

AGENDA

REGULAR MEETING OF THE LAWS AND ORDINANCES COMMITTEE TO BE HELD
ON MONDAY, JANUARY 11, 2021, AT 5:30 P.M. AT THE VILLAGE HALL, 835
MIDWAY DRIVE, IN THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY,
ILLINOIS

Mayor

Frank A. Trilla

Village Clerk

Deborah A. Hahn

Village Trustees

Sue Berglund

Umberto Davi

Michael Mistele

Gayle Neal

Paul Oggerino

Gregory Ruffolo

Village Administrator

Brian Pabst

Chief of Police

Robert Schaller

Director of Finance

Carrie Dittman

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: 312 626 6799

Meeting ID: 825 4985 2595

Passcode 507799

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES – November 9, 2020 (Approve)

4. DISCUSS - Chapter 13 Solicitors Regulations

5. DISCUSS - Adult Use Cannabis District

6. ON GOING REVIEWS

a) Food Truck Licensing Requirements – 1 Year Moratorium

7. COMMITTEE REPORTS

8. VISITOR'S BUSINESS

(Public comment is limited to three minutes per person)

9. ADJOURNMENT

MINUTES OF THE REGULAR MEETING OF THE LAW AND ORDINANCES COMMITTEE OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, NOVEMBER 9, 2020 AT 5:30 PM AT THE WILLOWBROOK VILLAGE HALL, LOWER-LEVEL CONFERENCE ROOM, 835 MIDWAY DRIVE, VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

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

1. CALL TO ORDER

Chairman Neal called the meeting to order at 5:30 pm.

2. ROLL CALL

Those physically present at roll call were: Chairman Gayle Neal, Trustee Umberto Davi (arrived at 5:34 pm), and Assistant Village Administrator Michael Mertens.

Those present via Zoom conference call were Trustee Paul Oggerino, Village Attorney Thomas Bastian, and Building Official Roy Giuntoli.

3. APPROVAL OF MINUTES

Minutes – Regular Meeting October 12, 2020

A Motion made by Chairman Neal to approve the minutes from the October 12, 2020 Law and Ordinances Committee meeting, seconded by Trustee Paul Oggerino.

Roll Call: Chairman Neal, and Trustee Oggerino voted in favor to Approve.

MOTION DECLARED & CARRIED

4. DISCUSSION – Chapter 9 Hotels / Motels Code Enhancements

Assistant Village Administrator Mertens stated that there were two (2) open items from the last meeting that needed additional clarification with respect to the Hotel / Motel Definition & Number of rooms within each definition.

Chairman Neal stated her concerns regarding the current number in the definition given the relatively small size of several of our hotels.

Some discussion as to whether a hotel or motel can be determined by the mode of access, for example it was suggested that a Hotel's room access is gained through a common

lobby/interior hallway, etc., whereas a Motel's room access is often gained through exterior opening doors, opening to outside the building, open to the parking lot.

Village Attorney Bastian stated that the definition can be altered to include a phrase such as: 'with or without ready access to their automobiles'.

Chairman Neal did not see the need for that verbiage. Furthermore, suggesting that "rooms be used for lodging the public" be included.

Village Attorney Bastian was concerned that this phrase would possibly legitimize Bed & Breakfasts establishments and recommends that a number be placed in the definition.

Assistant Village Administrator Mertens suggested the Hotel definition remain at 50 and Motel definition be given the number 25.

Chairman Neal and Trustee Oggerino both stated that this was an acceptable recommendation.

It was recommended to including a requirement establishing a registry that Law Enforcement can view for potential crime investigations following the lead of some neighboring communities' language.

Village Attorney Bastian was okay with suggestion of a registry, regarding method of transport to the Hotel/Motel, adding a distinction on the registry that 'if any' in regard to establishing if they arrived via livery service or their own car. All present agreed.

Trustee Davi inquired if we should add the make and model of vehicle. It was agreed that the more information the better.

Village Attorney Bastian asked Assistant Village Administrator Mertens to repeat his proposed amendment to the availability of the register.

Village Administrator Michael Mertens restated: That the register is only available to be inspected by law enforcement officers for a period of not less than three years.

Assistant Village Administrator Mertens asked Committee members for any additional feedback prior to this last cleanup of the draft to present to the Board on the November 23rd for formal approval.

A motion made by Chairman Neal to recommend the changes as presented and discussed. Seconded by Trustee Davi.

Roll Call: Chairman Neal, Trustees Davi, and Oggerino all voted in favor to approve.

MOTION DECLARED & CARRIED

5. DISCUSSION – BYOB Licensing

Assistant Village Administrator Michael Mertens stated the following key points:

- The Village Board approved an ordinance allowing for retail tobacco stores with smoking lounges.
- A smoking lounge is a permitted use in the B4 district.
- The petitioner for that text amendment is requesting consideration for a BYOB liquor license for the proposed smoking lounge, the former Kerry Piper location.
- Currently, our code does not allow for any type of BYOB license.
- At the last committee meeting on the 12th, we presented a survey.
- The consensus of the committee was to present a draft ordinance for a BYOB license and is in the packet.
- It would be listed as a Class "Q" license that would authorize on-premise consumption of a patron's own bottle or an open beer, wine, or other liquor brought to the premise by the-- brought to the premise of the business operator. This license is only allocated to a cigar lounge. It is not currently designed for restaurants, must be a freestanding building per Illinois smoking codes.
- The licensee must offer for rent or sale a personal or secured storage locker for members or patrons for storage of unconsumed products.
- The state law also allows for them to provide sealed bags if they want to bring the alcohol home just like a normal restaurant would.
- The consumption of alcohol should not incur in the retail area of the tobacco store.
- The licensee may provide glassware or ice or may uncork or open the alcohol and charge a cork fee.
- In reference to the Illinois Liquor Control Act No person shall carry, transport, or possess alcohol in an unsealed or open condition.
- A key item is that all employees who perform corkage duties shall be BASSET-trained.
- This ordinance also requires a certificate of insurance that names the village as an additional insured.
- The license fee currently proposed is a \$1,000 fee.

Chairman Neal asked if the State of Illinois is considering banning alcohol in cigar lounges? Village Attorney Thomas Bastian stated he had not heard that but is a possibility.

Village Attorney Thomas Bastian asked for clarification on the square footage and hours of operation. Assistant Village Administrator Mertens stated that due to the limited inventory of freestanding buildings in town, square footage restrictions should not be an issue. Regarding the hours of operation, he suggested that we mimic the hours of operation for a restaurant in a B Zoning districts.

Trustee Davi asked if the omission of a square footage rule would allow a business to convert a closet into a BYOB. Assistant Village Administrator Michael Mertens stated that it must be a cigar lounges are limited to freestanding buildings.

Chairman Neal motioned to accept the recommendation as presented. Trustee Davi seconded the motion.

Roll Call: Chairman Neal, Trustees Davi, and Oggerino all voted in favor to Approve.

MOTION DECLARED & CARRIED

6. DISCUSSION – ON GOING REVIEWS

Village Administrator Mertens stated that these are items for future discussion. Staff continues to work on these projects and that would likely resurface at future meeting.

- a) Food Truck Licensing Requirements
 - i. Chairman Neal stated that the Village was currently on a 1 Year Moratorium.
 - ii. Assistant Village Administrator Mertens asked for maybe in January if any of the elected officials happen to have ideas of what interests them on this subject to please forward their comments to him.
- b) Outdoor Sales for Service Stations and Grocery / Drug Stores – Public Hearing Continued to December 2, 2020
 - i. Assistant Village Administrator Mertens stated we advised the committee of a text amendment that went to the Planning Commission to allow for outside sales at service stations. The amendment was tabled by the Plan Commission requesting staff to review our permit process and make the process more user friendly.
 - ii. Building Official Giuntoli advised that the amendment was prompted by business owners to allow the outside display of items that are for sale through the issuance of an annual permit. The Building Department working with the Planner created proposed guidelines for what was to be allowed in the name of patron safety and building and accessibility codes. The Plan Commission deemed the guidelines too stringent.
 - iii. Assistant Village Administrator Mertens stated that the Pete's Market could have outdoor displays as it was allowed through their Planned Unit Development.

- c) Chapter 13 Solicitors Regulations
 - i. Chairman Neal stated that this item will likely be tabled until January. Key points were:
 - 1. Plans to change some of the order of the way everything is listed currently and update some definitions.
 - 2. Create a permit verification system that the police department would perform background checks and issuing the permit.
 - 3. Provide identifiable tags that Solicitors would wear.
 - 4. Determine area(s) solicitation is allowed.
 - 5. Current solicitation hours area: 9:00 AM to 9:00 PM or dusk whichever is earlier in the day. Better define Dusk and clarify hours.
 - ii. Adult Use Cannabis Definitions and District
 - i. Assistant Village Administrator Mertens stated these key points were:
 - 1. This topic has been discussed in prior meetings.
 - 2. The next wave of interested parties is upon us.
 - 3. Operators that are part of the next lottery are contacting / calling the village asking for locations. The state has not authorized that next list.
 - 4. Callers have been provided the current approved area which is the industrial area around the village hall. Many want freestanding building, whereas the villages inventory of these is small. People are asking for larger acreage sites as well.
 - 5. As the bigger desire is along Route 83 or maybe even Plainfield Road.
 - 6. Our definitions need to be cleaned up to account for other types of cannabis uses
 - ii. Trustee Umberto Davi asked:
 - 1. How long was our district has been on effect? Assistant Village Administrator Mertens responded about a year.
 - 2. Summarize what has been done in the past: Assistant Village Administrator Mertens responded that one user that applied for the license from the state in a multi-use building however did not make the first cut.
 - 3. Assistant Village Administrator Mertens responded that this is an option that as it would need a text amendment this will be taken up with the Board. Map options will be presented for further consideration.
 - 4. If we Have heard anything from our citizens; staff generally responded no, with the caveat that callers with medical cards have inquired.
 - iii. Trustee Paul Oggerino stated that that the revenue is an understatement presenting map options that would be beneficial.
 - iv. Chairman Neal and Trustee Davi stated they were was open to some map options as well.
 - v. Staff will work with Planner to work up options for future discussions.

