

Chapter 34
SOLICITORS

- 34.01 Definitions
- 34.02 Certificate of Registration
- 34.03 Registration Fee
- 34.04 Application for Certificate of Registration
- 34.05 Issuance and Revocation of Certificate
- 34.06 Regulation of Not-for-Profit Solicitors for Funds
- 34.07 Village Policy on Soliciting
- 34.08 Notice Regulating Soliciting
- 34.09 Duty of Solicitors
- 34.10 Uninvited Solicitors
- 34.11 Time Limit on Soliciting
- 34.12 Peddling
- 34.13 Highway Solicitation
- 34.14 Law Enforcement Solicitation

34.01 DEFINITIONS

Terms used in this Chapter are defined in Appendix A and the Illinois Compiled Statutes.

34.02 CERTIFICATE OF REGISTRATION

Every person engaging in the business of peddling or commercial soliciting is hereby required to make written application for a Certificate of Registration and pay a registration fee as hereinafter provided. Except as otherwise provided in the ordinances of the Village, itinerant vending shall be prohibited. This Section applies to business and commercial enterprises; see Section 34.06 for not-for-profit organizations.

34.03 REGISTRATION FEE *Amended, 02-O-41*

A registration fee, which is found in Appendix B, shall be charged to every person who is granted a license by the Chief of Police and shall be paid prior to the issuance of said license. The registration fee may be waived by the Village Board by the filing of a request for said waiver by the person filing the application for a Certificate of Registration.

34.04 APPLICATION FOR CERTIFICATE OF REGISTRATION

A. Application for a Certificate of Registration shall be made upon a form provided by the Chief of Police and filed with the Chief of Police 45 days prior to the date requested for issuance of a certificate. The applicant shall truthfully state in full the following information on the application:

1. Name and address of present place of residence and length of residence at such address; also business address if other than residence address; also social security number;
2. Address of place of residence during the past 3 years if other than present ad-

dress;

3. Date of birth of applicant and valid driver's license number and issuing state or a state identification card.
4. Physical description of the applicant;
5. Name and address of the person, firm or corporation or association whom the applicant is employed by or represents; and the length of time of such employment or representation;
6. Name and address of employer during the past 3 years if other than the present employer;
7. Description sufficient for identification of the subject matter of the soliciting which the applicant will engage in;
8. Period of time for which the certificate is applied for;
9. The date, or approximate date, of the latest previous application for a certificate under this Chapter, if any;
10. Whether a Certificate of Registration issued to the applicant under this Chapter has ever been revoked;
11. Whether the applicant has ever been convicted of a violation of this Chapter, or the ordinance of any other Illinois municipality regulating soliciting;
12. Whether the applicant has ever been convicted of the commission of a felony under the laws of the State of Illinois or any other state or federal law of the United States; and
13. Such additional information as the Chief of Police may deem necessary to process the application.

B. All statements made by the applicant upon the application or in connection therewith shall be under oath.

C. The Chief of Police shall require every applicant to submit to photographing and finger printing by the Police Department in connection with the application for a Certificate of Registration the cost thereof to be borne by the applicant.

D. The Chief of Police shall keep in his office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto and all certificates of registration issued under this Chapter and of the denial of applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued and any renewal shall be identified with the duplicate number of the application upon which it was issued.

E. No Certificate of Registration shall be issued to any person who has been convicted

of the commission of a felony under the laws of the State or any other state or federal law of the United States, within 5 years of the date of the application; nor to any person who has been convicted of a violation of this Chapter; nor to any person whose Certificate of Registration issued hereunder has previously been revoked as herein provided.

34.05 ISSUANCE AND REVOCATION OF CERTIFICATE

A. The Chief of Police, after consideration of the application and all information obtained relative thereof, shall deny the application if the applicant does not possess the qualifications for such certificate, and if the issuance of a certificate of registration to the applicant would not be in accord with the intent and purpose of this chapter. Endorsement of the denial shall be made by the Chief of Police upon the application. When the applicant is found to be fully qualified, and has paid the license fee or the license fee has been waived by the Village Board, the certificate of registration shall be issued forthwith. The certificate of registration shall state the expiration date thereof.

B. Any certificate of registration issued shall be revoked by the Chief of Police if the holder of the certificate is convicted of a violation of this chapter, or has made a false material statement in the application or otherwise becomes disqualified for the issuance of a certificate of registration. Immediately upon such revocation written notice thereof shall be given by the Chief of Police to the holder of the certificate in person or by certified U.S. mail addressed to his residence address set forth in the application. Immediately upon the giving of such notice the certificate of registration shall become null and void.

34.06 REGULATION OF NOT-FOR-PROFIT SOLICITORS FOR FUNDS *Amended, 03-O-11, 02-O-41, 97-O-23*

A. No permit or solicitation notification shall be required for persons engaged in door-to-door charitable solicitation involving the advocacy of religious or political causes which may include the distribution of handbills, circulars or other printed materials or the appeal for funds, pledges or donations. Such persons, however, shall comply with all other applicable provisions of this Chapter.

B. Any local school, church, service organization or governmental association which is based within the Village corporate boundaries, or provides its primary service within the Village, are not required to complete a notification form. No licensing fee shall be required.

34.07 VILLAGE POLICY ON SOLICITING

It is the policy of the Village that the occupants of the residences in this Village shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residences.

34.08 NOTICE REGULATING ALL SOLICITING AND PEDDLING

Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this Chapter shall comply with the following directions:

If an occupant of a residence wishes to refuse solicitation the refusal shall be given in the following manner:

A weatherproof card, approximately 3 inches by 4 inches in size, shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant containing the applicable words, as follows:

“NO SOLICITORS INVITED”

The letters shall be at least one-third inch in height. For the purpose of uniformity, the cards shall be provided by the Clerk’s office to persons requesting, at the cost thereof.

Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

34.09 DUTY OF ALL SOLICITORS AND PEDDLERS

A. It shall be the duty of every solicitor and peddler upon going onto any premises in the Village upon which a residence is located to first examine the notice provided for in Section 34.08, if any is attached, and be governed by the statement contained in the notice. If the notice states “No Solicitors Invited” then the solicitor or peddler, whether registered or not, shall immediately and peacefully depart from the premises.

B. Any solicitor or peddler who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

C. No person who engages in solicitation or peddling shall use any plan, scheme or ruse or make any statement which indicates or implies that the purpose of such person’s solicitation is other than to obtain orders or to make sales of good or services.

D. No person who engages in solicitation or peddling shall misrepresent the rights of a buyer to rescind or cancel a sale under the provisions of applicable law.

E. It shall be the duty of every solicitor and peddler to carry evidence of compliance with this Chapter as provided by the Village. Said evidence of compliance shall contain the name of the solicitor, the name of the organization represented by the solicitor and the dates of solicitation, and shall be displayed by the solicitor or peddler to all persons being solicited.

34.10 UNINVITED SOLICITING

It is unlawful and shall constitute a nuisance for any person to go upon any premises and ring the door bell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant and engage in soliciting in defiance of the notice exhibited at the residence in accordance with the provisions of Section 34.08.

34.11 TIME LIMIT ON SOLICITING

It is unlawful and shall constitute a nuisance for any person whether registered under this Chapter or not, to go upon any premises and ring the door bell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract

the attention of the occupant of such residence for the purpose of securing an audience with the occupant and engage in soliciting prior to 9:00 a.m. or after 8 p.m. on any week day or after 6:00 p.m. on Saturday or at any time on a Sunday or on a state or national holiday.

34.12 **PEDDLING**

It shall be unlawful for any person to peddle on or along the streets of the Village limits.

34.13 **HIGHWAY SOLICITATION** *Amended, 12-O-44*

A. No person shall stand on a highway within the Village for the purpose of soliciting contributions from the occupant of any vehicle without a permit from the Village.

B. Permits may only be issued to:

1. A charitable organization or institution organized (as defined in 230 ILCS 30/2) that is operated to benefit an indefinite number of the public subject to the following provisions:
 - a. Persons engaged in the solicitation are limited to law enforcement personnel, firefighters or other persons employed to protect the public safety of a local agency;
 - b. Soliciting shall be solely in an area that is within the service area of the Village.
2. Organizations that are registered with the Attorney General as a charitable organization as provided by 225 ILCS 460/1 *et seq.*, Solicitation for Charity Act, and who are engaged in a statewide fund raising activity.

C. Applications for charitable solicitation shall be filed with the Police Department not less than 10 business days before the date that the solicitation is to begin and shall include the following information:

1. The date or dates and times of day when the solicitation is to occur.
2. The location or locations where the solicitation is to occur.
3. The manner and conditions under which the solicitation is to occur.

D. A solicitation permit shall be subject to the following conditions:

1. A permit shall not be issued unless the solicitation will take place in previously designated locations that have been determined by the Village to be safe for solicitations and safe for motorists; where there will not be interference with the orderly flow of traffic; and where there will not be interference with the operation of official traffic control devices and as otherwise provided by state statute.

2. All permittees shall be liable for any injuries to any person or property during the solicitation which is causally related to an act of ordinance negligence of the soliciting agent. Proof of a valid liability insurance policy in the amount of at least \$1,000,000 insuring the charity or local agency against bodily injury and property damage arising out of or in connection with the solicitation shall be required.
3. Persons engaged in soliciting must be 16 years of age or older and shall wear a high visibility vest at all times.

E. The Chief of Police or designee shall review all soliciting applications and shall, within 5 business days from the date of application, accept or reject the application. If an application is approved soliciting shall only be permitted on the requested date(s) and may be subject to additional written reasonable conditions that are based on articulated public safety concerns.

34.14 LAW ENFORCEMENT SOLICITATION 96-0-02

A. A person may not solicit property, including cash or monetary funds, from the general public when the property or any part of that property in any way tangibly benefits, is intended to tangibly benefit or is represented to be for the tangible benefit of any law enforcement officer, law enforcement agency or law enforcement association.

B. For purposes of this Section, a solicitation tangibly benefits a law enforcement agency, officer or association if the proceeds or any portion thereof of that solicitation are used, represented to be used or intended to be used to support a law enforcement program or purpose which a law enforcement agency or association otherwise would have to fund through its own budgeting mechanism.

C. Exceptions: This Section shall not apply to solicitations:

1. By or on behalf of law enforcement officers campaigning for election to public office; or
2. Solicitations for charitable purposes unrelated to law enforcement activities; or
3. Solicitations for programs that benefit the general welfare of the community, and are sanctioned by the Chief of Police, and 100 percent of the proceeds collected are devoted to that beneficial program.