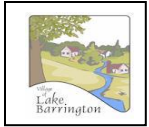


## Village of Lake Barrington Itinerant Vendor & Transient Merchant Registration Application



**Application Date** \_\_\_\_\_ **Please check one:** Itinerant Vendor  Transient Merchant

**Applicant Name and Address**

Contact Name \_\_\_\_\_ Title \_\_\_\_\_

Company Name \_\_\_\_\_

Address \_\_\_\_\_

City, State Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

Illinois Business Tax # \_\_\_\_\_

Location of Market (Transient Merchants only) \_\_\_\_\_

I, \_\_\_\_\_, the property owner, give the applicant permission to temporarily sell goods, wares, or merchandise on my property on the dates and times listed in this application.

\_\_\_\_\_  
Property Owner Signature \_\_\_\_\_  
Property Owner Telephone Number

Dates of Operation \_\_\_\_\_

Days & Hours of Operation \_\_\_\_\_

Items to be sold and /or services provided	
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Other Comments	
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\_\_\_\_\_ I have familiarized myself with all ordinances of the Village of Lake Barrington pertaining to selling goods, wares, or merchandise in the Village of Lake Barrington in Municipal Code Title 2, Chapter 5, as provided herein

\_\_\_\_\_  
Signature of Applicant \_\_\_\_\_  
Date

Return the application, \$100.00 Application Fee, signed letter from property owner noting permission for operation of your business on the property, and \$1,000.00 Cash Bond payable to the Village of Lake Barrington to: 23860 Old Barrington Road, Lake Barrington, IL 60010. Direct questions to the Village Clerk at 847-381-6010 or lpenatlapa@lakebarrington.org.

\_\_\_\_\_  
Signature of Official Approving Application \_\_\_\_\_  
Date

## **Excerpt from Village of Lake Barrington Village Code**

### **Title 2 Chapter 5**

## **CANVASSERS, PEDDLERS, SOLICITORS, TRANSIENT MERCHANTS AND ITINERANT VENDORS**

### **2-5-1: DEFINITIONS:**

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

**CANVASSERS:** Persons conducting any manner of door to door advocacy, including, but not limited to, those conducting any type of surveys and/or the distribution of any literature, handbills, or pamphlets, but excluding those present as a result of a prior invitation from an owner or occupant of the premises, and any persons employed and on official business for the United States census bureau, and also excluding those rendering assistance or providing information of a bona fide emergency nature.

**ITINERANT VENDOR:** Any person who transports tangible personal property for retail sale within the village who does not maintain in this state an established office, distribution house, sales house, warehouse, service center or residence from which such business is conducted; provided, however, this term shall not include any person who delivers tangible personal property within the village who is fulfilling an order for such property which was solicited or placed by mail or other means.

**PEDDLING:** Selling or offering for sale, barter or exchange at retail any goods, wares, merchandise or services of any kind whatsoever by traveling from place to place along the streets of the village or from residence to residence therein, but shall not include solicitation or canvassing for orders for future delivery. "Peddling" may, in some instances, include the activities of an "itinerant vendor" or "transient merchant" as defined herein. If a peddler is also an "itinerant vendor" or "transient merchant" as defined herein, then those provisions shall also be applicable. To the extent that the provisions of this chapter relative to peddling are inconsistent with those relating to itinerant vendors and/or transient merchants, the more restrictive provisions shall apply.

**REGISTERED TRANSIENT MERCHANT AND REGISTERED ITINERANT VENDOR:** Any person who is a "transient merchant" or "itinerant vendor" as defined in this section and who has obtained and has in his or her possession a valid certificate of registration.

**RESIDENCE:** Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

**SOLICITING:** Any one or more of the following activities:

- A. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, insurance, services of any kind, character or description whatever, for any kind of consideration whatever, all for future delivery; or
- B. Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable, religious, or nonprofit association, organization, corporation or project; or
- C. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.

