

**ARTICLE I. - IN GENERAL**

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**Sec. 32-3. - Registration required; exemptions.**

(a) Every person wishing to engage in peddling or solicitation must submit an application to register with the city clerk or the city clerk's designee and receive approval before engaging in such peddling or solicitation activities. Such ~~registration application~~ shall include:

- (1) The applicant's person's name
- (2) The applicant's home address, phone number and email address
- (3) Two passport-sized photos of the applicant taken within the last ninety (90) days
- (4) Physical description of applicant
- (5) ~~a-~~ Contact person's name
- (6) Contact person's phone number
- (7) Business address and a
- (8) Description of the items to be peddled, and
- (9) The location and time frame within which this activity will occur
- (10) Vehicle license number, make, model year and color (if applicable)
- (11) A non-refundable payment of fifty (\$50.00) dollars per peddler/solicitor.
- (12) Every registrant applicant must provide written proof to the city clerk or designee at time of registration application that all certifications, permits, licenses and any other required authorization needed to perform peddling or solicitation activities has been received in advance. Such registration shall be done annually by those persons that will engage in ongoing peddling or solicitation in the city.
- (13) If applicant is a third-party representative, a copy of a current, valid signed contract must be attached to application.

(b) Every person wishing to engage in a charitable solicitations campaign must make application for a permit with the government operations committee of the city council no less than thirty (30) days prior to initiation of the campaign. Upon achievement of a permit, all persons engaging in such charitable solicitation shall have a copy of the permit on their person at all times during any such solicitation. The application shall state the person's name, a contact person's name, phone number, address, the date(s) the campaign will operate, state the purpose of the charitable solicitations campaign and/or the purpose for which the funds are to be raised, and stating the exact locations of said campaign within the city. Such charitable solicitation shall be confined to house-to-house canvassing and/or solicitation in the public ways or places of the city, and shall not be conducted upon the highways, streets, alleys and vehicular thoroughfares of the city unless proof of the following criteria are provided to the committee's satisfaction:

(1) The soliciting agency is registered with the attorney general as a charitable organization as provided by "An Act to regulate solicitation and collection of funds for charitable purposes, providing for violations thereof, and making an appropriation therefore."

(2) The soliciting agency is engaged in a state- or nationwide fund raising campaign.

(3) The soliciting agency will provide reflective safety vests for solicitors to wear at all times while soliciting in the public ways and further agrees to be liable for and hold the city harmless from any injuries to person or property during any permitted solicitation, and agrees to name the city as a primary, non-contributory additional insured under a policy of general liability insurance covering any and all solicitation activities and participants soliciting in the public right-of-way. A certificate of insurance shall be submitted to the city at the time of application as indicated in subsection (b) herein. Said liability insurance shall have minimum coverage limits of one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) general aggregate.

(c) Every registrant pursuant to this chapter shall, as part of said registration document, stipulate that no individual employees, independent contractors, employees of independent contractors, volunteers or any other such person associated with the registrant is a convicted "Sex offender" as defined by the State of Illinois Statute 730 ILCS 150/2 and as may similarly be applicable to any by other law enforcement jurisdictions throughout the United States. Every registrant shall include the names, addresses and dates of birth for every person who will be working with them in the city for the registered purpose, and shall provide an affidavit certifying that such persons, including the registrant, have not been convicted of any felony, nor convicted on two (2) or more occasions of driving under the influence of alcohol or drugs. Such certification as required in this paragraph (c) shall be updated whenever any change in persons occurs for the registrant at any time during the registered year.

(d) Each corporation, partnership, limited liability company or any other organization applying for a permit under this chapter shall be limited to registering a maximum of ten (10) individual persons to engage in door to door peddling or soliciting within the city on its behalf.

(e) For purposes of this section only, organizations engaged in door-to-door distribution of political campaign literature or religious materials are not subject to the registration requirements set forth in this section, provided that such organizations are not soliciting contributions, in any way, while distributing such materials. "Political campaign literature" as used in in this section means a communication supporting or opposing a candidate or election to a federal, state or local public office which is published in a handbill, flier, newspaper, magazine, pamphlet, circular, bumper sticker, or other similar written form of communication. Notwithstanding the above, such organizations are subject to all requirements set forth in Article II of this chapter.

**Sec. 32-4. - Fees.**

At the time the application is filed with the city clerk or the city clerk's designee, the applicant shall pay a fee to cover the cost to the city of processing the application. Permit fees shall be as follows:

- (a) Non-refundable fifty dollar (\$50.00) for each solicitor or peddler application.
- (b) Ten dollar (\$10.00) badge replacement fee per solicitor or peddler.