7. COMMITTEE REPORTS

- Trustee Neal: No Report
- Trustee Davi: No Report
- Trustee Oggerino: No Report
- Assistant Village Administrator Mertens:
 - i. The topic of raising chickens came up again. Key points were:
 - a. A resident with a one acre plus sized lot on Bentley who happens to have 10 or 12 chickens. The Village receive a neighbor complaint and we followed up on. it.
 - b. The resident with chickens will be writing a letter to the mayor requesting consideration of an ordinance amendment.
 - c. Staff explained to him that village recently had updated our code to better define that chickens are not allowed in the community.
 - d. We have directed our code enforcement officer to investigate. The resident has not been issued a ticket yet
 - e. Resident offered to get rid of the rooster
 - f. If directed, staff can perform additional research
 - g. Chairman Neal stated that she had passed through a neighborhood in Darien and passed a man that had cage outside and he had chickens loose, and all the surrounding houses had signs protesting the chickens.
- Building Official Giuntoli: No Report
- Village Attorney Bastian: No Report

8. VISITOR'S BUSINESS

NONE

Village Administrator Mertens stated that there were no formal submittals from visitors to address.

Building Official Giuntoli stated that there were no other persons logged onto the ZOOM meeting.

9. ADJOURNMENT

Trustee Davi made a motion to adjourn, seconded by Trustee Oggerino.

Roll Call: Chairman Neal, Trustees Davi and Oggerino all voted in favor to Approve.

MOTION DECLARED & CARRIED

Meeting adjourned at 6:14 PM

PRESENTED, READ, and APPROVED

_____, 2021

CHAIRMAN

Minutes prepared by
Roy A. Giuntoli, Building Official

LAW AND ORDINANCES COMMITTEE MEETING
AGENDA ITEM SUMMARY SHEET

DISCUSS – Chapter 13 Solicitors Regulations

COMMITTEE REVIEW

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

Meeting Date: January 11, 2021

<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 September 14, 2020 Law and Ordinances Committee staff presented an overview of the current Village code of ordinances for solicitors operating within the community. The current Village ordinance language that relates to Solicitors can be found in Chapter 13 of the Village code. A summary of the current code of ordinances for solicitors is as follows:

1. Solicitation applications are currently processed through the Deputy Clerks office.
2. There are two (2) types of Solicitors Certificates - Charitable and Commercial.
3. The Deputy Clerk receives the application. We require a driver's license for all solicitors and certificate of insurance.
4. 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.
5. The Deputy Clerk will issue a certificate of registration and then provides a copy of it for the police department.
6. Charitable solicitation requires financial disclosure to every person solicited.
7. Police Department to supply unique "No Soliciting" signage and to be authorized by the Police Chief.
8. The Village currently does not charge a fee for the solicitation certificate.

Staff was directed to review code to clarify and definitions, change the name Certificate of Registration Required to Permit Required including and creating penalties and adding a clause for First Amendment rights.

STAFF RECOMMENDATION:

Staff has reviewed comparable community codes for insight on best practices as it relates to solicitation permits. Staff has proposed a reordering of the code layout as follows:

Current Code Section Layout	Proposed Code Section Layout
3-13-1: Definitions	3-13-1: Definitions
3-13-2: Certificate of Registration Required	3-13-2: Permit Required
3-13-3: Application for Certificate of Registration	3-13-3: Permit Exemption for Minors
3-13-4: Application; Issuance of a Certificate of Registration	3-13-4: Solicitation Permit
3-13-5: Records or Application, Certificates	3-13-5: Regulations Applicable to All Solicitation and Canvassing

3-13-6: Charitable Solicitation; Financial Disclosure	3-13-6: Charitable Solicitation on Public Rights of Way
3-13-7: Notice Regulating Solicitation	3-13-7: Violations Declared to be Nuisances
3-13-8: Obedience to Notice on Premises	3-13-8: Effective Period
3-13-9: Uninvited Soliciting Prohibited	3-13-9: Revocation
3-13-10: Duty to Leave Premises on Request	3-13-10: Appeal and Denial or Revocation
3-13-11: Aggressive Solicitation Prohibited	3-13-11: Change in Information
3-13-12: Hours, Days of Solicitation	3-13-12: Administrative Records
3-13-13: Felons as Solicitors	3-13-13: Penalty
3-13-14: Fraudulent Misrepresentation and Misstatement Prohibited	3-13-14: No Limitation of Free Speech Rights
3-13-15: Revocation of Certificate; Review	

The reordering of the code sections brings the Village code in line with neighboring communities in an effort to streamline the language for easier interpretation by the solicitors and enforcement by the Village. We have proposed updated definitions, have added sections such as permit exemption for minors and no limitations on free speech, and redefined solicitation hours and locations. Staff attempted to blend some of the unique items of the Willowbrook code while realigning the permit process through the Police Department for a more focused permit review and tracking system.

Additionally, staff would recommend that the Village consider a nominal fee for the commercial solicitation permit to cover any cost on staff time and background check. A brief survey of neighboring community fees is as follows:

- Burr Ridge: \$8.00 per Solicitor
- Darien: \$73 per Application
- Hinsdale: \$8 Application Processing Fee

Staff is seeking feedback from the Committee on the proposed amendments. Upon consensus, staff will work with the Village Attorney on an updated draft ordinance as well as any modifications needed to our Permit Application and communication pieces.

Willowbrook Solicitors

Regulations Chapter 13 –

Current Code

SECTION:

3-13-1: Definitions

3-13-2: Certificate Of Registration Required

3-13-3: Application For Certificate Of Registration

3-13-4: Application; Issuance Of A Certificate Of Registration; Review Procedure

3-13-5: Records Of Applications, Certificates

3-13-6: Charitable Solicitation; Financial Disclosure

3-13-7: Notice Regulating Solicitation

3-13-8: Obedience To Notice On Premises

3-13-9: Uninvited Soliciting Prohibited

3-13-10: Duty To Leave Premises On Request

3-13-11: Aggressive Solicitation Prohibited

3-13-12: Hours, Days Of Solicitation

3-13-13: Felons As Solicitors

3-13-14: Fraudulent Misrepresentation And Misstatement Prohibited

3-13-15: Revocation Of Certificate; Review

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 11 $\frac{1}{2}$ ") 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 11 $\frac{1}{2}$ ") 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 (1 $\frac{1}{3}$) 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)

Willowbrook Solicitors

Regulations Chapter 13 –

Proposed Option

SECTION:

3-13-1: Definitions

3-13-2: Permit Required

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3-13-11: Change in Information

3-13-12: Administrative Record

3-13-13: Penalty

3-13-14: No Limitation of Free Speech Rights

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.

APPLICANT: Any person that files an application for a solicitation permit as provided for in this chapter. **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.

CANVASSER: A person engaged in canvassing. Canvassing Going from place to place in the Village seeking to make personal contact with residents or other persons where there is no request, invitation, or appointment for such contact, but excluding persons engaged in solicitation as defined herein.

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. **CHIEF OF POLICE:** The chief of police or any of his or her authorized representatives.

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, joint venture, trust, or any combination thereof.

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

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

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. **Solicitation shall not include any activity which is purely expressive in nature, such as attempts to enlist support for or against a particular religion, philosophy, ideology, political party, issue, candidate, or other cause that does not involve either the solicitation of funds or a proposal to engage in a commercial transaction.**

(Ord. 13-O-09, 4-8-2013)

SOLICITOR: A person engaged in solicitation.

TRANSIENT MERCHANT: A solicitor who engages temporarily in the retail sale of goods, wares, or merchandise in the Village and in pursuance of such sales occupies any building, room, vehicle, structure of any kind, or vacant lot. Transient Merchants and solicitors shall not include a person selling goods, wares, or merchandise, including vegetables, fruit or perishable farm products, at an established Village farmers market or other Village-sponsored event or market, or at a church fair or other similar event of limited duration held by a unit of local government or not-for-profit organization for fund-raising purposes.

3-13-2: Permit 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 valid solicitation permit from the Village as hereinafter provided. Persons engaged in canvassing shall not be subject to permitting requirements but are subject to certain other time, place and manner restrictions, as provided in this Chapter. (Ord. 13-O-09, 4-8-2013)

3-13-3: Permit Exemption for Minors

Persons under the age of seventeen (17) years engaged in charitable solicitation within the village shall not be required to obtain a solicitation permit. However, any such person shall comply with all other applicable provisions of this chapter.

3-13-4: Solicitation Permit:

An application for a solicitation permit shall file with the chief of police a properly completed application therefor on a form provided for such purpose by the chief of police. The applicant shall be given a copy of this chapter, acknowledge its contents, and agree to comply with all its requirements. The applicant shall verify under oath all statements made on or in connection with the following information 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/she intends to engage in solicitation as well as the solicitation methods that the applicant and the applicant's business or organization will employ within the village.
- (B) The name and address of the person to be in charge of such solicitation, as well as the following:
 - a) the name and address of a principal officer, director, or chief executive officer of the applicant's business or organization with the authority to determine matters related to the application, and the registered agent for the business or organization for service in Illinois, if any.
 - b) The name and address of the business or organization or other person or entity that the applicant represents for purposes of the solicitation for which the permit is sought, if different from the applicant's current employer.
- (C) The required information of all persons who will engage in such solicitation in the Village as follows:
 - a) The applicant's local address, whether temporary or permanent, if different from the applicant's current residence address.
 - b) The applicant's name and current residence address, and the length of time the applicant has resided at such address.
 - c) The applicant's business address, if different from the applicant's residence address.
 - d) The applicant's social security number and driver's license number, or, if the applicant has neither, then some other official form of identification.
 - e) The applicant's physical description, including sex, height, weight, hair color, and eye color.
 - f) Two (2) copies of a two inch by two-inch (2" x 2") photograph showing the full facial features of the applicant. Such photograph shall have been taken within thirty (30) days immediately prior to the date of filing of the application.
 - g) If more than one solicitor will 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 such business or organization.
 - h) If the applicant seeks a permit to conduct charitable solicitation, then a written statement by the Illinois attorney general, made within six (6) 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 Illinois' Solicitation for Charity Act, 225 ILCS 460/0.01 et seq.
 - i) If the applicant is subject to payment of the Retailers' Occupation Tax, a copy of the applicant's solicitation permit issued by the State of Illinois under the Municipal Retailers' Occupation Tax imposed by Section 60-3 of this Code.

j) The solicitation permit fee in an amount equal to ?????? dollars (\$?????.00), or, in the case of solicitors who are transient merchants, an amount equal to \$\$\$\$\$\$ dollars (\$100.00?????).

(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 solicitation permit under this chapter, if any.

(H) A statement as to whether a solicitation permit issued to the applicant under this chapter has ever been revoked or if the applicant's violation within the previous five (5) years of any provision of any previous Village solicitation regulation, of any of the provisions of this chapter, or of any local, state, or federal solicitation regulation.

(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 or has been convicted of a misdemeanor for a crime involving moral turpitude or truth and veracity, under the laws of the State of Illinois or any other state, or of a Federal law of the United States and the nature of any such conviction (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 solicitation permit.

(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 seventeen (17) 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 solicitation permit identification provided by the Chief of Police.

(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 solicitation permit 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 solicitation permit 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 in this chapter; 2) that any person who commits an act of "aggressive solicitation" prohibited by this chapter shall be subject to a fine as provided in the general penalty provisions of this Code.

(Y) 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 solicitation permit as is required in this chapter shall be updated whenever any change in such persons occurs for the registrant at any time during the registered year.

(Z) 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.

3-13-5 Regulations Applicable to All Solicitation and Canvassing

(A) **Issuance:** The chief of police shall issue a solicitation permit to an applicant within five (5) business days after its receipt, 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 the chief of police and the application, the material statements made in the application are true, and the fee has been paid.
- (2) The applicant has not been convicted within five (5) years immediately prior to the date of filing of the application of a felony under the laws of the state of Illinois, any other state, or the United States, or convicted of a misdemeanor for a crime involving moral turpitude or truth and veracity, under the laws of the State of Illinois, any other state, or the United States.
- (3) The applicant has not had a village solicitation permit revoked or suspended within five (5) years immediately prior to the date of filing of the application.
- (4) The applicant has not been convicted of violating any provision of this chapter, any provision of any previous village solicitation regulation, or any provisions of any local, state, or federal solicitation regulation within five (5) years immediately prior to the date of filing of the application.

Every person wishing to engage in charitable solicitation campaigns must make application for a solicitation permit with the Chief of Police or assigned designee fifteen (15) days prior to the initiation of said campaign. Upon the Chief of Police's issuance of a solicitation permit, 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) **Denial:** If the chief of police determines that the applicant has not met one or more of the conditions set forth in subsection (b) of this section, then the chief of police shall deny issuance of the solicitation permit, shall give the applicant a written notification and explanation of such denial, and return the solicitation permit fee. The chief of police's notice of denial shall be delivered in person or by first class U.S. mail 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 (5) business 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 this chapter.

(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 solicitation permit by the Chief of Police. In addition, no solicitation permit 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 solicitation permit issued hereunder has previously been revoked as herein provided. In the event that any solicitation permit for commercial solicitation is denied for failure to comply with the requirements set forth hereinabove, the Chief of Police 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 Chief of Police denies the issuance of said solicitation permit, said application shall be null and

void. (Ord. 13-O-09, 4-8-2013) (D) Form And Display Of Permit: A solicitation permit shall be issued by the chief of police and shall consist of a plastic enclosed pin on or clip-on card, approximately two inches by four inches (2" x 4") in size, containing 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 display the permit in a conspicuous place on his or her person at all times while engaged in soliciting in a manner that allows it to be readily seen by other persons.

3-13-5: Regulations Applicable to All Solicitation and Canvassing:

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. Except as otherwise specified elsewhere in this Chapter or below, all solicitors and canvassers shall comply with the following regulations:

- (a) "No Solicitation" Notices: No person shall solicit or canvass 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 such premises desire not to be solicited or canvassed or to have their right to privacy disturbed, unless the occupants have specifically requested such solicitation or other contact. 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) No Solicitation From Vehicles: No person shall solicit from a motorized vehicle at any time in any location within the village. Nothing in this Section or Chapter shall be construed to regulate mobile food service vendors who are not equipped with any sound making device and who serve food such as sandwiches and drinks such as coffee primarily to construction sites or commuters from a fixed location on private property for a limited amount of time each day. Such vendors are not considered to be solicitors under this Chapter but are subject to any other applicable Village ordinances or regulations related to their business activities.
- (c) No Advertising Or Use Of Sound: No person shall advertise any solicitation at any time within the village by use of signs, sound, or any other method. Nor shall any person use music or any other sound when soliciting.
- (d) Principal Approach And Entrance Only: Every solicitor or canvasser who goes from house to house shall approach a premises only by using the principal approach route thereto, and every such solicitor or canvasser shall attempt to make contact with the occupants thereof only at the principal entrance to such premises.
- (e) Discontinuance On Request: No solicitor or canvasser shall solicit or canvass any person or premises at any time after any such person or the occupant of such premises requests that the solicitor or canvasser leave the premises or otherwise cease soliciting or canvassing.
- (f) Hours When Solicitation Prohibited: Except as provided in subsection 56.06(c) of this chapter, it shall be unlawful for any person to engage in solicitation or canvassing in the Village of Willowbrook at any time prior to 9:00 a.m. or after 5:00 p.m. on any weekday and at any time prior to 9:00 a.m. or after 5:00 p.m. on Saturday or at any time on Sunday or on a State holiday, or, in the case of Transient Merchants, to engage in business at any time prior

to 9:00 a.m. or after 5:00 p.m. on any day. All solicitation shall be prohibited from November 1 through March 31.

(g) Immediate Identification: Every solicitor or canvasser who goes from house to house shall immediately identify himself or herself and the purpose of the solicitation or canvassing activity.

(h) Display Of Permit: Every solicitor who goes from house to house shall display the solicitation permit in a conspicuous place on his or her person at all times while engaged in soliciting in a manner that allows it to be readily seen by other persons.

(i) 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, or the right to establish a permanent stationary location for such solicitation.

(j) Soliciting Rides Or Business 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.

(k) Fraud Or Misrepresentation: No person shall perpetrate a fraud or misrepresentation of any kind while engaged in solicitation or canvassing within the village.

(l) Public Health And Safety: No person shall engage in solicitation or canvassing within the village in such a manner that creates a danger or threat of any kind to the public health, safety, and welfare.

(m) 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)

(n) 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, "No Trespassing", "No Peddlers", "No Solicitors", or any other similar notice, then the solicitor not possessing a valid solicitation permit as herein provided shall immediately and peacefully depart from the premises; if the notice states ""No Trespassing", "No Peddlers", "No Solicitors", or any other similar notice, then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises. (Ord. 13-O-09, 4-8-2013)

(o) 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)

(p) 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)

(q) Aggressive Solicitation Prohibited:

(1) 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:

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

SOLICITATION: 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.

3-13-6: Charitable Solicitation on Public Rights of Way

Charitable solicitation on public rights of way within the village shall be allowed only if such charitable solicitation is conducted in strict compliance with all applicable provisions of this chapter, and only if such charitable solicitation also complies with the following regulations:

(a) Permit Required; Fee; Application Requirements: 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 chapter. Because solicitation on a public right of way does not involve door to door activities, such solicitation 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. Such application shall include the names and addresses of all such individuals and shall conform to the requirements of this chapter. There shall be no fee for a permit for a charitable organization to solicit charitable contributions on a public right-of-way.

(b) Number of Permits Limited: Permits shall be issued on a first-come, first-serve basis and are limited to one permit per charitable organization. No more than one charitable organization shall engage in charitable solicitation on public rights of way within the village on any one day.

(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 six (6:00) P.M. or dusk, whichever is earlier, and nine (9:00) A.M. All solicitation shall be prohibited from November 1 through March 31.

(d) Locations: Charitable solicitation on public rights of way within the village shall be engaged in only at intersections with traffic control signal lights and only when traffic has come to a full and complete stop. The approved intersections in the Village are as follows: 63rd Street and Clarendon Hills Road and 67th Street and Route 83.

(e) Annual And Consecutive Days Limitations: No solicitor, or the business or organization represented by the solicitor, shall engage in charitable solicitation on public rights of way within the village on more than two (2) days within any one calendar year. A permit for two (2) consecutive days shall only be allowed if the charitable solicitation will be conducted on a Friday and Saturday.

(f) Minimum Age: No person younger than seventeen (17) 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 wear a high visibility vest at all times while engaged in such solicitation.

