

VILLAGE OF MT. MORRIS, ILLINOIS

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MT. MORRIS VILLAGE CODE
TITLE 10, CHAPTER 5
(SOLICITATIONS)

ADOPTED BY
THE BOARD OF TRUSTEES
OF
THE VILLAGE OF MT. MORRIS, ILLINOIS

THIS _____ DAY OF _____, 2016

Published in pamphlet form by authority of the Board of Trustees of the Village of Mt. Morris
this _____ day of _____, 2016.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE MT. MORRIS VILLAGE CODE
TITLE 10, CHAPTER 5
(SOLICITATIONS)**

BE IT ORDAINED by the Board of Trustees of the Village of Mt. Morris, Illinois:

SECTION 1: That Title 10 of the Mt. Morris Village Code, 1979, as amended, is hereby further amended by amending Chapter 5 to read as follows:

"Chapter 5

DOOR TO DOOR SOLICITATION

- 10-5-1: Definitions
- 10-5-2: License Required
- 10-5-3: Application for License
- 10-5-4: Issuance
- 10-5-5: Fees
- 10-5-6: Possession of License
- 10-5-7: Renewal
- 10-5-8: Revocation of License
- 10-5-9: Appeal
- 10-5-10: Restrictions Applicable to All Door to Door Solicitation
- 10-5-11: Penalty

10-5-1: **DEFINITIONS:**

As used in this chapter the following terms shall have the indicated meanings:

CHARITABLE: Shall mean and include the words charitable, benevolent, philanthropic, patriotic, or eleemosynary.

CHARITABLE ORGANIZATION: A charitable organization as that term is defined under 225 Illinois Compiled Statutes 460/1, or a not for profit organization incorporated under 805 Illinois Compiled Statutes 110/0.01 and/or 110/35, or any other organization that has been granted tax exempt status from the state of Illinois or from the Internal Revenue Service.

CHARITABLE PURPOSE: A charitable purpose as that term is defined in 225 Illinois Compiled Statutes 460/1. For purposes of this chapter, solicitation for a charitable purpose shall include a solicitation for or on behalf of a "charitable organization," as that term is defined herein.

COMMERCIAL DOOR TO DOOR SOLICITATION: The sale, or seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, or services of any kind, character or

description, for any kind of consideration whatsoever, either for immediate or future delivery, by means of in person contact or attempted contact with village residents at their residences.

DOOR TO DOOR SOLICITATION: Shall mean and include "commercial door to door solicitation" as defined herein, and door to door, in person requests for money, credit, or any other items of value for a religious, charitable, or political purpose.

RESIDENCE: Shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure and the yard, curtilage, or grounds upon which such structure is located.

10-5-2: LICENSE REQUIRED:

It shall be unlawful for any person or organization to engage in commercial door to door solicitation in the village without first securing a license as herein provided. If an organization employs multiple individuals for such activities, each such individual and the organization shall be required to be licensed and pay the requisite fees hereunder.

10-5-3: APPLICATION FOR LICENSE:

(A) Application Requirements: The application for a license under this chapter shall be made under oath upon a form provided by the village clerk. Each original application shall be completed in full by the applicant and shall set forth the following information:

1. The name, home and business address, date of birth, sex and a physical description of the applicant, including, but not limited to, height, weight, hair color, and eye color;
2. The name, address, and telephone number of the person, firm, corporation association or organization by whom the applicant is employed or represents, and the length of time of such employment or representation;
3. A description of the business, merchandise, wares, or services of the applicant;
4. The period of time/dates for which the license is applied for;
5. The date, or approximate date, of the latest previous application for license under this chapter;
6. Whether a license issued to the applicant under this chapter has ever been revoked;
7. Whether the applicant has ever been convicted of a violation of any provisions of this chapter, or the ordinance of any other municipality or any Illinois statute regulating similar activities;

