



# Village of Maple Park

302 Willow Street ♦ P.O. Box 220 ♦ Maple Park, Illinois 60151

Village Hall: 815-827-3309

Fax: 815-827-4040

Website: <http://www.villageofmaplepark.com>

## FINANCE AND PUBLIC RELATIONS & DEVELOPMENT COMMITTEE MEETING MINUTES

Tuesday, June 21, 2016

7:00 p.m.

Maple Park Civic Center  
302 Willow Street, Maple Park, IL

### 1. CALL TO ORDER / ESTABLISHMENT OF QUORUM

Chairman Terry Borg called the meeting to order at 7:00 p.m.

Village Clerk Liz Peerboom called the roll call and the following committee members were present: Trustee Terry Borg, Trustee Chris Higgins, and Trustee Kristine Dalton.

Others present: Police Chief Ayala and Village Clerk Liz Peerboom.

### 2. PUBLIC COMMENTS – *Any resident wishing to address the Board may do so according to the Rules of Public Comment and should register with the Village Clerk prior to the meeting.*

None.

### 3. APPROVAL OF FINANCE AND PUBLIC RELATIONS & DEVELOPMENT COMMITTEE MINUTES

- **May 31, 2016**

Trustee Higgins made a motion to approve the minutes from the May 31, 2016 meeting, seconded by Trustee Borg. Motion carried by voice vote.

### 4. DISCUSSION OF SOLICITOR BAN

Trustee Borg said that he spoke to the Village Attorney and got the recommendation to have the Police Chief attend the meeting to discuss changes he needs to ensure proper enforcement. The police chief provided changes that he recommended to the ordinance.

The committee discussed different types of background checks, and the possibility of including the FBI background check. The committee agreed that the police chief should have discretion to approve or deny a permit based on the background check; and no report needs to be given to the Board. Trustee Higgins suggested charging for producing a report.

Trustee Borg discussed changing the solicitor times. Consensus was to change the time to 7 p.m.

Chief Ayala talked about the application period and requested that language be changed to 20 business days after the background check.

Chief Ayala will look into the fees for the FBI background check, the Village Clerk will look at administrative costs, and Trustee Borg will get back to the Village Attorney about language about prohibited registrants and religious organization.

## **5. DISCUSSION OF MAIN STREET WATERMAIN RECAPTURE**

Trustee Borg advised that he spoke to the Village Attorney and got three options that the Committee needs to consider.

- 1) Informal memo – this would cause low risk to the village;
- 2) Formal Resolution – this would cause medium risk to the village;
- 3) Formal Resolution filed with the County Clerk – this would cause high risk to the village.

Village Clerk Liz Peerboom advised that anything that the village memorializes can be added to the Clerk's expiration list. Trustee Borg advised that the Village Attorney recommends going with the informal memo. Trustee Higgins agreed that the Village Engineer should provide the cost schedule, but he is not a fan of a formal resolution being filed with the County Clerk. Trustee Dalton said she thinks it needs to be on the Clerk's expiration list, and she agrees that a resolution would be the best route.

## **6. UPDATE ON GRANT WRITING SEMINAR**

Village Clerk Liz Peerboom updated the committee on the grant writing seminar that she attended in Springfield. Consensus was that the village would start with an income survey of the targeted area. Clerk Peerboom will get the survey out and then the application would be submitted sometime after September 1<sup>st</sup>.

## **7. DISCUSSION OF OTHER ITEMS**

Trustee Dalton asked about a charge for the pond in Heritage Hills.

Trustee Higgins discussed the noise ordinance.

Trustee Higgins also discussed putting information items on the website and Facebook. Chief Ayala will help write some items.

Chief Ayala discussed voice messages being delayed on their cell phones. Trustee Dalton suggested that the police department land line be forwarded to the officer's cell phone each day. Trustee Higgins gave some suggestions on how to change the phones to be able to make things easier.

## **8. ADJOURNMENT**

Trustee Higgins made a motion to adjourn the meeting, seconded by Trustee Dalton.  
Motion carried by voice vote.

Meeting adjourned at 8:22 p.m.

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Liz Peerboom, CMC  
Village Clerk

### Committee Members

Trustee Borg Chair

Trustee Dalton

Trustee Higgins

DRAFT





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## FINANCE AND PUBLIC RELATIONS & DEVELOPMENT COMMITTEE MEETING MINUTES

Tuesday, July 19, 2016

7:00 p.m.

Maple Park Civic Center  
302 Willow Street, Maple Park, IL

### 1. CALL TO ORDER / ESTABLISHMENT OF QUORUM

Chairman Terry Borg called the meeting to order at 7:00 p.m.

Village Clerk Liz Peerboom called the roll call and the following Committee Members were present: Trustee Terry Borg, Trustee Chris Higgins, Trustee Kristine Dalton, and Trustee Brandon Harris.

Others present: Village Clerk Liz Peerboom.

### 2. PUBLIC COMMENTS – *Any resident wishing to address the Board may do so according to the Rules of Public Comment and should register with the Village Clerk prior to the meeting.*

None.

### 3. APPROVAL OF FINANCE AND PUBLIC RELATIONS & DEVELOPMENT COMMITTEE MINUTES

#### • June 21, 2016

Trustee Higgins was concerned about something in the minutes that he said and wanted an amendment. Village Clerk Liz Peerboom advised that she cannot amend the minutes to reflect what he meant, because the minutes reflect a summary of what was said at the meeting, not what a Trustee meant to say. Trustee Higgins and Trustee Borg disagreed. Trustee Borg suggested having the Village Attorney give his opinion.

Trustee Higgins made a motion to table the minutes until the Village Attorney can give his opinion, seconded by Trustee Harris. Motion carried by voice vote.

### 4. DISCUSSION OF SOLICITOR BAN

Trustee Terry Borg was concerned about changes made to the ordinance. The committee went over the changes line by line and made corrections to the draft ordinance.



Committee members were concerned that the ordinance might affect school-age kids selling items for school, girl scouts, boy scouts, etc.

Trustee Borg suggested having the Village Attorney attend the next meeting to help with the language in the ordinance. He would also like Chief Ayala to attend the next meeting to answer any questions that may arise.

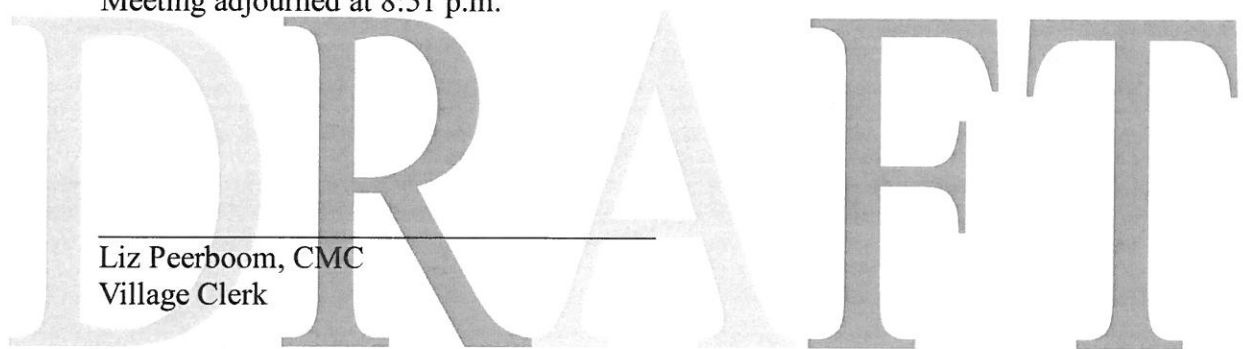
## **5. DISCUSSION OF OTHER ITEMS**

Committee members discussed facility rental fees. Clerk Peerboom advised that this was never finalized. Trustee Borg said that he would like to bring the rental fees back for discussion.

## **6. ADJOURNMENT**

Trustee Dalton made a motion to adjourn the meeting, seconded by Trustee Harris. Motion carried by voice vote.

Meeting adjourned at 8:51 p.m.

  
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Liz Peerboom, CMC  
Village Clerk

### Committee Members

Trustee Borg Chair  
Trustee Dalton  
Trustee Higgins  
Trustee Harris

PROPOSED

## **Chapter 4**

### **PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS**

#### **4-4-1: DEFINITIONS:**

For the purposes of this chapter, the following words, as used herein, shall be construed to have the meanings herein ascribed thereto:

**ITINERANT MERCHANT** Any person who transports tangible personal property for retail sale within the village who does not maintain in the state an established office, distribution house, sales house, warehouse, service center or residence from which such business is conducted; provided, however, this term shall not include any person who delivers tangible personal property within the village who is fulfilling an order for such property which was solicited or placed by mail or other means. It shall be prima facie evidence that a person is an "itinerant ~~vendor~~merchant" if the person does not transact business from a fixed location or if the person does not own, or lease for a term of at least six (6) months, the property from which business is conducted.