**TRANSIENT MERCHANT:** Any person who is engaged temporarily in the retail sale of goods, wares or merchandise in this village and who, for the purpose of conducting such business, occupies any building, room, vehicle, structure of any kind or vacant lot; provided, however, this term does not include any person selling goods, wares or merchandise which are raised, produced or manufactured by such person, to any person selling vegetables, fruit or perishable farm products at an established village market, to any person operating a store or refreshment stand at a resort, or to any person operating a stand or booth on or adjacent to property owned by such person or upon which such person resides. (Ord. 2002-O-08, 7-2-2002)

## **2-5-2: APPLICATION FOR CERTIFICATE OF REGISTRATION REQUIRED FOR TRANSIENT MERCHANT OR ITINERANT VENDOR; RESTRICTION:**

### A. Certificate Of Registration Required; Restriction:

- 1. Retail Sales: A certificate of registration as hereinafter provided shall be secured by every person desiring to engage in retail sales within this village as a "transient merchant" or "itinerant vendor", as defined herein.
- 2. Hours Restricted: Selling by a registered transient merchant or itinerant vendor is prohibited after nine o'clock (9:00) P.M. and before nine o'clock (9:00) A.M.

### B. Application For Certificate:

- 1. Information Requested: Application for a certificate of registration shall be made upon a form provided by the village clerk and filed with such village clerk, who shall forward such application to the village president for his or her review pursuant to this chapter. The applicant shall truthfully state in full the following information requested on the application:
  - a. Name and present residence address and length of residence at such address, applicable business address if other than residence address which must include street address, social security number, driver's license number, if any;
  - b. Residence addresses, if any, during the past three (3) years if other than present address;

- c. Physical description of the applicant, including height, weight, color of hair and color of eyes;
  - d. Name and address of the person by whom the applicant is employed or represents and the length of time of such employment or representation, residence address of corporate officers and principal;
  - e. Location at which applicant intends to do business, nature of the business, whether a certificate of registration under the retailers' occupation tax act has been issued, a list of inventory the applicant intends to offer for sale;
  - f. Name and address of all employers during the past three (3) years if other than the present employer;
  - g. Description sufficient for identification of the subject matter of the soliciting which the applicant will engage in;
  - h. Period of time for which the certificate is applied for;
  - i. A list of all certificates of registration or licenses to conduct business as transient merchant or itinerant vendor received or applied for within this state for preceding twelve (12) months;
  - j. The date, or approximate date, of the latest previous application for certificate in this village, if any;
  - k. Whether or not a certificate of registration issued to the applicant under this chapter has ever been revoked;
  - l. Whether the applicant has ever been convicted of a violation of any of the provisions of this chapter or the ordinances of any other Illinois municipality regulating transient merchants or itinerant vendors; and
  - m. Whether the applicant has ever been convicted of the commission of a felony under the laws of the state of Illinois or any other state or federal law of the United States.
2. Oath: All statements made by the applicant upon the application or in connection therewith shall be under oath.
  3. Photographic Identification: In connection with the application for a certificate, the applicant shall submit to identification photographing.
  4. Clerk's Record: The village clerk shall cause to be kept in his or her office an accurate record of every application received and acted upon by the village president together with all other information and data pertaining thereto and all certificates of registration issued under the provisions of this chapter and of the denial of applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.

5. Felony Or Ordinance Violation: Upon the filing of a complete and accurate application, as provided herein, a certificate of registration shall be issued by the village president or the village president's other designee within thirty (30) days of application, except that no certificate shall be issued to any person who has been convicted of the commission of a felony under the laws of the state of Illinois or any other state or federal law of the United States, within five (5) years of the date of the application; nor to any ordinance of this village nor to any person whose certificate of registration issued hereunder has previously been revoked as herein provided.
6. Constitutional Rights: Nothing in this chapter shall be interpreted or enforced to deprive any person of any rights guaranteed under the constitutions of the state of Illinois or the United States. (Ord. 2002-O-08, 7-2-2002)

### **2-5-3: ITINERANT VENDORS AND TRANSIENT MERCHANTS:**

The applicant for an itinerant vendor's or transient merchant's certificate of registration shall pay a fee upon application for a certificate of registration as specified from time to time in section [1-10-7](#) of this code. The village president or his or her designee shall determine, based upon the application submitted, whether the applicant under this chapter is a transient merchant or itinerant vendor. It shall be prima facie evidence that a person is a transient merchant or itinerant vendor if the person does not transact business from a fixed location or if the person does not own or lease for a term of at least six (6) months the property from which business is conducted. A certificate of registration shall issue to any qualified applicant upon the posting of the appropriate bond or cash deposit as follows:

