

AGENDA

REGULAR MEETING OF THE LAWS AND ORDINANCES COMMITTEE TO BE HELD ON MONDAY, AUGUST 10, 2020, AT 5:30 P.M. AT THE VILLAGE HALL, 835 MIDWAY DRIVE, IN THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS

DUE TO THE COVID 19 PANDEMIC THE VILLAGE WILL BE UTILIZING A CONFERENCE CALL FOR THIS MEETING.

THE PUBLIC CAN UTILIZE THE FOLLOWING CALL IN NUMBER:

Dial in Phone Number: 630-920-2488

Code ID: 012153 #

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES – July 13, 2020 (Approve)
4. DISCUSS – Code Enhancements for Chapter 9 Hotels – Rooming Houses
5. DISCUSS – Chapter 13 Solicitors Regulations
6. ON GOING REVIEWS
 - a) Food Truck Licensing Requirements
 - b) Signage Permit Fees
 - c) Outdoor Sales for Service Stations
 - d) Business License Late Fees
7. COMMITTEE REPORTS
8. VISITOR'S BUSINESS
(Public comment is limited to three minutes per person)
9. ADJOURNMENT

Mayor

Frank A. Trilla

Village Clerk

Leroy R. Hansen

Village Trustees

Sue Berglund

Umberto Davi

Terrence Kelly

Michael Mistele

Gayle Neal

Paul Oggerino

Village Administrator

Brian Pabst

Chief of Police

Robert Schaller

Director of Finance

Carrie Dittman



MINUTES OF THE REGULAR MEETING OF THE LAW AND ORDINANCES COMMITTEE OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, JULY 13, 2020 AT 5:30 PM AT THE WILLOWBROOK VILLAGE HALL, LOWER LEVEL CONFERENCE ROOM, 835 MIDWAY DRIVE, VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

Chairman Kelly called the meeting to order at the hour of 5:32 pm. It was noted that this meeting was held via conference call due to the Covid-19 pandemic.

2. ROLL CALL

Those present at roll call were Chairman Terrence Kelly and Assistant Village Administrator Michael Mertens.

Present via Conference Call, Due to the Covid-19 Pandemic, were Trustees Gayle Neal, Umberto Davi, and Village Attorney Thomas Bastian

ABSENT: Building Official Roy Giuntoli

3. APPROVAL OF MINUTES

Minutes – Regular Meeting June 8, 2020

MOTION: Motion Made by Trustee Davi to approve the minutes from the June 8, 2020 meeting and seconded by Trustee Neal. Roll call, all in favor.

MOTION DECLARED CARRIED

4. DISCUSSION – Code Enhancements for Chapter 9 Hotels – Rooming Houses

Assistant Village Administrator Mertens stated, “Due to Building Official Giuntoli’s absence, I will follow-up with this presentation. At the June 8 meeting, we discussed sections 3-9-1 and section 3-9-6 wherein we received comments on code clarifications and enhancements to the code. We ended it at 3-9-6 because we had other items to discuss. There are four (4) sections left and no recommendations on 3-9-7, 3-9-8 and 3-9-9. There will be no code changes on these sections. The committee members agree. There is a proposed addition to add 3-9-10 referring to penalties associated with Hotels and Rooming Houses. Some of the language should be changed. Some additions would be to add language to violations, fines to be not less than \$100.00 and no more than \$750.00 per offense per day. It was recommended to add some language for the Village Board to be able to terminate, revoke or suspend any license granted. Clarifications will be needed on the language for notice requirements and any public hearing for alleged violations. “

"We need to be proactive with some of these property maintenance issues either through Building Official or Code Enforcer. An example would be if there are old mattresses left in the parking lot, this would be a handwritten notice given to the Hotel with a date to have this removed by. Then we would do a follow-up inspection either internally or externally. If this is not rectified than we would issue a certified notice of violation. If the situation has not been brought into compliance by the specified date, we would issue a ticket. The ticket would go through the DuPage County system. Our Building Official does have the authority to write tickets. Normally we have been having our code enforcement officer handle this due to our staffing issues. In our code updates we are proposing annual inspections but that does not mean we should not be checking the Hotels on a monthly or quarterly basis to check for code violations. This would help us in the long run."

Trustee Davi stated, "What I am hearing there is nothing we must change in the code provision. It is an enforcement issue. Does that mean we have to do something with the code provision to tighten up the enforcement or is that administrative? What is it?"

Assistant Village Administrator responded, "It is a little of both. In the proposed code enhancement, as part of the business license, we are to do an annual inspection of the Hotel. That is a new requirement that we are proposing to put into our code. Another topic is the process to remove a license. We really did not have specific language for the process."

Village Attorney Bastian indicated that the proposed section 3-9-10 has the process for suspending or revoking license but Assistant Administrator Mertens is correct, if you revoke the license for minor property maintenance the court would reverse that. If we adopt section 3-9-10 we must redefine it to include specific procedures for those hearings, notice requirements, the time frame between notice and hearing. This is mainly an enforcement issue.

Trustee Neal asked If a notice of violations will be the ticketing process that the Building Inspector sees and issues. Is that correct?

Assistant Village Administrator Mertens said, "Correct."

Trustee Neal asked if a compliance is not completed would some of the language that Attorney Bastian was discussing be inserted into the code amendment?

Village Attorney Bastian stated the violation is the ticket to appear in court.

Trustee Neal asked if the language must be in 3-9-10 to be part of the process?

Village Attorney Bastian stated that it could be.

Trustee Neal related that the punch list form has been refined and a copy is in the agenda. There are sections for re-inspection dates to be listed on the form for better tracking and communication with the property owner.

Assistant Administrator Mertens stated that is a good example for item #1. The notice of violation is a formal letter not the ticket.

Trustee Neal stated this update is a definite improvement.

Village Attorney Thomas Bastian mentioned different counties use different terminology. Most cases comply upon reinspection.

Trustee Kelly asked, "In 3-9-10 it states that the Village Clerk must sign the violation, who else can we designate?"

Village Attorney Thomas Bastian stated the notice of violation/punch list is filled out by the inspector. If you have a complaint that is going to court, the inspector signs the complaint which becomes a verified complaint. The Village Clerk and the Deputy Clerk are authorized to take oath.

Trustee Kelly stated, "My point is it should be by the Village Clerk or authorized village employees. More than one person should be able to sign that."

Assistant Administrator Mertens suggested that there be a late fee associated with Business Licenses that were not paid on time. Staff should investigate this for the Fall.

Trustee Neal asked if that would go under section 3-9-10.

Assistant Administrator Mertens stated it should be included with the Business License fees.

5. DISCUSSION – Food Truck Licensing Requirements

Assistant Administrator Mertens shared that Trustee Neal had inquired about the licensing requirements for Food Trucks. The current Village Ordinance language that relates to food trucks is vague and outdated. Trustee Kelly and Neal have provided us with examples from the City of Chicago and Naperville. This needs to be defined better. Trustee Neal's concern is the safety and sanitation. Staff is seeking feedback on the fees and where should food trucks be permitted to sell their product? Currently the fee is \$85.00 per year. The Committee felt \$200.00 would be better.

Trustee Kelly stated we need to keep this simple and ensure health and safety.

Discussion was had on limit to certain districts, sales TAX ID number and certificate of liability insurance. A major concern is that the food trucks have a DuPage County Health

Department Permit.

6. COMMITTEE REPORTS

It was noted that the Mayor Trilla asked staff to review permit fees for signage and outdoor sales for gas stations.

7. VISITOR'S BUSINESS

NONE

8. ADJOURNMENT

Trustee Davi made a motion to adjourn, seconded by Trustee Neal. All in favor. The meeting adjourned at 6:20 pm. Roll call, meeting adjourned.

PRESENTED, READ, and APPROVED

_____, 2020

CHAIRMAN

Minutes prepared by
Michael Mertens Assistant Village Administrator

LAW AND ORDINANCES COMMITTEE MEETING
AGENDA ITEM SUMMARY SHEET

AGENDA ITEM DESCRIPTION

DISCUSS – Code Enhancements for Chapter 9 Hotels – Rooming Houses

COMMITTEE REVIEW

- ☐ Finance/Administration
- ☐ Municipal Services
- ☐ Public Safety
- ☒ Law & Ordinances

Meeting Date: August 10, 2020

- | | |
|--|---|
| <input type="checkbox"/> Discussion Only | <input type="checkbox"/> Approval of Staff Recommendation (for consideration by Village Board at a later date) |
| <input checked="" type="checkbox"/> Seeking Feedback | <input type="checkbox"/> Approval of Staff Recommendation (for <u>immediate</u> consideration by Village Board) |
| <input type="checkbox"/> Regular Report | <input type="checkbox"/> Report/documents requested by Committee |

BACKGROUND:

At the March 9, 2020 Law and Ordinances Committee meeting, Trustee Neal provided an overview of the current Village of Willowbrook Building Code as it relates to Hotel/Motels. Trustee Neal advised the Committee that most of the code dates to 1970 with various minor updates occurring in 1978, 1984, 1985 and 2005. Trustee Neal recommended that the Village consider reviewing the code to make sure the code utilizes the best practices applied within the industry, including but not limited to yearly inspections for property maintenance, health, and sanitation related issues.

On June 8, 2020, staff presented an initial redline document highlighting the possible updates to Chapter 9, Hotel / Motel section, of the Building Code. Staff received input and direction on the proposed language on sections 3-9-1 through section 3-9-6. On July 13, 2020, the Committee reviewed sections 3-9-7 through 3-9-10 and provided staff input.

Staff has updated the proposed code enhancements on the attached document based on the feedback received on June 8th and July 13, 2020. We have asked our code enforcement officer, Karyn Byrne, to join us for the meeting to walk through the enforcement process and to help ensure we closeout any loose ends on the proposed yearly inspection process.

STAFF RECOMMENDATION:

Staff is seeking feedback on the code update concepts. Upon consensus from the Committee staff will work with the Village Attorney on a final draft formal consideration and recommendation from the Committee.

WILLOWBROOK

Chapter 9

MOTELS / HOTELS; ROOMING HOUSES – Title Change to Remove “Rooming Houses”

3-9-1: DEFINITIONS:

For the purposes of this chapter, the words and terms given below are defined as follows:

Proposed Replacement:

The term "motel and hotel" as used in this section shall be construed to mean any establishment consisting of a group of attached or detached rooms, located on a single zoning lot or contiguous or adjoining zoning lots comprising one single plot of land, which is kept, used, maintained, advertised or held out to the public to be a place where lodging or lodging and food, or apartments or suites or other sleeping or housekeeping units, with or without self-contained kitchen facilities, are offered for hire or rent to travelers and guests, whether transient, permanent or residential. These facilities may be described as motor inn / lodge or other similar names denoting that accommodations are available primarily for transient guests.

Current Language to be Replaced:

~~HOTEL: Any building or structure used for lodging the public, especially transients, where sleeping or lodging accommodations, with or without meals, are furnished for compensation for more than twelve (12) guests.~~

~~MOTEL: Any building or structure used for lodging the public, especially transients, where sleeping or lodging accommodations, with or without meals, are furnished for compensation, which provides the guests and lodgers thereof ready access to their automobiles or other motor vehicles. (Ord. 70-O-4, 2-23-1970)~~

3-9-2: BUILDING CODE APPLICABLE:

Notes: Currently the wording is from (Ord 70-O-4,2-23-1970) I believe this should be updated to reflect Codes for 2020

No building hereafter constructed shall be used as a motel / hotel, ~~lodging house or rooming house~~ and no building or portion thereof not now so used shall be converted into or used for a hotel or motel unless in addition to the provisions hereof, it conforms to the requirements of the Building Code of the Village. (Ord. 70-O-4, 2-23-1970)

3-9-3: LICENSE REQUIRED:

Proposed Replacement:

It shall be unlawful for any person to conduct, keep, manage, or operate a motel/hotel, as defined herein without complying with all of the provisions of this Chapter and without first having obtained a license therefor. Such license shall be issued only to persons of good moral character and any person who shall have been found guilty by a court of competent

jurisdiction of any offense denoting moral turpitude is to be presumed, prima facie, to be in good standing with the State of Illinois ~~of bad moral character~~. The license year shall be from January 1st to December 31st.

Current to be Replaced:

~~No person shall engage in the business of operating a hotel or motel within the Village without first obtaining a license therefor. (Ord. 70-O-4, 2-23-1970)~~

3-9-4: LICENSE APPLICATION:

Note: Business Licenses fees are prorated as follows: 0% between 1/01 and 3/31, 25% between 4/1 and 6/30, 50% between 7/1 and 9/30 and 75% between 10/1 and 12/31.

Proposed Addition:

Each applicant for a license to operate or maintain a motel/hotel shall file an application with the Village Clerk stating therein the name and address of: (a) the franchisor (if any); (b) owner and any shareholder, member or partner of the owner owning more than ten percent (10%) of the owner; (c) any manager or assistant manager of the owner having charge of the management or control of the premises, name and address of the manager, assistant manager if any, or desk clerk or clerks; location of the motel / hotel, the number of rooms to be available; the maximum number of persons and vehicles to be accommodated; and whether or not kitchen facilities are afforded and if so, the number and location of each such unit. Unless the same shall have been previously presented and approved, this application shall be accompanied by plans of the motel drawn by a licensed architect, showing the proposed or existing locations of all buildings, rooms, fire escapes, stairs, windows toilets, type of heating, sewer connections, driveways and other improvements.

