

MEMORANDUM

February 17, 2023

TO: Mayor John P. Kahl and Members of the City Council

FROM: Morgan R. Cadwalader, City Clerk

SUBJECT: AN ORDINANCE AMENDING TITLE 3, CHAPTER 9 OF THE CITY CODE
PERTAINING TO THE DEFINITIONS OF INTINERANT MERCHANT AND
PEDDLER

DISCUSSION:

In reviewing the City Code, Staff noted that the definition of Itinerant Merchant and Peddler in the Business Regulations of the City Code do not encompass all types of activities involved in that type of business, namely “services”. The proposed amendments add to the definition of Itinerant Merchant and Peddler not only the sale of goods but also the sale of services.

RECOMMENDATION:

Approval of this Ordinance with proposed amendments to the City Code.

ORDINANCE NO. 4710

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 9 OF THE CITY CODE
PERTAINING TO THE DEFINITIONS OF ITINERANT MERCHANT AND PEDDLER**

WHEREAS, City Staff has proposed amendments to the Peddlers, Brokers, Itinerant Merchants provisions found at Title 9 of the East Peoria City Code, which proposed amendments are hereinafter set forth; and

WHEREAS, City Staff seeks to add services to the definition of Itinerant Merchant and Peddler; and

WHEREAS, the City Council finds that adoption of the proposed amendments to the City's Business Regulations, Chapter 9 Peddles, Brokers, Itinerant Merchants serves the best interests and the public good 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. Section 1 of Title 3, Chapter 9 is hereby amended to read as follows (additions are indicated by underline; deletions by ~~strikeout~~):

3-9-1. Definitions.

For purposes of this chapter:

Broker. Any person, whether or not the person is an employee of another person, who takes orders or subscriptions, while traveling house to house or from place to place in, along or upon the streets, alleys, sidewalks or other public places within the city, for future delivery of tangible personal property or services by a seller, at retail, whether to regular customers or not, regardless of whether or not such person collects payment therefor at the time of such transaction, but who does not make delivery of such property or perform such service at that time.

Itinerant merchant. Any person, whether or not the person is an employee of another person, who on real property in which he does not hold a fee simple interest establishes a display, exhibition or sales facility for the purpose of selling, offering or displaying for sale and immediate delivery, or taking orders or subscriptions for the future delivery of tangible personal property or services at retail shall be considered an itinerant merchant for purposes of this chapter if:

- (a) The display, exhibition or sales facility is established with the intent that such display, exhibition or sales facility will remain in operation for a period of less than six (6) months; or
- (b) The display, exhibition or sales facility is established with the intent that its operation will be interrupted for a period of more than ninety (90) days in any calendar year.

Nonprofit organization. Any bona fide charitable, educational, fraternal, labor, religious or veterans' organization that operates without profit to its members and which has been in existence continuously for a period of five (5) years or more immediately before making application for a license and which has had during the entire five (5) year period a bona fide membership engaged in carrying out its objectives.

Peddler. Any person, whether or not the person is an employee of another person, who directly or indirectly sells or offers for sale, barter or exchange any farm produce, vegetables, dairy products, meat, fish, foods of any kind or other goods, services, wares or merchandise of any kind, at retail, making delivery of said goods at the time of sale regardless of whether or not such person collects payment at the time of sale, all while traveling from place to place in, along and upon the streets, alleys, sidewalks or other public places within the city, or while operating from one or more locations outside of a totally enclosed permanent structure.

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. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

Section 5. 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 _____, 2023.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel