

# Article A Village Clerk

## § 1-6A-1 Compensation.

[1-30-1989; amended 9-23-1996; 9-19-2016; 6-17-2019]

Pursuant to the provisions and authority of the Illinois Revised Statutes, the salary of the person holding the elected office of the Village Clerk, hereinafter elected, is set at \$300 per month, to be paid on the first pay period of the month.

## § 1-6A-2 Powers and duties.

[1983 Code; amended 7-19-2010(1)]

### A. General Duties.

1. Office. He shall keep his office for the transaction of Village business at the Village Hall.
2. Issue Notices. He shall issue notices to the President and members of the Village Board and, when directed by that body, to the members of the different committees of that body and to all persons whose attendance will be required before that body or any such committee when so directed, and shall also issue and cause to be served notices of said meeting.
3. Attest Licenses. He shall attest all the licenses granted by the President or Board of Trustees under the ordinances of the Village.
4. Deliver Documents of Officers. He shall, without delay, deliver to the officers of the Village and to all committees, all bills, resolutions, communications and other documents referring to such officers and committees.
5. Deliver Ordinances to President. He shall, without delay, deliver to the President all ordinances or resolutions under his charge, which may require approval or other action by the President, with all papers and information on which the same were founded.
6. Corporate Seal. The Clerk shall keep the Corporate Seal and affix the same to all papers which require it.
7. Keeper of Records. He shall keep all records and papers belonging to the Village.
8. Attend Meetings. He shall attend all the meetings of the President and Board of Trustees, and keep a full record of its proceedings in the Journal.
9. Record Ordinances. All ordinances passed by the President and Board of Trustees shall be recorded by the Clerk in a book kept and used exclusively for that purpose before the next regular meeting after they go into effect. He shall cause ordinances imposing a fine or penalty or making an appropriation to be duly published. The Clerk shall note at the foot of the record of each ordinance, a memorandum of the date of its passage and approval or otherwise becoming effective and if published, the date of the publication of such ordinance. The original shall be filed in the office of said Clerk with a certificate of publication or posting attached to ordinances requiring publication.
10. File Tax Levy Ordinance. It shall be the duty of the Village Clerk, ~~on or before the second Tuesday in September in~~ *in a timely manner* each year, to file with the County Clerk of Cook County, Illinois, a certified copy of the ordinance in which the total amount of appropriations for all corporate purposes of the Village legally made are levied and assessed for the current fiscal year.

11. **Furnish Information to State.** He shall furnish the State Department of Public Health with a list of the names of the President, the Clerk, the Health Officer and all members of the Board of Health. This list shall indicate which person is charged with the enforcement of quarantine regulations. This list shall be furnished annually, before the first day of June. He shall also advise of vacancies as soon as they exist.
12. **Transcript as Evidence.** He shall have authority to certify for use as evidence in court, copies of all papers duly filed in his office and transcripts from the Journal and other records and files of his office.
13. **Filing Bonds.** He shall keep on file all bonds required to be filed by all elected or appointed officers. He shall keep in his office in a book used exclusively for that purpose, a correct list of all the outstanding bonds of the Village, showing the number and amount of each, and for and to whom the bonds were issued.
14. **Sign Commission Warrants.** He shall sign all warrants of commission to all Municipal officers, elected or appointed, and shall affix the Corporate Seal to said warrant.
15. **Conduct Elections.** He shall perform such duties as prescribed by 10 ILCS 5/1-1 et seq.
16. **Member of Electoral Board.** He shall be a member of the Electoral Board which passes on objections to nomination papers.
17. **Call for Special Election.** In the event there is a vacancy in an elective office and if, for any reason, there is not a quorum in office of the corporate authorities, and if there be a vacancy in the office of President, he may call for a special election to fill the vacancy pursuant to the provisions of 10 ILCS 5/1-1 et seq.
18. **Publish Annual Treasurer's Report.** He shall publish the Treasurer's annual report at least once in one or more newspapers published in the Village.
19. **File Affidavit of Annual Account.** He shall furnish the Treasurer an affidavit with a true and correct copy of the annual Treasurer's report filed with him and that the account was published, the date of publication and the name of the newspaper in which published. *and shall submit a copy to the Cook County Treasurer's Office.*
20. **Issue Building Permits.** He shall issue all building permits after proper approval.
21. **Secretary, Board of Local Improvements.** He shall be the secretary of the Board of Local Improvements and shall keep the minutes of said Board of Local Improvements and perform such other duties as may be required of said office.
22. **Open Meetings Act Designee.** He shall submit to the Public Access Counselor the names of any newly elected or appointed officials within 30 days of election or appointment, and shall notify the Public Access Counselor of the names of elected or appointed officials who are no longer serving in that capacity within 30 days of their vacation of office. Those elected or appointed officials shall be:  
 Mayor and Board of Trustees;  
 Administrator;  
 Clerk;  
 Chairman of the Planning and Development Commission;  
 Chairman of the Police or Firemen Commission;  
 Chairman of the Ethics Commission;  
 Chairman of the Foreign Fire Tax Board.
23. **Zoning Board of Appeals.** He shall serve as the secretary of the Zoning Board of Appeals and shall keep the minutes of said Zoning Board of Appeals and shall perform such other duties as may be required of said office.

24. Planning Commission. He shall serve as secretary of the Planning Commission and shall keep the minutes of said Planning Commission and shall perform such other duties as may be required of said office.
25. Ethics Commission. He shall serve as the Secretary of the Ethics Commission and shall keep the minutes of said Ethics Commission and shall keep records of all investigations, proceedings and other official action and shall perform such other duties as may be required of such office.

[Added 9-19-2016<sup>[1]</sup>]

[1] Editor's Note: This ordinance also provided for the renumbering of former Subsection A25 as Subsection A26.

26. Notice of Injury. He shall receive notices of injury from persons about to commence an action for injuries to the person against the Village and to forward the same to the insurance carrier insuring the Village for such actions.

- B. Power to Administer Oaths. He shall have power to administer oaths and affirmations on all lawful occasions.

### § 1-6A-3 Village Collector.

[7-19-2010]

- A. Salary. The Village Clerk shall act as and perform all duties of the Village Collector unless and until a separate Village Collector is appointed. The salary of the person holding the office of Village Collector shall be such sum as set in the annual appropriation ordinance.
- B. Powers and duties. The Village Collector of the Village shall:
1. Be responsible for day-to-day administration of the Village business office at Village Hall and provide over-the-counter services;
  2. Prepare, collect and execute, all special assessments and other warrants which by law or ordinance of the Village, may be executed by him; prepare such bills with interest computed thereon as may be required; prepare and safely keep all books and records relating to special assessments;
  3. Prepare the Village payroll and administer employee benefits;
  4. Act as the Freedom of Information Officer pursuant to the Illinois Freedom of Information Act; *unless a separate Freedom of Information Officer is appointed*
  5. Receive and account for all special taxes not paid to treasurer;
  6. Act as the authorized agent of the Village in the performance of all duties of the Village relating to the administration of the Illinois Municipal Retirement Fund, and have the duties and powers as authorized by the Illinois Revised Statutes as the same is in force and may hereafter be amended; and
  7. Perform such other duties as have heretofore been imposed upon the office of the Village Collector by law or the ordinances of the Village.



## Chapter 4-1 General Financial Provisions

### § 4-1-1 Fiscal and municipal year.

[1983 Code]

The fiscal and Municipal year of the Village shall begin on the first day in May of each year and end with the last day of April of the succeeding year.

### § 4-1-2 Appropriations, ordinance.

[1983 Code]

Within the first quarter of each fiscal year there shall be passed an ordinance to be termed the "Annual Appropriation Ordinance," in which shall be appropriated such sum or sums of money as may be necessary to defray all necessary expenses and liabilities of the Village, and such ordinance shall specify the object and purpose for which such appropriations are made, and the amount appropriated for each object or purpose.

### § 4-1-3 Warrants.

[1983 Code]

- A. Signatures. All warrants drawn upon the Treasurer must be signed by the President of the Village and countersigned by the Village Treasurer, and must state the particular fund to which same is chargeable and the person to whom payable, and for what purpose the same was drawn, and no money shall be otherwise paid than upon warrants so drawn.
- B. Transfer of Funds. All warrants drawn on the Treasurer must be signed by the President and countersigned by the Village Clerk, stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable, and no money shall be otherwise paid except as may be provided by Statute. Money shall not be transferred by the Treasurer from one fund to another, after it has been received by him nor appropriated to any purpose other than that for which it has been collected or paid, except as may be ordered by the Village President and Board of Trustees in manner and form prescribed by Statute.

### § 4-1-4 Audit of accounts.

[1983 Code]

As soon as practicable at the close of each fiscal year, and no later than six months thereafter, there shall be an audit of all accounts of the Village made by a competent person authorized to act as an auditor under the laws of Illinois, to be designated by the Village Board. Copies of such audit report shall be filed with the Village Clerk and with the Comptroller of the State Department of Revenue and in such other places as may be required by law.

### § 4-1-5 Document charges.

[1983 Code]

Collector

- A. Document Charge. The Village ~~Clerk~~ is authorized to collect the following charges for the furnishing of certain documents:
  - 1. For furnishing copies of any page of this Code, \$0.25 per page and \$0.50 for the certificate with seal affixed thereto. Minimum charge for this service shall be \$1.
  - 2. For furnishing a certified copy of any document, instrument or other paper, \$0.25 per page and \$0.50 for the certificate with seal affixed thereto. Minimum charge for this service shall

be \$1.

3. No charge shall be made to any officer or employee for any documents needed by said officer or employee in the furtherance of the business of the Village.
- B. Deposit in General Fund. All funds received under the provisions of this section shall be deposited in the General Corporate Fund of the Village.

#### **§ 4-1-6 Special assessments funds.**

[1983 Code]

All monies received on any special assessment shall be held by the Treasurer as a special fund to be applied only to the payment of the improvement, or bonds and vouchers issued therefor, together with interest thereon, for which the assessment was made, and said money shall be used for no other purpose, unless to reimburse the Village for the money expended for such improvement. Payments on bonds or vouchers shall be made in accordance with the Statutes, and the Treasurer shall keep his books and accounts in such a manner so that proper prorations in payments of principal and interest can be made and ascertained.

## Chapter 5-1 Licenses and Regulations

### § 5-1-1 License required.

[1983 Code; 5-16-1980]

- A. Requirement. The provisions of this chapter in reference to licenses, permits and fees are declared to be of a regulatory nature, and it shall at all times be the duty of the Police Department and/or other enforcing officers designated to regularly inspect the business and/or places of businesses licensed to see that same are being conducted and operated so as to promote the public health, morals, safety and general welfare of the populace and the Village, and in accordance with requirements of this chapter. A license shall create no vested right or interest.
- B. Granting, Issuance. All licenses or permits (except as may otherwise be specifically provided) shall be granted and signed by the Village President and issued by the Village Clerk. Any application may be ordered by the President or the Village Board to be presented to and approved by such Board before issuance of a permit or application for license. Forms of licenses and permits shall be prescribed and furnished by the Village Board.
- C. Permit for Commencement of Business.
1. Permit. It shall be unlawful for any person to hereafter commence the operation of a business upon or within premises which are open for the general public until a "permit for the commencement of business" is first secured and the provisions of this chapter are fully complied with.
  2. Application for Permit; Fee. Application for such a permit shall be made to the Village Clerk, which application shall state the name of the owner of the business, the name under which business is to be conducted, the address of the business premises and the type of business.
  3. Fire Inspection. No permit shall be issued until the Fire Inspector has conducted an inspection of the business premises and certified that there are no violations of the Fire Code.
  4. Building Code Violations. No permit shall be issued until the Building Commissioner has conducted an inspection of the business premises and certified that there are no violations of the Building Code or that, if there are violations of the present Building Code, such violations existed before the adoption of the present Building Code and are of a type which are permissible by reason of having existed prior to the adoption of the present Building Code.
  5. Penalty. Any person found guilty of a violation of a provision of this subsection shall be fined not less than \$25 and not more than \$500 and each day that the violation continues shall be considered a separate offense.

### § 5-1-2 Requirements for licensing.

[1983 Code]

- A. Application. All licenses and permits shall be made in writing on forms to be provided by the Village, and shall be submitted to the Village Clerk unless express provision to the contrary is made. A new application shall be necessary to renew any license at its expiration.
- B. Investigation. In case the ordinances require an investigation into the character of any applicant or into the premises to be used, the Village President shall cause such investigation to be made. No license or permit shall be issued unless all ordinance requirements have been complied with.



- C. Bond. In case a bond is required for the issuance of any license or permit, such bond must be a surety company bond to be approved by the Village Board, and must be filed with the Village Clerk before the license or permit issued. The President and/or the President and Board of Trustees may in any case require a bond from licensee where deemed necessary to protect the Village. Said bond shall in no event, be less than the sum of \$1,000.

### § 5-1-3 Fees.

[1983 Code; amended 1-4-1982; 7-15-1985; 1991; 1-18-1999; 7-6-2021; 4-4 2022]

- A. Required. The fees required for licenses and permits must be paid at the time that application is made.
- B. Rebate. In no event shall any rebate or refund be made of any license fee or part thereof, by reason of the death of the licensee, or by reason of nonuse of the license, or by reason of a change of location or occupation of such licensee.
- C. Prorating. In no case shall prorating be made which will relieve the licensee from payment of less than 1/2 of the license fee, and no prorating shall be made in the first six months of the license year.
- D. Waiver. Whenever, in the opinion of the Village Board, it is to the best interests of public welfare, and the permit sought is for charitable purposes for the interests of a department of the Village or sponsored by some association or group of persons not for profit, the license fee provided for by ordinance may be waived. In any other cases which might arise, the license fee shall be waived only upon a 2/3 vote of the Board elected and in no case shall the filing of an application be waived.
- E. Rates. No person shall conduct or operate any of the following enumerated business enterprises without first securing a license therefor. The following fees and licenses shall be charged in and for the Village for a license to conduct business where such licenses are charged for revenue purposes only, and the amounts hereinafter set forth shall be charged for inspection fees annually where the statute authorizes such charge for inspection purposes, the said classifications and businesses being charged the amounts set forth following the classification or name thereof. In said classifications the word "employ or employing" is intended to exclude the licensee and members of his immediate family, which immediate family is limited to mother, father, wife, husband, brother, sister, daughter and son.

### INDUSTRIAL AND COMMERCIAL

**Car and Truck Parking** which involves charging transient vehicles a fee, as defined in the Zoning Code, to park on the property.

#### Number of Spaces

#### Annual Fee

0 to 50	\$750
51 to 100	\$1,000
Over 100	\$1,500

**Commercial Enterprises** which involve fabricating, assembling, machining, printing, plating, refining, blending, mining, mixing, warehousing and other related activities, which employ:

#### Type

#### Fee

None - part-time	\$0
None - full-time, self employed	\$30
1 or 2	\$55
3 to 5	\$85
6 to 10	\$110
11 to 20	\$165

Over 20

\$220

**Sales and Service Enterprises** (except food and beverage dispensers, taverns and caterers).

Group A. Service or sales, or sales and service stores, shops or other enterprises or establishments where the nature of business invites the general public to enter and which employ:

Type	Fee
None - part-time	\$0
None - full-time	\$20
1 or 2	\$30
3 to 5	\$40
6 to 10	\$55
11 to 20	\$85
Over 20	\$110

Group B. Service or sales, or sales and service enterprises which are conducted in such a manner or place, or where the nature of business is such that most business is conducted by telephone or correspondence and the general public only occasionally may enter the place of business to arrange for the particular service available or purchase the merchandise offered, and which employ:

Type	Fee
None - part-time	\$0
None - full-time	\$20
1 or 2	\$25
3 to 5	\$35
6 to 10	\$45
11 to 20	\$70
Over 20	\$85

Group C. Service or sales, or sales and service enterprises which are conducted door to door:

Type	Fee
Daily fee	\$15
Monthly fee	\$30
Annual fee	\$55

Group D. Service or sales, or sales and service enterprises involving home delivery and/or pick up and delivery prearranged by residents:

Type	Fee
Each truck	\$20

**FOOD AND NONALCOHOLIC BEVERAGES**

**Food Dealers**, as used in this chapter, shall mean and include all dealers in general foods, such as grocery stores, dealers in meats, poultry and fish, eggs, cheese, butter and lard, dealers in fruits and vegetables, dealers in bakery goods, retail flour and feed dealers, milk dealers, etc., keepers of ordinaries, cafes, restaurants not serving liquor, confectionery stores, coffee shops, ice cream parlors, soft drink parlors, and refreshment stands.

Group A. Retail food stores and restaurants employing:

Type	Fee
None - full-time, self-employed	\$20



1 or 2	\$30
3 to 5	\$40
6 to 10	\$55
11 to 20	\$85
Over 20	\$110

Group B. Wholesale sale and distribution of foods and/or beverages, excluding those who manufacture or process or blend and package foods or beverages, and employing:

Type	Fee
None - full or part-time	\$25
1 to 2	\$35
3 to 5	\$55
6 to 10	\$85
11 to 20	\$110
Over 20	\$165

Group C. Food or beverages manufactured or processing or blending and packaging, including the wholesaling and distribution of such food and/or beverages manufactured, processed or blended, and employing:

Type	Fee
None - full or part-time	\$25
1 or 2	\$55
3 to 5	\$85
6 to 10	\$110
11 to 20	\$165
Over 20	\$220

Group D. Food, beverages and confectionery peddlers:

Type	Fee
Daily fee	\$15
Monthly fee	\$30
Annual fee	\$55

### CARTERS

Every person, who shall operate a business in which one or more express wagons, carts, trucks, drays, wagons, automobiles, autocars, auto trucks or other vehicles of any kind, which are garaged or parked upon any parcel of land within the Village and are directly or indirectly dispatched from such parcel of land for the purpose of transporting or conveying building materials and supplies, bundles, parcels, furniture, trunks, baggage, goods, wares, merchandise, produce, foodstuffs or other articles or material within, or into or out of the Village for hire or reward by the loan, or by the weight of the item or items to be transported, or by the day, week, month or year, shall pay an annual fee of \$20.