**PEDDLER:** Selling or offering for sale, barter or exchange at retail any goods, wares, merchandise or services of any kind whatsoever by traveling from place to place along the streets of the village or from residence to residence therein, but shall not include solicitation or canvassing for future delivery. "Peddling" may, in some instances, include the activities of an "itinerant ~~vendor~~merchant" or "~~transient merchant~~", as defined herein. If a peddler is also an "itinerant ~~vendor~~" or "~~transient merchant~~", as defined herein, then those provisions shall also be applicable. To the extent that the provisions of this chapter relative to "peddling" are inconsistent with those relating to "itinerant ~~vendors~~" and/or "~~transient merchants~~", the more restrictive provisions shall apply.

**REGISTERED SOLICITOR AND REGISTERED PEDDLER:** Means and includes any person who has obtained a valid ~~certificate~~permit of registration as herein provided, where such ~~certificate~~permit is in the possession of, and on the person of, the one soliciting or peddling during all soliciting or peddling.

**REGISTERED ~~TRANSIENT MERCHANT AND REGISTERED ITINERANT VENDOR~~ITINERANT MERCHANT:** Any person who is an "itinerant merchant" as defined herein and who has obtained and has in his possession a valid permit.

**RESIDENCE:** Means and includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

**SOLICITING:** Means and includes any one or more of the following activities:

- A. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, insurance, or services of any kind, character or description

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whatever, for any kind of consideration whatever, all for future delivery; provided, however, that seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication shall not be deemed to be soliciting, and such activities are not regulated by this chapter.

- B. 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.

**TRANSIENT MERCHANT:** Any person who is engaged temporarily in the retail sale of goods, wares, or merchandise in the village and who, for the purpose of conducting such business, occupies any building, room vehicle, structure of any kind, or vacant lot; provided, however, this term does not include or manufactured by him, to any person selling vegetables, fruit or perishable farm products at an established village market, to any person operating a store or refreshment stand at a resort, or to any person operating a stand or a booth on or adjacent to property owned by him or upon which he resides. It shall be prima facie evidence that a person is a "transient merchant" if the person does not transact business from a fixed location or if the person does not own, or lease for a term of at least six (6) months, the property from which business is conducted.

#### 4-4-2 PERMIT

- A. Permit Required: A written application for a permit as here in provided shall be secured by every person desiring to engage

B. Application for Permit: A written application for a permit as herein provided shall be secured by every person desiring to engage in any activities in this chapter, as herein defined, from persons in residences within the village and, in addition, by every person desiring to engage in soliciting from any business, office or manufacturing facility within the village for gifts or contributions of money, clothing or other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation or project.

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- C. Application For Permit:

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1. Application Form; Oath: Application for a permit shall be made upon a form provided by and filed with the village clerk. The applicant shall state, under oath, such information requested on the application form as is required by the provisions of this chapter and such other relevant information as determined by the village clerk.

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2. Criminal History: Each applicant shall also apply to office the Chief of Police- for a personal criminal history. Applicant shall provide such information necessary (Fingerprint Card) for a background check, and the fees to the police department as required by the Chief of Police to obtain a letter/document of results from the Illinois State Police and the Federal Bureau of Investigations for the purposes of review by the Chief of Police and or applicant. The applicant shall further request that the Chief of Police shall provide to the village for review by the Village President a

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letter of recommendation to approve or deny request for permit.

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D. Prohibited Registrants: No permit shall be issued: 1) to any person who has been charged or convicted in a violent act against person or property, to include the following: Disorderly Conduct, Harassment, Assault, Battery, Domestic Assault, Domestic Battery Stalking of any kind, Violation of Order of Protection, Child endangerment are a few listed under the laws of the state of Illinois or any other state or federal law of the United States, ~~within five (5) years of the date of the application~~; or 2) to any person who has been convicted of a violation of any of the provisions of this chapter or to any person whose permit issued hereunder has previously been revoked as herein provided unless specifically approved by the village board. The Police Chief may at his or her discretion approve or deny a permit based on the severity of the crime found in the background check.

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E. Fees:

1. Fees Established: A fee shall be paid at the time of filing the application, as follows:

a) Applicants shall pay the current non-refundable processing fee, and the background check fee.

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b) Permit Fees:

Permit Requested	Fee
One day (up to 7 days)	\$10 per day
Between 8 and 29 days	\$50 per week
Month	\$100 per month (up to 6 months)

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2. Waiver of Fees: The village president may waive such fee(s) at his or her discretion, but all fee waivers shall be reported to the village board.

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F. Permit Review and Issuance:

1. Determination: The Police Chief may at his or her discretion approve or deny a permit based on the severity of the crime found in the background check. The Village Clerk will notify applicant if the permit is denied. Permits may be denied because of previous behavior in a different municipality.

2. Issuance: When the applicant is found to be fully qualified, the permit shall be issued by the Village Clerk.

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3. Time Limit For Action: All applications shall be acted upon by the Police Chief within seven (30) days after receipt of a completed application. If a background check is not returned to the village within that time period, an extension shall be given and the applicant will be notified.

4. Contents: Each permit shall state the expiration date thereof.

G. Revocation of Permit: Any permit issued hereunder may be revoked by the Police Chief if the permittee is in violation of any of the provisions of this chapter, or has made a false material statement in the application, or

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otherwise becomes disqualified for the issuance of the permit. Immediately upon such revocation, written notice thereof shall be given by the Village Clerk to the holder of the permit or by certified U.S. mail addressed to his or her address set forth in the application. Immediately upon the giving of such notice of revocation, the permit shall become null and void.

- H. Records Kept: The village clerk shall cause to be kept in his or her office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and of all ~~certificate permits of registration~~ issued under the provisions of this chapter, and of the denial of applications. Applications for permits shall be numbered in consecutive order as filed, and every ~~certificate permit~~ issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued. (2004 Code)

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#### **4-4-3: NOTICE REGULATING PEDDLERS AND SOLICITORS:**

- A. Notice Requirements: The owner or occupant of any residence who desires to forbid trespasses by solicitors or peddlers, or unlicensed solicitors and peddlers, may attach or exhibit upon or near the main front door, and the main rear or side door (if any and if to be protected), a card or plaque stating such of the following as may be appropriate, in letters at least one-third inch ( $\frac{1}{3}$ " ) in height:

*SOLICITORS AND PEDDLERS NOT INVITED*

or

*SOLICITORS AND PEDDLERS NOT INVITED UNLESS REGISTERED WITH THE VILLAGE*

- B. Nonexclusive Notice Provided by the Village: For the convenience of residents and for purposes of uniformity, cards or plaques containing the foregoing legend shall be made available by the village. The form or card or plaque provided for in this section shall not be deemed to be an exclusive form of notice. Such card or plaque shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained herein.

#### **4-4-4: DUTIES OF SOLICITORS AND PEDDLERS:**

- A. Entry Prohibited Upon Notice: It shall be unlawful for any person to enter upon any property of another in the village after receiving, immediately prior to such entry, notice from the owner or occupant that such entry is forbidden, or to remain upon the property of another after receiving notice from the owner or occupant to depart.
- B. Do Not Knock List: Residents may submit their name and address to the Village Clerk if they do not wish to have solicitors knock at their door. The Village Clerk will then give the list of addresses on the "Do Not Knock" list to the solicitor. If the solicitor then knocks at any of these addresses, there will

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be a fine of \$50.00 per address per day.

C. Notice To Leave Premises: A person shall be deemed to have received notice from the owner or occupant within the meaning of this chapter if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted at the main entrance to said property or the forbidden part thereof.

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D. Depart Premises Upon Request: Any solicitor 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. (2004 Code)

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#### 4-4-5: UNINVITED SOLICITING OR PEDDLING:

A. Uninvited Soliciting Or Peddling Prohibited: Any person soliciting or peddling who is forbidden entry by notice given in compliance with this chapter shall be deemed guilty of remaining on the property after receiving notice to depart if he shall remain on the property, or if he shall ring the doorbell or knock or create any sound calculated to attract the attention of the occupant.

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B. Exemptions: Notices exhibited pursuant to this chapter shall not be deemed applicable to and shall not prevent access to residential property by a solicitor or peddler who has received prior invitation, written or oral, from the owner or occupant thereof. (2004 Code)

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#### 4-4-6: TIME LIMIT ON SOLICITING AND PEDDLING:

It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this chapter 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 nine o'clock (9:00) A.M. or after seven o'clock (7:00) P.M.

