

Prepared by:

City of Troy
116 E. Market Street
Troy, IL 62294



Ordinance No. 2024 - 51

AN ORDINANCE Amending Chapter 111 (Solicitors, Transient Vendors and Peddlers) of the Codified Ordinances of the City of Troy

**ADOPTED BY THE CITY COUNCIL
OF THE CITY OF TROY, ILLINOIS
THIS 5th DAY OF AUGUST 2024**

Whereas, the City Council of the City of Troy, Madison County, Illinois, has determined that the courts have changed requirements for solicitors; and

Whereas, the City Council of the City of Troy, acknowledges the need to be in compliance with Illinois and federal law.

Now, Therefore, Be It Ordained by the Mayor and the City Council of the City of Troy, Illinois as follows:

SECTION 1: The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Troy, Illinois.

SECTION 2: That *Chapter 111* of the Troy Municipal Code of Ordinances is amended to include the provisions described in Exhibit A.

SECTION 3: All ordinances or resolutions, or parts of ordinances or resolutions in conflict herewith, to the extent of such conflict, are hereby changed and amended to comply with this Ordinance; and to the extent the same cannot be so amended, are hereby repealed to the extent of such inconsistency.

SECTION 4: That if any section or provision of this Ordinance is declared invalid for any reason, such invalidity shall not affect or impair any of the remaining sections or provisions of this Ordinance which can be given effect without the invalid section or provision, and to this end, the sections and provisions of this Ordinance are declared to be severable.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law and shall be published in pamphlet form by the authority of the City Council.

PASSED by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this 5TH day of August, 2024.

Aldermen Vote:

Dan Dawson	<u>AYE</u>	Sam Italiano	<u>AYE</u>	Ayes:	<u>7</u>
Tim Flint	<u>AYE</u>	Debbie Knoll	<u>AYE</u>	Nays:	<u>0</u>
Elizabeth Hellrung	<u>AYE</u>	Tony Manley	<u>AYE</u>	Absent:	<u>1</u>
Nathan Henderson	<u>ABSENT</u>	Troy Turner	<u>AYE</u>	Abstain:	<u>0</u>

APPROVED:



DAVID NONN, Mayor
City of Troy, Illinois

ATTEST:



KIMBERLY THOMAS, Clerk
City of Troy, Illinois



Exhibit A

(This document merges amendments to the Troy Municipal Code, Chapter 111, made by Ordinances 2024-46 and 2024-51. Ordinance 2024-46, passed 7-1-2024, is rescinded (for record purposes) and 2024-51, passed 8-5-2024 will be the official document for authority to document these changes to the Code.)

Merged document created September 30, 2024

CHAPTER 111: SOLICITORS, TRANSIENT VENDORS AND PEDDLERS

Section

Solicitors

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- [111.02](#) Policy on soliciting
- [111.03](#) Notice regulating soliciting
- [111.04](#) Compliance
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Soliciting by Persons Standing on Highways from Occupants of Vehicles

- [111.25](#) Definitions
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- [111.27](#) Age and clothing requirements
- [111.28](#) Limitations regarding location of solicitation at full-stop intersections
- [111.29](#) Solicitation of contributions

Cross-reference:

Fee schedule, see [Ch. 37, App. A](#)

Statutory reference:

Power of city to regulate hawkers, transient vendors and peddlers, see ILCS Ch. 65, Act 5, § 11-42-5

SOLICITORS

§ 111.01 DEFINITIONS.

For the purposes of this subchapter, the term **SOLICITOR** shall mean any person who requests donations or who attempts to sell or sells tangible property, including subscriptions to any paper, book, magazine, periodical or pamphlet, or who takes orders for magazines to be delivered by mail or freight on the same day or in the future, or who attempts to sell or sells investment contracts or any type of contract and delivery is made on the same day or in the future, or who sells or attempts to sell any type of personal service or services within the city.

(1986 Code, § 12-66) (Ord. 2021-07, passed 6-7-2021)

§ 111.02 POLICY ON SOLICITING.

It is declared to be the policy of the city that the occupant or occupants of the residences within the city shall make the determination of whether solicitors shall be or shall not be invited to their respective residences.

(Ord. 2021-07, passed 6-7-2021)

§ 111.03 NOTICE REGULATING SOLICITING.

Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this subchapter shall comply with the following directions.

(A) 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 manner provided in division (B) below.

(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:

- (1) "ONLY REGISTERED SOLICITORS INVITED";
- (2) "NO SOLICITORS INVITED"; or
- (3) "NO SOLICITING".

(C) The sign so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

(Ord. 2021-07, passed 6-7-2021)

§ 111.04 COMPLIANCE.

