

**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

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**FOOD OR BEVERAGE:** Any product, whether a food or beverage, intended to be consumed by persons for the purpose of providing nourishment or flavor, including but not limited to snacks, ice cream, beverages, frozen confections, cookies, chips, hot dogs, fruit, or any other food or beverage, whatsoever.

**FOOD OR BEVERAGE DELIVERY VEHICLE:** A vehicle utilized to make pre-arranged deliveries of food or beverage to a single location of private property within the Village, without soliciting or making additional retail sales that are not pre-arranged (e.g., a pizza truck, a "peapod truck" or similar truck, making a delivery of food to a single residential location after said food was ordered via telephone or internet).

**FOOD OR BEVERAGE VENDING VEHICLE:** A vehicle from which the retail sale of food or beverage for human consumption is conducted (including ice cream vehicles).

**ICE CREAM VEHICLE:** A food or beverage vending vehicle used for the retail sale of ice cream, frozen confections, or similar desserts.

**ITINERANT MERCHANT:** A person engaged in business in the Village offering for sale any commercial item, who intends to continue such business in the Village for not more than one hundred eighty (180) days and who, for such purpose, leases or occupies all or part of any room, structure or vacant lot in the Village for the display of such commercial item, or in connection with the offering of such services.

**NON-COMMERCIAL ACTIVITY:** Activities that are not commercial in nature, such as activities that do not involve sale of any commercial item or the exchange of any item of economic value, but rather which are solely consisting of: a) religious or political free speech without any corresponding financial or commercial activity; or, b) other similar activities not involving commerce or trade or the sale of any commercial item. If there is any element of commercial activity, a given activity shall not qualify as non-commercial activity (e.g., the solicitation of payments in exchange for a commercial item shall be deemed commercial activity).

**NON-PROFIT:** An organization conducted and operated in such a fashion as to be qualified as a non-profit entity as established by official documentation of a unit of State or Federal government. Proof of non-profit/charitable status shall be in a format acceptable to the Village Clerk and shall be filed with the Village at the time of application. Such proof shall include Internal Revenue Service determination letters identifying the organization as a tax-exempt entity, proof of registration with the Illinois Attorney General as a charitable entity, or other documentation acceptable to the Clerk.

**PEDDLER:** A person engaged in business who engages in the sale of any commercial item on any street, sidewalk, park or public place, or who travels from place to place in the Village, or

**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

---

who engages in the sale and delivery from any vehicle or pushcart going from place to place in the Village any commercial item, and who carries such commercial item with him for delivery at the time of sale. Notwithstanding the foregoing, a company that is engaged in sales of commercial items from a fixed location and which engages in otherwise lawful sales of commercial items upon the sidewalk or right-of-way adjacent to their fixed place of business shall not be deemed to be a peddler.

REGULATED ACTIVITY: Any activity which is subject to the provisions of this chapter.

SALE: The offered, attempted or completed sale, exchange of compensation, money or remuneration, trade, barter or solicitation of future sales/trades/barter of any commercial item.

SOLICITOR: A person engaged in business, going from place to place in the Village or on any street, sidewalk, park or public place, who takes orders for future delivery of any commercial item, who solicits subscriptions for books, magazines, newspapers or other periodicals, publications or commercial items for immediate or future delivery, or who offers to furnish services or invites orders for services or any commercial item.

VEHICLE: For purposes of this chapter, the term "vehicle" shall include: a) every motor vehicle which is mechanically propelled and designed to transport one or more persons; b) any push cart, bicycle cart, or other device used to transport food which is propelled by the person(s) operating said device; or, c) any other mobile or portable device utilized in regulated activity. (Ord. 2017-O-05, 3-20-2017)

**4-5-2: EXEMPTIONS:**

- A. Persons who are engaged in non-commercial activities shall not be required to register, to obtain a license or to pay any fees in association with this chapter.
- B. No provision of this chapter shall apply to any Federal, State or local public employee who is engaged in the performance of their official duties. Similarly, no license shall be required under this chapter for any public entity that is engaged in the sale of any commercial item or which is otherwise engaged in peddling or soliciting, unless the activity in question is regulated under section 4-5-3 of this chapter.
- C. No provision of this chapter shall be construed in such a fashion as to deny any person of the right to free speech or freedom of religion as guaranteed under the Constitution of the United States or of the State of Illinois.

**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

---

- D. The Village may enter into an agreement with an entity permitted to engage in sales of items from a fixed location on public property (e.g., a concession stand located in a public park), and may exempt such an entity from licensure under this chapter.
- E. Minors engaged in fundraising activities to support: 1) a local chapter of a Federally chartered charitable organization (such as Girl Scouts or Boy Scouts of America); 2) an activity organized and operated by a public or private school or a unit of local government; 3) an organization organized as a not for profit entity and registered with the State of Illinois as a charitable organization; or, 4) a similar not for profit organization shall be deemed to be engaging in non-commercial activity, and shall not be subject to licensure, but shall be required to comply with any other applicable regulations herein and shall register with the Village to demonstrate eligible status. This exemption shall only apply where the fundraising activities are conducted on behalf of a local chapter of such organization which has its place of organization or meeting within five (5) miles of the corporate limits of the Village of Pingree Grove, or where the fundraising activities are conducted on behalf of a component of a public or charter school that serves students within the Village.
- F. Persons engaged in the wholesale selling of commodities or articles for further resale or for use in industrial or business establishments shall not be subject to licensure or registration hereunder. (Ord. 2017-O-05, 3-20-2017)
- G. Persons engaged in the solicitation of subscriptions for newspapers and similar periodicals shall be treated as non-commercial solicitors for purposes of this chapter. (Ord. 2018-O-16, 7-2-2018)

**4-5-3: SOLICITATIONS IN PUBLIC ROADWAYS:**

- A. Unlawful To Engage In Regulated Activity: Except for food and beverage vending vehicles, it shall be unlawful to engage in any form of regulated activity, peddling, soliciting, canvassing, sale of commercial items, or other similar activity that is not expressly permitted under subsection B of this section, within a public roadway or right-of-way. No person shall stand on a street for the purpose of soliciting employment or business from the occupant of any vehicle.
- B. Permitted Solicitations In Public Roadways And Rights-Of-Way:
  - 1. Public safety employees, including Police and Fire Department employees, are permitted to engage in charitable solicitation within roadways without any further regulation.

