

**CHAPTER 32
BUSINESS REGULATIONS**

32.01 AMUSEMENTS.

- (a) Licenses. It shall be unlawful to conduct or operate any amusement which is open to the public and for the admittance to which a fee is charged, without having first obtained a license therefor. For such licenses the following fees shall be paid:

Carnivals	\$20.00 per day
Other Amusements	\$20.00 per day

The Village Board may waive such fees for charitable, civic and not for profit groups upon application to the Board.

- (b) Street Shows. No permit shall be granted or given for any carnival, exhibition, show or other amusement to be given on any public street or sidewalk or in such place that the only main accommodation for the public or the audience will be in a public place, except on order of the Village Board.

32.02 TABLE GAMES.

- (a) It shall be unlawful to maintain or expose for public use any table games or amusement device operated with a slug or coin for the use of which a fee is charged without having first obtained a license therefor.
- (b) As used in this section, the term "table game" shall mean and include any device, whether controlled by skill or chance, for the operation of a game, past-time or contest by the manipulation of a marble, sphere, or of objects or figures or by controlling the movements of the same or setting them in motion by mechanical means. The annual fee for such permits shall be \$20.00.

32.03 MUSIC DEVICES. It shall be unlawful to offer or maintain for public use any coin operated device, machine or mechanism to produce or reproduce music without having first secured a permit therefor. The annual fee for such permits shall be \$20.00.

32.04 PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS.

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Statutory Reference: Authority of Village to license, tax, regulate, or prohibit peddlers, itinerant merchants, or transient vendors. (65 ILCS 5/11-42-5)

SECTION 32.04.01 DEFINITIONS.

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

Business. The business carried on by any person who is an itinerant merchant, peddler, or solicitor as defined in this Section.

Goods. Merchandise of any description whatsoever, and includes, but is not limited to, wares and foodstuffs.

Itinerant Merchant. Any person, whether as owner, agent, or consignee, who engages in a temporary business of selling goods within the Village and who, in the furtherance of such business, uses any building, structure, vehicle, or any place within the Village.

Peddler. (1) Any person who travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or (2) any person who, without traveling from place to place, sells or offers goods for sale from any public place within the Village. A person who is a peddler is not an itinerant merchant.

Solicitor. Any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a solicitor is not a peddler.

SECTION 32.04.02 LICENSE REQUIREMENT.

- (A) Any person who is an itinerant merchant, peddler, or solicitor shall obtain a license before engaging in such activity within the Village. The following provisions shall not apply to any corporation, community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, and which does not participate in, or intervene in, any political campaign on behalf of (or in opposition to) any candidate for public office as defined by the Internal Revenue Service in 26 U.S.C.S. 501(c)(3) or any civic league or organization not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to the employees of a designated person or persons in the Village, and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes as defined by the Internal Revenue Service in 26 U.S.C.S. 501(c)(4).
- (B) The fee for the license required by this Chapter will be set by the Board of Trustees.
- (C) No license issued under this Chapter shall be transferable.
- (D) All licenses issued under this Chapter shall expire 90 days after the date of issuance thereof.

SECTION 32.04.03 APPLICATION PROCEDURE.

- (A) All applicants for licenses required by this Chapter shall file an application with the Village Clerk. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. The applicant may be requested to provide more information concerning the following items:
 - (1) The name and address of the applicant;

- (2) (a) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the Village;
 - (b) The local address of such individual;
 - (c) The permanent address of such individual;
 - (d) The capacity in which such individual will act.
- (3) The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation;
 - (4) The time period or periods during which it is proposed to carry on applicant's business;
 - (5) (a) The nature, character, and quality of the goods or services to be offered for sale and delivered;
 - (b) If goods, their invoice value and whether they are to be sold by sample as well as from stock;
 - (c) If goods, where and by whom such goods are manufactured or grown, and where such goods are at the time of application.
- (6) The nature of the advertising proposed to be done for business;
 - (7) Whether or not the applicant, or the individual identified in division (A)(2)(a) above, or the person identified in division (A)(3) has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.
- (B) Applicants for peddler or solicitor licenses may be required to provide further information concerning the following items, in addition to that requested under divisions (A) preceding:
- (1) A description of the applicant;
 - (2) A description of any vehicle proposed to be used in the business including its registration number, if any.
- (C) All applicants for licenses required by this Chapter shall attach to their application, if required by the Village, credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.
- (D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to any attachments required under division (C), a statement from a licensed physician, dated not more than ten days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.

SECTION 32.04.04 STANDARDS FOR ISSUANCE.

- (A) Upon receipt of an application, an investigation of the applicant's business reputation and moral character shall be made.
- (B) The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare. In particular, tangible evidence that the applicant:
 - (1) Has been convicted of a crime of moral turpitude;
 - (2) Has made willful misstatements in the application;

- (3) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like;
- (4) Has committed prior fraudulent acts; or
- (5) Has a record of continual breaches of solicited contracts.

