



Naperville

IR#: _____ Yearly Fee: \$ _____ Application Fee: \$ _____
Commercial Liability Insurance Certificate: _____ Drivers License: _____ 2-Passport Photos: _____
DuPage Co. Health Department Papers: _____ Will Co. Health Department Papers: _____

Food Vendor Permit

Incomplete Applications will **NOT** be processed

Date Received at City Clerk's Office: _____

Applicants Information: *Please Print Clearly*

Name: _____
Last First Middle

Current Address: _____
Street City State Zip

Home Phone: _____ Cell Phone: _____

Work Phone: _____ Date Of Birth: _____

Drivers License/State ID Number: _____ State Issued: _____

Email Address: _____ @ _____

Physical Description:

Gender: _____ Height: _____ Weight: _____ Eye Color: _____ Hair Color: _____

Residential Address for the past 3 Years:

Firm, Person or Corporation the Applicant Represents or is Employed by:

Employers Name: _____

Address: _____
Street City State Zip

Phone Number: _____ Contact Person: _____

Contact's Email: _____

Length of Employment: _____

Vehicle Information:

Make: _____ Model: _____ Year: _____

Color: _____ Plate No: _____ State Issued: _____

Describe the Food Items you will be selling:

Length of time for which permit is being applied: _____

Date of last application with the City of Naperville: _____



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Has your Naperville Permit ever been revoked or denied: YES NO If yes, explain:

Have you ever been convicted of a felony under the laws of the State of Illinois, any other State, or under Federal Law? YES NO If yes, explain:

Are you a registered sex offender? YES NO If yes, explain:

Have you ever been convicted of a violation of any law as a result of your peddling/soliciting activity? YES NO If yes, explain:

The undersigned hereby makes application for a Peddler/Solicitor Permit in the City of Naperville, Illinois, pursuant to Section 3, Chapter 7, Municipal Code of Naperville, Illinois of 2010.

I, _____, do solemnly swear that the forgoing information is true and complete to the best of my knowledge. I have read and agree to abide by the Peddler/Solicitor Ordinance of the City of Naperville.

(Print applicants name)

Applicants Signature/Date

Attach a Copy of Your Driver's License or State ID to Application

Return to:

Naperville City Clerk Attn: Lynn R. Zilinsky 400 S. Eagle Street Naperville, IL 60540

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### POLICE DEPARTMENT/CITY CLERK'S OFFICE USE ONLY

Date Forwarded to Police: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Permit # Issued \_\_\_\_\_ Permit Dates: \_\_\_\_\_ to \_\_\_\_\_



# Naperville

## CHAPTER 7 - PEDDLERS AND SOLICITORS

SECTION:

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### **3-7-1: - PURPOSE:**

This Chapter is narrowly tailored to the City of Naperville's legitimate interest in preventing fraud, the privacy of its residents, the prevention of crime, and conserving the Police Department's resources. This Chapter is intended to apply only to commercial activities and the solicitation of funds. This Chapter is expressly not intended to interfere with the exercise of free speech and free exercise rights protected by the first amendment (e.g., religious proselytizing, anonymous political speech, and the distribution of handbills).

### **3-7-2: - DEFINITIONS:**

For the purpose of this Chapter, the following words as used herein shall be construed to have the following meanings:

|                                     |                                                                                                                                                                                                                                                            |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LICENSED PEDDLER/SOLICITOR:</b>  | <b>Includes any person who has obtained a valid license as provided, and which license is in possession of the peddler/solicitor on his or her person while engaged in peddling/soliciting.</b>                                                            |
| <b>NONPROFIT PEDDLER/SOLICITOR:</b> | <b>Anyone engaging in peddling or soliciting on behalf of an entity that operates without a commercial objective or for the financial benefit of its shareholders or trustees and has been formed for charitable or educational reasons to benefit: 1)</b> |