**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

---

2. A charitable organization, as defined within section 2 of the Illinois Charitable Games Act, may engage in charitable solicitation within a public roadway only after applying for and receiving a license to engage in said activity. The Village Clerk shall be authorized to generate and maintain a license application and form of license, consistent with the following regulations:
  - a. The application must be filed not less than ten (10) days prior to the date on which the activity is proposed to occur.
  - b. The application must list the date(s) and time(s) of any proposed activity, the manner and condition in which the activity is proposed to occur, and related information. Permits shall be valid only for the dates and times listed on the application. In order to permit proper evaluation of seasonal and weather conditions, traffic conditions, and the conduct of the charitable solicitations, no permit shall be valid for a period of longer than thirty (30) days.
  - c. Consistent with the State limitations on such licenses, the Chief of Police may impose reasonable restrictions on the activity. However, the issuance of a license shall not constitute approval of the applicant's activities, and any applicant is encouraged to utilize safe practices in the conduct of their activities. Among the restrictions to be imposed on any such activities are:
    - (1) Such activities may only be conducted during daylight hours.
    - (2) Such activities may only be conducted by persons of sound mind, over the age of eighteen (18) years of age.
    - (3) Any person engaging in the activities must wear a brightly colored, reflective vest.
    - (4) No person may stand in a roadway or engage in such activities in a way that hinders, impedes or slows the flow of traffic.
    - (5) No person engaged in such activities may approach any vehicle that is moving.
    - (6) No person engaged in such activities may stand in a lane of traffic at a stoplight, when the stoplight is illuminated green for the lane of traffic in question.

**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

---

- (7) No person engaged in such activities may place any temporary or permanent obstacle, improvement, sign or other device in the roadway or right-of-way adjacent thereto.
  - (8) No person engaged in such activities shall engage in harassing or aggressive conduct.
  - (9) No person engaged in such activities shall make physical contact with any person or vehicle in the course of engaging in the charitable solicitation, unless invited by the person or occupant of such vehicle to do so.
  - (10) Any person engaged in such activities shall only engage in the activities at a single, fixed location as approved on the license issued by the Village.
- d. The applicant must provide the Village with a valid certificate of liability insurance that insures the applicant against claims for property damage or bodily injury arising out of or in connection with the roadway solicitation activities, with minimum coverage limits of at least one million dollars (\$1,000,000.00). No solicitation permit may be issued for a period of time longer than the period of coverage evidenced on such insurance certificate.
- C. Violations: It shall be unlawful to engage in any form of solicitation within a public roadway or right-of-way except if conducted in compliance with subsection B1 or B2 of this section. It shall be unlawful to engage in charitable solicitation governed under subsection B2 of this section without a then-valid roadway charitable solicitation license issued by the Village, or to engage in roadway charitable solicitation in violation of the conditions of such permit or this section. A violation of this section shall be punishable by a fine of not less than three hundred dollars (\$300.00). If a person is cited for a violation of this section and, after receiving the citation, engages in further roadway charitable solicitation in violation of this section, each separate act of solicitation shall constitute a separate offense, punishable by fine. (Ord. 2017-O-05, 3-20-2017)

**4-5-4: LICENSE REQUIRED:**

It shall be unlawful to engage in any commercial activity or the activity of an itinerant merchant, peddler or solicitor without first obtaining a license for said activity from the Village Clerk, unless such activity is exempt under section 4-5-2 of this chapter. (Ord. 2017-O-05, 3-20-2017)

**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

---

**4-5-5: LICENSE APPLICATION:**

- A. Application for a license required under this chapter shall be made on a form approved by the Village Clerk and Chief of Police. Said application shall provide the information required by the Village Clerk and Chief of Police, including but not limited to:
1. Name and description of applicant and any persons to engage in solicitation activities. (All information required below shall be provided for each person to engage in solicitation activities.)
  2. Address (permanent and local) of the applicant, and address of the business(es) being represented, along with home phone number, business phone number and cellular telephone number of each applicant/solicitor to be utilized.
  3. A brief description of the nature of the business, including the goods to be sold or the services offered.
  4. The name and address of the person by whom the applicant is employed or with whom he is associated.
  5. The length of time the applicant wishes to engage in such activity (limited to 30 days or less for peddlers and solicitors, and 180 days or less for itinerant merchants).
  6. If a vehicle is to be used, a description of the vehicle together with license number.
  7. A statement that the applicant has not been convicted in the past four (4) years of a felony, any sex offense as defined in article XI of the State of Illinois Criminal Code, assault, aggravated assault, battery, aggravated battery, eavesdropping, theft, deception, criminal damage to property, criminal trespass to land or vehicles, unauthorized possession of weapons, sale or possession of any dangerous or narcotic drug, or disorderly conduct.
  8. The applicant must show proof of a Retailers Occupational Tax Certificate to the Village Clerk.
  9. The applicant must submit a signed authorization and waiver, along with payment of the then-current Village fee (as established by the Chief of Police), for completion of a criminal background check. Said waiver and fee is required for each person proposed to be engaged in the activities.

