

STATE OF ILLINOIS - COUNTY OF BOND
CITY OF GREENVILLE

ORDINANCE NO. 3189

AN ORDINANCE AMENDING CHAPTER 114: PEDDLERS AND
SOLICITORS OF THE CITY CODE OF ORDINANCES, BY THE
CITY OF GREENVILLE, BOND COUNTY, ILLINOIS

ADOPTED BY THE
CITY COUNCIL
OF
THE CITY OF GREENVILLE
THIS 11th DAY OF DECEMBER, 2018

Published in pamphlet form by authority of the City Council of the City of Greenville,
Bond County, Illinois, this 12th day of December, 2018.

STATE OF ILLINOIS
COUNTY OF BOND, CITY OF GREENVILLE
ORDINANCE NO. 3189

AN ORDINANCE AMENDING CHAPTER 114: PEDDLERS AND SOLICITORS OF THE CITY CODE OF ORDINANCES, BY THE CITY OF GREENVILLE, BOND COUNTY, ILLINOIS

WHEREAS, it is desired that the Greenville Code of Ordinances Chapter 114: Peddlers and Solicitors; be amended in the following respects:

That Chapter 114; Peddlers and Solicitors in its entirety, shall be removed and discarded.

It is hereby replaced with the new Chapter 114, which shall say:

CHAPTER 114: PEDDLERS AND SOLICITORS

114.01 **DEFINITIONS.** For the purpose of this Chapter, the following words as used herein shall be construed to the meanings of herein ascribed thereto, to-wit:

"REGISTERED SOLICITOR" shall mean and include any person who has obtained a valid Permit 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 (1) or more persons, contained within any type of building or structure.

"SOLICITING" shall mean and include any one (1) or more of the following activities:

(A) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description for any kind of consideration whatsoever or;

(B) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character, or;

(C) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication or;

(D) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation or project.

114.02 PERMIT. Every person desiring to engage in soliciting as herein defined from persons within this Municipality is hereby required to make written application for Permit as hereinafter provided. All resident charitable, non-profit organizations in the Municipality which have been in existence for six (6) months or longer shall be exempt from the provisions of this Article.

114.03 APPLICATION FOR PERMIT. Applications for a Permit shall be made upon a form provided by the Chief of Police of this Municipality and filed with such Chief. The applicant shall truthfully state in full the information requested on the application, to-wit:

(A) Name and address of present place of residence and length of residence at such address; also, business address if other than residence address; also, Social Security Number.

(B) Age of applicant and marital status; and if married, the name of the spouse.

(C) Applicant must provide a copy of applicant's driver's license or identification card issued by the state.

(D) Name and address of the person, firm or corporation or association with whom the applicant is employed or represents; and the length of time of such employment or representation.

(E) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.

(F) The date or approximate date of the latest previous application for a Permit under this Chapter, if any.

(G) Has a Permit 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 Code or the regulations 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) The last three (3) municipalities where the applicant carried on business immediately preceding the date of application in this Municipality and the address from which such business was conducted in those municipalities.

(K) Also, such additional information as the Chief of Police may deem necessary to process the application.

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

The Chief of Police shall cause to be kept an accurate record of every application received and acted upon, together with all other information and data pertaining thereto and all Permits issued under the provisions of this Chapter and of the denial of applications.

Applications for Permits issued shall be numbered in consecutive order as filed, and every Permit issued and any renewal thereof shall be identified with the duplicate number of the permit originally issued.

No Permit 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 the application; nor to any person who has been convicted of a violation of any of the provisions of this Chapter, nor to any person whose Permit issued hereunder has previously been revoked as herein provided.

114.04 EXEMPTIONS. The following are exempt from obtaining a solicitor's permit and from registering with the city:

(1) Persons specifically invited to a residence or a commercial building by a competent individual prior to the time of the person's arrival at the residence or commercial building;

(2) Person delivering goods to a residence or commercial building pursuant to a previously made order, or persons providing services at a residence or commercial building to a previously made request by a competent individual;

(3) Persons advocating or disseminating information for, against or in conjunction with any religious belief, or political position;

(4) Those seeking to obtain from an occupant of any residence or business, an indication of the occupant's belief in regard to any political matter;

(5) Those who canvas door to door;

(6) Those who distribute handbills;

(7) A person of 16 years of age and under, who is participating in a fund raising program for or sponsored by, a public or private elementary, high school or bona fide children's organization, including, without limitation, Boy Scouts, Girl Scouts or youth sports.

114.05 ISSUANCE AND REVOCATION OF PERMIT. 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 Permit as herein required, and that the issuance of a Permit to the applicant would not be in accord with the intent and purpose of this Code. Endorsement shall be made by the Chief of Police upon the application of the denial of the Permit. When the applicant is found to be fully qualified, the Permit shall be issued forthwith. The Permit shall be issued within 10 days of the receipt of the application.

