
THE VILLAGE OF SHERMAN
SANGAMON COUNTY, ILLINOIS

ORDINANCE NUMBER 2021- 13

AN ORDINANCE ADMENDING TITLE 4, CHAPTER 3 SECTIONS 1-14

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Village Trustees

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Trustees of the Village of Sherman on July 6, 2021.

Ordinance No. 2021- 13

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BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SHERMAN, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1. The President and Village Board of Trustees of Sherman, having considered proposed amendments to the Village ordinances relating to Peddling and Soliciting, hereby amends Title 4, Chapter 3 as follows:

4-3-1: DEFINITION; EXEMPTIONS:

"Peddling and soliciting", as used in this chapter, shall include the selling, bartering, or exchanging, or the offering for sale, barter, or exchange, of any tangible personal property or services, such as home improvements or termite inspection, upon or along the streets, highways, or public places of the village, whether at one place thereon or from place to place or by calling at residences. "Peddling and soliciting" shall be taken to include the solicitation of orders, business of any kind, and services, whether or not the goods are delivered or the services performed at the time the order is taken. The provisions of this chapter do not apply to telephone solicitations, nor do they regulate or prohibit the delivery of tangible personal property to residents of the village where such delivery has been ordered or requested by such resident. (Ord. 1990-24, 12-4-1990)

4-3-2 PEDDLING AND SOLICITING PROHIBITED:

Except as provided by Sections 4-3-3 and 4-3-4 of this Chapter, peddling and soliciting are prohibited in the Village of Sherman.

4-3-3: FIRST AMENDMENT SOLICITATIONS:

Persons soliciting for causes protected by the first amendment of the United States constitution shall procure a license without payment of a fee and shall not be restricted as to days or hours of solicitation. (Ord. 1990-24, 12-4-1990)

4-3-4: NOT FOR PROFIT SOLICITATIONS:

The provisions of this chapter shall not apply to any sales or solicitations by any bona fide not for profit, religious, charitable, school or governmental organization, or any subsidiary thereof. (Ord. 1990-24, 12-4-1990)

4-3-5: LICENSE REQUIRED:

Any solicitor of contributions or vendor of merchandise or itinerant merchant or solicitor claiming an exemption pursuant to Section 4-3-2 or 4-3-3 above must first procure a license from the Chief of Police. No person shall sell by peddling or soliciting any goods, wares, merchandise, perishable agricultural commodities or services, or solicit orders, contributions, sales, subscriptions, or business of any kind, along the streets, highways or public places of the village, or by calling at

residences within the village, without first procuring a license to do so from the chief of police. (Ord. 1990-24, 12-4-1990)

4-3-6: APPLICATION FOR LICENSE:

The license application shall include the applicant's name, permanent business address (which must include a street address), residence address of the principal individual involved with the peddling or soliciting (and if the applicant is a corporation, the residence addresses of its officers), the location at which the applicant intends to do business, the nature of the business the applicant intends to conduct, a copy of the applicant's certificate of registration under the retailer's occupation tax act 1 , a complete inventory of the goods the applicant intends to offer for sale, and a list of all licenses to conduct business as a transient merchant or an itinerant vendor obtained by the applicant in the state in the twelve (12) months preceding the date of filing of the application. (Ord. 1990-24, 12-4-1990; amd. 2010 Code) Notes I 1. 35 ILCS 120/1 et seq.

4-3-7: FORM OF LICENSE; SIGNATURES REQUIRED:

A license may be issued, as nearly as may be, in the following form, and shall be signed on behalf of the village by the village clerk, chief of police, or other party authorized and designated by the village board:

Date Sherman, Illinois

, having made application in due form, and in all other respects complied with the ordinances of the Village in this behalf, therefore, the undersigned representative of the Village of Sherman does hereby authorize, empower and license the said applicant to engage in peddling or soliciting for from. Nevertheless, this license is granted upon this express condition, that if the said applicant shall observe and obey all ordinances of this Village, which now are, or may be in force, regulating or relating to his said business, then this license shall be valid for the period aforesaid; otherwise, it may be annulled, revoked or forfeited, at the option of the Village Board.

Village of Sherman,

by authorized representative

(Ord. 1990-24, 12-4-1990; amd. 2010 Code)

4-3-8: LICENSE FEE, TERM AND EXPIRATION:

There is no fee for a license for persons exempted from the prohibition on peddling or soliciting by Section 4-3-2 and 4-3-3 above. The license shall expire on December 31 of the year in which it is issued. No license shall be granted for a longer term than one year. (Ord. 1990-24, 12-4-1990; amd. 2010 Code)

4-3-9: DUTY TO ANNOUNCE NAME AND IDENTIFY PRODUCT:

Any person engaged in peddling and soliciting shall, before entering any residence, identify himself or herself to the occupant by name and state what organization, company and/or product he or she represents. (Ord. 1990-24, 12-4-1990)

4-3-10: FAILURE TO LEAVE UPON REQUEST:

No person shall engage in peddling or soliciting at, or remain on the premises of, any residence after having been asked by the occupant thereof to leave said premises or residence. (Ord. 1990-24, 12-4-1990)

4-3-11: POSTED PREMISES; UNINVITED SOLICITING:

A. It shall be unlawful for any person to engage in peddling or soliciting upon any premises or residence located thereon if such premises or residence is posted against solicitation by means of a notice prominently displayed upon which is printed the legend:

NO SOLICITORS

B. A residence shall be deemed to be posted against peddling or soliciting if there is exhibited, on or near the main entrance to the premises or on or near the main door to any residence located thereon, a sign at least three inches by four inches (3" x 4") in size, which bears the legend set out in subsection A of this section in letters at least one-third inch (1/3") in height. (Ord. 1990-24, 12-4-1990)

4-3-12: FRAUDULENT AND DECEPTIVE PRACTICES:

A. No person who engages in peddling or soliciting shall use any plan, scheme or ruse to 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, consistent with the exemption provided by Section 4-3-2 or 4-3-3.

B. No person who engages in solicitation shall misrepresent the right of a buyer to rescind or cancel a sale under the provisions of the applicable law. (Ord. 1990-24, 12-4-1990)

4-3-13: HOURS PERMITTED:

No person (including residents and itinerants) shall engage in the business of peddling or soliciting at residences without the prior consent of the occupant except between the hours of nine o'clock (9:00) A.M. and nine o'clock (9:00) P.M. (Ord. 1990-24, 12-4-1990)

4-3-14: PENALTY:

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction, be fined not less than Five Hundred Dollars (\$500.00) nor more than seven hundred fifty dollars (\$750.00). The penalty for subsequent violations shall be Seven Hundred and Fifty Dollars (\$750). (Ord. 1990-24, 12-4-1990; amd. 2010 Code)


SECTION 2. This ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this 6th day of July, 2021, at Sherman, Sangamon County, Illinois.

	YES	NO	ABSENT	PRESENT
GRAY	✓			
HAHN	✓			
LONG			✓	
ROCKFORD	✓			
SCHULTZ	✓			
TIMM	✓			
CLATFELTER				
TOTALS:	5	0	1	0



VILLAGE OF SHERMAN, IL


 Trevor J. Clatfelter, President

Attest:

 Sean Bull, Village Clerk

ORDINANCE CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

I, the undersigned, do hereby certify that I am the duly qualified and Village Clerk of the Village of Sherman, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 2021-13, adopted by the President and Board of Trustees of said Village on the 6th day of January 2021, said Ordinance being entitled:

AN ORDINANCE ADMENDING TITLE 4, CHAPTER 3 SECTIONS 1-14

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 6th day of July 2021.




Sean Bull, Village Clerk