**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

---

10. The identity of the primary applicant, who shall be responsible for any costs, damages, liabilities or claims of damage arising out of the activities of any person listed on the application that is engaged in regulated activity.
- B. At the time of filing the application for a peddler, solicitor, or itinerant merchant license, a fee of fifty dollars (\$50.00) per person listed on the application shall be paid to the Village Clerk to cover the cost of verifying the application; said fee shall be paid for each person listed on the application. These fees shall be non-refundable. Every peddler, solicitor, and itinerant merchant, as those terms are defined in section 4-5-1 of this chapter, shall require a separate license. All fees shall be payable prior to the issuance of a license under this chapter, for the full duration of license sought. Fees shall not be refundable.
1. The fee for a solicitor license shall be twenty-five dollars (\$25.00) per day, per person for a period not to exceed one month.
  2. The fee for an itinerant merchant license shall be twenty-five dollars (\$25.00) per day, per person for a period not to exceed one hundred eighty (180) days.
  3. The fee for a peddler license shall be twenty-five dollars (\$25.00) per day, per person for a period not to exceed one month.
- C. Any person who is applying on behalf of a non-profit and who feels that such cost of licensing would work a hardship may appeal such cost to the President. The President may make a determination upon examination of the appellant's financial records or on such other information as the President feels necessary. Upon finding such a hardship exists, the President may reduce or waive such licensing and investigative costs. Any waiving or reduction of costs, however, will not affect the obligation to register.
- D. An individual license shall be required for each person engaged in solicitation activities. Upon approval of a license, the Village shall issue to each solicitor an ID card that shall be openly displayed upon the solicitor's person while engaged in any solicitation within the Village. Each person engaging in regulated activity shall openly display their solicitor ID and shall have, on their person, a copy of the license issued hereunder.
- E. Except as provided herein for food and beverage vending vehicles, no permit issued under this chapter shall be subject to renewal. Any application seeking authorization to conduct regulated activities beyond the scope of a previously issued permit shall require the issuance of a new and separate permit. (Ord. 2017-O-05, 3-20-2017)

**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

---

**4-5-6: VERIFICATION OF APPLICATION:**

- A. After the submission to the Village Clerk of a completed application and all supporting documentation and fees, the Chief of Police shall review the application and supporting documentation, and shall conduct a background check on each person listed on the application. The Chief of Police shall provide a recommendation based upon the background investigation. If the applicant is approved by the Chief of Police and Village Clerk, then the Chief shall issue an ID card and the Clerk shall issue a license (per each individual listed on the application).
- B. No license shall be issued if the information furnished by the applicant has been falsely stated. No license shall be issued to any person who has been convicted of any sex offense as defined in article XI of the State of Illinois Criminal Code, assault, aggravated assault, battery, aggravated battery, eavesdropping, theft, deception, criminal damage to property, criminal trespass to land or vehicles, unauthorized possession of weapons, sale or possession of any dangerous drug, or disorderly conduct as these terms are defined in the State of Illinois Criminal Code. If the requisite information appears on the license application and is verified by investigation, a license shall be issued.
- C. If a license application is rejected, the applicant shall be mailed a notice of rejection to the address listed on their application. (Ord. 2017-O-05, 3-20-2017)

**4-5-7: REVOCATION OR SUSPENSION OF LICENSE:**

- A. The licenses issued pursuant to this chapter may be revoked by the Chief of Police for any of the following causes. Notice of revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint.
  - 1. Any fraud, misrepresentation or false statement contained in the application for license.
  - 2. Conviction of any fraud, misrepresentation or false statement made in connection with the sale of any commercial item.
  - 3. Any violation of this chapter.
  - 4. Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude.
  - 5. Conducting the business licensed under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.



**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

---

6. Failure to pay any tax, duty or other sum or charge due to the Village from the licensee or any person listed on the licensee's application, or any such person becoming a debtor of the Village on any form of obligation.
- B. In addition, in the event that the Chief of Police becomes aware that any licensee under this chapter has been charged with any offense that would either disqualify the applicant from receiving a license or justify revocation of a previously issued license, the Chief of Police may notify the licensee, via mail, of the Village's intent to conduct a hearing to revoke the license in question. Such notice shall be mailed not less than three (3) business days before the date of the hearing; however, if the licensee is provided with actual, personal notice, not less than one business day of notice is required. Said hearing may be conducted by the Chief of Police or an Administrative Hearing Officer of the Village, and shall be conducted as a hearing with a civil burden of proof and informal rules of evidence. In the event that the Chief of Police determines that, by a preponderance of the evidence, that it is more probably true than not that the licensee committed the offense in question, the Chief of Police shall revoke the license.
- C. Further, the Chief of Police may suspend any license, for a period of not more than five (5) business days, when the Chief determines that suspension is in the public interest or is reasonably necessary to protect the public health or safety, or when investigating an action or alleged violation of this chapter or any other Village ordinance or State or Federal Statute by a licensee. License and application fees shall be forfeited for any days that a license is suspended or revoked.
- D. When multiple applicants are listed on a single application to engage in conduct licensed under this chapter, the conduct of any single applicant/licensee shall be grounds to take action relative to all persons listed on said application/license. (Ord. 2017-O-05, 3-20-2017)

**4-5-8: APPEAL FROM DENIAL, SUSPENSION OR REVOCATION:**

Any person who is denied a license under this chapter, or who receives a license and said license is subsequently revoked or suspended, may appeal such decision to the Village President. A written notice of appeal must be filed in writing with the Village Clerk, within thirty (30) days of the date of denial, suspension or revocation, and said written appeal must outline all grounds and basis for the appeal that the licensee/applicant wishes to have considered. The decision of the Village President shall be issued within thirty (30) days of the date of receipt of the appeal, and shall be final. The Village President may, at his or her discretion, order a hearing before an Administrative Hearing Officer of the Village to consider the appeal, on the grounds identified in the written notice of appeal. (Ord. 2017-O-05, 3-20-2017)

**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

---

**4-5-9: RESTRICTIONS:**

The restrictions of this section shall apply to both commercial activity and non-commercial activity.