Current Language to be Modified:

~~Application for a hotel or motel license shall be made and license shall be issued as hereinbefore provided. With the application shall be filed a plan of each floor of the building proposed to be used as a hotel or motel, drawn to a scale of not less than one fourth inch ($\frac{1}{4}$ ") to the foot, showing all fire escapes, stairs, halls, the location and size of all windows, bedrooms and exits on each floor, and indicating the number of persons proposed to be accommodated on each floor and the number of persons to be housed in each room. (Ord. 70-O-4, 2-23-1970)~~

The application filed shall be referred to the ~~Director of Municipal Services~~ **Village Clerk or his/her designee Building Official** who shall cause investigation to be made to determine whether the building or premises in which such hotel or motel or rooming house is to be operated complies to the requirements of this Code in regard to construction, sanitation and public health and safety. If the ~~Director of Municipal Services~~ **Village Clerk or his/her designee** approves the application, license shall be issued upon payment of the prescribed fee. (Ord. 78-O-20, 4-24-1978; amd. Ord. 85-O-11, 3-25-1985; Ord. 05-O-32, 11-14-2005)

3-9-5: LICENSE FEES:

Proposed Additional Language:

The annual fee for a hotel / motel shall be as set forth in section 3-1A-1 of this title. The License Fees shall include one (1) mandatory inspections a year per property. Violation Correction-notices that are not timely corrected abated are subject to citations and fines per occurrence. Licenses are subject to revocation for failure to cure violations via Village Board Public Hearing process. (Ord. 70-O-4, 2-23-1970; amd. Ord. 75-O-41, 12-17-1975; Ord. 84-O-30, 6-25-1984)

3-9-6: INSPECTION:

Notes for Building Department

The current Inspection Record Slip, appears to be dated 2016, should have an additional line or box at the bottom of the form with a date the inspection items need to be corrected by.

We have created a new hotel inspection sheet as requested, attached.

Proposed Modification:

Once each year, or more often if it is deemed advisable, the Director of Municipal Services Building Official shall cause each hotel / motel to be inspected to determine whether the provisions of this chapter as to sanitation, fire prevention and public health and safety are being complied with. (Ord. 70-O-4, 2-23-1970; amd. Ord. 78-O-20, 4-24-1978; Ord. 85-O-11, 3-25-1985; Ord. 05-O-32, 11-14-2005)

3-9-7: PREMISES REQUIREMENTS: No Changes

- (A) Basement: No hotel or motel shall use or permit the use of a basement or any part thereof for lodging or rooming purposes.
- (B) Ventilation: No room in any hotel or motel shall be occupied as a sleeping room by any human being unless there are at least four hundred (400) cubic feet of air space, exclusive of wardrobe and closet space for each person occupying such room.
- (C) Bathrooms and Toilets: In every motel / hotel, bath and toilet facilities shall be provided in each room. ~~on each floor; toilets shall be provided in the ratio of at least one to every ten (10) occupants or fraction thereof.~~

~~In every motel, bath and toilet facilities shall be provided in each unit of said motel.~~
- (D) Light Housekeeping: No person operating any hotel shall permit the cooking or preparation of food or meals or the storage of foodstuffs, with the exception of the use of minibars, small microwaves and mini refrigerators for incidentals, in any room used for sleeping purposes; light housekeeping, so called, shall not be permitted in any such sleeping rooms. (Ord. 70-O-4, 2-23-1970)

3-9-8: ACCESSORY BUILDINGS: No Changes

No accessory building shall be used for hotel or motel purposes. (Ord. 70-O-4, 2-23-1970)

3-9-9: NUISANCE DECLARED: No Changes

The maintenance or use of any building or structure or portion thereof in violation of any provision of this chapter or of the Building Code shall constitute a nuisance and may be abated as such. (Ord. 70-O-4, 2-23-1970)

3-9-10. PENALTIES: New Section and Language

- a. Any person, firm or corporation violating any provision of this Chapter shall be fined not less than \$100.00 nor more than \$750.00. A separate offense shall be deemed committed on each day that a violation occurs or continues.
- b. Termination, Revocation, or Suspension of License.

In addition to any other penalty herein imposed for violation of any provision of this Chapter, the Village Board shall have the right to terminate, revoke, or suspend any license granted under the provisions of this Chapter; provided, however that no suspension, termination, or revocation of a license shall take place until after notice of such violation has been given to the motel owner or manager, and a public hearing afforded at a time and place to be fixed by the Village Board.

(a) The notice required by this section shall:

- i. state the particular provision of this Chapter alleged to have been violated and the facts upon which such allegation is based; and
- ii. state the time, date, and place of the public hearing on the alleged violation; and
- iii. be signed by the Village Clerk or his/her designee; and
- iv. be served on the motel owner or manager in person or by registered or certified mail, postage prepaid, addressed to the address given in the application for a motel license not less than ten (10) days before the public hearing.

(b) At the public hearing of the alleged violation:

- i. the charges against the licensee shall be read; and
- ii. the licensee shall be given an opportunity to answer and/or explain all charges, to present witnesses, and to cross-examine witnesses testifying against the licensee; and
- iii. the licensee may be represented by counsel; and
- iv. formal rules of evidence shall not apply.

(c) The Village Board shall determine after the public hearing whether or not to suspend, terminate, or revoke the license and shall give written notice to the licensee of its decision. The Board's decision shall be final.

Below is copy of our Village code, specifically section 9-12-8-M, that highlights prohibited uses - tourists homes. I would presume that that would entail short-term Airbnb, HomeAway, VRBO type rentals, would you concur?

I do not think this section would prohibit longer term rentals, although I do not see a definition of what that maybe.

9-12-6: HOME OCCUPATIONS: [linklink](#)

There are normally permitted in any residential dwelling occupied as such, home occupations operated by the residents thereof, incidental to the primary use of the premises as a residence. It is the intent of this chapter to determine the level and extent of such home occupations. (Ord. 97-O-05, 1-27-1997)

9-12-7: PERMITTED HOME OCCUPATIONS: [linklink](#)

Permitted home occupations include, but are not limited to, the following list of occupations:

(A) Dressmakers, seamstresses and tailors.

(B) Music and dance instructors, providing that regular instruction is limited to one pupil at a time.

(C) Artists, sculptors and authors or composers.

(D) Offices for:

1. Architects, engineers, lawyers, doctors, insurance agents, teachers, accountants or similar professions; 2. Duly ordained leaders of religious and/or spiritual communities; 3. Light office services, such as typing, telephone answering services and similar occupations; and 4. Real estate and other salespersons, sales representatives and manufacturers' representatives, when no retail or wholesale transactions are conducted on the premises, except by telephone. No delivery of goods to or from the property shall be allowed.

(E) Homecrafts, such as model making, rug weaving, lapidary work, cabinet carving, etc., provided that no machinery or equipment shall be used or employed other than that which would customarily be used in connection with a hobby or avocation not conducted for gain or profit. (Ord. 77-O-14, 3-31-1977)

(F) Daycare homes: A "daycare home" is a family home which receives not more than five (5) children for care during the day. The maximum of five (5) children includes the family's natural or adopted children under the age of sixteen (16) and those children who are in the home under full time care. Daycare homes shall only be permitted in single-family detached dwellings and shall meet all applicable State and Village requirements. (Ord. 97-O-05, 1-27-1997)

9-12-8: PROHIBITED HOME OCCUPATIONS: [linklink](#)

The following occupations are specifically prohibited:

(A) Animal hospitals.

(B) Hospitals or clinics.

(C) Dancing schools (except when limited above).

(D) Mortuaries. (Ord. 77-O-14, 3-31-1977)

(E) Facilities used for childcare as defined by 225 Illinois Compiled Statutes 10/2.05, except as otherwise expressly permitted by subsection 9-12-7(F) of this chapter.

(F) Halfway houses.

(G) Private clubs.

(H) "Readings" and fortune telling.

(I) Rental of equipment and machinery.

(J) Repair shops, excepting the repair of small portable electrical appliances, such as radios, cameras, typewriters, and other similar items.

