall be prima facie

evidence that a person is an "itinerant vendor" if the person does not transact business from a fixed location or if the person does not own or lease, for a term of at least six (6) months, the property from which business is conducted.

- C. Transient merchant activities by any person who is engaged temporarily in the retail sale of goods, wares or merchandise in the village and who, for the purpose of conducting such business, occupies any building, room, vehicle, structure of any kind, or vacant lot; provided, however, this term does not include any person selling goods, wares or merchandise which are raised, produced or manufactured by him; to any person selling vegetables, fruit or perishable farm products at an established village market; to any person operating a store or refreshment stand at a resort; or to any person operating a stand or booth on or adjacent to property owned by him or upon which he resides. It shall be prima facie evidence that a person is a "transient merchant" if the person does not transact business from a fixed location or if the person does not own, or lease for a term of at least six (6) months, the property from which business is conducted.

REGISTERED SOLICITOR AND REGISTERED PEDDLER:

Any person who has obtained a valid certificate of registration as herein provided, where such certificate is in the possession of, and on the person of, the one soliciting or peddling during all soliciting or peddling.

RESIDENCE:

Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

SOLICITING:

Any one or more of the following activities:

- A. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, insurance, subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication, or services of any kind, character or description whatsoever, for any kind of consideration whatsoever, all for future delivery.
- B. Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation, or project.

4-2-2: CERTIFICATE OF REGISTRATION:

- A. Certificate Required: Prior to engaging in any "soliciting" or "peddling" activities in the village, as defined by this chapter, any person or entity, as the case may be, must first apply for and secure a certificate of registration as provided by this chapter for each person engaging in such activity.
- B. Ineligibility for Certificate: The following persons shall be ineligible for a certificate of registration, unless specifically approved by the board of trustees:
 - 1. any person who has been convicted of the commission of a felony under the laws of the state of Illinois or any other state or federal law

of the United States within five (5) years of the date of the application;
or

2. any person who has been convicted of a violation of any of the provisions of this chapter; or
3. any person whose certificate of registration issued hereunder has previously been revoked as herein provided.

C. Application for Certificate:

1. Form and Oath: Application for a certificate of registration shall be made by each individual and by each entity upon a form provided by and filed with the village clerk. The applicant shall state, under oath, such information requested on the application form as is required by the provisions of this chapter and such other relevant information as determined by the village clerk.
2. Identification. An applicant for a certificate of registration must submit a valid drivers' license or state issued photo identification card with the application form, a copy of which will be attached to the certificate of registration.
3. Pre-Approval Process. Anyone seeking to solicit for a charitable or nonprofit association or organization may apply for and obtain pre-approval by the board of trustees for all of the association or organization's soliciting activities within a calendar year by submitting a prior request to the village clerk, who will forward the request to the board of trustees for consideration. As part of the pre-approval process, the board of trustees has the authority to waive the applicable fees and other requirements of this chapter.

D. Fees:

1. Fees Established: Fees shall be paid at the time of filing the application, as follows:

Duration of Certificate Requested	Fee Per Person And, If Applicable, Each Entity
1 day	\$35.00
More than 1 day and not more than 1 week	50.00
More than 1 week and not more than 1 year	75.00

E. Issuance or Denial of Certificate; Contents:

1. Denial: The village president, after consideration of the application and all information obtained relative thereto, shall deny the application

if the applicant does not possess the qualifications for such certificate as herein required. Endorsement shall be made by the village president upon the application of the denial of the application.

2. Issuance: When the applicant is found to be fully qualified, the certificate of registration shall be issued by the village president or his designee.
 3. Time Limit for Action: All applications shall be acted upon by the village president within twenty-one (21) days after receipt of a completed application.
 4. Contents: Each certificate of registration shall state the expiration date thereof.
- F. Revocation of Certificate: Any certificate of registration issued hereunder may be revoked by the village president if the holder of the certificate is found by the village to be in violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this chapter. Immediately upon such revocation, written notice thereof shall be given by the village president to the holder of the certificate in person or by certified U.S. mail addressed to his address set forth in the application. Immediately upon the giving of such notice of revocation, the certificate of registration shall become null and void; provided, however, that the certificate holder may request a post-revocation hearing before the board of trustees.
- G. Records Kept: The village clerk shall cause to be kept in his office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto, and of all certificates of registration issued under the provisions of this chapter, and of the denial of applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued.

4-2-3: NOTICE REGULATING PEDDLERS AND SOLICITORS:

- A. Notice Requirements: The owner or occupant of any residence who desires to forbid trespasses by solicitors, or peddlers or unlicensed solicitors and peddlers, may attach or exhibit upon or near the main front door, and the main rear or side door (if any, and if to be protected), a card or plaque stating such of the following as may be appropriate, in letters at least one-third inch (1/3") in height:

SOLICITORS AND PEDDLERS NOT INVITED (or the word "PROHIBITED" may be substituted for "NOT INVITED")

or

SOLICITORS AND PEDDLERS NOT INVITED UNLESS REGISTERED WITH THE VILLAGE

- B. Notice Provided by Village: For the convenience of residents of the village and for purposes of uniformity, cards or plaques containing the foregoing legend shall be made available by the village. The form of card or plaque provided in this section shall not be deemed to be an exclusive form of notice. Such card or plaque so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

4-2-4: DUTIES OF SOLICITORS AND PEDDLERS:

- A. It shall be unlawful for any person to enter upon any property of another in the village after receiving, immediately prior to such entry, notice from the owner or occupant that such entry is forbidden, or to remain upon the property of another after receiving notice from the owner or occupant to depart.
- B. A person shall be deemed to have received notice from the owner or occupant within the meaning of this chapter if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted at the main entrance to said property or the forbidden part thereof.
- C. Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.
- D. All solicitors and peddlers must carry their certificates of registration during all solicitation and peddling activities, which certificate must be visible to the public at all times during such activities.