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|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                              | the public, 2) a specific group of individuals or 3) the membership of the nonprofit. Examples of nonprofit entities include: religious organizations, charitable organizations, political organizations, and membership clubs.                                                                                                                                                                                                                                                                                                               |
| <b>PEDDLER:</b>              | Any person who travels within the City of Naperville, by foot, vehicle or by other conveyance, selling or offering for sale any commodity, article, service or foodstuff, and rendering immediate delivery. Nonprofit peddlers/solicitors, as defined in this Section, are excluded.                                                                                                                                                                                                                                                          |
| <b>RESIDENCE:</b>            | Includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>SOLICITOR:</b>            | Any person who takes orders or subscriptions, while traveling house to house or from place to place or along the streets, alleys, sidewalks within the City of Naperville, for future delivery of tangible personal property or services by a seller, regardless of whether or not such person collects payment for such property or services at the time of such transaction, but who does not make delivery of such property or perform such service at that time. Nonprofit peddlers/solicitors, as defined in this Section, are excluded. |
| <b>TAG DAYS:</b>             | A day on which nonprofit peddlers/solicitors act as collectors for a charitable fund soliciting contributions, in public places, or at permitted intersections of the City of Naperville, giving each contributor a tag or other item as an evidence of having contributed. (Ord. 09-041, 4-8-2009)                                                                                                                                                                                                                                           |
| <b>DOWNTOWN FOOD VENDOR:</b> | A person stationed at a food vending cart located at one of four eligible vending sites located within the downtown, selling for profit or offering for sale food items, and rendering immediate delivery. The vending cart shall not be a motorized vehicle and shall be prohibited from vending on a public street. Downtown Food Vendors shall serve as a separate and distinct vending operation from Food Vendors.                                                                                                                       |
| <b>FOOD VENDOR:</b>          | Any person who travels within the City, excluding the downtown as defined by the City's Comprehensive Plans and not including Downtown Food Vendors, by motorized vehicle, selling for profit or offering for sale any food items, and rendering immediate delivery.                                                                                                                                                                                                                                                                          |

### 3-7-3: - LICENSE REQUIRED, APPLICATION:

It shall be unlawful for any person to engage in the business of peddler/solicitor in the City of Naperville without having first obtained a license therefore as provided herein. Applications for licenses shall be made to the City Clerk, and shall state the number and kind of vehicles, if any, intended to be operated, the kind of article or merchandise to be peddled or solicited, the location of where they will solicit/peddle, a permanent address of the peddler/solicitor, and any other information requested on said application form. No license shall be issued without the approval of the Naperville Police Department and the City Clerk and the payment of the fee provided herein. Said license shall be carried by the licensee while engaged in peddling/soliciting and shall be displayed for inspection upon request. A photo ID badge and safety vest issued by the City Clerk's office shall be worn as the outer most layer of clothing at all times of the peddling/soliciting.



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## **3-7-4: - LICENSE FEES:**

The fee for a peddler/solicitor, other than a Downtown Food Vendor, shall be:

- \$100.00 per year, per company for peddling
- 20.00 application fee per person (ID badge included, photo supplied by applicant)
- 10.00 for replacement badges (photo supplied by applicant)

A refundable deposit for the cost of each safety vest in the form of a check or credit card will be required upon issuance of the vest and will be returned when each vest is returned to the City Clerk. The cash deposit will be automatically forfeited to the City of Naperville for any safety vest not returned to the City Clerk's Office within five (5) days of the expiration of the license.

The fee for a Downtown Food Vendor shall be:

- \$275 permit fee per year per company of which \$225 shall be payable towards SSA 21/22 and \$50 towards administrative costs, including the issuance of one ID badge (photo supplied by applicant)
- \$20 for any additional ID badges requested (photo supplied by applicant)

## **3-7-5: - VIOLATION, PENALTIES:**

1.

It shall be unlawful for any peddler/solicitor engaging in peddling/soliciting to:

1.1.

Act without a valid license.

1.2.

Make an intentional misrepresentation.

1.3.

Peddle/solicit beyond the scope specified in the application.

1.4.

Otherwise violate the provisions of this Chapter.

2.

Any person who commits an offense under this Chapter shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense. The City Clerk may revoke the license of any peddler/solicitor for any offense.

## **3-7-6: - LIMITATIONS ON PEDDLING/SOLICITING:**

No person shall peddle/solicit on any street or sidewalk within the City of Naperville to the occupant of any vehicle or from a vehicle unless special permission is granted by the City Clerk for a tag day or food vendor license.

## **3-7-7: - TIME RESTRICTIONS ON PEDDLING/SOLICITING:**

It shall be unlawful and shall constitute a nuisance for any person whether licensed under this Chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such



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residence, for the purpose of securing an audience with the occupant and engage in peddling or soliciting before ten o'clock (10:00) a.m. or after seven o'clock (7:00) p.m. Monday through Saturday, and at any time on a Sunday or on a State or federal holiday. Only food vendors may peddle on Sunday between ten o'clock (10:00) a.m. and seven o'clock (7:00) p.m.

