

CITY OF MARSHALL

ORDINANCE NO. 2011-O-21

AN ORDINANCE CONCERNING
HAWKERS, PEDDLERS AND LICENSING

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF MARSHALL

Published in pamphlet form by authority of the City of Marshall, Clark County, Illinois, this 25
day of July, 2011.

ORDINANCE NO. 2011-O-____

AN ORDINANCE CONCERNING
HAWKERS, PEDDLERS AND LICENSING

BE IT ORDAINED by the City Council of the City of Marshall, Illinois:

Section 1. That section 22-1 of the Code of Ordinances, City of Marshall, Illinois is hereby amended to read as follows, with strikeouts indicating deletions in text and underscores indicating additions to text:

Sec. 22-1. Restricted area for ~~auctioneers~~, hawkers and peddlers.

- (a) It shall be unlawful for any ~~auctioneer~~; hawker or peddler, with or without a wagon, truck or street stand, to occupy or use any part of the following named streets of the city: Archer Avenue from Fourth Street east to Tenth Street; Locust Street from Fourth Street to Tenth Street; Plum Street from Fourth Street to Tenth Street; Fifth Street from Locust Street to Plum Street; Sixth Street from Locust Street to Plum Street; Seventh Street from Locust Street to Plum Street; Eighth Street from Locust Street to Plum Street; Ninth Street from Locust Street to Plum Street; Tenth Street from Locust Street to Plum Street.
- (b) Whoever violates the provisions of this section, upon conviction, shall be fined according to the provisions of section 1-5 of this Code.
- (c) Each sale or use in violation of this section shall constitute a separate offense and subject the violator thereof to the penalty set out in subsection (b).

State Law Reference: ILCS 11-42-5

Section 2. That section 22-26 of the Code of Ordinances, City of Marshall, Illinois is hereby amended to read as follows, with strikeouts indicating deletions in text and underscores indicating additions to text:

Sec. 22-26. Penalties.

Any person who shall pursue any calling mentioned in any of the sections of this chapter without first having obtained a license so to do as provided in this article shall be fined according to the provisions of section 1-5 of this Code for each offense; provided, that in no case shall the fine be less than the amount required to obtain a license to pursue a calling for which the conviction is sought. And, provided further, that no license shall be issued for jewelry, watch or money selling schemes or to street fairs of any kind within the general acceptance of the term, and any person so doing shall be fined according to the provisions of section 1-5 of this Code for each offense. For a second conviction within a five year period the minimum fine for the offense shall be at least double

the minimum fine as provided in this section and section 1-5 of this Code. For a third conviction within a five year period the minimum fine for the offense shall be at least four times the minimum fine as provided in this section and section 1-5 of this Code.

Section 3. That section 22-27 of the Code of Ordinances, City of Marshall, Illinois is hereby amended to read as follows, with strikeouts indicating deletions in text and underscores indicating additions to text:

Sec. 22-27. Manner of applying for and issuing.

Licenses shall be granted under the ordinances of the city in the manner and on the conditions following and not otherwise: The person desiring the license shall make a written application therefor to the clerk or to the police department, signed by the applicant, stating therein the purpose and the time for which such license is desired and the place where the business for which license is sought is to be conducted, and upon the presentation of such application to the clerk or to the police department and the payment of the sum required by ordinance for such license, the clerk or the chief of police shall issue to the applicant such license in accordance with the provisions of the application and the ordinances of the city, but such license shall not be effective until the license shall be signed and approved by the mayor of the city or by some person designated by him in writing, which such designation shall be filed in the office of the clerk. If the license is issued by the chief of police, the license shall, upon issuance, be forwarded by the police department to the clerk. The clerk shall preserve in his or her office a record of all licenses so issued by either the clerk or the chief of police ~~him~~ and approved by the mayor as aforesaid.

Section 4. That section 22-28 of the Code of Ordinances, City of Marshall, Illinois is hereby amended to read as follows, with strikeouts indicating deletions in text and underscores indicating additions to text:

Sec. 22-28. Contents.

Every license shall contain the name in full of the person to whom the license is granted, the kind of business thereby authorized, the time covered by the license, and, where the licensee is to conduct a local business, the street and description of the place of business thereby covered, and shall be signed by either the clerk and attested by the seal of the city or the chief of police. Such license shall not protect the holder thereof beyond the express terms of the license or the ordinances of the city or the laws of the state. Every person holding a license shall upon demand exhibit such license to any city officer.

Section 5. That section 22-29 of the Code of Ordinances, City of Marshall, Illinois is hereby amended to read as follows, with strikeouts indicating deletions in text and underscores indicating additions to text:

Sec. 22-29. Term; transferability.

Unless otherwise specially provided, no license shall be granted for a longer period than one year, nor be assignable or transferable without permission of the council, or be held to authorize any person other than the one therein named to carry on the business therein specified; and where bond is by ordinance required of the person licensed, the clerk or chief of police shall see to the taking and approving of such bond unless otherwise specially provided. Provided, further, that no license shall extend beyond the municipal year in which the license is granted and that the fees for all licenses shall be paid in advance.