(K) Restaurants.

(L) Stables or kennels.

(M) Tourist homes.

(N) Houses of prostitution.

(O) Massage parlors. (Ord. 77-O-14, 3-31-1977; amd. Ord. 83-O-7, 2-14-1983)

(P) Adult business uses (as defined by this title). (Ord. 97-O-05, 1-27-1997)

9-12-9: STANDARDS FOR HOME OCCUPATIONS:linklink

In addition to all of the use limitations applicable in the district in which a home occupation is located, no home occupation shall be permitted unless it complies with the following restrictions:

(A) No person other than a member of the immediate family occupying the dwelling unit shall be employed in connection with the occupation.

(B) There shall be no manufacturing or processing of any kind.

(C) No sign shall advertise the presence or conduct of the occupation.

(D) No wholesale, jobbing or retail business shall be permitted unless it is conducted entirely by mail or telephone and does not involve the receipt or sale, shipment, delivery or storage of merchandise on or from the premises, provided that articles produced directly by members of the immediate family residing on the premises may be sold from and stored on the premises.

(E) There shall be no alteration of the principal residential structure which changes the character thereof as a dwelling.

(F) No more than twenty five percent (25%) of the area of one story of a single-family dwelling, nor more than twenty percent (20%) of the area of any other dwelling unit, may be devoted to the home occupation.

(G) There shall be no storage outside a principal building or accessory structure of equipment or materials used in the home occupation.

(H) The home occupation must be conducted entirely within the principal building or accessory structure.

(I) No home occupation may be operated so as to cause a nuisance. (Ord. 77-O-14, 3-31-1977)

(J) No home occupation shall cause an increase in traffic volumes in excess of those volumes which normally would be expected in that residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided off street other than in a required front or side yard, and in no case shall exceed more than one space as provided by chapter 10 of this title. (Ord. 77-O-14, 3-31-1977; amd. Ord. 97-O-05, 1-27-1997)

9-12-10: TEMPORARY USES:linklink

There are several uses which are temporary in nature, which may be permitted due to their unique nature. The following uses may be permitted in each district on a temporary basis upon the approval of the Director of Municipal Services, subject to such conditions and restrictions as the Director of Municipal Services deems appropriate together with the time limits and other conditions set forth below:

A carnival or circus when operated or sponsored by a local not for profit organization (not to be located in any residential district, except on park, church or school property) to continue for a period not to exceed one week. Such uses shall comply with the setback requirements of the district in which they are located.

Contractor's office and equipment shed (containing no cooking or sleeping accommodations) accessory to a construction project, and to continue only for the duration of the project, while building permits are in force. Such offices and/or equipment shall be removed upon lapse of building permits, or issuance of occupancy certificate on the last dwelling unit.

In Business Districts B-1 through B-4, Christmas tree sales for a period not to exceed forty-five (45) days commencing no earlier than November 10 of each year.

In the B-1, B-2, B-3 and B-4 Business Districts, outdoor garden supply sales for a period not to exceed one hundred twenty (120) days commencing no earlier than March 15 of each year and ceasing no later than July 15 of each year.

In the B-1, B-2, B-3 and B-4 Business Districts, outdoor seating in a designated area in conjunction with a restaurant (but specifically excluding fast food establishments) for a period not to exceed two hundred (200) days commencing no earlier than April 1 of each year and ceasing no later than September 30 of each year. Approval of such use shall be subject to consideration of such issues as location, vehicle and pedestrian circulation and safety, fire access, sanitation and supervision standards deemed appropriate by the Director of Municipal Services.

In the B-1, B-2, B-3, and B-4 Business Districts, the outdoor display of product, or approved product related merchandise, by businesses wherein the principal use is retail grocery, and the business maintains a gross floor area in excess of thirty thousand (30,000) square feet. Such displays may commence no earlier than April 1 of each year and cease no later than November 15 of each year.

In the B-1, B-2, B-3 and B-4 Business Districts, the outdoor display of merchandise or conduct of attractions in connection with art fairs, sidewalk sales, grand openings, automobile shows or other special promotions. All outdoor displays and/or attractions shall comply with the setback requirements of the district in which they are located. Each freestanding business or shopping center is permitted four (4) special promotions per calendar year for a period not to exceed ten (10) days for each promotion.

Real estate office (containing no cooking or sleeping accommodations unless located within a model dwelling unit) incidental to a new housing project, and then to continue only until disposal of substantially all the units within the development. (Ord. 77-O-14, 3-31-1977; amd.

Ord. 87-O-20, 5-11-1987; Ord. 97-O-05, 1-27-1997; Ord. 05-O-04, 2-28-2005; Ord. 05-O-32, 11-14-2005)

VILLAGE OF WILLOWBROOK

BUILDING & ZONING DEPARTMENT

HOTEL INSPECTION RECORD SLIP

**HOTEL
NAME:** _____

DAY: _____

ADDRESS: _____

DATE: _____

**CONTACT
NAME:** _____

TIME: _____

AM

PM

POSITION: _____

CHECK HERE IF THIS IS A RE-INSPECTION: ☐

**CONTACT
INFO:** _____

INSPECTOR: _____

CATEGORY:

INSPECTION COMMENTS:

PAGE #:

OF

11

1)

2)

3)

4)

5)

6)

7)

8)

9)

10)

11)

12)

13)

14)

15)

16)

17)

18)

19)

20)

☐ APPROVED FOR OCCUPANCY ("AFO")

☐ "AFO" AREAS AS DESCRIBED ABOVE

☐ * NOT APPROVED FOR OCCUPANCY

☐ ** PERMIT REQUIRED FOR REPAIR

SIGNED (RECEIVED BY) _____

DATE _____

SIGNED (VILLAGE INSPECTOR) _____

DATE _____

ALL ISSUES SHALL BE CATEGORIZED INTO "A", "B", "C", "D"

"A" = 24 HOURS; "B" = 7 DAYS; "C" = 14 DAYS; "D" = 30 DAYS

ITEM #'s: _____

CORRECTED BY DATE: _____

"A" RE-INSPECTION DATE: _____

"B" RE-INSPECTION DATE: _____

"C" RE-INSPECTION DATE: _____

"D" RE-INSPECTION DATE: _____

*** FOR ADDITIONAL INFORMATION, CONTACT THE VILLAGE OF WILLOWBROOK BUILDING DEPARTMENT (630) 920-2240

**LAW AND ORDINANCES COMMITTEE MEETING
AGENDA ITEM SUMMARY SHEET**

AGENDA ITEM DESCRIPTION

DISCUSS – Chapter 13 Solicitors Regulations

COMMITTEE REVIEW

- ☐ Finance/Administration
- ☐ Municipal Services
- ☐ Public Safety
- ☒ Law & Ordinances

Meeting Date: August 10, 2020

- | | |
|--|---|
| <input type="checkbox"/> Discussion Only | <input type="checkbox"/> Approval of Staff Recommendation (for consideration by Village Board at a later date) |
| <input checked="" type="checkbox"/> Seeking Feedback | <input type="checkbox"/> Approval of Staff Recommendation (for <u>immediate</u> consideration by Village Board) |
| <input type="checkbox"/> Regular Report | <input type="checkbox"/> Report/documents requested by Committee |

BACKGROUND:

Trustee Neal has requested the Village review its ordinances for solicitors operating within the community. The proposed review is to seek feedback from the Committee on possible enhancements to the Village code and permit process.

The current Village ordinance language that relates to Solicitors can be found in Chapter 13 of the Village code. Solicitation applications are processed through the Deputy Clerks office. There are two (2) types of Solicitors Permits - Charitable and Commercial.

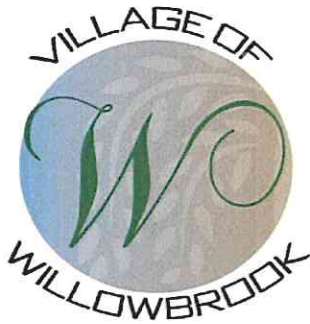
The Deputy Clerk receives the application. We require a driver's license for all solicitors and certificate of insurance. Solicitation is prohibited between November 1 through March 31. The solicitation hours are 9:00 a.m. to 9:00 p.m. or dusk whichever is earlier in the day. The Deputy Clerk will issue a certificate of registration and then provide a copy of it for the police department. We currently do not charge a fee for the solicitation permit.

Areas of the current code that the Village may wish to update are as follows:

- 1) Solicitation hours and dates,
- 2) The requirement that applicants submit to the Village Clerk and its contents are verified under oath,
- 3) Charitable solicitation financial disclosure requirements,
- 4) Notice regulating solicitation, signage size, that the sign is provided by the police department at cost, and notification and authorization by the Police Chief,
- 5) Solicitation permit fee charge,
- 6) Other areas as directed by the Committee.

STAFF RECOMMENDATION:

Staff is seeking feedback on the Village solicitation code. Upon consensus from the Committee staff will work with the Village Attorney on a final draft formal consideration and recommendation from the Committee.



EST. 1960

Willowbrook

835 Midway Drive
Willowbrook, IL 60527-5594

Phone: (630) 323-8215 Fax: (630) 323-0787 www.willowbrookil.org

SOLICITORS

APPLICATION FOR CERTIFICATE OF REGISTRATION CHARITABLE SOLICITATION

1. The name and address of the charitable or commercial organization/person and the name or names under which it/he intends to engage in solicitation.

Phone No. _____

2. The name and address of the person in charge of solicitation in the Village and an address within the State of Illinois where service of process may be had.

Phone No. _____

3. The names and address of all persons who will engage in solicitation in the Village.

4. Provide a copy of a valid state identification card/license with a visible picture of **all** persons engaged in such solicitation

5. The dates and time of day such solicitations are to be made and the geographic area within the Village wherein such solicitation shall be conducted at a particular time and day.

Mayor

Frank A. Trilla

Village Clerk

Leroy R. Hansen

Village Trustees

Sue Berglund

Umberto Davi

Terrence Kelly

Michael Mistele

Gayle Neal

Paul Oggerino

Village Administrator

Tim Halik

Chief of Police

Robert Schaller

Director of Finance

Carrie Dittman



Proud Member of the
Illinois Route 66 Scenic Byway

6. The date, or approximate date, of the latest previous application for a certificate under this Chapter, if any.
-

7. Has a certificate of registration issued to the applicant under this Chapter ever been revoked?
-

8. Has the applicant ever been convicted of a violation of any of the provisions of this Chapter, or the ordinances of any other Illinois municipality regulating solicitation?
-

9. Provide a written statement of **recent date** issued by the Attorney General of Illinois that the charitable organization has complied with the provisions of "An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes..", 225 ILCS ACT 460.

10. Provide a copy of the **most recent annual report** filed with the Illinois Attorney General pursuant to 225 ILCS 560/4. In the event a charitable organization has not yet been required to file an annual report, a copy of the registration statement filed with the Attorney General of Illinois pursuant to 225 ILCS 460/2 may be utilized.

11. Provide a **current** copy of Certificate of Insurance adding the Village of Willowbrook as additional insured.

I have received a copy of the Village of Willowbrook's Ordinance - "Chapter 13 - Solicitation" and do hereby agree to adhere to all said regulations and abide by them as set forth by Ordinance.

Signature: _____

Date: _____



EST. 1960

Willowbrook

835 Midway Drive
Willowbrook, IL 60527-5594

Phone: (630) 323-8215 Fax: (630) 323-0787 www.willowbrookil.org

SOLICITORS

APPLICATION FOR CERTIFICATE OF REGISTRATION COMMERCIAL SOLICITATION

Mayor

Frank A. Trilla

Village Clerk

Leroy R. Hansen

Village Trustees

Sue Berglund

Umberto Davi

Terrence Kelly

Michael Mistele

Gayle Neal

Paul Oggerino

Village Administrator

Tim Halik

Chief of Police

Robert Schaller

Director of Finance

Carrie Dittman

1. The name and address of the charitable or commercial organization/person and the name or names under which it/he intends to engage in solicitation.

2. The name and address of the person in charge of solicitation in the Village and an address within the State of Illinois where service of process may be had.

Phone No.

3. The names and addresses of all persons who will engage in solicitation in the Village.

4. The dates and time of day such solicitations are to be made and the geographic area within the Village wherein such solicitation shall be conducted at a particular time and day.

5. A copy of a valid state identification card/license with a visible picture of all persons engaged in such solicitation.

6. The date, or approximate date, of the latest previous application for a certificate under this Chapter, if any.



Proud Member of the
Illinois Route 66 Scenic Byway

7. What product or service are you selling?

8. Has a certificate of registration issued to the applicant under this Chapter ever been revoked?

9. Has the applicant ever been convicted of a violation of any of the provisions of this Chapter, or the ordinances of any other Illinois municipality regulating solicitation?

10. Name and address of the person or organization whom the applicant is employed by or represents, and the length of time of such employment or representation.

11. A description sufficient for identification of the subject matter of the solicitation which the applicant will engage in.

12. Has the applicant ever been convicted of the commission of a felony under the laws of the State of Illinois or any other State, or of a Federal law of the United States?

13. I have attached a copy of Certificate of Insurance adding the Village of Willowbrook as additional insured.

I have received a copy of the Village of Willowbrook's Ordinance - "Chapter 13 - Solicitation" and do hereby agree to adhere to all said regulations and abide by them as set forth by Ordinance.

Signature: _____

Date: _____

Chapter 13

SOLICITORS

3-13-1: DEFINITIONS:

The following words and phrases as used in this chapter shall have the following meanings, unless a different meaning is required by the context:

AGGRESSIVE SOLICITATION: A mode of prohibited solicitation hereafter defined in section 3-13-11 of this chapter.

AUTOMATED TELLER MACHINE: Any automated teller machine (ATM) hereafter defined in section 3-13-11 of this chapter.

BANK: Any bank or financial institution hereafter defined at section 3-13-11 of this chapter.

CHARITABLE ORGANIZATION: Any benevolent, philanthropic, patriotic, not for profit, religious or eleemosynary person or one purporting to be such which solicits and collects funds for charitable purposes.

CHARITABLE PURPOSE: Any charitable, benevolent, philanthropic, patriotic, not for profit, religious or eleemosynary purpose.

CHARITABLE SOLICITATION: Any request for the donation of money, property or anything of value or the pledge of a future donation of money, property or anything of value; or the selling or offering for sale of any property, real or personal, tangible or intangible, whether of value or not, including, but not limited to, goods, books, pamphlets, tickets, publications or subscriptions to publications or brochures, upon the representation, express or implied, that the proceeds of such sale will be used for a "charitable purpose" as such term is herein defined.

COMMERCIAL SOLICITATION: Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration whatever.

PERSON: Any individual, organization, group, association, partnership, corporation, trust or any combination thereof.

REGISTERED SOLICITOR: Any person who has obtained a valid certificate of registration as hereinafter provided, which certificate is in the possession of the solicitor, conspicuously displayed on his or her person while engaged in solicitation.

SOLICITATION: Any verbal request hereafter defined at section 3-13-11 of this chapter.
(Ord. 13-O-09, 4-8-2013)

3-13-2: CERTIFICATE OF REGISTRATION REQUIRED:

It shall be unlawful for any charitable organization to engage in charitable solicitation for charitable purposes, or for any person to engage in commercial solicitation within any residentially zoned district under the Village of Willowbrook zoning ordinance, within the corporate limits of the Village, unless such organization or person shall have first obtained a certificate of registration from the Village as hereinafter provided. (Ord. 13-O-09, 4-8-2013)

3-13-3: APPLICATION FOR CERTIFICATE OF REGISTRATION:

An application for a certificate of registration shall be made upon a form provided by the Village. The applicant shall be given a copy of this chapter, acknowledge its contents, and agree to comply with all its requirements. The applicant shall truthfully state in full the following information requested on the application:

- (A) The names and addresses of the charitable or commercial organization(s)/person(s) and the name or names under which it/he intends to engage in solicitation.
- (B) The name and address of the person to be in charge of such solicitation in the Village and an address within the State where service of process may be had.
- (C) The names and addresses of all persons who will engage in such solicitation in the Village.
- (D) An acknowledgment stating that the names and addresses of all persons who will engage in such solicitation in the Village shall be verified by valid State identification with visible photo.
- (E) A statement acknowledging both the identity of the soliciting organization, agency or project and that the same must be engaged in a Nationwide or Statewide fundraising activity when soliciting within the Village.
- (F) A statement of the dates and times of the day when such solicitation will occur and the geographic area within the Village wherein such solicitation will be conducted at that particular time and day.

- (G) A statement of the date, or approximate date, of the applicant's last previous application for a certificate of registration under this chapter, if any.
- (H) A statement as to whether a certificate of registration issued to the applicant under this chapter has ever been revoked.
- (I) A statement as to whether the applicant has ever been convicted of a violation of any of the provisions of this chapter, or the ordinances of any other Illinois municipality's solicitation regulations.
- (J) A written statement of recent date issued by the Attorney General of Illinois that the charitable organization has complied 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 a written statement by the Attorney General of exemption under 225 Illinois Compiled Statutes 460/3 (applies only to charitable solicitation).
- (K) A copy of the most recent annual report filed with the Illinois Attorney General pursuant to 225 Illinois Compiled Statutes 460/4. In the event a charitable organization has not yet been required to file an annual report, a copy of the registration statement filed with the Attorney General of Illinois pursuant to 225 Illinois Compiled Statutes 460/2, may be utilized (applies only to commercial solicitation).
- (L) A statement by the applicant listing the names and addresses of the person(s) or organization(s) whom the applicant is employed by or represents, and the length of time of such employment or representation (applies only to commercial solicitation).
- (M) A description sufficient for identification of the subject matter of the solicitation which the applicant will engage in (applies only to commercial solicitation).
- (N) A statement as to whether the applicant has ever been convicted of the commission of a felony under the laws of the State of Illinois or any other state, or of a Federal law of the United States (applies only to commercial solicitation).
- (O) A statement by the applicant acknowledging that no person shall stand on any street, highway or roadway within the Village, or on any right-of-way of the same for the purpose of peddling or soliciting contributions except that persons soliciting charitable contributions from the occupant of any vehicle may do so upon satisfying all requirements of this chapter.

- (P) A statement by the applicant acknowledging that solicitation under this chapter shall be allowed only at intersections where all traffic is required to come to a full stop.
- (Q) A statement by the applicant acknowledging that solicitation shall be limited to a specific intersection or intersections and within a one hundred foot (100') distance along each leg of the said specific intersection(s).
- (R) A statement by the applicant acknowledging that the soliciting organization shall be responsible for supervising and controlling the conduct of all persons soliciting as listed on the approved application for a certificate of registration.
- (S) A statement by the applicant acknowledging that all persons soliciting for the contribution of funds or anything of value on any public street shall not obstruct vehicular traffic or pedestrian traffic and shall fully comply with all local and State traffic regulations.
- (T) A statement by the applicant acknowledging that all persons engaged in the act of solicitation on a roadway shall be a minimum of sixteen (16) years of age and shall wear a high visibility vest at all times. The high visibility vest shall be provided by the soliciting organization and subject to Village approval. Further, said individual shall have readily visible on their person the Village of Willowbrook certificate of registration identification provided by the Village Clerk.
- (U) A statement by the applicant acknowledging that any solicitation on the roadway shall only be allowed where there is a center dividing median area separating vehicle travel lanes.
- (V) A statement by the applicant acknowledging that every solicitor engaged in soliciting on any real property owned by the Village or 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 such solicitation and which is casually related to an act of ordinary negligence of the solicitor or the business or organization the solicitor represents.
- (W) A statement by the applicant acknowledging that the certificate of registration approving its solicitation on a given intersection of a public street within the Village limits shall be restricted to one soliciting organization soliciting on the public streets within the Village at one time; and, that a certificate of registration approval list shall be determined by the order in which complete applications for the said certificates are filed with the Village.

- (X) A statement by the applicant acknowledging the following: 1) that all persons engaging in solicitation on its behalf are prohibited from engaging in any act of "aggressive solicitation" as that term is defined at section 3-13-11 of this chapter; 2) that any person who commits an act of "aggressive solicitation" prohibited by the said section 3-13-11 of this chapter shall be subject to a fine as provided in the general penalty provisions of section 1-4-1 of this Code; and, 3) that any certificate of registration to engage in charitable or commercial solicitation in this Village previously obtained by any registrant shall be revoked by the Mayor and Board of Trustees upon a finding that any person soliciting on the registrant's behalf has violated the prohibition on aggressive solicitation set forth in section 3-13-11 of this chapter. (Ord. 13-O-09, 4-8-2013)

3-13-4: APPLICATION; ISSUANCE OF A CERTIFICATE OF REGISTRATION; REVIEW PROCEDURE:

- (A) All applications for a certificate of registration shall be submitted to the Village Clerk and its contents shall be verified under oath. The Village Clerk shall act upon such application within five (5) business days after its receipt. No application shall be effective until acted upon by the Village Clerk. If the Village Clerk finds and determines that all the requirements of this chapter have been met, the Village Clerk shall issue said certificate of registration forthwith. Every person wishing to engage in charitable solicitation campaigns must make application for a certificate of registration with the Village Clerk or assigned designee fifteen (15) days prior to the initiation of said campaign. Upon the Village Clerk's issuance of a certificate of registration, all persons engaging in charitable solicitation shall have a copy of the said certificate visibly displayed on their persons at all times during such solicitation.
- (B) In the case of an application for a certificate of registration to engage in charitable solicitation, the failure of an applicant to fulfill the requirements of this chapter shall be the sole basis for the denial of a certificate of registration by the Village Clerk. In the event that any certificate of registration to engage in charitable solicitation is denied for failure to comply with the requirements of this chapter, the Village Clerk shall immediately notify the applicant in writing of the reasons for said denial. If said application is not cured within ten (10) days after the date on which the Village Clerk denies the issuance of said certificate of registration, the Village Attorney shall be and is hereby authorized to apply to the Circuit Court of DuPage County, Illinois, or the United States District Court for the Northern District of Illinois for a judicial determination as to whether the charitable solicitation described in the application may be prohibited. The applicant shall be named in any action as a party defendant. The Village shall assert every possible and reasonable effort to have the case heard on its merits without undue delay as soon as legally possible. If a judicial determination is not made within thirty (30) days after the date of denial, an interim certificate of registration shall be deemed issued which shall be valid until such judicial determination is made.

(C) In the case of an application for commercial solicitation, the failure of an applicant to fulfill the requirements of this chapter shall be a basis for the denial of a certificate of registration by the Village Clerk. In addition, no certificate of registration for commercial solicitation shall be issued to any person who has been convicted of a felony under the laws of the State of Illinois or any other State or under the Federal law of the United States within five (5) years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this chapter; nor to any person whose certificate of registration issued hereunder has previously been revoked as herein provided. In the event that any certificate of registration for commercial solicitation is denied for failure to comply with the requirements set forth hereinabove, the Village Clerk shall immediately notify the applicant in writing of the reasons for denial. If said application is not cured within ten (10) days after the date on which the Village Clerk denies the issuance of said certificate of registration, said application shall be null and void. (Ord. 13-O-09, 4-8-2013)

3-13-5: RECORDS OF APPLICATIONS, CERTIFICATES:

The Village Clerk shall cause to be kept in her office an accurate record of every application received and acted upon together with all other information and data pertaining thereto, all certificates of registration issued under the provisions of this chapter, and a record of the denial of any and all applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued. (Ord. 13-O-09, 4-8-2013)

3-13-6: CHARITABLE SOLICITATION; FINANCIAL DISCLOSURE:

The charitable organization shall distribute to every person solicited, a financial statement of said charitable organization for the preceding twelve (12) months which shall include a balance sheet and statement of income and expenses clearly stating forth the following: gross receipts and gross income from all sources broken down into total receipts and income from each separate solicitation project or source; cost of administration; cost of solicitation; cost of programs designed to inform or educate the public; funds or properties transferred out of the State, with explanation as to the recipient and purpose; total net income amount for each major purpose, charitable or otherwise. Statements shall be signed by the president or other authorized officer or agent and shall be accompanied by an opinion signed by an independent certified public accountant that said financial statement fairly represents the financial operation of the charitable organization.

A copy of the annual report to the Attorney General of Illinois required by 225 Illinois Compiled Statutes 460/4, may be presented in lieu of the aforementioned financial statement. For the purpose of financial statements, the definitions and standards applicable to the annual report to the Attorney General as set forth in said section 460/4 shall be utilized.

In the event a charitable organization has not been established for a period of twelve (12) months, a copy of the registration statement filed with the Attorney General of Illinois pursuant to 225 Illinois Compiled Statutes 460/2 may be utilized. (Ord. 13-O-09, 4-8-2013)

3-13-7: NOTICE REGULATING SOLICITATION:

Any person owning, occupying and/or controlling any private property within the Village may post notice thereon indicating whether or not solicitors are invited at said premises. Such notice shall be given in accordance with the following requirements of this section:

(A) **Private Roadway Sign Notice:** In cases where the private premises to be affected by such notice are improved for use as multi-family residential dwelling buildings, accessed by vehicles over private roadways and controlled by a homeowners' association (HOA), the said association may post such sign notice at both the premises' private roadway intersection(s) with the surrounding public street system and at its private roadway intersection(s) with the premises' on site, accessory parking facilities. At such locations, said notice shall be given by means of reflective, weatherproof signs approximately eight inches by eleven and one-half inches (8" x 11¹/₂") in size, having letters at least one inch (1") in height and displaying thereupon the following words: 1) "Only Solicitors Registered In Willowbrook Invited", or 2) "No Solicitors Invited".

Before posting any such sign notice upon the aforesaid premises, the homeowners' association thereof shall submit the following information in writing to the Chief of the Police Department: a statement of the association's proposal to post such signs upon the premises; a specification of the number, size and location of each proposed sign; and, an exemplar of the exact words to be displayed upon every such sign. Upon the Chief's receipt of this information, he or she shall then preliminarily determine and advise the association in writing whether the proposed signs satisfy the notice requirements of this subsection. Upon the association's receipt of the Chief's written advice that he or she has preliminarily determined that the proposed signs satisfy said requirements, it may then post the said signs upon the premises. The preliminary determination and advice of the Chief that the association's proposed signs satisfy the notice requirements of this subsection is subject to his or her subsequent inspection and determination that said signs have since been posted in accord with said requirements.

(B) **Main Entry Door Sign Notice:** In cases where the private premises to be affected by such notice are improved for use as multi-family residential dwelling buildings, not accessed by vehicles over private roadways and controlled by a homeowners' association (HOA), the said association may post such sign notice upon or near the main entry doors of all the said buildings located thereon. At such locations, said notice shall be given by means of weatherproof signs approximately eight inches by eleven and one-half inches (8" x 11¹/₂") in size, having letters at least one inch (1") in height and displaying thereupon the following words: 1) "Only Solicitors Registered In Willowbrook Invited", or 2) "No Solicitors Invited".

Before posting any such sign notice upon the aforesaid premises, the homeowners' association thereof shall submit the following information in writing to the Chief of the Police Department: a statement of the association's proposal to post such signs upon the premises; a specification of the number, size and location of each proposed sign; and, an exemplar of the exact words to be displayed upon every such sign. Upon the Chief's receipt of this information, he or she shall then preliminarily determine and advise the association in writing whether the proposed signs satisfy the notice requirements of this subsection. Upon the association's receipt of the Chief's written advice that he or she has preliminarily determined that the proposed signs satisfy said requirements, it may then post the said signs upon the premises. The preliminary determination and advice of the Chief that the association's proposed signs satisfy the notice requirements of this subsection is subject to his or her subsequent inspection and determination that said signs have since been posted in accord with said requirements.