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#### 4-4-7: VIOLATION; PENALTIES:

A. Violation; Penalty: Any person, firm or corporation who shall be found guilty by a court of competent jurisdiction of violating any provision of this chapter or of failing to comply with any requirement hereof, or of violating any permit, any approval, or any directive issued under the provisions of this chapter, shall be punishable as provided in section 1-4-1 of this code, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

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B. Reimbursement of Costs: Any person, firm or corporation who shall be found guilty by a court of competent jurisdiction of violating a provision of this chapter or of failing to comply with any requirement hereof, or of violating any permit, any approval, or any directive issued under the provisions of this chapter, shall, in addition to the fines provided, be obligated to reimburse the

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village for its attorney fees, court costs, court reporter costs, and expert witness fees, and all other out of pocket costs incurred by the village in the prosecution of the said violation or violations.

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- C. Injunctive Relief: The village may make application to the circuit court for an injunction requiring conformance with this chapter or make such other order as the court deems necessary to secure compliance with this chapter. (2004 Code)

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#### **4-4-8: CONSTITUTIONAL RIGHTS:**

Nothing in this chapter shall be interpreted or enforced to deprive any person of any rights guaranteed under the constitutions of the state or the United States. (2004 Code)

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**CURRENT**

## Chapter 4

# PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS

### 4-4-1: DEFINITIONS:

For the purposes of this chapter, the following words, as used herein, shall be construed to have the meanings herein ascribed thereto:

**ITINERANT VENDOR:** Any person who transports tangible personal property for retail sale within the village who does not maintain in the state an established office, distribution house, sales house, warehouse, service center or residence from which such business is conducted; provided, however, this term shall not include any person who delivers tangible personal property within the village who is fulfilling an order for such property which was solicited or placed by mail or other means. It shall be prima facie evidence that a person is an "itinerant vendor" if the person does not transact business from a fixed location or if the person does not own, or lease for a term of at least six (6) months, the property from which business is conducted.

**PEDDLING:** Selling or offering for sale, barter or exchange at retail any goods, wares, merchandise or services of any kind whatsoever by traveling from place to place along the streets of the village or from residence to residence therein, but shall not include solicitation or canvassing for future delivery. "Peddling" may, in some instances, include the activities of an "itinerant vendor" or "transient merchant", as defined herein. If a peddler is also an "itinerant vendor" or "transient merchant", as defined herein, then those provisions shall also be applicable. To the extent that the provisions of this chapter relative to "peddling" are inconsistent with those relating to "itinerant vendors" and/or "transient merchants", the more restrictive provisions shall apply.

**REGISTERED SOLICITOR AND REGISTERED PEDDLER:** Means and includes any person who has obtained a valid certificate of registration as herein provided, where such certificate is in the possession of, and on the person of, the one soliciting or peddling during all soliciting or peddling.

**REGISTERED TRANSIENT MERCHANT AND REGISTERED ITINERANT VENDOR:** Any person who is a "transient merchant" or "itinerant vendor" as defined herein and who has obtained and has in his possession a valid certificate of registration.

**RESIDENCE:** Means and includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

**SOLICITING:** Means and includes any one or more of the following activities:

- A. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, insurance, or services of any kind, character or description whatever, for any kind of consideration whatever, all for future delivery; provided, however, that seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication shall not be deemed to be soliciting, and such activities are not regulated by this

chapter.

- B. 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.

**TRANSIENT MERCHANT:** Any person who is engaged temporarily in the retail sale of goods, wares or merchandise in the village and who, for the purpose of conducting such business, occupies any building, room, vehicle, structure of any kind, or vacant lot; provided, however, this term does not include any person selling goods, wares or merchandise which are raised, produced or manufactured by him, to any person selling vegetables, fruit or perishable farm products at an established village market, to any person operating a store or refreshment stand at a resort, or to any person operating a stand or booth on or adjacent to property owned by him or upon which he resides. It shall be prima facie evidence that a person is a "transient merchant" if the person does not transact business from a fixed location or if the person does not own, or lease for a term of at least six (6) months, the property from which business is conducted. (2004 Code)

#### **4-4-2: CERTIFICATE OF REGISTRATION:**



A. **Certificate Required:** A written application for a certificate of registration as herein provided shall be secured by every person desiring to engage in "soliciting" or "peddling", as herein defined, from persons in residences within the village and, in addition, by every person desiring to engage in soliciting from any business, office or manufacturing facility within the village for gifts or contributions of money, clothing or other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation or project.

B. **Application For Certificate:**

1. **Application Form; Oath:** Application for a certificate of registration shall be made upon a form provided by and filed with the village clerk. The applicant shall state, under oath, such information requested on the application form as is required by the provisions of this chapter and such other relevant information as determined by the village clerk.

2. **Fingerprints And Photographs:** The village clerk shall require every applicant to submit to fingerprinting in connection with the application for certificate, and the applicant will submit to identification photographing conducted by the village clerk, and such identification photograph shall be affixed to the certificate of registration.

3. **Criminal History:** Each applicant shall also apply to the office of the police chief for a certified copy of his or her personal criminal history, and such applicant shall provide such information and fees to the police chief as required by the police chief to obtain such certified copy, and the applicant shall further request that the police chief also directly provide to the village for review by the village president a certified copy of the applicant's personal criminal history prior to the approval of such certificate for such applicant.

C. **Prohibited Registrants:** No certificate of registration shall be issued: 1) to anyone seeking to solicit for a charitable or nonprofit association, organization, corporation or project unless such charity or nonprofit group is specifically approved in advance by the village board of trustees which may waive requirement of individual registration and fees if a list of names and addresses of individuals to be involved are supplied to the village clerk; or 2) 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 (5) years of the date of the application; or 3) to any person who has been convicted of a violation of any of the provisions of this chapter or to any person whose certificate of registration issued hereunder has previously been revoked as herein provided unless specifically approved by the village board.

D. **Fees:**

1. **Fees Established:** A fee shall be paid at the time of filing the application, as follows:

<u>Certificate Requested</u>	<u>Fee</u>
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One day	\$ 5 .00
More than one day and not more than one week	25 .00
More than one week	50 .00

2. Waiver Of Fees: The village president may waive such fee in his or her discretion, but all fee waivers shall be reported to the village board.

**E. Issuance Or Denial Of Certificate; Contents:**

1. Denial: The village president, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such certificate as herein required. Endorsement shall be made by the village president upon the application of the denial of the application.
2. Issuance: When the applicant is found to be fully qualified, the certificate of registration shall be issued by the village president or his or her designee.
3. Time Limit For Action: All applications shall be acted upon by the village president within seven (7) days after receipt of a completed application.
4. Contents: Each certificate of registration shall state the expiration date thereof.

F. Revocation Of Certificate: Any certificate of registration issued hereunder may be revoked by the village president if the holder of the certificate is convicted of a violation of any of the provisions 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 under the terms of this chapter. Immediately upon such revocation, written notice thereof shall be given by the village president to the holder of the certificate in person or by certified U.S. mail addressed to his or her address set forth in the application. Immediately upon the giving of such notice of revocation, the certificate of registration shall become null and void.

G. Records Kept: The village clerk shall cause to be kept in his or her office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and of all certificates of registration issued under the provisions of this chapter, and of the denial of applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued. (2004 Code)

**4-4-3: NOTICE REGULATING PEDDLERS AND SOLICITORS:**

- A. Notice Requirements: The owner or occupant of any residence who desires to forbid trespasses by solicitors or peddlers, or unlicensed solicitors and peddlers, may attach or exhibit upon or near the main front door, and the main rear or side door (if any and if to be protected), a card or plaque stating such of the following as may be appropriate, in letters at least one-third inch ( $\frac{1}{3}$ " ) in height:

*SOLICITORS AND PEDDLERS NOT INVITED*

or

*SOLICITORS AND PEDDLERS NOT INVITED  
UNLESS REGISTERED WITH THE VILLAGE*

- B. Nonexclusive Notice Provided By Village: For the convenience of residents of the village and for purposes of uniformity, cards or plaques containing the foregoing legend shall be made available by the village. The form of card or plaque provided for in this section shall not be deemed to be an exclusive form of notice. Such card or plaque so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon. (2004 Code)

#### **4-4-4: DUTIES OF SOLICITORS AND PEDDLERS:**

- A. Entry Prohibited Upon Notice: It shall be unlawful for any person to enter upon any property of another in the village after receiving, immediately prior to such entry, notice from the owner or occupant that such entry is forbidden, or to remain upon the property of another after receiving notice from the owner or occupant to depart.
- B. Notice To Leave Premises: A person shall be deemed to have received notice from the owner or occupant within the meaning of this chapter if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted at the main entrance to said property or the forbidden part thereof.
- C. Depart Premises Upon Request: Any solicitor 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. (2004 Code)