(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 Illinois' Solicitation for Charity Act, 225 ILCS 460/0.01 et seq.

(i) 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)

(j) 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 fundraising activity.

(k) **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 occur during or as a result of the solicitation that are causally related to an act of ordinary negligence of the solicitor or the business or organization the solicitor represents.

(l) **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. Such certificate of insurance shall name the village as an additional insured, shall state that the insurance policy shall not be amended or canceled during the period of the permitted solicitation, and shall reflect that at least the following coverage has been provided: 56-8

(1) Personal injury coverage of at least one million dollars (\$1,000,000.00) per occurrence and five hundred thousand dollars (\$500,000.00) per person.

(2) Property damage coverage of at least one hundred thousand dollars (\$100,000.00).

3-13-7: Violations Declared to be Nuisances

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

3-13-8 Effective Period

Except as otherwise provided in this chapter, a solicitation permit issued pursuant to this chapter shall be valid for sixty (60) consecutive calendar days. An expiration date shall be printed on the face of each solicitation permit.

3-13-9: Revocation

The chief of police shall immediately revoke any solicitation permit issued pursuant to this chapter if the chief of police determines that the solicitor is in violation of any of the provisions or requirements of this chapter 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 chapter. Immediately after such 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 such other form approved by the chief of police that clearly states the reason for such revocation. The chief of police shall serve the citation or other form of notice on the solicitor in person or by certified U.S. 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.

3-13-10 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 such decision to the village administrator as provided in this section. Within five (5) business days after service 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 administrator, after receipt of the written request for a hearing, shall set a time and date certain for such hearing within five business (5) days after such receipt. The village administrator shall give written notice of such hearing to the applicant or permit holder at least three (3) business 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 two (2) business days after the close of the hearing, the village administrator shall render a decision in writing. The village administrator 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 administrator shall be final.

3-13-11 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 such permit.

3-13-12 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 other information and material pertaining thereto, and copies of all solicitation permits issued and revoked pursuant to this chapter. Permit applications shall be numbered in consecutive order as filed, and every permit issued pursuant to this chapter and any renewal thereof shall be identified with the number of the application upon which it was issued.

3-13-12 Penalty

(a) **Penalty For Noncompliance:** Any person who violates, neglects or refuses to comply, or assists in the violation of, any of the provisions of this chapter, or of any order, solicitation permit, or notice issued pursuant hereto, shall be fined not more than seven hundred and fifty dollars (\$750.00) for each such violation. Each day such violation continues shall constitute a separate offense. The chief of police shall give written notice to any such person of any such violation and the fine imposed by serving a citation in person or by certified U.S. mail, return receipt requested.

(b) **Payment Without Prosecution:** Within ten (10) days after the date of the citation, any person served with a citation issued by the chief of police pursuant to subsection (a) of this section may avoid prosecution for the violation(s) identified in the citation by surrendering the citation to the chief of police and by paying at the same time to the chief of police a sum of fifty dollars (\$50.00). The chief of police shall issue a receipt to any person

3-13-14: No Limitation of Free Speech Rights:

Nothing in this chapter shall be construed or enforced so as to restrict the rights guaranteed by the First Amendment of the Constitution of the United States of America, article I of the Constitution of the State of Illinois, or any Federal or State law protecting the right to freedom of speech or freedom of religion. Nothing in this chapter shall prohibit religious organizations or individuals from religious proselytizing or political organizations or individuals from collecting for public offices or referendum questions to be submitted to the voters, or otherwise engaging in political activities related to specific individuals, issues, political parties or political action groups.

Willowbrook Solicitors

Regulations Chapter 13 –

Proposed Option Redline

Willowbrook – Proposed Option

SECTION:

<u>3-13-1: Definitions</u>	Formatted: Font: (Default) Arial, Bold
<u>3-13-2: Certificate Of Registration/Permit Required</u>	Formatted: Font: (Default) Arial, Bold
<u>3-13-3: Application For Certificate Of Registration/Permit Exemption for Minors</u>	Formatted: Font: (Default) Arial, Bold
<u>3-13-4: Application; Issuance Of A Certificate Of Registration; Review Procedure</u>	Formatted: Font: (Default) Arial
<u>Solicitation Permit</u>	Formatted: Font color: Auto
<u>3-13-5: Records Of Applications, Certificates/Regulations Applicable to All Solicitation and Canvassing</u>	Formatted: Font: (Default) Arial, Bold
<u>3-13-6: Charitable Solicitation; Financial Disclosure</u>	Formatted: Font: (Default) Arial, Bold
<u>Charitable Solicitation on Public Rights of Way</u>	Formatted: Font: 11 pt
<u>3-13-7: Notice Regulating Solicitation</u>	Formatted: Font: (Default) Arial, Bold
<u>Violations Declared to be Nuisances</u>	Formatted: Font: (Default) Arial, Bold
<u>3-13-8: Obedience To Notice On Premises</u>	Formatted: Font: (Default) Arial, Bold
<u>Effective Period</u>	Formatted: Font: (Default) Arial, Bold
<u>3-13-9: Uninvited Soliciting Prohibited</u>	Formatted: Font: 11 pt
<u>Revocation</u>	Formatted: Font: (Default) Arial, Bold
<u>3-13-10: Duty To Leave Premises On Request</u>	Formatted: Font: (Default) Arial, Bold
<u>Appeal of Denial or Revocation</u>	Formatted: Font: (Default) Arial, Bold
<u>3-13-11: Aggressive Solicitation Prohibited</u>	Formatted: Font: (Default) Arial, Bold
<u>Change in Information</u>	Formatted: Font: (Default) Arial, Bold
<u>3-13-12: Hours, Days Of Solicitation</u>	Formatted: Font: (Default) Arial, Bold
<u>Administrative Record</u>	Formatted: Font: (Default) Arial, Bold
<u>3-13-13: Felons As Solicitors</u>	Formatted: Font: (Default) Arial, Bold
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<u>3-13-14: Fraudulent Misrepresentation And Misstatement Prohibited</u>	Formatted: Font: (Default) Arial, Bold
<u>No Limitation of Free Speech Rights</u>	Formatted: Font: (Default) Arial, Bold
<u>3-13-15: Revocation Of Certificate; Review</u>	Formatted: Font: (Default) Arial, Bold
<u>3-13-1: DEFINITIONS:</u>	Formatted: Font: (Default) Arial, Bold
The following words and phrases as used in this chapter shall have the following meanings, unless a different meaning is required by the context:	Formatted: Font: (Default) Arial, Bold
<u>AGGRESSIVE SOLICITATION:</u> A mode of prohibited solicitation hereafter defined in section <u>3-13-11</u> of this chapter.	Formatted: Font: (Default) Arial, Bold
<u>APPLICANT:</u> Any person that files an application for a solicitation permit as provided for in this chapter.	Formatted: Font: 11 pt
<u>AUTOMATED TELLER MACHINE:</u> Any automated teller machine as defined by the Automated Teller Machine Security Act, 205 Illinois Compiled Statutes 695/1 et seq., as amended.	Formatted: Font: (Default) Arial
<u>AUTOMATED TELLER MACHINE:</u> Any automated teller machine (ATM) hereafter defined in section <u>3-13-11</u> of this chapter.	Formatted: Font: (Default) Arial
<u>BANK:</u> Any bank or financial institution as defined by the Illinois Banking Act, 205 Illinois Compiled Statutes 5/1 et seq., as amended.	Formatted: Line spacing: Multiple 1.08 li, Pattern: Clear

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

CANVASSER: A person engaged in canvassing. Canvassing Going from place to place in the Village seeking to make personal contact with residents or other persons where there is no request, invitation or appointment for such contact, but excluding persons engaged in solicitation as defined herein.

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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.

CHIEF OF POLICE: The chief of police or any of his or her authorized representatives.

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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, joint venture, trust or any combination thereof.

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

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REGISTERED SOLICITOR: Any person who has obtained a valid certificate of registration solicitation permit 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. 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. Solicitation shall not include any activity which is purely expressive in nature, such as attempts to enlist support for or against a particular religion, philosophy, ideology, political party, issue, candidate or other cause that does not involve either the solicitation of funds or a proposal to engage in a commercial transaction.

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(Ord. 13-O-09, 4-8-2013)

SOLICITOR: A person engaged in solicitation.

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TRANSIENT MERCHANT: A solicitor who engages temporarily in the retail sale of goods, wares or merchandise in the Village and in pursuance of such sales occupies any building, room, vehicle, structure of any kind, or vacant lot. Transient Merchants and solicitors shall not include a person selling goods, wares or merchandise, including vegetables, fruit or perishable farm products, at an established Village farmers market or other Village-sponsored event or market, or at a church fair or other similar event of limited duration held by a unit of local government or not-for-profit organization for fund-raising purposes.

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3-13-2: CERTIFICATE-OF-REGISTRATION-PERMIT 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 as valid solicitation permit from the Village as hereinafter provided. Persons engaged in canvassing shall not be subject to permitting requirements but are subject to certain other time, place and manner restrictions, as provided in this Chapter. (Ord. 13-O-09, 4-8-2013).

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3-13-3: Permit Exemption for Minors

Persons under the age of seventeen (17) years engaged in charitable solicitation within the village shall not be required to obtain a solicitation permit. However, any such person shall comply with all other applicable provisions of this chapter.

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3-13-43: APPLICATION FOR CERTIFICATE-OF-REGISTRATION-SOLICITATION-PERMIT:

An application for a certificate of registration solicitation permit shall file with the chief of police a properly completed application therefor on a form provided for such purpose by the chief of police 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 verify under oath all statements made on or in connection with the following information truthfully state in full the following information requested on the application:

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(A) — (A) The names and addresses of the charitable or commercial organization(s)/person(s) and the name or names under which it/he/she intends to engage in solicitation as well as the solicitation methods that the applicant and the applicant's business or organization will employ within the village.

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— (B) The name and address of the person to be in charge of such solicitation, as well as the following:

a) the name and address of a principal officer, director, or chief executive officer of the applicant's business or organization with the authority to determine matters related to the application, and the registered agent for the business or organization for service in Illinois, if any.

b) The name and address of the business or organization or other person or entity that the applicant represents for purposes of the solicitation for which the permit is sought, if different from the applicant's current employer.

in the Village and an address within the State where service of process may be had.

(C) The names and addresses required information of all persons who will engage in such solicitation in the Village as follows:-

- a) The applicant's local address, whether temporary or permanent, if different from the applicant's current residence address.
- b) The applicant's name and current residence address, and the length of time the applicant has resided at such address.
- c) The applicant's business address, if different from the applicant's residence address.
- d) The applicant's social security number and driver's license number, or, if the applicant has neither, then some other official form of identification.
- e) The applicant's physical description, including sex, height, weight, hair color, and eye color.
- f) Two (2) copies of a two inch by two-inch (2" x 2") photograph showing the full facial features of the applicant. Such photograph shall have been taken within thirty (30) days immediately prior to the date of filing of the application.
- g) If more than one solicitor will 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 such business or organization.
- h) If the applicant seeks a permit to conduct charitable solicitation, then a written statement by the Illinois attorney general, made within six (6) 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 Illinois' Solicitation for Charity Act, 225 ILCS 460/0.01 et seq.
- i) If the applicant is subject to payment of the Retailers' Occupation Tax, a copy of the applicant's solicitation permit issued by the State of Illinois under the Municipal Retailers' Occupation Tax imposed by Section 60-3 of this Code.
- j) The solicitation permit fee in an amount equal to ?????? dollars (\$?????.00), or, in the case of solicitors who are transient merchants, an amount equal to \$\$\$\$\$\$ dollars (\$100.00?????).

(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 registrationsolicitation permit under this chapter, if any.

(H) A statement as to whether a certificate of registrationsolicitation permit issued to the applicant under this chapter has ever been revoked or if the applicant's violation within the previous five (5) years of any provision of any previous Village solicitation regulation, of any of the provisions of this chapter, or of any local, state, or federal solicitation regulation.

(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

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regulations, 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.

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(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, or has been convicted of a misdemeanor for a crime involving moral turpitude or truth and veracity, under the laws of the State of Illinois or any other state, or of a Federal law of the United States, and the nature of any such conviction (applies only to commercial solicitation).

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(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~~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~~solicitation~~ permit.

(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-seventeen~~176~~ (176) 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~~solicitation~~ permit identification provided by the Village Clerk~~Chief of Police~~.

(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 solicitation permit 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 solicitation permit 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 in 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)

(Y) 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 solicitation permit as is required in this chapter shall be updated whenever any change in such persons occurs for the registrant at any time during the registered year.

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(Z) 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.

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3-13-45: APPLICATION; ISSUANCE OF A CERTIFICATE OF REGISTRATION; REVIEW PROCEDURE: Regulations Applicable to All Solicitation and Canvassing

(A) Issuance: The chief of police shall issue a solicitation permit to an applicant. 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

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five (5) business days after its receipt, if, but only if, the chief of police finds and determines all of the following:

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- (1) The applicant has properly provided all information required by the chief of police and the application, the material statements made in the application are true, and the fee has been paid.
- (2) The applicant has not been convicted within five (5) years immediately prior to the date of filing of the application of a felony under the laws of the state of Illinois, any other state, or the United States, or convicted of a misdemeanor for a crime involving moral turpitude or truth and veracity, under the laws of the State of Illinois, any other state, or the United States.
- (3) The applicant has not had a village solicitation permit revoked or suspended within five (5) years immediately prior to the date of filing of the application.
- (4) The applicant has not been convicted of violating any provision of this chapter, any provision of any previous village solicitation regulation, or any provisions of any local, state, or federal solicitation regulation within five (5) years immediately prior to the date of filing of the application.

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 registrationsolicitation permit with the Village ClerkChief of Police or assigned designee fifteen (15) days prior to the initiation of said campaign. Upon the Village ClerkChief of Police's issuance of a certificate of registrationsolicitation permit, 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) Denial: If the chief of police determines that the applicant has not met one or more of the conditions set forth in subsection (b) of this section, then the chief of police shall deny issuance of the solicitation permit, shall give the applicant a written notification and explanation of such denial, and return the solicitation permit fee. The chief of police's notice of denial shall be delivered in person or by first class U.S. mail 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 (5) business 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 this chapter. 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 registrationsolicitation 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

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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 solicitation permit by the Village Clerk Chief of Police. In addition, no certificate of registration solicitation permit 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 solicitation permit issued hereunder has previously been revoked as herein provided. In the event that any certificate of registration solicitation permit for commercial solicitation is denied for failure to comply with the requirements set forth hereinabove, the Village Clerk Chief of Police 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 Chief of Police denies the issuance of said certificate of registration solicitation permit, said application shall be null and void. (Ord. 13-O-09, 4-8-2013)

(D) Form And Display Of Permit: A solicitation permit shall be issued by the chief of police and shall consist of a plastic enclosed pin on or clip-on card, approximately two inches by four inches (2" x 4") in size, containing 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 display the permit in a conspicuous place on his or her person at all times while engaged in soliciting in a manner that allows it to be readily seen by other persons.

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.

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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)

3-13-75: Regulations Applicable to All Solicitation and Canvassing **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. Except as otherwise specified elsewhere in this Chapter or below, all solicitors and canvassers shall comply with the following regulations: Such notice shall be given in accordance with the following requirements of this section:

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(a) "No Solicitation" Notices: No person shall solicit or canvass 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 such premises desire not to be solicited or canvassed or to have their right to privacy disturbed, unless the occupants have specifically requested such solicitation or other contact. 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.

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(b) No Solicitation From Vehicles: No person shall solicit from a motorized vehicle at any time in any location within the village. Nothing in this Section or Chapter shall be construed to regulate mobile food service vendors who are not equipped with any sound making device and who serve food such as sandwiches and drinks such as coffee primarily to construction sites or commuters from a fixed location on private property for a limited amount of time each day. Such vendors are not considered to be solicitors under this Chapter but are subject to any other applicable Village ordinances or regulations related to their business activities.

(c) No Advertising Or Use Of Sound: No person shall advertise any solicitation at any time within the village by use of signs, sound, or any other method. Nor shall any person use music or any other sound when soliciting.

(d) Principal Approach And Entrance Only: Every solicitor or canvasser who goes from house to house shall approach a premises only by using the principal approach route thereto, and every such solicitor or canvasser shall attempt to make contact with the occupants thereof only at the principal entrance to such premises.

(e) Discontinuance On Request: No solicitor or canvasser shall solicit or canvass any person or premises at any time after any such person or the occupant of such premises requests that the solicitor or canvasser leave the premises or otherwise cease soliciting or canvassing.

(f) Hours When Solicitation Prohibited: Except as provided in subsection 56.06(c) of this chapter, it shall be unlawful for any person to engage in solicitation or canvassing in the

Village of Willowbrook at any time prior to 9:00 a.m. or after 5:00 p.m. on any weekday and at any time prior to 9:00 a.m. or after 5:00 p.m. on Saturday or at any time on Sunday or on a State holiday, or, in the case of Transient Merchants, to engage in business at any time prior to 9:00 a.m. or after 5:00 p.m. on any day. All solicitation shall be prohibited from November 1 through March 31.

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(g) Immediate Identification: Every solicitor or canvasser who goes from house to house shall immediately identify himself or herself and the purpose of the solicitation or canvassing activity.

(h) Display Of Permit: Every solicitor who goes from house to house shall display the solicitation permit in a conspicuous place on his or her person at all times while engaged in soliciting in a manner that allows it to be readily seen by other persons.

(i) 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, or the right to establish a permanent stationary location for such solicitation.

(j) Soliciting Rides Or Business 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.

(k) Fraud Or Misrepresentation: No person shall perpetrate a fraud or misrepresentation of any kind while engaged in solicitation or canvassing within the village.

(l) Public Health And Safety: No person shall engage in solicitation or canvassing within the village in such a manner that creates a danger or threat of any kind to the public health, safety, and welfare.

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(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 11 1/2") 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 11 1/2") 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 (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.

(Dm) **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- (n) OBEDIENCE TO NOTICE ON PREMISES **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 "No Trespassing", "No Peddlers", "No Solicitors", or any other similar notice "Only Solicitors Registered In Willowbrook Invited", then the solicitor not possessing a valid certificate of registration/solicitation permit as herein provided shall immediately and peacefully depart from the premises; if the notice states "No Trespassing", "No Peddlers", "No Solicitors", or any other similar notice "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)

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3-13-9-(o) Uninvited Soliciting Prohibited: 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)

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3-13-10-(p) 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)

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3-13-11-(q) Aggressive Solicitation Prohibited: AGGRESSIVE SOLICITATION PROHIBITED:

(A1) Definitions: For the purposes of this chapter the following definitions shall apply:

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

1a. Touching another person without that person's consent;

2b. Blocking the path of the person solicited or blocking that person's entrance to any building or vehicle;

3c. Continuing to solicit or to request a donation from a person after that person has refused an earlier request;

4d. Following or remaining alongside a person who walks away from the solicitor after being solicited;

5e. Remaining alongside a person's vehicle and continuing to solicit or request a donation after that person has refused an earlier request;

6f. Making any statement, gesture or other communication that would cause a reasonable person to feel threatened into making a donation; or

7g. 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.

