

RESOLUTION NO. 2020- 06R

**RESOLUTION TO TEMPORARILY PROHIBIT DOOR-TO-DOOR SOLICITATION BY ITINERANT MERCHANTS, PEDDLERS, AND SOLICITORS IN VILLAGE OF WINNEBAGO**

**WHEREAS**, the Village of Winnebago currently has Ordinance No. 2015-11 in effect, passed and approved by the Village Board of Trustees on December 7, 2015, to regulate itinerant merchants, peddlers, and solicitors within the Village of Winnebago; and

**WHEREAS**, Ordinance No. 2015-11 requires, with few exceptions, for an itinerant merchant, peddler, or solicitor to obtain a permit before engaging in such activity within the Village of Winnebago, and to pay a permit fee based on whether the permit is for 90 days or the entire year; and

**WHEREAS**, there are no currently active previously issued itinerant merchant, peddler, or solicitor permits in the Village; and

**WHEREAS**, in light of the COVID-19 pandemic and its effects on the health, welfare, and safety of the citizens of the Village of Winnebago, Illinois, and pursuant to the prior Declaration of Local Emergency by the Village President in response to the COVID-19 pandemic, and in furtherance of the prevention of the spread of infectious disease, it is in the best interest of the citizens of the Village to temporarily ban door-to-door solicitation in the Village BY itinerant merchants, peddlers, and solicitors.

**NOW THEREFORE, BE IT RESOLVED** by the President and Board of Trustees of the Village of Winnebago, Illinois, as follows:

## SECTION I

All door-to-door solicitation of any kind, nature, or character by any itinerant merchant, peddler, or solicitor within the corporate limits of the Village of Winnebago, Illinois, shall be and hereby is prohibited. Accordingly, no permits shall be issued for the same by the Interim Chief of Police or the Village Board of Trustees.

## SECTION II

For the purposes of the instant resolution, the definitions of “business”, “goods”, “itinerant merchant”, peddler”, and “solicitor” shall have the same meanings as set forth in Ordinance No. 2015-11, which definitions are reprinted as follows:

- A) **BUSINESS** means the activities carried on by any person who is an itinerant merchant, peddler, or solicitor as defined in this section.
- B) **GOODS** means merchandise of any description whatsoever, and includes, but is not restricted to, wares and foodstuffs.
- C) **ITINERANT MERCHANT** means any person, whether as owner, agent or consignee, who engages in a temporary business of selling goods within the village and who, in the furtherance of such business uses any building, structures, vehicle, or any place within the village.
- D) **PEDDLER** means:
  - (1) Any person who travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or
  - (2) Any person who, without traveling from place to place, sells or offers goods for sale from any public place within the village.

E) **SOLICITOR** means any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future, or for services to be performed in the future, or one who seeks donations for a particular cause, with or without the offer of some tangible item such as candy, tickets, or other goods for the making of such donation. A person who is a solicitor is not a peddler.

### **SECTION III**

The provisions of this resolution shall not apply to officers or employees of the village, county, state, or federal governments, or any subdivision thereof, when on official business. Also, those certain "peddlers" that provide regular, routine deliveries of products for particular stores and businesses used for resale, or incorporated into the store or business's final product shall be exempt from the permit requirement.

### **SECTION IV**


**Fines and Penalties.** Consistent with the provisions of Ordinance No. 2015-11, any person, firm, or corporation violating any provision of this resolution shall be fined not less than One hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense, plus any court costs. A separate offense shall be deemed committed on each day during on which a violation occurs or continues.

### **SECTION V**


This resolution shall be effective immediately upon its passage, with publication of the same to be in pamphlet form, the terms of this resolution shall supersede and suspend the exemptions to Ordinance No. 2015-11, except as otherwise provided herein, and shall remain in effect until rescinded. All other provisions of Ordinance No. 2015-11 which do not

conflict with the instant resolution shall remain in full force and effect.

**APPROVED:**

  
Franklin J. Eubank, Jr., President  
of the Board of Trustees of the  
Village of Winnebago, Illinois

**ATTEST:**

  
Sally Jo Huggins,  
Village Clerk

**PASSED:** 4-13-2020

**APPROVED:** 4-13-2020

**PUBLISHED:**  
(in pamphlet form): \_\_\_\_\_