

## **Chapter 17 SOLICITORS**

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### **17.01           DEFINITIONS**

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

### **17.02           PURPOSE**

Numerous complaints have been received by the Village Board from occupants of residences and dwelling units about persons who have gained or sought to gain admittance to their residences for the purpose of soliciting; or on the pretext of soliciting, have by their conduct made nuisances of themselves by disturbing and annoying the occupants; or by their acts and conduct have violated the right of the occupants to the quiet and peaceful enjoyment and security of their homes.

The Village declares that the regulations established by this Chapter are necessary for the safety, health, comfort, good order, protection and welfare of residents of this Village who desire the protection of the regulations established by this Chapter.

### **17.03           PERMIT REQUIRED**

It shall be unlawful for any person or organization to call upon any residence in the Village for the purpose of soliciting, without first securing a permit from the Village Hall. Any person required by this Chapter to have a solicitor's permit must have the permit in their possession while engaging in solicitation.

### **17.04           APPLICATION FOR PERMIT**

Application for a solicitor's permit shall be made upon a form provided by the Village and filed with Village Hall staff. The applicant shall truthfully state in full the information requested on the application, to-wit:

1. Name, address of present place of residence, phone number and date of birth of the applicant and person who will be soliciting for the applicant.
2. Provide a valid photo identification (driver's license or state identification) of the applicant and person who will be soliciting for the applicant.
3. Physical description of the applicant.
4. Name and address of the person, firm or corporation or association whom the applicant is soliciting for and the length of time applicant has been soliciting for the entity.
5. Description sufficient for identification of the subject matter of the soliciting which the applicant will engage in.
6. Period of time for which the permit is applied for, shall not exceed 30 days.
7. Whether a permit issued to the applicant under this Chapter was ever revoked.
8. Whether the applicant was ever convicted of a violation of any provision of this Chapter, or the ordinance of any other Illinois municipality regulating soliciting.
9. Whether the applicant was ever convicted of the commission of a felony under the laws of the State or any other state or federal law of the United States.
10. All statements made by the applicant upon application or in connection therewith shall be under oath.

#### **17.05 ISSUANCE, DENIAL AND REVOCATION OF PERMITS**

A. Village staff, after consideration of the application and all information obtained relative thereto, shall issue a permit and badge to those applicants found fully qualified and the permit shall be issued forthwith. The badge shall contain the following:

1. Full name, mailing address and telephone number of the person engaged in solicitation; and
2. Full name and mailing address of the person or organization on whose behalf the solicitation is being conducted; and
3. The dates and hours for which the permit is valid.

B. Village staff, after consideration of the application and all information obtained relative thereto, shall deny the application for the reasons here listed. No permit 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 any of the provisions of

this Chapter or of an ordinance of any municipality regulating solicitation; nor to any person who has supplied false information on the application or has had a permit previously revoked.

C. Any permit that has been issued shall be revoked by the Chief of Police if the holder of the permit is convicted of a violation of this Chapter, or has made a false statement in the application or otherwise becomes disqualified for the issuance of a permit. Immediately upon such revocation, written notice shall be given by the Chief of Police to the holder of the permit, in person or by certified United States mail addressed to the address set forth in the application. Immediately on giving such notice, the permit shall be null and void.

## **17.06 VILLAGE POLICY ON SOLICITING**

It is the policy of the Village Board that the occupant or occupants of the residences in this Village shall make the determination of whether solicitors shall be, or shall not be, invited to their residence. If no determination is made as is provided in Section 17.07 herein, then soliciting is permitted.

## **17.07 NOTICE REGULATING SOLICITING**

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:

Notice of the determination by the occupant of giving invitation to solicitors, or giving invitation only to for-profit solicitors, or the refusal of invitation to any solicitors, to any residence shall be given in the manner following:

1. A card 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”

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

2. A card 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 FOR-PROFIT SOLICITORS INVITED”

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

3. The absence of a “solicitors card” upon or near the main entrance door to the residence shall be deemed notice that solicitation is invited within the provisions of this Chapter.

## **17.08 DUTY OF SOLICITORS**

A. It shall be the duty of every solicitor upon going onto any premises in the Village, upon which a residence as herein defined is located, to first examine the notice provided for in Section 17.07 herein, if any is attached, and be governed by the statement contained on the notice. If the notice is present then the solicitor, whether having a Village permit or not, shall immediately and peacefully depart the premises.

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

C. A solicitor may not go upon any portion of the yard (other than a walkway or pathway leading to the front door of the residence) or ring the doorbell upon or near any back door of any residence, 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 such areas after dark.

### **17.09 UNINVITED SOLICITING**

It is unlawful and shall constitute a violation of this Chapter for any person to go upon any premises and ring the doorbell 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 thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence.

### **17.10 TIME LIMIT ON SOLICITING**

It is unlawful and shall be a violation of this Chapter for any person, whether having received a Village permit or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting, prior to 9 a.m. or after 9 p.m. of any day.

### **17.11 PROHIBITED PRACTICES**

A. Not more than 2 individuals shall engage in solicitation upon any residence at the same time for the same goods or services, or religious or charitable purposes.

B. No person or organization shall make more than one solicitation call at the same premises for identical goods or services or for the same religious or charitable purpose within any consecutive 30 day period, without receiving a prior invitation from the occupant of any residence.

C. No person or organization engaged in solicitation shall, at the time of initial contact with a prospective customer or donor, fail to identify themselves and the purpose of the solicitation.

D. No person or organization engaged in solicitation shall misrepresent the purpose of the solicitation or use any false, deceptive or misleading representations to induce a sale or contribution, or use any plan, scheme or ruse which misrepresents the true status or mission of the solicitor.

E. No person or organization engaged in solicitation shall use abusive, vulgar, obscene or offensive language during their contract with is prospective customer or donor.

F. No person or organization engaged in solicitation shall threaten to use force or use force against a prospective customer or donor, their family or their property.

G. No person or organization engaged in solicitation shall use any sound or voice amplification system or any other device which causes loud or disturbing noises while engaged in solicitation.

H. No person or organization, which is not a charitable organization or representing a charitable organization, shall solicit on any public street or sidewalk with in the Village.

#### **17.12 PERMIT FEE**

All solicitors or applicants for a solicitor's permit shall pay a fee of \$100 per person for a 3-day solicitor's permit.

#### **17.13 LAW ENFORCEMENT SOLICITATION**

A. A person may not solicit property 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 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, and 100 percent of the proceeds collected are devoted to that beneficial program.

