

## CHAPTER 7

## BUSINESS CODE

## ARTICLE I - SOLICITORS

7-1-1 **DEFINITIONS.** For the purpose of this Chapter, the following words as used herein shall be constructed to have the meaning herein ascribed thereto, to-wit:

**"REGISTERED SOLICITOR"** shall mean and include any person who has obtained a valid Certificate of Registration as hereinafter provided, and which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

**"RESIDENCE"** shall mean and include every separate living unit occupied for residential purposes by one (1) or more persons, contained within any type of building or structure.

**"SOLICITING"** shall mean and include any one (1) or more of the following activities:

(A) Seeking to obtain orders for the purchase of goods, ware, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration whatever, or;

(B) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character, or;

(C) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication, or;

(D) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation or project.

7-1-2 **CERTIFICATE OF REGISTRATION.** Every person desiring to engage in soliciting as herein defined from persons within this municipality is hereby required to make written application for a Certificate of Registration as hereinafter provided. All resident charitable, non-profit organizations in this municipality which have been in existence for six (6) months or longer shall be exempt from the provisions of this Chapter.

7-1-3 **APPLICATION FOR CERTIFICATE OF REGISTRATION.** Application for a Certificate of Registration shall be made upon a form provided by the Village Clerk of this municipality and filed with such Clerk. The applicant shall truthfully state in full the information requested on the application, to-wit:

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- (A) Name and address of present place residence and length of residence at such address; also business address if other than residence address; also Social Security Number.
- (B) Address of place of residence during the past three (3) years if other than present address.
- (C) Applicant's date of birth.
- (D) Physical description of the applicant.
- (E) Name and address of the person, firm or corporation or association with whom the applicant is employed or represents; and the length of time of such employment or representation.
- (F) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.
- (G) Period of time for which the Certificate is applied.
- (H) The date or approximate date of the latest previous application for a Certificate under this Code, if any.
- (I) Has a Certificate of Registration issued to the applicant under this Code ever been revoked;
- (J) Has the applicant ever been convicted of a violation of any of the provisions of this Code or the Code of any other Illinois municipality regulating soliciting;
- (K) Has the applicant ever 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;
- (L) Also, such additional information as the Village Clerk may deem necessary to process the application.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

The Village Clerk shall cause to be kept in his or her office an accurate record of every application received and acted upon, together with all other information and date pertaining thereto and all Certificates of Registration issued under the provisions of this Chapter, and of the denial of applications. Applications for Certificates issued 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.

No Certificates of Registration shall be issued to 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 application; nor to any person who has been convicted of a violation of any of provisions of this Chapter, nor to any person whose Certificate of Registration issued hereunder has previously been revoked as herein provided.

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7-1-4 **ISSUED AND REVOCATION OF CERTIFICATE.** The Village Clerk, 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, and that the issuance of a Certificate of Registration to the applicant would not be in accord with the intent and purpose of this Code. Endorsement shall be made by the Village Clerk upon the application of the denial of the application. When the applicant is found to be fully qualified, the Certificate of Registration shall be issued forthwith.

Any Certificate of Registration issued hereunder shall be revoked by the Village if the holder of the Certificate is convicted of a violation of any provision of this Chapter, or had 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 revocations, written notice thereof shall be given by the Village Clerk to the holder of the Certificate in person or by certified U.S. mail, addressed to his or her residence address set forth in the application.

Immediately upon the giving of such notice, the Certificate of Registration shall become null and void.

The Certificate of Registration shall state the expiration date thereof.

7-1-5 **VILLAGE POLICY ON SOLICITING.** It is declared to be the policy of this municipality that the occupant or occupants of the residences in this municipality shall make the determination of whether solicitors shall be or shall not be invited to their respective residences.

7-1-6 **NOTICE REGULATING SOLICITING.** Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this Article shall comply with the following directions:

(A) Notice of the determination by the occupant of giving invitation to solicitors or the refusal of invitation to solicitors to any residence, shall be in the manner following:

(B) A weather-proof card, approximately 3" x 4" in size shall be exhibited upon or near the main entrance door to the residence indicating the determination by the occupant, containing the applicable words, as follows:

**"ONLY REGISTERED SOLICITORS INVITED"**

OR

**"NO SOLICITORS INVITED"**

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(C) The letters shall be at least 1/3-inch in height. For the purpose of uniformity, the cards shall be provided by the Village to persons requesting same at the cost thereof.

(D) Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

**7-1-7 DUTY OF SOLICITORS.** It is the duty of every solicitor, upon going onto any premises in the municipality upon which a residence as herein defined is located, to first examine the notice provided for in Section 7-1-6 of this Article if any is attached, and be governed by the statement contained on the notice. If the notice states "ONLY REGISTERED SOLICITORS INVITED," then the solicitor not possessing a valid Certificate of Registration as herein provided shall immediately and peacefully depart from the premises; and if the notice states, "NO SOLICITORS INVITED," the solicitor, whether registered or not shall immediately and peacefully depart from the premises.