- (C) **Card Notice:** In all other cases where the use and control of private premises to be affected by such notice are other than as described in subsections (A) and (B) of this section, said notice may be posted by the owner or occupant upon or near the said premises' main entry door by means of a weatherproof card approximately three inches by four inches (3" x 4") in size, having letters at least one-third inch ($\frac{1}{3}$ ") in height and displaying the following words: 1) "Only Solicitors Registered In Willowbrook Invited", or 2) "No Solicitors Invited". For the purpose of uniformity, the said cards shall be provided by the Chief of the Police Department to persons requesting the same, at cost.
- (D) **Sufficiency Of Notice:** The posting upon private property of the sign or card notices referenced hereinabove in accordance with the applicable requirements of this section shall constitute actual notification to all solicitors of the information conveyed thereupon by the person(s) owning, occupying and/or controlling said premises. (Ord. 13-O-20, 6-10-2013)

3-13-8: OBEDIENCE TO NOTICE ON PREMISES:

It shall be the duty of every solicitor, upon going onto any premises in the Village, to first examine the notice provided for in section 3-13-7 of this chapter if any is attached and be governed by the statements contained on the notice. If the notice states "Only Solicitors Registered In Willowbrook Invited", then the solicitor not possessing a valid certificate of registration as herein provided shall immediately and peacefully depart from the premises; if the notice states "No Solicitors Invited", then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises. (Ord. 13-O-09, 4-8-2013)

3-13-9: UNINVITED SOLICITING PROHIBITED:

It is hereby declared to be unlawful and shall constitute a nuisance for any person to remain upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the owner or occupant of such premises for the purpose of securing an audience with the owner or occupant thereof, and engage in "solicitation" as herein defined in defiance of the notice exhibited at the premises in accordance with the provisions of section 3-13-7 of this chapter. (Ord. 13-O-09, 4-8-2013)

3-13-10: DUTY TO LEAVE PREMISES ON REQUEST:

Any solicitor who has gained entrance to any premises, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant. (Ord. 13-O-09, 4-8-2013)

3-13-11: AGGRESSIVE SOLICITATION PROHIBITED:

(A) Definitions: For the purposes of this chapter the following definitions shall apply:

AGGRESSIVE SOLICITATION: Solicitation in a group of two (2) or more persons or solicitation accompanied by any of the following actions:

1. Touching another person without that person's consent;
2. Blocking the path of the person solicited or blocking that person's entrance to any building or vehicle;
3. Continuing to solicit or to request a donation from a person after that person has refused an earlier request;
4. Following or remaining alongside a person who walks away from the solicitor after being solicited;
5. Remaining alongside a person's vehicle and continuing to solicit or request a donation after that person has refused an earlier request;
6. Making any statement, gesture or other communication that would cause a reasonable person to feel threatened into making a donation; or
7. Using profane or abusive language during the solicitation or following a refusal to make a donation.

AUTOMATED TELLER MACHINE: Any automated teller machine as defined by the Automated Teller Machine Security Act, 205 Illinois Compiled Statutes 695/1 et seq., as amended.

BANK: Any bank or financial institution as defined by the Illinois Banking Act, 205 Illinois Compiled Statutes 5/1 et seq., as amended.

SOLICITATION: A verbal request made in person upon any street, public place or park in the Village for an immediate donation of money or other thing of value, including a request to purchase an item or service of little or no monetary value in circumstances where a reasonable person would understand that the purchase is in substance a donation. Solicitation does not include the act of passively standing, sitting or engaging in a musical performance or other street performance with a sign or other indication that donations are being sought, without any verbal request for a donation other than in response to an inquiry by another person. Nothing in this section shall be construed to permit any loud and raucous noise currently prohibited by [title 5, chapter 3](#) of this Code.

(B) Prohibitions: No person shall engage in aggressive solicitation. No person shall engage in solicitation when the person solicited is located:

1. Within twenty feet (20') of any automated teller machine (ATM) or entrance to a bank, other financial institution, or check cashing business; or
2. On private property, if the owner, tenant or occupant has asked the person not to solicit on the property or has posted a sign prohibiting soliciting.

(C) Penalty: It is hereby declared to be unlawful and shall constitute a nuisance for any person to engage in aggressive solicitation. Any person who commits an act prohibited by this section shall be subject to a fine as provided in the general penalty provisions of section 1-4-1 of this Code. Additionally, any certificate of registration to engage in charitable or commercial solicitation in this Village held by any person who commits a violation of this section shall, upon notice given, be revoked by the President and Board of Trustees as provided in section 3-13-15 of this chapter. (Ord. 13-O-09, 4-8-2013)

3-13-12: HOURS, DAYS OF SOLICITATION:

No person shall engage in "solicitation" as herein defined prior to nine o'clock (9:00) A.M., or after nine o'clock (9:00) P.M. or dusk, whichever is earlier on any day; and, provided further, that no person shall engage in commercial solicitation at any time on a Sunday or any State or national holiday. All solicitation shall be prohibited from November 1 through March 31. (Ord. 13-O-09, 4-8-2013)

3-13-13: FELONS AS SOLICITORS:

It shall be unlawful for any person or organization to utilize as a solicitor any person who has been convicted of a felony under the laws of the State of Illinois or any other state, or under the Federal law of the United States, within five (5) years of the date of the application. Every registrant pursuant to this chapter shall, as part of said registration application, stipulate that no individual employees, independent contractors, employees of independent contractors, volunteers or any other such person associated with the registrant is a convicted "sex offender" as defined by 730 Illinois Compiled Statutes 150/2 and as may similarly be applicable to any other law enforcement jurisdictions throughout the United States. Every registrant shall include the names, addresses and dates of birth for every person who will be working with them in the Village for the registered purpose and shall provide an affidavit certifying that such persons, including the registrant, have not been convicted of any felony, nor convicted on two (2) or more occasions of driving under the influence of alcohol or drugs. Such certificate of registration as is required in section 3-13-3 of this chapter shall be updated whenever any change in such persons occurs for the registrant at any time during the registered year. (Ord. 13-O-09, 4-8-2013)

3-13-14: FRAUDULENT MISREPRESENTATION AND MISSTATEMENT PROHIBITED:

No person shall misrepresent his name, occupation, financial condition, social condition or residence, and no person shall make or perpetrate any other misstatement, deception or fraud, in connection with any charitable or commercial solicitation, or in any application or report filed under this chapter. (Ord. 13-O-09, 4-8-2013)

3-13-15: REVOCATION OF CERTIFICATE; REVIEW:

- (A) The President and Board of Trustees shall revoke a certificate of registration for a violation of any of the regulations listed in sections 3-13-6 through 3-13-14 of this chapter. Immediately upon such revocation, written notice thereof shall be given by the Village Clerk to the holder of the certificate by certified or registered mail, return receipt requested. Upon receipt of said notice of revocation, all solicitation activity shall cease.
- (B) In the event the President and Board of Trustees revoke any certificate of registration for charitable solicitation, the Village shall seek a judicial determination of such action in the same manner as provided for in section 3-13-4 of this chapter. If a judicial determination is not made within thirty (30) days after the date of revocation, an interim certificate of registration shall be deemed issued which shall be valid until such judicial determination is made.

- (C) In the event the President and Board of Trustees revoke any certificate of registration for commercial solicitation, the person aggrieved by said decision shall have the right to appeal and have a hearing before the President and Board of Trustees. Such appeal shall be taken by filing with the Village Clerk within ten (10) days after receipt of the notice of revocation, a written statement under oath setting forth specifically the grounds for appeal. The President and Board of Trustees shall thereupon set forth the time and a place for the hearing on such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided in subsection 3-1-14(D) of this title. The decision of the President and Board of Trustees on such appeal shall be by a vote of a majority of all the members then holding office and shall be final. (Ord. 13-O-09, 4-8-2013)