

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 All Soliciting and Peddling
- 34.09 Duty of Solicitors and Peddlers
- 34.10 Uninvited Solicitors
- 34.11 Time Limit on Soliciting
- 34.12 Street or Highway Solicitation
- 34.13 Street or Highway Charitable Solicitation
- 34.14 Law Enforcement Solicitation

**34.01 DEFINITIONS** *Amended, 2001-22, 2017-20*

Terms used in this Chapter 34 are defined in Appendix A and the Illinois Compiled Statutes. For purposes of this Chapter 34, soliciting is defined as one or more of the following activities:

1. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration whatever (except seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type of kind of publication, and sales of ice cream from commercial vehicles on public and private rights of way, which activities are exempt from the regulations of this Chapter 34); or
2. Seeking to obtain prospective customers for application of purchase of insurance of any type, kind or character; or
3. Seeking to obtain contributions of any type or kind.

**34.02 CERTIFICATE OF REGISTRATION** *Amended, 2018-04*

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 \$39.00 Fingerprint Charge and pay a registration fee as hereinafter provided. Except as otherwise provided in the Ordinance 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, 2018-04, 2002-28*

A registration fee of \$25 per person per day shall be charged to every person who is granted a license by the Village and shall be paid prior to the issuance of said license.

**34.04 APPLICATION FOR CERTIFICATE OF REGISTRATION** *Amended, 2018-04*

Application for a Certificate of Registration shall be made upon a form provided by the Village and filed with the Chief of Police, or his or her designee, 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 three years if other than present address;
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 three 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 34, if any;
10. Whether a Certificate of Registration issued to the applicant under this Chapter 34 has ever been revoked;
11. Whether the applicant has ever been convicted of a violation of this Chapter 34;

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, or his or her designee, may deem necessary to process the application.

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

B. The Chief of Police, or his or her designee, shall keep 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 34 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.

C. 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 of Illinois or any other state or federal law of the United States, within five years of the date of the application; nor to any person who has been convicted of a violation of this Chapter 34 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, or his or her designee, 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 34. Endorsement of the denial shall be made by the Chief of Police, or his or her designee, upon the application. When the applicant is found to be fully qualified, and has paid the license fee, 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, or his or her designee, if the holder of the certificate is convicted of a violation of this Chapter 34, 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, or his or her designee, to the holder of the certificate in person or by certified U.S. mail addressed to his residence address set forth in the application. Written notice shall also be sent by certified U.S. mail to the employer listed on 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, 2002-28*

No permit or solicitation notification shall be required for persons engaged in door-to-door charitable not-for-profit 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 34.

**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 34 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 three inches by four 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-fourth inch in height. For the purpose of uniformity, the cards shall be provided by the Village to persons so 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 exhibited 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 goods 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 34 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 doorbell upon or near any door, 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 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 34 or not, to go upon any premises and ring the doorbell upon or near any door 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 premises for the purpose of securing an audience with the occupant and engage in soliciting prior to 9:00 a.m. or after 9:00 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** *Amended 2017-20*

It shall be unlawful for any person to peddle on or along the streets of the Village limits, except for sales of ice cream from commercial vehicles on public and private rights of way.

#### **34.13 STREET OR HIGHWAY CHARITABLE SOLICITATION** *Amended, 2013-17*

Except as provided herein no person shall stand on or along a public roadway within the Village for the purpose of soliciting contributions or business from the occupant of any passing vehicle. A charitable organization (as defined in Section 2 of the Illinois Charitable Games Act, 230 ILCS 30/1, et. seq., as an organization or institution organized and operated to benefit an indefinite number of the public) may solicit for charitable purposes, including solicitations taking place on public roadways from passing motorists, if all the following requirements are met:

1. The persons to be engaged in the solicitation are law enforcement personnel, firefighters or other persons employed to protect the public safety of a local agency and that are soliciting solely in an area that is within the service area of that local agency.

2. The charitable organization files an application with the Chief of Police or designee. The application shall be filed not later than 10 business days before the date the solicitation is to begin and shall include the following:
  - a. The date or dates and times of day when the solicitation is to occur.
  - b. The location or locations where the solicitation is to occur along with a list of three alternate locations listed in order of preference.
  - c. The manner and conditions under which the solicitation is to occur.
  - d. 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.

Within five business days after the filing date of the application, the Chief of Police or designee shall approve the application but may impose reasonable conditions in writing that are consistent with the intent of 65 ILCS 5/11-80-9 and are based on articulated public safety concerns. If the Chief of Police or designee determines that the applicant's location cannot be permitted due to significant safety concerns, such as high traffic volumes, poor geometrics, construction, maintenance operations or past accident history, then the Chief of Police or designee may deny the application for that location and must approve one of the three alternate locations following the order of preference submitted by the applicant on the alternate location list. By acting under this Section, a local agency does not waive or limit any immunity from liability provided by any other provision of law.

#### **34.14 LAW ENFORCEMENT SOLICITATION**

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 34.14, 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 34.14 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.