

CHAPTER 4

VILLAGE LICENSE & PERMIT CODES

ARTICLE I: GENERAL PROVISIONS

Sec. 4-0. GENERAL - APPLICABILITY.

The provisions of this Chapter shall apply to: **(1)** any and all person(s) or corporation(s) desiring or attempting to conduct themselves as a door-to-door salesman, vendor, peddler, canvasser, and/or solicitor in the Village of Orangeville, Illinois; **(2)** all forms of public entertainment held, conducted, or operated within the geographical boundaries of the Village of Orangeville, as well as any and all persons associated with, in any form or fashion, the public entertainment being held, conducted or operated; and **(3)** any and all types of businesses, corporations, or enterprises defined in this Chapter who desire to operate or conduct their business within the Village of Orangeville.

Sec. 4-1. GENERAL - PURPOSE.

A. The purpose of this Chapter is to establish reasonable, comprehensive, and functional license and permit Codes and policies for the Village.

B. It is intended that these Codes shall help protect and preserve the character of the Village with a consideration toward conserving the community's public health, safety, and welfare, while providing the best possible wholesome community environment.

Sec. 4-2. GENERAL - TERMS AND DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply to the terminologies whenever they are used in this Chapter, unless the context clearly indicates or requires a different meaning:

AMUSEMENT RIDE. The term "Amusement Ride," when used herein, shall mean any mechanized device or combination of devices, including electrical equipment which is an integral part of the device or devices, which carries passengers along, around, or over a fixed or restricted course for the primary purpose of giving its passengers amusement, pleasure, thrills, or excitement within the Village.

CANVASSER. The term "Canvasser," when used herein, shall mean any person who travels from place-to-place within the Village by foot or other conveyance distributing product samples, advertisements, leaflets, or any items of similar nature or who, for any reason, contacts citizens of the Village without request, invitation or appointment.

CARNIVAL. The term “Carnival,” when used herein, shall mean an enterprise which offers amusement or entertainment to the public by means of one or more amusement attractions or amusement rides within the Village.

COIN-OPERATED AMUSEMENT DEVICE. The term “Coin-Operated Amusement Device,” when used herein, shall mean any amusement machine or device which is operated or placed into operation in whole or in part by the insertion of coins, paper currency, credit cards, chips, tokens or similar objects or currency, whether or not said device returns to the user any sum of money, property, or right thereto within the Village. The term shall not include coin-operated bona fide vending machines in which gaming or amusement features are not incorporated, and any gambling device or slot machine. Nothing herein shall be construed to permit the use of any device prohibited by law or use of any device in any manner prohibited by law.

DOOR-TO-DOOR SALESMEN, VENDORS, PEDDLERS, AND SOLICITORS. The term “Door-to-Door Salesmen, Vendors, Peddlers, and Solicitors,” when used herein, shall mean any person, male or female, going from person-to-person, family-to-family, door-to-door, home-to-home, business-to-business, store-to-store or building-to-building, displaying, selling, taking orders for delivering, distributing, or soliciting his or her wares, products, produce, articles, or services, or representing any club, company, corporation, organization, or business (public or private) within the Village of Orangeville, Illinois.

FESTIVAL. The term “Festival,” when used herein, shall mean an occasion for celebration within the Village, either on a singular or regularly recurring basis, with a program of performances, exhibits, or competitions.

FOOT RACE. The term “Foot Race,” when used herein, shall mean any type of public competition between two or more people on foot, running or walking, conducted on a public thoroughfare, in a park, or on any other form of public way within the Village.

GROUND VEHICLE SHOW. The term “Ground Vehicle Show,” when used herein, shall mean any assembly of ground vehicles or equipment, motorized or not, intended for public entertainment and education within the Village. Vehicle and equipment shows intended for sale only are excluded from this category.

LICENSE. The term “License,” when used herein, shall mean an official document issued by the Village as proof of permission granted to use or conduct a specific device or function. Licenses issued under the authority of this Chapter shall be issued on an annual basis and shall expire on the 30th of April next following the date of issuance. Licenses cannot be transferred between individuals and/or enterprises.

