Application Information & Requirements for Solicitors / Peddlers / Street Vendors

Information:
- Application must be complete and legible. (Indicate not applicable on application if appropriate.)
- Live scanning of the fingerprints for each applicant and for each person for whom a license is sought.
- Allow a minimum of ten working days for application to be processed.
- No peddling or soliciting or street vending until permit has been issued. Peddling or soliciting or street vending prior to issuance of a permit is a violation of the City Ordinance and is cause for denial of permit.
- Peddling or soliciting or street vending in City parks is prohibited.
- Failure to provide true and complete information shall constitute a violation of the ordinance in question; and in addition to the penalties prescribed for violation of the ordinance in question, the license of any applicant may be revoked by reason of material falsification or omission of information for said application.

Requirements:
- $50.00 license application fee.
- $50.00 live scan fee per person.
- Credentials establishing relationship to employer/supplier. (If representing self, credentials not necessary.)
- Provide a copy of all literature about product or service that will be distributed to residents.
- Supply a government issued legitimate ID to be photo copied at time application is turned in.

  Every solicitor/peddler/street vendor will need to present valid ID.

  Acceptable IDs:
  - State issued driver’s license with photograph.
  - Non-qualification card with photograph.
  - Armed Forces (active duty or reserve) identification.
  - Passport.

  Not acceptable:
  - Any of the above if expired.
  - Any of the above if physical evidence of tampering or copying exists.
  - Photocopy of any of the above.
  - Credit card or check cashing ID.

Restrictions:
- All permits are valid for ten consecutive days with no more than four licenses issued each year.
- Soliciting is prohibited prior to 9:00am and after 7:00pm on any weekday or Saturday, and at any time on a Sunday or a State or National holiday.
- No person shall engage in business as a solicitor is a “NO SOLICITING” notice is exhibiting by a residence or business.

A copy of the City Code as it pertains to Solicitor regulations is attached for your information.
City of Wilmington
Solicitor/Peddler/ Street Vendor Application

☐ I am a solicitor  ☐ I am a peddler  ☐ I am a street vendor

Full Legal Name: ________________________________________________________________

☐ Male  Height __________  Weight __________  Hair Color __________

☐ Female  Age __________  Race __________  Date of Birth __________

Permanent Home Address (Must be the same as that listed on driver’s license)
Address: ___________________________  City: ___________________________  State: _____  Zip: ______

Home Phone: ___________________________  Business Phone: ___________________________

Driver’s License Number: ___________________________  State: ___________________________

Supply the following information about employer, principal, or supplier of applicant if other than self:
Name: __________________________________________
Address: ___________________________  City: ___________________________  State: _____  Zip: ______

Home Phone: ___________________________  Business Phone: ___________________________

A brief description of the nature of the business and the products to be sold:
________________________________________

________________________________________

Attach flyer, pamphlet, information, or other regarding products to be sold.  ☐ Attached

Date(s) of selling or soliciting: ___________________________  Hours of selling or soliciting: ___________________________

Where are the products at the time the application is turned in? ___________________________

Where is the source of supply of the products to be sold? ___________________________

Proposed method of delivery: ___________________________

Solicitor Permit Application - Revised 03/21/2017 - jjz
**Description of vehicle used in business**

Make/Model ___________________________ License Plate Number ___________________________

Year ___________________ State _________________ Color ___________________

Provide the following information for each person

<table>
<thead>
<tr>
<th>Name: (Last-First-Middle)</th>
<th>Date of Birth:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>State:</td>
</tr>
<tr>
<td>Drivers License No.:</td>
<td>State:</td>
</tr>
</tbody>
</table>

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</tr>
<tr>
<td>Drivers License No.:</td>
<td>State:</td>
</tr>
</tbody>
</table>

Use additional sheet if needed

*Solicitor Permit Application - Revised 03/21/2017 - jjz*
List the three municipalities where you have carried on this business immediately preceding the date of this application and include the address(es) from which business was conducted in those municipalities.

