

Section:

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3-3-1: Definitions:

For the purposes of this chapter, the words and terms defined in this section shall have the following meanings:

COMMERCIAL SOLICITOR: Any person, whether a resident of the City or not, traveling from place to place, from house to house, from building to building, or from street to street, and selling goods or taking or attempting to take orders for sales of goods for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he/she is collecting advance payments on such sales or not. This chapter does not apply to students of educational institutions located within the City limits participating in fundraising events or charitable activities.

FAIR: A gathering for competition, or exhibition of various products, often with amusements and educational displays. Fairs do not include products for sale. Fairs do not require a license.

FARMER'S MARKET: A common facility or area where the primary purpose is for farmers to gather to sell a variety of fresh fruits and vegetables and other locally produced farm and food products directly to consumers. Farmers' Markets shall be conducted consistent with Kendall County Health Department regulations and in conformity with the rules and regulations of the Illinois Department of Public Health and the Illinois Farmers Market Food Safety Guide.

FESTIVAL: A collection of games, activities, sales booths, etc.

FLEA MARKET: Any location other than a permanent retail store at which space is rented or otherwise made available to others to conduct business as transient merchants, itinerant vendors, hawkers, peddlers or similar sales or transactions for a period of not more than 72 consecutive hours.

FUNDRAISING EVENT: An event in which all proceeds are used to benefit a ***NONPROFIT ORGANIZATION*** as defined below.

GROUP SALES EVENT: A temporary event of three (3) or less consecutive days at a fixed location consisting of contiguous selling areas sponsored or arranged by a person, local unit of government or charitable or religious institution and which includes three (3) or more transient merchants.

ITINERANT VENDORS: Any person who transports tangible personal property for display or retail sale within the City who does not maintain in this City an established office, distribution house, in-sales office, warehouse, or service center from which said business is conducted. However, this chapter does not apply to any person who delivers personal tangible property within this City who is fulfilling an order for such property which was solicited or placed by mail or other means.

NONPROFIT ORGANIZATION: An organization which is legally chartered as nonprofit, and charitable or educational in nature.

SPECIAL EVENT: This chapter does not apply to permanently established businesses holding short duration (defined as 1 to 7 days) events on their premises or on other property within the City with the permission of the property owner. Such events could include tent sales, customer appreciation days, and similar events.

TRANSIENT BUSINESS: Any entity conducting business within the City of Plano which: a) does not intend to conduct business continuously for a twelve (12) month period (except for normal holiday and vacation closures), or b) does not conduct business in the City of Plano from a permanent building with street address, connected to public water and sewer services or private well and septic systems. Types of this business include, but are not limited to, itinerant vendors, transient merchants, commercial solicitors, group sales events, peddlers, door to door salesmen, canvassers, and hawkers.

TRANSIENT MERCHANT: Any person, who is engaged temporarily in the retail sale of goods, foodstuffs, wares or merchandise, either new or used, in the City and who, for the purpose of conducting such business, occupies any fixed location, including but not limited to: any non-permanent structure of any kind, vacant lot, or vehicle. Provided, however, this chapter shall not apply to any farmer, fruit and vine grower, and gardener who shall have an undisputed right to sell produce of his farm, orchard, vineyard and garden in any place or market where such articles are usually sold, and in any quantity he may think proper in conformity with the provisions of section 70/1 of the Illinois Compiled Statutes¹ and no license shall be required for such activity. (Ord. 2017-3, 1-9-2017; and. Ord. 2017-27, 6-12-2017)

3-3-2. COMMERCIAL SOLITOR, ITINERANT VENDORS AND TRANSIENT MERCHANTS:

A. LOCATION OF OPERATION:

1. Itinerant vendors and transient merchants may not operate within six hundred feet (600') of a church or a school, or within one hundred twenty feet (120') of either the north or south edge of right-of-way of Illinois Route 34 or within sixty feet (60') of either the north or south edge of right-of-way of Main Street, unless a shorter distance is otherwise approved by the City Council on a case by case basis. (Ord. 2017-3, 1-9-2017)

B. MODE OF OPERATION:

1. Itinerant vendors may operate motorized vehicles only on the City streets or right-of-way's. **Operation on private property for a private event is allowed. Operation in the City Parks can take place if approved by the City Council and then only from locations in the parking lots within the park, unless a different location has been approved by the City Council.**
2. Mobile carts, wagons, trailers, or other contrivances may operate only as authorized by permit within certain City of Plano parks as follows:
 - a. Such mobile vehicles or contrivances must be dropped at their fixed location no earlier than nine o'clock (9:00) A.M. and be picked up no later than ½ Hours before sunset each day.
 - b. Mobile carts, wagons, trailers, or other contrivances may operate only as authorized by permit only on the City streets or right-of-ways.
3. All vendors, transient and itinerant businesses must always have their City issued license and/or permit accessible, for inspection upon request.
 - a. Permits and/or Licenses must be prominently displayed by each solicitor and be presented upon request to any resident, property owner or police officer.
 - b. License must include the expiration date in a type size that it is clearly visible, and any other critical information necessary to identify the business and individual.
4. Time limits are between the hours of nine o'clock (9:00) A.M. and ½ Hour before sunset. If the vendor is taking part in a Special Event, Fair, Farmers or Flea Market they may following the hours approved for that event.
5. No vendor may utilize prerecorded music, chimes, bells or any electrically amplified device for the purpose of attracting public attention, which exceeds *Seventy-Five (75)* decibels measured from a point no more than within twenty-five feet (25') from the sales area.

6. Vendor, merchant or solicitor may not use abusive language, threats or refuse to leave any premises in the City when requested by the owner or occupant thereof. (Ord. 2017-3, 1-9-2017)
7. Posting of No Solicitor signs.
 - a. The owners or resident of any premise in the City shall determine whether solicitors shall be, or shall not be invited onto his or her premises.
 - b. Residents and other persons within the City shall be entitled to post a “No Solicitors”, “No Solicitation”, or similar sign on the property which they own or occupy, where it is reasonably revisable to individuals who may approach the house, apartment, building or other edifice near or on which the sign is posted, in order to notify any such individual that no solicitation, canvassing or peddling of any type is desired by the occupant without the occupant’s prior approval.
 - c. It shall unlawful for any person, whether engaging in commercial or noncommercial canvassing, solicitation, or other similar enterprise to, when entering upon a premise which has a reasonably visible “No Solicitors” or other similar sign, continue the attempted canvassing or solicitation. Upon sight of such a sign, the canvasser or solicitor must leave the premises. If such a sign is reasonably visible the canvasser or solicitor shall be presumed to have seen the sign and shall be in violation of this chapter if he or she attempts his or her canvassing or solicitation. Any owner or resident may also restrict solicitation or limit the hours during which solicitors are invited to his or her residence by posting that intention as provided in this section. Such sign, so exhibited shall constitute sufficient notice to any solicitor of the owner’s or resident’s desire to restrict solicitation or to limit the solicitor’s hours.
8. Notwithstanding whether a sign has been posted, any solicitor is required to depart immediately upon request.

3-3-3. PREREQUISITES TO CONDUCTING BUSINESS:

A. COMPLIANCE REQUIREMENTS:

1. It is a violation of this chapter for any person, either as a principal or an agent, to conduct business as a Transient Merchant, Itinerant Vendor, Commercial Solicitor, or to conduct a Group Sales Event without first:
 - a. Complying with the requirements of the Retailers' Occupation Tax Act, to include obtaining a Certificate of Registration and posting the required bonds or other approved security.
 - b. Complying with all requirements of the zoning district under the zoning ordinance.

- c. Obtaining a license under this chapter.
- d. *Insurance certificate required.* No city license shall be issued for special events that take place wholly on city-owned property unless the application is accompanied by a certificate proving that the applicant has obtained liability insurance in the amount deemed sufficient for the event or activity by the city's liability insurance carrier.

B. PRIMA FACIE EVIDENCE:

- 1. It shall be prima facie evidence that a person is a Transient Merchant or Itinerant Vendor under this chapter if the person does not transact business from a fixed location in a permanent structure on property owned or leased for a period of not less than twelve (12) months by the person conducting said business. (Ord. 2017-3, 1-9-2017)

3-3-4. LICENSE REQUIREMENTS:

A. License is required

- 1. It is required that any person who wishes to obtain a license as a Transient Merchant, Itinerant Vendor, or Commercial Solicitor shall file a license application with the Office of the City Clerk, which is designated as the Licensing Agency.
- 2. Application: A completed license application, along with the nonrefundable application fee, must be submitted to the City Clerk not less than ten business days prior to the requested date to commence sales hereunder.

B. Contents of Application:

- 1. This license application shall include, but not be limited to, the following: the applicant's name, address of the residence of the principal (if the applicant is a corporation, the residential addresses of the officers of the corporation), the location at which the applicant proposes 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, sureties or bonds, certificates of insurance, employee list, and a list of all licenses to conduct business as a Transient Merchant obtained in the twelve (12) month period prior to the application.
 - a. If the applicant submits an incomplete application based on a preliminary review by the Office of the City Clerk, then the Office of City Clerk should deny and return the application. The applicant may resubmit the completed application, within 30 days, for review and possible approval without submitting an additional application fee. Should the application be approved, the license shall be issued, so long as the livescan and license fees have been fully paid and the applicant meets all the requirements and passes the required background checks.

- C. No Permit or 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 of federal law in the United States, within five (5) years of the date of application; nor to any person who has been convicted of a violation of any of the provisions of this chapter, nor to any person whose permit or license issued hereunder has been previously revoked, as herein provided.
1. The City of Plano reserves the right to deny any vendor a license and/or to revoke an existing license as provided in Section 3-3-4-I of this Chapter.
 2. In the interest of safety, no child under the age of fourteen (14) shall be allowed to solicit in the City of Plano unless said child is supervised by an adult who has registered pursuant to this chapter, or unless engaged in fund raising for an institution.
- D. The Office of the City Clerk shall keep an accurate record of every application received and acted upon, together with all other information and data pertaining thereto, and all applications approved and licenses issued or applications denied.
- E. Fees:
1. Each license application shall be accompanied by a non-refundable license application fee of one hundred dollars (\$100.00) and the applicable transient business license fees, all as set forth in the application for transient business license set forth in section 3-3-13 of this chapter.
 2. The license fee is thirty dollars (\$30.00) for each 30 days license per individual salesperson.
 3. The license application fee is non-refundable and will not be refunded if the application is denied, for any reason including an incomplete application.
 4. Any license fees *that has been collected* prior to approval *of the application* shall be refunded *should the application be denied*.
 5. Livescan fees of \$40.00 per salesperson, event application or vendor must be paid prior to the start of the background checks and are non-refundable once the background check process has begun.
- F. Term:
1. An approved license is valid for a minimum of 30 days and may be renewed in additional increments of 30 days for a period of one year. The fee for each 30 day Period is thirty dollars (\$30.00) per salesman.
 - a. The license issued by the City must show the period or periods that the license covers.

2. The license application is valid for the period of one year from date of issuance and must be resubmitted and reapproved each year.

H. Exemptions (No Permit/License Required):

1. Prior Invitation: Any person who, for the purposes of selling or taking orders for sales of merchandise or services, has been previously invited by the occupant of a residence to call thereon.
2. Nonprofit Organizations: Any person engaged in peddling or soliciting which is not prohibited by law on behalf of the charitable, religious or nonprofit organization organized as a not for profit corporation under state or federal law. However, not for profit organizations shall register with the city.
3. First Amendment Activities: Any person exercising their first amendment rights, including the free exercise of religion, the freedom of speech or press, the right of assembly and not engaged in peddling, soliciting or itinerant merchandizing for commercial gain.
4. Students and Educational Institutes: Any person engaged in fundraising for an educational institute. It is recommended that the sponsoring organization register with the city for inclusion in the list of approved vendors on the city website. (Ord. 2017-3, 1-9-2017)

I. Any Permit or License may be revoked by the City Clerk for the following reasons.

1. Violation of any provision of the City code of the City of Plano, including the provisions of this chapter;
2. violation of any State Law;
3. violations of any Federal Law;
4. changes in the information provided on the registration application set forth in Section 3-3-13;
5. ceases to possess the character qualifications required by Section 3-3-4;
6. violation of any applicable rule or regulation, or otherwise engages in behavior which the City of Plano's Police Department determined to be threatening or posing a danger to the City and its residents.

3-3-5. FOOD VENDOR AND MERCHANTS; SANITARY REQUIREMENTS:

- A. All food vendors operating within the City of Plano must be licensed and in compliance with all applicable State requirements and Kendall County Health Department Rules and Regulations.

1. All vehicles, carts or other contrivances shall be kept in a clean and sanitary condition and shall be thoroughly cleaned each day they are so used.
2. It shall be unlawful to permit any stale food, decaying matter or any other waste material or product to accumulate in, on, or around any such vehicle while it is so used. Vendors shall remove such matter from the premises on a daily basis.
3. If unwrapped foodstuffs are transported in any such vehicle, such goods shall be carried in a portion or compartment of the vehicle which is screened or protected against dust and insects. (Ord. 2017-3, 1-9-2017)

3-3-6. Farmer's Market:

A. License required:

1. It shall be unlawful to hold, sponsor, or cause to be held a Farmer's Market unless properly licensed as provided for herein.
2. The licensing requirements of this Chapter shall not apply to any Farmer, Fruit and Vine Grower, and Gardener who shall have an undisputed right to sell produce of his farm, orchard, vineyard and garden in any place or market where such articles are usually sold, and in any quantity he may think proper in conformity with the provisions of section 70/1 of the Illinois Compiled Statutes¹ and no license shall be required for such activity.

B. Licensing requirements.

1. A Farmer's Market must be coordinated by a Market Master, who will assume responsibility for the coordination of all Farmer's Market events and assure compliance with all regulations. Said Market Master shall be responsible for obtaining the required license.
2. Said Market Master shall make application for said Farmers Market at least 30 days in advance of the event. Event license fees must be paid at the time of application. The application shall include the name of the event coordinator who can be contacted with any questions or problems.
3. Said Market Master must provide the City Clerk with a list of names, addresses, tax identification numbers, and all other pertinent information about each person displaying and selling produce at the Farmer's Market. Said list shall be updated as necessary, so that the City Clerk always has on file a complete list of all persons participating in the Farmer's Market.
4. The fee for a Farmer's Market License, to be paid by the Market Master, shall be \$100 per year. Said fee shall be paid at the time of application, unless waved by a majority vote of the city council.
5. The City may deny the Farmer's Market License based on grounds of failure to cooperate

with authorities, failure to obtain a license before sales, past suspension or revocation of permits, failure to pay taxes, failure to provide proof of a user's license, or other just cause.

C. Regulations.

1. It shall be unlawful to block, restrict, display or operate sales upon a public street, alley, sidewalk or other public way, unless approved by the City Council.
2. License must be conspicuously posted. The approved license for the event must be posted in a conspicuous place at or near the main entrance to the event. Said license shall be in plain view at all times the event is taking place.
3. Organizers must comply with the City Special Event Policy and all Applicable Ordinances related to special events.

3-3-7. FLEA MARKETS:

A. License required. It shall be unlawful to hold, sponsor, and cause to be held, or participate in a Flea Market unless properly licensed as provided for herein.

B. Licensing requirements.

1. Said organization or representative shall make application for said Flea Market at least 30 days in advance of the event. Event license fees must be paid at the time of application. The application shall include the name of the event coordinator who can be contacted with any questions or problems.
2. Licensing fees shall be \$100 per year. Said fee shall be paid at the time of application, unless waved by a majority vote of the city council.
3. The city may deny the Flea Market License based on grounds of failure to cooperate with authorities, failure to obtain a license before sales, past suspension or revocation of permits, failure to pay taxes, failure to provide proof of a user's permit, or other just cause.

C. Regulations.

1. It shall be unlawful to block, restrict, display or operate sales upon a public street, alley, sidewalk or other public way, unless granted prior approval.
2. License must be conspicuously posted. The approved license for the event must be posted in a conspicuous place at or near the main entrance to the event. Said license shall be in plain view at all times the event is taking place.

3. Organizers must comply with the City Special Event Policy and all Applicable Ordinances related to special events.

3-3-8. FESTIVALS:

A. License required. It shall be unlawful to hold, sponsor, and cause to be held, or participate in a Festival unless properly licensed as provided for herein.

1. License is not required for Festivals which do not include the sales of products for personal consumption.
2. Organizers must comply with the City Special Event Policy and all Applicable Ordinances related to special events.

B. Licensing requirements.

1. Said organization or representative shall make application for said festival at least 30 days in advance of the event. Event license fees must be paid at the time of application. The application shall include the name of the event coordinator who can be contacted with any questions or problems.
2. Event licensing fees shall be \$100 per year. Said fee shall be paid at the time of application, unless waved by a majority vote of the city council.
3. The city may deny the Festival License based on grounds of failure to cooperate with authorities, failure to obtain a license before sales, past suspension or revocation of permits, failure to pay taxes, failure to provide proof of a user's license, or other just cause.

C. Regulations.

1. License must be conspicuously posted. The approved license for the event must be posted in a conspicuous place at or near the main entrance to the event. Said license shall be in plain view at all times the event is taking place.

3-3-9. FAIRS:

A. Licenses are not required.

B. It shall be unlawful to hold, sponsor, and cause to be held, or participate in a fair unless properly licensed as provided for herein.

1. License is not required for fairs which do not include the sales of products for personal consumption.
2. Organizers must comply with the City Special Event Policy and all Applicable

Ordinances related to special events.

3. Fairs do not include the sales of products for personal consumption.
4. The City may deny the request to hold a Fair based on grounds of failure to cooperate with authorities, past suspension or revocation of Licenses, or other just cause.

3-3-10. CONDITIONS OF LICENSE:

- A. Other Licenses: Nothing contained in this chapter shall limit or preempt any other license or regulation which may be required by a person under this code. (Ord. 2017-3, 1-9-2017)

3-3-11. INSPECTIONS:

- A. It shall be the duty of the police department to make or cause to be made such inspections as may be necessary to ensure compliance with the provisions of this chapter. (Ord. 2017-3, 1-9-2017)

3-3-12. SUSPENSION OF LICENSE:

- A. Any license issued under the provisions of this chapter may be temporarily suspended by the mayor for any violation of any section or regulation hereof, and such suspension shall be in addition to any fine imposed. (Ord. 2017-3, 1-9-2017)

3-3-13. APPLICATION FOR TRANSIENT BUSINESS LICENSE:

Transient Business License Application

Return Completed Application to the City of Plano Clerk's Office

All Fields must be filled in. (If it does not apply-Enter N/A.)

Application & License Fees

	Annual Application Fee	License Fee	Frequency	Condition		Annual Application Fee	License Fee	Frequency	Condition
Commercial Solicitor	\$100.00	\$30.00	30 Days	Per Salesman	Fundraising Event	N/A	N/A	N/A	N/A
Fair	N/A	N/A	N/A	N/A	Group Sales Event				
Farmer's Market	N/A	\$100.00	Annual	Market Master	Itinerant Vendor	\$100.00	\$30.00	30 Days	Per Vendor
Festival	N/A	\$100.00	Annual	N/A	Non-Profit Event	N/A	N/A	N/A	N/A
Flea Market	N/A	\$100.00	Annual	N/A	Transient Merchant	\$100.00	\$30.00	30 Days	Per Location

Fingerprint Fees Per Salesman, event applicant, or vendor

Live Scan Fee	\$ 40.00		
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Number of Licenses Being Applied For

Number of other fees to be paid

Commercial Solicitor		Fundraising Event		Live Scan Fee	
Fair		Group Sales Event		License Fee	
Farmer's Market		Iterant Vendor			
Festival		Non-Profit Event			
Flea Market		Transient Merchant			

Fees to be paid (This section to be completed by Office Personnel)					
Application Fee Paid:		License Fee Paid:		Live Scan Fee Paid:	
		Total Fees Paid:			

Business Information					
Name of Business Requesting Permit:					
Years in Business:		FEIN Number:			
Daytime Phone Number:		Cell Phone Number:			
Address:					
City:					
State:					
Zip Code:					

Applicant Information					
Applicant Name:				M/F:	
Date of Birth:		Height:		Hair Color:	
Daytime Phone Number:		Weight:		Eye Color:	
Cell Phone Number:					

Current Address:		Previous Address; (If lived at current Resident less than 3 Years)	
Street:		Street:	
City:		City:	
State:		State:	
Zip Code:		Zip Code:	

Current Employer:		Previous Employer; (If employed by current Employer for less then 3 Years)	
Length of Employment:		Length of Employment:	
Name of Employer:		Name of Employer:	
Address:		Address:	
City:		City:	
State:		State:	
Zip Code:		Zip Code:	

Are you a registered Sex Offender?	
Do you have any felony convictions of Illinois or federal Law of the U.S.?	