(A) It is the duty of every solicitor upon going onto any premises in the city upon which a residence is located to first examine the notice, provided for in § 111.03, and be governed by the statement contained on the notice.

(B) If the notice states "ONLY REGISTERED SOLICITORS INVITED," then the solicitor, not possessing a valid certificate of registration, as herein provided for, shall immediately and peacefully depart from the premises.

(C) If the notice states, "NO SOLICITORS INVITED," or "NO SOLICITING", then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

~~(D) 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. No solicitor shall solicit at any residence where the owner or occupant has provided notice pursuant to sections (B) and (C) above. Further, no solicitor shall go upon any premises and ring the doorbell, or go upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of the residence, for the purpose of securing an audience with the occupant and engage in soliciting in defiance of the notice exhibited at the residence pursuant to sections (B) and (C) above.~~

(Ord. 2021-07, passed 6-7-2021, Ord 2024-51, passed 8-5-2024)

§ 111.05 UNINVITED SOLICITATION PROHIBITED, NOT USED

~~—It is declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and knock, 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 the 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 §§ 111.03 and 111.04.~~

~~(1986 Code, § 12-77) (Ord. 2021-07, passed 6-7-2021) Penalty, see § 10.99 (Ord 2024-51, passed 8-5-2024)~~

§ 111.06 PERMIT REQUIRED.

~~(A) —It shall be unlawful for any person to be a solicitor within the city without first obtaining a permit therefor.~~

~~(B) All solicitors shall have issued permit on their person at all times and present this permit upon the request of any resident being solicited.~~

~~(C) Permits are required for all solicitors, excluding non-profit and not-for-profit organizations, schools, churches, etc., within Troy city limits.~~

~~(1986 Code, § 12-67) (Ord. 2021-07, passed 6-7-2021, Ord 2024-51, passed 8-5-2024) Penalty, see § 10.99~~

§ 111.07 APPLICATION FOR PERMIT.

~~(A) Application for a permit required by this subchapter shall be made to the City Clerk; and Police Chief.~~

~~(B) The applicant shall sign the application stating his or her legal name, address, age, employer, local address and length of time in the city.~~

~~(1986 Code, § 12-68) (Ord. 2021-07, passed 6-7-2021, Ord 2024-51, passed 8-5-2024)~~

§ 111.08 DOCUMENTS ACCOMPANYING APPLICATION FOR PERMIT.

Each applicant for a permit required by this subchapter shall furnish:

- (A) Furnish Evidence of his or her employment or that he or she is self-employed;
- (B) Furnish Evidence that he or she is of legal age;
- (C) Furnish Aa statement that he or she shall notify the city when all solicitations have been completed;

(D) Furnish Aa statement that he or she shall follow all Center for Disease Control (CDC) guidelines at all times.

(E) A legible photocopy of the applicant's driver's license, state identification card, or passport. In addition, the form of identification used to make application must be provided at the time of permit issuance and will be photocopied onto the solicitor permit.

(1986 Code, § 12-69) (Ord. 2021-07, passed 6-7-2021, Ord 2024-51, passed 8-5-2024)

§ 111.09 PRESENTATION OF APPLICATION TO POLICE DEPARTMENT.

All applicants for solicitation permits present their applications first to the Police Department so that the backgrounds of the applicants can be reviewed. Those applicants with backgrounds that cannot be accurately checked despite the best efforts of the Police Department shall not be granted a permit.

(1986 Code, § 12-70) (Ord. 1983-2, passed 3-7-1983; Ord. 2021-07, passed 6-7-2021)

§ 111.10 INVESTIGATION OF APPLICANT.

~~Within 96 hours after receiving an application for a permit required by this subchapter, the Police Department shall investigate the applicant and notify the applicant and the Mayor whether the applicant's public record suggests that the best interests of the city would or would not be served by the issuance of a permit to the applicant. The Police Department will notify the applicant of background investigation results within four business days. If the issuance of a solicitor permit is not in the best interests of the city, a permit will not be issued. All other solicitor applications will be forwarded to the City Clerk for permit issue.~~

(1986 Code, § 12-71) (Ord. 1983-2, passed 3-7-1983; Ord. 2021-07, passed 6-7-2021, Ord 2024-51, passed 8-5-2024)

§ 111.11 ISSUANCE OR DENIAL OF PERMIT.

~~After receipt of the notification required in § 111.10, and no later than the following business day, the City Clerk shall issue a solicitation permit to all persons whose public records suggest to the Police Department that the best interests of the city would not be harmed by issuance of the permit. All other applications shall be denied. the application and approved background check from the Police Chief, the City Clerk will contact the applicant to schedule permit issuance. Permits will be signed and sealed by the City Clerk or Deputy Clerk and will indicate the solicitor's name, company, and permit expiration date.~~

(1986 Code, § 12-72) (Ord. 1983-2, passed 3-7-1983; Ord. 2021-07, passed 6-7-2021, Ord 2024-51, passed 8-5-2024)

§ 111.12 LIMITATION ON NUMBER OF PERMITS.