1) ________________________________
   ________________________________
   ________________________________

2) ________________________________
   ________________________________
   ________________________________

3) ________________________________
   ________________________________
   ________________________________

I authorize investigation of all statements contained in this application. I understand that the misrepresentation or the omission of facts called for shall be just cause of the denial of the requested permit. I also understand that peddling or soliciting in this City shall not be carried on until a permit has been issued and is in my possession.

Signature: ________________________________  Date: ________________________________

蹀蹀躞蹀  For Office Use Only 蹀蹀躞蹀

Application  □ Approved  □ Denied

Signature of Authorized Person                Title

Date

Reason for Denial (if Applicable):
ORDINANCE NO. 17-03-21-01

AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 118
OF THE WILMINGTON CODE OF ORDINANCES
RELATED TO PEDDLERS, SOLICITORS AND STREET VENDORS

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wilmington as follows:

SECTION 1: That Chapter 118.01 et seq. of the Wilmington Code of Ordinances be, and hereby is, amended to read, as follows:

Chapter 118 - PEDDLERS, SOLICITORS AND STREET VENDORS

118.01 - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

CONVICTED: Shall mean and include a disposition of court supervision, probation, adjudication, or conditional discharge.

HAWKER: Any person who shall sell or offer for sale, barter, or exchange any goods, wares, merchandise or other commodities and cries his wares or exhibits them for sale.

ITINERANT VENDOR: Any person who transports tangible personal property for retail sale who does not maintain an established office, distribution house, sales house, warehouse, service center or residence from which such business is conducted. However, this does not apply to any person who delivers tangible personal property who is fulfilling an order for such property which was solicited or placed by mail or other means. This does not apply to any person holding a valid license, issued by a county or municipality, to engage in retail sales.

PEDDLER: Any person, other than a representative of a not for profit 501(c)3 organization, who shall sell or offer for sale, barter, or exchange any goods, wares, merchandise, service or other commodities while traveling from residence to residence on, along or upon the streets and sidewalks of the village. The term peddler shall not include the obtaining of subscriptions to books, magazines, periodicals, newspapers or any type of speech.

RESIDENCE: Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.
SOLICITATION OR SOLICITOR: Any person who conducts one or more of the following activities:

A. Seeks to obtain orders for the purchase of goods, wares, merchandise, foodstuffs or services of any kind, character or description whatsoever, for any kind of consideration whatsoever.

B. Seeks to obtain prospective customers for application for or purchase of insurance of any type, kind or character.

C. Seeks to obtain subscriptions to books, magazines, periodicals, newspapers or any type of publication.

D. Seeks 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.

E. Seeks to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, whether accepting donations of money or not, or distributing handbills or fliers advertising any event or service.

F. Seeks to advertise, promote, sell and/or explain any product, service, organization or cause.

G. Includes hawkers, peddlers, transient merchants, and itinerant vendors.

TRANSIENT MERCHANT: Any person who is engaged temporarily in the retail sale of goods, wares or merchandise and who, for the purpose of conducting such business, occupies any building, room, vehicle, structure of any kind, or vacant lot. However, this does not apply to any person selling vegetables, fruit or perishable farm products at an established city market, to any person operating a store or refreshment stand at a resort, to any person operating a stand or booth on or adjacent to property owned by him or upon which he resides, to any person operating a stand or booth at a city or city sponsored or authorized fair or market, or to any person operating a stand or booth at a trade show, exposition, convention or similar event. This does not apply to any person holding a valid license, issued by a county or municipality, to engage in retail sales.

118.02 - License required.

No person shall engage in, operate as, or conduct the business of a hawker, peddler, transient merchant or itinerant vendor in the city without first obtaining a license thereof.
Applications shall be made in writing to the city administrator or his or her designee. Each applicant shall submit a nonrefundable application processing fee of fifty dollars ($50.00) and provide the following information under oath:

1. Name, address of the present place of residence, business address if other than the residence address, date of birth, and social security number for each person for whom a license is sought.

