



VILLAGE OF
Diamond

1750 E. Division St.
Diamond, IL 60416
815-634-8149

MAYOR: TERESA KERNC

Expires on:

SOLICITORS APPLICATION

Each person conducting commercial or non-commercial solicitation must fill out the application.

Each registrant will be issued a Solicitors License to carry with them.

Each registrant shall pay a non-refundable fee of \$50.00.

Registration to conduct commercial and noncommercial solicitation activities shall be

Valid for a consecutive period not to exceed 10 calendar days.

Date of Application: _____ Dates to Solicit: From: _____ To: _____

Method of Solicitation: _____

Name: _____ Phone: _____

Physical Description of Registrant: (height, weight, hair & eye color) _____

Current Residence Address: _____ No. of Yrs. at Address: _____

Previous Address: _____ No. of Yrs. at Address: _____

Driver's license #: _____ Expiration date of Driver's License: _____

Vehicle Make: _____ Model: _____ Year: _____ Color: _____

License Plate No: _____ State Issued: _____

Social Security No.: _____ Date of Birth: _____

Current Employer/Organization: _____

Type of Business: _____

Business Address: _____

Company Name: _____

Company Address: _____

Company Telephone: _____

Method of Solicitation: _____

Name and phone number of person (employer) authorizing the applicant to represent the company in conducting business: _____

Place where services are to be performed or where the goods or property proposed to be sold or orders taken for the sale thereof are manufactured or produced: _____

Where such goods or products are located at the time the application is filed: _____

Proposed Method of Delivery: _____

Applicants Illinois Sales Tax Number: _____

Prior to the date of the application, have you been convicted of any crime, misdemeanor, felony (other than minor traffic violations) or violation of any municipal law regulating peddlers, solicitors or canvassers (within two years). Yes _____ No _____

If yes, provide a statement giving the nature of the offenses and the city and state where conviction occurred.

Authorization to Obtain Criminal Background Reports

I authorize the Village of Diamond to obtain criminal background report(s) and/or investigate criminal background reports for a solicitation permit. I understand that these reports might include, but not limited to, search of my criminal background, and verification of my identification. I agree that this disclosure/authorization, in original or copy form, is valid for all current background reports.

I understand that the Village of Diamond may use such criminal background reports for solicitation permit purposes.

Signature:

Date:

Full Printed Name:

A valid picture form of identification will be required, (i.e. Driver's License, State I.D.)

The Applicant, being first duly sworn, on oath deposes and say that he has read the foregoing Solicitors Application and Ordinance and know the content, thereof; that he/she is fully authorized to execute such application and that all the statements, therein contained are true. The applicant consents to abide by the terms and regulations prescribed in the Village of Diamond Solicitation Ordinance and by the terms of any permit issued thereunder.

Applicant's initials: _____

SOLICITORS PERMIT WILL BE ISSUED 5 DAYS FROM DATE OF APPLICATION

***NOTE: PUBLIC COMPLAINTS REGARDING SOLICITATION MAY RESULT IN
REVOCATION OF SOLICITORS PERMIT***

Registration Acknowledgement

Applicants Signature

Village of Diamond

Subscribed and sworn to before me on _____, 20____.

Notary Public

SOLICITATION REGULATIONS

§ 111.30 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHARITABLE. Means and includes patriotic, philanthropic, social services, welfare, benevolent, educational, civic or fraternal, either actual or purported.

CHARITABLE ORGANIZATION. As defined in ILCS Ch. 225, Act 460, § 1, or a not-for-profit organization incorporated pursuant to ILCS Ch. 805, Act 105, § 101.01 and ILCS Ch. 805, Act 110. § .01, or any other organization that has been granted tax exempt status from the State of Illinois or the Internal Revenue Service.

CHARITABLE PURPOSE. As defined in ILCS Ch. 225, Act 460, § 1, and as construed by the Illinois courts under that statute. For the purpose of this subchapter, solicitation for a **CHARITABLE PURPOSE** shall include solicitation for or on behalf of a charitable organization, as that term is defined in this section.

COMMERCIAL SOLICITATION. Any 1 or more of the following:

- (1) The sale of, or seeking to obtain orders for the purchase of goods, wares, merchandise, food items or services of any kind, character or description, for any kind of consideration whatever;
- (2) The sale of, or seeking to obtain prospective customers for any application or purchase of insurance of any type or kind or character; or
- (3) The sale of, or seeking to obtain subscriptions to books, magazines, periodicals, newspapers or any other type or kind of publication.

NONCOMMERCIAL SOLICITATION. The request, by a person directly or indirectly, of money, credit, property, financial assistance or other thing of value on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for a religious or charitable purpose as those purposes are defined in this subchapter.

NONCOMMERCIAL SOLICITATION shall also mean and include the following methods of securing money, credit, property, financial assistance or other thing of value on the plea or representation that it will be used for a religious or charitable purpose as herein defined:

- (1) Any oral or written request or exchange of religious literature for money or other thing of value;
- (2) The distribution, circulation, posting or publishing of any handbill, written advertisement or publication;
- (3) The public making of any announcement concerning an appeal, assemblage, athletic or sports event, bazaar benefit, campaign, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale or social gathering to be held within the village which the public is requested to patronize or to which the public is requested to make a contribution for any religious or charitable purpose connected therewith;

(4) The sale of, offer of or attempt to sell, any advertisement, advertising space, book, card, chance, coupon, device, magazine, membership, merchandise, subscription, ticket or other thing in connection with which any appeal is made for any religious or charitable purpose or where the name of any religious or charitable person is used or referred to in any such appeal as an inducement or reason for making any such sale, or when or where in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will go or be donated to any religious or charitable purpose.

NONRESIDENTIAL PREMISES. All buildings, structures, and units in the village occupied for nonresidential purposes.

PERSON. Any individual, firm, co-partnership, corporation, company, association or joint stock, association, church, religious sect, religious denomination, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.

POLITICAL PURPOSE. Any activity in support of bona fide candidates for public office, or any matter related to the election, nomination, or performance of public officials, or issues presented to the electorate at any election.

RESIDENCE. Every separate living unit in the village occupied for residential purposes by 1 or more persons and contained within any type of building or structure.

RELIGIOUS and **RELIGION.** Mean and include the word “charitable” as defined herein, but shall be given their commonly accepted definitions.

SOLICITATION. Commercial solicitation and noncommercial solicitation, as those terms are defined herein. A **SOLICITATION** shall be deemed completed when made, whether or not the person making the same receives any contribution or makes any sale or receives any order as contemplated herein.

(Ord. 1997-09, passed 1-7-1997; Am. Ord. 2007-20, passed 9-11-2007)

§ 111.31 GENERAL PROHIBITION.

It shall be unlawful for any person, except those expressly excepted in § 113.34, to conduct solicitation within the village without having first registered with the village to conduct commercial or noncommercial solicitation as hereinafter provided and without having on his or her person a registration acknowledgment executed by the Village Clerk or his or her designee during any solicitation activities conducted within the village.

(Ord. 1997-09, passed 1-7-1997; Am. Ord. 2007-20, passed 9-11-2007) Penalty, see § 111.99

§ 111.32 SPECIFIC PROHIBITIONS.

The following provisions shall apply to all solicitation within the village, whether or not registration is required under the provisions of this subchapter:

(A) It shall be unlawful for any person to go in or upon any residence or nonresidential premises for the purpose of conducting solicitation if such residence or nonresidential premises is posted with a sign bearing the words “No Trespassing,” “No Peddlers,” “No Solicitors,” or any other similar notice indicating in any manner that the occupants of such residence or

nonresidential premises desire not to be disturbed or to have their rights of privacy disturbed, unless the occupant has specifically requested the solicitation.

(B) It shall be unlawful for any person to go in or upon any residence or nonresidential premises for the purpose of conducting solicitation at any time after 9:00 p.m. or before 9:00 a.m. on any day, Monday through Saturday, at any time on Sunday or on any holiday recognized by the State of Illinois.

(C) It shall be unlawful for any person to conduct solicitation on or in any sidewalk, right-of-way, or other public property, way, or place at any time before sunrise or after sunset on any day provided that the foregoing shall not prohibit otherwise lawful travel.

(D) It shall be unlawful for any person, except those expressly excepted in § 111.34, to conduct solicitation within the village without having registered with the village for the commercial or noncommercial solicitation activity then being conducted.

(E) It shall be unlawful for any person conducting solicitation at any residence or nonresidential premises to fail to leave, and to fail to cease conducting solicitation at the residence or nonresidential premises immediately upon receiving, from any person present at the residence or nonresidential premises, a request to leave or cease conducting solicitation.

(F) It shall be unlawful for any person to conduct solicitation in or on any sidewalk, right-of-way, or other public property, way or place in a manner that completely or substantially impedes the flow of pedestrian or vehicular traffic in, on or around the sidewalk or public property, way or place. No person conducting solicitation shall have the exclusive right to any sidewalk or other public property, way or place, nor to establish a permanent stationary location for such solicitation.

(G) It shall be unlawful for any person to conduct solicitation from any motor vehicle or trailer in or on any public right-of-way except as otherwise permitted by village ordinance.

(H) It shall be unlawful for any person to conduct commercial or noncommercial solicitation with or from the occupant of any vehicle traveling upon any street or highway within the village except as otherwise permitted pursuant to the provisions of ILCS Ch. 625, Act 5, § 11-1006.

(I) It shall be unlawful for any registrant to intentionally make false or misleading statements on the registration form.

(J) A violation of any of the above divisions of this section is hereby deemed to be a public nuisance.

(Ord. 1997-09, passed 1-7-1997; Am. Ord. 2007-20, passed 9-11-2007) **Penalty, see § 111.99**

§ 111.33 REGISTRATION REQUIRED.

The following provisions shall apply to commercial and noncommercial solicitation:

(A) *Registration.*

(1) Any person intending to conduct commercial or noncommercial solicitation activities within the village shall register with the Village Clerk or his or her designee upon the form

provided by the Village Clerk or his or her designee. The registrant shall verify under oath all statements made by the registrant upon or in connection with the registration. Upon submission of a completed registration form, the Village Clerk or his or her designee shall acknowledge receipt thereof by executing a registration acknowledgment and giving a copy to the registrant. The registrant shall at all times during the conduct of solicitation activities within the village carry on his or her person a copy of the registration acknowledgment signed by the Village Clerk or his or her designee. The registration shall contain the following information:

(a) The registrant's name and current residence address, the length of the registrant's residence at that address, and the registrant's business address, if other than residence address;

(b) The registrant's social security number, and the registrant's driver's license number, or other official form of identification, if any;

(c) The name, address and telephone number of the registrant's current employer and the length of the registrant's employment with that employer, or in the case of registration for noncommercial solicitation, the name, address and telephone number of the organization the registrant represents, if any, and the name or names under which the registrant intends to solicit contributions;

(d) A brief description of the subject matter and purpose of the registrant's solicitation;

(e) The dates for which the registrant seeks to conduct commercial or noncommercial solicitation activities; and

(f) The methods by which the registrant and the organization the registrant represents, if any, will conduct solicitation within the village.

(2) In addition, with respect to persons intending to conduct commercial solicitation activities within the village, the registrant shall provide the following information:

(a) The registrant's residence address during the past 3 years, if other than the current residence address;

(b) A brief physical description of the registrant, including height, weight, and hair and eye color;

(c) The name and address of all the registrant's employers during the past 3 years, if other than the registrant's present employer;

(d) The registrant or employer's sales tax identification number;

(e) Information regarding the use or revocation of prior commercial solicitation permits issued to the applicant by the village, if any, including the date, or approximate date, of the last previous registration for commercial solicitation permit from the village, if any;

(f) Information regarding prior or current violations, if any, by the registrant of any of the provisions of this subchapter, or the solicitation regulations of any other local, state or federal government; and

(g) Information regarding any prior conviction of the registrant of a felony under the laws of the State of Illinois, any other state, or the United States.

(B) *Change in information.* If during the pendency of any registration for, or during the term of, any commercial or noncommercial solicitation there is any change in any material information given in the registration information, the registrant shall promptly notify the Village Clerk or his or her designee in writing of the change.

(C) *Application record.* The Village Clerk or his or her designee shall cause to be kept an accurate record of every registration for commercial and noncommercial solicitation.

(D) *Effective period.* Registration to conduct commercial and noncommercial solicitation activities shall be valid for a consecutive period not to exceed 10 calendar days.

(E) *Registration fee.* Each registrant shall pay to the village a non-refundable fee in the amount of \$50 prior to execution of the registration acknowledgment by the Village Clerk or his or her designee. The registration fee shall be paid in cash and shall be non-refundable. The registrant shall be given a receipt upon payment of the registration fee. The registration fee shall be waived for charitable organizations for 2 solicitation registrations per calendar year.

(Ord. 1997-09, passed 1-7-1997; Am. Ord. 2007-20, passed 9-11-2007) Penalty, see § 111.99

§ 111.34 EXCEPTIONS.

Noncommercial solicitation (i) 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, ILCS Ch. 225, Act 460, §§ 1 et seq., or (ii) for any noncommercial solicitation conducted or sponsored by any federal, state, or local governmental unit or by any organization conducting such noncommercial solicitation on behalf of or for the direct benefit of the governmental unit shall be and is hereby exempt from the requirements of § 111.32 regarding registration; provided, however, any charitable organization expressly exempted by this section, or any person conducting solicitation on behalf of such a charitable organization, shall give written notice of the intent to conduct solicitation to the Village Clerk or his or her designee at least 2 days before the charitable organization or person will conduct solicitation within the village. Furthermore, notwithstanding anything herein to the contrary, registration shall not be required hereunder for any noncommercial activities or speech not involving any form of request for money or other articles of value, or for any solicitation made on premises owned or occupied by the person or organization on behalf of whom the solicitation is made, or with respect to any solicitation directed solely to members of the soliciting organization or to any solicitation made at any meeting of the soliciting organization provided the solicitation is not made on public property.

(Ord. 1997-09, passed 1-7-1997; Am. Ord. 2007-20, passed 9-11-2007) Penalty, see § 111.99