Any Permit issued hereunder shall be revoked by the Chief of Police if the holder of the Permit is convicted of a violation of any provision of this Chapter, or has made a false material statement in the application or otherwise becomes disqualified for the issuance of a Permit under the terms of this Chapter. Immediately upon such revocation, written notice thereof shall be given by the Chief of Police to the holder of the Permit in person or by U.S. Mail, addressed to his or her residence address set forth in the application. Immediately upon giving of such notice, the Permit shall become null and void.

The Permit shall be valid for a period of 30 days, and the Permit shall state the expiration date thereof.

114.06 CREDENTIALS. Upon approval of the application for a permit, as herein before stated, credentials shall be issued to the applicant and include a photograph of the applicant. Such credentials must be worn by the solicitor within the city when soliciting. The credentials will be worn in such a manner as to be readily visible.

114.07 FEE. A permit applicant must pay a non-refundable application fee in the amount of \$50 payable to the city. In addition, each person to whom a permit is issued shall pay a permit fee of \$50.

114.08 POLICY ON SOLICITING. It is declared to be the policy 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 residences.

114.09 NOTICE REGULATING SOLICITING. Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this Article shall comply with the following directions:

(A) Notice of the determination by the occupant of giving notice of the refusal of invitation to solicitors to any residence shall be given in the manner provided in paragraph (B) of this section.

(B) A sign shall be exhibited upon or near the main entrance door to the residence indicating the determination by the occupant and containing the applicable words, as follows: "NO SOLICITING".

(C) For the purpose of uniformity, the Chief of Police will have available to any interested party, "NO SOLICITING" signage.

(D) Said signage shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

114.10 COMPLIANCE BY SOLICITORS. It is the duty of every solicitor upon going onto any premises in this Municipality upon which a residence as herein defined is located to first examine the notice provided for in Section 114.08 and 114.09. If the notice states, "NO SOLICITING", then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises, or when requested to do so by the occupant.

114.11 UNINVITED SOLICITING PROHIBITED. It is declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the 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 engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of Section 114.08.

114.12 TIME LIMIT ON 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 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 10:00 AM or after 5:00 PM Monday through Saturday or at any time on a Sunday or on a State or National Holiday.

114.13 SOLICITATION ON STREETS BY CHARITABLE
ORGANIZATIONS.

(A) A charitable organization shall, through its representatives and or members, be permitted to solicit at the intersections of the city streets without obtaining a solicitor's permit, but shall be required to register with the Chief of Police and provide the following information:

(1) Name, address and telephone number of the group or organization;

(2) Name, address and telephone number of a contact person for the group or organization;

(3) The purpose of the solicitations to be conducted in the city;

(4) A list of the names of the persons acting on behalf of the group or organization; and

(5) Provide proof of compliance with the Solicitation for Charity Act, ILCS Ch. 225, Act 460, §§ 0.01 et seq, if applicable.

(B) Solicitation shall be allowed only under the following conditions:

(1) Solicitations may only be set up at intersections controlled by stop signs. They are not permitted at intersections controlled by electronic traffic signs.

(2) Each individual participating in the event shall be at least 16 years of age and will wear a reflective vest.

(3) The charitable organization or corporation shall be liable for any injuries to any person or property during the solicitation which is casually related to an act of ordinary negligence of the solicitor; shall hold the city harmless from any claim of said person(s); shall provide the city

with evidence that the charitable organization is insured for \$1,000,000 through an insurance company licensed to do business in the state and has named the city as an additional insured.

(4) Solicitation will be permitted only between one-half hour after sunrise and one-half hour before sunset.

114.99 PENALTY.

(A) Any person violating any provision for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person, organization, society, association or corporation, or any agent or representative thereof, violating any of the provisions of this chapter, or knowingly filing, or causing to be filed, a false affidavit in connect with the application for Permit, shall be subject to a fine of not exceeding the sum of \$750.

(C) Every person who is convicted of a violation of this chapter shall be fined a sum of money not to exceed \$750.

NOW, THEREFORE, LET IT BE RESOLVED by the Mayor and the City Council of the City of Greenville, Bond County, Illinois, as follows:

SECTION 1-GENERAL STATEMENT: That effective December 11, 2018, it is desired that Chapter 114: Peddlers and Solicitors, be amended in the following respects:

That Chapter 114; Peddlers and Solicitors in its entirety, shall be removed and discard.

It is hereby replaced with the new Chapter 114, which shall say:

CHAPTER 114: PEDDLERS AND SOLICITORS

114.01 DEFINITIONS. For the purpose of this Chapter, the following words as used herein shall be construed to the meanings of herein ascribed thereto, to-wit:

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

"SOLICITING" shall mean and include any one (1) or more of the following activities:

(A) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description for any kind of consideration whatsoever or;

(B) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character, or;

(C) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication or;

(D) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation or project.

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(A) Name and address of present place of residence and length of residence at such address; also, business address if other than residence address; also, Social Security Number.

(B) Age of applicant and marital status; and if married, the name of the spouse.

(C) Applicant must provide a copy of applicant's driver's license or identification card issued by the state.

(D) Name and address of the person, firm or corporation or association with whom the applicant is employed or represents; and the length of time of such employment or representation.

