

Chapter 18
SOLICITORS

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18.01 DEFINITIONS

Terms used in this chapter are defined as follows and as found in the Illinois Compiled Statutes:

Charitable Organization: An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefits upon the public.

Highway or Street: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public or purposes of vehicle travel. Any street, alley or public way within the Village.

Peddling: The selling, bartering or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the streets, highways or public places of the Village or from house to house, whether at one place or from place to place, from any wagon, truck, pushcart or other vehicle or from movable receptacles of any kind, but shall not include the delivery of any item previously ordered or the sale of items along delivery routes where the purchaser has previously requested the seller to stop and exhibit his items. Nor shall peddle be taken to include the solicitation of orders by sample where the goods are not delivered at the time the order is taken.

Premises: A lot, plot or parcel of land, including the buildings and structures thereon.

Property: Any real property within the Village which is not a street or highway.

Soliciting: Any 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; or
2. Seeking to obtain prospective customers for application of purchase of insurance of any type, kind or character; or
3. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or
4. Seeking to obtain contributions of any type of kind.

18.02 CERTIFICATE OF REGISTRATION

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 registration fee as hereinafter provided. Except as otherwise provided in the ordinances of the Village, itinerant vending shall be prohibited. This section applies to business and commercial enterprises; see Section 18.06 for not-for-profit organizations.

18.03 REGISTRATION FEE *Amended, 2011-12-6*

A registration fee of \$25 per day per solicitor, shall be charged to every person who is granted a license by the Administrator and shall be paid prior to the issuance of said license. The registration fee may be waived by the President and Board of Trustees by the filing of a request for said waiver by the person filing the application for a Certificate of Registration.

All not-for-profit organizations shall be exempt from paying a registration fee.

18.04 APPLICATION FOR CERTIFICATE OF REGISTRATION *Amended, 2011-12-6*

A. Application for a Certificate of Registration shall be made upon a form (found at the end of this chapter) provided by the Administrator and filed with the Administrator 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 Ordinance, if any;
10. Whether a Certificate of Registration issued to the applicant under this Ordinance has ever been revoked;
11. Whether the applicant has ever been convicted of a violation of this Ordinance, or the ordinance of any other Illinois municipality regulating soliciting;
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 Administrator may deem necessary to process the application.

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

C. The Administrator shall require every applicant to submit to photographing and finger printing by the Police Department in connection with the application for a Certificate of Registration the cost thereof to be borne by the applicant.

D. The Administrator shall keep in his office 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 Ordinance 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.

E. 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 Ordinance; nor to any person whose Certificate of Registration issued hereunder has previously been revoked as herein provided.

18.05 ISSUANCE AND REVOCATION OF CERTIFICATE *Amended, 2011-12-6*

A. The Administrator, 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. Endorsement of the denial shall be made by the Administrator upon the application. When the applicant is found to be fully qualified, and has paid the license fee or the license fee has been waived by the President and Board, 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 Administrator if the holder of the certificate is convicted of a violation of this chapter, 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 Administrator to the holder of the certificate in person or by certified U.S. mail addressed to his residence address set forth in the application. Immediately upon the giving of such notice the certificate of registration shall become null and void.

18.06 REGULATION OF NOT-FOR-PROFIT SOLICITORS FOR FUNDS

A. All not-for-profit organizations that comply with the Solicitation for Charity Act, 225 ILCS 460/0.01 *et seq.*, if applicable, prior to engaging in any solicitation activities, must complete a notification form provided by the Village Clerk. Said notification form shall include the dates and times that the organization's solicitation activities will take place and the names of all the persons that will engage in solicitation. No license fee shall be required.

B. Any local school, church, service organization or governmental association which is based within the Village corporate boundaries, or provides its primary service within the Village, are not required to complete a notification form. No licensing fee shall be required.

C. All other solicitors soliciting support for political, charitable or other causes, not involving the solicitation of funds, shall be governed by Section 18.14 herein.

18.07 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.

18.08 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 Ordinance shall comply with the following directions:

- A. Residence Placard. 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-third inch in height. For the purpose of uniformity, the cards shall be provided by the Clerk’s office to persons 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.

- B. Property Placard. In addition to the weatherproof card provided herein, property owners may install a sign, not exceeding 12 inches high by 24 inches in width, at the entrance to their property. Said sign shall state “No Solicitors Invited” and be provided by the property owner.

18.09 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 18.08, if any is attached, 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 good 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 18 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.

18.10 UNINVITED SOLICITING

It is unlawful and shall constitute a nuisance for any person to go upon any premises and ring the door bell 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 and engage in soliciting in defiance of the notice exhibited at the residence in accordance with the provisions of Section 18.08.

18.11 TIME LIMIT ON SOLICITING

It is unlawful and shall constitute a nuisance for any person whether registered under this Ordinance or not, to go upon any premises and ring the door bell upon or near any door of a residence located thereon, 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 prior to 9:00 a.m. or after 8 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.

18.12 PEDDLING

It shall be unlawful for any person to peddle on or along the streets of the Village limits.

18.13 HIGHWAY SOLICITATION *Amended, 2011-12-6*

A. No person shall stand on a highway within the Village for the purpose of soliciting contributions from the occupant of any vehicle without a permit from the Village.

B. A permit shall not be issued unless the solicitation will take place in previously designated locations that have been determined by the Village to be safe for solicitations and safe for motorists; where there will not be interference with the orderly flow of traffic; and where there will not be interference with the operation of official traffic control devices and as otherwise provided by state statute.

C. Permits may be issued to a soliciting agency that:

1. is registered with the Attorney General as a charitable organization as provided by 225 ILCS 460/1 *et seq.*, Solicitation for Charity Act;
2. is engaged in a statewide fund raising activity; and

3. liable for any injuries to any person or property during the solicitation which is causally related to an act of ordinance negligence of the soliciting agent.

D. Members of a permitted agency who engage in soliciting shall be 16 years of age or more and shall be wearing a high visibility vest.

E. The Administrator or designee shall review all soliciting applications and shall, within 30 days from the date of application, accept or reject the application. If an application is accepted soliciting shall only be permitted on the requested date(s).

18.14 **LAW ENFORCEMENT SOLICITATION** *Amended, 2011-12-6*

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 18.14, 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 18.14 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 Administrator, and 100 percent of the proceeds collected are devoted to that beneficial program.

18.15 **BILL POSTING AND ADVERTISING** *2013-14-06*

A. Obscene Material

1. It shall be unlawful for any person to sell, deliver, offer for sale, distribute, publish, print, exhibit or possess with intent to distribute, with knowledge of the nature or content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, any obscene writing, picture, moving picture, record or other representation or embodiment of the obscene, or to present or to direct an obscene play or other performance or to perform an ob-

scene act or otherwise present an obscene exhibition or to advertise or otherwise promote obscene material.

2. A thing shall be deemed to be obscene if the average person would find that the work taken as a whole appeals to a prurient interest, and the work depicts or describes patently offensive representations or descriptions of nude persons, ultimate sexual acts, normal or perverted sexual conduct, whether actual or simulated, or patently offensive representations or descriptions of masturbation, excretory functions and lewd exhibition of the human genitals. The work, taken as a whole, must lack serious literary, artistic, political or scientific value.

3. Affirmative Defense: It shall be an affirmative defense to obscenity that the dissemination:

a. Was not for gain, and was made to personal associates other than children under 18 years of age;

b. Was to institutions or individuals having scientific or other special justification for possession of such material.

4. Penalty: Any person, firm, or corporation violating the provisions of this Section shall be guilty of misdemeanor and shall be fined in accordance with Exhibit A.

B. License Required. No person shall distribute, post, paint or exhibit any handbill or advertisement upon any street, public ground or place or other ground or place in the Village without a license issued by the Clerk.

C. Littering. No person shall post, throw or distribute any hand bill or advertisement in any street or alley or on any sidewalk in the Village.

D. Consent of Owners. No person shall post, paint, print or otherwise fasten any hand bill, poster or advertisement on any sidewalk, tree, lamp post, utility pole, fence or hydrant within the Village without the consent, in writing, from the owner of the property.

E. Method of Distribution. No person shall distribute or hand out upon any street, alley, sidewalk or other public place in the Village any hand bill or any advertising matter except by directly handing it to a person who accepts it, or distribute hand bills or other advertising matter at houses, stores or places of business otherwise than by putting the same under doors or affixing to the premises. When so distributing no bell shall be rung or no signals shall be given to disturb the occupants of the premises.

F. Exceptions. Exceptions to this Section are as follows:

1. This Section shall not apply to advertisements made in the course of legal proceedings.
2. A license is not required for advertising home entertainments, or sales by residents of the Village in the general course of trade.
3. Not-for-profit organizations shall be exempt from paying a license fee as outlined in Section 18.15-G.

G. Fees. The fee for a license under this Section shall be \$25.00 per day.

18.16 **PENALTY** *Amended, 1998-99-15; 2013-14-06*

Any person, firm, or corporation violating any provision of this Chapter shall be fined pursuant to Appendix A of this Code, plus the Village's cost of prosecution including reasonable attorney fees, for each offense. Each day on which a violation occurs or continues to occur shall be deemed a separate offense.

**VILLAGE OF BULL VALLEY
SOLICITOR'S PERMIT**

Application for Certificate of Registration

The Applicant shall truthfully state, in full, the information requested on this application. Read carefully and print all answers.

1. Name: _____
Address: _____
Length of Time at This Address: _____

2. Address of residence during the past three years if other than present address: _____
3. Age of Applicant: _____ Date of Birth: _____
Height: _____ Weight: _____

4. If married, spouse's name: _____

5. Name and address of firm or corporation you represent: _____

6. Length of employment with this firm/corporation _____ (months, years).

7. Description sufficient for identification of the subject matter for the soliciting in which you will engage:

8. Period of time for which permit is being applied for:

9. The date, or approximate date, of the most recent application for a solicitor's permit under the Village ordinances, if any _____.

10. Has a Solicitor's Permit issued to you under the Village ordinance ever been revoked?

11. Has the applicant ever been convicted of a violation of any of the provisions of the Village ordinance or the ordinance of any other Illinois municipality regulating soliciting?
12. Has the applicant 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? ____ If "yes" explain:

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

Signed: _____
Applicant's Signature

A license fee of \$25.00 shall be charged to every person for every day they are granted a license to solicit, by the Administrator of the Village. The license fee may be waived, by the President and Board of Trustees, upon the filing of a request for said waiver by the applicant.

Solicitor's Permit issued: Yes ____ No ____ Number _____
If no, reason: _____
Date Permit Issued: _____ Expires: _____
Issued by: _____

Signed: _____
Administrator