OPERATOR. The term “Operator,” when used herein, shall mean any person or organization who sets up for operation any amusement device, coin-operated or not, or any form or application of public entertainment, whether such setting up for operation, leasing,

renting or distributing be for a fixed charge or rental or on the basis of a division of the income derived from such machine or device or otherwise; as well as any person or organization who operates said device or form of public entertainment after it has been set up and/or made operational within the Village.

PERMIT. The term "Permit," when used herein, shall mean official permission granted to conduct a specific event or activity on a temporary or one-time basis within the Village. A permit will normally be in the form of an approved application. Permits are required to be in the possession of the applicant, but not exhibited. Permits will automatically expire at the conclusion of the permitted event/activity.

TEMPORARY VENDOR. The term "Temporary Vendor," when used herein, shall mean any person engaged in any business for profit that uses, leases, or occupies all or part of any structure or vacant lot within the Village on a temporary basis for not more than forty-five (45) days.

Sec. 4-3. GENERAL - SEVERABILITY.

The sections, paragraphs, sentences, clauses and phrases of this Chapter are severable, and if any phrase, clause, sentence, paragraph or section of this Chapter shall be declared unconstitutional, invalid, or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Chapter.

Sec. 4-4 through 4-10. RESERVED.

ARTICLE II: PERMITS

Sec. 4-11. PERMITS - REQUIRED.

A. Any person, club, company, corporation, organization or business desiring to engage in the business or occupation of door-to-door selling, vending, peddling, or soliciting within the Village of Orangeville, Illinois shall obtain a Class "A" permit from the Village in accordance with the terms and provisions of this Chapter. No person, club, company, corporation, organization, or business shall be deemed fully sanctioned until an approved permit application has been actually issued to the applicant.

B. The sponsors or promoters of public entertainment desiring to operate within the Village of Orangeville shall obtain a Class "B" permit from the Village in accordance with the terms and provisions of this Chapter. Forms of public entertainment shall include, but not be limited to: carnivals, parades, festivals, ground vehicle shows, and foot races. Only those carnival and amusement ride enterprises approved by State and having a current

registration shall be permitted to operate within the jurisdiction of the Village. Only those rides displaying a current State sticker shall be permitted to be operated, and all operations must be in compliance with the State Carnival and Amusement Rides Safety Act. No sponsor or promoter shall be deemed fully-sanctioned until an approved permit application has been actually issued to the applicant.

C. All public entertainment events in “B” above shall have a Village-based sponsor. Sponsors shall be responsible for ensuring that event owners, promoters, and concessioners are aware of and operate and/or conduct the event and associated concessions in compliance with all applicable County, State, and Village statutes.

Sec. 4-12. PERMITS - APPLICATION, ALL CLASSES.

A. Any person, club, company, corporation, organization, or business desiring to: **(1)** solicit orders for services, goods, wares or merchandise or for the purpose of disposing of them in any manner within the Village; or **(2)** conduct, operate, or provide any form of public entertainment within the Village, shall make application in person in writing to the Village Clerk for a permit to do so.

B. Applications submitted shall contain at a minimum a brief description of the event; the name and address of the applicant; the name and address of the sponsor; the location at which the event will take place; the date and time the activity will begin and end; and whether or not there will be a need to use any State or County property during the conduct of the event. Applications shall be filed no later than two (2) Board meetings, nor sooner than three (3) Board meetings **before** the event date. Sponsors should be able to present a scope or plan of operations if required, and should be able to assure the Board that all financial obligations are provided for.

C. Any applicant requesting the use of any Village street or property for any purpose other than what is provided for under existing State, County or Village statutes shall require a resolution from the Village Board authorizing such purpose. The supporting resolution shall appoint the appropriate responsible agency as an agent of the Village and define any and all necessary authority, as well as any and all requirements and responsibilities.

