

# CSA

## City of Aurora, Illinois

# Charitable Solicitation Permit Application



Return completed application to: Aldermen's Office, 44 E. Downer Pl., Completed applications due no less than 30 days prior to initiation of campaign. **Incomplete applications will not be processed. Please see attached Ordinance, Chapter 32, Peddlers and Solicitors.**

### Office Use Only

- Charitable Solicitation Registration
- Provide Reflective Vests For Solicitors (Fill The Boot)
- State or Nations Wide Campaign
- Identification For Solicitors

Date Mar 20, 2023

## ORGANIZATION INFORMATION

Name of Organization: Walter E Truemper American Legion post 1944

Address of Organization:

Contact Person's Name: David Wail - Post Commander

Contact Person's Address:

Telephone #:

Email Address:

Drivers License/State ID#:

Is Organization registered with the Attorney General as a Charitable Organization? **Y** / N

Describe the items/subject matter you will be Peddling/Soliciting:

Our Post and Auxiliary will be distributing our national American Legion poppies - Annual Poppy drive

Purpose for which funds are to be raised:

Any donations we may receive will go to fund our American Legion programs to help veterans in need

Exact location within the City of Aurora where campaign will occur:

Prisco's Family Market, 1108 Prairie St., Aurora, IL 60506

Nikarry's Restaurant, 1055 N Lake St., Aurora, IL 60506

Dates of campaign: From: May 26, 2023 To: May 27, 2023

Please provide a separate listing of names and addresses of all individuals over the age of 18 conducting the campaign within the City on the following page.

Below, please list each solicitor's name (over the age of 18), home address, city, state, zip code, telephone number and date of birth. **Must provide a valid government issued photo ID as proof of identification for each person going door-to-door.**

1.	David Wail	e 11 00505	
	Name	Home Address, City, State, ZIP	Phone
2.	Charles Granholm		
	Name	Home Address, City, State, ZIP	Phone
3.	Kathleen Granholm		
	Name	Home Address, City, State, ZIP	Phone
4.	Patricia DeVore		
	Name	Home Address, City, State, ZIP	Phone
5.	Joe Holman		
	Name	Home Address, City, State, ZIP	Phone
6.			
	Name	Home Address, City, State, ZIP	Phone
7.			
	Name	Home Address, City, State, ZIP	Phone
8.			
	Name	Home Address, City, State, ZIP	Phone
9.			
	Name	Home Address, City, State, ZIP	Phone
10.			
	Name	Home Address, City, State, ZIP	Phone
11.			
	Name	Home Address, City, State, Zip	Phone
12.			
	Name	Home Address, City, State, Zip	Phone

If additional space is needed, please provide a separate listing .



## Chapter 32- PEDDLERS AND SOLICITORS

### ARTICLE I. - IN GENERAL

#### Sec. 32-1. - Purpose.

It is the purpose of this chapter to protect the health, safety and welfare of the citizens of the city, to protect against fraudulent solicitation, to protect and promote the quiet enjoyment of property for the residents of the city, and to protect the First Amendment rights of solicitors, distributors, canvassers and peddlers operating within the city.

It is further declared to be the policy of the corporate authorities of the city, that the occupant or occupants of any premises in the city shall have the right to determine whether any solicitor, distributor, canvasser or peddler shall be, or shall not be, invited onto their respective premises, and those persons who violate the provisions of this chapter constitute a public and private nuisance, and a detriment to the health, safety and welfare of the residents of the city.

