

AN ORDINANCE REGULATING SOLICITATION  
IN THE VILLAGE OF HOMER GLEN

WHEREAS, the Board of Trustees has determined it to be in the best interests of the Village to create regulations to govern the Commercial and NonCommercial solicitation as hereinafter defined to prevent crime and protect the health, safety and welfare of the residents of the Village; to ensure that the Village is 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 City; and to prevent the imitation of religious and charitable purposes and organizations by unscrupulous 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 and traveling upon the streets, highways and sidewalks within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS, THAT:

Section 1: Recitals – The foregoing recitals are hereby incorporated into this Ordinance No. 04-074 as if fully set forth herein.

Section 2: Definitions - As used in this Ordinance, the following terms shall have the indicated meanings:

A. “Charitable” shall mean and include the words patriotic, philanthropic, social services, welfare, benevolent, educational, civic or fraternal, either actual or purported.

B. “Charitable organization” means charitable organization as that same term is defined in 225 ILCS 460/1, or a not-for-profit organization incorporated pursuant to 805 ILCS 110/0.01 and 805 ILCS 110/35, or any other organization that has been granted tax exempt status from the State of Illinois or the Internal Revenue Service.

C. “Charitable purpose” means charitable purpose as that same term is defined in 225 ILCS 460/1, and as that term is construed by the Illinois courts under such statute. For the purpose of this Ordinance, solicitation for a charitable purpose shall include solicitation for or on behalf of a charitable organization, as that term is defined herein.

D. “Commercial solicitation” shall mean and include any one or more the following activities:

- (1) The sale of, or seeking to obtain orders for the purchase of goods, wares, merchandise, food stuff or services of any kind, character or description, for any kind of consideration whatever; or

- (2) The sale of, or seeking to obtain prospective customers for any application or purchase of insurance of any type or kind or character; or
- (3) The sale of, or seeking to obtain subscriptions to books, magazines, periodicals, newspapers or any other type or kind of publications.

E. “Noncommercial Solicitation” shall mean the request, by a person directly or indirectly of money, credit, property, financial assistance or other thing of value on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for a religious or charitable purpose as those purposes are defined in this Ordinance. These words shall also mean and include the following methods of securing money, credit, property, financial assistance or other thing of value on the plea or representation that it will be used for a religious or charitable purpose as herein defined:

- (1) Any oral or written request or exchange of religious literature for money or other thing or value;
- (2) The distribution, circulation, posting or publishing of any handbill, written advertisement or publication;
- (3) The public making of any announcement concerning an appeal, assemblage, athletic or sports event, bazaar benefit, campaign, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale or social gathering to be held within the Village which the public is requested to patronize or to which the public is requested to make a contribution for any religious or charitable purpose connected therewith;
- (4) The sale of, offer of attempt to sell, any advertisement, advertising space, book, card, chance, coupon, device, magazine, membership, merchandise, subscription, ticket or other thing in connection with which any appeal is made for any religious or charitable purpose or where the name of any religious or charitable person is used or referred to in any such appeal as an inducement or reason for making any such sale, or when or where in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will go or be donated to any religious or charitable purpose.

F. “Nonresidential premises” means and includes all buildings, structures, and units in the Village occupied for nonresidential purposes.

G. “Person” shall mean any individual, firm, co-partnership, corporation, company, association or joint stock, association, church, religious sect, religious denomination, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.

H. “Political purpose” means any activity in support of bona-fide candidates for public office, or any matter related to the election, nomination, or performance of public officials, or issues presented to the electorate at any election.

I. “Residence” means and includes every separate living unit in the Village occupied for residential purposes by one (1) or more persons and contained within any type of building or structure.

J. “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.

K. “Solicitation” means commercial solicitation and noncommercial solicitation, as those terms are defined herein. A “solicitation” shall be deemed completed when made, whether or not the person making the same receives any contribution or makes any sale or receives any order as contemplated herein.

Section 3: Solicitation Registration Required – It shall be unlawful for any person, except those expressly excepted in Section 7 of this Ordinance, to conduct solicitation within the Village without having first registered with the Village to conduct commercial or noncommercial solicitation as hereinafter provided and without having on his or her person a registration acknowledgment executed by the Village Manager or his designee during any solicitation activities conducted within the Village.