2. Address of the place of residence during the preceding three (3) years, if other than the present address for each person for whom a license is sought.

3. Physical description of the applicant for each person for whom a license is sought.

4. Name and address of the person by whom the applicant is employed or whom he represents, and the length of time of such employment or representation for each person for whom a license is sought.

5. Description of the subject matter of the soliciting in which the applicant will engage and a description of the commodities or articles of merchandise in which the applicant intends to deal.

6. Period of time for which the license is requested.

7. The date, or approximate date, of the most recent previous application for a license under this chapter, if any.

8. A list of all licenses or certificates of registration to conduct business as a hawker, peddler, transient merchant or itinerant vendor obtained by the applicant in Illinois in the twelve (12) months preceding the date of filing of the application for each person for whom a license is sought.

9. A statement as to whether a license issued to the applicant under this chapter has been revoked within one year of the date of the application for each person for whom a license is sought.

10. A statement as to whether the applicant has been convicted of a violation of any provision of this chapter or the ordinances of any other municipality regulating soliciting within one year of the date of the application for each person for whom a license is sought.

11. A statement as to whether the applicant has ever been convicted of the commission of: a) a felony, or b) a misdemeanor involving dishonesty or false statements, under the
laws of the state of Illinois or any other state, or under the laws of the United States, within five (5) years of the date of the application for each person for whom a license is sought.

12. A statement as to whether the applicant is required to register as a sex offender under the Illinois sex offender registration act for each person for whom a license is sought.

13. Live scanning of the fingerprints for each applicant and for each person for whom a license is sought.

118.04 - Administrative procedures for application for license.

(A) All applications shall be submitted to the city administrator or his designee.

(B) If the city administrator or his designee determines that all requirements of this chapter have been met, a license shall be issued approving the dates and times stated on the license. No license shall be issued to any person who has made a false material statement in the application, or:

1. Has been convicted of the commission of: a) a felony, or b) a misdemeanor involving dishonesty or false statements, under the laws of the state of Illinois or any other state, or under the laws of the United States, within five (5) years of the date of the application; or

2. Has been convicted of a violation of any of the provisions of this chapter or the ordinances of any other municipality regulating soliciting within one year of the date of the application; or

3. Has had his license issued under this chapter revoked as provided in this chapter within one year of the date of the application; or

4. Is required to register as a sex offender under the Illinois sex offender registration act, 730 Illinois Compiled Statutes 150/3, under the laws of any other state, or under the laws of the United States.

(C) The failure of an applicant to fulfill the requirements of this chapter shall be the sole basis for a denial of the license. In the event that any license is denied for failure to comply with the requirements of this chapter, the applicant shall immediately be notified of the reasons for denial. At least seven business days prior to the requested date for a license to be issued to a proposed peddler, hawker, transient merchant, or itinerant vendor, the applicant shall apply to the city administrator or his designee for a license on a form provided by the city and pay a license application fee of $50. In addition to the license application fee, the applicant entity shall also pay a $50.00 live scan fee for each person for whom a license under this Chapter is sought.

(D) All such license shall conform to all requirements of this chapter and shall conform to all ordinance and regulations of the city.

(E) The city administrator or his designee may issue an applicant a license for a maximum of 10 consecutive days with no more than four licenses issued each year.
118.05 - Appeal of License Denial or Revocation.

(A) Any person aggrieved by the denial or revocation of a license under the provisions of this chapter shall have the right to appeal to the city council within twenty one (21) days after the date of denial of the application or revocation of the license. The appeal must be in writing, and shall contain a specific request for or waiver of a hearing.

(B) If a hearing is requested, the hearing before the city council shall take place within thirty (30) days of the written appeal. At the hearing, the city council shall not be bound by the rules of evidence in the courts of law, but shall, in ascertaining the conditions and practices involved in the decision appealed, take into account all reliable, probative and substantial evidence. The city council shall issue a written decision within fourteen (14) days of the hearing.

