

ARTICLE III. - SOLICITORS⁴¹

Footnotes:

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Cross reference— Parking for purpose of peddling merchandise or displaying vehicle for sale, § 90-35.

DIVISION 1. - GENERALLY

Sec. 66-61. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Registered solicitor means any person who has obtained a valid certificate of registration, and which certificate is in the possession of the solicitor on his person while engaged in soliciting.

Residence means every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

Soliciting means any one or more of the following activities:

- (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs or services of any kind, character or description whatever, for any kind of consideration whatever;
- (2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character;
- (3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or
- (4) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation or project.

(Code 1982, § 20-49)

Cross reference— Definitions generally, § 1-2.

Sec. 66-62. - General policy on soliciting.

It is hereby declared to be the policy of the city council that the occupant of the residences of this city shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residence. If no determination is made as is provided in section 66-63, then in that event registration is not required.

(Code 1982, § 20-50)

Sec. 66-63. - Posting of notice by occupant.

Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this article shall comply with the following directions: Notice of the determination

by the occupant of giving invitation to solicitors, or the refusal of invitation to solicitors, to any residence, shall be given in the manner following:

- (1) A weatherproof card, approximately three inches by four inches in size, shall be exhibited upon or near the main door to the residence, indicating the determination by the occupant, containing the applicable words, as follows: "ONLY SOLICITORS REGISTERED IN STERLING INVITED," or "NO SOLICITORS INVITED."
- (2) The letters shall be at least one-third inch in height. For the purpose of uniformity the cards shall be provided by the chief of police to persons requesting such cards, at the cost thereof.
- (3) Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

(Code 1982, § 20-51)

Sec. 66-64. - Duty of solicitors entering on residential premises.

- (a) It shall be the duty of every solicitor upon going onto any premises in the city upon which a residence is located to first examine the notice provided for in section 66-63, if any is attached, and be governed by the statement contained on the notice. If the notice states "ONLY SOLICITORS REGISTERED IN STERLING INVITED," then the solicitor not possessing a valid certificate of registration as provided in this article 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.
- (b) Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

(Code 1982, § 20-52)

Sec. 66-65. - Compliance with posted notice.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting, in defiance of the notice exhibited at the residence in accordance with the provisions of section 66-63.

(Code 1982, § 20-53)

Sec. 66-66. - Soliciting prohibited during certain hours and days.

It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this article or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting, prior to 9:00 a.m. or after 7:00 p.m. Monday—Saturday, or at any time on a Sunday or on a state or national holiday.

(Code 1982, § 20-54; Ord. No. 2016-07-18, 7-18-16)

Secs. 66-67—66-75. - Reserved.

DIVISION 2. - CERTIFICATE OF REGISTRATION^[6]

Footnotes:

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Cross reference— Business licenses generally, § 22-26 et seq.

Sec. 66-76. - Required.

Every person desiring to engage in soliciting from persons in residences within this city is hereby required to make written application in person for a certificate of registration as provided in this division.

- (1) The fee shall be as follows:
 - a. Administrative fee \$10.00
 - b. One day permit \$25.00
 - c. One week permit \$75.00
- (2) Such fee shall be paid in advance at the time of the application.

(Code 1982, § 20-66; Ord. No. 2016-07-18, 7-18-16)

Sec. 66-77. - Application.

- (a) Application for a certificate of registration under this division shall be made upon a form provided by the chief of police and filed with such chief. The applicant must present current state issued photo identification at the time the application is submitted. The applicant shall truthfully state in full the information requested on the application, as follows:
 - (1) Name, and address of the present place of residence and length of residence at such address, and the business address if other than the residence address, including the applicant's social security number;
 - (2) Address of the place of residence during the past three years, if other than the present address;
 - (3) Age of the applicant and marital status, and, if married, the name of the applicant's spouse;
 - (4) Physical description of the applicant;
 - (5) Name and address of the person, firm or corporation or association whom the applicant is employed by or represents, and the length of time of such employment or representation;
 - (6) Name and address of employers during the past three years if other than the present employer;
 - (7) A description sufficient for identification of the subject matter of the soliciting which the applicant will engage in;
 - (8) The period of time for which the certificate is applied for;
 - (9) The date, or approximate date, of the latest previous application for a certificate under this division, if any;
 - (10) Whether a certificate of registration issued to the applicant under this division has ever been revoked;

- (11) Whether the applicant has ever been convicted of a violation of any of the provisions of this article, or the ordinance of any other municipality of this state regulating soliciting;
 - (12) Whether the applicant has ever been convicted of the commission of a felony under the laws of this state or any other state or the federal law of the United States; and
 - (13) Such additional information as the chief of police may deem necessary to process the application.
- (b) All statements made by the applicant upon the application or in connection therewith shall be under oath.

(Code 1982, § 20-67; Ord. No. 2016-07-18, 7-18-16)

Sec. 66-78. - Issuance or denial.

- (a) The chief of police, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such certificate as required in this section, or if the issuance of a certificate of registration to the applicant would not be in accord with the intent and purpose of this article. Endorsement shall be made by the chief of police upon the application or the denial of the application. When the applicant is found to be fully qualified, the certificate of registration shall be issued forthwith. The certificate of registration shall state the expiration date thereof.
- (b) No certificate of registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the state or any other state or the federal law of the United States within five years of the date of the application, or to any person who has been convicted of a violation of any of the provisions of this article, or to any person whose certificate of registration issued under this division has previously been revoked as provided in this division.