3-13-6: Charitable Solicitation on Public Rights of Way

Charitable solicitation on public rights of way within the village shall be allowed only if such charitable solicitation is conducted in strict compliance with all applicable provisions of this chapter, and only if such charitable solicitation also complies with the following regulations:

(a) Permit Required; Fee; Application Requirements: 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 chapter. Because solicitation on a public right of way does not involve door to door activities, such solicitation 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. Such application shall include the names and addresses of all such individuals and shall conform to the requirements of this chapter. There shall be no fee for a permit for a charitable organization to solicit charitable contributions on a public right-of-way.

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(b) Number of Permits Limited: Permits shall be issued on a first-come, first-serve basis and are limited to one permit per charitable organization. No more than one charitable organization shall engage in charitable solicitation on public rights of way within the village on any one day.

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(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 six (6:00) P.M. or dusk, whichever is earlier, and nine (9:00) A.M. All solicitation shall be prohibited from November 1 through March 31.

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(d) Locations: Charitable solicitation on public rights of way within the village shall be engaged in only at intersections with traffic control signal lights and only when traffic has come to a full and complete stop. The approved intersections in the Village are as follows: 63rd Street and Clarendon Hills Road and 67th Street and Route 83.

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(e) Annual And Consecutive Days Limitations: No solicitor, or the business or organization represented by the solicitor, shall engage in charitable solicitation on public rights of way within the village on more than two (2) days within any one calendar year. A permit for two (2) consecutive days shall only be allowed if the charitable solicitation will be conducted on a Friday and Saturday.

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(f) Minimum Age: No person younger than seventeen (17) 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 wear a high visibility vest at all times while engaged in such solicitation.

(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 Illinois' Solicitation for Charity Act, 225 ILCS 460/0.01 et seq.

(i) 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.

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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)

(j) 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 fundraising activity.

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(k) 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 occur during or as a result of the solicitation that are causally related to an act of ordinary negligence of the solicitor or the business or organization the solicitor represents.

(l) 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. Such certificate of insurance shall name the village as an additional insured, shall state that the insurance policy shall not be

amended or canceled during the period of the permitted solicitation, and shall reflect that at least the following coverage has been provided: 56-8

(1) Personal injury coverage of at least one million dollars (\$1,000,000.00) per occurrence and five hundred thousand dollars (\$500,000.00) per person.

(2) Property damage coverage of at least one hundred thousand dollars (\$100,000.00).

3-13-7: Violations Declared to be Nuisances

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

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3-13-8 Effective Period

Except as otherwise provided in this chapter, a solicitation permit issued pursuant to this chapter shall be valid for sixty (60) consecutive calendar days. An expiration date shall be printed on the face of each solicitation permit.

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3-13-9: Revocation

The chief of police shall immediately revoke any solicitation permit issued pursuant to this chapter if the chief of police determines that the solicitor is in violation of any of the provisions or requirements of this chapter or of the solicitation permit issued pursuant thereto, 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 chapter. Immediately after such 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 such other form approved by the chief of police that clearly states the reason for such revocation. The chief of police shall serve the citation or other form of notice on the solicitor in person or by certified U.S. 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.

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3-13-10 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 such decision to the village administrator as provided in this section. Within five (5) business days after service 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 administrator, after receipt of the written request for a hearing, shall set a time and date certain for such hearing within five business (5) days after such receipt. The village administrator shall give written notice of such hearing to the applicant or permit holder at least three (3) business days in advance of the hearing date. At the hearing, the applicant or permit holder may present

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and submit evidence and witnesses to rebut the reasons cited by the chief of police for revoking or denying the permit. Within two (2) business days after the close of the hearing, the village administrator shall render a decision in writing. The village administrator 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 administrator shall be final.

3-13-11 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 such permit.

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3-13-12 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 other information and material pertaining thereto, and copies of all solicitation permits issued and revoked pursuant to this chapter. Permit applications shall be numbered in consecutive order as filed, and every permit issued pursuant to this chapter and any renewal thereof shall be identified with the number of the application upon which it was issued.

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3-13-12 Penalty

(a) Penalty For Noncompliance: Any person who violates, neglects or refuses to comply, or assists in the violation of, any of the provisions of this chapter, or of any order, solicitation permit, or notice issued pursuant hereto, shall be fined not more than seven hundred and fifty dollars (\$750.00) for each such violation. Each day such violation continues shall constitute a separate offense. The chief of police shall give written notice to any such person of any such violation and the fine imposed by serving a citation in person or by certified U.S. mail, return receipt requested.

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(b) Payment Without Prosecution: Within ten (10) days after the date of the citation, any person served with a citation issued by the chief of police pursuant to subsection (a) of this section may avoid prosecution for the violation(s) identified in the citation by surrendering the citation to the chief of police and by paying at the same time to the chief of police a sum of fifty dollars (\$50.00). The chief of police shall issue a receipt to any person

(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:

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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)

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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)

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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)

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3-13-14: No Limitation of Free Speech Rights:

Nothing in this chapter shall be construed or enforced so as to restrict the rights guaranteed by the First Amendment of the Constitution of the United States of America, article I of the Constitution of the State of Illinois, or any Federal or State law protecting the right to freedom of speech or freedom of religion. Nothing in this chapter shall prohibit religious organizations or individuals from religious proselytizing or political organizations or individuals from collecting for public offices or referendum questions to be submitted to the voters, or otherwise engaging in political activities related to specific individuals, issues, political parties or political action groups.

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Current Willowbrook Adult Use Cannabis Map

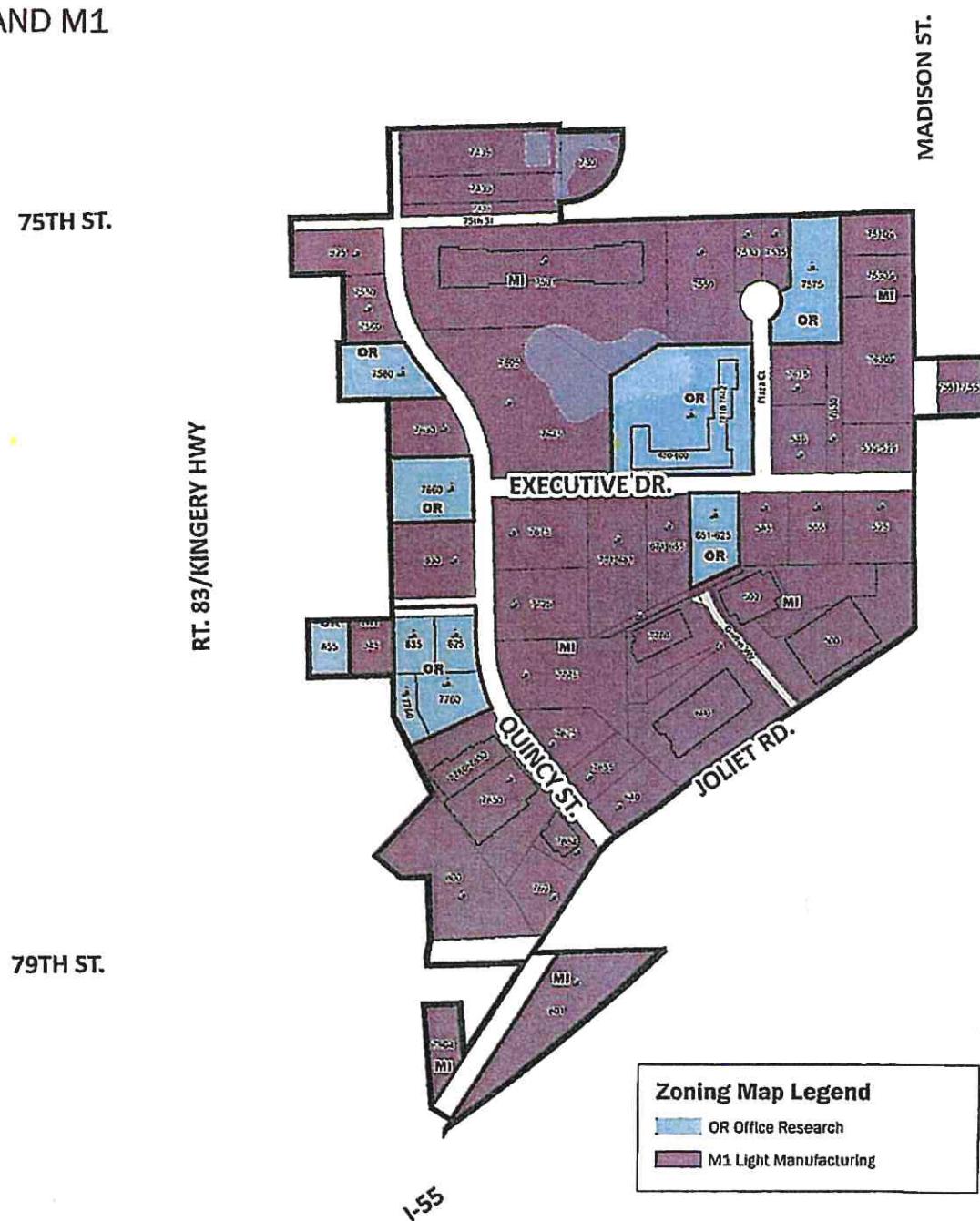
PARAMETERS:

WILLOWBROOK CENTRE PKWY.

375 FT. FROM RESIDENTIAL AND 1,000 FT. FROM
DAYCARES, SCHOOLS AND RELIGIOUS INSTITUTIONS

ZONING DISTRICTS UNDER CONSIDERATION:

OR AND M1

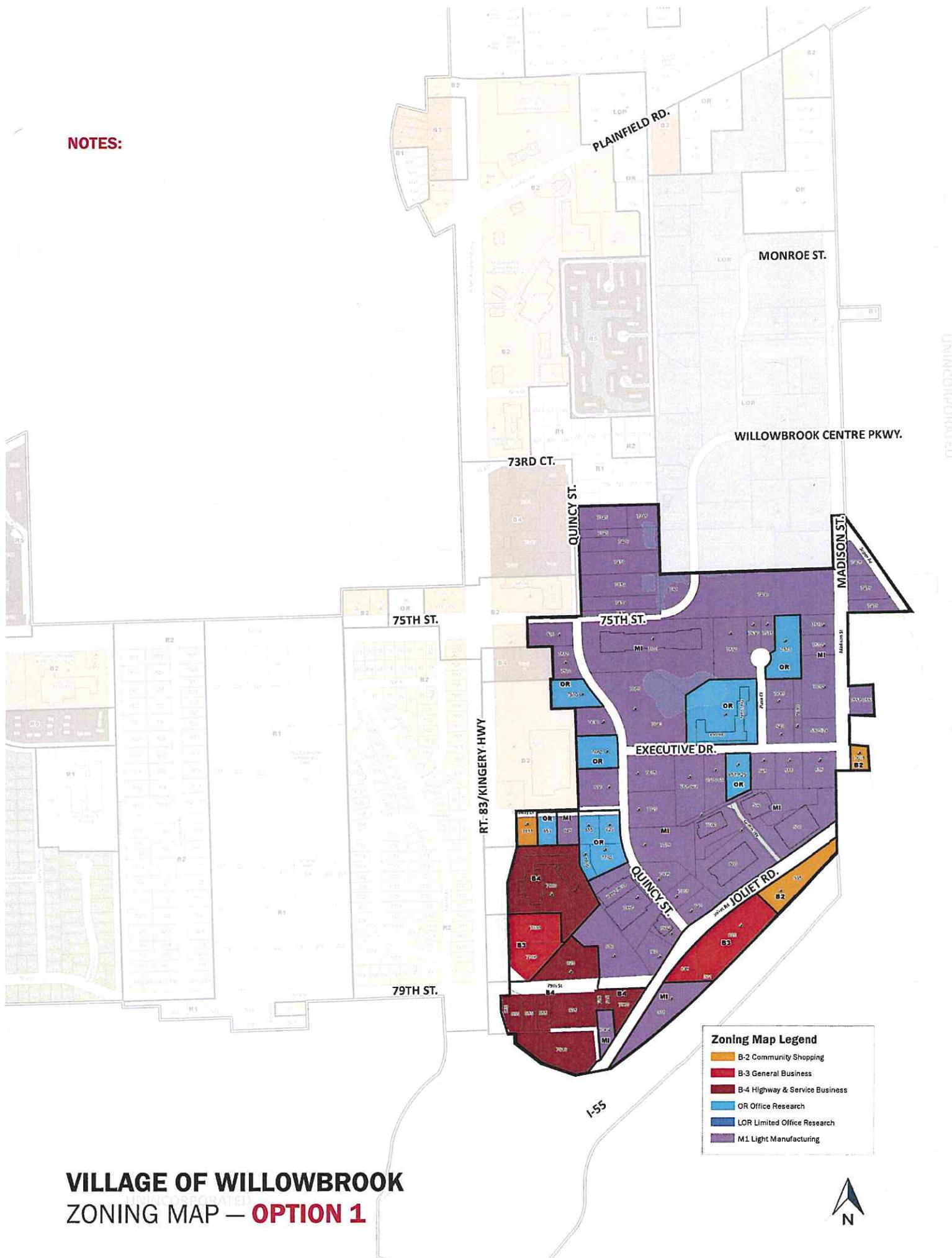


**VILLAGE OF WILLOWBROOK
ZONING MAP**

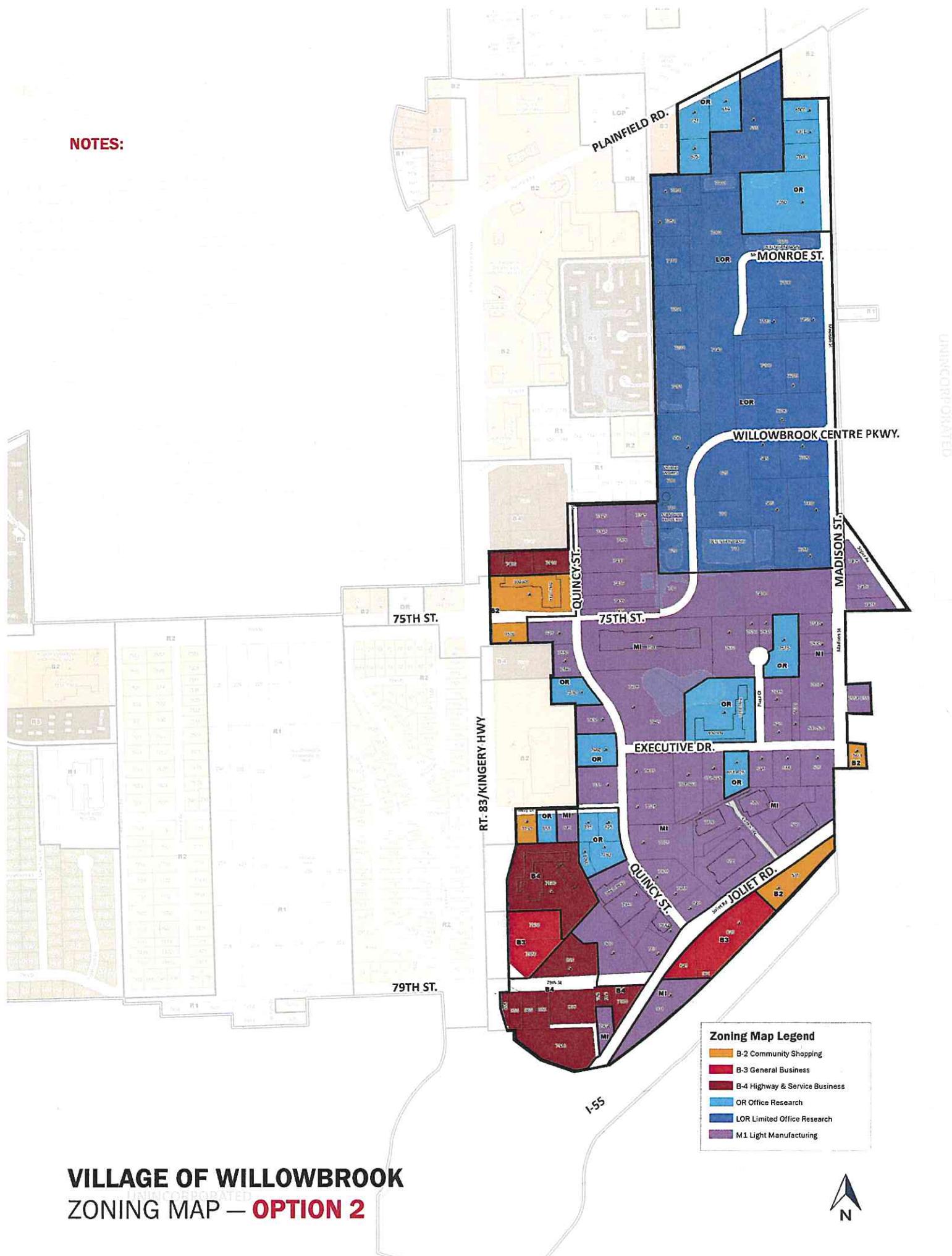


Optional Willowbrook Adult Use Cannabis Map