**Sec. 32-5. – Processing of permits.**

- (a) Upon receipt of a completed application the city clerk or city clerk's designee will issue permits to qualified applicants within 5-7 business days.
- (b) Any approved permits once issued, if not picked up within five (5) business days, becomes null and void.

**Sec. 32-6 – General regulations.**

- (a) When the owner, occupant or person legally in charge of the premises has displayed on such premises in a conspicuous position near the entrance thereof, a sign bearing the words "No Trespassing", "No Peddlers or Solicitors", "No advertisement" or any similar notice or words of similar import indicating that the occupants of such premises do not desire to have their right of privacy disturbed, then entering upon any such private premises by any person for any such purpose is unlawful, and shall constitute a trespass on private property. This shall specifically include the delivery of unsolicited newspapers, advertising materials and charitable solicitation.
- (b) Fraud or misrepresentation. It shall be unlawful for any peddler, solicitor, or person engaging in a charitable solicitation campaign to cheat, deceive, or fraudulently misrepresent, whether through himself or any employee, while engaging in peddling and/or solicitation. No person engaged in any form of solicitation or peddling shall employ any ruse, plan or scheme, or make any assertion, representation or statement of fact which misrepresents the purpose of the sale or solicitation. It shall be unlawful for any person engaged in solicitation to represent that the goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits or qualities that they do not have or that a person has sponsorship, approval, status, qualification, affiliation or connection with an individual, organization, firm or corporation that he or she does not have. It shall be unlawful for a person engaged in peddling and/or solicitation to represent that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used or secondhand.
- (c) Public health and safety. No person shall engage in solicitation within the city in such a manner that creates a danger or threat of any kind to the public health, safety and welfare.
- (d) No person engaged in solicitation or peddling shall use abusive, vulgar, obscene or offensive language while engaged in solicitation within the city.
- (e) No person engaged in solicitation or peddling shall threaten to use force, use force or otherwise coerce a person being solicited within the city.
- (f) Change of information. During the application process for, or during the term of, any solicitation permit, the applicant or permit holder shall promptly notify the city in writing of any change in any material information given by the applicant or permit holder in the application for such permit.

## ARTICLE III. PEDDLING AND SOLICITATION

### DIVISION 1. PEDDLING FOR PROFIT

#### **Sec. 32-26. ~~Entering posted private premises unlawful.~~**

~~Entering a private premises in the city whether under false pretenses for the purpose of soliciting orders for the sale of goods, wares, merchandise or personal services, or for disposing of or peddling the same; or for the purpose of delivering unsolicited newspapers; or remaining in a private residence or on the premises thereof after the owner or occupant thereof shall request any person to leave; or entering upon any private premises by any person for any such purpose, when the owner, occupant or person legally in charge of the premises has displayed on such premises in a conspicuous position near the entrance thereof, a sign bearing the words "No Trespassing", "No Peddlers or Solicitors", "No advertisement" or any similar notice or words of similar import indicating that the occupants of such premises do not desire to have their right of privacy disturbed, shall be unlawful, and shall constitute a trespass on private property.~~

#### **Sec. 32-27. ~~Permitted locations for peddlers and solicitors.~~**

- (a) ~~Peddlers and solicitors may operate on any street within the city except on streets that are located within public parks, may only operate from motorized vehicles on such streets, but may not operate within six hundred (600) feet of a church, school or day care center.~~
- (b) ~~Peddlers and solicitors may operate on private business premises within the city with the written permission of the owner thereof, provided however, that the sale of items unrelated to the business already in operation on the premises, as well as the use of vacant premises, are hereby prohibited.~~

#### **Sec. 32-28. Duration of Permit; Hours of operation.**

(a) Every permit issued for door to door solicitation under the provisions of this chapter shall be valid for ninety (90) days with the option to renew for an additional ninety (90) days for a maximum of six (6) months in a calendar year, except as otherwise provided in subsection (b) of this section.

(b) Registered peddlers and solicitors who have received permits shall be allowed to engage in such activities in residential areas of the city only between the hours of 9:00 a.m. and 8:00 p.m. during the months of April, May, June, July, August and September, and only between the hours of 9:00 a.m. and 6:00 p.m. during the remaining months of the year. Delivery of subscribed newspapers is specifically excluded from this provision.