8. Whether the applicant has ever been convicted of the commission of a felony under the laws of any state or under federal law, and if so, the offense and date of conviction;
 9. Documentary evidence that the applicant is authorized to solicit for the organization represented;
 10. The number and description of vehicles used, if any, including make, model, color, and license plate number of all such vehicles.
- (B) Records Of Application: The village clerk shall cause to be kept in his or her office an accurate record of every application received and acted upon, together with all information and data pertaining thereto and all licenses issued under the provisions of this chapter, and of the denial of any applications. The village clerk shall review any applications for licensure under this chapter and determine if such license should be issued, within ten (10) days of receipt of the application.
- (C) Denial Of License: 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 of any other state or federal law within five (5) years of the date of the application, or who has been convicted of a violation of any of the provisions of this chapter, or whose license issued hereunder has previously been revoked, or who submits an incomplete or inaccurate application.
- (D) Exceptions To License Requirement: The requirement of a license under this chapter shall not apply to the following:
1. Solicitation by or on behalf of a charitable organization that is currently registered with the attorney general of the state of Illinois and is in full compliance with the provisions of an act to regulate solicitation and collection of funds for charitable purposes, 225 Illinois Compiled Statutes 460/1 et seq., or is exempt from registration with the attorney general pursuant to 225 Illinois Compiled Statutes 460/3(b);
 2. Any solicitation made on premises owned or occupied by the person or organization on behalf of whom the solicitation is made, or by permission of such owner or occupant;
 3. The provisions contained in this chapter shall not be construed to prohibit or inhibit any activities or speech not involving any form of request for money or other article of value, including, but not limited to, speech of a political or religious nature.

10-5-4: ISSUANCE:

The village clerk shall issue a license upon approval of the application and payment of the prescribed license fee as provided in section 10-5-5. The village clerk shall keep a full record of

all licenses issued. Such record shall contain the number of the license, the date of issuance, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of said license, and the name or names of the person or persons authorized to carry on such solicitation. Every license shall be for a maximum term of thirty (30) days, unless the license, by its terms, expires earlier.

10-5-5: FEES:

- (A) In General: The license fee shall be twenty dollars (\$20.00) for the first day and twenty dollars (\$20.00) for each day thereafter. The charge for the daily fee may be extended for a set period of days not to exceed thirty (30) days and shall be paid in advance at the time of issuance of the license.
- (B) Exemption: Individuals who represent an organization which has maintained a physical office, store or service center within the corporate limits of the village for the previous twelve (12) months shall be exempt from the subsequent twenty dollar (\$20.00) daily fee.

10-5-6: POSSESSION OF LICENSE:

All licenses issued under this chapter shall be upon the person of the licensee at all times during the operation of such solicitation, and the licensee shall, upon request of a law enforcement officer, display the license to said officer.

10-5-7: RENEWAL:

All licenses are valid for the entire licensing period unless revoked or suspended prior to expiration, as provided in this chapter. An application to renew a license under this chapter shall be made not later than five (5) days before the expiration of the current license and shall comply in all respect with the license requirements of this chapter.

10-5-8: REVOCATION OF LICENSE:

- (A) Licenses issued under this chapter may be revoked by the village president, after notice of hearing, for any of the following causes:
 - 1. Fraud, misrepresentation or false statement contained in the application for a license;
 - 2. Fraud, misrepresentation or false statement or statements made in the course of carrying on business;
 - 3. Any violation of this chapter, or any violation of the village's traffic, parking, or public safety ordinances or regulations, or otherwise conducting business in an unlawful manner under local, state or federal law, or in such manner as to violate the regulations issued hereunder, or in a manner so as to constitute a breach of the

peace, or to constitute a menace to the health, safety, or general welfare of the public.

- (B) Notice of the hearing for revocation of a license issued hereunder shall be given in writing, setting forth specifically the grounds of complaint and the time and place for hearing. Such notice shall be delivered in person to the licensee or mailed, postage prepaid, to the licensee at the address shown on the application, at least seven (7) days prior to the date set for hearing.

10-5-9: APPEAL:

Any person aggrieved by the action of the village clerk in the denial of an application, or in the decision of the village president with reference to the revocation of a license shall have the right of appeal to the board of trustees of the village. Such appeal shall be taken by filing with the board of trustees, within seven (7) days after notice of the decision complained of has been mailed to the person's address listed on the application, a written statement setting forth fully the grounds and/or basis for the appeal. The board of trustees shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in section 10-5-8(B) for notice of hearing on revocation. The order of the board of trustees on such appeal shall be final and conclusive.

