

CHAPTER 50.1

TRANSIENT MERCHANTS

1. **WORDS AND PHRASES.** Words and phrases in this chapter which are defined in the Transient Merchant Act of 1987 (the "Act"), as amended, shall have and be given the same meanings and definitions as therein set out unless expressly otherwise provided herein.

2. **ISSUANCE.** Transient Merchant and Itinerant Vendor licenses shall be issued by the Finance Department upon approval by the Chief of Police pursuant to the provisions of the Act and as provided in this chapter. No Transient or Itinerant Vendor shall operate without a license.

3. **APPLICATION.** An application for a Transient Merchant or Itinerant Vendor's license shall be made in writing to the Finance Department which shall set forth the following:

- (a) The name of the individual applying for the license.
- (b) The residence, telephone number and driver's license number of the applicant.
- (c) The address of the principal place of business of the applicant and its telephone number.
- (d) If the applicant is employed by another person or entity, the name of the employer, its address and telephone number.
- (e) Whether the applicant has been convicted of a criminal offense or ordinance violation (other than traffic or parking offenses) in any jurisdiction and, if so, a list of such convictions with date and prosecuting jurisdiction.
- (f) A State of Illinois sales tax number or other evidence that the business is registered with the state department of revenue.

4. **INELIGIBILITY.** The Finance Department shall issue the license required unless it is found:

- (a) The applicant is under the age of eighteen (18) years.

- (b) The applicant has been convicted or completed any sentence of imprisonment within the last five (5) years of any offense relating to theft, burglary or fraud, or the applicant has ever been convicted of any felony sex offense, felony offense related to use of a firearm, manslaughter, first or second degree murder, or home invasion as defined in the Illinois Criminal Code of 1961, 720 ILCS 5/1-1 et seq., or any similar offense under the laws of the United States or another State.
- (c) The applicant or his employer has had a license issued pursuant to the Chapter revoked for cause.
- (d) The applicant or his employer has had an application submitted pursuant to this Chapter denied within the last three (3) years.
- (e) The applicant, its partners, officers or listed shareholders has knowingly furnished false or misleading information on any application for a license required under this Chapter or any investigation into any such application.

5. **FEE.** The fee for Transient Merchant or Itinerant Vendor licenses shall be One Hundred Dollars (\$100.00) per year, payment of which shall accompany each application for said license. Applications for such licenses shall be submitted to the Finance Department. This fee shall be required for each individual involved in the business.

(Amended, Ordinance No. 2016-84, November 21, 2016)

6. **WAIVER OF BOND.** The posting of a surety bond or cash deposit for Transient Merchant or Itinerant Vendor licenses is hereby expressly waived pursuant to the provision of the Act.

7. **WAITING PERIOD.** No Transient Merchant or Itinerant Vendor license shall be guaranteed to be issued sooner than fourteen (14) days after the submittal of an application to the Finance Department for the same.

8. **RESTRICTIONS.**

- (a) No one shall engage in the business of selling or soliciting between the hours of 8:00 p.m. and 9:00 a.m.
- (b) Whenever a licensee shall make sales from a vehicle, the vehicle shall be stopped at the right-hand curb of the street or at the extreme right-hand edge of the pavement. No sales shall be made from any vehicle except from the curbside thereof.

- (c) No person shall engage in the business of selling or soliciting at any residence or business at which there is displayed upon said premise a notice prominently displayed, on which is printed the legend, “**NO SOLICITORS**”, or words to that effect.
- (d) No licensee shall remain at any residence after being asked by an occupant to leave.
- (e) No person shall engage in the business of selling or soliciting using a truck or other vehicle over four tons. No licensee shall make sales from a vehicle in excess of four tons. Nothing in this subsection shall prohibit use of a vehicle in excess of four tons for the purpose of delivering merchandise that has been previously ordered by a customer, consistent with Chapter 34, section 26 of the Code of the City of Decatur.

9. **IDENTIFICATION.** Any licensee shall, before entering a dwelling, identify himself to the occupant by name and state what individual, partnership, corporation, group, or association he represents. Any licensee shall immediately display the license issued by the City of Decatur Finance Department and a photo governmental identification card (state driver’s license or state identification card) upon request of any person or law enforcement officer.

10. **ENTERING DWELLINGS.** Not more than two persons shall solicit and/or sell at a single dwelling at one time. It shall constitute a nuisance for any licensee to enter any dwelling without being admitted thereto by an adult occupant thereof, or to insist on showing his products/items to any person after being told by the person that he does not wish to see or purchase any products/items, or to in any manner vex, annoy, or harass any person.

11. **SUSPENSION OR REVOCATION OF LICENSE.** The City Manager shall have the right to suspend or revoke any license issued under this Chapter for violation of any provision of this Chapter or other applicable law and may order that the licensee cease all operations for a part or the entire the duration of term of the license.

12. **RULES AND REGULATIONS.** The City Manager is hereby empowered to adopt, promulgate, and to enforce, rules and regulations not inconsistent with the provisions of

the Act or of this chapter relating to any matter pertaining to the administration, enforcement and application of this chapter.

13. **PENALTY.** Any person, firm or corporation who shall violate any provision of this Chapter shall be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and each day on which a violation occurs or continues shall be considered a separate offense. (Amended, Ordinance No. 2011-72)