

ORDINANCE NO. 2016- 18

AN ORDINANCE AMENDING CHAPTER 58, SECTIONS 58-1, 58-3 AND 58-5 AND ADOPTING CHAPTER 58, SECTION 58-7 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS REGARDING PEDDLERS AND SOLICITORS

WHEREAS, the Village of Stickney (the "Village") is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, the Village President (the "President") and the Board of Trustees of the Village (the "Village Board" and with the President, the "Corporate Authorities") are committed to the growth of the local economy and protecting the interests and welfare of the residents of the Village; and

WHEREAS, currently, the Municipal Code, Village of Stickney, Illinois (the "Village Code") regulates the issuance of licenses for peddlers and solicitors within the Village (the "Existing Regulations"); and

WHEREAS, in order to clarify the Existing Regulations, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village and its residents to amend Chapter 58, Sections 58-1, 58-3 and 58-5 and to adopt Chapter 58, Section 58-7 of the Village Code as set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

**ARTICLE I.
IN GENERAL**

SECTION 1. INCORPORATION CLAUSE.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to amend Chapter 58, Sections 58-1, 58-3 and 58-5 and to adopt Chapter 58, Section 58-7 of the Village Code to clarify the Existing Regulations and to authorize the President or his or her designee to take all actions necessary to carry out the intent of this Ordinance.

ARTICLE II.
AMENDMENT OF CHAPTER 58, SECTIONS 58-1, 58-3 AND 58-5 AND ADOPTION OF
CHAPTER 58, SECTION 58-7 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY,
ILLINOIS

SECTION 3.0. AMENDMENT OF CHAPTER 58, SECTION 58-1

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 58, Section 58-1, which Section shall be amended as follows:

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 information or donations without first having registered in the office of the village clerk. The registrant shall give the following submissions and 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 as well as the state issued license number of the person, firm, corporation or association, as may be applicable;
- (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;
- (10) Security in the amount of \$1,000.00 in the form of a surety bond in substance as described in section 2-3 of this Code as from time to time amended or replaced, or a cash deposit to ensure that the applicant and the employer of the applicant, if any, shall comply fully with all applicable ordinances of the village and statutes of the state. Such security will be restored within 30 days after the expiration of the

certificate of registration issued pursuant to the provision of this chapter, provided that no charges or citations under this Code have been brought against the applicant or employer of the applicant. If charges or citations are brought, the security shall be held pending the outcome thereof and may be used, applied or retained by the village to pay any fine and/or costs which may result from any such charges or citations.

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 ~~\$250.00~~ 500.00, ~~which shall apply for any applications by the registrant during a period of one year.~~ The security submission described in subparagraph (10) above and the registration fee 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 registration may be revoked by the president, a majority vote of the Board of Trustees 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.

SECTION 3.1. AMENDMENT OF CHAPTER 58, SECTION 58-3

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 58, Section 58-3, which Section shall be amended as follows:

Sec. 58-3. - Entrance to premises restricted.

(a) It shall be unlawful for any peddler or solicitor 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. Any unlawful or unpermitted entry onto any private premises when such premises is posted with a "No Soliciting" sign or a sign to a similar effect shall be grounds for the revocation of the license.

(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 of this Code. 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.

SECTION 3.2. AMENDMENT OF CHAPTER 58, SECTION 58-5

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 58, Section 58-5, which Section shall be amended as follows:

Sec. 58-5. - Certificate effective period; nontransferable; number of licenses.

(a) Certificates issued by the village clerk shall be effective for no longer than 21 calendar days. Permits issued by the village clerk are nontransferable. No individual who has received a license for peddling or solicitation for a commercial purpose may obtain more than one such license within the same calendar year.

(b) There shall be no more than 5 peddler and/or solicitor licenses in effect at any time. Peddler and solicitor licenses shall be issued on a first come, first served basis. This limitation shall not apply to any person soliciting on behalf of an entity registered with the State of Illinois as a charitable organization.

SECTION 3.3. ADOPTION OF CHAPTER 58, SECTION 58-7

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by adopting Chapter 58, Section 58-7, which Section shall be adopted as follows:

Sec. 58-7. - Penalties; revocation.

Any person found guilty of violating any section of this chapter shall be fined not less than \$250.00 or more than \$750.00 for each offense. Additionally, the license of any person found guilty of violating this chapter shall be revoked upon the direction of the president, a majority vote of the Board of Trustees or the chief of police.

SECTION 3.4. OTHER ACTIONS AUTHORIZED.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

**ARTICLE III.
HEADINGS, SAVINGS CLAUSES, PUBLICATION,
EFFECTIVE DATE**

SECTION 4. HEADINGS.

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

SECTION 5. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative,

unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 6. SUPERSEDER.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 7. PUBLICATION.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall be effective and in full immediately upon its passage and approval.

(REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

PASSED this 2nd day of August, 2016.

AYES: Trustees Fuentes, Hrejsa, Lazansky, Milenkovic, Savopoulos and White

NAYS:

ABSENT:

ABSTENTION:

APPROVED by me this 3rd day of August, 2016.

Deborah Morelli, President

**ATTESTED AND FILED in my
office this 3rd day of August, 2016.**

Audrey McAdams, Village Clerk