

ORDINANCE NO. 2010-16

AN ORDINANCE AMENDING CHAPTER 8, BUSINESS REGULATIONS, OF THE VILLAGE CODE OF THE VILLAGE OF SPRING GROVE, RELATIVE TO TRANSIENT MERCHANTS AND ITINERANT VENDORS

WHEREAS, there has been an increase in the number of transient merchants and itinerant vendors conducting business within the Village of Spring Grove; and

WHEREAS, the Village President and Board of Trustees of the Village of Spring Grove, McHenry County, Illinois, have determined that it is necessary to have all transient merchants and itinerant vendors conducting business within the Village of Spring Grove to register with the Police Department.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Spring Grove, as follows:

Section 1: The above stated recitals are incorporated herein by reference.

Section 2: That the following article relating to transient merchants and itinerant vendors be added to Chapter 8, Business Regulations, of the Village Code:

Article 5 - Transient Merchants and Itinerant Vendors

847 Definitions

Itinerant Vendor. Any person who transports tangible personal property for retail sale within the Village who does not maintain in the Village an established office, distribution house, sales house, warehouse, services center or residence from which such business is conducted, this Article does not apply to any person who delivers tangible personal property within the Village who is fulfilling an order for such property which was solicited or placed by mail or other means.

Person. Any individual, corporation, partnership, trust, firm, association or other entity.

Transient Merchant. Any person who is engaged temporarily in the retail sale of goods, wares or merchandise in the Village. A vendor who maintains in the Village an established office, distribution house, sales house, warehouse, services center or residence from which retail sales are conducted who temporarily conducts such business from another location within the Village shall fall within the definition of transient merchant.

848 Prerequisites to Conduct Business

It is a violation of this Article for any person, either as a principal or agent, to conduct business as a transient merchant or itinerant vendor in this Village without first complying with the requirements of the Retailers' Occupation Tax Act by obtaining a certificate of registration and without having obtained a license under this Article. Any transient merchant or itinerant vendor seeking to sell food in the Village must also obtain the appropriate permit from the McHenry County Health Department to allow such sale.

849 License

- 849.1 Any person who wishes to obtain a license as a transient merchant or itinerant vendor shall file a written license application with the appropriate licensing agency as provided in this Section.
- 849.2 The application shall be filed with the Village of Spring Grove Police Department and the Village of Spring Grove Police Department shall be the licensing agency.
- 849.3 The license application shall include the applicant's name, permanent business address (which must include a street address), residence address of the principal (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 Retailers' Occupation Tax Act, 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 of Illinois in the twelve (12) months preceding the date of filing the application.
- 849.4 A license issued under this Article shall be valid for one (1) day only. The licensing agency shall collect a license application fee of fifty dollars (\$50.00) from any person wishing to conduct business as either a transient merchant or itinerant vendor under this Article. A separate license application fee shall be collected for each day for which a license is sought.

849.5 If it is determined that any of the information provided in Section 849.3 is false, the licensing agency has the authority to revoke the license issued to the transient merchant or itinerant vendor. If the license is revoked, the license application fee shall not be returned.

849.6 No license shall be issued for dates on which Village sponsored events are being held.

850 Holding Inventory

If any person makes retail sales as a transient merchant or itinerant vendor without having obtained a license under Section 849, the licensing agency may hold the inventory, truck or other personal property of the person until he or she obtains a license to conduct business as a transient merchant or itinerant vendor. If the property has been held by the licensing agency for more than sixty (60) days and the person whose property is being held has not obtained a license under Section 849, the Village may petition the Circuit Court of McHenry County, Illinois for an order for the sale of the property being held. If the Court finds that the person whose property is held has not obtained a license under Section 849, the Court shall order the licensing agency or unit of government to sell the property. Proceeds of the sale of the property shall be deposited in the general fund of the Village of Spring Grove.

851 Prima Facie Evidence

It shall be prima facie evidence that a person is a transient merchant or itinerant vendor under this Article if the person does not conduct business from a fixed location or if the person does not own, or lease for a term of at least six (6) months, the property from which business is conducted.

852 Penalty

In addition to the action that the Village may take under Section 850, any person found to be in violation of this Article shall pay a fine of no less than \$50.00 nor more than \$750.00. Each day that any person conducts business within the Village in violation of this Article is a separate offense.

Section 3: Any ordinance in conflict with this Ordinance is hereby repealed to the extent of such conflict.

Section 4: If any court of competent jurisdiction declares this Ordinance or any part thereof invalid, then said declaration shall not affect the validity of the remaining portion of this Ordinance.

Section 5: This ordinance shall become effective on June 16, 2010.

PASSED this 1st day of June, 2010.

Ayes: Anhalt, Houghton, Kopke, Lee, Mazzanti and McMahon - 6.
Nays: None.
Absent: None.
Abstain: None.

APPROVED this 1st day of June, 2010.

VILLAGE OF SPRING GROVE

BY: _____
Mark R. Eisenberg, Village President

ATTEST:

Sandi Rusher, Village Clerk

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**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF SPRING GROVE
THIS 1ST DAY OF JUNE, 2010**

Published in pamphlet form
by the authority of the President
and Board of Trustees of the
Village of Spring Grove
McHenry County, Illinois this
2nd day of June, 2010.

