

CHAPTER 111: CANVASSERS, PEDDLERS, SOLICITORS, ITINERANT MERCHANTS AND FOOD TRUCK OPERATORS

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§ 111.01 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CANVASSER: A person engaged in obtaining information on the background, occupation, economic status, social status, religious status, political status, attitude, viewpoints, occupants of a residence, telephone number, address, furnishings, or the like of another person for the purpose of compiling such information as raw data or refined data into a document, record book, or directory to be sold or to be used wholly or in part for a commercial purpose.

FOOD TRUCK: A motorized vehicle that is equipped with facilities for cooking and/or preparing food and for selling such food at retail. The term “food truck” does not include an ice cream truck.

FOOD TRUCK OPERATOR: A person or entity engaged in the business of operating a food truck from place to place within the Village.

ITINERANT MERCHANT: A person engaged in business who conducts a temporary or transient business in the Village of selling commodities, articles or services with the intention of continuing such business in the Village for not more than one hundred twenty (120) days and who, in such business, uses, leases or occupies any part of the Village for the display of such commodities or articles or in connection with the offering of such services.

PEDDLER: A person engaged in business who sells or offers for sale any commodity or article on any street, sidewalk, park or public place, or who travels from place to place in the Village, or who sells or offers for sale and delivery from any vehicle or pushcart going from place to place in the Village any commodity or article, and who carries such commodity or article with him/her for delivery at the time of sale. The term “peddler” does not include a food truck operator as defined herein.

SOLICITOR: A person engaged in business, going from place to place in the Village seeking orders or subscriptions for services or for commodities not carried with him at the time he is seeking orders or at the time of sale.

PLACE TO PLACE: Shall include residential, industrial and business establishments, but shall not apply to the wholesale selling of commodities or articles for the further resale or use in industrial and business establishments.

§ 111.02 PERMIT REQUIRED

(A) It shall be unlawful for any canvasser, peddler, food truck operator, solicitor or itinerant merchant to engage in such activity without first securing a permit issued by the Chief of Police or designee. Each applicant receiving said permit shall, upon demand, present the permit for inspection when requested by any Village employee or any resident. Additionally, the holder of a food truck operator permit shall be required to register with the Chief of Police or designee in accordance with §111.06(E) of this Chapter at least five days prior to operating a food truck at any location within the Village.

(B) No permit shall be required for public entities, religious organizations or non-profit organizations; provided, however, that any such organization shall require a permit to operate a food truck within the Village.

§ 111.03 APPLICATION; FEE

(A) The applicant shall truthfully state in full the information requested on the application, as follows:

- (1) Name and address of present place of residence and length of residence at such address, business address if other than present residence address, and drivers license number or other comparable identification information;
- (2) Address of place of residence during the past three years if other than present address;
- (3) Physical description of the applicant, including age;
- (4) Name and address of the person, firm, corporation, association, or organization whom the applicant is employed by or represents, and the length of time of such employment or representation;
- (5) Description sufficient for identification of the subject matter of the soliciting, peddling or conducting a temporary or transient business, in which the applicant will engage in;
- (6) Period of time for which the permit is applied, which shall not exceed ten applicable days except in the case of a food truck operator permit;
- (7) The approximate date of the latest previous application for a permit under this chapter, if any;
- (8) A statement that the applicant will comply with all applicable statutes of the state and ordinances of the Village relating to public health, morals, safety, and fire protection;
- (9) Whether a permit issued to the applicant under this section has ever been revoked;
- (10) Whether the applicant has ever been convicted of a violation of any of the provisions of this chapter, or of any ordinance or any of the provisions of this chapter, or of any ordinance of any other municipality regulating soliciting, peddling or conducting a temporary or transient business;
- (11) Whether the applicant has ever been convicted of the commission of a felony under the laws of the state, or any other state or federal law;
- (12) If the applicant is employed by or represents a charitable organization, the applicant shall furnish, in addition to the aforementioned information:

(a) Proof that the organization has complied with the provisions of “An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes” 225 ILCS 460/1, as amended.

(b) Proof that the organization is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of the United States, as amended.

(13) An applicant for a food truck operator’s permit shall provide the food truck operator’s Illinois Business Tax (IBT) number, and the point of sale shall be listed as Village of Huntley for sales tax purposes;

(14) An applicant for a food truck operator’s permit shall provide proof of motor vehicle and commercial general liability insurance in amounts reasonably acceptable to the Village.

