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CITY OF TROY

ORDINANCE NO. 2021 - 07

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**AN ORDINANCE AMENDING TITLE XI – BUSINESS REGULATIONS;
CHAPTER 111 – SOLICITORS, TRANSIENT VENDORS AND PEDDLERS –
SECTIONS 111.01 THROUGH 111.13 - OF THE CODE OF ORDINANCES OF
THE CITY OF TROY, ILLINOIS**

**ADOPTED BY THE
CITY COUNCIL OF THE
CITY OF TROY, ILLINOIS
THIS SEVENTH DAY OF JUNE, 2021**

**Published in pamphlet form by the authority of the City Council of the City of Troy,
Madison County, Illinois, this 7th day of June, 2021.**

ORDINANCE NO. 2021 - 07

**AN ORDINANCE AMENDING TITLE XI – BUSINESS REGULATIONS;
CHAPTER 111 – SOLICITORS, TRANSIENT VENDORS AND PEDDLERS –
SECTIONS 111.01 THROUGH 111.13 - OF THE CODE OF ORDINANCES OF
THE CITY OF TROY, ILLINOIS**

WHEREAS, the Mayor and the City Council of the City of Troy, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, the City Council of the City of Troy, Illinois, has reviewed the provisions of the current text of Chapter 111 of the Code of Ordinances and determined that it requires certain amendments to conform with current legal standards and operational practices; and

WHEREAS, the City Council of the City of Troy, Illinois, believes it is beneficial and necessary to protect the safety, health and welfare of the citizens and the peace of the City of Troy, Illinois, to amend Chapter 111 of the Code of Ordinances accordingly.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF TROY, MADISON COUNTY, ILLINOIS, AS FOLLOWS:**

Section 1. The recitals set forth above are hereby incorporated herein as if fully set forth.

Section 2. Sections 111.01 through 111.13 are hereby AMENDED as follows:

TITLE XI. BUSINESS REGULATIONS

**Chapter 111 – SOLICITORS, TRANSIENT VENDORS AND
PEDDLERS**

Section 111.01 – DEFINITION(S).

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.

Section 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.

Section 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:

“ONLY REGISTERED SOLICITORS INVITED”

Or

“NO SOLICITORS INVITED”

Or

“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.

Section 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.

Section 111.05 - UNINVITED SOLICITATION PROHIBITED.

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 Sections 111.03 and 111.04.

(1986 Code, § 12-77) Penalty, see § 10.99

Section 111.06 - PERMIT REQUIRED.

It shall be unlawful for any person to be a solicitor within the city without first obtaining a permit therefor.

(1986 Code, § 12-67); Penalty, see § 10.99

Section 111.07 - APPLICATION FOR PERMIT.

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

(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).

Section 111.08 - DOCUMENTS ACCOMPANYING APPLICATION FOR PERMIT.

Each applicant for a permit required by this subchapter shall:

(A) Furnish evidence of his or her employment or that he or she is self-employed; and

(B) Furnish evidence that he or she is of legal age; and

(C) Furnish a statement that he or she shall notify the city when all solicitations have been completed; and

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

(1986 Code, § 12-69).

Section 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).

Section 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.

(1986 Code, § 12-71) (Ord. 1983-2, passed 3-7-1983).

Section 111.11 - ISSUANCE OR DENIAL OF PERMIT.

After receipt of the notification required in Section 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.

(1986 Code, § 12-72) (Ord. 1983-2, passed 3-7-1983).

Section 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 (5) solicitor's permits shall be issued by the city at one time.

(1986 Code, § 12-73).

Section 111.13 - FORM OF PERMIT.

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).

Section 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 for six (6) consecutive days for each solicitor and is subject to change/modification by the City Council.

(1986 Code, § 12-75).

Section 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).

Section 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.

(1986 Code, § 12-78).

Section 3: That all other provisions of Chapter 111 of the Code of Ordinances shall remain unchanged and in full force and effect except as specifically amended by this Ordinance.

Section 4: 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 effective upon its passage, signing and publication as required by law.

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 7TH day of JUNE, 2021.

Those voting aye: D. DAWSON, T. FLINT, E. HELLRUNG, N. HENDERSON,

S. ITALIANO, T. MANLEY, T. TURNER

Those voting nay: 0

Those absent: D. KNOLL

APPROVED:

By: 

DAVID NONN, Mayor
City of Troy, Illinois

ATTEST:

BY: 

KIM THOMAS, Clerk
City of Troy, Illinois

(SEAL)