Section 4: Prohibition of solicitation at certain times and in certain places – The following provisions shall apply to all solicitation within the Village, whether or not registration is required under the provisions of this Ordinance:

A. It shall be unlawful for any person to go in or upon any residence or nonresidential premises for the purpose of conducting solicitation if such residence or nonresidential premises is posted with a sign bearing the words “No Trespassing,” “No Peddlers,” “No Solicitors,” or any other similar notice indicating in any manner that the occupants of such residence or nonresidential premises desire not to be disturbed or to have their rights of privacy disturbed, unless such occupant has specifically requested such solicitation.

B. It shall be unlawful for any person to go in or upon any residence or nonresidential premises for the purpose of conducting solicitation at any time after 9:00 p.m. or before 9:00 a.m. on any day Monday through Saturday, at anytime on Sunday or on any holiday recognized by the State of Illinois.

C. It shall be unlawful for any person to conduct solicitation on or in any sidewalk, right-of-way, or other public property, way, or place at any time before sunrise or after sunset on any day provided that the foregoing shall not prohibit otherwise lawful travel.

D. It shall be unlawful for any person, except those expressly excepted in Section 7 of this Ordinance, to conduct solicitation within the Village without having registered with the Village for the commercial or noncommercial solicitation activity then being conducted.

E. It shall be unlawful for any person conducting solicitation at any residence or nonresidential premises to fail to leave, and to fail to cease conducting solicitation at such residence or nonresidential premises immediately upon receiving, from any person present at such residence or nonresidential premises, a request to leave or cease conducting solicitation.

F. It shall be unlawful for any person to conduct solicitation in or on any sidewalk, right-of-way, or other public property, way or place in a manner that completely or substantially impedes the flow of pedestrian or vehicular traffic in, on or around such sidewalk or public property, way or place. No person conducting solicitation shall have the exclusive right to any sidewalk or other public property, way or place, nor to establish a permanent stationary location for such solicitation.

G. It shall be unlawful for any person to conduct solicitation from any motor vehicle or trailer in or on any public right-of-way except as otherwise permitted by Village Ordinance.

H. It shall be unlawful for any person to conduct commercial or noncommercial solicitation with or from the occupant of any vehicle traveling upon any street or highway within the Village except as otherwise permitted pursuant to the provisions of Section 5/11-1006 of the Illinois Motor Vehicle Code ( 625 ILCS 5/11-1006).

I. It shall be unlawful for any registrant to intentionally make false or misleading statements on the registration form.

J. A violation of subparagraph A, B, C, D, E, F, G or H is hereby deemed to be a public nuisance.

Section 5: Solicitation Registration - The following provisions shall apply to Commercial and Noncommercial Solicitation:

A. Registration. Any person intending to conduct commercial or noncommercial solicitation activities within the Village shall register with the Village Manager or his designee upon the form provided by the Village Manager or his designee. The registrant shall verify under oath all statements made by the registrant upon or in connection with the registration. Upon submission of a completed registration form, the Village Manager or his designee shall acknowledge receipt thereof by executing a registration acknowledgment and giving a copy to the registrant. The registrant shall at all times during the conduct of solicitation activities within the Village carry on registrant's person a copy of the registration acknowledgment signed by the Village Manager or his designee. The registration shall contain the following information:

- (1) The registrant's name and current residence address, the length of the registrant's residence at such address, and the registrant's business address, if other than residence address;
- (2) The registrant's social security number, and the registrant's driver's license number, or other official form of identification, if any;

- (3) The name, address and telephone number of the registrant's current employer and the length of the registrant's employment with such employer, or in the case of registration for noncommercial solicitation, the name, address and telephone number of the organization the registrant represents if any and the name or names under which the registrant intends to solicit contributions;
- (4) A brief description of the subject matter and purpose of the registrant's solicitation;
- (5) The dates for which the registrant seeks to conduct commercial or noncommercial solicitation activities; and
- (6) The methods by which the registrant and the organization the registrant represents, if any, will conduct solicitation within the Village.