(B) Fee: Any application for a canvasser, peddler, solicitor, or itinerant merchant permit (but not a food truck operator permit) shall be subject to the fees set forth in this paragraph (B). At the same time of filing the application, a fee equal to the cost of the investigation or the current fee charged by the investigation service provider shall be delivered to the Huntley Police Department payable to the Village at the time the permit application is submitted to cover the cost of investigation. Further, at the same time of filing the application a twenty-five dollar (\$25) application fee shall be paid to the Village by the applicant.

(C) Food Truck Operator Permit Fee: At the time of filing an application for a food truck operator permit, a one-hundred dollar (\$100) annual application fee shall be paid to the Village by the applicant.

§ 111.04 RECORDS TO BE KEPT

The Chief of Police or designee shall cause an accurate record to be kept of every application received and acted upon, together with all other information and data pertaining thereto and all permits issued under the provisions of this section, and of the denial of applications. Applications for permits shall be numbered in consecutive order as filed, and every permit issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.

§ 111.05 DENIAL / TRANSFER OF PERMIT

(A) No such permit shall be issued to:

- (1) Any person who has been convicted of the commission of a felony under the laws of the state or any other state or federal law, within five years of the date of application.
- (2) Any person who has been convicted of a violation of any provision of this chapter, or of an ordinance of any other municipality regulating soliciting, peddling or conducting a temporary or transient business.

- (3) Any person whose permit issued hereunder has previously been revoked as herein provided.
- (4) Any applicant employed by or representing a charitable organization which failed to furnish the proof required under § 111.03(A)(12)(a).
- (5) Any person employed by or representing a religious organization which is not a part of a valid or recognized religion.
- (6) Any person who, at the time of application for renewal of any permit issued hereunder would not be eligible for such permit upon original application.
- (7) Any person employed by or representing a firm, corporation, or other organization, if any partner, officer, or managing agent of such firm, corporation, or organization would not be eligible for a permit hereunder upon an individual application.

(B) Contents of Permit; Transferability:

- (1) The permit herein required shall express the time it is to operate and continue, the name of the person and the article, thing or merchandise permitted, identification of a vehicle, if any, and whether said permittee will pass from place to place or remain at a fixed point or place in the Village.
- (2) Permits shall not be assignable or transferable and shall be identified as a "solicitor's permit" with identifying number and date of purchase.
- (3) Each registrant shall affix his signature to the "solicitor's permit" required by this section.

§ 111.06 RESTRICTIONS ON PERMIT

(A) Trespassing: No canvasser, peddler, itinerant merchant or solicitor shall engage in any permitted activity upon any private residence in the Village without having been requested or invited to do so by the owner or occupant of said residence for the purpose of pursuing his business of peddling or soliciting if there is posted at a place that can be readily seen by one approaching said residence a sign bearing the legend "No Peddlers", "No Solicitors" or words of similar import. No food truck operator shall engage in any permitted activity upon any private property in the Village without having been requested or invited to do so by the owner or occupant of said property and in compliance with the registration requirements of this Chapter.

(B) Hours: No canvasser, peddler, solicitor or itinerant merchant shall go upon any private residence in the Village for the purpose of pursuing his business of peddling or soliciting, without having been requested or invited to do so by the owner or occupant of said private residence, before the time of nine o'clock (9:00) a.m. or after 9:00 p.m. or any day Monday through Saturday, with no such activity allowed on Sundays. No canvasser, peddler, solicitor or itinerant merchant shall conduct any such business on a National Holiday regardless of the day of the week on which said holiday falls.

(C) Advertisement By Loud Noises: No peddler, solicitor, food truck operator, or itinerant merchant shall carry on his trade by means of loud outcries or other noises that unreasonably alarm residents of the Village.

(D) Ice Cream Trucks and Portable Food Vending: No peddler engaged in the operation of an ice cream truck or other portable food vending that does not involve a food truck shall operate within the Village before 10:00 a.m. or after dusk. Street side vending by an ice cream truck or portable food vendor is prohibited on all streets.