### VIDEO GAMING

No establishment licensed by the Illinois Gaming Board shall be permitted to operate any video gaming terminal in the Village pursuant to the Act, unless the establishment also has obtained a license and paid a fee to the Village for each video gaming terminal on its premises; the fee shall be paid in accordance with the Illinois Video Gaming Act, 230 ILCS 40. Except for establishments holding a Class 5 liquor license issued by the Village, the license fee shall be \$500, payable January 1 of each year. No license may be issued where the license applicant owes a debt, fine, fee or penalty to the Village, or where the license applicant has been convicted of being, or adjudicated to have been, in violation of any Village code.

**MISCELLANEOUS**

Vending machines and devices:

<b>Type</b>	<b>Fee</b>
Each vending machine and/or device	\$25
Automatic amusement devices	\$50

**F. Contractors.**

- Any of the following shall be deemed a contractor for the purpose of this section and are defined as follows:

**BUILDING CONTRACTOR**

Any person who procures a building permit, who may or may not perform any direct work, but who must sublet all of the work to licensed specialty contractors.

**CONTRACTOR**

Also includes, but is not limited to, the following occupations:

Air-Conditioning  
 Awning or Storm Windows-Doors  
 Carpenter  
 Catch Basin Cleaner  
 Cement-Concrete  
 Decorating  
 Drywall  
 Electrical  
 Excavating  
 Fence  
 Furnace Installer, Cleaner or Repairer  
 Gas Main  
 General Building Contractor  
 Glass Installer  
 Heating  
 Insulation  
 Landscaper  
 Lathing  
 Masonry  
 Mover-House  
 Painting  
 Paving  
 Plastering  
 Plumber  
 Roofing  
 Septic or Well  
 Sewer Builders  
 Sheet Metal  
 Sign Installer  
 Sign Painter  
 Steel Erector  
 Tile, Marble or Mosaic  
 Tuckpointing - Building Cleaning  
 Water  
 Wrecker-Houses

**GENERAL CONTRACTOR**

Any person who has the entire or major portion of a contract, and who employs the basic trades directly to perform building work and sublets to licensed specialty contractors.

### **SPECIALTY CONTRACTOR**

Any person whose operations are the performance of building work requiring special skills whose principal contracting business involves the use of a specialized building trade or craft.

### **SUBCONTRACTOR**

Any person doing business as a subcontractor shall be construed as engaged in the business of a contractor for which a license is required by this section.

2. **Registration and Certificate Required.** No person shall engage in the business of contractor for the erection, construction, repair, or alteration of any building or structure within the Village without first having registered with the Village Clerk and it shall be unlawful to engage in business in the Village as a contractor without first having obtained certificate of registration therefor, paying the applicable license fee and filing the bond as hereafter required.
3. **Fee.** The annual fee for registering as a contractor shall be \$50.
  - a. Homeowners doing their own work on single-family owner-occupied properties shall be exempt from registration but must meet the bonding requirements of this Division when doing work valued at more than \$15,000.
  - b. The certificate of registration issued hereunder shall remain in effect for one year following its date of issue or issue date of bond, whichever is less.
4. **Application.** Each application shall state the name of the applicant, applicant's address, type of certificate requested, and a statement that the applicant agrees to comply with all provisions of the Village Code. Contractors or tradesmen requiring license by the State of Illinois shall provide a copy of their state license. Electrical contractors shall provide a copy of a license issued by an Illinois "testing community."
5. **Bond.** Every applicant for a certificate of registration as a contractor shall execute and file with the Village Clerk a bond with good and sufficient sureties in the payable to the Village of Thornton in the penal sum of \$10,000 shown as applicable condition that the applicant shall, will and faithfully observe all of the provisions of the building code and all other ordinances and regulations of the Village of Thornton, County of Cook, State of Illinois, in relation to such construction, alteration, or repair, in conversion of buildings, and condition further to indemnify, save and keep harmless the Village of Thornton from loss, costs, damage, expense or liability of any kind whatsoever which the Village of Thornton may suffer or which may occur against it, be charged to or recover by the Village of Thornton from or by reason of anything by such person or by any servant, agent, or employee thereof in the construction, alteration, conversion or repair of any building or structure.
6. **Insurance.** Every person registered as a contractor in the Village of Thornton shall show proof of insurance to the Building Commissioner the following amounts:

Type	Amount
Bodily injury liability	\$300,000
Property damage liability	\$100,000
Business auto	\$300,000
Property damage liability	\$50,000
Workers compensation as required by Illinois Industrial Commission	



7. **Revocation of Certificate of Registration.** The Village Clerk shall serve written notice on the holder of a certificate of registration of intent to revoke said certificate on the recommendation of the Building Commissioner, Fire Administrator or Police Chief, for cause and approved by the Village Board. The contractor must be notified by certified mail of the intent to revoke the contractor's registration and of the alleged violations, and the contractor will have seven days from the date notice is given to correct said violations, or to show cause why there is no violation. Notice shall be given in any of the following forms: by certified mail at the address provided on the contractor's license, by personal delivery, by posting on the site in which the contractor is working.
8. **Duties of Contractor.** It shall be the duty of all contractors hereunder to comply with all provisions of the Code of this Village relating to or regulating the activities engaged in and, in addition thereto, to at least once a week remove or cause to be removed from the site of contractors' activities all trash, refuse and waste materials. Contractors shall at all times keep the site of activities in an orderly condition, free from standing water, unguarded dangerous implements and health and safety hazards, and contractors shall not obstruct traffic on streets or sidewalks or permit dirt or waste materials to fall or be carried onto such public ways.
9. **Inspection, Enforcement.** The provisions of this section are declared to be of a regulatory nature, and it shall at all times be the duty of the Police Department, the Health Department, the Fire Department, and the Building Commissioner regularly to inspect the site of contractor's activities to see that the same are being conducted and operated in accordance with the requirements of all provisions of the Village Code relating thereto.
10. **Compliance.** It shall be the duty of all contractors to comply with all provisions of this Code relating to the erection, construction, alteration, installation, repair or maintenance of any building or structure, to the construction of streets, sidewalks, or pavements, and all provisions pertaining to or regulating the activities engaged in.
11. **Out of Town Contractors.** This section shall apply to all contractors doing business within the Village, whether their place of business is located within or outside the corporate limits of the Village.

