

ORDINANCE 94-02-01

AN ORDINANCE PROVIDING FOR THE REGULATION OF
COMMERCIAL, CHARITABLE AND RELIGIOUS SOLICITATION

Dated this 23rd day of February, 1994


Donna J. Golchert, Village Clerk

Published in pamphlet form by authority of the Board of Trustees
of the Village of Third Lake, Lake County, Illinois this 23rd day
of February, 1994.

STATE OF ILLINOIS)
)
COUNTY OF LAKE)

I, Donna J. Golchert, do hereby certify that I am the duly appointed, qualified and acting Village Clerk of the Village of Third Lake, Lake County, Illinois, and keeper of the records and seal of said Village, and that the attached and foregoing Ordinance is a true and correct copy of said Ordinance entitled:

ORDINANCE 94-02-01

AN ORDINANCE PROVIDING FOR THE REGULATION OF
COMMERCIAL, CHARITABLE AND RELIGIOUS SOLICITATION

APPROVED BY THE

BOARD OF TRUSTEES

OF THE

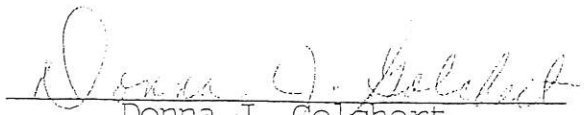
VILLAGE OF THIRD LAKE

this 15th day of February, 1994

In Witness Whereof, I have hereunto set my hand and caused to be affixed the Corporate Seal of the Village of Third Lake, Lake County, Illinois.

Done at Third Lake, Illinois this 23rd day of February A.D.1994.

(SEAL)


Donna J. Golchert
Village Clerk

ORDINANCE NO. 94-02-01

AN ORDINANCE PROVIDING FOR THE REGULATION OF COMMERCIAL,
CHARITABLE AND RELIGIOUS SOLICITATION

BE IT ORDAINED by the President and Board of Trustees of the Village of Third Lake, Lake County, Illinois, as follows:

SECTION ONE: PURPOSE: It is the purpose of this Ordinance to prevent crime and protect the health and welfare of the citizens of the Village; to ensure that the Village and the Sheriff's Department are aware of the number and identity of persons who will be soliciting for commercial, religious and charitable purposes and the geographic area and time periods in and during which such activities will occur within the Village, and to prevent the imitation of religious and charitable purposes and organizations by individuals who would defraud the public and cause religious and charitable purposes and organizations to be endangered by the suspicions engendered by such practices; and to protect the welfare, safety, peace, comfort, and convenience of the public in their homes, business, office, and commercial establishments, and traveling upon the streets, highways, and sidewalks within the Village.

SECTION TWO: DEFINITIONS: As used in this Ordinance, the following terms shall have the indicated meanings:

- A. Commercial Solicitation shall mean and include any one or more of the following activities:
 - (1) The sale of, or seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuff, or services of any kind, character or description, for any kind of consideration whatever, for profit;

- (2) The sale of, or seeking to obtain subscriptions to books, magazines, periodicals, etc., for profit.
- B. Religious or Charitable Solicitation shall mean the request by a person on sidewalks and at residences within the Village, directly or indirectly, for money, credit, property, financial assistance or other thing of value or the pledge of a future donation of money, credit, property, financial assistance or other thing of value, on the plea or representation that such money, credit, on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for religious or charitable purpose as those purposes are defined in this Ordinance.
- C. Solicitation as defined herein shall be deemed completed when made, whether or not the person making the same receives any contributions or makes any sale referred to in this Ordinance.
- D. Charitable shall mean and include the words patriotic, philanthropic, social service, welfare, benevolent, educational, civic, or fraternal, either actual or purported.
- E. Religious and Religion as used herein shall not mean and include the word "charitable" as herein defined, but shall be given their commonly accepted definitions.
- F. Contributions shall mean and include the word alms, food, clothing, money, subscription, property, or donations under the guise of a loan of money or property.
- G. Person shall mean any individual, firm, copartnership, corporation, company, association, or joint stock association, church, religion, sect, religious denomination, society, organization, or league, and includes any trustee, receiver, assignee, agent, or other similar representative thereof.
- H. Residence shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

SECTION THREE: SOLICITATION PERMIT-REQUIRED, APPLICATION,
QUALIFICATIONS.