#### **4-4-5: UNINVITED SOLICITING OR PEDDLING:**



- A. Uninvited Soliciting Or Peddling Prohibited: Any person soliciting or peddling who is forbidden entry by notice given in compliance with this chapter shall be deemed guilty of remaining on the property after receiving notice to depart if he shall remain on the property, or if he shall ring the doorbell or knock or create any sound calculated to attract the attention of the occupant.
- B. Exemptions: Notices exhibited pursuant to this chapter shall not be deemed applicable to and shall not prevent access to residential property by a solicitor or peddler who has received prior invitation, written or oral, from the owner or occupant thereof. (2004 Code)

#### **4-4-6: TIME LIMIT ON SOLICITING AND PEDDLING:**

It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this chapter 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 nine o'clock (9:00) A.M. or after nine o'clock (9:00) P.M. (2004 Code)

#### **4-4-7: VIOLATION; PENALTIES:**

- A. Violation; Penalty: Any person, firm or corporation who shall be found guilty by a court of competent jurisdiction of violating any provision of this chapter or of failing to comply with any requirement hereof, or of violating any permit, any approval, or any directive issued under the provisions of this chapter, shall be punishable as provided in section [1-4-1](#) of this code, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- B. Reimbursement Of Costs: Any person, firm or corporation who shall be found guilty by a court of competent jurisdiction of violating a provision of this chapter or of failing to comply with any requirement hereof, or of violating any certificate, any approval, or any directive issued under the provisions of this chapter, shall, in addition to the fines provided, be obligated to reimburse the village for its attorney fees, court costs, court reporter costs, and expert witness fees, and all other out of pocket costs incurred by the village in the prosecution of the said violation or violations.
- C. Injunctive Relief: The village may make application to the circuit court for an injunction requiring conformance with this chapter or make such other order as the court deems necessary to secure compliance with this chapter. (2004 Code)

#### **4-4-8: CONSTITUTIONAL RIGHTS:**

Nothing in this chapter shall be interpreted or enforced to deprive any person of any rights guaranteed under the constitutions of the state or the United States. (2004 Code)



## Chapter 33

### PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS 05-31-13

Latest Revision: 05-31-13

**Sections:**

- 33.01        DEFINITIONS AND GENERAL CONDITIONS.**
- 33.02        EXEMPTIONS.**
- 33.03        SOLICITATIONS IN PUBLIC ROADWAYS.**
- 33.04        LICENSE REQUIRED.**
- 33.05        LICENSE APPLICATION.**
- 33.06        VERIFICATION OF APPLICATION.**
- 33.07        REVOCATION OR SUSPENSION OF LICENSE.**
- 33.08        APPEAL FROM DENIAL, SUSPENSION OR REVOCATION.**
- 33.09        RESTRICTIONS.**
- 33.10        RIGHT TO RESCIND.**
- 33.11        FALSELY CLAIMING REPRESENTATION OF THE CITY OR A PUBLIC  
                 ENTITY.**
- 33.12        ELECTRICAL AGGREGATION, ELECTRICAL, NATURAL GAS OR  
                 UTILITY SUPPLY AGREEMENTS.**
- 33.13        FOOD OR BEVERAGE VENDING VEHICLES.**
- 33.14        APPROACH TO FOOD OR BEVERAGE VENDING VEHICLE.**
- 33.15        PENALTIES.**

#### **33.01 DEFINITIONS AND GENERAL CONDITIONS.**

Commercial Activity: All other forms of activity of Peddlers, Solicitors, Itinerant Merchants or Ice Cream Vendors, including but not limited to the Sale of any Commercial Item.

Commercial Item: Any commodity, service, subscription, product, good, article or item of ascertainable economic value, that is offered for present or future delivery, in exchange for some form of monetary compensation (whether received contemporaneously or at a future time).

Food or Beverage: Any product, whether a food or beverage, intended to be consumed by persons for the purpose of providing nourishment or flavor, including but not limited to snacks, ice cream, beverages, frozen confections, cookies, chips, hot dogs, fruit, or any other food or beverage, whatsoever.

Food or beverage vending vehicle: A vehicle from which the retail Sale of Food or Beverage for human consumption is conducted (including ice cream vehicles).

Ice cream vehicle: A food or beverage vending vehicle used for the retail Sale of ice cream, frozen confections, or similar desserts.

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**Food or beverage delivery vehicle:** A vehicle utilized to make pre-arranged deliveries of food or beverage to a single location of private property within the City, without soliciting or making additional retail sales that are not pre-arranged. (E.g. a pizza truck, a "Peapod truck" or similar truck, making a delivery of food to a single residential location after said food was ordered via telephone or internet).

**Itinerant Merchant:** A person engaged in business in the City offering for Sale any Commercial Item, who intends to continue such business in the City for not more than one hundred and eighty (180) days and who, for such purpose, leases or occupies all or part of any room, structure or vacant lot in the City for the display of such Commercial Item, or in connection with the offering of such services.

**Non-Commercial Activity:** Activities that are not commercial in nature, such as activities that do not involve Sale of any Commercial Item, but rather which are solely consisting of: a) religious or political free speech without any corresponding financial or commercial activity; b) solicitation of gratuitous donations for non-commercial entities or undertakings such as charities, political organizations, churches or similar matters without the provision of any non-gratuitous consideration, product or service; or, c) other similar activities not involving commerce or trade or the Sale of any Commercial Item. If there is any element of Commercial Activity, a given activity shall not qualify as Non-Commercial Activity (e.g. the solicitation of payments in exchange for a Commercial Item shall be deemed Commercial Activity).

**Peddler:** A person engaged in business who engages in the Sale of any Commercial Item on any street, sidewalk, park or public place, or who travels from place to place in the City, or who engages in the Sale and delivery from any vehicle or pushcart going from place to place in the City any Commercial Item, and who carries such Commercial with him for delivery at the time of sale. Notwithstanding the foregoing, a company that is engaged in Sales of Commercial Items from a fixed location and which engages in otherwise lawful Sales of Commercial Items upon the sidewalk or right of way adjacent to their fixed place of business shall not be deemed to be a Peddler.

**Regulated Activity:** Any activity which is subject to the provisions of this Chapter 33.

**Sale:** The offered, attempted or completed sale, exchange of compensation, money or remuneration, trade, barter or solicitation of future sales/trades/barter of any Commercial Item.

**Solicitor:** A person engaged in business, going from place to place in the City or on any street, sidewalk, park or public place, who takes orders for future delivery of any Commercial Item, who solicits subscriptions for books, magazines, newspapers or other periodicals, publications or Commercial Items for immediate or future delivery, or who offers to furnish services or invites orders for services or any Commercial Item.

**Vehicle:** For purposes of this Article, the term "Vehicle" shall include: 1) every motor vehicle which is mechanically propelled and designed to transport one or more persons; 2) any push cart, bicycle cart, or other device used to transport food which is propelled by the person(s) operating said device; or, 3) any other mobile or portable device utilized in Regulated Activity.

Any authority provided to any expressly named City official in this Ordinance (e.g. City Clerk or Chief of Police) may also be exercised by a designee thereof.

### **33.02 EXEMPTIONS.**

a) Persons who are engaged in Non-Commercial Activities shall not be subject to licensure under this Ordinance, except as required under Section 33.03 below. However, persons engaged in Non-Commercial



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Activities shall be subject to any regulation or restriction contained in this Chapter 33 that expressly indicates it is applicable to such Non-Commercial Activities.

b) No provision of this Chapter 33 shall apply to any federal, state or local public employee who is engaged in the performance of their official duties. Similarly, no license shall be required under this Chapter 33 for any public entity that is engaged in the Sale of any Commercial Item or which is otherwise engaged in Peddling or Soliciting, unless the activity in question is regulated under Section 33.03.

c) No provision of this Chapter 33 shall be construed in such a fashion as to deny any person of the right to free speech or freedom of religion as guaranteed under the Constitution of the United States or of the State of Illinois.

d) The City may enter into an agreement with an entity permitted to engage in sales of items from a fixed location on public property (e.g. a concession stand located in a public park), and may exempt such an entity from licensure under this Chapter 33.

e) The Farmers' Market shall be authorized and operated under the rules established by Municipal Code Chapter 6, "Streets Alleys and Sidewalks". Participants in the Farmers' Market shall be exempt from the license/permit requirements of this Chapter.

f) Minors engaged in fundraising activities to support: 1) a federally chartered charitable organization (such as Girl Scouts or Boy Scouts of America); 2) an activity organized and operated by a public or private school or a unit of local government; 3) an organization organized as a Not For Profit entity and registered with the State of Illinois as a Charitable Organization; or, 4) a similar Not For Profit organization that has a chapter or club based in the City of DeKalb, as determined in the sole and exclusive discretion of the City Manager, shall be deemed to be engaging in Non-Commercial Activity, and shall not be subject to licensure, but shall be required to comply with any other applicable regulations herein.