#### **§ 5-1-4 Transfer.**

[1983 Code]

No license or permit shall be transferred.

#### **§ 5-1-5 Record of license.**

[1983 Code]

The Village Clerk shall cause to be kept a record showing every license and every permit issued, showing the sum of money paid, the purpose for which such license or permit was issued, the location where the licensed or permitted privilege is to be exercised and the name of the licensee or person receiving the permit.

#### **§ 5-1-6 Posting license.**

[1983 Code]

Every license granted for the purpose of conducting any business or occupation required by ordinance to be licensed, and which designates the particular room, store, office or place in which business so licensed is to be conducted, shall be posted at all times in a conspicuous place, so that the same may easily be seen, upon the wall of the principal room or office of the store or place in which such licensed business or occupation is carried on; and when such license shall have expired, it shall be removed from such place in which it has been posted and no license which is not in force



and effect shall be permitted to remain posted upon the wall or upon any part of any room, store, office or place of business, after the period of such license has expired.

#### **§ 5-1-7 Refusal of license.**

[1983 Code]

No licenses for carrying on any business or occupation shall be issued when it appears that the premises or building on or in which the business or occupation licensed is to be conducted does not comply with the provisions as to buildings contained in this chapter, or with any other ordinance of the Village.

#### **§ 5-1-8 Exemptions.**

[1983 Code]

Whenever a person, firm or corporation desires to conduct a business or occupation within the Village not specifically covered by ordinance (unless no license is required under the law), an application shall be made to the Clerk and the Village Board shall grant or refuse a license or permit, fix a fee therefor and amount of bond if one is required.

#### **§ 5-1-9 Expiration, terms.**

[1983 Code]

- A. Except where otherwise provided, all licenses or permits shall expire on December 31 of the year issued, unless such license or permit is issued for a period of time less than a year.
- B. If a license is issued for a period in excess of one month, it shall be the duty of the Village Clerk, from 10 to 20 days prior to the termination of the license period, to cause a written notice to be mailed to each licensee, except in the case of dog and vehicle licenses, stating that a new license will be required on the day following the expiration of his existing license and stating also the amount of the license fee and the penalty for failure to procure a license in accordance with the provisions of the ordinance of the Village governing the issuance of such license; provided, however, that failure on the part of the Village Clerk to cause such notice to be mailed to any such licensee shall not waive the requirement that a license be procured.

#### **§ 5-1-10 Revocation.**

[1983 Code]

Any license or permit, excepting permits for building construction, may be revoked by the officer authorized to issue such license or permit for any violation of the terms or conditions upon which the license was issued, or of any ordinance relating to the license or the subject matter thereof, and it shall be unlawful to continue to operate any business, trade or occupation, or continue to exercise any privilege or authority granted by any license or permit issued by the Village or any of its duly authorized officers or employees, after the period has expired for which any such license or permit has been revoked.

#### **§ 5-1-11 Electronic audio amplification.**

[2-18-1986]

The operation, use, or permitting to be operated, used or playing of any electronic audio amplification equipment, radio receiving set, phonograph or other machine or device for the amplification, producing or reproducing of music, musical instruments, live entertainment, games, advertisements or sound of any kind shall be conducted wholly within the enclosed building of the license holder. No outside use or operation of any kind shall be permitted.

**§ 5-1-12 Penalty.**

[1-18-1999]

Any person, firm or corporation violating any provisions of this title shall be fined not less than \$50, but not more than \$500 for each offense and a separate offense shall be deemed committed on each day during which the violation continues.



Village of Thornton, IL  
Friday, September 13, 2024

## Chapter 5-3. Garage Sales

### § 5-3-2. Garage sale permit.

[Amended 12-15-1997; 4-18-1988]

- A. Permit Required. No garage sale shall be conducted unless and until the individuals desiring to conduct such sale shall obtain a permit therefor from the Village Clerk. Members of more than one residence may join in obtaining a permit for a garage sale to be conducted at the residence of them.
- B. Written Statement. Prior to issuance of any garage sale permit, the individuals conducting such sale shall file a written statement with the Village Clerk, at least five days in advance of the proposed sale (mailed applications must be postmarked at least seven days in advance of the sale), setting forth the following information:
1. Full name and address of applicant.
  2. The location at which the proposed garage sale is to be held.
  3. The date upon which the sale shall be held.
  4. The date of any other garage sales within the current calendar year.
  5. An affirmative statement that the property to be sold was owned by the applicant as his own personal property and was neither acquired nor consigned for the purpose of resale.
- C. Investigation. Before issuing a permit, the Village Clerk may conduct an investigation as may reasonably be necessary to determine if there is compliance with §§ 5-3-1 and 5-3-2.
- D. Refusal; Revocation.
1. False Information. Any permit issued under this section may be revoked or any application for issuance of a permit may be refused by the Village Clerk if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading statement.
  2. Conviction of violation. If any individual is convicted of any offense under §§ 5-3-1 and 5-3-2, the Village Clerk is instructed to cancel any existing garage sale permit held by the individual convicted and not to issue such individual another garage sale permit for two years from the time of conviction.
- E. Fee. There shall be an administrative processing fee of \$5 for the issuance of such permit.
- F. Conditions. The permit shall set forth and restrict the time and location of such garage sale. No more than two such permits may be issued to one residence and/or family household during any calendar year. If members of more than one residence join in requesting a permit, such permit shall be considered as having been issued for each and all of such residences.
- G. Display. Any permit in possession of the holder or holders of a garage sale shall be posted on the premises in a conspicuous place so as to be seen by the public and the Building Inspector or Village Police.
- H. Exceptions.

1. Sale Not Held Because of Inclement Weather. If a garage sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions, and an affidavit by the permit holder to this effect is submitted, the Village Clerk may issue another permit to the applicant for a garage sale to be conducted at the same location within 30 days from the date when the first sale was to be held. No additional permit fee is required.
2. Change in Ownership of Property. A third garage sale shall be permitted in a calendar year if satisfactory proof of a bona fide change in ownership of the real property is first presented to the Village Clerk or her duly authorized representative.

## Chapter 5-4 Peddlers and Solicitors

### § 5-4-1 Definitions.

[11-3-2014<sup>[1]</sup>]

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

#### **NONCOMMERICAL DOOR-TO-DOOR ADVOCATE**

A person who goes door to door for the primary purpose of disseminating religious, political, social, or other ideological beliefs, and shall include candidates for political office. Nothing within this chapter shall be interpreted to prohibit or restrict noncommercial door-to-door advocates.

#### **PEDDLER**

A person who goes from house to house, door to door, business to business, street to street, or any other type of place-to-place movement, for the purpose of offering for sale, displaying or exposing for sale, selling or attempting to sell, and delivering immediately upon sale the goods, wares, products, merchandise, or other personal property that the person is carrying or otherwise transporting. For the purpose of this chapter, the term "peddler" shall have the same common meaning as the term "hawker."

#### **PERSON**

Any natural individual, group, organization, corporation, partnership, or similar association.

#### **PROFESSIONAL FUNDRAISER**

Any person, including a corporation or other entity, who, for compensation, performs any solicitations or other services for a religious, political, social, or other charitable organization.

#### **REGULAR BUSINESS DAY**

Any day during which the Village Hall is normally open for the purpose of conducting public business. Holidays defined by state law shall not be considered regular business days.

#### **SOLICITOR**

A person who goes from house to house, door to door, business to business, street to street, or any other type of place-to-place movement, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property, or services, of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above. For purposes of this chapter, the term "solicitor" shall have the same meaning as the term "canvasser."

#### **TRANSIENT MERCHANT**

A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty storefront for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering goods, wares, products, merchandise, or other personal property and who does not remain in any one location for more than 14 consecutive days.

[1] *Editor's Note: This ordinance repealed former Ch. 5-4, Peddlers and Solicitors, adopted as part of the 1983 Code.*

### § 5-4-1.1 Registration and licensing required.



[11-3-2014]

- A. Registration. Subject to the terms of this chapter, all solicitors, peddlers and transient merchants must be registered with the Village.
- B. License. In addition to registering and subject to the terms of this chapter, all peddlers and transient merchants must be licensed by the Village.

### § 5-4-2 Exceptions.

[11-3-2014]

- A. For the purposes of this chapter, the terms "peddler" "solicitor," and "transient merchant" shall not apply to:
  - 1. Any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property to a retail seller of the items being sold by the wholesaler.
  - 2. Any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products, such as baked goods or milk.
  - 3. Any person making deliveries of perishable food and dairy products to the customers on his or her established delivery route.
  - 4. Any person making deliveries of newspapers, newsletters, or other similar publications on an established customer delivery route, when attempting to establish a regular delivery route, or when publications are delivered to the community at large.
  - 5. Any person conducting the type of sale commonly known as a "garage sale," "rummage sale," or "estate sale."
  - 6. Any person participating in an organized multiperson bazaar or flea market.
  - 7. Any person conducting an auction as a properly licensed auctioneer.
  - 8. Any officer of the court conducting a court-ordered sale.
- B. Exemption from these definitions shall not, for the scope of this chapter, excuse any person from complying with any other applicable statutory provision or requirement provided by another Village ordinance.

### § 5-4-3 Licensing.

[11-3-2014]

- A. Certificate required. No person shall conduct business as a peddler, solicitor, or transient merchant within the Village limits without first having obtained the appropriate certificate of registration under the Illinois Retailers Occupation Tax Act,<sup>[1]</sup> if so required by the Illinois Department of Revenue.  
[1] Editor's Note: See 35 ILCS 120/1 et seq.
- B. Village license required. Except as otherwise provided for by this chapter, no person shall conduct business within this jurisdiction as a peddler or a transient merchant without first obtaining a Village license. Solicitors need not be licensed but are required to register with the Village pursuant to § 5-4-7.
- C. Application. An application for a Village license to conduct business as a peddler or transient merchant shall be made at least 14 regular business days before the applicant desires to begin conducting a business operation within the Village. Application for a license shall be made on a form approved by the Village Board and available from the office of the Village Clerk. All

applications shall be signed by the applicant. All applications shall include the following information:

1. The applicant's full legal name.
2. Any and all other names under which the applicant has or does conduct business, or to which the applicant will officially answer.
3. A physical description of the applicant (hair color, eye color, height, weight, any distinguishing marks or features, and the like).
4. Full address of the applicant's permanent residence.
5. Telephone number of the applicant's permanent residence.
6. Full legal name of any and all business operations owned, managed, or operated by the applicant, or for which the applicant is an employee or an agent.
7. Full address of the applicant's regular place of business, if any exists.
8. Any and all business-related telephone numbers of the applicant, including cellular phones and facsimile (fax) machines.
9. The type of business for which the applicant is applying for a license.
10. If a corporation, LLC or agent, a statement from the Secretary of State that the corporation or LLC is in good standing.
11. The dates during which the applicant intends to conduct business.
12. Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the Village, including the location where a transient merchant intends to set up his or her business.
13. A statement as to whether or not the applicant has been convicted within the last five years of any felony, gross misdemeanor or misdemeanor for violating any state or federal statute or any local ordinance, other than minor traffic offenses.
14. A list of the three most-recent locations where the applicant has conducted business as a peddler or transient merchant.
15. Proof of any required certificate of registration under the Illinois Retailers Occupation Tax Law.
16. Written permission of the property owner or the property owner's agent for any location to be used by a transient merchant.
17. A general description of the items to be sold or services to be provided.
18. Any and all additional information as may be deemed necessary by the Village Board.
19. The applicant's driver's license number or other acceptable form of identification.
20. The license plate number registration information, vehicle identification number (VIN) and physical description for any vehicle to be used in conjunction with the licensed business operation.
21. The applicant shall provide a recent photograph.
22. The applicant shall submit fingerprints to be used for a background check.
23. The applicant shall file with his application a statement by a reputable physician of Cook County, Illinois, or Lake County, Indiana, dated no more than 10 days prior to submission of



the application, certifying the applicant to be free of infectious, contagious or communicable disease.

- D. **Fee.** All applications for a license under this chapter shall be accompanied by the fee as follows: The license fee for a peddler's license shall be \$100. The license fee for a transient merchant shall be \$100 for each thirty-day increment or fraction thereof. In addition to the license fee, all applicants shall pay a fee of \$20 as a processing fee, plus the actual cost of the fingerprint background check charged to the Village.
- E. An applicant for a license under this chapter must post a surety bond in the sum of \$500 with a surety bond licensed in this state in a form acceptable to the Village.
- F. **Procedure.** Upon receipt of the application and payment of the license fee, the Village Clerk will, within two regular business days, determine if the application is complete. An application will be considered complete if all required information is provided. If the Village Clerk determines that the application is incomplete, the Village Clerk must inform the applicant of the required, necessary information that is missing. If the application is complete, the Village Clerk must order any investigation, including background checks, necessary to verify the information provided with the application. Within 10 regular business days of receiving a complete application, the Village Clerk must issue the license, unless grounds exist for denying the license application under § 5-4-4, in which case the Clerk must deny the request for a Village peddler or transient merchant license. If the Village Clerk denies the license application, the applicant must be notified in writing of the decision, the reason for denial and the applicant's right to appeal the denial by requesting, within 20 days of receiving notice of rejection, a public hearing before the Village Board. The Village Board shall hear the appeal within 20 days of the date of the request for a hearing. The decision of the Village Board following the public hearing can be appealed to the Cook County Circuit Court under the Administrative Review Law.<sup>[2]</sup> The license shall contain the following information:
1. Signature and seal of the issuing officer;
  2. Name, address and photograph of said licensee;
  3. Class of license issued and the kind of goods to be sold thereunder;
  4. Amount of fee paid;
  5. Date of issuance;
  6. Length of time the license shall be operative;
  7. License number; and
  8. Identifying description of any vehicle used in peddling.
- [2] *Editor's Note: See 735 ILCS 5/3-101 et seq.*
- G. **Duration.** A peddler's license granted under this chapter shall be valid for 90 days from the date of issuance. A license granted to a transient merchant shall be valid for not more than 120 days under this chapter. Any license granted under this chapter shall be valid only during the time period indicated on the license.
- H. **Professional fundraisers not exempt.** A professional fundraiser working on behalf of an otherwise exempt group or person shall not be exempt from the requirements of this chapter.
- I. **License exemptions.**
1. No license shall be required for any person going from house to house, door to door, business to business, street to street, or any other type of place-to-place movement for the primary purpose of exercising that person's state or federal constitutional rights, such as the freedom of speech, freedom of the press, freedom of religion, and the like. This



exemption will not apply if the person's exercise of constitutional rights is merely incidental to what would properly be considered a commercial activity.

#### **§ 5-4-4 License ineligibility.**

[11-3-2014]

The following shall be grounds for denying a peddler or transient merchant license:

- A. The failure of an applicant to obtain and demonstrate proof of having obtained any required Illinois Department of Revenue certificate.
- B. The failure of an applicant to truthfully provide any information requested by the Village as part of the application process.
- C. The failure of an applicant to sign the license application.
- D. The failure of an applicant to pay the required fee at the time of application.
- E. A conviction within the past five years of the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects upon the person's ability to conduct the business for which the license is being sought in a professional, honest and legal manner. Such violations shall include, but are not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, or any sex offense as defined by 720 ILCS 5/11 et seq., or any equivalent law of any other state, and any form of actual or threatened physical harm against another person.
- F. The revocation within the past five years of any license issued to an applicant for the purpose of conducting business as a peddler, solicitor, or transient merchant.
- G. When an applicant has a bad business reputation. Evidence of a bad business reputation shall include, but is not limited to, the existence of more than three complaints against an applicant with the Better Business Bureau, the office of the Illinois Attorney General or other State Attorney General's office, or other similar business or consumer rights office or agency, within the preceding 12 months, or three complaints filed with the Village against an applicant within the preceding five years.

#### **§ 5-4-5 License suspension and revocation.**

[11-3-2014]

- A. Generally. Any license issued under this chapter may be suspended or revoked at the discretion of the Village Board for violation of any of the following:
  - 1. Subsequent knowledge by the Village of fraud, misrepresentation or incorrect statements provided by an applicant on the application form.
  - 2. Fraud, misrepresentation or false statements made during the course of the licensed activity.
  - 3. Subsequent conviction of any offense for which the granting of the license could have been denied under § 5-4-4.
  - 4. Engaging in any prohibited activity as provided under § 5-4-9 or 5-4-10 of this chapter.
  - 5. Violation of any other provision of this chapter.
- B. Multiple persons under one license. The suspension or revocation of any license issued for the purpose of authorizing multiple persons to conduct business as peddlers or transient merchants on behalf of the licensee shall serve as a suspension or revocation of each authorized person's authority to conduct business as a peddler or transient merchant on behalf of the licensee whose license is suspended or revoked.