- A. Every person desiring to engage in commercial, charitable or religious solicitation as defined in this Ordinance from persons in residences, businesses, offices or commercial establishments or on sidewalks located in the Village is required to make written application for a solicitation permit as hereinafter provided, and obtain such permit prior to engaging in solicitation within the Village.
- B. Application for solicitation permits shall be made upon a form provided by, and shall be submitted to, the Village Clerk, and shall be accompanied by such other documentation as required herein.
- C. All statements made by the applicant upon the application or in connection therewith shall be verified and under oath.
- D. The Village Clerk shall cause to be kept in her offices and accurate record of every application received and acted upon, together with all other information and data pertaining thereto, and copies of all solicitation permits issued under the provisions of this Ordinance. Applications for permits shall be numbered in consecutive order, as filed, and every permit issued shall be identified with the duplicate number of the application upon which it was issued.
- E. No solicitation permit shall be issued to:
 - (1) Any person who has been convicted of a violation of any of the provisions of this Ordinance;
 - (2) Any person whose solicitation permit issued hereunder has been previously been revoked, as herein provided.

SECTION FOUR: SOLICITATION PERMIT - DENIAL, ISSUANCE,
BADGE, REVOCATION.

- A. The Village Clerk, within five (5) business days of filing of the application, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant is not entitled to a permit, pursuant to the provisions of Section Three of this Ordinance, or if the application does not contain all the information and documentation required in Section Five of this Ordinance. Endorsement shall be made by the Village Clerk on the application of the reason for the denial of the application. Failure to deny the application within five (5) business days shall constitute approval of the application and issuance of the permit. If the applicant has complied with all the provisions of Section Three and Section Five of this Ordinance, the solicitation permit shall be issued forthwith. If the application is denied, the license fee shall be deemed to have covered the cost of investigation and shall not be returned.
- B. Each person engaged in commercial solicitation shall prominently display the solicitation badge issued hereunder on his person while solicitating within the Village. A solicitation badge shall be a plastic-encased pin-on card, approximately two and five-eighths inches (2-5/8") by four inches (4") containing a full facial photograph of the solicitor, which photograph shall be supplied by the solicitor, the name and address of the soliciting company, the signature of an agent of the applicant, the name of the solicitor, the dates solicitation shall occur in different geographic areas of the Village, and the effective dates of the permit, in easily readable form. All badges shall bear the name of the Village and the signature of the Village Clerk or Deputy Village Clerk designated to examine applications for and issue such permits. Badges are not required for religious or charitable solicitors.

C. Permit revocation. Any solicitation permit issued hereunder shall be revoked by the Village Clerk if the holder of the permit or anyone soliciting under the permit is convicted of a violation of any of the provisions of this Ordinance, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a solicitation permit under the terms of this Ordinance. Immediately upon such revocation, written notice thereof shall be given by the Village Clerk to the holder of the permit in person, by U.S. Mail, return receipt requested, addressed to his residence address set forth in the application. The permit shall become null and void upon the first to occur of the following:

- (1) Actual notice of revocation;
- (2) Return of the receipt of the mailed notice, whether or not delivered to the permit holder personally;
- (3) Return of the mailed notice by the post office due to the addressee refusing to claim the notice.

SECTION FIVE: PERMIT APPLICATION CONTENTS.

A. COMMERCIAL SOLICITATION PERMITS. An Application for a commercial solicitation permit shall contain the following information regarding the applicant:

- (1) Name and address of present place of residence, length of residence at such address, and Social Security number;
- (2) Address of place of residence during the past three (3) years, if other than present address;
- (3) Physical description of the applicant and make and license number of the applicant's automobile used during soliciting;
- (4) Name and address of the person, firm, corporation, or association with whom the applicant is employed or represents and the length of time of such employment or representation;

- (5) Description sufficient for identification of the subject matter of the soliciting which the applicant will engage in;
- (6) Starting date and termination date for which the permit is to be used, provided that the maximum time period for which the permit shall be issued shall not exceed ten (10) consecutive days;
- (7) Information as to whether a solicitation permit has been previously issued to the applicant, and if so, whether the permit was ever revoked;
- (8) Information as to whether the applicant has ever been convicted of a violation of any of the provisions of this Ordinance;
- (9) Information as to whether the applicant has been convicted of the commission of a felony under the laws of any State or Federal law of the United States.
- * (10) The applicant shall also provide their current Illinois State Sales Tax Number.