(E) Food Truck Operators: A food truck operator shall at all times comply with the following additional regulations:

(1) Food trucks shall be operated only by the holder of a valid Village of Huntley food truck operator's permit.

(2) Subject to the registration requirements and other terms of this Chapter, food trucks may be operated on private property in any zoning district. All such operations shall require written permission and sponsorship by the property owner.

(3) Food truck operations on Village property, public streets, or other public ways shall be permitted only in connection with Village-approved block parties and Village-sponsored and/or Village-approved community events as provided herein.

(4) Unless approved in connection with a Village-sponsored and/or Village-approved community event, food trucks may not operate on two or more consecutive days on the same property, except for property occupied by a Class J Village liquor license holder. Food trucks may not operate upon such property four or more consecutive days.

(5) Except for property occupied by a Class J Village liquor license holder or controlled by a homeowner's association, a property may not host more than one food truck on the same day.

(6) Except for property occupied by a Class J Village liquor license holder or controlled by a homeowner's association, a private property may not host food truck operations on more than five (5) days per calendar year.

(7) No more than two (2) food trucks may operate within the Village on the same day. Food trucks operating at property occupied by a Class J Village liquor license holder or controlled by a homeowner's association, or as part of a Village-sponsored and/or Village-approved community event shall not be included in this number.

(8) A food truck shall be operated only pursuant to Village-approved daily registrations. Except in connection with Village-sponsored and/or Village-approved community events, the food truck operator must submit a registration request to the Chief of Police or designee on a form prescribed by the Village at least five (5) days in advance of the proposed operation. The registration request shall contain sufficient information to demonstrate compliance with all applicable requirements of this Chapter. In addition, no registration request shall be

approved by the Chief of Police or designee unless the following conditions are satisfied, to the extent applicable:

- (i) The registration request identifies the date, hours, and specific location of the proposed food truck operation. Registrations shall be approved only for single-day, single-location operation at a qualifying property/location.
- (ii) The owner of the host property must co-sign the registration request as sponsor of the proposed food truck operation.
- (iii) The food truck must be parked on a suitable surface and not impede or obstruct fire lanes, handicap parking spaces, or traffic flow or otherwise create unsafe conditions.
- (iv) The food truck will not be operated within five hundred feet (500') of the main entrance to any existing restaurant.
- (v) For food truck operations on non-residential properties, the food truck will be located near a reasonable, approved means of ingress and egress to a public street, and adequate paved vehicle parking shall be available on the sponsor property. The food truck shall be located so as not to limit any driver's visibility at driveways, intersections, or pedestrian crossings.
- (vi) Food truck operations on residential properties shall be limited to providing food service at events attended by the sponsor resident and their invited guests. The food truck will be located on the sponsor's private property in an area that does not unduly interfere with access to or use and enjoyment of neighboring properties. Adequate paved vehicle parking shall be available. The food truck shall be located so as not to limit any driver's visibility at driveways, intersections, or pedestrian crossings.
- (vii) Food truck registration requests may be submitted in connection with a Village-permitted block party event in a residential area. In such circumstances, the registration may authorize the food truck to be located on the public street during the block party, and the sponsor for the block party must co-sign the registration request as sponsor of the proposed food truck operation.

(9) Food trucks and food truck operators shall comply with all applicable Village of Huntley noise ordinances and regulations and shall not create a public nuisance.

(10) Food trucks shall not sell or serve alcoholic beverages.

(11) During operations at any location in the Village, the food truck operator and/or sponsor shall provide at least one toilet with hand washing/sanitizing facilities within three hundred feet (300') of the food truck that is available to the food truck's customers.

(12) During operations at any location in the Village, the food truck operator and/or sponsor shall provide at least one stable waste receptacle near the food truck that is emptied and maintained on a regular basis.

(13) Food trucks shall be operated and maintained in a safe and sanitary manner and in strict compliance with all applicable laws, including all applicable State, county, and local public health and food service licensing requirements and regulations.

(14) If any electrical power is required in operating a food truck, it shall be protected with ground fault circuit interrupters and be provided through a properly sized, UL approved card that is safely installed.

(15) Notwithstanding the foregoing requirements, the Village Board may approve the operation of one or more food trucks on public streets or Village property in connection with Village-sponsored community events upon such terms and conditions as the Village Board may deem appropriate under the circumstances.

