



Legislation Details (With Text)

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File created: 7/20/2023 **In control:** City Council
On agenda: 9/26/2023 **Final action:** 9/26/2023
Title: An Ordinance amending Chapter 32 of the Code of Ordinances pertaining to Peddlers and Solicitors.
Sponsors:
Indexes:
Code sections:
Attachments: 1. 9.19.23 Exhibit A - Legistar 23-0571 (revised)

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------------------------------|----------------------------|--------|
| 9/26/2023 | 1 | City Council | adopted | Pass |
| 9/19/2023 | 1 | Committee of the Whole | (PLACED ON CONSENT AGENDA) | |
| 9/5/2023 | 1 | Rules, Administration, and Procedure | recommended for approval | Pass |

TO: Mayor Richard C. Irvin
FROM: Deb Lang, Assistant Corporation Counsel
Jennifer Stallings, City Clerk
Alex Voigt, Deputy Chief of Staff

DATE: August 30, 2023

SUBJECT:
Proposed Updates to Chapter 32 of the Code of Ordinances Regarding Peddlers and Solicitors.

PURPOSE:
The proposed amendments to Chapter 32 will ensure the City's compliance with State and Federal laws pertaining to freedom of speech while balancing the protection of the residents' safety, right to privacy and to be free from unwanted solicitation materials being distributed upon their private property and vehicles. Additional minor updates are also proposed in order to clarify some sections that are subject to interpretation as currently written.

BACKGROUND:
Staff presented the concept of updating the current Chapter 32, Peddler's and Solicitors, at the Rules, Administration and Procedures Committee (RAP) meeting on August 1, 2023. This section of the code underwent substantial changes in 2015, with additional minor amendments in 2018 and 2020. The purpose of the current proposed amendments is to incorporate changes recommended by outside counsel and to clarify sections of the code that have historically been a source of confusion for the public.

DISCUSSION:

Outlined below are the most significant changes being proposed for consideration and the purpose behind the proposed changes:

1. Prohibit Peddling/Soliciting in Vacant Lots and Parking Lots
2. Clearly Identify Offenses that Prohibit the Issuance of a Peddling/Soliciting Permit, Require Background Checks for For-Profit Peddling/Soliciting Permits and Implement a Process to Appeal Denials Based on Background Checks
3. Modifications to the Charitable Solicitor Permit Process
4. Add Administrative Process for Suspension, Revocation, Banning and Appeals
5. Prohibit Leaving Materials on Vehicles and Temporarily and Permanently Vacant Property
6. Remove Distinction Between Commercial and Non-Commercial Handbills

IMPACT STATEMENT:

The proposed changes will simplify the process for obtaining a Peddling/Soliciting Permit by clarifying when and where Peddling/Soliciting is allowed and what offenses prohibit someone from obtaining a Peddling/Soliciting Permit. The changes will also provide an additional layer of protection for the public by requiring door-to-door for-profit Peddlers/Solicitors to obtain a background check prior to the issuance of the Permit as well as provide for a process for taking action against Peddlers/Solicitors in the event of violations of the Code of Ordinances.

RECOMMENDATIONS:

Staff recommends approval of the proposed amendments.

cc: Rules, Administration and Procedures Committee



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____
DATE OF PASSAGE _____

An Ordinance amending Chapter 32 of the Code of Ordinances pertaining to Peddlers and Solicitors. WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, Chapter 32 of the Code of Ordinances has been reviewed by City staff and outside Legal Counsel who identified several necessary updates; and

WHEREAS, Chapter 32 of the Code of Ordinances provides no direction for an administrative

process for denial, suspension, or revocation of permits, or banning of businesses from peddling/soliciting within the City; and

WHEREAS, it is in the best interest of the City and its residents that processes be clearly defined; and

WHEREAS, it is in the best interest of the City and its residents to enact legislation that balances the residents' rights to safe, quiet use and enjoyment of their property with the rights of peddlers/solicitors to exercise their free speech.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows: that Chapter 32 of the Code of Ordinances shall be and hereby is amended as set forth in Exhibit A; and further

BE IT ORDAINED, that the Corporation Counsel and City Clerk shall be and hereby are authorized and directed to correct any scrivener's or other non-substantive errors in Exhibit A upon codification.