These factors will constitute valid reasons for disapproval of an application.

SECTION 32.04.05 REVOCAION PROCEDURE.

Any license or permit granted under this Chapter may be revoked by the Village Clerk after notice and hearing, pursuant to the standards in Section 32.04.06 following. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the licensee at his last known address, at least ten days prior to the date set for the hearing.

SECTION 32.04.06 STANDARDS FOR REVOCATION.

A license granted under this Chapter may be revoked for any of the following reasons:

- (A) Any fraud or misrepresentation contained in the license application;
- (B) Any fraud, misrepresentation, or false statement made in connection with the business being conducted under the license;
- (C) Any violation of this Chapter;
- (D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or
- (E) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals, or general welfare of the public.

SECTION 32.04.07 APPEAL PROCEDURE.

- (A) Any person aggrieved by a decision under Section 32.04.04 or 32.04.06 shall have the right to appeal to the Board of Trustees. The appeal shall be taken by filing with the Board of Trustees, within 14 days after notice of the decision has been mailed to such person's last known address, a written statement setting forth the grounds for appeal. The Board of Trustees shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner as provided in Section 32.04.05 preceding.
- (B) The order of the Board of Trustees after the hearing shall be final.

SECTION 32.04.08 EXHIBITION OF IDENTIFICATION.

- (A) Any license issued to an itinerant merchant under this Chapter shall be posted conspicuously in or at the place named therein. In the event more than one place within the Village shall be used to conduct the business licensed, separate licenses shall be issued for each place.
- (B) The Clerk shall issue a license to each peddler or solicitor licensed under this Chapter. The license shall contain the words **Licensed Peddler** or **Licensed Solicitor**, the expiration date of the license, and the number of the license. The license shall be kept with the licensee during such time as he is engaged in the business licensed.

SECTION 32.04.09 VILLAGE POLICY ON SOLICITING.

It is hereby declared to be the policy of the Village that the occupants of the residences of the Village shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residences.

SECTION 32.04.10 NOTICE REGULATING SOLICITING.

Notice of the refusal of invitation to solicitors, to any residence, shall be given in the manner following:

- (A) A weatherproof card, approximately three (3) inches by four (4) inches 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:

NO SOLICITORS INVITED

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

SECTION 32.04.11 DUTY OF SOLICITORS.

- (A) It shall be the duty of every solicitor upon going onto any premises in the Village upon which a residence is located to first examine the notice provided for in Section 32.04.10 preceding, if any is attached, and be governed by the statement contained on the notice. If the notice states **NO SOLICITORS INVITED**, then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.
- (B) Any 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.

SECTION 32.04.12 UNINVITED SOLICITING PROHIBITED.

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 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 in defiance of the notice exhibited at the residence in accordance with the provisions of 32.04.10 preceding.

SECTION 32.04.13 TIME LIMIT ON SOLICITING.

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 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, prior to 9:00 a.m. or after 9:00 p.m. of any weekday or Saturday, or at any time on a Sunday or on a State or national holiday.

SECTION 32.04.99 PENALTY.

Whoever violates any provision of this Chapter shall be subject to the general penalty provision, Section 1.06, of this Municipal Code. Each day a violation occurs shall constitute a separate offense.

32.05 JUNK DEALERS.

- (a) License. It shall be unlawful to operate or carry on the business of junk dealer or to keep any junk shop, store or place for the purchase or sale of junk, rags, old rope, paper or bagging, old iron, brass, copper or empty bottles, without having first secured a license therefor.
- (b) Fee. The fee to be paid for such licenses shall be \$25.00 per year.
- (c) Junk Yards. It shall be unlawful to maintain any junk yard at any place in the village.
- (d) Stolen Goods. Every keeper of a junk shop who shall receive or be in possession of any good articles or things of value which may have been lost or stolen shall upon demand produce such article or thing to the police for examination.
- (e) Vehicle. Every vehicle used by a junk dealer in the conduct of his business, shall bear thereon in legible characters the name and address of the owner and proprietor thereof.

32.06 SCAVENGERS.

- (a) License Required. It shall be unlawful for any person to engage in the business of scavenger or the collection or disposal of animal, human or vegetable refuse or offal without having first secured a permit therefor. The annual fee for such permit shall be \$25.00
- (b) Application. Applications for such permits shall be made to the Village Clerk, and shall be referred by him to the Board of Trustees; no such permit shall be issued except on order of the Board of Trustees.
- (c) Vehicles. Any vehicle used by such scavenger in his business shall be water tight, and equipped with air tight covers for such portions as are used for the transportation of refuse. It shall be unlawful for any such vehicle to be driven over or through any street in the village during or on a Sunday.
- (d) Disposal. It shall be unlawful for any scavenger to dispose or to store any refuse in any place within the village limits or within one mile thereof, excepting with the permission of the Board of Trustees.