§ 111.07 EXPIRATION OF PERMIT; RENEWAL

(A) Term; Expiration: Canvasser, peddler, solicitor, and itinerant merchant permits (but not food truck operator permits) shall be granted for the period requested; provided, no permit shall be granted for a period in excess of ten (10) applicable days from the date of issuance.

(B) Food Truck Operator Permits Term: Expiration: Food truck operator permits shall be valid for the calendar year in which they are issued, with an effective date not earlier than January 1, and an expiration date of December 31 of the same year.

§ 111.08 REVOCATION OF PERMIT

(A) Cause For Revocation: The permits issued pursuant to this chapter may be revoked by the Village President, after notice, for any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for permit.
- (2) Conviction of any fraud, misrepresentation or false statement made in connection with the selling of goods, wares, services or merchandise.
- (3) Any violation of this chapter.
- (4) Conviction of the permittee of any felony or of a misdemeanor involving moral turpitude.

(B) Notice of Revocation: Notice of revocation of a permit shall be given, in writing, setting forth specifically the grounds of the complaint.

§ 111.09 CONSTITUTIONAL GUARANTEE

No provision of this chapter shall be construed so as to deprive any person of his right of freedom of religion or freedom of speech as guaranteed by the constitution of the state or the constitution of the United States or as any infringement upon businesses engaged in interstate commerce.

§ 111.10 SOLICITATION OF CONTRIBUTIONS ON HIGHWAYS

(A) No person shall stand on a highway for the purpose of soliciting contributions from the occupant of any vehicle in violation of 625 Illinois Compiled Statutes 5/11-1006, unless issued a Village permit. The soliciting organization shall:

- (1) Be registered with the Attorney General as a charitable organization as provided by "an act to regulate solicitation and collection of funds for charitable purposes, providing for violations thereof, and making an appropriation therefor", approved July 26, 1963, as amended.
- (2) Be engaged in a Statewide fund raising activity.
- (3) Be liable for any injuries to any person or property during the solicitation which is casually related to an act of ordinary negligence of the soliciting agent.
- (4) Execute a hold harmless agreement in favor of the Village of Huntley and its employees or agents.
- (5) Any person engaged in the act of solicitation shall be eighteen (18) years of age or more and shall be wearing a high visibility vest. Solicitors shall stand on or near to the curbside of the street as to avoid creating a traffic hazard. In no event shall solicitors stand at or near the center of any street.
- (6) Said solicitation shall only be undertaken by chapters, clubs, charities, or societies that have a Huntley mailing address. Exception: When a chapter, club, charity or society may directly serve Huntley citizens but does not have a Huntley mailing address, a solicitation permit may be issued at the discretion of the Chief of Police or designee.

(B) This section is intended to grant permission for such solicitation as required by 625 Illinois Compiled Statutes 5/11-1006, and pursuant to a permit application of the village in section 111.02 of this chapter.

(C) Solicitation of contributions on highways by any one charitable organization shall be limited to no more than four (4) days of solicitations per calendar year. Applications for solicitation dates will not be accepted if the date requested is more than one (1) year in advance.

(D) Only one (1) charitable organization shall be allowed to solicit contributions on designated highway intersections or locations. The village shall authorize on a first come, first served basis the days and location for solicitation on highways.

§ 111.11 PROHIBITED LOCATIONS

(A) The following locations shall be prohibited sites or locations for solicitation of contributions:

- Algonquin Road, all intersections in the Village of Huntley
- Illinois Route 47, all intersections in the Village of Huntley

(B) No permits shall be issued for use from November 1 to March 31 because of snow, icy weather, and street conditions, which pose significant safety concerns to the general public.

(C) Solicitation for contributions on the highway shall be permitted during daylight hours only.

(D) No permits shall be issued for use when events, street conditions or other factors pose significant safety concerns to the general public.

§ 111.12 ISSUANCE OF PERMITS AND ALTERNATIVE LOCATIONS

All permits approved by the Chief of Police or designee shall not be issued until seven (7) days prior to the date requested for the permit. In the event the Chief of Police or designee determines there is some type of hazard, construction or other safety issue prior to issuance of the permit, the Chief of Police or designee has the authority to issue the permit for another location or for another time.

§ 111.99 PENALTY

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not less than \$50 and not more than \$500 for each offense.