Date of any Previous Applications (List City and State)	
Has any previous License/Permits been revoked?	
Have there been any prior Conviction/Violation of this ordinance or other in any other Illinois Municipality?	
If so When and Where?	

Event Information	
Type of Event:	
Sale/Event Dates:	
Sale/Event Location:	
List of goods, Foodstuffs, wares, merchandise or services offered for sale:	

Food Sales Information
Food Vendor must attach Kendall County Health Permit
Food Vendors must attach evidence of Insurance (with City of Plano named as additionally Insured).
Insurance must be for an amount of not less than \$100,000 for property damage and injury, including injury resulting in death caused by the operation of the business.

Motor Vehicle Information			
Make of Vehicle		Body Style	
License Plate#		Licensing State	
Drivers name		Driver's License Number	

Mobile carts, wagons, trailers, or other contrivances Information	
Type	
Licensed?	

Any Additional Information

The undersigned does hereby state under penalties of perjury that all statements in the foregoing application are true and correct.	
Date:	
Signature of Applicant:	
Print Name:	

All Fees Payable at the City of Plano Clerk's Office located at 17 E. Main St., Plano, IL. 60545 Phone Number 630-552-8275

3-3-14. CONSENT TO CONDUCT BACKGROUND CHECK:

TO WHOM IT MAY CONCERN

I authorize and empower the City of Plano Clerk's Office to obtain, prepare, use and furnish information concerning my general reputation, personal characteristics and mode of living through correspondence or personal interviews with neighbors, friends of associates or others with whom I am acquainted or who may have knowledge concerning any of above items.

Upon written request, I understand that said Clerk's Office would provide me with information regarding the scope of the investigation if one was/is made.

CONSENT FOR YOUR BUSINESS NAME/INDIVIDUAL'S NAMES THAT HAVE BEEN APPROVED FOR A SOLICITOR'S LICENSE BE PLACED ON THE CITY WEBSITE

I also consent to my Name/Business name be placed on the City Website for the safety of the citizens of the City of Plano.

Signature:

Address:

Date:

TRANSIENT BUSINESS LICENSE APPLICATION FOR:

List name of business on application above

STATE OF ILLINOIS)

) ss

KENDALL COUNTY)

Under penalties as provided by law pursuant to Section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

The applicant has reviewed the City of Plano Code of Ordinances and the State of Illinois Compiled Statutes and is not disqualified by reason of any matter or thing contained in either document.

being first duly sworn deposes and says that
has read the above foregoing Application, caused the answers to be provided thereto, and all of the information given by on said Application is true and correct.

Signature of Applicant

Print Name

Subscribed and sworn to before me, this day of , A.D. 20

Notary Public

NOTE: In the event Applicant is a partnership, or a Limited Liability Company, the Application should be signed and sworn to in the same manner by all partners members and managers.

In the event Applicant is a corporation, the Application should be signed and sworn to by the officers and the local manager.

(Ord. 2017-3, 1-9-2017)

3-3-15. VIOLATIONS; PENALTY:

- A. Penalty: Any person found liable/guilty by preponderance of the evidence of a violation of this chapter in an administrative/judicial hearing shall be subject to a fine, plus applicable hearing costs. The fine amount is not less than two hundred fifty dollars (\$250.00) to a maximum fine not to exceed seven hundred fifty dollars (\$750.00), plus applicable hearing costs. The city mayor/clerk may revoke the license of any applicant under this chapter for any violation of this chapter.

- B. Settlement Of Violations: Any person accused of a violation of this chapter may settle and compromise this claim of violation against him by paying the fine to the city, within ten (10) days of the time such alleged violation or offense was committed. (Ord. 2017-3, 1-9-2017)

Footnote 1: 505 ILCS 70/1 - Farm Products Marketing Act.