~~In order to properly regulate solicitors and for the protection, safety and welfare of the residents of the city, not more than five solicitor's permits shall be issued by the city at one time. There shall be no limit to the number of solicitor permits issued by the City of Troy.~~

(1986 Code, § 12-73) (Ord. 2021-07, passed 6-7-2021, Ord 2024-51, passed 8-5-2024)

§ ~~111.13~~ FORM OF PERMIT. NOT USED

~~Permits issued pursuant to this subchapter shall be in substantially the following form:~~

~~City of Troy, County of Madison, State of Illinois, permit to solicitor _____ 20 _____.~~

~~This is to certify that the within named _____ has agreed to comply with all current CDC (Centers for Disease Control & Prevention) guidelines. He/she has made due application for this permit to solicit and has paid the city a fee of \$ _____.~~

~~This permit authorizes holder hereof to solicit in the city for the purpose of _____ for a period of _____ days from the date hereof.~~

~~Witness my hand and the seal of the City of Troy, County of Madison, State of Illinois, this _____ day of _____, 20 _____.~~

~~_____~~

City Clerk

—(Seal)

~~(1986 Code, § 12-74) (Ord. 2021-07, passed 6-7-2021)~~

§ 111.14 PERMIT FEE.

The fee for a permit required by this subchapter shall be as established by the City Council ~~from time to time and~~ shall be paid in the form of cash, bank draft or money order. The permit shall be evidence of payment ~~of the fee. Separate permit fees shall be paid by each solicitor.~~ The current fee is ~~\$20~~\$100 for ~~six~~ 30 (thirty) consecutive days for each solicitor and is subject to change/modification by the City Council. Each permit may be renewed twice (30 days for each occurrence) during a calendar year at no cost to the applicant. Renewals must be obtained from the City Clerk or his/her designee.

~~(1986 Code, § 12-75) (Ord. 2021-07, passed 6-7-2021)~~ Ord 2024-51, passed 8-5-2024)

§ 111.15 REVOCATION OF PERMITS.

A permit issued pursuant to this subchapter shall be revoked without a hearing if the solicitor violates any provision of this code, other ordinance of the city or state law or if any statement made in application for the permit is found to be false.

~~(1986 Code, § 12-76) (Ord. 2021-07, passed 6-7-2021)~~

§ 111.16 HOURS.

~~No solicitations regulated by this subchapter shall be conducted except between the hours of 9:00 a.m. and 5:00 p.m. on Monday through Friday inclusive, and between the hours of 9:00 a.m. and 12:00 noon on Saturdays. Request for a reasonable extension to these hours can be made to the City Clerk at the time application for a permit is made. The hours of operation for solicitors will not be limited by the City of Troy, however, solicitors should be considerate of residents during their hours of operation.~~

~~(1986 Code, § 12-78) (Ord. 2021-07, passed 6-7-2021)~~ Ord 2024-51, passed 8-5-2024)

§ 111.17 PENALTY.

Any solicitor who violates any provision of this chapter shall be penalized as provided in § 10.99 of the City's Code of Ordinances.

(Ord 2024-51, passed 8-5-2024)

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~~Witness my hand and the seal of the City of Troy, County of Madison, State of Illinois, this _____ day of _____, 20 _____.~~

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City Clerk

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(Ord 2024-51, passed 8-5-2024)

September 30, 2024

Memo for Clerk's binder and for American Legal Publishers:

Ordinance 2024-46 amended Chapter 111 of the Troy City Code. This ordinance was passed by the city council on June 17, 2024.

The same chapter of the code was amended again by Ordinance 2024-51, passed by the city council on August 5, 2024. At the time of the passage of this ordinance, the authors of the second change believed the original amendment made (by Ord 2024-46) had already been forwarded to American Legal Publishers and entered into the Code. For this reason, they only documented the new changes.

To avoid confusion, Ordinance 2024-46 has been rescinded. The attachment to Ordinance 2024-51 is a merged document, showing changes made by both ordinances. All documentation for each of these ordinances, along with the merged amendment document will be placed in file in the clerk's office.

Kimberly Thomas
Troy City Clerk

September 30, 2024

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SOLICITORS

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(1986 Code, § 12-66) (Ord. 2021-07, passed 6-7-2021)

§ 111.02 POLICY ON SOLICITING.

It is declared to be the policy of the city that the occupant or occupants of the residences within the city shall make the determination of whether solicitors shall be or shall not be invited to their respective residences.

(Ord. 2021-07, passed 6-7-2021)