### **33.03 SOLICITATIONS IN PUBLIC ROADWAYS.**

a) Except for Food and Beverage Vending Vehicles, it shall be unlawful to engage in any form of Regulated Activity, Peddling, Soliciting, Canvassing, Sale of Commercial Items, or other similar activity that is not expressly permitted under subsection (b) of this Ordinance, within a public roadway or right of way. No person shall stand on a street for the purpose of soliciting employment or business from the occupant of any vehicle.

b) Permitted Solicitations in Public Roadways and Rights of Way:

1. Public safety employees, including police and fire department employees, are permitted to engage in charitable solicitation within roadways without any further regulation.

2. A charitable organization, as defined within Section 2 of the Illinois Charitable Games Act, may engage in charitable solicitation within a public roadway only after applying for and receiving a license to engage in said activity. The City Clerk shall be authorized to generate and maintain a license application and form of license, consistent with the following regulations:

(a) The application must be filed not less than 10 days prior to the date on which the activity is proposed to occur.

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(b) The application must list the date(s) and time(s) of any proposed activity, the manner and condition in which the activity is proposed to occur, and related information. Permits shall be valid only for the dates and times listed on the application. In order to permit proper evaluation of seasonal and weather conditions, traffic conditions, and the conduct of the charitable solicitations, no permit shall be valid for a period of longer than thirty (30) days.

(c) Consistent with the state limitations on such licenses, the Chief of Police may impose reasonable restrictions on the activity. However, the issuance of a license shall not constitute approval of the applicant's activities, and any applicant is encouraged to utilize safe practices in the conduct of their activities. Among the restrictions to be imposed on any such activities are:

- i. Such activities may only be conducted during daylight hours.
- ii. Such activities may only be conducted by persons of sound mind, over the age of 18 years of age.
- iii. Any person engaging in the activities must wear a brightly colored, reflective vest.
- iv. No person may stand in a roadway or engage in such activities in a way that hinders, impedes or slows the flow of traffic.
- v. No person engaged in such activities may approach any vehicle that is moving.
- vi. No person engaged in such activities may stand in a lane of traffic at a stoplight, when the stoplight is illuminated green for the lane of traffic in question.
- vii. No person engaged in such activities may place any temporary or permanent obstacle, improvement, sign or other device in the roadway or right of way adjacent thereto.
- viii. No person engaged in such activities shall engage in harassing or aggressive conduct.
- ix. No person engaged in such activities shall make physical contact with any person or vehicle in the course of engaging in the charitable solicitation, unless invited by the person or occupant of such vehicle to do so.

(d) The applicant must provide the City with a valid certificate of liability insurance that insures the applicant against claims for property damage or bodily injury arising out of or in connection with the roadway solicitation activities, with minimum coverage limits of at least \$1,000,000.00. No solicitation permit may be issued for a period of time longer than the period of coverage evidenced on such insurance certificate.

(e) The City Clerk shall maintain a list of intersections that are prohibited for use for solicitation under this Section, based upon public safety concerns arising out of traffic patterns at such intersections. The City Manager and Chief of Police shall be authorized to amend or update such list from time to time.

c) It shall be unlawful to engage in any form of solicitation within a public roadway or right of way except if conducted in compliance with subsection (b)(i) or (b)(ii) above. It shall be unlawful to engage in charitable solicitation governed under section (b)(ii) without a then-valid roadway charitable solicitation license issued by the City, or to engage in roadway charitable solicitation in violation of the conditions of such permit or this ordinance. A violation of this ordinance shall be punishable by a fine of not less than \$300. If a



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person is cited for a violation of this ordinance and, after receiving the citation, engages in further roadway charitable solicitation in violation of this ordinance, each separate act of solicitation shall constitute a separate offense, punishable by fine.

#### **33.04 LICENSE REQUIRED.**

It shall be unlawful to engage in the activity of an Itinerant Merchant, Peddler or Solicitor without first obtaining a license for said activity from the City Clerk. This Section shall not apply to the wholesale selling of commodities or articles for further resale or for use in industrial or business establishments, and this section shall not apply to any church, congregation, religious society, sect, group or order which solicits funds for religious purposes by selling or offering for sale any article, publication or subscription by going from place to place. Nor shall this section apply to farmers and growers selling produce or homemade products for consumption.

#### **33.05 LICENSE APPLICATION.**

a) Application for a License required under this Chapter 33 shall be made on a form approved by the City Clerk and Chief of Police. Said application shall provide the information required by the City Clerk and Chief of Police, including but not limited to:

1. Name and description of applicant.
2. Address (permanent and local).
3. A brief description of the nature of the business, including the goods to be sold or the services offered.
4. The name and address of the person by whom the applicant is employed or with whom he is associated.
5. The length of time the applicant wishes to engage in such activity (limited to thirty (30) days or less for Peddlers and Solicitors, and 180 days or less for Itinerant Merchants).
6. If a vehicle is to be used, a description of the vehicle together with license number.
7. A statement that the applicant has not been convicted in the past four years of a felony, any sex offense as defined in Article XI of the State of Illinois Criminal Code, assault, aggravated assault, battery, aggravated battery, eavesdropping, theft, deception, criminal damage to property, criminal trespass to land or vehicles, unauthorized possession of weapons, sale or possession of any dangerous or narcotic drug, or disorderly conduct.
8. The applicant must show proof of a Retailers Occupational Tax Certificate to the City Clerk. Persons engaged in the Sale of any Commercial Item that is subject to the City's Restaurant and Bar Tax must also submit any required documentation to the City's Financial Department to ensure collection and remittance of the tax.
9. The applicant must submit a signed authorization and waiver, along with payment of the then-current City fee, for completion of a criminal background check. Said waiver and fee is required for each person proposed to be engaged in the activities.

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10. The identity of the Primary Applicant, who shall be responsible for any costs, damages, liabilities or claims of damage arising out of the activities of any person listed on the application that is engaged in Regulated Activity.

b) Fees: At the time of filing the application for a Peddler, Solicitor, or Itinerant Merchant, a fee of Twenty Five Dollars (\$25.00) shall be paid to the City Clerk to cover the cost of verifying the application; said fee shall be paid for each person listed on the application. These fees shall be non-refundable. Every peddler, solicitor, and itinerant merchant, as those terms are defined in Section 33.01, shall require a license. The fees contemplated in this subsection (b) shall be in addition to the required fee for background checks contemplated under subsection (a)(9). All fees shall be payable prior to the issuance of a license under this Chapter 33, for the full duration of license sought. Daily fees shall not be refundable.

1. The fee for a solicitor license shall be Twenty-Five Dollars (\$25.00) per day for a period not to exceed one month.

2. The fee for an itinerant merchant license shall be Twenty-Five Dollars (\$25.00) per day for a period not to exceed 180 days.

3. The fee for a peddler license shall be Twenty-Five Dollars (\$25.00) per day for a period not to exceed one month.

c) Any person who feels that such cost of licensing and investigation would work a hardship may appeal such cost to the Mayor. The Mayor may make a determination upon examination of the appellant's financial records or on such other information as he feels necessary. Upon finding such a hardship exists, the Mayor may reduce or waive such licensing and investigative costs. Any waiving or reduction of costs, however, will not affect the obligation to register.

### **33.06 VERIFICATION OF APPLICATION.**

a) After the submission to the City Clerk of a completed application and all supporting documentation and fees, the Chief of Police shall review the application, supporting documentation, and background check, and shall approve or reject the application.

b) No license shall be issued if the information furnished by the applicant has been falsely stated. No license shall be issued to any person who has been convicted of any sex offense as defined in Article XI of the State of Illinois Criminal Code, assault, aggravated assault, battery, aggravated battery, eavesdropping, theft, deception, criminal damage to property, criminal trespass to land or vehicles, unauthorized possession of weapons, sale or possession of any dangerous drug, or disorderly conduct as these terms are defined in the State of Illinois Criminal Code. If the requisite information appears on the license application and is verified by investigation, a license shall be issued.

c) If a license application is rejected, the applicant shall be mailed a Notice of Rejection to the address listed on their application.

### **33.07 REVOCATION OR SUSPENSION OF LICENSE.**

a) The licenses issued pursuant to this Chapter may be revoked by the Chief of Police for any of the following causes. Notice of revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint.