32.07 OUTDOOR ADVERTISERS.

- (a) Definition. The term "outdoor advertiser" as used in this section shall mean any person engaged in the business of placing, posting or painting any sign, advertisement, notice of display in or on any place for the purpose of outdoor advertising so that the resultant display is visible from any street, alley, sidewalk or other public place.
- (b) License Required. It shall be unlawful for any outdoor advertiser to do business in the village without having first secured a license therefor. No license therefor. No license issued shall be

construed to permit the use for advertising purposes of any structures, natural or artificial, which are located in any public street, alley or other public place.

- (c) Applications. Applications for such licenses shall be made in writing to the Clerk and shall be accompanied by a list of all places, including billboards or natural structures on which it is intended to place signs or advertisements. This list shall be added to from time to time by the licensee as a right to post or place advertisements or signs on additional places is acquired.
- (d) Fee. The annual fee for such licenses shall be \$25.00.
- (e) Consent of Owner. It shall be unlawful to post any advertisements on any premises in the village without the consent of the owner of such premises. Such consents must be in writing, and must be filed with the Clerk.
- (f) Refuse. It shall be unlawful for any person engaged in outdoor advertising to permit any refuse resulting from this work to accumulate anywhere in the village. It shall be unlawful to permit any loose or flapping or combustible materials to hang from or be attached to any billboard or signboard or other place used for display or advertising purposes. All refuse resulting from the operation of this business shall be gathered up and properly disposed of.
- (g) Weeds and Materials at Base of Billboards. It shall be the duty of every outdoor advertiser to keep all grass and weeds, and other growths, except trees and ornamental shrubbery, cut down so that the same shall not grow to a height greater than ten inches within six feet of any billboard or signboard used by him. This obligation shall extend only to property controlled by the advertiser.
- (h) Unlawful Advertising. It shall be unlawful for any person to post or display any advertisement of an obscene or immoral character, or any advertisement tending to promote or cause a riot, or breach of peace, or any advertisement of any unlawful gathering, or advertisements of unlawful sales.
- (i) Disfiguring Signs. It shall be unlawful to disfigure or mutilate in any way any lawful sign or advertisement in the village.
- (j) Name of Advertiser. It shall be unlawful for any outdoor advertiser to carry on his business unless the name of such advertiser is attached, displayed or printed on all billboards or signboards used by him or any notice, placard, or advertisement posted by him, in such lettering as to be visible from a distance of at least five feet from the notice or advertisement.
- (k) Exemptions. The provisions of this section shall not be construed to apply to the posting of sign or notices by order of any court or by any public officer in the performance of his duties.

32.08 KENNELS.

- (a) License Required. It shall be unlawful to operate a small animal store anywhere in the village without first securing a license therefor. The annual fee for such license shall be \$25.00.
- (b) Definition. The term "small animal store" 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 three dogs or cats are harbored or kept.
- (c) Sanitation. Every place used as a small animal store shall be kept in a clean and sanitary condition, and no refuse or waste material shall be allowed to remain thereon for more than twenty-four hours. All animals shall be humanely treated; and any animal having any disease shall be properly isolated and treated.

**CHAPTER 33
MUNICIPAL OCCUPATION TAXES**

33.01 MUNICIPAL RETAILERS' OCCUPATION TAX.

- (a) Tax Imposed. A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property at retail in the village at a rate of one percent of the gross receipts from sales made in the course of such business in accordance with the provisions of Section 8-11-1 of the Illinois Municipal Code.
- (b) Tax amendment to Section 8-11-1 of the Illinois Municipal Code, Public Act 80-1292 excluding certain described manufacturing machinery and equipment from the Retailers Occupation Tax shall not apply to property within the Village of Carlock and such machinery and equipment shall remain subject to said tax.
- (c) Report. Every such person engaged in such business in the village shall file on or before the last day of each calendar month the report to the State Department of Revenue required by Section 3 of "An Act in Relation to a Tax Upon Persons Engaged in the Business of Selling Tangible personal Property to Purchasers for Use or Consumption", approved June 28, 1933, as amended.
- (d) Payment of Tax. At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed on account of the receipts from sales of tangible personal property during the preceding month.

33.02 MUNICIPAL SERVICE OCCUPATION TAX.

- (a) Tax Imposed. A tax is hereby imposed upon all persons engaged in the village in the business of making sales of service at the rate of one percent of the cost price of all tangible personal property transferred by such serviceman either in the form of tangible personal property or in the form of real estate as an incident to a sale of service, in accordance with the provisions of Section 8-11-5 of the Illinois Municipal Code.
- (b) Reports. Every supplier or serviceman required to account for the Municipal Service Occupation tax for the benefit of the village shall file, on or before the last day of each calendar month, the report to the State Department of Revenue required by Section Nine of the "Service Occupation Tax Act", approved July 10, 1961, as amended.
- (c) Payment of Tax. At the time the report required above is filed, there shall be paid to the State Department of Revenue the amount of the tax hereby imposed.