- A. **Posted Premises:** No person who engages in regulated activity shall enter upon any business or private residence in the Village without having been requested or invited to do so by the owner or owners, occupant or occupants of the business or residence, for the purpose of pursuing his business of peddling, or soliciting, if there is posted in a place that can be readily seen by one approaching the business or residence, a sign bearing the legend "No Peddlers", "No Solicitors", or "No Canvassers", or words of similar import. It shall be unlawful for any person, whether engaging in commercial or noncommercial canvassing, solicitation or other similar enterprise, to, when entering upon a premises which has a reasonably visible "No Solicitors" or other such similar sign, continue with the attempted peddling, soliciting or service as an itinerant merchant. Upon sight of such sign, the person engaged in the activities must leave the premises. If such sign is reasonably visible, the person engaged in the activities shall be presumed to have seen the sign and shall be in violation of this chapter if he or she attempts his or her commercial activity or non-commercial activity.
- B. **Night Activity:** No person who engages in regulated activity shall go upon any private residence in the Village for the purpose of canvassing or of pursuing his business of regulated activity without having been requested or invited to do so by the owner or owners, occupant or occupants of the private residence, before nine o'clock (9:00) A.M. or after seven o'clock (7:00) P.M. of any day.
- C. **Noise:** No person who engages in regulated activity shall carry on his trade by means of loud outcries or other noises that disturb the peace and quiet of the residents of the Village.
- D. **Leave Upon Request:** No person shall engage in regulated activity at, or remain on the premises of, any residence after having been asked by the occupant thereof to leave said premises or residence.
- E. **Leave Or Deposit Materials:** No person shall leave or deposit materials upon private property without the consent of the property owner.
- F. **Activity At Single-Family Dwelling:** In the case of a single-family dwelling, any person who engages in regulated activity shall only enter any property from the front yard and, unless invited by the resident of the premises, shall only knock, ring or otherwise attempt to contact the residents in the building at the front or main door to the dwelling.

**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

---

- G. Activity At Multiple-Family Dwelling: For purposes of soliciting at multiple-family dwelling units, any person who engages in regulated activity shall only enter any property from the front entrance to the dwelling unit complex and, unless invited by the specific resident of a specific unit, shall only knock, ring or otherwise attempt to contact the residents in the building at the front or main door of each such unit.
- H. False, Fraudulent Or Misleading Statements: No person who engages in regulated activity shall use any plan, scheme or ruse or make any statement which indicates or implies that the purpose of such person's visit is other than to obtain orders for or to make sales of goods or services. No person who engages in regulated activity shall make any false, fraudulent or misleading statement in connection with the regulated activity or in connection with the sale of a commercial item.
- I. Misrepresentation Of Rights Of Buyer: No person who engages in regulated activity shall misrepresent the right of a buyer to rescind, or cancel a sale under the provisions of applicable law.
- J. Required Licenses, Permits And Permissions: No person shall solicit any sale of a commercial item on behalf of an entity, organization or individual which does not possess all required licenses, permits and permissions to engage in the sale of the commercial item within the Village of Pingree Grove and State of Illinois.
- K. Expired, Suspended Or Revoked Licenses: No person shall engage in any regulated activity at a time when their license for said activity has expired or has been suspended or revoked. (Ord. 2017-O-05, 3-20-2017)

**4-5-10: RIGHT TO RESCIND:**

It shall be unlawful for any person to engage in a violation of the Consumer Fraud and Deceptive Business Practices Act ("the Act"), including any violation of the 3-day right to rescind provisions applicable to door-to-door sales under the Act.

Any person engaged in sales governed under 815 Illinois Compiled Statutes 505/2B (or any successor or amended version of said statute) shall be required to provide any customer with a written disclosure form, separate from any purchase contract, in both English and the primary language of the customer, that includes the full disclaimer and notice of consumer rights contemplated by the statute. It shall be unlawful to fail to comply with the Act, or to fail to give the separate notice required under this section. (Ord. 2017-O-05, 3-20-2017)

**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

---

**4-5-11: FALSELY CLAIMING REPRESENTATION OF THE VILLAGE OR A PUBLIC ENTITY:**

It shall be unlawful to engage in any regulated activities and to falsely claim to be a representative of the Village of Pingree Grove or any other governmental entity. Violation of this section shall be punishable by a fine of not less than seven hundred fifty dollars (\$750.00). (Ord. 2017-O-05, 3-20-2017)

**4-5-12: ELECTRICAL AGGREGATION, ELECTRICAL, NATURAL GAS OR UTILITY SUPPLY AGREEMENTS:**

- A. Any person engaged in soliciting relating in any way to electrical aggregation or the supply of electricity or electrical power, or the sale or aggregation of electrical power, natural gas or any other utility supply within the Village shall be required to provide a written disclosure, separate from all other documentation, to any potential customer first at the start of contact with any person within the Village (while engaged in the soliciting) and again prior to executing any contract or agreement for sale or for future sale or delivery of any commercial item. Said disclosure shall be in English and in the primary language of the potential customer, and shall be in a form and content acceptable to the Village Clerk. Said disclosure shall clearly and expressly identify whether the solicitor is working in connection with any Village-initiated program or policy. If the person is not working in connection with a Village-initiated program or policy (e.g., the person is not soliciting for electrical supply under the requirements of an electrical aggregation program from a supplier approved by the Village Board), the disclosure shall so indicate, and shall also indicate that the Village maintains an alternate aggregation program.
- B. Said person engaged in soliciting shall also verbally, expressly and clearly identify and indicate whether said person is working in connection with any Village initiated program or policy. If the person is not working in connection with a Village-initiated program or policy (e.g., the person is not soliciting for electrical supply under the requirements of an electrical aggregation program from a supplier approved by the Village Board), the person shall so indicate, and shall also indicate that the Village maintains an alternate aggregation program.
- C. Without regard to any other definition, exemption or other provision of this chapter, any person engaged in behavior contemplated by subsection A of this section shall be required to register as a solicitor. The failure to register as a solicitor, when engaged in behavior contemplated by subsection A of this section shall be a violation of this chapter, punishable by a fine of not less than seven hundred fifty dollars (\$750.00).
- D. It shall be unlawful to fail to provide the separate, verbal and written disclosure required under the preceding section, or to falsely claim to be representing a Village-initiated project.