1. Any fraud, misrepresentation or false statement contained in the application for license.
2. Conviction of any fraud, misrepresentation or false statement made in connection with the Sale of any Commercial Item.
3. Any violation of this Chapter.
4. Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude.
5. Conducting the business licensed under this Chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
6. Failure to pay any tax, duty or other sum or charge due to the City from the licensee or any person listed on the licensee's application, or any such person becoming a debtor of the City of DeKalb on any form of obligation.

b) In addition, in the event that the Chief of Police becomes aware that any Licensee under this Chapter 33 has been charged with any offense that would either disqualify the applicant from receiving a license or justify revocation of a previously issued license, the Chief of Police may notify the Licensee, via mail, of the City's intent to conduct a hearing to revoke the license in question. Such notice shall be mailed not less than 3 business days before the date of the hearing; however, if the Licensee is provided with actual, personal notice, not less than 1 business day of notice is required. Said hearing may be conducted by the Chief of Police or an Administrative Hearing Officer of the City, and shall be conducted as a hearing with a civil burden of proof and informal rules of evidence. In the event that the Chief of Police determines that, by a preponderance of the evidence, that it is more probably true than not that the licensee committed the offense in question, the Chief of Police shall revoke the license.

c) Further, the Chief of Police may suspend any license, for a period of not more than five business days, when the Chief determines that suspension is in the public interest or is reasonably necessary to protect the public health or safety, or when investigating an action or alleged violation of this Chapter 33 or any other City ordinance or state or federal statute by a licensee.

d) When multiple applicants are listed on a single application to engage in conduct licensed under this Chapter 33, the conduct of any single applicant/licensee shall be grounds to take action relative to all persons listed on said application/license.

### **33.08 APPEAL FROM DENIAL, SUSPENSION OR REVOCATION.**

Any person who is denied a license under this Chapter 33, or who receives a license and said license is subsequently revoked or suspended, may appeal such decision to the City Manager. A written notice of appeal must be filed in writing with the City Clerk, within thirty days of the date of denial, suspension or revocation, and said written appeal must outline all grounds and basis for the appeal that the licensee/applicant wishes to



have considered. The decision of the City Manager shall be issued within thirty days of the date of receipt of the appeal, and shall be final. The City Manager may, at his discretion, order a hearing before the City Manager or an Administrative Hearing Officer of the City to consider the appeal, on the grounds identified in the written notice of appeal.

### **33.09 RESTRICTIONS.**

The restrictions of this Section 33.09 shall apply to both Commercial Activity and Non-Commercial Activity.

a) **Posted Premises.** No person who engages in Regulated Activity shall enter upon any business or private residence in the City without have been requested or invited to do so by the owner or owners, occupant or occupants of the business or residence, for the purpose of pursuing his business of peddling, or soliciting, if there is posted in a place that can be readily seen by one approaching the business or residence, a sign bearing the legend "No Peddlers", "No Solicitors", or "No Canvassers", or words of similar import. It shall be unlawful for any person, whether engaging in commercial or noncommercial canvassing, solicitation or other similar enterprise, to, when entering upon a premises which has a reasonably visible "No Solicitors" or other such similar sign, continue with the attempted Peddling, Soliciting or service as an Itinerant Merchant. Upon sight of such sign, the person engaged in the activities must leave the premises. If such sign is reasonably visible, the person engaged in the activities shall be presumed to have seen the sign and shall be in violation of this chapter if he or she attempts his or her Commercial Activity or Non-Commercial Activity.

b) **Night Activity.** No person who engages in Regulated Activity shall go upon any private residence in the City for the purpose of canvassing or of pursuing his business of Regulated Activity without having been requested or invited to do so by the owner or owners, occupant or occupants of the private residence, before 9:00 a.m. or after 7:00 p.m. of any day.

c) **Noise.** No person who engages in Regulated Activity shall carry on his trade by means of loud outcries or other noises that disturb the peace and quiet of the residents of the City.

d) **Leave Upon Request.** No person shall engage in Regulated Activity at, or remain on the premises of, any residence after having been asked by the occupant thereof to leave said premises or residence.

e) No person shall leave or deposit materials upon private property without the consent of the property owner. Door hangars or printed materials left securely affixed or enclosed within a doorway in such a way as to avoid being subject to blowing away or becoming refuse shall be permitted. No materials shall be deposited into a yard or open area, or placed on or within any mailbox. (13-01)

f) In the case of a single-family dwelling, any person who engages in Regulated Activity shall only enter any property from the front yard and, unless invited by the resident of the premises, shall only knock, ring or otherwise attempt to contact the residents in the building at the front or main door to the dwelling.

g) For purposes of soliciting at multiple-family dwelling units, any person who engages in Regulated Activity shall only enter any property from the front entrance to the dwelling unit complex and, unless invited by the specific resident of a specific unit, shall only knock, ring or otherwise attempt to contact the residents in the building at the front or main door of each such unit.

h) No person who engages in Regulated Activity shall use any plan, scheme or ruse or make any statement which indicates or implies that the purpose of such person's visit is other than to obtain orders for or

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to make sales of goods or services. No person who engages in Regulated Activity shall make any false, fraudulent or misleading statement in connection with the Regulated Activity or in connection with the Sale of a Commercial Item.

i) No person who engages in Regulated Activity shall misrepresent the right of a buyer to rescind, or cancel a sale under the provisions of applicable law.

j) No person shall solicit any Sale of a Commercial Item on behalf of an entity, organization or individual which does not possess all required licenses, permits and permissions to engage in the Sale of the Commercial Item within the City of DeKalb and State of Illinois.

k) No person shall engage in any Regulated Activity at a time when their license for said activity has expired or has been suspended or revoked.

**33.10 RIGHT TO RESCIND.**

It shall be unlawful for any person to engage in a violation of the Consumer Fraud and Deceptive Business Practices Act ("the Act"), including any violation of the 3 day right to rescind provisions applicable to door-to-door sales under the Act.

Any person engaged in sales governed under 815 ILCS 505/2B (or any successor or amended version of said statute) shall be required to provide any customer with a written disclosure form, separate from any purchase contract, in both English and the primary language of the customer, that includes the full disclaimer and notice of consumer rights contemplated by the statute. It shall be unlawful to fail to comply with the Act, or to fail to give the separate notice required under this section 33.10.

**33.11 FALSELY CLAIMING REPRESENTATION OF THE CITY OR A PUBLIC ENTITY.**

It shall be unlawful to engage in any Regulated Activities and to falsely claim to be a representative of the City of DeKalb or any other governmental entity. Violation of this Section 33.11 shall be punishable by a fine of not less than \$750.00.

**33.12 ELECTRICAL AGGREGATION, ELECTRICAL, NATURAL GAS OR UTILITY SUPPLY AGREEMENTS.**

a) Any person engaged in Soliciting relating in any way to electrical aggregation or the supply of electricity or electrical power, or the sale or aggregation of electrical power, natural gas or any other utility supply within the City of DeKalb shall be required to provide a written disclosure, separate from all other documentation, to any potential customer prior to executing any contract or agreement for sale or for future sale or delivery of any Commercial Item. Said disclosure shall be in English and in the primary language of the potential customer, and shall be in a form and content acceptable to the City Clerk. Said disclosure shall clearly and expressly identify whether the Solicitor is working in connection with any City-initiated program or policy. If the person is not working in connection with a City-initiated program or policy (e.g. the person is not soliciting for electrical supply under the requirements of an electrical aggregation program from a supplier approved by the City Council), the disclosure shall so indicate, and shall also indicate that the City maintains an alternate aggregation program.

b) Said person engaged in Soliciting shall also verbally, expressly and clearly identify and indicate whether said person is working in connection with any City initiated program or policy. If the person is not

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working in connection with a City-initiated program or policy (e.g. the person is not soliciting for electrical supply under the requirements of an electrical aggregation program from a supplier approved by the City Council), the person shall so indicate, and shall also indicate that the City maintains an alternate aggregation program.

c) Without regard to any other definition, exemption or other provision of this Chapter 33, any person engaged in behavior contemplated by Section 33.12(a) shall be required to register as a Solicitor. The failure to register as a Solicitor, when engaged in behavior contemplated by Section 33.12(a) shall be a violation of this Ordinance, punishable by a fine of not less than \$750.00.

d) It shall be unlawful to fail to provide the separate, verbal and written disclosure required under the preceding section, or to falsely claim to be representing a City-initiated project.

e) A violation of this Section 33.12 shall be punishable by a fine of not less than \$750.00.

