



TO: The Honorable Mayor and the City Council

FROM: Ty Livingston, Director of Planning & Community Development

DATE: April 13, 2021

SUBJECT: Proposed change to Chapter 9, Title 3 of the East Peoria City Code addressing Peddlers, Brokers, and Itinerant Merchants.

BACKGROUND:

The proposal here is based upon a request from one of our small businesses located along the 100 block of East Washington – The Picker’s Daughter. They would like to join together with other neighboring businesses and host a street fair to complement some of the interest the Folepi Shop and Stroll brings to the area in early December. Unfortunately, our current code language makes this proposal difficult to hold without the sponsorship of a not-for-profit (or be connected to the East Peoria Centennial Celebration).

The proposed code change here would clean-up some antiquated code language and permit nearby business owners to hold such a celebration with approval from the City. Through the course of this proposal, staff has connected the business owner with the Chamber of Commerce and the Historical Society, both of which may augment this event with their assistance.

RECOMMENDATION: Approval, as presented.

ORDINANCE NO. 4568

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 9 OF THE
EAST PEORIA CITY CODE REGARDING PEDDLERS, BROKERS
AND ITINERANT MERCHANTS**

WHEREAS, City staff have reviewed the provisions of the City Code governing the licensing of peddlers, brokers, and itinerant merchants regarding the special events and celebrations that are exempted from the licensing requirements of these provision of the City Code; and

WHEREAS, City staff have determined that certain special events held by local and small businesses located in the City are beneficial to the City, its citizens, and other businesses in the City, and thus the City should encourage these types of special events that will bring people to these special events held in the City and provide unique offerings to the citizens and general public; and

WHEREAS, the City Council finds that adoption of the proposed amendments to the East Peoria City Code to expand and update the exemptions allowed for special events under the peddlers, brokers, and itinerant merchants provisions of the City Code will serve the best interests of the City of East Peoria and its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. Title 3, Chapter 9, Section 5 of the East Peoria City Code is hereby amended to read as follows (additions are indicated by underline; deletions by ~~strikeout~~):

3-9-5. Exemption from application, license and bond requirements.

The following shall be exempt from the application, license and bond requirements of this chapter:

- (a) *Prior invitation.* Any person who, for the purpose of selling or taking orders for the sale of merchandise or services, has been previously invited by the occupant of a residence to call thereon.
- (b) *Nonprofit organization.* Any person selling, peddling, soliciting or taking orders for any goods or services not prohibited by law on behalf of a nonprofit organization sponsored by or participated in by a local chapter of such organization; or by a national nonprofit organization not represented locally but which has filed a statement of registration with the city clerk specifying the name of the nonprofit organization, its permanent address, the names of its principal officers and names of those persons who are authorized to sell, peddle or solicit or take orders for goods and services within the city.

- (c) *Celebration.* Any person selling, peddling, soliciting or taking orders for any goods or services not prohibited by law while ~~invited to participate in the East Peoria Centennial Celebration by the City of East Peoria Centennial Commission~~ or while invited to participate in any celebration, fair, festival or similar activity sponsored (i) by a nonprofit organization, or (ii) by a group of adjacent business owners located within the City with prior consent from the Director of Planning and Community Development.
- (d) *Farmers or gardeners.* Any person who sells the produce of his own farm, vineyard, orchard or garden, provided he does not obstruct streets, sidewalks or other public places within the city; provided, however, that nothing contained herein shall be construed to authorize the sale of alcoholic, spirituous, malt or other intoxicating liquors or peddling of any kind whatsoever in any public park.
- (e) *Newspaper vendors.* Any person who, on behalf of the publisher of any newspaper of general circulation within the city, peddles the same within the city.
- (f) *HOLDERS OF SPECIAL OUTDOOR SALES AND CONSUMPTION PERMITS.* Any holder of a liquor license under the provisions of Title 3, Chapter 3, of the East Peoria City Code or the employees or agents of such license holder but only with respect to any event for which a special outdoor sales and consumption permit has been granted in the manner provided by Title 3, Chapter 3, Section 3.2, of the East Peoria City Code.
- (g) *Certain peddlers and brokers operating in residential areas and who are registered under Chapter 4, Title 10, of the East Peoria City Code.* Any peddler or broker as defined in this chapter who operates only on a door-to-door basis and only in residential areas of the city and whose sole means of attracting potential customers is by knocking on doors or ringing doorbells rather than the use of bells, buzzers, microphones, horns, whistles or other similar devices; provided, however, that such a peddler is exempted from the application, license and bond requirements of this chapter only if he has registered as a residential solicitor under the provisions of Title 10, Chapter 4, of the East Peoria City Code.
- (h) *Certain arts and crafts displays.* Any itinerant merchant who sells goods or merchandise at retail which goods or merchandise were made or constructed by the seller but only if all of the following conditions are met:

- (1) The display is erected on private property at the invitation of the owner thereof; and
- (2) The zoning regulations applicable to the parcel where the display is located permit the sale of goods at retail; and
- (3) The display is removed within forty-eight (48) hours of being erected; and
- (4) The person erecting the display has not erected the same or a similar display within the city more than twice during the same calendar year.

Section 2. This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 3. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____ DAY OF _____, 2021.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel