



VILLAGE OF BANNOCKBURN

Solicitor Application



Contact Information – Directly In Charge of Solicitors

First Name		Middle Name	Last Name
Address		City, State and Zip Code	
Phone Number ()	Length of Time at Address	Driver's License #	Date of Birth
Sex	Hair Color	Eye Color	Weight in Pounds

Description of Subject Matter:

Purpose of Solicitation:

Date of Solicitation	# of Days	Have You Previous Applied For Application? Yes _____ No _____ If Yes, when: _____
Have you ever had a Certificate Revoked? Yes _____ No _____ If Yes, when: _____		Have you ever been Convicted of a Felony? Yes _____ No _____ If Yes, when: _____

Current Employer

Business Name		Contact / Principal Officer Name
Employer Address		City, State and Zip Code
Phone Number ()	Length of Time with Employer	Email Address

Solicitor Information if Different from Above

First Name		Middle Name	Last Name
Address		City, State and Zip Code	
Phone Number ()	Length of Time at Address	Driver's License #	Date of Birth
Sex	Hair Color	Eye Color	Weight in Pounds
Date of Solicitation	# of Days	Have you ever been Convicted of a Felony? Yes _____ No _____ If Yes, when: _____	

Signature

Date

Printed Name

Title

This Application must be properly completed and shall be filed at least Seven (7) days in advance of the first day for which Solicitation is sought. This application shall be accompanied with two (2) copies of a 2"x2" photograph showing the full facial features of the applicant. Such photographs shall have been taken within 30 days immediately prior to the date of filing of this Application. A new Application shall be required to solicit after this Application expires.

VILLAGE OF BANNOCKBURN
Village Code

Article XI
Solicitors

§ 141-1101 Definitions.

For the purposes of this Article **XI**, the following words and phrases shall have the meanings indicated:

APPLICANT

Any person that files an application for a solicitation permit as provided for in this article.

CHARITABLE PURPOSE

Any charitable, benevolent, philanthropic, patriotic, or eleemosynary purpose.

CHARITABLE SOLICITATION

Solicitation engaged in for a charitable purpose.

CHIEF OF POLICE

The Bannockburn Chief of Police or the Chief's appointee or designee.

PERSON

Any individual, organization, group, association, partnership, joint venture, corporation, trust, or any combination of the foregoing.

PREMISES

Any occupied building or structure, or any separate dwelling unit contained within any occupied building or structure, of any type within the Village.

SOLICIT or SOLICITING

The act of engaging in solicitation.

SOLICITATION

Seeking to sell, offer for sale, sell and deliver, barter, exchange, or obtain a gift, a contribution, a subscription, or any other goods or services, whether for a charitable, political, commercial, or noncommercial organization or purpose, except when the activity is conducted within a building zoned to permit the activity and under the ownership or control of the solicitor.

SOLICITOR

A person engaged in solicitation.

VIOLATION NOTICE

The written notice of any violation and corresponding fine issued by the Chief of Police for violations of this article.

§ 141-1102 Permit required.

Except only as provided in § **141-1103**, it shall be unlawful for any person to engage in solicitation in the Village without having first applied for and obtained a valid solicitation permit therefor.

§ 141-1103 Permit exemption for minors.

Individuals under the age of 17 years shall not be required to obtain a solicitation permit to engage in

solicitation within the Village, but must comply with all other applicable provisions of this article.

§ 141-1104 Solicitation permit.

- A. Application procedure and contents. Each applicant for a solicitation permit shall file with the Chief of Police a properly completed application therefor on a form provided for this purpose by the Chief of Police. Every application shall be filed at least seven days in advance of the first day for which authorization to solicit is sought. Each applicant shall verify under oath all statements made on or in connection with the application. A new application shall be required to solicit after the expiration of any permit issued hereunder. Each application shall contain, at a minimum, the following information and materials:
- (1) Two copies of a two-inch-by-two-inch photograph showing the full facial features of the applicant. The photograph shall have been taken within 30 days immediately prior to the date of filing of the application.
 - (2) The applicant's name, date of birth, and current residence address, and the length of time the applicant has resided at the address.
 - (3) The applicant's business address, if different than the applicant's residence address.
 - (4) Each of the applicant's residence addresses in the previous three years, if other than the applicant's current residence address.
 - (5) The applicant's social security number and driver's license number, or, if the applicant has neither, then some other official form of identification from which the applicant's identity can be readily established by the Chief of Police.
 - (6) The applicant's marital status and, if married, the name and residence address of the applicant's spouse.
 - (7) The applicant's physical description, including height, weight, hair color, and eye color.
 - (8) The name and address of the applicant's current employer, and the length of the applicant's employment with the employer.
 - (9) The name and address of each of the applicant's employers in the previous three years, if other than the applicant's current employer.
 - (10) The name, address, and telephone number of a principal officer or director of applicant's business or organization who has authority to act on matters related to the application, and the business's or organization's registered agent for service in Illinois, if any.
 - (11) If more than one solicitor shall be soliciting on behalf of a business or organization, then the names(s), address(es), and telephone number(s) of the person(s) who will be in direct charge of the solicitors on behalf of the business or organization.
 - (12) A description of the subject matter and purpose of the applicant's solicitation.
 - (13) The date(s) for which the applicant seeks a solicitation permit.
 - (14) Whether the applicant will receive any monetary compensation or commission from the solicitation and, if so, the form that compensation or commission will take.
 - (15) Information regarding the use or revocation, within the previous five years, of any prior solicitation permit issued by the Village or any other municipality to the applicant or the business or organization the applicant represents.

- (16) Information regarding the applicant's violation, currently or at any time in the previous five years, of any of the provisions of this article, or of any local, state, or federal solicitation regulation.
 - (17) Information regarding whether the applicant has ever been convicted of a felony under the laws of the State of Illinois, any other state, or the United States, and the nature of the conviction.
 - (18) If the applicant seeks a permit to conduct charitable solicitation on a public right-of-way within the Village, then a written statement by the Illinois Attorney General, made within six months immediately prior to the date of filing of the application, that the business or organization represented by the applicant is in full compliance with all applicable provisions of the Illinois Solicitation for Charity Act (225 ILCS 460/0.01 et seq.).
- B. Issuance. The Chief of Police shall issue a solicitation permit to an applicant within five days after the Chief of Police receives the application, if but only if the Chief of Police finds and determines all of the following:
- (1) The applicant has properly provided all information required by this article or reasonably requested by the Chief of Police and the application and the material statements made in the application are true.
 - (2) The applicant has not been convicted of a felony under the laws of the State of Illinois, any other state, or the United States within five years immediately prior to the date of filing of the application.
 - (3) The Village has not revoked or suspended the applicant's right to solicit in the Village within five years immediately prior to the date of filing of the application, nor has any other municipality revoked or suspended the applicant's right to solicit within its jurisdiction during the same period.
 - (4) The applicant has not been convicted of violating any provision of this article, or of any provision of any previous Village solicitation regulation, within five years immediately prior to the date of filing of the application.
- C. Denial. If the Chief of Police determines that the applicant has not met one or more of the conditions set forth in Subsection **B**, then the Chief of Police shall deny issuance of the solicitation permit and shall give the applicant a written notification and explanation of the denial. The Chief of Police's notice of denial shall be delivered in person or by certified mail, return receipt requested, addressed to the applicant's current residence address as set forth in the application. The solicitation permit shall be deemed denied on the day that the notice of denial is delivered or is placed in the U.S. Mail as provided in this subsection. If the Chief of Police does not issue or deny the solicitation permit within five days after the Chief of Police receives the application, then the permit applied for shall be deemed to have been issued. The applicant may appeal the denial of a solicitation permit pursuant to the provisions of **§ 141-1110**.
- D. Form and display of permit. A solicitation permit shall be issued on a form established by the Chief of Police and shall contain the full facial photograph of the solicitor that was submitted with the application. The name of the solicitor and the business or organization the solicitor represents, if any, the date(s) solicitation shall occur under the permit, and the effective dates of the permit shall be printed on the solicitation permit in easily readable form. Solicitation permits also shall bear the name of the Village, the signature of the Chief of Police or the Chief of Police's duly authorized designee, and the relevant permit application number. Each solicitor shall prominently display the solicitation permit issued to the solicitor pursuant to this article on the front of the solicitor's person at all times while soliciting within the Village.

§ 141-1105 Regulations applicable to all solicitation.

All solicitors shall comply with the following regulations:

- A. "No solicitation" notices. No person shall solicit at or in any premises that has posted on or near its principal entrance a sign bearing the words "No Trespassing," "No Peddlers," "No Solicitors," or any other similar notice indicating in any manner that the occupants of the premises desire not to be solicited or to have their right to privacy disturbed, unless the occupants have specifically requested the solicitation. The Chief of Police or the Chief of Police's duly authorized designee may make available weatherproof cards bearing a notice of the type herein described for posting on or near the principal entrance to any premises.
- B. Principal approach and entrance only. Every solicitor shall approach a premises only by using the principal approach route thereto, and every solicitor shall attempt to make contact with the occupants thereof only at the principal entrance to the premises.
- C. Discontinuance on request. No solicitor shall solicit any person or premises at any time after any such person or the occupant of such premises requests that the solicitor leave the premises or otherwise cease soliciting.
- D. Hours when solicitation prohibited. Except only as provided in § **141-1106C**, no person shall solicit anywhere in the Village at any time between the hours of 9:00 p.m. and 9:00 a.m.
- E. Immediate identification. Every solicitor shall immediately identify himself or herself and the purpose of the solicitation to each person being solicited.
- F. Prominent display of permit. Every solicitor shall prominently display the solicitation permit issued to the solicitor pursuant to this article on the front of the solicitor's person, and the outside of all clothing, at all times while soliciting within the Village.
- G. Impeding traffic prohibited. No person shall solicit anywhere in the Village in a manner that completely or substantially impedes the flow of pedestrian or vehicular traffic in, on, or around any sidewalk or public property, way, or place. No person engaged in solicitation shall have the exclusive right to any sidewalk or other public property, way, or place, nor the right to establish a permanent stationary location for solicitation.
- H. Soliciting on public rights-of-way. No person shall stand in a public right-of-way within the Village for the purpose of soliciting a ride from the driver of any vehicle, or for the purpose of soliciting employment or business from the occupant of any vehicle, or for any other purpose of soliciting except in compliance with § **141-1106**.
- I. Fraud or misrepresentation. No person shall perpetrate a fraud or misrepresentation of any kind while engaged in solicitation within the Village.
- J. Public health and safety. No person shall engage in solicitation within the Village in any manner that creates a danger or threat of any kind to the public health, safety, and welfare.

§ 141-1106 Charitable solicitation on public rights-of-way.

Charitable solicitation on public rights-of-way within the Village shall be allowed only if the charitable solicitation is conducted in strict compliance with Section 11-1006(c) of the Illinois Vehicle Code (625 ILCS 5/1-100 et seq.), all applicable provisions of this article, including without limitation § **141-1105**, and only if the charitable solicitation also complies with the following regulations:

- A. Permit required. No person shall engage in charitable solicitation on any public right-of-way within the Village without first having applied for and obtained a valid solicitation permit therefor pursuant to this article.
- B. Application for permit. Solicitation on a public right-of-way does not involve door-to-door activities and

contact and thus does not involve the same considerations related to public health, safety, and welfare as are raised by door-to-door solicitation. Accordingly, the application for a permit to solicit on a public right-of-way shall be made only by the charitable organization on behalf of all of the individuals who shall be soliciting. The application shall include the names and addresses of all individuals who shall be soliciting and shall conform to the requirements of § **141-1104A(2), (3), (10), (11), (12), (13), and (18)** of this article.

- C. Hours when permitted. No person shall engage in charitable solicitation on any public right-of-way within the Village at any time between the hours of 7:30 p.m. and 6:30 a.m.
- D. Locations. Charitable solicitation on public rights-of-way within the Village shall be engaged in only at intersections having traffic control devices that periodically require traffic from each direction to come to a full and complete stop. Neither the solicitor nor the business or organization represented by the solicitor shall engage in charitable solicitation at any more than four of these intersections at one time within the Village.
- E. Annual and consecutive days limitations. No solicitor, nor the business or organization represented by the solicitor, shall engage in charitable solicitation on public rights-of-way within the Village on more than four days within any one calendar year. Charitable solicitation shall not be conducted on more than two consecutive days and shall not be conducted on more than one such two-day period in any four-month period.
- F. Minimum age. No person younger than 16 years of age shall engage in charitable solicitation on any public right-of-way within the Village.
- G. Protective clothing. Every person engaged in charitable solicitation on any public right-of-way within the Village shall at all times while engaged in solicitation wear a high-visibility vest.
- H. State registration. Every business or organization represented by a solicitor engaged in charitable solicitation on any public right-of-way within the Village shall be registered with the Illinois Attorney General as a charitable organization pursuant to the Illinois Solicitation for Charity Act (225 ILCS 460/0.01 et seq.).
- I. Statewide activity. Every business or organization represented by a solicitor engaged in charitable solicitation on any public right-of-way within the Village shall be engaged in statewide fund-raising activity.
- J. Liability. Every solicitor engaged in charitable solicitation on any public right-of-way within the Village, and the business or organization represented by the solicitor, shall be liable for all injuries to any person or property that occurs during or as a result of the solicitation and that is causally related to an act of ordinary negligence of the solicitor or the business or organization the solicitor represents.
- K. Insurance. Before engaging in any charitable solicitation pursuant to this section, the solicitor shall provide to the Chief of Police a certificate of insurance issued by an insurance company licensed to do business in Illinois indicating that the insurance company will insure the solicitor and the business or organization represented by the solicitor against any injury to any person or property during the solicitation that is causally related to an act of ordinary negligence of the solicitor or of the business or organization represented by the solicitor. The certificate of insurance shall name the Village as an additional insured, shall state that the insurance policy shall not be amended or cancelled during the period of the permitted solicitation, and shall reflect that at least the following coverage has been provided:
 - (1) Personal injury coverage of at least \$1,000,000 per occurrence and \$500,000 per person.