(C) Where a hearing is waived; the appealing party shall submit all supporting documentation with the written appeal. The city council shall issue a written decision within twenty one (21) days of the filing of the written appeal.

118.06 - Fraud.

It shall be unlawful for any licensee to cheat, deceive or fraudulently misrepresent, whether through himself or herself or through an employee, while acting as a peddler, hawker, transient merchant, or itinerant vendor in the city, or to barter, sell or peddle any goods, merchandise or wares or to engage in any form of solicitation other than those specified in the application for a license.

118.07 - Hours of operation.

No soliciting or peddling shall be permitted before the hour of 9:00 a.m. or after the hour of 7:00 p.m. within the city.

118.08 - Display of License.

Each eligible licensee shall be issued a license signed by the city clerk bearing the seal of the City of Wilmington. Each licensee shall at all times while soliciting within the City carry upon his person the license required by this Chapter which shall be worn in such a way as to be conspicuous, and exhibit same to any police officer or other person requesting to see the same.

118.09 - Notice regulating peddlers, solicitors and street vendors.

Notice of the determination of the occupant's refusal of invitation to any peddlers, solicitors and street vendors shall be given in the following manner:
A card shall be exhibited upon or near the main entrance door to the residence containing words such as those set forth below:

**NO PEDDLERS, SOLICITORS OR STREET VENDORS**

A card exhibited at a residence shall constitute sufficient notice to any solicitor or peddler of the occupant's refusal to allow peddlers, solicitors and street vendors.
118.10 - Duty of peddlers, solicitors and street vendors.

It shall be the duty of every solicitor or peddler, upon going onto any premises in the city upon which a residence is located, to look for the notice provided for in Section 118.09, and if any is attached, to obey the statement contained on the notice. If the notice contains words such as "No Peddlers, Solicitors and Street Vendors," then the solicitor or peddler, whether registered or not, shall immediately and peacefully depart from the premises. Any solicitor or peddler 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.

118.11 - Convicted felons as peddlers, solicitors or street vendors.

It shall be unlawful for any organization to utilize as a solicitor any person who has been convicted of a forcible felony within a period of five years prior to the date of solicitation or who, having been convicted of a forcible felony, has been released from a penal institution for a period of less than three years prior to the date of proposed solicitation. For the purposes of this section, a "forcible felony" means treason, murder, voluntary manslaughter, aggravated criminal sexual assault, criminal assault, robbery, burglary, arson, kidnapping, aggravated battery, and any other felony which involves the use or threat of physical force or violence against any individual.

118.12 - Revocation.

Any permit may be revoked by the city administrator or his designee because of any violation of this chapter or any other ordinance of the city, or any state or federal law.

118.99 - Penalty.

Any person, firm or corporation violating any provision of this title, for which another penalty is not provided, shall for a first offense be fined not less than $50 nor more than $750, for a second offense within one year thereafter, the person, firm or corporation shall be fined not less than $100 nor more than $750 and for a third or subsequent offense within one year after the first offense, the person, firm or corporation shall be fined not less than $250 nor more than $750. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 2: SEVERABILITY

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.
SECTION 3: EFFECTIVE DATE

This Ordinance shall be in full force and effect upon its passage and approval in the manner required by law.

PASSED this 21\textsuperscript{st} day of March, 2017 with 4 members voting aye, 0 members voting nay, the Mayor voting \textit{yes}, with 0 members abstaining or passing and said vote being:

\begin{tabular}{llll}
John Persic, Jr. & absent & Kevin Kirwin & aye \\
Larry Hall & absent & Kirby Hall & absent \\
Fran Tutor & aye & Joe VanDuyne & absent \\
Steve Evans & aye & Frank Studer & aye \\
\end{tabular}

Approved this 21\textsuperscript{st} day of March, 2017

\textit{J. Marty Orr, Mayor}

Attest:

\textit{Joie Ziller, Deputy City Clerk}