A 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.

**7-1-8 UNINVITED SOLICITING PROHIBITED.** It is declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near 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 herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of Section 7-1-6 of this Article.

**7-1-9 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 herein described, prior to 9:00 A.M. or 4:00 P.M. of any weekday or at any time on a Sunday or on a State or National Holiday.

**7-1-10 SOLICITATIONS ON PUBLIC HIGHWAYS.** Charitable organizations shall be allowed to solicit upon public highways under the following terms and conditions:

(A) The charitable organization must be one that is registered with the Attorney General for the State of Illinois as a charitable organization as provided by "An

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Act or regulate solicitation and collection of funds for charitable purposes, providing for violations thereof, and making an appropriation therefor," approved July 26, 1963, as amended.

(B) Solicit only at intersections where all traffic from all directions is required to come to a full stop.

(C) Be engaged in a state-wide fund raising activity.

(D) Be liable for any injury to any person or property during the solicitation that is casually related to an act of ordinary negligence of the soliciting agent.

(E) Any person so engaged in such solicitation shall be at least 16 years of age and shall wear a high visibility vest.

7-1-11 **FEES.** Upon making an application for a Certificate, the applicant shall pay a license fee that shall be:

(A) For a daily license, the fee shall be the sum of \$25.00 per person per day.

(B) For an annual license, the fee shall be \$100.00 per person per year.

(Ill. Rev. Stat., Ch. 24; § 11-5-2)

## ARTICLE II - PEDDLERS

7-2-1 **LICENSE REQUIRED.** It shall be unlawful for any person, firm, or corporation to engage in the business of hawker or peddler of any merchandise, article or thing without having first secured a license therefor.

7-2-2 **DEFINITION.**

**"PEDDLE"** shall mean the selling, bartering, or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the streets, highways, or public places of this municipality or from house to house, whether at one place thereon or from place to place, from any wagon, truck, pushcart, or other vehicle or from movable receptacles of any kind, but shall not include the delivery of any item previously ordered or the sale of items along delivery routes where the purchaser has previously requested the seller to stop and exhibit his items. Nor shall **"peddle"** be taken to include the solicitation of orders by sample where the goods are not delivered at the time the order is taken.

7-2-3 **APPLICATIONS.** A person desiring a license may obtain the same by making application with the Village Clerk and providing the following information:

(A) Name and physical description of the applicant.

(B) Permanent home and address and local address if operating from such an address.

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- (C) A brief description of the business and of the goods to be sold.
- (D) Name and address of the employer, if any.
- (E) The length of time for which the right to do business is desired.
- (F) Evidence that the agent is acting on behalf of the corporation he represents.
- (G) Statement of the applicant's criminal record other than a traffic record.
- (H) The last three (3) municipalities where the applicant carried on business immediately preceding the date of application and the address from which such business was conducted in those municipalities.

7-2-4 **INVESTIGATION OF APPLICANTS.** Upon receipt of each application, the Village Police Department will perform a police background check on each applicant. If this check shows an applicant unfit to receive a license, then it will be denied.

7-2-5 **HOURS.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Code or not to engage in peddling as herein defined prior to 9:00 A.M. or after 4:00 P.M. of any weekday or at any time on a Sunday or on a State or National Holiday.

7-2-6 **FRAUD.** No licensed peddler or hawker shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee while acting as a peddler in this municipality, or shall barter, sell or peddle any goods or merchandise or wares other than those specified in his application for a license.

7-2-7 **REPEALED.**

7-2-8 **UNWANTED PEDDLING AND SOLICITING.** Nothing contained in this Chapter, nor the issuance of any license hereunder shall entitle the licensee to go in or upon any private residence for the purpose of peddling is such licensee, his agents or employees are directed to depart from said private residence by the owner or person in charge thereof.

7-2-9 **PEDDLERS AS NUISANCE.** The practice of going in and upon private residences, business establishments or offices in the Village by solicitors, peddlers, hawkers, itinerant merchants, and transient vendors of merchandise, not having been requested or invited to do so by the owner or owners, occupant or occupants of said private residences, business establishments, or offices for the purpose of disposing of and/or peddling or hawking the same, is hereby declared to be a nuisance and punishable as a violation of this Code.

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7-2-10 **DUTY OF MAYOR TO ABATE.** The Mayor of the Village or his designated representative is hereby required and directed to suppress any such nuisance and to abate the same as described in Section 7-2-9.