10-5-10: RESTRICTIONS APPLICABLE TO ALL DOOR TO DOOR SOLICITATION:

It shall be unlawful for any person:

- (A) To engage in solicitation upon any premises or residence located thereon if such premises or residence is posted against solicitation by signage bearing the words "No Trespassing," "No Peddlers," "No Solicitors," or any other similar notice indicating that the occupant or occupants of such premises or residence desire not to be disturbed or to have their rights of privacy disturbed, unless such solicitation has been specifically requested by the owner or occupant of such premises.
- (B) It shall be unlawful for any person to go in or upon any residence or nonresidential premises for the purpose of conducting any form of solicitation at any time after six o'clock (6:00) P.M. or before ten o'clock (10:00) A.M. on any Monday through Saturday, or at any time on Sunday, or at any time on any holiday recognized by the state of Illinois, unless such solicitation has been requested by the owner or occupant of such premises.
- (C) It shall be unlawful for any person conducting any form of solicitation at any residence or nonresidential premises to fail to immediately leave such premises, and/or to fail to immediately cease conducting such solicitation at such residence or nonresidential premises upon receiving from any person in charge of said premises or an occupant thereof, a request to leave or to cease solicitation.

- (D) It shall be unlawful for any person conducting any form of solicitation at any residence or nonresidential premises to claim any affiliation with, or endorsement of, the village without the express written consent of the village following approval of the same at a meeting of the board of trustees of the village.

10-5-11: PENALTY:

- (A) A person who shall violate any provision of this chapter shall, upon conviction, be fined not to exceed seven hundred fifty dollars (\$750.00) for each such violation.
- (B) In any case in which an offense is of a continuing nature, each day such violation continues shall be deemed a separate violation, and shall subject the person so violating such provision to a separate fine for each such day.”

SECTION 4: In all other respects, Title 10 shall remain in full force and effect.

SECTION 5: The provisions and sections of this Ordinance shall be deemed to be separable, and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

SECTION 6: All ordinances and parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 7: The Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage and approval, and publication as required by law.

Passed by the Board of Trustees of the Village of Mt. Morris on the ____ day of October, 2016.

Village President

ATTEST:

Village Clerk

TEN (10) DAYS PRIOR TO THE FIRST DAY OF SOLICITATION, ALL APPLICATIONS MUST ME FILLED OUT AND FEES PAID WHEN THE APPLICATION IS TURNED IN TO THE VILLAGE CLERK. THERE WILL BE NO CHANGES OR SUBSTITUTIONS OF NAMES AND NO REFUNDS WILL BE GIVEN.

Village of Mt. Morris

Application for Door-to-Door Solicitation License

Personal Data

Name _____ Date of Birth _____
(Last) (First) Middle)
Home Address _____
Time at _____ If Less than 3 Years, Past Address _____
Phone _____
Sex: M F Race _____ Ht. _____ Wt. _____ Hair Color _____
Vehicle to be used: Year _____ Make _____ Model _____ Color _____
License Plate # _____ Driver's License # _____

Company Representing in Solicitation

Company Name _____ Phone # _____
Address _____
Supervisor _____ Phone # _____
Description of Subject Matter Soliciting or Purpose _____

Dates Requested to Solicit _____
(Attach documentation that applicant is authorized to solicit for above describe organization)

Information

Have you ever been issued a Solicitation License in the past? Yes No
If Yes, list municipality license was issued and year _____
If Yes, has it been revoked? _____
Have you ever been convicted of any felony offense? Yes No
Have you ever been convicted of a violation of the Village of Mt. Morris' door-to-door solicitation ordinance? Yes No
I have read and understood the provisions of the Solicitation Ordinance of the Village of Mt. Morris. I affirm that the above information is true and correct.

Signed: _____
Date: _____

Any additional associates are required to fill out an application form. Soliciting may only be done between the hours of 10:00 a.m. and 6:00 p.m. Monday through Saturday. For more information please refer to _____

For Office Use Only

Date Application Received: _____
Date Background check approved: _____
Application Fee: _____

Signature of Village Clerk: _____
Dates for Soliciting: _____
Date application fee paid: _____