(Code 1982, § 20-68)

Sec. 66-79. - Revocation.

Any certificate of registration issued under this division shall be revoked by the chief of police if the holder of the certificate is convicted of a violation of any of the provisions of this article, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this article. Immediately upon such revocation notice by phone or in writing thereof shall be given by the chief of police to the holder of the certificate in person or by certified United States mail addressed to his residence address set forth in the application. Immediately upon the giving of such notice the certificate of registration shall become null and void.

(Code 1982, § 20-69; Ord. No. 2016-07-18, 7-18-16)

Sec. 66-80. - Records.

The chief of police shall cause to be kept in his office an accurate record of every application received and acted upon under this division together with all other information and data pertaining thereto and all certificates of registration issued under the provisions of this division, and of the denial of applications. The chief of police shall review any application for licensee under this section within five business days of the application.

(Code 1982, § 20-70; Ord. No. 2016-07-18, 7-18-16)

Secs. 66-81—66-85. - Reserved.

DIVISION 3. - SOLICITATION OF FUNDS UPON PUBLIC WAY

Sec. 66-86. - Authority.

Any charitable organization qualified under the provisions of 625 ILCS 5/11-1006(c) as amended, may stand upon the streets or highways within the city at any intersection where traffic is required to come to a full stop for the purpose of soliciting contributions from the occupants of any vehicle after receiving a permit for such solicitation from the city.

(Ord. No. 97-8-23, § 1, 8-5-97; Ord. No. 2015-3-4, Exh. A, 3-2-15)

Sec. 66-87. - Application, insurance.

- (a) The application for a permit to solicit shall be made by a qualified organization in writing to the office of the city clerk not less than 30 days in advance of the date scheduled for the solicitation. The application shall be referred to the city council for consideration at its next regularly scheduled meeting, held not earlier than seven days from the filing of the application for permit. The application shall include the following information along with other information requested by the city:
- (1) Name, address, and telephone number of the organization;
 - (2) Name, address, and telephone number of a local representative of the organization or that of the person filing the application;
 - (3) Proof that the organization is registered as a charitable organization with the attorney general;
 - (4) A statement of the statewide fundraising activity of which the local solicitation effort is a part;
 - (5) A certificate of insurance, provided 30 days prior to event, showing that the organization is insured with liability insurance against claims for injury to persons or damages to property which is casually related to an act of ordinary negligence of the soliciting agent acting on behalf of the organization with limits of not less than \$1,000,000.00, and also showing that the city is an additional insured;
 - (6) The location(s) for which the permit to solicit is being sought;
 - (7) The date and times of day during which solicitation is to take place;
 - (8) The number of persons to solicit at each location.
- (b) The organization applying for the permit shall have a representative present at the council meeting when the application is to be considered. The representative shall be prepared to provide further information requested by council.
- (c) The organization requesting the permit shall execute and submit with the application an agreement holding the city harmless and indemnifying the city for any loss, damage, claim, liability, expense including attorney's fees for any injury or damage to persons or property arising out of the solicitation.

(Ord. No. 97-8-23, § 2, 8-5-97; Ord. No. 2015-3-4, Exh. A, 3-2-15)

Sec. 66-88. - Restrictions/procedures.

- (a) Solicitation is limited to streets or intersections specifically designated by the city council when the application for the permit is approved. No more than two persons who are permitted to solicit are to be present at any one location on any one time. No person under the age of 16 years is permitted to solicit funds or be present at the location. Persons the age of 16 or 17 years may solicit but must be

accompanied by a person 18 years of age or older. Each solicitor present at a location designated by the city must wear a bright colored vest or jacket of day-glo orange, yellow or green.

- (b) Locations.
 - (1) 2nd Street at 2nd Avenue.
 - (2) 1st Avenue at 3rd Street.
 - (3) 4th Street at 2nd Avenue
 - (4) 1st Avenue at 2nd Street (south bound).
 - (5) 2nd Street at 1st Avenue (south bound).
- (c) Solicitation is permitted Saturdays from dawn to dusk. The city shall allow no more than 15 solicitations per calendar year. Each organization is allowed no more than one solicitation per year. Solicitations shall be allowed no more frequently than one day within any two week period. In the event inclement weather causes the cancellation of a solicitation, the event may be rescheduled within the two week period in which it was originally scheduled.
- (d) The organization receiving the permit shall notify the department of public works not later than the Thursday next preceding the solicitation, and obtain orange traffic cones which shall be placed at each place of solicitation to warn motorists of solicitors in the street. The organization shall return the orange cones to the city on the Monday following the solicitation and shall pay the city for any loss of, or damage to, the orange cones.

(Ord. No. 97-8-23, § 3, 8-5-97; Ord. No. 2015-3-4, Exh. A, 3-2-15)

Sec. 66-89. - Penalties.

The penalty for a violation of the provisions of this division shall be a fine of not less than \$50.00 nor more than \$500.00. Any organization violating a provision of this article shall not be eligible to receive a permit to solicit funds pursuant to this division for a period of 24 months from the date of violation.

(Ord. No. 97-8-23, § 3, 8-5-97; Ord. No. 2015-3-4, Exh. A, 3-2-15)

Secs. 66-90—66-100. - Reserved.