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Ordinance No. 4580

TO: The Honorable Mayor John P. Kahl and Members of the City Council
FROM: Morgan Cadwalader, City Clerk
DATE: 6-17-2021
SUBJECT: Amendment to City Code Pertaining to Itinerant Merchants (Section 3-9-5)

DISCUSSION: The section of the City Code pertaining to Itinerant Merchants has some antiquated language that the City now seeks to make changes to in order allow the City discretion to allow for approval of itinerant/temporary merchants at a celebration, fair, festival, or similar activity. This allows the City to have greater latitude to allow for these merchants at the discretion of the City.

RECOMMENDATION: Approve the Amendment to the City Code Pertaining to Itinerant Merchants.

ORDINANCE NO. 4580

**AN ORDINANCE FURTHER 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 with regard to the special events and celebrations that are exempted from the licensing requirements of these provisions of the City Code; and

WHEREAS, City staff have determined that due to the varying nature of community special events and celebrations that are held in the City that are considered beneficial to the City, its citizens, and businesses located in the City, the City should encourage these types of special events and celebrations that bring people to these events and celebrations and provide unique offerings to the City's citizens and general public; and

WHEREAS, the City Council has determined that due to the varying nature of these community special events and celebrations, flexibility is warranted in determining whether such special events and celebrations are allowed to take place in the City without imposing the regulations under the peddlers, brokers, and itinerant merchants provisions of the East Peoria City Code; and

WHEREAS, the City Council finds that adoption of the proposed amendments to the City Code to further expand and update the exemptions allowed for special events and celebration 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 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, (iii) by the City of East Peoria, a school district located in the City, or any other local governmental body located in the City, or (iv) by any entity, association, group, or person allowed at the discretion of the City upon approval of the Mayor or the Mayor's designee.
- (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