#### **Sec. 32-29. Identification, permit exhibition and transferability.**

All door to door peddlers and solicitors shall have their city registration photo-identification on their person at all times when peddling/soliciting and business identification posted, in a lettering size that is easily readable, on their vehicle, cart or other display mechanism, or on their person if no display mechanism is utilized, stating the business name, address, phone number and an identification number of the vehicle if applicable. The permit issued must be exhibited upon request. No permit issued hereunder shall be worn or used at any time by any person other than the person to whom it was issued.

**Sec. 32-29. Refusing to leave.**

Any peddler or solicitor who enters upon premises, whether posted or not, and refuses to leave such premises after having been notified by the owner or occupant of such premises, shall be deemed in violation of this section and subject to fines, penalties and/or ban from future peddling and soliciting pursuant to Section 32-51 of this chapter.

**Sec. 32-30. Exceptions.**

Exceptions to this article shall be allowed only for the benefit of public property or any city-sponsored event and in such manner as permitted by the city chief financial officer/treasurer or his designee from time to time.

**DIVISION 2. CHARITABLE SOLICITATIONS CAMPAIGN**

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**Sec. 32-37. Refusing to leave.**

Any charitable solicitor who enters upon premises whether posted or not, and refuses to leave such premises after having been notified by the owner or occupant of such premises, shall be deemed in violation of this section and subject to fines, penalties and/or ban from future soliciting pursuant to Section 32-51 of this chapter.

**Sec. 32-38. Duration of Permit, hours of operation.**

- (a) Every permit issued for charitable soliciting hereunder shall be valid for ninety (90) days with the option to renew for an additional ninety (90) days for a maximum of six (6) months in a calendar year, except as otherwise provided in subsection b of this section.
- (b) Registered charitable solicitors who have received permits shall be allowed to engage in such activities in residential areas of the city only between the hours of 9:00 a.m. and 7:00 p.m. during the months of April, May, June, July, August and September, and only between the hours of (: ) a.m. and 6:00 p.m. during the remaining months of the year.

**Sec. 32-39. Identification, permit exhibition and transferability.**

All door-to-door charitable solicitors shall have their city photo-identification on their person at all times while soliciting, and the charitable organization identification posted, in a lettering size that is easily readable, on their vehicle, cart or other display mechanism, or on their person if no display mechanism is utilized, stating the charitable organization's name, address, phone number and an identification number of the vehicle if applicable. The permit issued must be exhibited upon request. No permit issued hereunder shall be worn or used at any time by any person other than the person to whom it was issued.

ARTICLE IV. – PENALTIES

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**Sec. 32 – 52. Revocation of permit.**

- (a) Any permit issued may be revoked if the permittee or person engaged in solicitation on the permittee’s behalf is convicted of a violation of any of the sections in this chapter, or has refused to leave any premises when asked to do so, has made a false statement in the application, or becomes disqualified for the issuance of a solicitation permit under any provision of this chapter. Immediately after the revocation, the city clerk or designee shall give the person written notice via email or by first class U.S. mail, return receipt requested, addressed to his or her residence address set forth in the application. The permit shall become null and void immediately on the service of the notice of revocation. Receipt of a revocation notice sent by mail shall be deemed given when the recipient signs or refuses to sign the return card or otherwise fails to claim the notice within the time allowed by the U.S. Postal Office.
- (b) Any person desiring to contest a revocation of a solicitation permit shall have the right to appeal such a decision to the corporation council or designee within fourteen (14) days after receipt of the city clerk or designee’s notice of revocation by giving such notice in writing and requesting a hearing.
- (c) The corporation council or designee, after receipt of the written request for a hearing, shall set a time and date certain for such hearing within thirty (30) days.
- (d) The corporation council or designee shall give written notice of the time, date and place for hearing to the permit holder at least five (5) days in advance of the hearing date.
- (e) The corporation council or designee shall not be bound by the rules of evidence prevailing in the courts of law but shall, in ascertaining the conditions and practices involved in the decision appealed, take into account all reliable, probative and substantial evidence relating to the revocation of the permit.
- (f) The appealing party may supply at his or her own cost a court reporter.
- (g) Within ten (10) days after the close of the hearing, the corporation council or designee shall render a decision in writing and make it available to the appealing party.
- (h) This action taken by corporation council shall be final.
- (i) If a hearing is waived, the appealing party shall submit what documentation he or she desires to have the corporation council consider with the written appeal, and the corporation council or designee shall render a decision within fourteen (14) days of the filing of the written appeal.

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