(Ord. No. 006-03, § 1(32-1), 1-24-06)

#### Sec. 32-2. - Definitions.

The following words, terms, phrases and their derivations, when used in this chapter, shall have the meanings ascribed to them in this section:

- (1) *Charitable solicitations campaign* means any course of conduct whereby any person, or any agent, member or representative thereof shall solicit property or financial assistance of any kind or sell or offer to sell any article, tag, service, emblem, publication, ticket, advertisement, subscription or anything of value on the plea or representation that such sale or solicitation or that proceeds therefrom are for a charitable, educational, patriotic, religious or philanthropic purpose.
- (2) *Commercial handbill* means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, video or audio material, or any other printed or otherwise reproduced original or copies of any matter or literature:
  - a. Which advertises for sale any merchandise, product, commodity or thing; or
  - b. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interests thereof by sales; or
  - c. Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of public peace, safety and good order, provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind without a license, where such license is or may be required by any law of this state, or under this Code or any other ordinance of the city; or
  - d. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes or for the

Private benefit and gain of any person so engaged as advertiser or distributor; or

e. Which is not covered by the definition of sign as defined in this Code.

- (3) *Newspaper* means any newspaper of general circulation, as defined by general law, any newspaper duly entered with the United States Postal Service in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law, and, in addition thereto, any periodical or current magazine regularly published with not less than four (4) issues per year and sold to the public.
- (4) *Noncommercial handbill* means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, video or audio materials, or any other printed or otherwise reproduced original or copies of any matter or literature not included in the definitions of a sign or a commercial handbill or a newspaper.
- (5) *Peddler* or *solicitor* means any person who goes upon the premises of any private residence in the city, not having been invited by the occupant thereof, or, while present at any location in the city and carrying or transporting goods, wares, merchandise, written materials or personal property of any nature, and offering the same for sale, or for the purpose of taking or attempting to solicit orders for the sale of goods, merchandise, wares, written materials or other personal property of any nature for future delivery, or for services to be performed in the future.
- (6) *Peddling* or *soliciting* includes all activities ordinarily performed by a peddler or solicitor as indicated in this chapter.
- (7) *Person* means a natural person or any firm, corporation, association, club, society or other organization.
- (8) *Private premises* means any dwelling, house, building or other structure designed or used either wholly or in part for private purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, ground, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

(Ord. No. 006-03, § 1(32-2), 1-24-06; Ord. No. 012-018, § 2, 3-13-12)

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

- (a) Every person wishing to engage in peddling or solicitation must submit an application to the city clerk or the city clerk's designee and receive approval before engaging in such peddling or solicitation activities. Such application shall include:
  - (1) The applicant'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) Contact person's name.
  - (6) Contact person's phone number.
  - (7) Business address.
  - (8) Description of the items to be peddled.
  - (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 per section 32-4(a).

- (12) Every applicant must provide written proof to the city clerk or designee at time of application that all certificate licenses and any other required authorization needed to perform peddling or solicitation activities has been advance.
  - (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 subsection (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 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.

(Ord. No. 006-03, § 1(32-3), 1-24-06; Ord. No. 007-62, § 1(32-3), 5-22-07; Ord. No. 007-97, § 1, 8-28-07; Ord. No. 008-117, § 1, 12-9-08; Ord. No. 012-018, § 2, 3-13-12; Ord. No. 015-028, Att., 6-23-15; Ord. 018-077, (Exh. A), 9-25-18)

Editor's note- Ord. No. 015-028, Att., adopted June 23, 2015, changed the title of § 32-3 from "Registration required" to read as set out herein.

#### 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:

- (1) Non-refundable one hundred dollars (\$100.00) for each solicitor or peddler application per month.
- (2) Ten dollar (\$10.00) badge replacement fee per solicitor or peddler.

(Ord. No. 015-028, Att., 6-23-15; Ord. 018-077, (Exh. A), 9-25-18)

#### 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 five (5) to seven (7) business days.
- (b) Any approved permits once issued, if not picked up within five (5) business days, becomes null and void.

(Ord. No. 015-028, Att., 6-23-15)

#### 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.

(Ord. No. 015-028, Att., 6-23-15)

Sees. 32-7-32-10. - Reserved.

## ARTICLE II. - UNSOLICITED MATERIAL

Sec. 32-11. - Posting prohibited in public places.