(E) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.

(F) The date or approximate date of the latest previous application for a Permit under this Chapter, if any.

(G) Has a Permit 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 Code or the regulations 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) The last three (3) municipalities where the applicant carried on business immediately preceding the date of application in this Municipality

and the address from which such business was conducted in those municipalities.

(K) Also, such additional information as the Chief of Police may deem necessary to process the application.

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(4) Those seeking to obtain from an occupant of any residence or business, an indication of the occupant's belief in regard to any political matter;

(5) Those who canvas door to door;

(6) Those who distribute handbills;

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Chapter, or has made a false material statement in the application or otherwise becomes disqualified for the issuance of a Permit under the terms of this Chapter. Immediately upon such revocation, written notice thereof shall be given by the Chief of Police to the holder of the Permit in person or by U.S. Mail, addressed to his or her residence address set forth in the application. Immediately upon giving of such notice, the Permit shall become null and void.

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to soliciting contained in this Article shall comply with the following directions:

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(B) A sign shall be exhibited upon or near the main entrance door to the residence indicating the determination by the occupant and containing the applicable words, as follows: "NO SOLICITING".

(C) For the purpose of uniformity, the Chief of Police will have available to any interested party, "NO SOLICITING" signage.

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114.11 **UNINVITED SOLICITING PROHIBITED.** It is declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the 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 engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of Section 114.08.

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- (1) Name, address and telephone number of the group or organization;
- (2) Name, address and telephone number of a contact person for the group or organization;
- (3) The purpose of the solicitations to be conducted in the city;
- (4) A list of the names of the persons acting on behalf of the group or organization; and
- (5) Provide proof of compliance with the Solicitation for Charity Act, ILCS Ch. 225, Act 460, §§ 0.01 et seq, if applicable.

(B) Solicitation shall be allowed only under the following conditions:

(1) Solicitations may only be set up at intersections controlled by stop signs. They are not permitted at intersections controlled by electronic traffic signs.

(2) Each individual participating in the event shall be at least 16 years of age and will wear a reflective vest.

(3) The charitable organization or corporation shall be liable for any injuries to any person or property during the solicitation which is casually related to an act of ordinary negligence of the solicitor; shall hold the city harmless from any claim of said person(s); shall provide the city with evidence that the charitable organization is insured for \$1,000,000 through an insurance company licensed to do business in the state and has named the city as an additional insured.

(4) Solicitation will be permitted only between one-half hour after sunrise and one-half hour before sunset.

114.99 PENALTY.

(A) Any person violating any provision for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person, organization, society, association or corporation, or any agent or representative thereof, violating any of the provisions of this chapter, or knowingly filing, or causing to be filed, a false affidavit in connect with the application for Permit, shall be subject to a fine of not exceeding the sum of \$750.

(C) Every person who is convicted of a violation of this chapter shall be fined a sum of money not to exceed \$750.

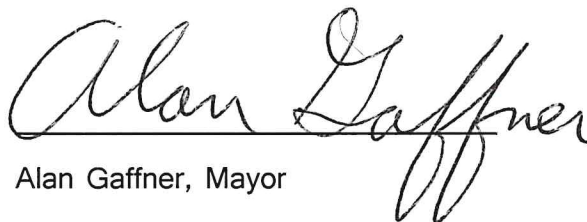
SECTION 2-REPEAL: All prior Ordinances and/or Resolutions, which are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 3-SAVINGS PROVISIONS: In the event any section, subsection, sentence or phrase of this Ordinance should be declared invalid, all other provisions hereof shall not be affected by such invalidity and shall remain in full force and effect.

SECTION 4-EFFECTIVE DATE: That this Ordinance shall become in full force and effect starting January 1, 2019, after its passage, approval and publication in pamphlet form as provided by law.

Adopted this 11th day of December, 2018, at a regular meeting of the Mayor and City Council with a quorum present upon a vote of the Board as follows:

Bill Carpenter:	<u>Aye</u>
John Gillard:	<u>Aye</u>
Mike Heath	<u>Aye</u>
Kyle Littlefield:	<u>Aye</u>
Alan Gaffner:	<u>Aye</u>


Alan Gaffner, Mayor

ATTEST: Sue Ann Nelson
Sue Ann Nelson, City Clerk

Prepared by the City of Greenville.

STATE OF ILLINOIS - COUNTY OF BOND

CITY OF GREENVILLE

CERTIFICATE

I, Sue Ann Nelson, certify that I am the duly appointed and acting City Clerk of the City of Greenville, Bond County, Illinois.

I further certify that on December 11, 2018, the Corporate Authorities of such municipality passed and approved Ordinance No. 3189 entitled:

“AN ORDINANCE AMENDING CHAPTER 114: PEDDLERS AND SOLICITORS OF THE CITY CODE OF ORDINANCES, BY THE CITY OF GREENVILLE, BOND COUNTY, ILLINOIS”

Dated at Greenville, Illinois, this 12th day of December, 2018.

{SEAL}

Sue Ann Nelson

Sue Ann Nelson, City Clerk