**33.13 FOOD OR BEVERAGE VENDING VEHICLES.**

a) Vehicles used exclusively as Food or Beverage Delivery Vehicles are not governed under the provisions of this Section 33.13.

b) It shall be unlawful to operate or own any vehicle utilized as a Food or Beverage Vending Vehicle within the City of DeKalb, without first obtaining a County of DeKalb Food Service License and any required inspection, permit or insurance. Copies of the same shall be provided to any City official or customer, for inspection, upon request. All such vehicles shall be maintained in good working order, and in compliance with all applicable regulations, codes and ordinances.

c) No person shall operate a food or beverage vending vehicle, employ a person to operate a food or beverage vending vehicle, or rent, lease or otherwise provide a food or beverage vending vehicle for use within the City without first having obtained a food or beverage vending vehicle license from the City Clerk, in consultation with the City Police Department. Any food or beverage vending vehicle operating in the City shall have its City food or beverage vending vehicle license prominently displayed in the lower right hand corner of the passenger front window of said vehicle, or in such other location as shall be visible to persons approaching such vehicle. A separate application and license shall be required for each person who is more than a 20% owner of the enterprise operating the food or beverage vending vehicle, for each person driving or operating the food or beverage vending vehicle within the corporate limits of the City, and for each person working in or vending from the food or beverage vending vehicle within the corporate limits of the City.

d) Application for a Food and Beverage Vending Vehicle License shall be made on the form utilized for a Solicitor's License and shall be subject to the same restrictions.

e) Fees: At the time of filing the application for a Food or Beverage Vending Vehicle, a fee of Twenty Five Dollars (\$25.00) shall be paid to the City Clerk to cover the cost of verifying the application; said fee shall be paid for each person listed on the application. These fees shall be non-refundable. Every peddler, solicitor, and itinerant merchant, as those terms are defined in Section 33.01, shall require a license. The fees contemplated in this subsection (e) shall be in addition to the required fee for background checks. All fees shall be payable prior to the issuance of a license under this Chapter 33, for the full duration of license sought. In addition, a monthly fee of \$50 shall apply to the operation of each such vehicle. Monthly fees shall not be refundable or prorated.



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f) In addition to the regulations applicable to Solicitor's licenses, no person who is a sex offender as defined in the Sex Offender Registration Act (730 ILCS 150/1 et. seq., as may be modified from time to time) shall be permitted to operate or obtain a license to operate any food or beverage vending vehicle within the City. No person who has plead guilty or otherwise has been convicted of any crime that would disqualify said person from holding a job as a public school teacher or bus driver within the State of Illinois shall be permitted to operate or obtain a license to operate any food or beverage vending vehicle within the City. Additionally, no person who, in the judgment of the Chief of Police of the City, has plead guilty to or otherwise has been convicted of any crime or offense that is incompatible with the requirements of this Ordinance, including but not limited to: a) one serious or multiple minor traffic offenses that demonstrate a history of failing to adhere to applicable traffic regulations; b) crimes or offenses directed at children or minors; c) crimes or offenses involving the sale of unlawful or illicit substances such as illegal drugs, fireworks, or sale of age-regulated materials to underage persons; or, d) such other crimes as the Chief of Police shall deem incompatible with this ordinance, shall be eligible to operate or to receive a license to operate any food or beverage vending vehicle within the City. The Chief of Police shall be responsible for review and approval of all food or beverage vehicle vending licenses submitted to the City, and any license not meeting his approval shall be rejected and denied.

g) Every food or beverage vending vehicle operated within the City on any public roadway shall be covered by a policy of automotive liability insurance and a policy of comprehensive general liability insurance issued by a solvent and responsible insurance company authorized to do business in Illinois. Each such policy shall carry minimum limits of coverage of \$1,000,000.00 per occurrence. Each vendor shall provide the City with a certificate of insurance naming the City as an additional primary insured without right of subrogation.

h) Violation of the terms of any provision of this Ordinance or any provision of the Illinois Vehicle Code or applicable local, state or federal food and sanitation ordinances shall be cause for revocation of a license, and subsequent ineligibility to obtain a license, for a period of not less than ten days and not more than one year. A third or subsequent violation shall be cause for permanent ineligibility for issuance of a City license. Violations shall be processed according to the provisions of Section 33.07 and 33.08.

i) All food or beverage vending vehicles (including ice cream vehicles) shall be equipped with the following items, which shall be operational and in use whenever vending occurs within the corporate limits of the City.

1. A litter or trash container, visible and available to customers of the vending vehicle (in addition, each licensee shall clean up any litter or trash occurring as a result of the vendor's business prior to leaving any area of sale).

2. Adequate equipment and refrigeration to keep all perishable food or beverage on the vehicle at a temperature below 50 degrees Fahrenheit, and perishable ice cream or similar frozen confections at a temperature of below 0 degrees Fahrenheit. The use of ice or dry ice for refrigeration is prohibited.

3. A sign on the passenger side of the vehicle displaying in letters no smaller than five inches in height in a clearly visible color, the name and phone number of the company or person responsible for the operation of the vehicle.

4. At all times while engaged in retail sales or soliciting for retail sales, there may be no persons under the age of 18 or persons other than employees in said food or beverage vending vehicle. All persons in said vehicle must be licensed by the City in accordance with this Ordinance.

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j) In addition, all ice cream vehicles shall be equipped with the following items, which shall be operational and in use whenever vending occurs within the corporate limits of the City.

1. A sign on the front and back of the vehicle which shall consist of reflective letters no less than five inches in height and which shall state "CAUTION, CHILDREN CROSSING."

2. A foldout, diamond-shaped sign on the left side of the vehicle which shall consist of black or yellow reflective letters no less than five inches in height which shall state "SLOW." This sign shall be located at a height of between five feet and eight feet above ground level and shall be displayed at a 90 degree angle to the left side of the vehicle whenever it is stopped for the purpose of vending.

3. Two amber lights, each five inches or greater in diameter mounted on the left and right front, and two amber lights, each five inches or greater in diameter mounted on the left and right rear of the vehicle. Said amber lights shall flash alternately from the opposing light on the same end (front or rear) of the vehicle and be sufficiently bright to be visible from a distance of 500 feet during daylight conditions, whenever the vehicle is stopped for the purpose of vending.

k) All food or beverage vending vehicles shall be operated in strict compliance with the City traffic ordinances and the Illinois Vehicle Code.

l) Whenever a food or beverage vending vehicle stops to make a retail sale, said vehicle shall drive to the right side of the road and park adjacent to the curb, in a location that is otherwise a legal parking spot. No vending shall occur in no parking zones, or in any location that blocks any fire hydrant, driveway, sidewalk, roadway, or right of way. No retail sale shall occur to any person who is standing in a public roadway.

m) No food or beverage vending vehicle shall remain in any one location on a public right of way for the purpose of vending for more than fifteen minutes at a time, except with the express permission of the City Police Department.

n) All vending shall occur from the right, or passenger side of the vehicle, through a door or window designed for the same, with the vehicle stationary and in park, with the parking brake applied. In the case of any motor vehicle used for vending, no person shall occupy the driver's seat of said vehicle at any time the vehicle is engaged in retail sales.

o) No retail sales shall occur before 9:00am or after sunset on any day, except with the express, written permission of the City Police Department.

p) No food or beverage vending vehicle shall be operated by any person who is afflicted with or who is the carrier of any infections or contagious disease which may be passed by vending or retail sales.

q) Each motorized food or beverage vending vehicle utilized within the City shall display a current Illinois vehicle safety sticker evidencing a current safety test inspection from a licensed Illinois safety lane inspection station, whether or not such sticker would be customarily required for said vehicle in the absence of this Ordinance.

r) No food or beverage vending vehicle shall vend directly to another vehicle. Vending shall be to pedestrians only.

s) No retail sales shall occur within 100' of the nearest intersection of public roadways.

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t) No retail sales shall occur on private property and no food or beverage vending vehicle shall be operated on any private property except with the permission of the property owner.

u) No retail sales shall occur in any public parking lot and no food or beverage vending vehicle shall be operated in any public parking lot, except with the express written permission of the City Police Department.

v) No food or beverage vending vehicle shall be operated and no retail sales shall be conducted within 500' of any City sponsored or authorized activity in any City park or open space where food concessions are available and open.

w) No alcoholic beverages, tobacco products, or other products which are age-restricted under applicable federal, state or local law, shall be offered for retail sale from any food or beverage vending vehicle.

x) No food or beverage vending vehicle shall be utilized to solicit retail sales on any street with a speed limit in excess of 25mph within the limits of the City, nor on a street with 3 or more lanes for moving traffic. No food or beverage vending vehicle shall be utilized for retail sales on any street with a speed limit in excess of 25mph.

y) No food or beverage vending vehicle which is attempting to solicit retail sales shall be operated at a speed in excess of the lesser of: 1) 15mph; or, 2) such speed which is safe in response to the conditions and traffic encountered.

z) No food or beverage vending vehicle shall utilize any strobe or revolving light to attempt to solicit retail sales or advertise the presence of said food or beverage vending vehicle while in operation in the City.

aa) No food or beverage vending vehicle shall utilize any or noise or sound amplification device or music to solicit retail sales or advertise its presence, except while stationary and parked in a lawful location. Any music, noise or sound amplification used must be in compliance with all applicable local, state and federal regulations and: 1) must be at a volume that does not create a nuisance; 2) must be at a volume such that the music or noise cannot be heard from more than 300' from said food or beverage vending vehicle; and, 3) must be at a volume that does not create a public hazard.

bb) No food or beverage vending vehicle or operator thereof shall operate any camera or video camera at any time while in the City, except that a single, rear-mounted video camera may be utilized for reversing operations, provided that no recording is made from said camera.

cc) The operator of any food or beverage vending vehicle shall report and pay sales taxes, with such sales taxes being reported as originating within the City, where required under applicable Illinois law. The operator shall also remit any required Restaurant and Bar taxes required under City Code.

