

ORDINANCE NO. 2011-10

AN ORDINANCE AMENDING CHAPTER 22 "BUSINESSES," AND CHAPTER 58, "PEDDLERS AND SOLICITORS," OF THE MUNICIPAL CODE OF THE VILLAGE OF STICKNEY BY REVISING SECTIONS 22-9, 58-1, 58-2, AND 58-3, AND ADDING SECTIONS 58-5 AND 58-6

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, A HOME RULE UNIT OF GOVERNMENT, AS FOLLOWS:

WHEREAS, the Village of Stickney (the "Village") is a home rule municipality in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village regulates canvassing and soliciting within its boundaries; and

WHEREAS, the Village's interests include protecting the safety and privacy of its residents in their home, and protecting its residents against fraud;

WHEREAS, the Village has determined that it is in the interest of the safety and welfare of Village residents to establish certain regulations applicable to canvassing and soliciting within the Village's boundaries;

NOW THEREFORE BE IT ODRAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COUNTY OF COOK, ILLINOIS.

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section. Adoption. Chapter 22, and Chapter 58 of the Municipal Code of the Village of Stickney shall be amended to read as follows:

Sec. 22-9. Charitable Solicitations.

(a) Charitable solicitation on streets or roads or from door-to-door within the village is hereby permitted subject to the provisions of 625 ILCS 5/11-1006 and Chapter 58 of the Village Code.

(b) All of the provisions of 625 ILCS 5/11-1006 regarding the regulation of persons soliciting on highways, streets and roadways are hereby incorporated by reference and are found to be specifically applicable to any and all charitable solicitors in the village.

(c) Any and all charitable solicitors that qualify as a charitable organization as required in subsection (a) of this section will also be required to post evidence of financial responsibility or show evidence of liability insurance in the amount of \$1,000,000.00, and will be required to indemnify the village and any and all of its officials from any liability incurred as a result of allowing such organization to solicit under the provisions of this section.

(d) Solicitations under this section may only be made during the hours of 6:00 a.m. to sundown by persons soliciting on streets or roads, and during the hours or 9:00 a.m. to 9:00 p.m. by persons soliciting door-to-door.

Sec. 58-1. Registration.

It shall be unlawful for any person to engage in business as a canvasser or solicitor, calling at residences for the purpose of soliciting orders, sales, subscriptions, or business of any kind, or seeking for information or donations without first having registered in the office of the village clerk. The registrant shall give ~~his complete identification, his signature, the name of his employer, the nature of the products or services in which he is interested, the names of the manufacturers of such products, or of the organization which he is representing, and the proposed method of operation in the village.~~ the following information:

- (1) The name, address, and telephone number of the applicant and length of time at such address; also, the business address and business telephone number of the applicant;
- (2) The name, address and telephone number of the person, firm, corporation or association by whom the applicant is employed, or whom the applicant represents;
- (3) The names and addresses of the people organizing and supervising the solicitation;
- (4) The purpose(s) for which any solicited funds will be used;
- (5) The method to be used in conducting the solicitation;
- (6) The date and time when the solicitation is to take place;
- (7) Whether a permit previously issued to this applicant or organization under this Chapter has ever been revoked;
- (8) Whether the applicant, organization, or organization's members who will be soliciting have ever been convicted of a violation of any provision of this Chapter or any of the Village's ordinances, or any solicitor's ordinance of any municipality;
- (9) Whether the applicant, organization, or organization's members who will be soliciting have ever been convicted of a felony under the laws of any state, and if so, the date of each such conviction, the nature of each offense, and the penalty assessed.

Each person that will solicit or canvass within the Village shall complete a separate application, and each registrant shall pay to the village clerk a registration fee of \$30.00, which shall apply for any applications by the registrant during a for a period of one year. The registration fee set forth above shall be waived for any person soliciting on behalf of an entity registered with the

State of Illinois as a Charitable Organization under 225 ILCS 460/2, provided that the applicant provide the Village Clerk with evidence of such registration, and proper documentation showing the applicant's affiliation with such entity.

Any ~~such~~ registration may be revoked by the president or the chief of police because of any violation by the registrant of this Chapter or of any other ordinance of the Village, or of any state or federal law, ~~or whenever the registrant shall cease to possess the qualifications and character required in this chapter for the original registration.~~

Sec. 58-2. Certificate.

~~Each applicant who shows evidence of good character and who pays the fee provided for in section 58-1 shall be furnished a certificate indicating that he has registered and showing the dates covered by such registration. The Village Clerk shall issue a certificate of registration to each applicant if the Clerk has reason to believe that:~~

- (1) The statements in the application are true;
- (2) Neither the applicant nor the organization has engaged in any fraudulent practices;
- (3) Neither the applicant nor the organization have been convicted of a violation of any provision of this Chapter or the solicitation ordinance of any other Illinois municipality in the past five (5) years;
- (4) Neither the applicant nor the organization and its members who will be soliciting have been convicted of a felony within the past five (5) years.

Each person shall at all times while soliciting or canvassing in the village carry upon his person the registration certificate, and the certificate shall be exhibited by such registrant whenever he is required to do so by any police officer or by any person solicited.

Sec. 58-3. Entrance to premises restricted.

(a) It shall be unlawful for any peddler to enter upon any private premises when such premises are posted with a sign stating, "No Peddlers Allowed" or "No Solicitations Allowed," or other words to such effect. Residents may obtain such signs from the Village Clerk at no cost. A sign described in this section shall be posted on or near the main entrance of the residence.

(b) In addition to posting a sign under this provision, residents that wish to forbid solicitation and/or peddling on their properties may submit their addresses to the Village Clerk. The Village Clerk shall keep a database showing the addresses submitted by residents that have posted a sign under this Section, and shall provide that database to registrants along with the certificate described in Section 58-2. Registration under this subsection is optional, and this subsection applies in addition to, and not instead of, the requirement that a resident must post a sign on his

or her property, in conformance with the first paragraph of this Section, in order to forbid soliciting on that property.

Sec. 58-4. Exemption to chapter provisions.

(a) The provisions of this chapter shall not apply to officers or employees of the village, county, state or federal government, or any subdivision thereof, when on official business.

(b) This Chapter shall not apply to any individual(s) or organization(s) gathering signatures to include any political party or association, candidate, or public question on any ballot, as required by state or federal law.

(c) This chapter shall not apply to minors conducting fundraising activities who represent a youth organization including but not limited to, Boy Scouts, Girl Scouts, Little League groups, and school groups. However either an adult in a supervisory role with the youth organization, or the guardian of the minor must provide his or her contact information to the Village prior to any solicitation by a minor under this subsection.

Sec. 58-5. Certificate Effective Period; Nontransferable.

Certificates issued by the Village Clerk shall be effective for no longer than 21 days. Permits issued by the Village Clerk are nontransferable.

Sec. 58-6. Duties of Solicitors

For purposes of this section "Solicitor" shall mean any person required to register under Section 58-1.

(a) It shall be the duty of every Solicitor upon going onto any residence in the Village to determine if there is a notice provided for in Section 58-3, and to abide by the statement contained in the notice. If the notice forbids solicitation or peddling at the residence, then the Solicitor shall immediately and peacefully depart the premises

(b) 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.

(c) A Solicitor must show the occupant of the residence the certificate issued under Section 58-2, if requested by the occupant of the residence.

(d) No Solicitor shall use any tactics based on force, threat of force, intimidation or psychological pressure, or misrepresentation himself or his product, to any Village official, or potential or actual contributor or customer.

(e) Solicitors shall at all times abide by all Village ordinances and state and federal statutes while soliciting or canvassing within the Village.

(f) Solicitations may only be made between the hours of 9 a.m. and 9 p.m.

Section 3. Home Rule. This ordinance is enacted under the Home Rule powers of the Village as set forth in the Constitution and laws of the State of Illinois.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication in the manner provided by law.

Section 5. Conflicts. This Ordinance supersedes all ordinances or parts of ordinances directly conflicting with the terms and provisions contained herein, but only to the extent of such conflict.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 7. Certification and Publication. The Village Clerk of the Village of Stickney shall certify to the adoption of this Ordinance and cause the same to be published in pamphlet form.

PASSED AND APPROVED at a regular meeting of the President and the Board of Trustees of the Village of Stickney, Illinois, this 21st day of June, 2011.


AYES: Trustees Mares, Morelli, Schimel, Walik and Zeedyk

NAYS: _____

ABSENT: Trustee White


ABSTAIN: _____

APPROVED by me this 22nd day of June, 2011,



President Daniel A. O'Reilly of the Village
of Stickney, Cook County, Illinois

ATTESTED, Filed in my office,
and published in pamphlet form
this 22nd day of June, 2011.



Audrey McAdams
Clerk of the Village of Stickney, Cook County, Illinois