## Chapter 10   BUSINESSES [[1]](#BK_C323A24AC720F324BD0F25EDEE154C6C)

ARTICLE I. - IN GENERAL

ARTICLE II. - PEDDLERS AND SOLICITORS

ARTICLE III. - HORSE-DRAWN VEHICLES

FOOTNOTE(S):

--- (**1**) ---

**State Law reference—** Municipal power over certain businesses, 625 ILCS 5/11-42-1 et seq. [(Back)](#BK_7D64F756647D9F95F4A8374E1EEFA73D)

### ARTICLE I.   IN GENERAL

[Secs. 10-1—10-18. Reserved.](#BK_7819EC8BD64494D09F1A203905DFD412)

Secs. 10-1—10-18.   Reserved.

### ARTICLE II.   PEDDLERS AND SOLICITORS [[2]](#BK_0102D60AB416F0CE40F72E0614467AAF)

DIVISION 1. - GENERALLY

DIVISION 2. - LICENSE

FOOTNOTE(S):

--- (**2**) ---

**State Law reference—** Regulation of hawkers and peddlers, 65 ILCS 5/11-42-5. [(Back)](#BK_13E03E84F5F31ADA01E3D92AFA99E41C)

#### DIVISION 1.   GENERALLY

[Sec. 10-19. Definitions.](#BK_EC9C02D2B00EBAA45E9A49D8DE74A823)

[Sec. 10-20. Certain activities prohibited.](#BK_1BA2B5115C3400ED3959EBC604072EF8)

[Sec. 10-21. Certain hours prohibited.](#BK_51805F8980F4E660FC7EA5DF9BE24A99)

[Secs. 10-22—10-45. Reserved.](#BK_31F93AEEDB10F8816CF4468A12026724)

Sec. 10-19.   Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Peddler* means any person engaged in the selling, bartering or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the streets, highways, or public places of this municipality or from house to house, whether at one place thereon or from place to place, from any wagon, truck, pushcart, or other vehicle or from movable receptacles of any kind, but shall not include the delivery of any item previously ordered or the sale of items along delivery routes where the purchaser has previously requested the seller to stop and exhibit his items. Nor shall the term "peddle" be taken to include solicitation of orders by sample where the goods are not to be delivered at the time the order is taken.

*Solicitor* means any person engaged in seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatsoever or, seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character, or seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication, or seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation or project.

(Code 2003, § 6-7-1; Ord. No. 08-06A-12, 8-6-2012)

Sec. 10-20.   Certain activities prohibited.

It shall be unlawful for a peddler or solicitor to enter any private dwelling without being admitted, or to insist upon the showing or sale of his goods or wares to any person after being requested not to do so, or to annoy any person by importunities to purchase, or to obstruct any sidewalk or street by the opening of his goods or wares.

(Code 2003, § 6-7-2(D); Ord. No. 08-06A-12, 8-6-2012)

Sec. 10-21.   Certain hours prohibited.

(a)  It is hereby declared to be unlawful for any person to peddle or solicit before 9:00 a.m. or after 6:00 p.m. on Monday through Saturday or at any time on Sunday or on a state or national holiday.

(b)  Hours for street solicitation shall be set on a case-by-case basis, to be determined by the chief of police.

(Code 2003, § 6-7-5(C), (D); Ord. No. 08-06A-12, 8-6-2012)

Secs. 10-22—10-45.   Reserved.

#### DIVISION 2.   LICENSE

[Sec. 10-46. General prohibition.](#BK_C2FFB7D8FD0CD876D886B14D6D5482A8)

[Sec. 10-47. Exemptions.](#BK_4E722281CD1A8D310FA7F423CDBCC9BF)

[Sec. 10-48. Application requirements.](#BK_234A0505F0672BDC9BD85993347DAF81)

[Sec. 10-49. License terms and fees.](#BK_3405119325CE914344CF372DBCCA0565)

[Secs. 10-50—10-71. Reserved.](#BK_0613AD55553C7BAC4E29B85D72CD31B2)

Sec. 10-46.   General prohibition.

(a)  No person shall stand on a highway for the purposes of soliciting contributions from the occupant of any vehicle except on Vine Street within the village limits of the Village of Arthur, on such portion thereof as is authorized by license issued by the Village of Arthur.