Section 6. That section 22-31 of the Code of Ordinances, City of Marshall, Illinois is hereby amended to read as follows, with strikeouts indicating deletions in text and underscores indicating additions to text:

Sec. 22-31. Rates.

The charges for licenses under this chapter shall be as follows:

- (1) ~~Auctioneers, p~~Peddlers or hawkers with truck or wagon, selling merchandise, \$10.00 ~~3.00~~ per day or \$100.00 ~~50.00~~ per year.
- (2) Hawkers or peddlers of foreign fruits or any produce dealer engaged in the hawking or peddling of foreign fruits, \$10.00 ~~2.00~~ per day or \$100.00 ~~50.00~~ per year.
- (3) Foot peddlers or hawkers, with pack, \$10.00 ~~2.00~~ per day or \$100.00 ~~50.00~~ per year.
- (4) Hawkers or peddlers with street stand or general refreshment stand, \$2.00 per day; lemonade or cigar stand or both, \$1.00 per day for each 64 square feet occupied or covered by such stand, or fraction thereof. Provided, that no street stand shall be erected in front of any business house within the city without the consent of the proprietor thereof.
- (5) Peanut roasters, popcorn machines, or combination machines of both peanuts and popcorn, when operated on any street, sidewalk or alley in the city, \$1.00 per day or \$5.00 per year.
- (6) Merry-go-rounds, swings, or rides of like nature, \$5.00 per day for the first day and \$3.00 per day for each succeeding day, or \$50.00 per year.
- (7) Lung testers, striking or lifting machines, throwing at targets or dummies, or other public amusement games, \$1.00 per day.
- (8) Circus and menageries, \$10.00 per day.

- (9) Tent exhibitions, tent shows (except circuses and menageries) and medicine shows, \$5.00 per day or \$15.00 per week.
- (10) Public hall exhibitions and entertainments where an admittance fee is charged, including theatres and dancehalls, \$2.00 per day for the first day and \$1.00 per day for each succeeding day, or \$25.00 per year; provided, that if there is more than one theatre in the city, the license fee for the second or subsequent theatre shall be the sum of \$1,000.00, and for each additional and subsequent theatre, the license fee shall be \$1,000.00, subject however, that if the population of the city shall increase to 5,000 or more, then the second or subsequent theatre shall pay a fee of \$25.00 per year, and, for each additional 5,000 population, the same fee shall apply as for the first license. Provided, further, this clause shall not apply to entertainments given for charitable, benevolent or church purposes. Provided, further, that public dancehalls as provided in this section shall be held to include all dancehalls open to the public to which an admittance fee is charged, or to which a charge is made for dancing.
- (11) Skating rinks, either indoor or outdoor, \$5.00 per day for the first day and \$3.00 per day for each succeeding day, or \$150.00 per year.
- (12) Pool tables, pigeonhole tables, billiard tables, \$5.00 per year each; pin and ball alleys, pinball machines and shuffleboards, \$10.00 per year each. Provided, however, that in no instance shall the clerk have authority to issue any license for pool or billiard halls or bowling or pin and ball alley, but the application shall be presented to the council for action thereon, and the decision of the council shall be final and conclusive of the right of such applicant to a license.
- (13) Shooting galleries, \$1.00 per day or \$7.00 per year.
- (14) A produce stand or fruit stand (except stands owned and operated by the owner of the real estate on which the stand is located), \$10.00 per day or \$100.00 per year. Auctioneers or hawkers keeping an auctioneering or hawking house, \$25.00 per day or \$150.00 per year.
- (15) For the advertisement for sale or disposal of goods, wares or merchandise, or for the advertisement of private enterprise by itinerant vendors by the use of public address system, radio or other broadcasting equipment, and the use of the public streets therefor, the sum of \$10.00 per day or \$150.00 per year.

Section 7. If any provision of this Ordinance, or application thereof, is held invalid by any Court, other provisions or applications of this Ordinance which can be given effect without the invalid provision or application shall not be affected, and to this end the provisions of this Ordinance are declared to be severable.

Section 8. That this Ordinance shall be published in pamphlet form and shall take effect ten (10) days after its passage, approval and publication in pamphlet form as provided by law.

	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Beverly K. Church	✓		
Terry Clatfelter	✓		
John D. Ferris	✓		
Warren J. Le Fever	✓		
James McKittrick	✓		
Cheryl A. Raisner	✓		
Tim J. Sanders	✓		
James White	✓		

PASSED this 25th day of July, 2011.

APPROVED this 25 day of July, 2011

Kenneth R. Smith
MAYOR

ATTESTED, filed in my office,
and published in pamphlet form
this 25 day of July, 2011.

John W. Leap
CITY CLERK

(SEAL)