D. Concerning those requests where an applicant has indicated the desire to conduct an event on any State or County roads within the boundaries of the Village, the Village shall be responsible for requesting permission to do so from the appropriate State or County agency and appointing the sponsor or promoter as an agent of the Village to conduct the event on the State or County roads on the behalf of the Village. The appointing resolution shall define the specific authority being granted, as well as any requirements the sponsor or promoter may be required to fulfill on behalf of the Village for the State or County.

Sec. 4-13. PERMITS - INSURED.

Event sponsors, promoters, owners, and private concessioners shall be solely responsible for any and all liability issues and protection. The Village does not have and shall not provide any special event insurance for any permitted event or activity. Any Village sponsor or promoter conducting an event on any Village street or property shall provide to the Village before a request for a permit is approved a certificate of general liability insurance for the date(s) of the event that reflects the Village as insured for a sum no less than one-million-dollars (\$1,000,000).

Sec. 4-14. PERMITS - INVESTIGATION.

A. Upon receipt of an application for a permit, the Village Clerk shall provide a copy of the same to the Village Police Coordinator, who shall conduct an investigation for the purpose of insuring that none of the following disqualifiers is definable: **(1)** a person who is not of good character and reputation in Orangeville, Illinois and/or the community in which he or she resides; **(2)** a person who is not a citizen of the United States; **(3)** a person who has previously had a permit issued under this Chapter and had it revoked for cause; and **(4)** a person who has been convicted of a violation of any federal law, state law, county law, city law, or Village statute concerning any of the classes of permit listed in Section 4-12, or has forfeited his or her bond to appear in court to answer charges for any such violation.

B. Within five (5) working days of receipt of the permit application, the Police Coordinator shall submit a written report to the Village Clerk with the results of his investigation.

Sec. 4-15. PERMIT - ISSUANCE.

A. If the Police Coordinator report does not reflect any negative findings, the Village Clerk shall approve the application and notify the applicant of the approval. Said permit may be renewed at its expiration provided the same has not lapsed, been revoked or cancelled, and provided further that each applicant for a permit or for the renewal thereof fully complies with all the conditions and provisions under which the original permit was issued.

B. The Village Clerk shall issue an approved application to the applicant upon receipt of the permit fee as listed in the schedule in Section 4-17. Approved applications are not required to be displayed, but they are required to be in the possession of the permittee during the permit period.

Sec. 4-16. PERMIT - RECORD OF.

The Police Coordinator shall maintain a record of all permit application investigations, while the Village Clerk shall keep or cause to be kept a complete record of all such permits issued by him. All permits shall bear an identification number and be authenticated by the Village Clerk with signature and seal.

Sec. 4-17. PERMIT - FEES.

A. All fees applicable shall be payable at time of application; once paid, there shall be no rebate or refund. The fees for a Class "A" door-to-door salesman, vendor, peddler, canvasser, and/or solicitor permit shall be as follows: **(1)** temporary vendor: twenty-five-dollars (\$25.00) per forty-five (45) day period; and **(2)** canvassers, peddlers, solicitors: Two-dollars (\$2.00) per day or fraction thereof.

B. The fees for a Class "B" public entertainment permit shall be as follows: **(1)** carnivals and amusement rides: twenty-five-dollars (\$25.00) per day, per ride; **(2)** parades: ten-dollars (\$10.00) per day of event; **(3)** festivals/fairs: ten-dollars (\$10.00) per day of operation; **(4)** ground vehicle shows: ten-dollars (\$10.00) per day of event; and **(5)** foot races: ten-dollars (\$10.00) per day of event.

C. A permit may be issued to any Village religious organization, or Not-for-Profit organization without charge upon the receipt of the prescribed application.

Sec. 4-18. PERMITS - RECOVERY.

Event sponsors or promoters shall be responsible for all cleanup recovery operations and costs. The sponsor shall also be liable for damages or losses incurred as a result of the event.

Sec. 4-19. PERMIT - REVOCATION AND FORFEITURE.