(b)  No person shall peddle any goods, wares, merchandise or other article either on foot, with motor vehicle, or wagon, or from an enclosed stand, in any residential areas within the corporate limits of the Village of Arthur, without having obtained from the village, a license to do so.

(c)  No person shall solicit door-to-door in residential areas in the Village of Arthur, without first obtaining a license from the Village of Arthur.

(Code 2003, § 6-7-2(A)—(C); Ord. No. 08-06A-12, 8-6-2012)

Sec. 10-47.   Exemptions.

There shall be no license required for the door-to-door soliciting or peddling of articles, wares or merchandise from a person representing local religious institutions, bona fide not-for-profit organizations duly licensed and incorporated under the laws of the State of Illinois, local school affiliated fundraisers, political parties or candidates, persons representing companies or organizations engaged in polling the public, small business opportunities started and run by youth of the community, or for any farmer, fruit or vine grower or gardener engaged in selling their produce.

(Code 2003, § 6-7-3; Ord. No. 08-06A-12, 8-6-2012)

Sec. 10-48.   Application requirements.

(a)  An application for a peddler and solicitor license shall be made upon a form provided by the Village of Arthur Police Department. Each individual applicant shall truthfully state, in full, the information requested on the application, to-wit: name, address, telephone number, age, date of birth, physical description, driver's license or photo ID card number and state, company name, for which employed, company address and telephone number, Illinois Retailer's Occupation Tax Number, year, make and model of any vehicles to be used along with the license number and state, names of the most previous three communities where applicant has last worked, items to be sold or solicited, period of time license is sought, proposed method of operation, a statement regarding convictions for felony offenses under the laws of the State of Illinois or any other state or federal law of the United States, the date of the application and the applicant's signature and affirmation regarding the truthfulness of the information provided.

(b)  Every person or organization wishing to obtain a license for the purpose of soliciting contributions on the street, as set forth under section 10-46, shall make application to the village clerk stating that the soliciting agency is:

(1)  Registered with the attorney general as a charitable organization as provided by "An Act to regulate solicitation and collection of funds for charitable purposes, providing for violations thereof, and making an appropriation therefor," approved July 26, 1963, as amended.

(2)  Engaged in a statewide fund raising activity.

(3)  Liable for any injuries to any person or property during the solicitation which is casually related to an act of ordinary negligence of the soliciting agent. The agent may be required to furnish proof of insurance covering the soliciting activity.

(4)  The application shall indicate the times and days that the solicitation shall occur, and the license shall be issued for only such times and days as are listed and approved by the Village of Arthur.

(5)  Any person engaged in the act of street solicitation shall be 16 years of age or more and shall be wearing a high visibility vest.

(c)  The Arthur Police Department shall conduct a background investigation with regard to the application for the peddler and solicitor license, to verify the information included therein. No license shall be issued to any person who has 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, nor to any person convicted of a violation of any of the provisions of this article, nor to any person who does not have an Illinois Retailer's Occupation Tax number. The police department shall have up to 72 hours to complete the investigation and either issue or deny the license.

(d)  If the applicant meets all of the qualifications for a peddler or solicitor license, the Arthur Police Department shall issue the license. If the applicant does not meet all of the qualifications, the license shall be denied and the applicant shall be notified as to the reasons why the license is being denied and the reasons shall also be noted on the application itself. The chief of police shall cause to be kept in his office, an accurate record of every application received and acted upon, together with all other information and data pertaining thereto and all licenses issued under the provisions of this article, and the denial of licenses.

(Code 2003, § 6-7-4; Ord. No. 08-06A-12, 8-6-2012)

Sec. 10-49.   License terms and fees.

(a)  There shall be no fee charged for a street solicitor's license.

(b)  The fees charged for a peddler and solicitor license shall be as established by resolution.

(c)  Any license issued under the provisions of this article may be revoked by the village president or any police officer of the village for any violation of any regulation hereof, and such revocation shall be in addition to any fine imposed by this section. In the event of a revocation, any fee paid to obtain a license shall be forfeited and shall not be refunded. The decision of a police officer of the village to revoke a license may be appealed to the Village of Arthur board of trustees.

(Code 2003, § 6-7-5(A), (B), (E); Ord. No. 08-06A-12, 8-6-2012)

Secs. 10-50—10-71.   Reserved.