**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

---

- E. A violation of this section shall be punishable by a fine of not less than seven hundred fifty dollars (\$750.00). (Ord. 2017-O-05, 3-20-2017)

**4-5-13: FOOD OR BEVERAGE VENDING VEHICLES:**

- A. Vehicles used exclusively as food or beverage delivery vehicles are not governed under the provisions of this section.
- B. It shall be unlawful to operate or own any vehicle utilized as a food or beverage vending vehicle within the Village of Pingree Grove, without first obtaining a County food service license and any required inspection, permit or insurance. Copies of the same shall be provided to any Village official or customer, for inspection, upon request. All such vehicles shall be maintained in good working order, and in compliance with all applicable regulations, codes and ordinances.
- C. No person shall operate a food or beverage vending vehicle, employ a person to operate a food or beverage vending vehicle, or rent, lease or otherwise provide a food or beverage vending vehicle for use within the Village without first having obtained a food or beverage vending vehicle license from the Chief of Police. Any food or beverage vending vehicle operating in the Village shall have its Village food or beverage vending vehicle license prominently displayed in the lower right hand corner of the passenger front window of said vehicle, or in such other location as shall be visible to persons approaching such vehicle. A separate application and license shall be required for each person who is more than a twenty percent (20%) owner of the enterprise operating the food or beverage vending vehicle, for each person driving or operating the food or beverage vending vehicle within the corporate limits of the Village, and for each person working in or vending from the food or beverage vending vehicle within the corporate limits of the Village. (Ord. 2019-O-32, 9-3-2019)
- D. Application for a food and beverage vending vehicle license shall be made on the form utilized for a solicitor's license and shall be subject to the same restrictions. Food and beverage vending vehicle licenses may be renewed upon the provision of a certification by the licensee, in form and content acceptable to the Chief of Police, affirming the continuing eligibility for such licensure, and the payment of additional monthly fees as outlined below. In addition, the Chief of Police may require additional investigation (such as completion of a new background investigation), or may decline renewal and require reapplication for licensure. The Chief of Police shall ultimately approve of or reject each application for licensure. (2019-O-32, 9-3-2019)

**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

---

- E. At the time of filing the application for a food or beverage vending vehicle, a fee of fifty dollars (\$50.00) shall be paid to the Village to cover the cost of verifying the application; said fee shall be paid for each person listed on the application. These fees shall be non-refundable. Every peddler, solicitor, and itinerant merchant, as those terms are defined in section 4-5-1 of this chapter, shall require a license. The fees contemplated in this subsection shall be in addition to the required fee for background checks. All fees shall be payable prior to the issuance of a license under this chapter, for the full duration of license sought. In addition, a monthly fee of fifty dollars (\$50.00) shall apply to the operation of each such vehicle; the first month's fee shall be covered by the nonrefundable application fee. Monthly fees shall not be refundable or prorated. (2019-O-32, 9-3-2019)
- F. In addition to the regulations applicable to solicitor's licenses, no person who is a sex offender as defined in the Sex Offender Registration Act<sup>1</sup> shall be permitted to operate or obtain a license to operate any food or beverage vending vehicle within the Village. No person who has pled guilty or otherwise has been convicted of any crime that would disqualify said person from holding a job as a public school teacher or bus driver within the State of Illinois shall be permitted to operate or obtain a license to operate any food or beverage vending vehicle within the Village. Additionally, no person who, in the judgment of the Chief of Police of the Village, has pled guilty to or otherwise has been convicted of any crime or offense that is incompatible with the requirements of this chapter, including but not limited to: 1) one serious or multiple minor traffic offenses that demonstrate a history of failing to adhere to applicable traffic regulations; 2) crimes or offenses directed at children or minors; 3) crimes or offenses involving the sale of unlawful or illicit substances such as illegal drugs, fireworks, or sale of age-regulated materials to underage persons; or, 4) such other crimes as the Chief of Police shall deem incompatible with this chapter, shall be eligible to operate or to receive a license to operate any food or beverage vending vehicle within the Village. The Chief of Police shall be responsible for review and approval of all food or beverage vehicle vending licenses submitted to the Village, and any license not meeting his approval shall be rejected and denied.
- G. Every food or beverage vending vehicle operated within the Village on any public roadway shall be covered by a policy of automotive liability insurance and a policy of comprehensive general liability insurance issued by a solvent and responsible insurance company authorized to do business in Illinois. Each such policy shall carry minimum limits of coverage of one million dollars (\$1,000,000.00) per occurrence. Each vendor shall provide the Village with a certificate of insurance naming the Village as an additional primary insured without right of subrogation.

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<sup>1</sup> 730 ILCS 150/1 et seq., as may be modified from time to time.

**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

---

- H. Violation of the terms of any provision of this chapter or any provision of the Illinois Vehicle Code or applicable local, State or Federal food and sanitation ordinances shall be cause for revocation of a license, and subsequent ineligibility to obtain a license, for a period of not less than ten (10) days and not more than one year. A third or subsequent violation shall be cause for permanent ineligibility for issuance of a Village license. Violations shall be processed according to the provisions of sections 4-5-7 and 4-5-8 of this chapter.
- I. All food or beverage vending vehicles (including ice cream vehicles) shall be equipped with the following items, which shall be operational and in use whenever vending occurs within the corporate limits of the Village.
1. A litter or trash container, visible and available to customers of the vending vehicle (in addition, each licensee shall clean up any litter or trash occurring as a result of the vendor's business prior to leaving any area of sale).
  2. Adequate equipment and refrigeration to keep all perishable food or beverage on the vehicle at a temperature below fifty degrees Fahrenheit (50°F), and perishable ice cream or similar frozen confections at a temperature of below zero degrees Fahrenheit (0°F). The use of ice or dry ice for refrigeration is prohibited.
  3. A sign on the passenger side of the vehicle displaying in letters no smaller than five inches (5") in height in a clearly visible color, the name and phone number of the company or person responsible for the operation of the vehicle.
  4. At all times while engaged in retail sales or soliciting for retail sales, there may be no persons under the age of eighteen (18) or persons other than employees in said food or beverage vending vehicle. All persons in said vehicle must be licensed by the Village in accordance with this chapter.
- J. In addition, all ice cream vehicles shall be equipped with the following items, which shall be operational and in use whenever vending occurs within the corporate limits of the Village.
1. A sign on the front and back of the vehicle which shall consist of reflective letters no less than five inches (5") in height and which shall state "CAUTION, CHILDREN CROSSING".
  2. A foldout, diamond-shaped sign on the left side of the vehicle which shall consist of black or yellow reflective letters no less than five inches (5") in height which shall state "SLOW". This sign shall be located at a height of between five feet (5') and eight feet (8') above ground level and shall be displayed at a ninety degree (90°) angle to the left side of the vehicle whenever it is stopped for the purpose of vending.

