

**VILLAGE OF SAVOY
CHAMPAIGN COUNTY, ILLINOIS**

ORDINANCE NO. 2016-08

**AN ORDINANCE REGARDING TRANSIENT
MERCHANTS AND SOLICITORS AS CHAPTER 5.32
OF THE SAVOY MUNICIPAL CODE**

**Passed by the Board of Trustees and
Approved by the President
of
Village of Savoy, Illinois
on September 7, 2016**

**Published in pamphlet form by authority of the President and Board of Trustees of
the Village of Homer, Champaign County, Illinois, this 8th day of September, 2016.**

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WHEREAS, the Village of Savoy is a non-home rule municipality in Champaign County, Illinois; and

WHEREAS, the Village of Savoy has no comprehensive ordinance regarding Transient Merchants and Solicitors, as herein defined, within the Village of Savoy; and

WHEREAS, the President and Board of Trustees is of the opinion that an Ordinance regulating Transient Merchants and Solicitors would be in the best interest of the Village and would promote the health and safety of Village residents; and

WHEREAS, said Ordinance shall constitute Chapter 5.32 of the Savoy Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SAVOY, ILLINOIS, AS FOLLOWS:

Chapter 5.32 SOLICITORS.

1. 5.32.010 REGISTRATION REQUIRED.

It shall be unlawful for a transient merchant, itinerant merchant, itinerant vendor, or solicitor, to engage in such business within the Village without first registering with the Village Clerk. Provided, however, this shall not be construed as applying to any person(s) who hold a "garage sale" as defined herein, if the duration of such sale is not held on more than three (3) consecutive days and if no such sale is held on more than three (3) separate occasions in any calendar year on the same premises.

2. 5.32.020 DEFINITIONS.

For the purpose of this chapter, the following words are defined as set forth herein:

GARAGE SALE:	A sale of used items, goods, and wares legally owned at the time such goods, items and wares are offered for sale by the person(s) actually residing on the premises upon which such sale is held or legally owned by the neighbors of said person(s).
CHARITABLE SOLICITATION:	All solicitation by or on behalf of a charitable organization within the meaning of Section 501 (a) and (c)3 of the Internal Revenue Code, 1954 (as amended).
GOODS, WARES AND MERCHANDISE:	Any and all items of tangible or intangible personal property.
RESIDENCE:	Shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.
SOLICITOR:	A solicitor is any person, whether a resident of the Village of Savoy or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares and merchandise, offering and exposing the same for sale, or making sales and delivery articles to purchasers, or offering services for hire, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicles, or other vehicle conveyance. One who solicits orders and as a separate transaction makes deliveries to purchasers at a future date shall be deemed a solicitor subject to the provisions of this Ordinance. This Ordinance does not apply to buying or selling through EBay, Craigslist, or other online sales.
TRANSIENT MERCHANT, ITINERANT MERCHANT OR ITINERANT VENDOR:	Any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the Village of Savoy or not, who engages in a temporary business of selling and/or delivering goods, wares and merchandise within said

Villager, and who in furtherance of such purpose hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad box car, or boat, public room in hotels, lodging houses, apartments, shops, or any street, alley, or other place within the Village, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. This definition shall include any person, firm, or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery. No person, firm, or corporation shall be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by reason of conducting such transient business in connection with, as part of, or in the name of any local dealer, trader, merchant, or auctioneer.

3. 5.32.030 REQUIREMENTS OF REGISTRATION.

Before a registration card may be issued under this Ordinance, a written sworn application signed by the applicant, if an individual; or by a duly authorized partner, if a partnership; or by a duly authorized officer of a corporation, if a corporation; or by the managing member, if an LLC, or association; or managing official of any other entity, containing the following must be submitted:

- (A) The name or names of the persons or persons having the management or supervision in the applicant's business during the time that is proposed that business will be carried on in the Village.
- (B) The name or names of the persons or person who are in fact the ultimate owners and person or persons responsible for the applicant's business.
- (C) The local address or addresses of such person or persons while engaged in such business; the permanent address and addresses of such person or persons.
- (D) The capacity in which such person or persons shall act (e.g., proprietor, agent or otherwise).

(E) The name, address and phone number of the person for whose account that business will be carried on, if any, and if a corporation or LLC, under what state the same is incorporated or organized.

(F) The place or places in the Village where it is proposed to carry on the applicant's business and length of time during which it is proposed that such business shall be conducted.

(G) The place or places other than the permanent place of business of the applicant where the applicant within six (6) months next preceding the date of application conducted his/her/its business, stating the nature thereof and giving the post office and street address of any building or office in which said business was conducted.