### ARTICLE III.   HORSE-DRAWN VEHICLES

DIVISION 1. - GENERALLY

DIVISION 2. - OPERATOR'S LICENSE AND REGISTRATION

DIVISION 3. - DRIVER'S LICENSE

#### DIVISION 1.   GENERALLY

[Sec. 10-72. Denial of application; revocation of license; hearing for denial or revocation.](#BK_366C95B680DCAE3534101918B3F87DD0)

[Sec. 10-73. Vehicles.](#BK_F22D5A43E5EEDA50863E05BD0754B166)

[Sec. 10-74. Valid Illinois motor vehicle driver's license required.](#BK_1B0282F39DB3606363E6CCC1503812EB)

[Sec. 10-75. Fares posted in public view.](#BK_0FEDBD425D135B9373ACB78F58416427)

[Sec. 10-76. Operation of horse-drawn vehicles.](#BK_9080D365BA2DE88BEE6710272CD0A277)

[Sec. 10-77. Passengers.](#BK_2923B8989EAC27FDA4EBED83D1E0F83B)

[Sec. 10-78. Routes and schedules.](#BK_01835157DDC62DB682B43E28ECC6C654)

[Sec. 10-79. Animal care and control.](#BK_C908F1DF8C1BB90C9BC99A46B74981D3)

[Sec. 10-80. Advertising.](#BK_A522FF1CCAEA90B9AA4448DA91D0C4CC)

[Secs. 10-81—10-103. Reserved.](#BK_5C0D21DE8994710AE48DE6181D961CF7)

Sec. 10-72.   Denial of application; revocation of license; hearing for denial or revocation.

The following procedures on a denial or revocation and hearings thereon as set forth shall apply:

(1)  Application for a horse-drawn vehicle driver's or operator's license shall be denied or may be revoked if, after due consideration, the approving authority determines that the provisions of this Code have not been satisfied. The approving authority shall notify the applicant and the village clerk in writing that the application has not been approved and the reasons therefor.

(2)  Within ten days from service of the approving authority's notice of denial or revocation, the horse-drawn vehicle driver applicant may request in writing to the approving authority, a hearing before the village board, at which time the applicant may explain why the application should be approved.

(3)  If a horse-drawn vehicle driver is convicted of reckless or drunken driving or is convicted of a felony while holding said license, said license shall be revoked.

(Ord. No. 3-94, § 10, 5-2-1994)

Sec. 10-73.   Vehicles.

No horse-drawn vehicle shall be operated unless it is equipped with the following:

(1)  All equipment required by chapter 12 of the Illinois Vehicle Code (625 ILCS 5/12-100 et seq.).

(2)  An approved first aid kit.

(Ord. No. 3-94, § 6, 5-2-1994)

Sec. 10-74.   Valid Illinois motor vehicle driver's license required.

No person shall drive a horse-drawn vehicle carrying persons for hire or by contract, unless such person is the holder of a valid Illinois motor vehicle driver's license.

(Ord. No. 3-94, § 7, 5-2-1994)

Sec. 10-75.   Fares posted in public view.

(a)  A schedule of fares shall be affixed to the horse-drawn vehicle in a prominent location so as to advise all customers of the charges for services rendered.

(b)  It shall be the duty of the horse-drawn vehicle driver to inform any person hiring the horse-drawn vehicle of all charges before any service is rendered.

(c)  Fares shall also be posted on any temporary or permanent sign advertising the service.

(Ord. No. 3-94, § 11, 5-2-1994)

Sec. 10-76.   Operation of horse-drawn vehicles.

(a)  Horse-drawn vehicle drivers or operators shall not solicit patronage in a loud tone of voice or in any manner to annoy or obstruct the peace or movement of persons, or follow any person for the purpose of soliciting patronage.

(b)  Horse-drawn vehicle drivers or operators are prohibited from smoking while carrying passengers.

(c)  Horse-drawn vehicle drivers or operators shall not allow the occupancy of the vehicle to exceed the rated seating capacity.

(d)  Horse-drawn vehicle drivers or operators shall not stop, stand or park at any location, other than those designated by the approving authority of the Village of Arthur, for the purpose of picking up or discharging passengers; however, nothing shall prohibit a person from requesting said approving authority to consider certain locations as horse-drawn vehicle parking stands.

(e)  It shall be the responsibility of the horse-drawn vehicle drivers or operators to keep the stand area clean.

(f)  Horse-drawn vehicle drivers shall comply with all provisions of the State of Illinois Motor Vehicle Code, as well as all applicable local traffic laws, ordinances and regulations.

