

CHAPTER 35 SOLICITORS

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35.01 DEFINITIONS

Terms used in this Chapter 35 are defined in Appendix A and the Illinois Compiled Statutes.

35.02 PURPOSE

Numerous complaints have been received by members of the governing body of this City from occupants of residences and dwelling units about persons who have gained or sought to gain admittance to their residences for the purpose of soliciting; or on the pretext of soliciting, have by their conduct made nuisances of themselves by disturbing and annoying the occupants; or by their acts and conduct have violated the right of the occupants to the quiet and peaceful enjoyment and security of their homes.

The City of Marengo declares that the regulations established by this Chapter 35 are necessary for the safety, health, comfort, good order, protection and welfare of residents of this City who desire the protection of the regulations established by this Chapter 35.

35.03 LICENSE REQUIRED

It shall be unlawful for any person to call upon any residence in the City for the purpose of soliciting, without first securing a license from the Chief of Police, or without being exempt therefrom pursuant to Section 35.04 herein. Any person required by this Chapter 35 to have a solicitor's license must have the license in his possession while engaging in solicitation.

35.04**APPLICATION FOR LICENSE**

Application for a solicitor's license shall be made upon a form provided by the Chief of Police and filed with the Chief of Police. The applicant shall truthfully state in full the information requested on the application, to-wit:

1. Name, address of present place of residence, phone number and date of birth of the applicant and person who will be soliciting for the applicant.
2. Provide a valid photo identification (driver's license or state identification) of the applicant and person who will be soliciting for the applicant.
3. Physical description of the applicant.
4. Name and address of the person, firm or corporation or association whom the applicant is soliciting for and the length of time applicant has been soliciting for the entity.
5. Description sufficient for identification of the subject matter of the soliciting which the applicant will engage in.
6. Period of time for which the license is applied for, shall not exceed 30 days.
7. Whether a license issued to the applicant under this Chapter 35 was ever revoked.
8. Whether the applicant was ever convicted of a violation of any provision of this Chapter 35, or the ordinance of any other Illinois municipality regulating soliciting.
9. Whether the applicant was ever 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.
10. All statements made by the applicant upon application or in connection therewith shall be under oath.

35.05**ISSUANCE, DENIAL AND REVOCATION OF LICENSES**

A. The Chief of Police, after consideration of the application and all information obtained relative thereto, shall issue a license to those applicants found fully qualified and the license shall be issued forthwith. The license shall state the expiration date thereof.

B. The Chief of Police, after consideration of the application and all information obtained relative thereto, shall deny the application for the reasons here listed. Endorsement shall then be made by the Chief of Police upon application of the denial of the application. No license 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 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 35 or of an ordinance of any municipality regulating this Chapter 35 or of an ordinance of any municipality regulating solicitation; nor to any person who has supplied false information on the application or has been previously revoked after a license was issued.

C. Any license that has been issued shall be revoked by the Chief of Police if the holder of the license is convicted of a violation of this Chapter 35, or has made a false statement in the application or otherwise becomes disqualified for the issuance of a license. Immediately upon such revocation, written notice thereof shall be given by the Chief of Police to the holder of the license, in person or by certified United States mail addressed to the residence set forth in the application. Immediately on giving such notice, the license shall be null and void.

35.06 CITY POLICY ON SOLICITING

It is the policy of the City Council that the occupant or occupants of the residences in this City shall make the determination of whether solicitors shall be, or shall not be, invited to their residence. If no determination is made as is provided in Section 35.07 herein, then soliciting is permitted.

35.07 NOTICE REGULATING SOLICITING

Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this Chapter 35 shall comply with the following directions, to-wit:

Notice of the determination by the occupant of giving invitation to solicitors, or giving invitation only to for-profit solicitors, or the refusal of invitation to any solicitors, to any residence shall be given in the manner following:

1. A card 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:

"NO SOLICITORS INVITED"

Such card so exhibited shall constitute notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

2. A card 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:

"NO FOR PROFIT SOLICITORS INVITED"

Such card so exhibited shall constitute notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

3. The absence of a "solicitors card" upon or near the main entrance door to the residence shall be deemed notice that solicitation is invited within the provisions of this Chapter 35.

35.08 DUTY OF SOLICITORS

A. It shall be the duty of every solicitor upon going onto any premises in the City, upon which a residence as herein defined is located, to first examine the notice provided for in Section 35.07 herein, if any is attached, and be governed by the statement contained on the notice. If the notice is present then the solicitor, whether licensed or not, shall immediately and peacefully depart the premises.

B. Any solicitor who has gained entrance to any residence, whether or not invited, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

C. A solicitor may not go upon any portion of the yard (other than a walkway or pathway leading to the front door of the residence) or ring the doorbell upon or near any back door of any residence, 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 and engage in soliciting in such areas after dark.

35.09 UNINVITED SOLICITING

It is unlawful and shall constitute a violation of this Chapter 35 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 35.07 herein.

35.10 TIME LIMIT ON SOLICITING

It is unlawful and shall be a violation of this Chapter 35 for any person, whether licensed 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 engage in soliciting, prior to 10 a.m. or after 6 p.m. Monday through Saturday. Soliciting shall not be permitted on Sunday.

35.11 LICENSE FEE *Amended 13-8-1*

All solicitors or applicants for a solicitor's license shall pay a fee of \$300.00 per person for a three-day solicitor's license.

35.12 LAW ENFORCEMENT SOLICITATION

A. A person may not solicit property from the general public when the property or any part of that property in any way tangibly benefits, is intended to tangibly benefit or is represented to be for the tangible benefit of any law enforcement officer, law enforcement agency or law enforcement association.

B. For purposes of this Section 35.12, a solicitation tangibly benefits a law enforcement agency, officer or association if the proceeds of that solicitation are used, represented to be used or intended to be used to support a law enforcement program or purpose which a law enforcement agency or association otherwise would have to fund through its own budgeting mechanism.

C. EXCEPTIONS: This Section 35.12 shall not apply to solicitations:

1. By or on behalf of law enforcement officers campaigning for election to public office; or
2. Solicitations for charitable purposes unrelated to law enforcement activities; or
3. Solicitations for programs that benefit the general welfare of the community, and are sanctioned by the Chief of Police, and 100 percent of the proceeds collected are devoted to that beneficial program.

35.13

PENALTY *Amended 18-3-1*

Every violation of this Chapter 35 shall be punishable by a fine of not less than \$500.00 for each violation.