**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

---

3. Two (2) amber lights, each five inches (5") or greater in diameter mounted on the left and right front, and two (2) amber lights, each five inches (5") or greater in diameter mounted on the left and right rear of the vehicle. Said amber lights shall flash alternately from the opposing light on the same end (front or rear) of the vehicle and be sufficiently bright to be visible from a distance of five hundred feet (500') during daylight conditions, whenever the vehicle is stopped for the purpose of vending.
- K. All food or beverage vending vehicles shall be operated in strict compliance with the Village traffic ordinances and the Illinois Vehicle Code.
  - L. Whenever a food or beverage vending vehicle stops to make a retail sale, said vehicle shall drive to the right side of the road and park adjacent to the curb, in a location that is otherwise a legal parking spot. No vending shall occur in any location that blocks any fire hydrant, driveway, sidewalk, roadway, or right-of-way. No retail sale shall occur to any person who is standing in a public roadway. Food and beverage vending vehicles may make temporary (not longer than 5 minute) stops in no-parking zones provided that no driveway, fire hydrant, fire lane, sidewalk or other similar object is blocked during the duration of such temporary stop.
  - M. No food or beverage vending vehicle shall remain in any one location on a public right-of-way for the purpose of vending for more than fifteen (15) minutes at a time, except with the express permission of the Village Police Department.
  - N. All vending shall occur from the right, or passenger side of the vehicle, through a door or window designed for the same, with the vehicle stationary and in park, with the parking brake applied. In the case of any motor vehicle used for vending, no person shall occupy the driver's seat of said vehicle at any time the vehicle is engaged in retail sales.
  - O. No retail sales shall occur before nine o'clock (9:00) A.M. or after sunset on any day, except with the express, written permission of the Village Police Department.
  - P. No food or beverage vending vehicle shall be operated by any person who is afflicted with or who is the carrier of any infections or contagious disease which may be passed by vending or retail sales.
  - Q. Each motorized food or beverage vending vehicle utilized within the Village shall display a current Illinois vehicle safety sticker evidencing a current safety test inspection from a licensed Illinois safety lane inspection station, whether or not such sticker would be customarily required for said vehicle in the absence of this chapter.



**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

---

- R. No food or beverage vending vehicle shall vend directly to another vehicle. Vending shall be to pedestrians only.
- S. No retail sales shall occur within one hundred feet (100') of the nearest intersection of public roadways.
- T. No retail sales shall occur on private property and no food or beverage vending vehicle shall be operated on any private property except with the permission of the property owner.
- U. No retail sales shall occur in any public parking lot and no food or beverage vending vehicle shall be operated in any public parking lot, except with the express written permission of the Village Police Department.
- V. No food or beverage vending vehicle shall be operated and no retail sales shall be conducted within five hundred feet (500') of any Village sponsored or authorized activity in any Village park or open space where food concessions are available and open, except with the approval of the Village Police Department.
- W. No alcoholic beverages, tobacco products, or other products which are age-restricted under applicable Federal, State or local law, shall be offered for retail sale from any food or beverage vending vehicle.
- X. No food or beverage vending vehicle shall be utilized to solicit retail sales on any street with a speed limit in excess of twenty five (25) mph within the limits of the Village, nor on a street with three (3) or more lanes for moving traffic. No food or beverage vending vehicle shall be utilized for retail sales on any street with a speed limit in excess of twenty five (25) mph.
- Y. No food or beverage vending vehicle which is attempting to solicit retail sales shall be operated at a speed in excess of the lesser of: 1) fifteen (15) mph; or, 2) such speed which is safe in response to the conditions and traffic encountered.
- Z. No food or beverage vending vehicle shall utilize any strobe or revolving light to attempt to solicit retail sales or advertise the presence of said food or beverage vending vehicle while in operation in the Village.
- AA. No food or beverage vending vehicle shall utilize any noise or sound amplification device or music to solicit retail sales or advertise its presence, except while stationary and parked in a lawful location. Any music, noise or sound amplification used must be in compliance with all applicable local, State and Federal regulations and: 1) must be at a volume that does not create a nuisance; 2) must be at a volume such that the music or noise cannot be heard

**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

---

from more than three hundred feet (300') from said food or beverage vending vehicle; and, 3) must be at a volume that does not create a public hazard.

- BB. No food or beverage vending vehicle or operator thereof shall operate any camera or video camera at any time while in the Village, except that a single, rear-mounted video camera may be utilized for reversing operations, provided that no recording is made from said camera.
- CC. The operator of any food or beverage vending vehicle shall report and pay Sales Taxes, with such Sales Taxes being reported as originating within the Village, where required under applicable Illinois law. The operator shall also remit any required Prepared Foods Tax required under this Code. All operators shall be required to register to pay the Prepared Foods Tax as a condition of licensure.
- DD. Food and Beverage Vending Vehicles Operating from Fixed Location: Where a food and beverage vending vehicle proposes to operate from a fixed location (e.g. from a private party, at a special event, or otherwise from a fixed location for a duration of one hour or more), the operator of such vehicle shall not be required to obtain a Food and Beverage Vending Vehicle license, but shall be required to obtain a Fixed Location Food Truck license under this subsection 4-5-13(DD). Any vehicle with a preexisting Food and Beverage Vending Vehicle license that seeks to operate from a fixed location may do so by making application for a Fixed Location Food Truck license under this subsection (DD), but shall not be required to pay a supplemental fee for the Fixed Location Food Truck License.
1. The operator shall make application on a form acceptable to the Chief of Police, which shall include, at minimum, the following information:
    - A. The operator's name, contact information and physical address (including cell phone and email).
    - B. The operator's Illinois Business Tax identification number, and all information required to register to pay Prepared Foods Tax to the Village.
    - C. The proposed location and duration of the Fixed Location Food Truck operation and a general description of the foods or beverages to be served. The application shall also describe the nature of the event (whether private or public), and shall include written documentation evidencing the property owner's consent to the operation of the Fixed Location Food Truck. No Fixed Location Food Truck shall be operated from any publicly-owned property, except with the written approval of the Village Manager.