#### **33.14 APPROACH TO FOOD OR BEVERAGE VENDING VEHICLE.**

Any person operating any motor vehicle, upon approaching a food or beverage vending vehicle which is stopped or parked within the City with its amber lights flashing and sign displayed as described in 33.13 above, shall reduce the speed of his or her vehicle to a speed which is safe for the conditions and the presence of any pedestrian traffic, not in excess of 15 mph, while within 300' of said food or beverage vending vehicle. If there appear to be pedestrians engaging in retail sales at such food or beverage vending vehicle, each vehicle



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approaching shall come to a complete stop within 25' of said food or beverage vending vehicle, and shall proceed past said food or beverage vending vehicle with due caution for all pedestrian, bicycle and foot traffic.

**33.15 PENALTIES.**

Unless expressly identified with a higher fine above, a violation of any provision of this Ordinance shall be an unlawful ordinance violation, with a minimum penalty of \$300. Each day that said violation is permitted to persist shall be a separate violation, punishable by fine. In the case of recurrent conduct on a single day, in the event a person is issued a citation for unlawful activity and, following the issuance of said citation, re-engages in the same or substantially similar unlawful conduct on that same day, each incident of conduct occurring after the issuance of the original citation shall be a separate offense, punishable by an individual fine.

CORTLAND

## Chapter 3

# PEDDLERS AND SOLICITORS<sup>1</sup>

### 3-3-1: GENERALLY:

- A. Invitation Required: It shall be unlawful for any person to go upon the residential premises of another for the purpose of soliciting orders, selling, or peddling without the consent or invitation of the owner or occupant. (Ord. 2000-18, 10-23-2000)

### 3-3-2: PEDDLERS:

- A. Definition: The term "peddler" shall mean any person or persons who sell or offer to sell goods, wares, or merchandise of any kind or character on foot or from any vehicle along any street or public way or in any public space within the town.
- B. License Required: It shall be unlawful to engage in peddling or in the business of peddler in the town without a license. A separate license shall be required for every individual engaged in any peddling enterprise within the town.
- C. License Application: Applications for peddler's license shall be made to the town clerk along with a nonrefundable fee and shall state thereon the description and registration number of all vehicles, if any, intended to be used; the type of goods, wares or merchandise to be peddled; the permanent address of the peddler; and the Illinois business tax number of the peddler.
- D. License Fee: The nonrefundable fee for such license shall be twenty five dollars (\$25.00) per license.
- E. Period In Effect: A peddler's license shall be in effect for one year from the date of issuance. (Ord. 2000-18, 10-23-2000)

### **3-3-3: SOLICITORS:**

A. Definitions: For the purpose of this chapter the following words as used herein shall be construed to have the meanings herein ascribed thereto:

**REGISTERED SOLICITOR:** Shall mean and include any person who has obtained a valid certificate of registration as hereinafter provided, and which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

**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.

**SOLICITING:** Shall mean and include 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 or purchase of insurance of any type, kind, or character; or
3. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and every other type of publication; or
4. 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.

B. Certificate Of Registration: Every person desiring to engage in "soliciting" as herein defined from persons in residences within this municipality is hereby required to make written application for a certificate of registration as hereinafter provided. (Ord. 2000-18, 10-23-2000)

C. Application For Certificate Of Registration:

1. Form, Filing, Contents: Application for a certificate of registration shall be made upon a form provided by the chief of police of this municipality and filed with such chief along with a nonrefundable application fee of twenty five dollars (\$25.00). (The fee may be waived by approval of the town president/mayor.) The applicant shall truthfully state in full the information requested on the application: (Ord. 2000-18, 10-23-2000; amd. Ord.



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- a. Name and address of place of business;
  - b. State of Illinois business tax identification number;
  - c. Name and address of the person, firm, corporation, or association whom the applicant is employed by or represents; and the length of time of such employment or representation;
  - d. Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage;
  - e. Period of time for which the certificate is applied (maximum of 30 days);
  - f. The date, or approximate date, of the previous application for certificate under this chapter, if any;
  - g. Has a certificate of registration issued to the applicant under this chapter ever been revoked;
  - h. Has the applicant ever been convicted of a violation of any of the provisions of this chapter or the ordinance of any other Illinois municipality regulating soliciting;
  - i. 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;
  - j. Also such additional information as the chief of police may deem necessary to process the application.
2. Identification: At the time of application, the applicant must possess and display a valid identification card or driver's license issued by the state of origin of the applicant. The identification card or driver's license must contain a photo likeness of the applicant and contain an address, date of birth, and physical description of the applicant. This identification shall be photocopied and accompany the application for certificate of registration.
  3. Age: All applicants wishing to solicit for other than nonprofit organizations must be at least eighteen (18) years of age.
  4. Fingerprinting: The chief of police may require every applicant to submit to fingerprinting by the police department of this municipality in connection with the application for a certificate.
  5. Records: The chief of police shall cause to be kept in his office a 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 chapter and of the denial of applications.
  6. Effect Of Conviction Of Commission Of Felony, Violation Of Laws, Ordinances: 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 (5) years of the date of application; nor to any person who has been convicted of a violation of any provisions of this chapter; nor to any person whose certificate of registration has been revoked as herein provided.

- D. **Issuance And Revocation Of Certificate:** The chief of police, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such certificate as herein required, 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 shall be made by the chief of police upon the denial of the application.

When the applicant is found to be fully qualified, the certificate of registration shall be issued forthwith for a maximum period of thirty (30) days. The certificate of registration shall state the expiration date thereof, which shall be a maximum of thirty (30) days from the date of issuance.

Any certificate of registration issued hereunder shall be revoked by the chief of police if the holder of the certificate is convicted of a violation of any of the provisions 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 under the terms of this chapter. Immediately upon such revocation, written notice shall be given by the chief of police to the holder of the certificate in person or by certified U.S. mail, addressed to his or her residence address set forth in the application. Immediately upon giving of such notice the certificate of registration shall become null and void.

- E. **Town Policy On Soliciting:** It is hereby declared to be the policy of the governing body of this municipality that the occupant or occupants of the residences in this municipality shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residence.
- F. **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 the refusal of invitation to solicitors, to any residence shall be given in the following manner:

A weatherproof card, approximately three inches by four inches (3" x 4") 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:

*ONLY SOLICITORS REGISTERED IN THE  
TOWN OF CORTLAND INVITED*

or

*NO SOLICITORS INVITED*

The letters shall be at least one-third inch ( $\frac{1}{3}$ " ) in height. For the purpose of uniformity the cards shall be provided by the chief of police to persons requesting these cards.

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.

- G. Duty Of Solicitors: It shall be the duty of every solicitor upon going onto any premises in the municipality upon which a "residence" as herein defined is located, to first examine the notice provided for in this section, if any is attached, and be governed by the statement contained on that notice. If the notice states "ONLY SOLICITORS REGISTERED IN THE TOWN OF CORTLAND INVITED", then the solicitor not possessing a valid certificate of registration shall immediately and peacefully depart from the premises; and if the notice states "NO SOLICITORS INVITED", then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

Any solicitor 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.

- H. Uninvited Soliciting Prohibited: It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring a 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 engaging in "soliciting" as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of this chapter.
- I. Hours For Soliciting: It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this chapter 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 engaging in "soliciting" as herein defined, prior to nine o'clock (9:00) A.M. or after either dusk or seven o'clock (7:00) P.M., whichever is earlier, of any weekday, or at any time on a Sunday or on a state or national holiday. (Ord. 2000-18, 10-23-2000)



### **3-3-4: PENALTIES:**

- A. Fine: Any peddler or solicitor who violates any provision of this chapter shall be fined not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00).
  
- B. Settlement: Any person accused of a violation of this chapter may settle the claim by delivering to the town hall the violator's copy of the town ordinance citation and cash or money order made payable to the town of Cortland. If the fifty dollar (\$50.00) fine is not received within seven (7) days the fine will increase to one hundred dollars (\$100.00). If that fine is not received within the next seven (7) days, the accused will be summoned to court and may be fined up to five hundred dollars (\$500.00). (Ord. 2000-18, 10-23-2000)