- C. Notice. Prior to revoking or suspending any license issued under this chapter, the Village shall provide a license holder with written notice of the alleged violation and inform the licensee of his or her right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the permanent residential address listed on the license application or, if no residential address is listed, to the business address provided on the license application.
- D. Public hearing. Upon receiving the notice provided in Subsection C of this section, the licensee shall have the right to request a public hearing. If no request for a hearing is received by the Village Clerk within 10 days following the service of the notice, the Village may proceed with the suspension or revocation. For the purpose of a mailed notice, service shall be considered complete as of the date the notice is placed in the mail. If a public hearing is requested within the stated time frame, a hearing shall be scheduled within 20 days from the date of the request for the public hearing. Within three regular business days of the hearing, the Village Board shall notify the licensee of its decision.
- E. Emergency. If, in the discretion of the Village Board, imminent harm to the health or safety of the public may occur because of the actions of a peddler or transient merchant licensed under this chapter, the Village Board may immediately suspend the person's license and provide notice of the right to hold a subsequent public hearing as prescribed in Subsection C of this section.
- F. Appeal. Any person whose license is suspended or revoked under this section shall have the right to appeal that decision to the Court of Cook County under the Administrative Review Law.

#### **§ 5-4-6 License transferability.**

[11-3-2014]

No license issued under this chapter shall be transferred to any person other than the person to whom the license was issued.

#### **§ 5-4-7 Registration.**

[11-3-2014]

- A. All solicitors and any person not exempt from the licensing requirements of this chapter under § 5-4-2 shall be required to register with the Village prior to engaging in those activities. Registration shall be made on the same form required for a license application, but no fee shall be required in addition to the processing and background check fee. The Village Clerk shall issue to the registrant a certificate of registration upon compliance with the provisions contained in § 5-4-3E. Registration shall be denied or revoked pursuant to §§ 5-4-4 and 5-4-5. Certificates of registration shall be nontransferrable.

#### **§ 5-4-8 Badge required; provisions.**

[11-3-2014]

- A. Required. Every peddler, solicitor and transient merchant shall, prior to engaging in such activity in the Village, receive from the Police Department a badge not to exceed two inches in diameter bearing the words "Thornton registered canvasser" or words of similar import, together with a serial number and expiration date.
- B. Deposit; return. As a condition to receiving such badge and to guarantee its return, such peddler, solicitor or transient merchant shall deposit with the Village the sum of \$3. Every peddler, solicitor or transient merchant shall, on completing his activity as such peddler, solicitor or transient merchant in the Village, surrender his badge to the Police Department; and upon doing so, the Village shall refund to him his deposit of \$3.
- C. Replacement; investigation. In case any such badge is lost, stolen or mutilated, it is the duty of the peddler, solicitor or transient merchant to whom it was issued to report such fact to the Police Department; and upon his statement of the circumstances and such investigation as the

Police Department considers necessary, and upon payment by him of the cost to the Village of such badge (\$5), a duplicate badge shall be issued to him.

- D. Issuance and record. It shall be the duty of the Police Department, not more than 14 days after any peddler, solicitor or transient merchant has furnished the information required of him in this chapter, and upon the deposit of \$3 as provided in this section, to issue to such peddler, solicitor or transient merchant a badge as described in this section and to keep a record of the serial number of each badge issued and the name of the person to whom it has been issued.
- E. Wearing badge. It shall be the duty of any person engaging as a peddler, solicitor or transient merchant in a residential area within the Village to wear in a conspicuous place on his outer garment the badge issued to him by the Police Department as provided in this section. It shall be unlawful for any person to engage as a peddler, solicitor or transient merchant within the Village without so wearing and displaying his badge.

#### **§ 5-4-9 Prohibited activities.**

[11-3-2014]

No peddler, solicitor, transient merchant, noncommercial door-to-door advocate, or other person engaged in other similar activities, including the exceptions listed in § 5-4-2, shall conduct business in any of the following manners:

- A. Calling attention to his or her business or the items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.
- B. Obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way.
- C. Conducting business in a way as to create a threat to the health, safety, and welfare of any specific individual or the general public.
- D. Conducting business before 8:00 a.m. or after 8:00 p.m., or sunset, whichever is earlier.
- E. Failing to provide proof of license, or registration, and identification when requested.
- F. Using the license or registration of another person.
- G. Alleging false or misleading statements about the products or services being sold, including untrue statements of endorsement. No peddler, solicitor, or transient merchant shall claim to have the endorsement of the Village solely based on the Village having issued a license or certificate of registration to that person.
- H. Remaining on the property of another when requested to leave.
- I. Otherwise operating their business in any manner that a reasonable person would find obscene, threatening, intimidating or abusive.

#### **§ 5-4-10 Exclusion by placard.**

[11-3-2014]

- A. Unless specifically invited by the property owner or tenant, no peddler, solicitor, transient merchant, noncommercial door-to-door advocate, or other person engaged in other similar activities, including the exceptions listed in § 5-4-2, shall enter onto the property of another for the purpose of conducting business as a peddler, solicitor, transient merchant, noncommercial door-to-door advocate, or similar activity when the property is marked with a sign or placard of a conspicuous nature stating "No Peddlers, Solicitors or Transient Merchants," "Peddlers, Solicitors, and Transient Merchants Prohibited," or other comparable statement.



- B. No person other than the property owner or tenant shall remove, deface, or otherwise tamper with any sign or placard under this section.

#### **§ 5-4-11 Records.**

[11-3-2014]

The Chief of Police shall cause to be kept an accurate record of every application received and acted upon, together with all other information and data pertaining thereto, under the provisions of this chapter and a record of the denial of any and all applications.

#### **§ 5-4-12 Violations and penalties.**

[11-3-2014]

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to fine of not more than \$750 for each offense.

#### **§ 5-4-13 Severability.**

[11-3-2014]

If any provision of this chapter is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

#### **§ 5-4-14 When effective.**

[11-3-2014]

This chapter shall be in full force and effect from and after its passage and approval and publication as required by law.