B. CHARITABLE SOLICITATION PERMITS. An application for a charitable solicitation permit shall include or be accompanied by the following:

- (1) The name of the organization and the name under which it intends to solicit contributions;
- (2) The name and address of the person in charge of solicitation in the Village;
- (3) The names and addresses of all the persons who will solicit contributions in the Village;
- (4) The dates and times of day such solicitations are to be made and the geographic area in the Village whereby such solicitation shall be conducted at a particular time and day, provided that the maximum time period for which the permit shall be issued shall not exceed thirty (30) consecutive days;

- (5) A written statement of recent date by the Attorney General of Illinois that the organization is in compliance with the provisions of "An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes", 225 ILCS 460/0.01 et seq., and such statute as it may hereafter be amended;
- (6) A written statement from the Internal Revenue Service that the organization is a tax-exempt organization under the Internal Revenue Code of the United States, Section 501 (c) (3).

C. RELIGIOUS SOLICITATION PERMIT. An application for a religious solicitation permit shall include or be accompanied by the following:

- (1) The name and address or headquarters of the religious organization making the application;
- (2) The names and addresses of all the persons who will be making the solicitations;
- (3) The dates and times of day such solicitations are to be made and the geographic area in which the solicitation will occur within the Village at a particular time and day, provided that the maximum time period for which the permit shall be issued shall not exceed thirty (30) consecutive days;
- (4) A letter from the Internal Revenue Service stating that the organization is a tax-exempt organization under the Internal Revenue Code of the United States, Section 501 (c) (3).

SECTION SIX: PERMIT FEES. The fee to be charged for a commercial solicitation permit shall be Thirty Five and no/100ths Dollars (\$35.00). No fee shall be charged for a religious or charitable solicitation permit.

SECTION SEVEN: VILLAGE POLICY ON SOLICITING AND TRESPASSING.

It shall be the policy of the governing body of this municipality that the occupant or occupants of any residence, business, office, or commercial establishment located within the Village shall make a determination of whether solicitors or any person shall be or shall not be invited to their respective residences, businesses, offices or commercial establishments. Pursuant to the provisions contained in Section Eight of this Ordinance, any person or solicitor who is not invited onto the premises of any residence, business, office or commercial establishment or who has obtained entrance to such premises and does not leave the same upon being so requested by the occupant or occupants of such premises shall be deemed a trespasser.

SECTION EIGHT: NOTICE REGULATING SOLICITING.

- A. Every person desiring to prohibit solicitation after a certain time of day, or totally, shall give notice of said determination by displaying a sticker, card, or like sign, near the main entrance door to the residence, business, office, or commercial establishment, containing such language as "No Solicitation", "No Solicitors", "No Solicitors Invited", "No Solicitation After 6:00 P.M.", or such other language as would indicate that solicitors are not to enter or engage in solicitation on the premises after a designated time, or absolutely. For purposes of uniformity, the Village Clerk may provide a sticker or card containing such language to persons requesting same, at cost.
- B. Such sticker, card or like sign so exhibited shall constitute notice to any solicitor of the determination by the occupant of the residence, business, office or commercial establishment, of the information contained thereon.

SECTION NINE: DUTY OF SOLICITORS TO OBEY NOTICES OR TO
LEAVE WHEN REQUESTED.

- A. It shall be the duty of every solicitor upon going onto any premises in the Village upon which a residence, business, office, or commercial establishment is located to first examine the notice provided in Section Eight of this Ordinance, if any is attached, and be governed by the statement contained thereon. If the notice states "No Solicitation", "No Solicitors", "No Solicitors Invited", "No Solicitation after 6:00 P.M.", or such other language as would indicate that solicitors are not to enter or engage in solicitation on the premises after a designated time, or absolutely, the solicitor shall immediately and peacefully depart from the premises.
- B. Any solicitor who has gained entrance to any residence, business, office or commercial establishment, whether or not invited, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

SECTION TEN: UNINVITED SOLICITORS PROHIBITED. It shall be unlawful and constitute a nuisance and a trespass for any person to go upon or in any residence, business, office, or commercial establishment for the purpose of securing an audience with any owner, employee, or occupant thereof, and engage in commercial, religious, or charitable solicitation, as defined in this Ordinance, and in defiance with the notice exhibited at the residence, business, office, or commercial establishment in accordance with the provisions of this Ordinance.

