

West Chicago, Illinois, Code of Ordinances >> - CODE OF ORDINANCES >> **Chapter 9 - LICENSES, PERMITS AND BUSINESS REGULATIONS >> ARTICLE VI. - SOLICITORS >>**

ARTICLE VI. - SOLICITORS [29]

- Sec. 9-96. - Definitions.
- Sec. 9-97. - Certification of registration required.
- Sec. 9-98. - Application.
- Sec. 9-99. - Issuance and revocation of certificates.
- Sec. 9-99.1. - Reserved.
- Sec. 9-100. - City policy on soliciting.
- Sec. 9-100.1. - Soliciting on property owned or leased by the city.
- Sec. 9-101. - Notice regulating soliciting.
- Sec. 9-102. - Duty of solicitors and exempt solicitors.
- Sec. 9-103. - Uninvited soliciting prohibited.
- Sec. 9-104. - Time limit on soliciting.
- Sec. 9-105. - Penalty.
- Secs. 9-106—9-120. - Reserved.

Sec. 9-96. - Definitions.

For the purpose of this article, the following words as used herein shall be construed to have the meanings indicated unless their context clearly requires otherwise:

Advertising materials shall mean and include all leaflets, flyers, cards, door tags, advertisers, advertising newspapers or other advertising or promotional materials offering or promoting the sale or purchase of goods, wares, merchandise, foodstuffs, insurance and/or services of any kind, character or description; or soliciting gifts or contributions of money, clothing or other valuable things for the support or benefit of any charitable or nonprofit association, organization, corporation or project; or selling or soliciting subscriptions to books, magazines, periodicals, newspapers or other type or kind of publication. Advertising materials shall not include books, magazines, periodicals, newspapers consisting of noncommercial speech, even though they may incidentally contain advertising or other commercial speech; religious or political tracts and pamphlets or election campaign literature; or telephone directories of classified listings of products and services, commonly known as "yellow pages."

Person shall mean and include any individual, organization, group, association, firm, corporation, trust, or any combination thereof.

Residence and residential shall mean and refer to and include every separate living unit occupied for residential purposes by one (1) or more persons, contained within any type of building or structure.

Soliciting shall mean and include any one (1) or more of the following activities conducted on any part of residential property regardless of the method used, including the leaving or placing of advertising materials anywhere thereon, including the parkway between the sidewalk and road or street thereof:

- (1) Seeking to obtain order for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration;
- (2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character;
- (3) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation or project;
- (4) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or
- (5) Going upon any premises and ringing the door bell, knocking, upon or near any door, or creating any sound in any manner that is calculated to attract the attention of an occupant or owner for the purpose of engaging in any of the activities described above in this definition of solicitation.

Solicitor shall mean and include any person who engages in soliciting as defined herein except an exempt solicitor.

Exempt solicitor shall mean:

- (1) A person age seventeen (17) and under, who is participating in fundraising programs for, or sponsored by a public or private elementary or high school or bona fide children's or youth organization including, without limitation, Boy Scouts, Girl Scouts or youth sports.
- (2) A person engaged in soliciting or activities whose purpose is religious, political, civic, charitable, scientific, or educational and which neither directly nor indirectly relate to or involve in any fashion the seeking of funds or the sale and promotion of any goods or services, as more fully set forth in the definition of soliciting in this section.

(Ord. No. 06-O-0020, § 1, 4-3-2006; Ord. No. 10-O-0071, §§ 2, 3, 9-7-2010; Ord. No. 11-O-0021, § 2, 5-2-2011)

Sec. 9-97. - Certification of registration required.

As a condition of engaging in any act of soliciting within the corporate limits of the City of West Chicago, every solicitor as defined herein, except an exempt solicitor, shall apply for and possess a valid certificate of registration which shall be carried and prominently displayed on the front of his or her person, uncovered by any article of clothing, so as to be fully visible at all times to any onlooker; said solicitor shall also pay an annual fee as prescribed in Appendix G. An exempt solicitor is not required to apply for, possess, carry, or display a certificate of registration.

(Ord. No. 06-O-0020, § 1, 4-3-2006; Ord. No. 10-O-0071, § 4, 9-7-2010; Ord. No. 11-O-0021, § 3, 5-2-2011)

Sec. 9-98. - Application.

Application for a certificate of registration shall be made upon a form provided by the chief of police or his/her designee, of this municipality and filed with such chief of police or his/her designee. The applicant shall truthfully state the following information:

- (1) Name and address of residence and length of residence and business address, if other than residence address, and Social Security number;
- (2) Residence during the past three (3) years, if other than present address;
- (3) Age and marital status and the name of spouse, if any;
- (4) Physical description;
- (5) Name and address of the person or association by whom the applicant is employed or represents, and the length of time of such employment or representation;
- (6) Name and address of employer during the past three (3) years if other than the present employer;
- (7) Description of the subject matter of the soliciting;
- (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 article;
- (10) Prior revocation of any certificate of registration issued to the applicant under this article;
- (11) Whether the applicant has ever been convicted of a violation of any of the provisions of this article, or any provision of any ordinance of any other Illinois municipality regulating soliciting, and if the applicant has been convicted of any violation, the applicant shall state the details of the violation in full;
- (12) Whether the applicant has been convicted of a felony under any laws of any state or the United States within the last five (5) years, and if the applicant has been convicted of a felony, the applicant shall state the details of the conviction in full;

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

The chief of police or his/her designee shall require every applicant to submit to a background investigation by the police department in connection with the application for certificate.

