

**VILLAGE OF DOLTON
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 15-032

**AN ORDINANCE REPEALING ORDINANCE NO. 07-395 IN ITS
ENTIRETY AND AMENDING TITLE 3, "BUSINESS AND LICENSE
REGULATIONS", OF THE VILLAGE CODE BY ADDING NEW
CHAPTER 3-22, "FLEA MARKETS", THERETO**

WHEREAS, the Village of Dolton is a home rule unit of local government pursuant to the provisions of Article VII, Section 6, of the Illinois Constitution; and

WHEREAS, as a home rule unit of local government, the Village may exercise any power and perform any function pertaining to its government and affairs, except as limited in accordance with Article VII, Section 6, of the Illinois Constitution; and

WHEREAS, the Village of Dolton had previously adopted Ordinance No. 07-398, "An Ordinance of the Village of Dolton Creating Title 3, Business and License Regulations, Chapter 8B, Flea Market of the 1988 Municipal Code of the Village of Dolton"; and

WHEREAS, the corporate authorities of the Village of Dolton recognize the increase in the proliferation and growing popularity flea markets and have determined that flea markets held on non-residential property must be further regulated.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF DOLTON, COOK COUNTY, ILLINOIS, in the exercise of its home rule authority as follows:

SECTION 1: Repeal. Ordinance No. 07-398, "An Ordinance of the Village of Dolton Creating Title 3, Business and License Regulations, Chapter 8B, Flea Market of the 1988 Municipal Code of the Village of Dolton" is hereby repealed in its entirety.

SECTION 2: Amendment. Title 3, "Business and License Regulations", of the Village of Dolton Village Code, as amended, is hereby further amended by adding new Chapter 3-22, "Flea Markets", thereto, to read as follows:

CHAPTER 22

FLEA MARKETS

SECTION:

- 3-22-1: Definitions
- 3-22-2: Private Flea Markets/Permit Required
- 3-22-3: Conduct of Sale
- 3-22-4: Revocation and Refusal of Permit
- 3-22-5: Enforcement; Penalty
- 3-22-6: Public Flea Markets

3-22-1: **DEFINITIONS:** For the purposes of this chapter, the following words and phrases shall have the meanings given them:

FLEA MARKET: A market, indoors or out of doors, where new or used items are traded or sold from individual locations (stands, booths), with each location being operated independently from other locations. Items sold include, but are not limited to, household items, antiques, rare items, decorations, used books, used magazines and prepackaged food items in sealed containers and not for consumption at the market.

FLEA MARKET SELLER: A person, firm or corporation selling items or offering items for sale at flea market.

PRIVATE FLEA MARKET: A flea market operated by a private person, firm or corporation operating a flea market on non-residentially zoned private property.

PUBLIC FLEA MARKET: A flea market operated by the Village of Dolton on public property.

3-22-2: PRIVATE FLEA MARKETS/PERMIT REQUIRED:

- A. Times. Private flea markets may be held from January 1 through December 31. No flea market may be held on residentially-zoned property.
- B. Permit Required. No person, firm or corporation shall operate the business of renting space or allocating space to flea market sellers without first obtaining a permit from the Village Clerk. Only one license shall be required for each flea market location, and the individual flea market sellers shall not be required to obtain a permit to lease/rent a space at said flea market. The permit shall be good for one (1) fiscal year, May 1 through April 30, at any given location and shall set forth and restrict the time and location of such flea market.
- C. Permit Application. Each application for a permit shall be in writing upon a form provided by the Village Clerk and filed in person with the Village Clerk. The application shall contain the following information:
 - 1. Name, address, daytime telephone number and e-mail address of person, firm, group, corporation, association or organization of the applicant.
 - 2. Name of owner of the property on which the flea market is to be conducted, and consent of owner if applicant is other than the owner.
 - 3. Name, address, daytime telephone number and e-mail address of the person supervising the flea market.
 - 4. Location where flea market is to be held.
 - 5. Date and nature of any past flea market.
 - 6. Evidence that applicant has satisfactory liability insurance issued by a responsible insurance company authorized and licensed to do business in Illinois, insuring such applicant against liability which such applicant may incur in the operation of a flea market, and specifically designating the Village as an additional insured. The evidence of the insurance policy shall indicate that the term of the insurance encompasses the period of the permit sought.