4-2-5: UNINVITED SOLICITING OR PEDDLING:

- A. Prohibited: Any person soliciting or peddling who is forbidden entry by notice given in compliance with this chapter shall be deemed guilty of remaining on the property after receiving notice to depart if he shall remain on the property, or if he shall ring the doorbell or knock or create any sound calculated to attract the attention of the occupant.
- B. Exemptions: Notices exhibited pursuant to this chapter shall not be deemed applicable to and shall not prevent access to residential property by a solicitor or peddler who has received prior invitation, written or oral, from the owner or occupant thereof.

4-2-6: TIME LIMIT ON SOLICITING:

It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in "soliciting" as defined in section 4-2-1 of this chapter prior to nine o'clock (9:00) A.M. or after seven

o'clock (7:00) P.M., Monday through Saturday, or at any time on a Sunday or on a state or national holiday.

4-2-7: MOBILE FOOD VENDORS:

All mobile food vendor operations in the Village must comply with the regulations set forth in this Section. Further, all mobile food vendors must obtain a permit prior to operating in the Village in accordance with this Section.

A. General Regulations.

1. Each mobile food vendor shall supply a trash receptacle for use by the customers. Prior to leaving each stop, the vendor shall remove any litter left at the stop by the vendor or by customers.
2. Sales of items other than food and beverage items are prohibited.
3. No mobile food vendor shall stop at any time for the purpose of making sales on private property without the prior consent of the property owner.
4. Mobile food vendors shall observe all local, county and state traffic codes and parking regulations and observe all other relevant municipal ordinances.
5. No mobile food vendor shall stop and remain in one location for the purpose of making sales for more than two (2) hours, unless serving as an approved vendor as part of a special event.
6. Signage shall be limited to the surface of the vehicle.
7. The mobile food vending permit shall be kept in the vehicle and be shown to all people who ask to see the permit at all times that the mobile food vendor is engaging in sales.

B. Permit Requirements.

1. Every person required to obtain a mobile food vendor permit shall make a written application for a mobile food vendor permit, pay the permit fee and obtain a permit prior to engaging in the mobile food vending business within the village.
2. Applications for mobile food vendor permits are subject to the application requirements and procedures set forth in Section 4-2-2 of this Chapter, except for the pre-approval process of Subsection C.3 and the fee provisions of Subsection D.
3. No mobile food vendor permit will be issued without evidence that a permit has been issued by the Kane County Department of Health, if required.
4. The application fee for a mobile food vendor permit is seventy-five dollars (\$75.00), which must be paid at the time an application for a

mobile food vendor permit is submitted. A separate fee must be paid for each mobile food vendor truck used in the vendor's business.

5. Mobile food vending permits are valid for one year.

4-2-8: VIOLATION; PENALTIES:

- A. Violation; Penalty: Any person who shall be found guilty by a court of competent jurisdiction of violating any provision of this chapter or of failing to comply with any requirement hereof, or of violating any certificate, any approval, or any directive issued under the provisions of this chapter, shall be guilty of a petty offense, punishable by a fine as provided in section 1-4-1 of this code, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- B. Reimbursement Of Costs: Any person who shall be found guilty by a court of competent jurisdiction of violating a provision of this chapter or of failing to comply with any requirement hereof, or of violating any certificate, any approval or any directive issued under the provisions of this chapter shall, in addition to the fines provided, be obligated to reimburse the village for its attorney fees, court costs, court reporter costs, and expert witness fees, and all other out of pocket costs incurred by the village in the prosecution of the said violation or violations.
- C. Injunctive Relief: The village may make application to the circuit court for an injunction requiring conformance with this chapter or make such other order as the court deems necessary to secure compliance with this chapter.

4-2-9: CONSTITUTIONAL RIGHTS:

Nothing in this chapter shall be interpreted or enforced to deprive any person of any rights guaranteed under the constitution of the state or the United States.”


Section 3. This Ordinance shall be in full force and effect from after its passage, approval, and publication in the manner provided by law.

Passed this 5th day of September, 2017 by roll call vote:

	AYES	NAYES	ABSENT	ABSTAIN
Trustee Laura Andersen	<u>X</u>			
Trustee Susan George			<u>X</u>	
Trustee Nick Girka			<u>X</u>	
Trustee Mike Millette			<u>X</u>	
Trustee Michael O'Dwyer	<u>X</u>			
Trustee Michael Tyrrell	<u>X</u>			
President Harry Blecker	<u>X</u>			

APPROVED THIS 11 DAY OF Sept., 2017

(SEAL)



Harry Blecker, Village President

ATTEST:



Vanessa Quail, Village Clerk