**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

---

- D. A copy of the Kane County Health Department approval for operation of the Fixed Location Food Truck, along with their required inspection reports. If the inspection report and/or approval are not available at the time of application for Village licensure, the operator may provide a copy of the application for Kane County Health Department approval, and may obtain a conditional Village license, conditioned in Health Department final inspection and approval.
  - E. Such other information as the Chief of Police may require, including a criminal background check, if appropriate.
  - F. At the time of filing the application for a Fixed Location Food Truck license under subsection 4-5-13(DD), the operator of such vehicle shall pay either a nonrefundable monthly fee of \$50.00 for such license which shall expire 30 days from its issuance or a nonrefundable \$150.00 annual fee for such license which shall expire at the end of the calendar year in which it is issued, to cover the Village's administrative costs in reviewing and approving or rejecting the license application. (Ord. 2020-O-27, 09-08-2020)
2. The Village shall review the application and confirm that the activity is lawful within the area proposed by the applicant. For short-term (duration of 6 hours or less) private Fixed Location Food Truck events conducted wholly on private property, the Village shall consider such use to be accessory to the primary zoning allowed on any property. For operation of Fixed Location Food Trucks for public events, for sales to the general public, or for longer durations of time, the use must be a permitted zoning use within the zoning classification of the property in question. No sales to the general public shall be permitted as a home occupation, nor from a property zoned strictly for residential purposes.
  3. Licenses applied for hereunder shall also be reviewed by the Village to confirm their compliance with applicable laws, to confirm that the proposed activities do not present a public safety hazard, and to confirm that the operator is eligible for licensure. Operators who demonstrate past history of non-compliance with applicable regulations or ordinances may be subject to license rejection.
  4. The Chief of Police shall review all such applications and shall approve or deny the license contemplated herein.
  5. Where a Fixed Location Food Truck operator proposes to operate from the premises of a business presently registered for payment of the Village's Prepared Foods Tax, the premises owner/registered payor ("Owner") may apply to the Village in writing to permit

**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

---

the operation of the Fixed Location Food Truck from their premises. The Owner shall provide information of the same nature as contemplated above, and shall confirm, in writing, that the Owner shall be responsible for collecting and remitting Prepared Foods Tax to the Village, as well as ensuring the lawful operation of the Fixed Location Food Truck (including its lawful location under applicable zoning laws, and including the successful completion of all required County Health Department inspections). The Owner shall also confirm that the Fixed Location Food Truck operator remits all sales taxes accruing to the Village, under State law. In such instance, the Owner shall remit to the Village a copy of such documentation as is required to evidence compliance with the Prepared Foods Tax by the operator, including but not limited to state sales tax reporting and/or revenue reports showing sales within the Village. (2019-O-32, 9-3-2019)

**4-5-14: APPROACH TO FOOD OR BEVERAGE VENDING VEHICLE:**

Any person operating any motor vehicle, upon approaching a food or beverage vending vehicle which is stopped or parked within the Village with its amber lights flashing and sign displayed as described in section 4-5-13 of this chapter, shall reduce the speed of his or her vehicle to a speed which is safe for the conditions and the presence of any pedestrian traffic, not in excess of fifteen (15) mph, while within three hundred feet (300') of said food or beverage vending vehicle. If there appear to be pedestrians engaging in retail sales at such food or beverage vending vehicle, each vehicle approaching shall come to a complete stop within twenty five feet (25') of said food or beverage vending vehicle, and shall proceed past said food or beverage vending vehicle with due caution for all pedestrian, bicycle and foot traffic. (Ord. 2017-O-05, 3-20-2017)

**4-5-15: HANDBILL DEFINITIONS:**

Words singular in form may include the plural; any words plural in form may include the singular; and words in the masculine gender shall include the feminine and neuter genders. The following words, terms, and phrases, when used in this chapter, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**BILLPOSTER:** Any person engaging in the business for hire of posting, fastening, nailing, or otherwise affixing any written, painted, or printed matter of any kind, or other form or reproduction thereof (hereinafter called "sign"), containing a message or information of any kind whatsoever, to any outdoor billboard or door; or upon any bridge, fence, pole, post, sidewalk, or tree; or to or upon the exterior of any other structure; except, that the terms of this definition shall not apply to nor include any such sign mounted on, fastened to, or suspended from the outside of any building or other structure in accordance with and authorized by any provisions of an ordinance or statute, either for any public convenience or use, or regulating the construction or use of so called outdoor display signs, whether such display signs are illuminated or not.

**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

---

COMMERCIAL HANDBILL: Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reduced original or copies of any matter or literature:

Which advertises for sale any merchandise, product, commodity, or thing; or

Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for the purpose of private gain or profit; but the terms of this subsection shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided further, that nothing contained in this subsection shall be deemed to authorize the holding, giving, or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license, where such license is or may be required by any law of this State or under any ordinance of the Village; or

Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor; or

Which is not covered by the definition of sign as found in the definition of "billposter" in this section.

HANDBILL DISTRIBUTOR: Any person engaging or engaged in the business for hire or gain of distributing commercial or noncommercial handbills, other than newspapers distributed to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of such handbills.

NEWSPAPER: Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal Statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law and, in addition thereto, means and includes any periodical or current magazine regularly published with not less than four (4) issues per year, and sold to the public.

**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

---

**NONCOMMERCIAL HANDBILL:** Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper booklet, or any other printed or otherwise reproduced original or copies of any matter or literature not included in the definition of a sign, as found in the definition of "billposter", "commercial handbill" or "newspaper" in this section.