- A. Surety Bond: The applicant for a transient merchant's or itinerant vendor's certificate shall file with the police department serving the village a surety bond or shall make a cash deposit. The amount of the bond or deposit shall be equal to fifty percent (50%) of the wholesale value of the merchandise that the applicant intends to offer for sale; however, the amount of the bond or deposit shall not be less than as specified from time to time in section [1-10-7](#) of this code.
- B. Expiration Of Certificate: A certificate issued under this section shall expire on December 31 of the year it was issued.
- C. Sales Without Certificate: If any person makes retail sales as a transient merchant or itinerant vendor without having obtained a certificate under this chapter, the police department serving the village may hold the inventory, truck or other personal property of the person until he obtains a certificate to conduct business as a transient merchant or itinerant vendor. If the property has been held by the police department serving the village for more than sixty (60) days and the person whose property is being held has not obtained a certificate under this chapter, the village may petition the circuit court for an order for the sale of the property being held. If the court finds that the person whose

property is held has not obtained a certificate under this chapter, the court may order the village to sell the property. The proceeds of such sale, less reimbursement to the village of the reasonable expenses of storage and sale of the property, shall become the property of the village and shall be paid to the village treasurer.

D. Additional Requirements: It is a violation of this section for any person, either as principal or agent, to conduct business as a transient merchant or itinerant vendor in this village without first:

1. Complying with the applicable requirements of the retailers' occupation tax act<sup>1</sup>; and
2. Obtaining a certificate of registration and posting such bond or other approved security as required under this section. (Ord. 2008-O-05, 2-5-2008)

#### **2-5-4: REVOCATION OF CERTIFICATE:**

A. Disqualification: Any certificate of registration issued hereunder shall be revoked by the village president if the holder of the certificate has committed a violation of any of the provisions of this chapter, has made a false material statement in the application or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this chapter.

B. Notice Of Revocation: Immediately upon such revocation written notice thereof shall be given by the village president to the holder of the certificate in person or by certified U.S. mail addressed to his or her residence address set forth in the application.

C. Registration Null And Void: Immediately upon the giving of such notice the certificate of registration shall become null and void. (Ord. 2002-O-08, 7-2-2002)

#### **2-5-5: TRESPASSING:**

A. Notice By Owner: It shall be unlawful for any person to enter upon any property of another in this village after receiving, immediately prior to such entry, notice from the owner or occupant that such entry is forbidden or to remain upon the property of another after receiving notice from the owner or occupant to depart.

B. Oral, Written Or Printed Notice: A person shall be deemed to have received notice from the owner or occupant within the meaning of this section if such person has been notified, personally, either orally or in writing or if a printed or written notice forbidding such entry has been conspicuously posted at the main entrance to said property or the forbidden part thereof.

C. Posted Notice: The owner or occupant of any residence who desires to forbid trespasses by canvassers, solicitors or peddlers may attach or exhibit upon or near the main front door, and the main rear or side door (if any, and if to be protected), a card or plaque stating such of the following as may be appropriate, in letters at least one-third inch ( $\frac{1}{3}$ " ) in height:

*Canvassers, Solicitors and Peddlers Forbidden*

The form of card provided for in this subsection shall not be deemed to be an exclusive form of notice. (Ord. 2002-O-08, 7-2-2002)

**2-5-6: FAILURE TO LEAVE AFTER NOTICE:**

- A. Any person canvassing, soliciting or peddling who is forbidden entry by notice given in compliance with this chapter shall be deemed guilty of remaining on the property after receiving notice to depart if he shall ring the doorbell or knock or create any sound calculated to attract the attention of the occupant.
- B. Notices exhibited pursuant to this chapter shall not be deemed applicable to and shall not prevent access to residential property by a canvasser, solicitor or peddler who has received prior invitation, written or oral, from the owner or occupant thereof. (Ord. 2002-O-08, 7-2-2002)

**Footnotes** - Click any footnote link to go back to its reference.

[Footnote 1](#): 65 ILCS. See section [2-1-1](#) of this title.

**Excerpt from 1-10-7: FEES, CHARGES, DEPOSITS, AND OTHER AMOUNTS PAYABLE TO THE VILLAGE**

Application fee (nonrefundable)	<a href="#">2-5-3</a>	Application fee for a certificate of registration for itinerant vendor or transient merchant	\$100.00 (plus surety bond - see below)
Cash bond	<a href="#">2-5-3</a>	Itinerant vendor or transient merchant cash bond	Amount of bond shall be equal to 50 percent of the wholesale value of the merchandise applicant intends to offer for sale, but in any event, said bond shall be not less than \$1,000.00 nor more than \$10,000.00