(2) Property damage coverage of at least \$100,000.

§ 141-1107 Violations declared nuisances.

Every violation of any term, provision, condition, restriction, or duty stated in this article or in any solicitation permit issued pursuant to this article is hereby declared to be a public nuisance.

§ 141-1108 Effective period.

Each solicitation permit issued pursuant to this article shall be valid for a period of time set by the Chief of Police but not to exceed 60 consecutive calendar days. An expiration date shall be printed on the face of each solicitation permit.

§ 141-1109 Revocation of permit.

The Chief of Police shall immediately revoke any solicitation permit issued pursuant to this article if the Chief of Police determines that the solicitor is in violation of any of the provisions or requirements of this article or of the solicitation permit issued pursuant hereto, or if the solicitor made a false material statement in the application or otherwise becomes disqualified for the issuance of a solicitation permit under the terms of this article. Immediately after the revocation, the Chief of Police shall take custody of the solicitation permit. The Chief of Police shall give written notice of the revocation to the solicitor as soon as practicable thereafter, in the form of a citation that states the reason for the permit revocation or any other form approved by the Chief of Police that clearly states the reason for the revocation. The Chief of Police shall serve notice on the solicitor in person or by certified mail, return receipt requested, addressed to the residence address set forth in the solicitor's application. The permit shall become null and void immediately on service of the notice of revocation as provided in this section.

§ 141-1110 Appeal of denial or revocation.

Any person aggrieved by the Chief of Police's denial or revocation of a solicitation permit shall have a right to appeal the decision to the Village President as provided in this section. Within 10 days after receipt of the Chief of Police's notice of denial or revocation, the applicant or permit holder may make a written request for a hearing regarding the denial or revocation. The Village President or the Village President's designee, after receipt of the written request for a hearing, shall set a time and date certain for the hearing within 10 days after such receipt. The Village President shall cause written notice of the hearing to be given to the applicant or permit holder at least five days in advance of the hearing date. At the hearing, the applicant or permit holder may present and submit evidence and witnesses to rebut the reasons cited by the Chief of Police for revoking or denying the permit. Within five days after the close of the hearing, the Village President or the Village President's designee shall render a decision in writing. The Village President may reinstate a revoked permit, grant the requested permit or a renewal thereof, or affirm the Chief of Police's decision. The action taken by the Village President shall be final, unless review is sought pursuant to the Illinois Administrative Review Law (735 ILCS 5/3-101 et seq.).

§ 141-1111 Change in information.

During the pendency of an application for, or during the term of, any solicitation permit, the applicant or permit holder shall promptly notify the Chief of Police in writing of any change in any material information given by the applicant or permit holder in the application for the permit.

§ 141-1112 Administrative record.

The Chief of Police shall cause to be kept in the Chief of Police's office an accurate record of every solicitation permit application received and acted on, together with all relevant information and material pertaining thereto. Permit applications shall be numbered as determined by the Chief of Police, and every permit issued pursuant to this article and any renewal thereof shall be identified with the number of the application on which it was issued.

§ 141-1113 Violation notices; payment without prosecution.

A. Violation notice. Any person who violates, neglects, or refuses to comply with, or assists in the violation

of any of the provisions of this article, or of any order, solicitation permit, or notice issued pursuant hereto, shall be issued a violation notice. The Chief of Police shall cause the violation notice to be served in person or by certified mail, return receipt requested.

- B. Payment without prosecution. Within 10 days after the date of the violation notice, any person served with a violation notice issued by the Chief of Police pursuant to Subsection A may avoid prosecution for the violation(s) identified in the violation notice by surrendering the violation notice to the Village and paying at the same time to the Village the sum of \$50. After the ten-day period but before legal action is brought against the violator, the violator may avoid prosecution by surrendering the violation notice to the Village and paying at the same time to the Village the sum of \$100. The Village shall issue a receipt to any person making payment pursuant to the provisions of this subsection.

Article XII Enforcement

§ 141-1201 **Penalty.**

- A. Notwithstanding the general penalty provided for in Chapter 1, Article II, General Penalty, of the Village Code, in any case where there is a violation of any provision of this code for which no specific penalty is provided, the person violating this code shall be subject to a fine of not more than \$750.
- B. Each day any violation of any provision of this code continues shall constitute a separate offense.
- C. Confinement for a term not exceeding six months in the county jail or other place of legal incarceration for each violation of any provision of this Code may be imposed when authorized by state statute.
- D. The suspension or revocation of any license, permit, certificate, or other privilege imposed by the Village shall not be regarded as a penalty for the purposes of this code but shall be in addition thereto.
- E. This section shall not apply to Article VIII, Dogs, or Article X, Liquor, which articles contain specific penalty provisions.