(g)  No animal shall be left unattended for any length of time without being secured, anchored or tethered.

(Ord. No. 3-94, § 12, 5-2-1994)

Sec. 10-77.   Passengers.

(a)  No passenger shall be allowed to ride on any part of the vehicle while in motion, except while seated inside the vehicle.

(b)  Passengers shall not be allowed to drink alcoholic beverages, be intoxicated or demonstrate disorderly conduct.

(Ord. No. 3-94, § 13, 5-2-1994)

Sec. 10-78.   Routes and schedules.

(a)  Vehicles regulated under these provisions shall operate only upon designated routes and schedules approved by the traffic engineer of the Village of Arthur.

(b)  A special designated route different from subsection (a) of this section may be granted by the approving authority of the Village of Arthur, provided that such request is received in writing not less than five days prior to the use of the special designated route.

(Ord. No. 3-94, § 14, 5-2-1994)

Sec. 10-79.   Animal care and control.

(a)  Horse-drawn vehicle drivers or operators shall have control of the vehicle and carriage animals at all times.

(b)  Horse-drawn vehicle operators shall maintain their horses in good health abiding by the rules of good animal husbandry. This shall include an annual health examination of each animal by a veterinarian of equine medicine licensed by the State of Illinois. A copy of said examination shall be submitted to the village clerk with a new and each renewal application. Proof of age for each horse to be used must also be provided with a minimum age of three years.

(c)  No animal shall be permitted to pull any vehicle for hire if the animal has open sores or wounds, is lame, or is found to have any ailment.

(d)  All animals used to pull a vehicle for hire must be groomed daily and not have fungus, a dirty coat, or show symptoms of illness or irritations.

(Ord. No. 3-94, § 15, 5-2-1994)

Sec. 10-80.   Advertising.

Within the designated stand area, a portable folding sign not to exceed two feet wide by four feet tall per side and two feet in depth may be stationed indicating the name of the business and the rate of fares during business hours only.

(Ord. No. 3-94, § 16, 5-2-1994)

Secs. 10-81—10-103.   Reserved.

#### DIVISION 2.   OPERATOR'S LICENSE AND REGISTRATION

[Sec. 10-104. Horse-drawn vehicle operator's license and registration required.](#BK_6F4AD058DA93E9204877A93AA3ADA11F)

[Sec. 10-105. License and registration fee.](#BK_8C44B982AAC9061AD2B79F774714069A)

[Sec. 10-106. Emblems for registered horse-drawn vehicles.](#BK_235F5AE333142BD5229463B30B093BFA)

[Sec. 10-107. Application for horse-drawn vehicle operator's license.](#BK_5C137A37DFACFA689281B6FF0B126DB0)

[Secs. 10-108—10-127. Reserved.](#BK_5DB09D7D34CA5AC1F2EFD257E6EA5F2F)

Sec. 10-104.   Horse-drawn vehicle operator's license and registration required.

(a)  No person shall operate a horse-drawn vehicle business for the purpose of transporting persons for hire, for donations or as a contractual service without first having obtained a horse-drawn vehicle operator's license from the office of the village clerk.

(b)  Any person licensed as an operator shall register each horse-drawn vehicle used to conduct the horse-drawn vehicle business.

(c)  The approving authority shall be the chief of police or in his absence, the village president.

(d)  Any business licensed under this division shall be considered to be engaged in business in the Village of Arthur, Illinois for purposes of any federal, state or local taxes.

(Ord. No. 3-94, § 1, 5-2-1994)

Sec. 10-105.   License and registration fee.

(a)  The horse-drawn vehicle operator's license fee shall be as established by resolution per calendar year.

(b)  The horse-drawn vehicle registration fee shall be as established by resolution per horse-drawn vehicle per calendar year.

(Ord. No. 3-94, § 2, 5-2-1994)

Sec. 10-106.   Emblems for registered horse-drawn vehicles.

(a)  The village clerk shall issue to each licensed horse-drawn vehicle operator an emblem for each registered horse-drawn vehicle. This emblem shall indicate the horse-drawn vehicle registration number and the year of issue.

(b)  The emblem shall be securely fastened to the registered horse-drawn vehicle in a manner as to be readily discernible.

(Ord. No. 3-94, § 3, 5-2-1994)

Sec. 10-107.   Application for horse-drawn vehicle operator's license.