7. Relationship or connection applicant may have had with any other person, form, group, organization, association or corporation conducting said flea market and the date of such flea market.
 8. Sworn statement or affirmation by the person signing the application that the information therein given is full and true and known to him/her to be so.
- D. Permit fee. The annual fee for a permit is \$500.00 and shall be paid at the time the application is filed with the Village Clerk.
 - E. Separate permit for each location. A permit shall apply only to the location described in the application and only one location shall be so described in each permit. Permits are non-transferable.
 - F. Posting of permits. The flea market permit shall be displayed in a conspicuous place on the premises of the flea market where it can be readily and distinctly seen by the public, the Village inspector and the Village police.
 - G. Records to be kept by permittee. Each person, firm, or corporation issued a permit under this chapter shall keep accurate records of the names and addresses of each flea market seller, together with a brief description of the type or types of merchandise offered for sale by that seller. Such records shall be made available to the Village for inspection during regular business hours.

3-22-3: CONDUCT OF SALE:

- A. Generally. The applicant and the owner or tenant of the location where the flea market is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such flea market. Loud or boisterous conduct shall not be permitted and vehicles shall not impede the passage of traffic on any roads or streets in the area of the flea market. Reasonable orders of any member of the Village Police or Fire Department to maintain the public health, safety and welfare shall be obeyed.
- B. Unlawful transactions. It shall be unlawful for any person to sell or offer for sale, any of the following:
 1. Any type of drugs, drug paraphernalia, tobacco products of any kind, or pharmaceuticals, legal or otherwise, and alcohol.
 2. Firearms, working or not, ammunition or explosive devices, weapons of any kind.

3. Knives, dirks, daggers, folding knives with locking blades.
 4. Stolen merchandise.
 5. Live animals: No dogs or other live pets are allowed on the premises, unless such animals are service animals.
 6. Videos, cassettes, DVDs, blue-rays, etc. which are pirated, dubbed or in violation of copyright law.
 7. X-rated, pornographic materials, including, but not limited to, printed materials, pictures, magazines and movies.
 8. Items that by sale, possession or use are in violation of village, county, state or federal laws and any item that is misrepresented by the seller in any way.
 9. No food products shall be sold without a health permit or any types of products such as pills of any kind, toothpaste, mouthwash, prepared food products, beverages, or alcoholic beverages. The Village reserves the right to approve all food vendors.
- C. Purchases from children. No flea market seller shall purchase any used household item, antique or used article whatsoever from any person under the age of 18, unless such person is accompanied by the person's parent or guardian.
- D. Hours of operation. Flea markets may remain open for business between the hours of 9:00 a.m. and 8:00 p.m., unless otherwise specified on the permit at the time of issuance.
- E. Signs and advertisements. All signs and advertisements shall be conducted and posted in compliance with all applicable village laws and ordinances. The Police Department may enforce such temporary controls to alleviate any special hazards and/or congestion created by any flea market.
- F. Parking regulations. All parking of vehicles shall be conducted in compliance with all applicable village laws and ordinances. The Police Department may enforce such temporary controls to alleviate any special hazards and/or congestion created by any flea market.

3-22-4: **REVOCATION AND REFUSAL OF PERMIT:**

- A. Any permit issued under this Chapter may be revoked or any application for issuance of a permit may be refused by the Village of the application submitted by

the applicant or permit holder contains any false, fraudulent or misleading statements.

- B. If any individual, firm or corporation is convicted of an offense under this Chapter, the existing flea market permit held by such individual, firm or corporation shall be revoked and such individual, firm or corporation shall not be issued a flea market permit for a period of two (2) years from the time of conviction.

3-22-5: **ENFORCEMENT; PENALTY:**

- A. Inspections; entry and arrest powers. A police officer or any other official designated by the village to make inspections shall have the right to enter any premises showing evidence of a flea market for the purpose of enforcement or inspection and may close the flea market and/or arrest any individual who violates the provisions of this chapter.
- B. Penalty. Any person, firm or corporation found guilty of violating the provisions of this chapter shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00). Every article sold and every day a sale is conducted in violation of this chapter shall constitute a separate offense.

3-22-6: **PUBLIC FLEA MARKETS:**

The Village may hold flea markets on public property at the Village Board's discretion. The fee for a flea market seller to operate a stall at any such flea market shall be determined by the Village Board at their discretion.

SECTION 3: This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the Village of Dolton that to the extent that the terms of this ordinance should be inconsistent with any non-preemptive state law, that this ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 4: Effective Date. This Ordinance shall be in full force and effect upon its passage, approval, and publication as required by law.

PASSED AND APPROVED this 3rd day of August, 2015.


RILEY H. ROGERS, Mayor

ATTEST:


MARY KAY DUGGAN, Clerk

Ayes: 6 Brown, Henyard, Hunt, Muhammad, Pierson, Smith
Nays: 0
Absent: 0
Abstain: 0