7-2-11 **PEDDLERS NOT NUISANCE.** The provisions of this Article shall not apply to persons employed or representing an established merchant, business firm, or corporation located and regularly doing business in the Village nor to farmers selling any food items raised or produced by themselves, and/or to permanently established residents who are voters in the Village or anyone duly licensed.

7-2-12 **FEES.** The license fees per person to be charged for licenses to peddle in the Village, each payable in advance, are hereby fixed and established as follows:

- (A) Per day. . . . . \$25.00
- (B) Per year . . . . . \$100.00

### ARTICLE III - KENNELS

7-3-1 **LICENSE REQUIRED.** It shall be unlawful to operate a kennel or pet shop anywhere in the Village without first securing a license therefor. The annual fee for such license shall be **\$15.00.**

7-3-2 **DEFINITIONS.** The terms "kennels" and "pet shops" shall be construed to include any establishment for the raising, training, boarding or selling of dogs, cats, birds, mice, rats, or other small animals for hire or profit, or where more than 3 dogs or cats are harbored or kept.

7-3-3 **SANITATION.** Every place used as a kennel or pet shop shall be kept in a clean and sanitary condition, and no refuse or waste material shall be allowed to remain thereon for more than 24 hours. All animals shall be humanely treated; and any animal having any disease shall be properly isolated and treated.

### ARTICLE IV - RAFFLES

7-4-1 **LICENSE REQUIRED.** It shall be unlawful for a person(s) or an organization to conduct a raffle or participate in the sale of raffle chances within the Village limits of the Village of Germantown without having a license to do so issued by the President of said Village in the manner provided by *The Raffles Act* in the Illinois Revised Statutes (230 ILCS 15/1 et seq.). Licenses issued pursuant to this Act shall be valid for

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one raffle or a specified number of raffles for a period not to exceed one (1) year. Any license issued under this Ordinance shall be non-transferable.

7-4-2            APPLICATIONS FOR LICENSE.

(A.)            The President is authorized to grant and issue licenses to eligible persons or organizations to conduct raffles and participate in the sale of raffle tickets within the Village limits upon conditions in the manner provided by *The Raffles Act* (230 ILCS 15/1 et. seq.).

(B.)            The President may, in his discretion, waive bond.

(C.)            Prior to the issuance of a license, the applicant must submit to the Village Clerk an application, a form of which is attached hereto as Exhibit 1 and incorporated herein by reference.

7-4-3            TERMS AND FEES.

(A.)            The aggregate retail value of all prizes or merchandise awarded by a license in a single raffle shall not exceed \$150,000.00;

(B.)            The maximum retail value of each prize awarded by a licensee in a single raffle shall not exceed \$150,000.00;

(C.)            The maximum price which may be charged for each raffle chance issued or sold shall not exceed \$50.00;

(D.)            The maximum number of days during which chances may be issued or sold shall not exceed one (1) year;

(E.)            Licenses issued pursuant to this Ordinance shall be valid for one (1) year and may be suspended or revoked for any violation of *The Raffles Act* (230 ILCS 15/1 et seq.).

(F.)            Each license will require a fee of \$5.00 to be paid by the person or organization receiving the license.

ARTICLE V – HOME KITCHEN OPERATIONS

7-5-1            DEFINITION.            “Home Kitchen Operation” means a person who produces or packages non-potentially hazardous baked food (as defined in 410 ILCS 625/4) in a kitchen of that person’s primary domestic residence for direct sale by the owner or a family member. A “Home Kitchen Operation” does not include a person who produces or packages non-potentially hazardous baked foods for sale by a religious, charitable, or non-profit organization for fund-raising purposes; the production or packaging of non-potentially hazardous baked goods for these purposes is exempt from these requirements.

7-5-2            REQUIREMENTS.            The following conditions must be met in order to qualify as a Home Kitchen Operation:

(A.)            The monthly gross sales do not exceed \$1,000.00;



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(B) The food is not potentially hazardous baked food, as defined in Section 4 of THE ACT (410 ILCS 625/4);

(C) A Notice is provided to the purchaser that the product was produced in a home kitchen;

(D) The food package is affixed with a label or other written notice and provided to the purchaser that would include:

(1) The common or usual name of the food product; and

(2) Allergen labeling as specified in Federal labeling requirements by the United State Food and Drug Administration.

(E) The food is stored in the residence where it is produced and packaged.

7-5-3 INSPECTIONS. Upon receipt by the home kitchen operator or the City of complaint involving products produced in a home kitchen operation, or upon the outbreak of a disease that may be connected to a home kitchen operation, the Clinton County Health Department shall be notified of such complaint on or before the next business day. Further, the Clinton County Health Department shall have authority to inspect the Home Kitchen Operation involved following any complaint.

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