In addition to information required in the general licensing provisions, the application for a horse-drawn vehicle operator's license shall contain the following:

(1)  The number of carriages to be operated pursuant to the horse-drawn vehicle operator's license.

(2)  The seating capacity of each carriage.

(3)  The applicant's name, date of birth, address, social security number, and state tax number.

(4)  Proof of a health exam for each horse to be used in the horse-drawn vehicle operation by a veterinarian of equine medicine who is licensed by the State of Illinois. This proof of health exam shall be required annually or at renewal of the license or at the discretion of the licensing authority in the event that any horse appears to be in poor health, malnourished, or neglected.

(5)  Proof of age for each horse to be used in the horse-drawn vehicle operation, the minimum age being three years.

(6)  A route and operations schedule which shall contain the following and be subject to approval of the approving authority:

a.  A map of the proposed primary route on which the vehicles will normally operate.

b.  The location of the proposed site to be used for off-street storage, stabling and loading of carriages and horses.

c.  The location of proposed area to be designated as stands for regular pickup and discharge of passengers.

(7)  An insurance policy issued by a company currently authorized to do business in the State of Illinois, insuring the applicant against liability. This policy shall give a description of each horse-drawn vehicle, the manufacturer's name and model number and the registration number. The public liability insurance policy may cover one or more horse-drawn vehicles, but each horse-drawn vehicle shall be insured for at least $500,000.00 for property damage and for injuries to or death of any one person, and each horse-drawn vehicle having seating capacity for not more than seven adult passengers shall be insured for the sum of at least $1,000,000.00 for injuries to or death of more than one person at any one accident. The Village of Arthur shall be named as an additional insured on said policy.

(Ord. No. 3-94, § 4, 5-2-1994)

Secs. 10-108—10-127.   Reserved.

#### DIVISION 3.   DRIVER'S LICENSE

[Sec. 10-128. Application for horse-drawn vehicle driver's license.](#BK_66296206254E3768379B535F928EE7A6)

[Sec. 10-129. Issuance and display of horse-drawn vehicle driver's license.](#BK_070196B72D6C2CDADB5142516DC528A9)

Sec. 10-128.   Application for horse-drawn vehicle driver's license.

In addition to information required in the general licensing provision, an application for a horse-drawn vehicle driver's license shall include the following:

(1)  The applicant's license number from his or her valid Illinois motor vehicle driver's license.

(2)  Written evidence that the applicant has experience in driving a horse-drawn vehicle or successful completion of a course in such driving and shall, upon request by the approving authority, demonstrate the ability to drive a horse-drawn vehicle to the satisfaction of the licensing authority.

(3)  A verification by the applicant that he has good eyesight and is not subject to any infirmity of body or mind which might render him unfit for the safe operation of a horse-drawn vehicle.

(4)  Age, height, weight, color of eyes, color of hair.

(5)  Any prior felony convictions.

(6)  Any prior licenses as a driver or chauffeur, whether any licenses have ever been revoked, and if so, the reasons therefor.

(7)  Whether the applicant has ever been convicted of a moving violation within the five years prior to applying and, if so, the details thereof.

(8)  Whether the applicant has ever been convicted of driving while intoxicated and if so, the details thereof.

(9)  The annual horse-drawn vehicle driver's license fee shall be as established by resolution, plus a one-time non-refundable fee as established by resolution to cover expenses in connection with the investigation to verify the application.

(10)  The approving authority shall be the chief of police or in his absence, the village president.

(Ord. No. 3-94, § 8, 5-2-1994)

Sec. 10-129.   Issuance and display of horse-drawn vehicle driver's license.

(a)  Upon certification of the qualifications of the applicant and the payment of the license fee, the horse-drawn vehicle driver's license shall be issued in a form so as to contain the year for which the license is valid, the name of the driver, the number of the license and the name of the horse-drawn vehicle company.

(b)  The chief of police shall deliver to each driver a plastic-coated identification card. The identification card shall display a driver's license number. The identification card, under penalty of revocation of license, shall be constantly and conspicuously displayed on the outside of the driver's coat or outer garment while he is engaged in his employment, or otherwise affixed on the vehicle's interior in plain view of the passenger area. No driver shall loan or permit the use of this card by any other person. On termination of employment, the driver must return his identification card to the police department.

(Ord. No. 3-94, § 9, 5-2-1994)