All permits issued pursuant to this Chapter shall contain a recital that expresses the condition that the person accepting said permit does subject him/herself to all the provisions of this Chapter and of any Chapters of the Village of Orangeville, Illinois Codes. Any person or persons permitted under the provision of this Chapter who shall be convicted of a violation under this Chapter shall thereby forfeit such permit and such permit shall be, after such conviction, absolutely null and void. Such permit shall not be deemed continued or kept in force by reason of any appeal from the judgment rendered upon such trial, and the person holding or to whom was issued any permit which shall have been forfeited shall also forfeit to the Village all sums of money paid for such permit. The Village President, with the advice and consent of Village Board, may revoke any permit for any violation of any provision of this Chapter or for any violation of any federal, state, county, city, or Village Codes pertaining to the classes of permits listed in Section 4-12.

Sec. 4-20. PERMIT - EXPIRATION OF.

All permits provided for by this Chapter shall terminate and expire on the 31st day of December next after the issuance thereof unless prescribed sooner.

Sec. 4-21. PERMIT - TRANSFER OF.

A permit issued under the provisions of this Chapter shall be purely a personal privilege, good for, and not to exceed, the expiration date unless sooner revoked as in this Chapter provided, and shall not be subject to attachment, garnishment, or execution, nor shall it descend by the laws of testate or intestate devolution, but shall cease upon the death of the permittee.

Sec. 4-22. PERMIT - MINORS.

No person under the age of eighteen (18) years shall be permitted to make application for or receive a permit as specified in this Chapter.

Sec. 4-23. PERMIT - CONDITIONS.

The issuance of permits as set forth in this Chapter shall give authority to the holders thereof to conduct only the business and affairs associated with the definitions of their respective titles. All holders of a permit shall refrain from trespassing upon private and public properties except on designated walks, paths, etc., and shall restrict the delivery of merchandise, pamphlets, etc., to receptacles designated for such deliveries by the tenants, home owners, or proprietors, or to entryways or porches. In no event shall pamphlets, literature, or merchandise be hurled at doorways, porches, or other entrances to properties; and further, no such matter shall remain more than three-feet (3') from any such entryway. In all instances, reasonable care shall be taken to protect such delivered matter from rain, wind, and the weather.

Sec. 4-24 through 4-30. RESERVED.

ARTICLE III: LICENSE

Sec. 4-31. LICENSE - REQUIRED.

The following types of businesses or enterprises shall be required to apply for and receive a license to operate and/or conduct business in the Village of Orangeville: (1) temporary vendors who desire to conduct business in excess of forty-five (45) days; (2) peddlers who desire to operate in excess of five (5) consecutive days; and (3) solicitors who also desire to operate in excess of five (5) consecutive days.

Sec. 4-32. LICENSE - APPLICATIONS.

Applications for all licenses required by this Chapter shall be made in writing to the Village Clerk in the absence of provision to the contrary. Each application shall state the name of the applicant, the license desired, the location to be used, if any, the time covered, and the

fee to be paid; each application shall contain such additional information as may be needed for the proper guidance of the Village officials in the issuing of the license or permit applied for.

Sec. 4-33. LICENSE - PERSON SUBJECT TO.

Whenever in this Codes a license is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to the requirement if by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation; or solicits patronage therefor, actively or passively; or performs or attempts to perform any part of such business or occupation in the Village.

Sec. 4-34. LICENSE - FORMS.

Forms for all licenses and applications shall be prepared and kept on file by the Village Clerk.

Sec. 4-35. LICENSE - SIGNATURES.

Each license issued shall bear the signatures of the President and the Village Clerk in the absence of any provision to the contrary.

Sec. 4-36. LICENSE - LICENSE YEAR.

A. The license year for the Village shall begin on May 1 and end on April 30 of the following year.

B. The Village Clerk shall mail to all licensees of the Village a statement of the time of expiration of the license held by the licensee, if an annual one, three weeks prior to the date of such expiration. Failure to send out such notice, or the failure of the licensee to receive it, shall not excuse the licensee from a failure to obtain a new license, or a renewal thereof, nor shall it be a defense in an action of operation without a license.

Sec. 4-37. LICENSE - BUILDING AND PREMISES.