**PERSON:** Any person, firm, partnership, association, corporation, company or organization of any kind.

**PRIVATE PREMISES:** Any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and includes any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

**PUBLIC PLACE:** Any and all streets, boulevards, avenues, lanes, alleys, or other public ways, and any and all public parks, squares, spaces, plazas, grounds and buildings. (Ord. 2017-O-05, 3-20-2017)

**4-5-16: PUBLIC PLACES:**

1. No person shall post, stick, stamp, paint or otherwise fix, or cause the same to be done by any person, any notice, placard, bill, card, poster, advertisement or other paper or device calculated to attract the attention of the public, to or upon any sidewalk, crosswalk, curb, curbstone, flagstone, or any other portion or part of any public way or public place, or any lamppost, electric light, telegraph or telephone pole, railway structure, hydrant, shade tree or tree box, or upon the piers, columns, trusses, girders, railings, gates, or other parts of any public bridge or viaduct, or other public structure or building, or upon any pole or box or public trash can, except such as may be authorized or required by the laws of the United States or the State and the ordinances of the Village.
2. It is unlawful for any person to deposit, place, throw, scatter or cast any commercial handbill in or upon any public place within the Village, and it is also unlawful for any person to hand out or distribute or sell any commercial handbill in any public place; provided, however, that it is not unlawful for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill in any public place to any person willing to accept such noncommercial handbill. (Ord. 2017-O-05, 3-20-2017)

**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

---

**4-5-17: PRIVATE PROPERTY:**

- A. Uninhabited, Vacant Premises: It is unlawful for any person to distribute, deposit, place, throw, scatter, or cast any commercial or noncommercial handbill in or upon any private premises which is temporarily or continuously uninhabited or vacant.
  
- B. Inhabited Private Premises: No person licensed under the provisions of this chapter or any other person shall distribute, deposit, place, throw, scatter, or cast any commercial or noncommercial handbill in or upon any private premises which is inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or any other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted as provided in this chapter, the aforesaid licensed or other person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or elsewhere; except, that mailboxes may not be so used when so prohibited by Federal laws or regulations. (Ord. 2017-O-05, 3-20-2017)
  
- C. Canvassing And Soliciting On Private Streets: It shall be unlawful to enter upon any private property whether comprised of streets, parking lots or other open or developed space, where such area is maintained and operated as privately owned and maintained streets and where the party responsible for ownership and management of such area has designated the area as a no-solicitation zone, when such entry is made for the purpose of any activity regulated under this chapter. At the time of passage of this subsection, the Carillon neighborhood is recognized to be an area where peddling and soliciting are not permitted. (Ord. 2018-O-16, 7-2-2018)

**4-5-18: POSTED PREMISES:**

It is unlawful for any person to distribute, deposit, place, throw, scatter, or cast any commercial or noncommercial handbill upon any premises, if requested by anyone thereon not to do so, or if there is placed on said premises, in a conspicuous position near the entrance thereof, a sign bearing the words "No Trespassing", "No Peddlers Or Agents", "No Advertisement", "No Postings", "Post No Bills", or any similar notice, indicating in any manner that the occupants of said premises do not desire to be molested or to have their right of privacy disturbed, or to have any such handbills left upon such premises. (Ord. 2017-O-05, 3-20-2017)

**4-5-19: VEHICLES:**

It is unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any automobile or other vehicle. The provisions of this

**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

---

section shall not be deemed to prohibit the handing, transmitting, or distributing of any noncommercial handbill to the owner or other occupant of any automobile or other vehicle who is willing to accept the same. (Ord. 2017-O-05, 3-20-2017)

**4-5-20: OFFENSIVE MATERIALS:**

It is unlawful for the owner, lessee, occupant, or agent of premises to permit any person, whether licensed or acting under the terms of this chapter, or otherwise, to post, affix, or otherwise attach to any building, structure, or fixture, located upon such premises, whether such fixture is natural or artificial, any poster or handbill containing any matter prohibited by the terms of this chapter. It is unlawful for any person to post, hand out, distribute, or transmit any sign or any commercial or noncommercial handbill: a) which may reasonably tend to incite riot or other public disorder, or which advocates disloyalty to or the overthrow of the government of the United States or of this State by means of any artifice, scheme, or violence, or which urges any unlawful conduct, or encourages or tends to encourage a breach of the public peace or good order of the community; or, b) which is offensive to public morals or decency, or which contains obscene language utilizing the definition of obscene materials as contained herein or as contained in any other provision of this Code. (Ord. 2017-O-05, 3-20-2017)

**4-5-21: REQUIRED INFORMATION:**

It is unlawful for any person to distribute, deposit, scatter, hand out, or circulate any commercial or noncommercial handbill in any place, under any circumstances, which does not have printed on the cover, front, or back thereof, the name and address of the following: a) the name, address and telephone number of the person who wrote, compiled or manufactured the same; and, b) the name, address and telephone number of the person who distributed the same. (Ord. 2017-O-05, 3-20-2017)

**4-5-22: EXEMPTIONS APPLICABLE TO HANDBILLS:**

The restrictions applicable to handbills as described herein shall not apply to: a) the distribution of mail by the United States Postal Service; b) the delivery of parcels or packages by a commercial carrier; c) the delivery of newspapers as defined herein; d) the lawful placement of private signage or advertising in accordance with all applicable codes and regulations; or, e) the lawful placement of political or religious signage in accordance with applicable laws and ordinances. (Ord. 2017-O-05, 3-20-2017)

**4-5-23: PENALTIES:**

Unless expressly identified with a higher fine above, a violation of any provision of this chapter shall be an unlawful ordinance violation, with a minimum penalty of three hundred dollars



**Municipal Code – Village of Pingree Grove**  
**Title 4: BUSINESS AND LICENSE REGULATIONS**  
**Chapter 5 – PEDDLERS, SOLICITORS, ITINERANT MERCHANTS,**  
**ICE CREAM VENDORS, HANDBILLS**

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(\$300.00). Each day that said violation is permitted to persist shall be a separate violation, punishable by fine. In the case of recurrent conduct on a single day, in the event a person is issued a citation for unlawful activity and, following the issuance of said citation, re-engages in the same or substantially similar unlawful conduct on that same day, each incident of conduct occurring after the issuance of the original citation shall be a separate offense, punishable by an individual fine. (Ord. 2017-O-05, 3-20-2017)