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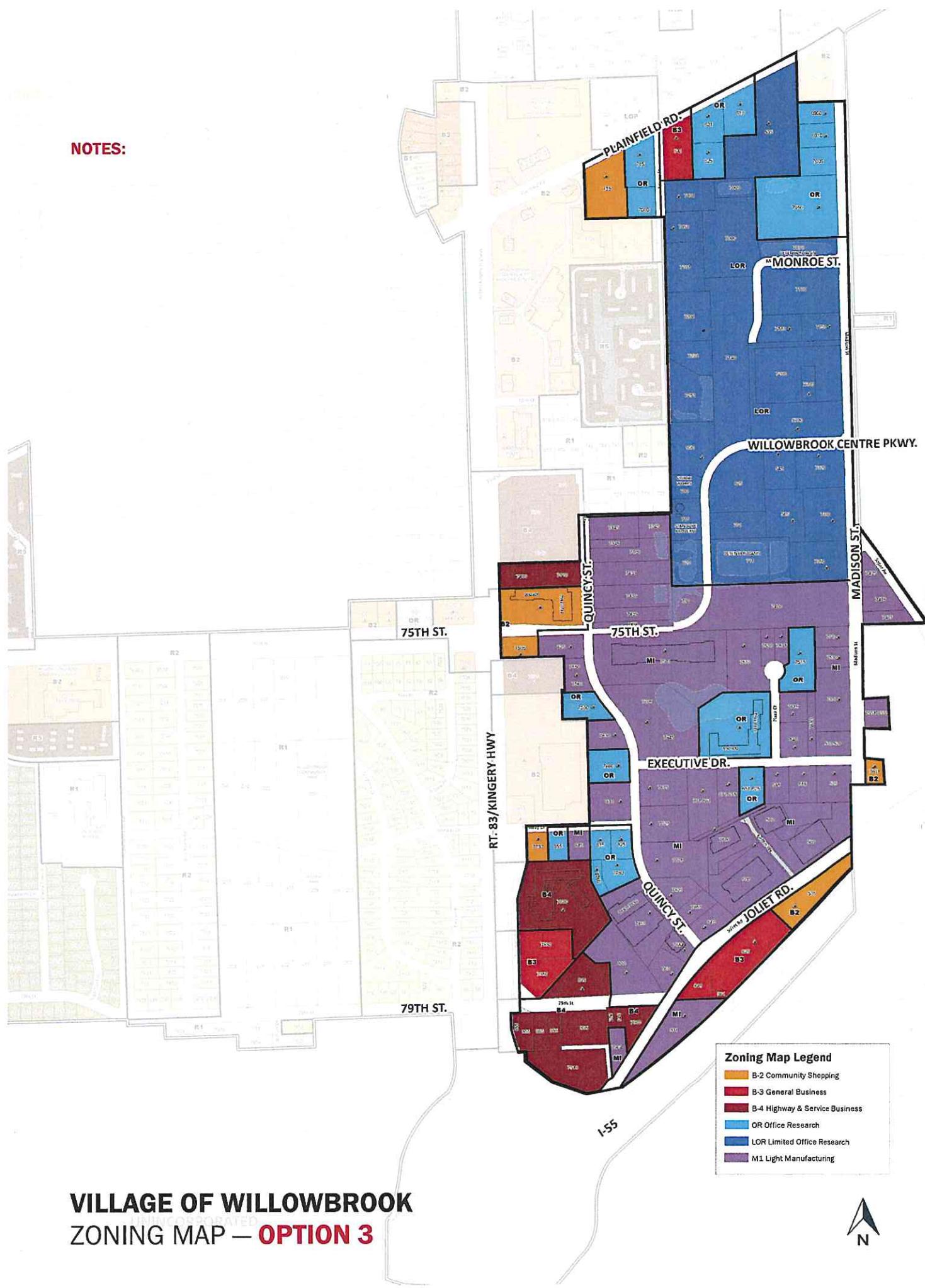


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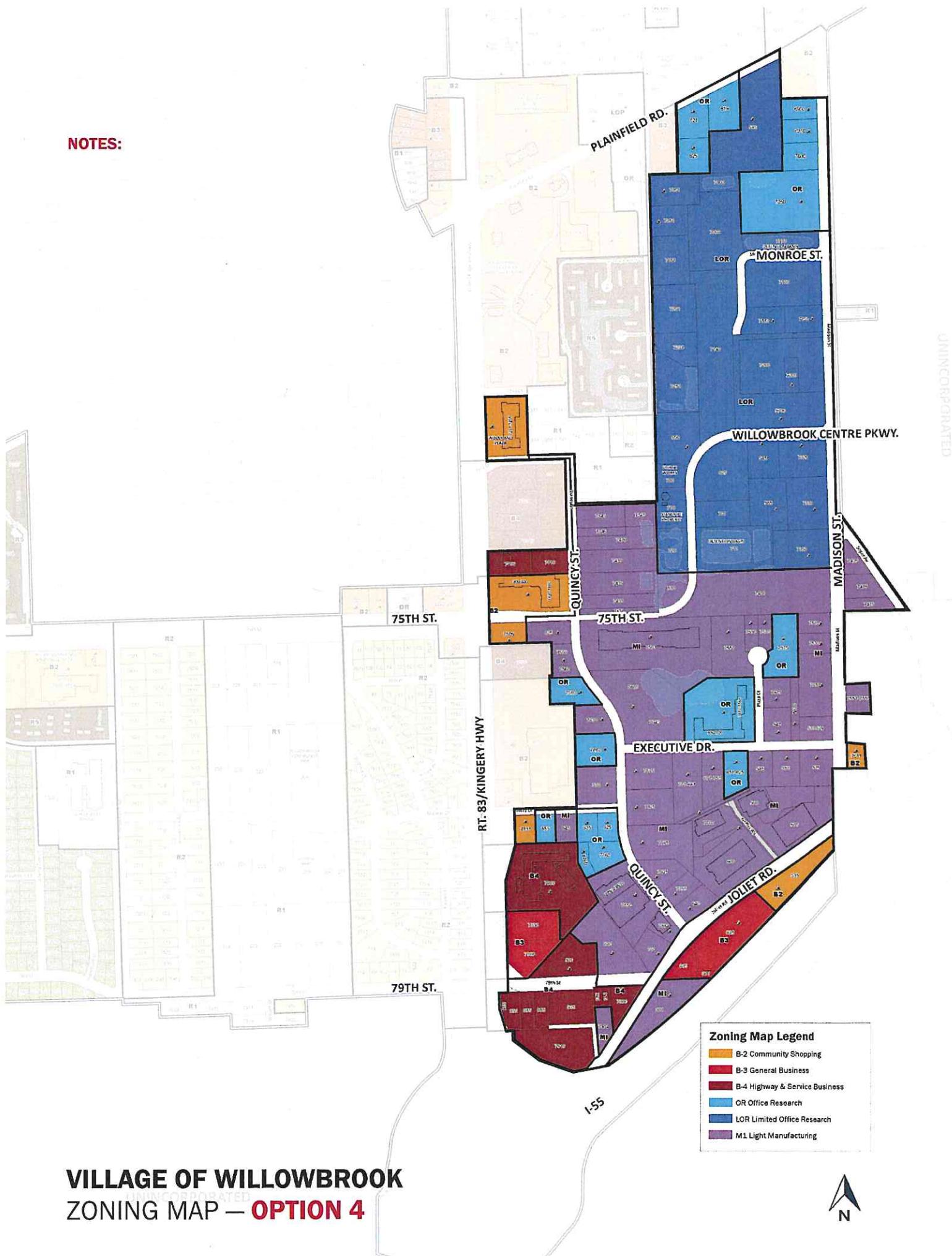


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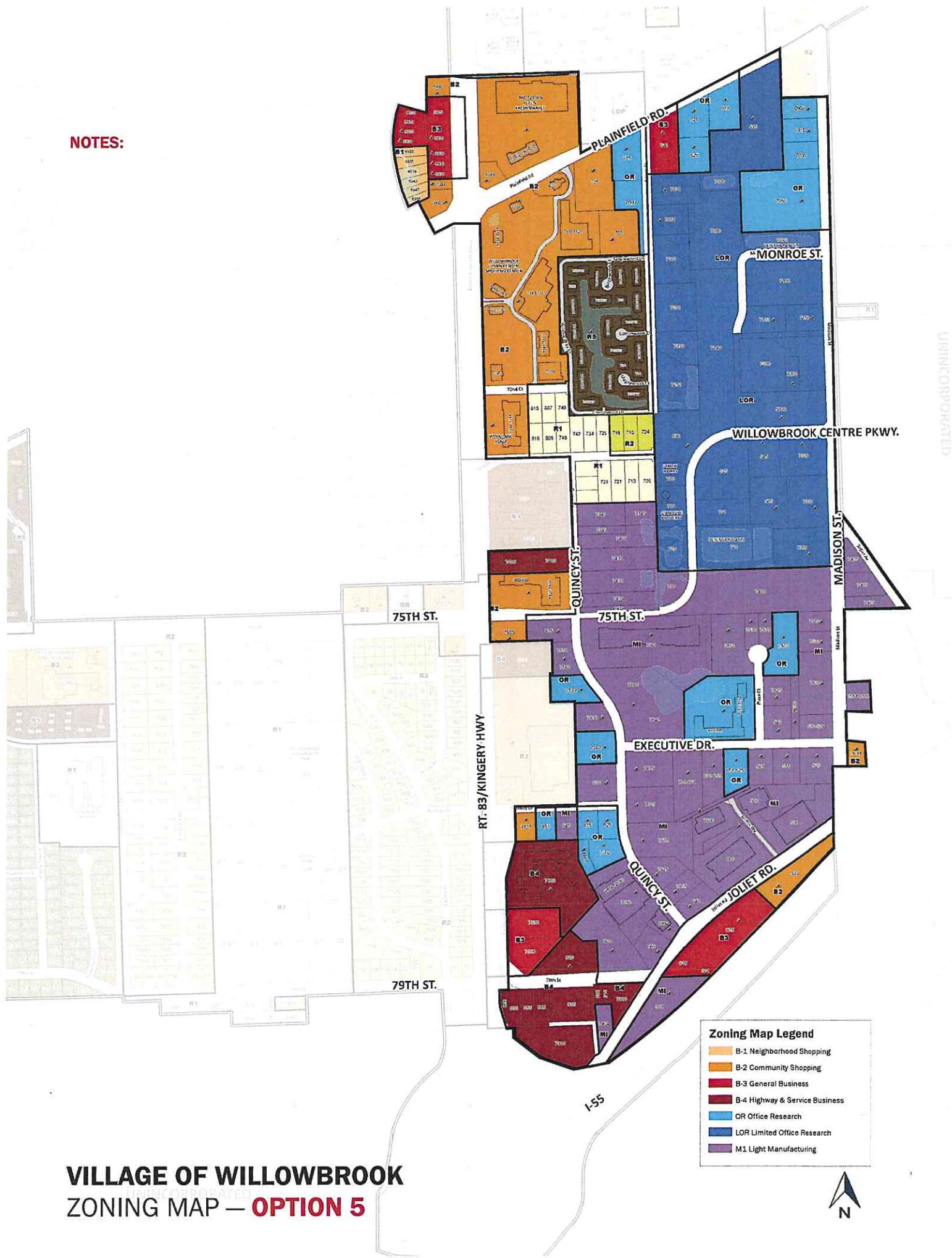
UNINCORPORATED



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