No person shall post, stick, stamp, paint or otherwise fix or cause the same to be done by any person, any notice, placard, bill, card, poster, commercial or non-commercial handbill or device calculated to attract the attention of the public, to or upon any sidewalk, crosswalk, curb or curbstone, flagstone or any other portion or part of any public way or public place, or any lamppost, electric light, sign, telegraph or telephone pole, or railway structure, hydrant, shade tree or tree-box, or upon the piers, columns, trusses, girders, railings, gates or other parts of any public bridge or viaduct, or other public structure or building, or upon any pole, box or fixture of the fire alarm or police telegraph system, except such as may be authorized or required by the laws of the United States, the state and this code or any other ordinances of the city.

(Ord. No. 006-03, § 1(32-4), 1-24-06; Ord. No. 007-62, § 1(32-4), 5-22-07)

Sec. 32-12. - Manner of distribution in or upon vehicles.

No person shall distribute, deposit place, throw, scatter or cast any commercial or noncommercial handbill in or upon any automobile or other vehicle in a manner in which it is likely to be carried or deposited by the elements upon any adjoining premises, street or sidewalk or other private place, or upon private property. The provisions of this section shall not prohibit the handing, transmitting or distributing of any such handbill to the owner of a vehicle who is willing to accept the same. Provided, however, that the owner of private property may place any commercial or noncommercial handbill upon any vehicle located upon the owner's property if such handbill advances said owner's product or service conducted upon such property.

(Ord. No. 006-03, § 1(32-5), 1-24-06; Ord. No. 012-018, § 2, 3-13-12)

Sec. 32-13. - Depositing on vacant premises.

No person shall throw or deposit any commercial or noncommercial handbill or newspaper in or upon any private premises which are temporarily or continuously uninhabited or vacant in any of the following circumstances:

- (1) Where it is apparent that such property is unoccupied;

- (2) Where it is apparent that a previous day's distribution of handbills has not been removed;
- (3) Where the owner has not given his permission to do so.

(Ord. No. 006-03, § 1(32-6), 1-24-06; Ord. No. 012-018, § 2, 3-13-12)

Sec. 32-14. - Distribution on posted premises.

No person shall distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill or newspaper upon any premises if requested by anyone thereon not to do so, or if there is placed on such premises, in a conspicuous position near the entrance thereof, a sign bearing the words, "No Trespassing," "No Peddlers or Solicitors," "No Advertisement," "No Unsolicited Newspapers" or any similar notice indicating in any manner that the occupants of such premises do not desire to have their right of privacy disturbed, or to have any such items left upon such premises.

(Ord. No. 006-03, § 1(32-7), 1-24-06; Ord. No. 012-018, § 2, 3-13-12)

Sec. 32-15. - Manner of distribution on private premises.

No person shall distribute, deposit, place, throw, scatter or cast any non-subscribed newspaper, commercial or noncommercial handbill in or upon any private premises which are inhabited, except by handing or transmitting any such handbill or newspaper directly to the owner, occupant or any other person then present in or upon such private premises; provided that in the case of inhabited private premises which are not posted as provided in this chapter, such registered or other person, unless requested by anyone upon such premises not [to] do so, may place or deposit any such handbill or newspaper in or upon such inhabited private premises, if such handbill or newspaper is so placed or deposited as to secure or prevent it from being blown or drifted about such premises or elsewhere, except that mailboxes may not be used when prohibited by federal postal laws or regulations. For subscribed or otherwise agreed upon distribution of written materials, the manner of placement of such subscribed written materials shall be as agreed between the parties to said agreement.

(Ord. No. 006-03, § 1(32-8), 1-24-06; Ord. No. 012-018, § 2, 3-13-12)

Sees. 32-16-32-25. - Reserved.

ARTICLE III. - PEDDLING AND SOLICITATION

DIVISION 1. - PEDDLING FOR PROFIT

Sec. 32-26. - 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.

(Ord. No. 015-028, Att., 6-23-15)

Sec. 32-27. - 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 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 9:00a.m. And 7:00 p.m. during the months of April, May, June, July, August and September, and only between the hours of 9:00a.m. And 6:00p.m. During the remaining months of the year. Delivery of subscribed newspapers is specifically excluded from this provision.