In addition, with respect to persons intending to conduct commercial solicitation activities within the Village, the registrant shall provide the following information:

- (1) The registrant's residence address during the past three (3) years, if other than the current residence address;
- (2) A brief physical description of the registrant, including height, weight, and hair and eye color;
- (3) The name and address of all the registrant's employers during the past three (3) years, if other than the registrant's present employer;
- (4) The registrant or employers sales tax identification number;
- (5) Information regarding the use or revocation of prior commercial solicitation permits issued to the applicant by the Village, if any, including the date, or approximate date, of the last previous registration for commercial solicitation permit from the Village, if any;
- (6) Information regarding prior or current violations, if any, by the registrant of any of the provisions of this Ordinance, or the solicitation regulations of any other local, state, or federal government; and
- (7) Information regarding any prior conviction of the registrant of a felony under the laws of the State of Illinois, any other state, or the United States.

B. Change in information. If during the pendency of any registration for, or during the term of, any commercial or noncommercial solicitation there is any change in any material

information given in the registration information, the registrant shall promptly notify the Village Manager or his designee in writing of such change.

D. Application record. The Village Manager or his designee shall cause to be kept an accurate record of every registration for commercial and noncommercial solicitation.

F. Effective period. Registration to conduct commercial and noncommercial solicitation activities shall be valid for a consecutive period of time not to exceed ten (10) calendar days.

G. Registration Fee. Each Registrant shall pay to the Village a non-refundable fee in the amount of Fifty Dollars (\$50.00) prior to execution of the registration acknowledgement by the Village Manager or his designee. The registration fee shall be paid in cash and shall be non-refundable. The Registrant shall be given a receipt upon payment of the registration fee.

Section 6: Exceptions - Noncommercial solicitation by or on behalf of a charitable organization that is currently registered with the attorney general of the State of Illinois and is in full compliance with the provisions of an Act to Regulate Solicitation and Collection of Funds for Charitable Purposes, 225 ILCS 460/1 et seq., shall be and is hereby exempt from the requirements of Section 3 and Section 6 of this Ordinance requiring application for and maintenance of a noncommercial solicitation permit, provided, however, any charitable organization expressly exempted by this Section, or any person conducting solicitation on behalf of such a charitable organization, shall give written notice of the intent to conduct solicitation to the Village Manager or his designee at least two (2) days before such charitable organization or person will conduct solicitation within the Village. Furthermore, notwithstanding anything herein to the contrary, no permit shall be required hereunder for any noncommercial activities or speech not involving any form of request for money or other articles of value, or for any solicitation made on premises owned or occupied by the person or organization on behalf of whom the solicitation is made, or with respect to any solicitation directed solely to members of the soliciting organization or to any solicitation made at any meeting of the soliciting organization provided such solicitation is not made on public property.

Section 7: Penalty - Any person found guilty of committing a violation of this ordinance shall be subject to a fine of not less than Fifty Dollars (\$50.00) no more than Five Hundred Dollars (\$500.00), and each separate violation hereof shall be considered a separate offense hereunder. Further, the Village may seek and obtain injunctive relief against persons violating the terms and conditions of this ordinance and shall not otherwise be limited in its remedies to enforce the provisions hereof.

Section 8: Severability - The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

Section 9: Repealer - All ordinances or portions of ordinances previously passed or adopted by the Village of Homer Glen that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 10: Effective Date - This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 19<sup>th</sup> day of October 2004, with 5 members voting aye, 0 voting nay, the President not voting, with 0 abstaining or passing, and said vote being:

Mary Niemiec	<u>Absent</u>	Dale Vogelsanger	<u>Aye</u>
Margaret Sabo	<u>Aye</u>	Robert Hughes	<u>Aye</u>
Marcia DeVivo	<u>Aye</u>	Brian Andrews	<u>Aye</u>

Approved this 19<sup>th</sup> day of October 2004

\_\_\_\_\_  
Russ Petrizzo, Village President

Attest: \_\_\_\_\_  
Gale Skrobuton, Village Clerk