No license shall be issued for the conduct of any business if the premises and building to be used for the purpose do not fully comply with the Codes requirements of the Village. No such license shall be issued for the conduct of any business or performance of any act which would involve a violation of the zoning Codes of the Village.

Sec. 4-38. LICENSE - CHANGE OF LOCATION.

The location of any licensed business or occupation may be changed, provided ten (10)

days' notice thereof is given to the Village Clerk, in the absence of any provision to the contrary; provided that the Village building and zoning Codes requirements are complied with.

Sec. 4-39. LICENSE - NUISANCES.

No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact.

Sec. 4-40. LICENSE - INSPECTIONS.

A. Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by Codes, or are reasonably necessary to secure compliance with any Codes provision or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises, to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the Village who is authorized or directed to make such inspection at any reasonable time that admission is requested.

B. Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any Codes provision or to detect violations thereof, it shall be the duty of the licensee of the Village whose business is governed by such provision to give to any authorized officer or employee of the Village requesting the same sufficient samples of such material or commodity for such analysis upon request.

C. In addition to any other penalty which may be provided, the President may revoke the license of any licensed proprietor of any licensed business in the Village who refuses to permit any such officer or employee who is authorized to make such inspection or take such samples to make the inspection, or take an adequate sample of the said commodity, or who interferes with such officer or employee while in the performance of his duty in making such inspection. No license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises, in the name of the Village, stating that such inspection or sample is desired at the time it is sought to make the inspection or obtain the sample.

Sec. 4-41. LICENSE - REVOCATION.

Any license for a limited time may be revoked by the President at any time during the life of such license for any violation by the licensee of the Codes provisions relating to the license, the subject matter of the license, or to the premises occupied; such revocation may be in addition to any fine imposed.

Sec. 4-42. LICENSE - TERMINATION OF.

A. All annual licenses shall be terminated on the last day of the fiscal year of the Village, where no provision to the contrary has been made.

B. The Village Clerk shall mail to all licensees of the Village a statement of the time of expiration of the license held by the licensee, if an annual one, three weeks prior to the date of such expiration. Failure to send out such notice, or the failure of the licensee to receive it shall not excuse the licensee from a failure to obtain a new license, or a renewal thereof, nor shall it be a defense in an action for operation without a license.

Sec. 4-43. LICENSE - INVESTIGATIONS.

Upon the receipt of an application for a license where Codes of the Village necessitate inspection or investigation before the issuance of such license, the Village Clerk shall refer such application to the Village Police Coordinator. The Police Coordinator shall conduct an investigation or inspection and shall render a written report thereon, favorable or otherwise.

Sec. 4-44. LICENSE - FEES.

In the absence of provision to the contrary, all fees and charges for licenses shall be paid in advance at the time of application to the Village Clerk. When an applicant has not engaged in the business until after the expiration of part of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business has been or will be conducted. All license fees shall become a part of the Village's general fund, except as otherwise provided.

Sec. 4-45. LICENSE - POSTING OF.

It shall be the duty of any person conducting a licensed business in the Village to keep his license posted in a prominent place on the premises used for such business at all times Except as provided herein.

Sec. 4-46 through 4-98. RESERVED.

ARTICLE IV: PENALTY

Sec. 4-99. PENALTY - BY ARTICLE AS INDICATED.

A. All penalties addressed by this article are applicable only upon conviction of the referenced violation in the appropriate legal forum. Upon conviction, the Village shall also be entitled to reasonable fees and costs for its part in the adjudication.

B. Whenever in this Chapter or in any Section of this Chapter an act is prohibited or is made or declared to be unlawful or a misdemeanor or a violation of this Chapter, or whenever in such statute the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor or a violation therefor, the violation of any such provision of this Chapter or any statute herein shall be punishable by a fine of not less than ten-dollars (\$10.00), nor more than seven-hundred, fifty-dollars (\$750.00). Each day any violation of any provision of the Chapter or any statute of the Chapter continues, consecutive or not, each day shall constitute a separate offense. Regardless of the number of total days of violation, any fine shall not exceed three-thousand-dollars (\$3,000.00).