### **3-7-13: - NOTICE REGULATING PEDDLING/SOLICITING:**

1.

Any occupant may restrict peddling/soliciting or limit the hours during which peddlers/solicitors are invited to his or her residence by posting that intention.

2.

A weatherproof card, approximately three inches by four inches (3" × 4") in size, may be exhibited upon or near the main entrance door to the residence, indicating the determination of the occupant, as follows:

NO SOLICITING  
OR PEDDLING PERMITTED  
ON PREMISES

3.

Such card, or similar sign, so exhibited shall constitute sufficient notice to any peddler/solicitor of the determination by the occupant of the residence.

### **3-7-14: - DUTY OF PEDDLERS/SOLICITORS:**

1.

It shall be the duty of every peddler/solicitor upon going onto any premises to first examine whether there is any notice such as provided in the above Section. If the peddler/solicitor is approaching during a time when the resident has restricted peddling/soliciting by which such notice states, then the peddler/solicitor, whether licensed or not, shall immediately and peacefully depart from the premises.

2.

Any peddler/solicitor who has gained entrance to or who is on any premises, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

### **3-7-15: - UNINVITED PEDDLING/SOLICITING PROHIBITED:**

It shall be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell, or create any sound in any manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in "peddling" or "soliciting" as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions, pursuant to Section 3-7-12 of this Chapter.



**3-7-16: - EXEMPTIONS:**

1. All nonprofit peddlers/solicitors and any group deemed appropriate by the City Clerk are exempt from the provisions of this Chapter.
2. Nonprofit peddlers and solicitors may voluntarily request a City of Naperville issued reflective safety vest from the City Clerk's office to wear while peddling or soliciting.
  - 1.1 A Reflective Safety Vest Refundable Cash Deposit per Nonprofit Peddler and Solicitor is required for each reflective safety vest issued by the City Clerk's Office. Each reflective safety vest must be returned to the City Clerk's Office within thirty (30) days from issuance of the reflective safety vest. The cash deposit will be refunded to the Nonprofit Peddler or Solicitor upon return of the reflective safety vest to the City Clerk's Office. The cash deposit is automatically forfeited to the City of Naperville for any reflective safety vest not returned to the City Clerk's Office within thirty (30) days from issuance.

**3-7-17: - APPLICATION FOR LICENSE:**

1.

Application for a license shall be made upon a form provided by and filed with the City Clerk. The applicant shall state, under oath, and in full the information requested on the application:

1.1.

Name and address of present place of residence of applicant, home, cell and work phone numbers, date of birth and driver's license number (suspended/revoked drivers' licenses will only affect food vendors).

1.2.

Physical description of the applicant.

1.3.

Address of residence of applicant during the past three (3) years if other than present address.

1.4.

Name and address of the person, firm or corporation or association whom the applicant is employed by or represents; and the length of time of such employment or representation.

1.5.

Vehicle information of applicant.

1.6.

Health Department permit numbers from both DuPage and Will Counties (for food vendors only).

1.7.

Whether applicant is peddling/soliciting for a profitable or charitable organization.

1.8.

Description sufficient for identification of the subject matter which the peddler/solicitor will engage in.

1.9.

Requested period of time for which the license is applied for.



**1.10.**

The date, or approximate date, of the latest previous application for license under this Chapter, if any.

**1.11.**

Whether a license issued to the applicant under this Chapter has ever been revoked or denied.

**1.12.**

Whether the applicant has ever been convicted of a violation of any of the provisions of this Chapter or the ordinance of any other Illinois municipality regulating peddling/soliciting.

**1.13.**

Whether the applicant has ever been convicted of the commission of a felony under the laws of the State of Illinois or any other state or federal law of the United States.

**1.14.**

Whether the applicant is a registered sex offender under the laws of the State of Illinois or any other state or federal law of the United States.

**1.15.**

Such additional information as the City Clerk may deem necessary to process the application.

**2.**

The City Clerk may require applicants to submit to a background check by the Naperville Police Department.

**3.**

The City Clerk shall keep on file a record of applications received.

Passed by Council 8-17-2010 Amended by Council 11-16-10