(Ord. No. 015-028, Att., 6-23-15; Ord. 018-077, (Exh. A), 9-25-18)

Sec. 32-28. - Identification, permit exhibition and transferability.

All door-to-door peddlers and solicitors shall have their city 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.

(Ord. No. 015-028, Att., 6-23-15)

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.

(Ord. No. 015-028, Att., 6-23-15)

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.

(Ord. No. 015-028, Att., 6-23-15)

Sees. 32-31-32-34. - Reserved.

DIVISION 2. - CHARITABLE SOLICITATIONS CAMPAIGN

Sec. 32-35. - Permit required, exemption.

It shall be unlawful to conduct any charitable solicitations campaign in any public place or by house to house canvass in the city unless the person conducting same and responsible therefore shall first have obtained a permit in compliance with the terms of this chapter; provided, however, that the provisions hereof shall not apply to any solicitor that has an income tax exemption from the Internal Revenue Service for charitable, religious or educational purposes, when it solicits from its own members or from its own assemblies not using public places for such purposes.

(Ord. No. 006-03, § 1(32-14), 1-24-06)

Sec. 32-36. - General provisions.

No person shall conduct or share in the proceeds of any charitable solicitations campaign unless he shall conform to the following requirements:

- (1) He shall, and shall for not less than thirty (30) days prior to his application hereunder, have been actually engaged during such period in charitable, religious, political or educational activity commensurate with the stated purpose of the current charitable solicitations campaign.
- (2) A permit received pursuant to this chapter shall be personal to the person so registered, and shall not be assigned or transferred. The recipient of a permit hereunder shall be responsible for the acts of his authorized representatives in connection with such campaign.
- (3) All persons engaged in a charitable solicitations campaign shall have the permit received pursuant to this article on their person at all times while soliciting.
- (4) All forms and permits issued under this division shall be public records.

(Ord. No. 006-03, § 1(32-15), 1-24-06)

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.

(Ord. No. 015-028, Att., 6-23-15)

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 9:00a.m. And 7:00p.m. During the months of April, May, June, July, August and September, and only between the hours of [9:00] a.m. and 6:00p.m. During the remaining months of the year.

(Ord. No. 015-028, Att., 6-23-15)

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

All charitable solicitors shall have their copy of the city issued permit 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 charitable organization to whom it was issued.

(Ord. No. 015-028, Att., 6-23-15; Ord. 018-077, (Exh. A), 9-25-18)

Sees. 32-40-32-50. - Reserved.

#### ARTICLE IV. - PENALTIES

##### Sec. 32-51. - Ticket and hearing fines.

- (a) Upon violation of any of the provisions of this chapter, a ticket may be written charging the violation and reciting the following penalties, and the offender may request a hearing be held before the administrative hearing officer for the city, who shall apply the following penalties:
- (1) A first offense shall be punishable by a fine not to exceed one hundred fifty dollars (\$150.00).
  - (2) A second offense shall be punishable by a fine not to exceed five hundred dollars (\$500.00).
  - (3) A third offense shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00).
  - (4) In addition to the monetary penalties above listed, upon a second or subsequent violation, the violator may be banned from peddling and soliciting, or otherwise doing business in the city for up to one (1) year.
  - (5) In addition to the monetary penalties above listed, and upon violation of sections 32-5 or 32-7, the violator may be prosecuted for violation of various trespass offenses under applicable law.
- (b) Any business, mercantile or commercial establishment whose written materials regardless of content are in violation of this chapter shall be prima facie responsible for such violation and subject to the penalties expressed above.
- (c) Any person so charged may not conduct business in the city until the administrative hearing process is concluded.

(Ord. No. 006-03, § 1(32-16), 1-24-06; Ord. No. 007-62, § 1(32-16), 5-22-07; Ord. No. 012-018, § 2, 3-13-12)

##### 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 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.

(Ord. No. 015-028, Att., 6-23-15)