The owner(s) or applicant(s) shall submit his/her fingerprints to be used in completing the investigation. Owner(s)/applicant(s) are required to present themselves for fingerprints to be taken by the police department.

The chief of police or his/her designee shall cause to be kept 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 the provisions of this article, and of the denial of any application. Applications for certificates shall be numbered in consecutive order as filed and every certificate issued and any renewal thereof shall be identified with the number of the application upon which it was issued.

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 law of the United States, within five (5) years prior to February 4, 1974, nor to any person who has been convicted of a violation of any of the provisions of this article, nor to any person whose certificate of registration issued hereunder has previously been revoked as

herein provided.

(Ord. No. 06-O-0020, § 1, 4-3-2006)

Sec. 9-99. - Issuance and revocation of certificates.

The chief of police or his/her designee, after consideration of the application and all information relative thereto, shall deny the application if the applicant does not possess the qualifications for such certificate as herein required. When the applicant is found to be fully qualified, the certificate of registration shall be issued forthwith.

Each certificate of registration shall be valid only for the period of time set forth thereon, but in no event shall any such certificate be valid for a period in excess of forty-five (45) calendar days from date of issuance.

Any certificate of registration issued hereunder shall be revoked by the chief of police or his/her designee if the holder of the certificate is convicted of a violation of any of the provisions of this article, or has made a false statement in the application, or otherwise has been disqualified for the issuance of a certificate of registration under the terms of this article. Immediately upon such revocation written notice thereof shall be given by the chief of police or his/her designee to the holder of the certificate in person or by certified United States mail addressed to the residence address set forth in the application.

Immediately upon the mailing or serving of such notice the certificate of registration shall become null and void.

The certificate of registration shall state the expiration date thereof.

(Ord. No. 06-O-0020, § 1, 4-3-2006)

Sec. 9-99.1. - Reserved.

Editor's note—

Ord. No. 11-O-0021, § 4, adopted May 2, 2011, repealed § 9-99.1, which pertained to display of certificates of registration and derived from Ord. No. 06-O-0020, adopted April 3, 2006 and Ord. No. 10-O-0071, adopted September 7, 2010. The provisions of this section have been incorporated into section 9-97 as amended above.

Sec. 9-100. - City policy on soliciting.

It is hereby declared to be the policy of the City of West Chicago that the occupant or occupants of residential property within this municipality shall exclusively make the determination whether solicitors and exempt solicitors shall be, or shall not be, invited on their property through display of a notice as provided for in section 9-101 of this article or by personal direction as provided for section 9-102.

(Ord. No. 06-O-0020, § 1, 4-3-2006; Ord. No. 11-O-0021, § 5, 5-2-2011)

Sec. 9-100.1. - Soliciting on property owned or leased by the city.

Solicitations on property owned or leased by the city (e.g. land, buildings, commuter station and lots, sidewalks, streets, alleys, etc.) is expressly prohibited in the city, including the soliciting at intersections from occupants of any vehicle or from any pedestrian.

(Ord. No. 11-O-0007, § 48, 5-16-2011)

Editor's note—

Ord. No. 11-O-0007, § 48, adopted May 16, 2011, in effect repealed the former § 9-100.1, and enacted a new § 9-100.1 as set out herein. The former § 9-100.1 pertained to soliciting at intersections and derived from Ord. No. 07-O-0083, adopted August 20, 2007.

Sec. 9-101. - Notice regulating soliciting.

Every person wanting to secure the protection provided by the regulations regarding soliciting contained in this article shall comply with the following requirements:

- (1) A person who desires to invite no solicitors or exempt solicitors on his or her residential premises shall post a notice substantially in conformity with that in Exhibit "A" attached to this Chapter 9
- (2) *The notice shall be weather-proof.* For a single-family residence or apartment, condominium or

other residential unit within a multi-family residential building which has an outside entry on the front side of the structure that provides direct access to the unit, the notice shall be permanently posted on the door of such entry or immediately adjacent to, not less than two and one-half (2½) feet nor more seven and one-half (7½) feet above the threshold. Where the residence is an apartment or other type of residential unit that has no outside entry on the front side of the structure which provides direct access to the unit, a notice substantially identical to that in Exhibit "A" but not less than one-quarter (¼) of the dimensions stated there shall be posted adjacent to the U.S. Mail box or slot for said apartment or unit so that it is immediately visible at said mail box or slot. A notice placed in conformance with this paragraph shall constitute sufficient notice to any solicitor or exempt solicitor of the determination of the occupant or occupants of the residence regarding receipt of solicitations.

