

Chapter 30

SOLICITATIONS

3-30-1: PERMIT REQUIRED:

No individual, association, corporation, school, church, religious sect, religious denomination, political organization, social organization, civic organization, or league shall conduct a tag day or sell merchandise or tickets at a fixed price, a portion of which price is received by the selling individual or organization as part of a fundraising effort for charity or a community project, or otherwise solicit monetary contributions or goods for any charitable endeavor or community project from the residents of the village without having first obtained a permit to solicit.

However, no permit need be obtained by any school, church, or organization which is conducting a solicitation solely among its members thereof or by any noncommercial, religious, or political organization which does not solicit monetary contributions or goods and is merely interested in distributing materials or conveying a verbal message. (Ord. 5081, 8-12-2002)

3-30-2: APPLICATION FOR PERMIT:

An application for a permit to solicit shall be made in writing to the village administrator on forms furnished by the village administrator's office. The application shall contain the following information, or in lieu thereof, a statement as to why information cannot be furnished: (Ord. 3829, 4-22-1991)

- (A) The name and address and length of time it has been operating of the charity or organization applying for the permit.
- (B) The names and addresses of the people in charge of organizing and supervising the solicitation and length of residence in the village.
- (C) The names and addresses of those people who will be soliciting and length of residence.
- (D) The name and address of any person who is to receive a percentage of the funds collected for organizing or promoting the solicitation.
- (E) The amount or percentage to be paid to such promoter or organizer.
- (F) The purpose for which the collected funds are to be used.
- (G) The name and address of the person or organization to whom the funds are to be remitted when collected.

- (H) The method or methods to be used in conducting the solicitation.
 - (I) The time when such solicitation is to be made, giving dates requested for beginning and ending of solicitation.
 - (J) The date, or approximate date, of the latest previous application for a permit under this chapter, if any.
 - (K) A statement as to whether or not a permit previously issued to this applicant or organization under this chapter has ever been revoked.
 - (L) A statement as to whether or not the applicant, or organization or other of the organization's members, has ever been convicted of a violation of any provision of this chapter or the ordinance of any other Illinois municipality regulating soliciting.
 - (M) A statement as to whether or not the applicant or organization or the organization's members has ever been convicted of a felony under the laws of the state of Illinois or any other state or federal laws of the United States.
 - (N) A statement that, if a permit is granted, it will not be used or represented in any way as an endorsement by the village or any department or official thereof.
 - (O) A statement that the applicant is a responsible member of the organization and giving the purpose for which he or she and the organization proposes to collect.
- Such other information as the village administrator may request. (Ord. 2197, 5-23-1977)

3-30-3: ISSUANCE OF PERMIT:

The village administrator shall issue the permit requested if he has reason to believe that:

- (A) The statements in the application are true,
- (B) The control and supervision of the solicitation will be under responsible and reliable persons,
- (C) The solicitation is solely for the purpose of financing the charitable cause or community project as described in the application,
- (D) Neither the applicant(s) nor organization for which the applicant(s) propose(s) to solicit have engaged in any fraudulent practices,

(E) Neither the applicant(s) nor organization for which the applicant(s) propose(s) to solicit have been convicted of a violation of any provision of this chapter or the ordinance of any other Illinois municipality regulating soliciting, and

(F) Neither the applicant(s) nor organization for which applicant(s) propose(s) to solicit have ever been convicted of a felony under the laws of the state of Illinois or any other state or federal laws of the United States; otherwise the permit shall be denied.

The permit shall consist of a copy of the application signed by the village administrator as approved. Each person soliciting under the application shall carry a copy of the approved application. Such approved copies may be reproduced by the applicant or applicant's organization as necessary. However, a separate application shall be required for each separate period for which the solicitation is made. (Ord. 2197, 5-23-1977)

3-30-4: FEE:

Before a permit is issued, a permit fee of three dollars (\$3.00) shall be paid. (Ord. 2290, 12-12-1977, eff. 7-1-1978; amd. Ord. 4458, 1-13-1997)

3-30-5: TIME OF PERMIT:

Permits issued hereunder shall bear the name and address of the organization by and for which the solicitation is to be made, the date issued, and the dates within which the solicitation will be conducted. No permit may grant the right to solicit for a period of longer than twenty one (21) days. The delivery of goods or merchandise or follow up collection of pledges of contributions shall not exceed an additional ten (10) days unless requested by the contributor. No solicitor or organization shall solicit a resident while at his or her residence more than once during the approved period of solicitation, unless the resident being solicited specifically requests the solicitor to return. (Ord. 2197, 5-23-1977)

3-30-6: PERMIT NONTRANSFERABLE:

Any permit issued hereunder shall be nontransferable. (Ord. 3829, 4-22-1991)

3-30-7: RECEIPTS:

Any person receiving more than one dollar (\$1.00) as a monetary contribution, or in return for merchandise from any contributor by solicitation made pursuant to a permit granted hereunder, shall, if requested by the contributor, give to the contributor a written receipt signed by the solicitor showing the name of the organization to whom the permit was issued, the name of the solicitor and the amount received; provided, however, that this section shall not apply to contributions collected by means of a closed box or receptacle used in a solicitation. (Ord. 2197, 5-23-1977)

3-30-8: UNLAWFUL TRESPASS; MISREPRESENTATION:

It is hereby declared to be the policy of the president and board of trustees of the village that the occupant or occupants of the residences in the village shall make the determination of whether solicitors shall be or shall not be, invited to their respective residences. (Ord. 2197, 5-23-1977)

- (A) Every person desiring to secure the protection intended to be provided by this chapter shall give notice of his determination to refuse to invite solicitors to the residence by exhibiting a weatherproof card, decal or sign, not less than three inches by four inches (3" x 4") in size, upon or near the main entrance, point of approach or entry to the residence, containing the words "NO PEDDLERS OR SOLICITORS INVITED", the letters of which shall be at least one-third inch ($\frac{1}{3}$ ") in height, and, for the purpose of uniformity, cards shall be provided by the police department to persons requesting them at the cost thereof. Such card, decal or sign so exhibited shall constitute sufficient notice to any solicitor that he is prohibited from trespassing upon the premises. (Ord. 3829, 4-22-1991)

- (B) It is hereby declared to be unlawful, and shall constitute a trespass, for any person to go upon any premises and ring the doorbell, 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, in defiance of the notice exhibited at the residence, in accordance with the provisions of this chapter.

- (C) It shall be unlawful for any person engaged in soliciting to use sales or other tactics based on force, threat of force, intimidation or psychological pressure; to knowingly misrepresent himself or herself or their product to any village official, or potential or actual contributor, or to make or cause to be made any contract, order form or instrument of indebtedness without full knowledge of the contributor. (Ord. 2197, 5-23-1977)

3-30-9: REVOCATION, SUSPENSION OF PERMIT:

Any permit issued under this chapter may be suspended or revoked by the village administrator if he has reason to believe that the permit holder, the permit holder's organization or other members of permit holder's organization have violated any provisions of this chapter or any other provisions of any ordinance of the village, or any section of this code, or any statute, rule or regulation of any other governmental agency.

Upon receiving a complaint or other notification alleging that a violation has occurred, the village administrator shall fix a date and time for a hearing and shall notify the permit holder or permit holder's organization either verbally or in writing of the charge. At the hearing the village administrator shall hear such evidence bearing upon the question as may be presented by the complainant and the permit holder. Based upon the evidence taken at such hearing the village administrator shall make a determination as to whether

or not the permit shall be suspended or revoked and shall cause his decision to be carried out. (Ord. 2197, 5-23-1977)

3-30-10: HOURS OF OPERATION:

No soliciting shall be permitted within the village before the hour of nine o'clock (9:00) A.M. or after the hour of nine o'clock (9:00) P.M. Monday through Friday, before the hour of nine o'clock (9:00) A.M. or after the hour of six o'clock (6:00) P.M. on Saturdays, and no soliciting shall be conducted on Sundays. (Ord. 3829, 4-22-1991)

3-30-11: SIGNS AT VILLAGE LIMITS:

The public works director is hereby directed to post appropriate signs at the limits of the village with the following language:

SOLICITORS MUST BE LICENSED AND REGISTERED. APPLY AT GLEN ELLYN MUNICIPAL BUILDING, 535 DUANE STREET.

(Ord. 2197, 5-23-1977)

3-30-12: VIOLATION, CONFLICTING ORDINANCES:

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be fined in any amount not exceeding five hundred dollars (\$500.00) for each such offense. (Ord. 2197, 5-23-1977)

3-30-13: VALIDITY OF CHAPTER:

If any section, subsection, paragraph or part of this chapter is for any reason held to be unconstitutional or invalid by any final court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter. (Ord. 2197, 5-23-1977)

3-30-14: UNLAWFUL SOLICITATION:

It shall be unlawful for any person to stand on or within any street located within the corporate limits of the village for the purpose of soliciting employment, business or contributions from the occupant of any vehicle. (Ord. 2442, 3-26-1979)

(A) Any charitable organization registered with the attorney general in the manner provided by law may stand upon the streets or highways within the municipality at any intersection where all traffic is required to come to a full stop for the purpose of soliciting contributions from the occupants of any vehicle as part of a statewide fundraising activity. The charitable organization shall be liable for any injuries to any person or property during the solicitation which is causally related to an act of ordinary negligence of the soliciting agency. Any person engaged in the act of solicitation shall be at least sixteen (16) years of age and shall wear a high visibility

vest. Any charitable organization wishing to engage in such solicitation for contributions shall apply to the village administrator for a permit. The application shall state the following facts along with such other facts as may be required by the village administrator:

1. The name, address and telephone number of the organization.
2. The name, address and telephone number of a local representative of the organization or that person making the application.
3. Proof that the organization is registered with the attorney general.
4. A statement of the statewide fundraising activity of which the local solicitation effort is a part.
5. A certificate of insurance showing whether the organization is insured against any claims for injuries or damage to property which is causally related to an act of ordinary negligence of the soliciting agent acting on behalf of the organization.
6. The location or locations at which approval to solicit is being sought.
7. The days and times of days at which such solicitation is proposed to take place.
8. The number of persons proposed to solicit at each location.

(B) The village administrator shall issue a permit for such solicitation if he finds that the applicant has complied with all of the provisions of state law regarding such solicitation and the provisions of this chapter. The village administrator must also find that the locations, times and durations of the proposed solicitation and number of proposed solicitors shall not result in an interference with the flow of vehicular traffic. (Ord. 2504, 11-13-1979, eff. 1-1-1980)