SECTION ELEVEN: TIME LIMIT ON SOLICITING.

- A. Subject to the provisions contained in Sections Eight and Nine of this Ordinance, it shall be unlawful and shall constitute a nuisance for any person to go about any residence, business, office, or commercial establishment and ring the doorbell, or rap and knock

upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, business, office, or commercial establishment for the purpose of securing an audience with the occupant thereof and engage in commercial solicitation, as defined in this Ordinance, at any time on a Sunday or on a State or national holiday; or before the hour of 9:00 A.M., or after the hour of 7:00 P.M., Monday through Friday, or after the hour of 6:00 P.M. on Saturday. Subject to the provisions contained in Sections Eight and Nine of this Ordinance, it shall be unlawful and shall constitute a nuisance for any person to go about any residence, business, office, or commercial establishment and ring the doorbell, or rap and knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, business, office, or commercial establishment for the purpose of securing an audience with the occupant thereof and engage in religious or charitable solicitation, as defined in this Ordinance, before the hour of 9:00 A.M., or after the hour of 9:00 P.M., on any day.

- B. It shall be unlawful for any person to engage in commercial, religious, or charitable solicitation on any sidewalk within the Village before the hour of 6:00 A.M. or after the hour of 8:00 P.M.

SECTION TWELVE: FELONS AS SOLICITORS. It shall be unlawful for any person to utilize as a solicitor any person who has been convicted of a felony under the laws of the State of Illinois or any other State, or under the Federal law of the United States, within five (5) years of the date of application.

SECTION THIRTEEN: FRAUDULENT MISREPRESENTATION AND MISSTATEMENT PROHIBITED. No person shall misrepresent his name, occupation, financial condition, social condition or residence, and no person shall make or perpetrate any other misstatement,

deception or fraud, in connection with any religious, charitable or commercial solicitation, or in any application filed under this Ordinance.

SECTION FOURTEEN: APPEAL OF PERMIT DENIAL OR REVOCATION.

- A. The Village Administrator shall hear appeals on the denial of an application for solicitation permit or revocation of a permit by the Village Clerk. A written appeal must be filed in the Village Administrator's office within fourteen (14) days after the date of denial of the application or revocation of the permit by the Village Clerk, and shall contain a specific request for, or waiver of, a hearing before the Village Administrator.
- B. Where a hearing is waived, the appealing party shall submit what documentation it desires to have the Village Administrator consider with the written appeal; and the Village Administrator shall render a decision within fourteen (14) days of the filing of the written appeal.
- C. If a hearing is requested, the Village Administrator shall schedule a hearing to be held within thirty (30) days of receipt of the written appeal. The appealing party shall have the right to file additional documents, amend the written appeal, and to appear at such hearing in person, or by attorney, or otherwise to examine and cross-examine witnesses.
- D. The Village Administrator shall not be bound by the strict 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 produced at the hearing relating to the denial of the application or revocation of the permit.
- E. The appealing party may supply, at its own cost, a court reporter.
- F. The written decision of the Village Administrator shall be made available to the appealing party not later than ten (10) days after the hearing on the appeal in concluded.

- G. The decision of the Village Administrator shall constitute a final administrative decision. Any person aggrieved by such decision shall have the right to immediately file a petition for a common law writ of certiorari with the Circuit Court for the 12th Judicial Circuit, Lake County, Illinois.

SECTION FIFTEEN: VIOLATIONS; PENALTIES. Any person found guilty of committing a violation of this Ordinance shall be subject to a fine of not less than Fifty and no/100ths Dollars (\$50.00) nor more than Five Hundred and no/100ths (\$500.00); and each separate violation hereof shall be considered a separate offense hereunder.

SECTION SIXTEEN: That all ordinance and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

SECTION SEVENTEEN: That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law. The foregoing Ordinance was passed by a roll call vote as follows:

AYES: Murphy, Duhig, Remington, Matson

NAYS: None

ABSENT/NOT VOTING: None

PASSED: February 15, 1994

APPROVED: February 15, 1994

PUBLISHED: February 23, 1994

ATTEST:

1. Brian S. Galbreath
Village Clerk

Karen M. McKinley
Village President