- (3) Notice as authorized by this section may be provided by the chief of police or his/her designee to persons requesting them, at the cost thereof. However, no notice that otherwise conforms to this section shall be deemed defective or invalid because it was not provided by the chief of police or his/her designee.
- (4) Only persons actually occupying the premises as their personal residence are authorized to give the notice provided for herein. No person having an interest in any premises, including any landlord or absentee owner who does not occupy the premises as his or her residence, shall be authorized to give such notice. Where a residence is part of a multiple unit structure, such as an apartment building or townhouse, the notice shall only apply to the unit for which it is given.

(Ord. No. 06-O-0020, § 1, 4-3-2006; Ord. No. 10-O-0071, § 6, 9-7-2010; Ord. No. 11-O-0021, § 6, 5-2-2011)

Editor's note—

It should be noted that Exhibit "A" referenced above is not set out at length herein, but is on file and available for inspection in the office of the city clerk.

Sec. 9-102. - Duty of solicitors and exempt solicitors.

It shall be the duty of every solicitor and exempt solicitor, upon going onto any premises in the City of West Chicago upon which a residence as herein defined is located, to ascertain whether any "NO SOLICITORS" notice as provided for in section 9-101 is present on the premises and, if so, then immediately and peacefully depart from the premises without engaging in an act of soliciting of any kind, including the leaving of advertising materials. Further, every solicitor and exempt solicitor, who goes upon the premises of or has gained entrance to any residence shall immediately and peacefully depart therefrom when requested or directed to do so by any occupant or the agent of the occupant of the residence, regardless of the absence of a "NO SOLICITORS" notice or whether initially invited onto the premises by an occupant.

No solicitor or exempt solicitor shall engage in soliciting by means of projecting, throwing, tossing, dropping, or otherwise placing upon any premises any advertising material which is affixed to a stone, piece of metal, wood, or other material intended to facilitate its placement on the premises or to keep it in the position where placed.

(Ord. No. 06-O-0020, § 1, 4-3-2006; Ord. No. 10-O-0071, § 7, 9-7-2010; Ord. No. 11-O-0021, § 7, 5-2-2011)

Sec. 9-103. - Uninvited soliciting prohibited.

It is hereby declared to be unlawful and shall constitute a nuisance for any solicitor, exempt solicitor or person to go upon any premises and leave thereon any advertising materials in a manner prohibited by this article, or to go upon any premises ring the doorbell upon or near 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 as herein defined, in defiance of a "NO SOLICITORS" notice exhibited at the residence in accordance with the provisions of this article.

(Ord. No. 06-O-0020, § 1, 4-3-2006; Ord. No. 10-O-0071, § 8, 9-7-2010; Ord. No. 11-O-0021, § 8, 5-2-2011)

Sec. 9-104. - Time limit on soliciting.

It is hereby declared to be unlawful and shall constitute a nuisance for any solicitor, exempt solicitor, or person, whether registered under this article 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 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, prior to 9:00 a.m. or after 8:00 p.m. of any day of the week.

(Ord. No. 06-O-0020, § 1, 4-3-2006; Ord. No. 11-O-0021, § 9, 5-2-2011)

Sec. 9-105. - Penalty.

In addition to the provisions contained herein regarding license revocation, the violation of any provision of this article shall result in a fine of not less than two hundred fifty dollars (\$250.00) and not more than seven hundred fifty dollars (\$750.00). Each act of soliciting in violation of this article, including each act of leaving advertising materials in a manner prohibited by this article, or entering upon any premises and ringing the door bell, knocking upon or near any door, or creating any sound in any manner to attract the attention of an occupant or owner in violation of this article, shall constitute a separate offense. All persons who enter upon any premises for the purpose of soliciting in violation of this article, or who publish or distribute in any advertising materials left on any premises in violation of this article or offer goods, products, merchandise, services, insurance or subscriptions or solicit gifts, contributions, or donations in such advertising materials shall be jointly and severally liable for such offense, whether they knew of or intended such offense.

(Ord. No. 06-O-0020, § 1, 4-3-2006; Ord. No. 10-O-0071, § 9, 9-7-2010)

Secs. 9-106—9-120. - Reserved.**FOOTNOTE(S):**

⁽²⁹⁾ *Editor's note*— Ord. No. 06-O-0020, § 1, adopted Apr. 3, 2006, amended the former Art. VI, §§ 9-96—9-107, and enacted a new Art. VI as set out herein. The former Art. VI pertained to similar subject matter and derived from Ord. No. 1201, §§ 1—9, adopted Feb. 4, 1974; Ord. No. 1493, § 1, adopted Oct. 6, 1980; Ord. No. 03-O-0085, § 4, adopted Oct. 6, 2003; Ord. No. 05-O-0022, § 1, adopted Mar. 21, 2005. (Back)