(H) A statement of the nature, character and quality of the goods, wares and merchandise to be sold or offered for sale by the applicant in the Village, a statement whether such goods, wares and merchandise are sold from stock and possession or by sample, credentials from the person for which the applicant proposes to do business authorizing the applicant to act as such representatives, and such other reasonable information as to identify the person or persons having the management or supervision of the applicant's business, or the method or plan of doing business.

(I) Written proof of compliance with the Illinois "transient merchant act of 1987", as amended, the Illinois, "Solicitation For Charity Act", as amended, or other applicable state or county laws, ordinances and regulations.

4. 5.32.040 VILLAGE POLICY ON SOLICITING.

It is hereby declared to be the policy of the Board of Trustees of this Village that the occupant or occupants of the residences in this Village shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residences. If no determination is made as provided in Section 5 hereof, then in that event, solicitors may go upon such premises for any lawful purpose, as long as said solicitor has been properly registered and has been issued a permit for solicitation, and provided that entry onto the premises is not refused or prohibited by some other lawful means.

5. 5.32.050 NOTICE REGULATING SOLICITING:

(A) Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this Ordinance shall comply with the following directions, to wit:

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

(1) A weatherproof card, approximately three inches by four inches in size or larger, 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:

“NO SOLICITORS INVITED”

Or

“CHARITABLE SOLICITORS ONLY”

(2) The Letters shall be at least one-third inch in height.

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

6. 5.32.060 DUTY OF SOLICITORS.

(A) It shall be the duty and responsibility of any prospective solicitor to make application through the Village Clerk a minimum of two business days prior to the intended time of solicitation. Upon approval of the application and payment of the appropriate fees, a permit will be issued for a period not to exceed five (5) working days.

(B) It shall be the duty of each applicant to pay a non-refundable application fee of \$50.00 upon initial application for each person who shall be soliciting or acting as a transient merchant, itinerant merchant or itinerant vendor provided that there shall be no fee for charitable solicitation as defined in Section 2 above.

(C) It shall be the duty of every solicitor upon going onto any premises in the Village upon which a residence, as defined in Section 2 of this Ordinance, is located, to first examine the notice provided for in Section 5 of this Ordinance, if any is attached, and be governed by the statement contained in the notice. If the notice states “CHARITABLE SOLICITORS ONLY”, then the solicitor shall immediately and peacefully depart from the premises unless such person represents a charitable organization, as defined in Section 2 of this code; and if the notice states “NO SOLICITORS INVITED”, then the solicitor shall immediately and peacefully depart from the premises.

(D) Any solicitor who has gained entry to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

(E) It is hereby 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 defined in this Ordinance, in defiance of the notice exhibited at the residence in accordance with the provision of Section 5 of this Ordinance or to otherwise violate the provisions of this Ordinance.

7. 5.32.070 TIME LIMIT ON SOLICITING.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises in the Village 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 this chapter, prior to 9:00 a.m. or after sunset or 8:00 p.m. whichever is earlier, on any day other than Sunday or a national or state holiday. No soliciting shall be lawful on Sunday or a national or state holiday, except for charitable soliciting.

8. 5.32.080 PENALTY FOR VIOLATIONS.

The penalty for violation of this Ordinance shall be not less than \$50.00 and not more than \$750.00. Each solicitation or offer to sell in violation of this Ordinance shall be a separate violation for purposes of this Chapter. Said violations may also be the subject to court injunctions, if ordered by a Court.

9. 5.32.090 SIGNS AND NOTICES.

The President of the Village is authorized to order and display appropriate signs and notices to be placed at appropriate places within the Village advising that solicitors must register with the Village Clerk.

10. 5.32.100 EFFECTIVE DATE/PUBLICATION. This Ordinance shall be effective upon its passage, approval and publication, pursuant to law.

11. 5.32.110 SEVERABILITY. If any provisions of this ordinance are judicially determined to be invalid that shall not affect the other provisions of this ordinance unless said determination requires otherwise.

12. 5.32.120 REPEAL OF PRIOR ORDINANCE. Any existing Ordinance of the Village which is in conflict with provisions of this Ordinance is repealed by the adoption of this Ordinance.

PRESENTED, PASSED APPROVED, AND ADOPTED by the President and Trustees of the Village of Savoy, Illinois, at a duly conducted meeting thereof this 7th day of September, 2016.

APPROVED:

Robert C. McCleary
Village President

ATTEST:

Billie Jean Krueger
Village Clerk

VOTING ON SAID ORDINANCE NO. 2016 -08

Trustee	Aye	Nay
Jan Carter Niccum, Trustee	_____	_____
Joan Dykstra, Trustee	_____	_____
John P. Brown, Trustee	_____	_____
Rebecca Pittman, Trustee	_____	_____
Dee Shonkwiler, Trustee	_____	_____
William A. Smith, Trustee	_____	_____
Robert C. McCleary, President	_____	_____

