

TITLE X: BUSINESS REGULATIONS - CONTINUED**CHAPTER 101: SOLICITORS**

101-1: DEFINITIONS. For the purpose of this Chapter, the following words as used herein shall be construed to have the meanings herein ascribed thereto, to-wit:

"NON-PROFIT ORGANIZATION" shall mean an organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation. This shall include, but not be limited to, charitable, educational, religious, fraternal, veterans, labor, or organizations recognized as not-for-profit by the state or federal government.

"REGISTERED SOLICITOR" shall mean and include any person who has obtained a valid Certificate of Registration as hereinafter provided, and which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

"RESIDENCE" shall mean and include every separate living unit occupied for residential purposes by one (1) or more persons, contained within any type of building or structure.

"SOLICITING" shall mean and include any one (1) or more of the following activities:

(A) Seeking to obtain orders for the purchase at retail of goods, wares, merchandise, foodstuffs, services of any kind, character, or description whatsoever; or for any kind of consideration whatsoever; or

(B) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication or;

(C) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation or project.

101-2: CERTIFICATE OF REGISTRATION. Every person desiring to engage in soliciting from persons within this City is hereby required to make written application for a Certificate of Registration as hereinafter provided. The provisions of Sections 101-2 through 101-4 of this Chapter shall not apply to 1) any person who is a resident of this City; or 2) persons employed or representing an established merchant, business firm, or corporation located and regularly doing business in this City, or 3) any non-profit organization located in this City.

101-3: APPLICATION FOR CERTIFICATE OF REGISTRATION. Applications for a Certificate of Registration shall be made upon a form provided by the Chief of Police of this City and filed with such Chief. The applicant shall truthfully state in full the information requested on the application, to-wit:

(A) Name and address of present place of residence and length of residence at such address; also, business address if other than residence address; also, Social Security Number.

(B) Address of place of residence during the past three (3) years if other than present address.

- (C) Age of applicant and marital status; and if married, the name of spouse.
- (D) Physical description of the applicant.
- (E) Name and address of the person, firm or corporation or association with whom the applicant is employed or represents; and the length of time of such employment or representation.
- (F) Name and address of employer during the past three (3) years if other than the present employer.
- (G) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.
- (H) Period of time for which the Certificate is applied.
- (I) The date or approximate date of the latest previous application for a Certificate under this Chapter, if any.
- (J) Has a Certificate of Registration issued to the applicant under this Chapter ever been revoked?
- (K) Has the applicant ever been convicted of a violation of any of the provisions of this Code or the regulations of any other Illinois municipality regulating soliciting?
- (L) Has the applicant ever been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States?
- (M) The last three (3) municipalities where the applicant carried on business immediately preceding the date of application in this Municipality and the address from which such business was conducted in those municipalities.
- (N) Applicant shall provide a copy of his Certificate of Registration under the Illinois Retailer's Occupational Tax Act, if application is for retail sales of goods, merchandise, wares or foodstuffs.
- (O) A clear copy of the applicant, and their employees or agents acting under the license, state issued driver's license or i.d. card.
- (P) Also, such additional information as the Chief of Police may deem necessary to process the application.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

The Chief of Police shall cause to be kept in his office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto and all Certificates of Registration issued under the provisions of this Chapter and of the denial of applications.

Applications for Certificates issued 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.

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 of Illinois or any other State or 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.

101-4: ISSUANCE AND REVOCATION OF CERTIFICATE. 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 herein required, and that the issuance of a Certificate of Registration to the applicant would not be in accord with the intent and purpose of this Code. Endorsement shall be made by the Chief of Police upon the application of the denial of the application. When the applicant is found to be fully qualified, the Certificate of Registration shall be issued forthwith.

Any Certificate of Registration issued hereunder shall be revoked by the Chief of Police if the holder of the Certificate is convicted of a violation of any provision of this Chapter, 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 Chapter. Immediately upon such revocation, written notice thereof shall be given by the Chief of Police to the holder of the Certificate in person or by certified [return receipt requested] U. S. Mail, addressed to his or her residence address set forth in the application. Immediately upon the giving of such notice, the Certificate of Registration shall become null and void.

The Certificate of Registration shall state the expiration date thereof.

101-5: TIME LIMIT ON SOLICITING. It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Chapter 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 as herein defined, prior to ten o'clock (10:00) a.m. or after five o'clock (5:00) p.m. of any weekday or at any time on a Sunday or on a State or National holiday.

101-6: STREET COLLECTIONS.

(A) Every person seeking to collect, on a public street, gifts or contributions of money, clothing, or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation or project shall file a request for permission for a street collection with the City Clerk a minimum of forty-five (45) days before the intended collection date by completing a form kept and maintained by the City Clerk. The street collection shall occur only if the request is approved by the City Council.

(B) If approved by the City Council, the collection shall be conducted only during the hours, within the area specified, and on the date or dates approved by the City Council. The hours of collection shall not exceed four (4) hours each day, and shall not be permitted on Sundays.

(C) No one under the age of sixteen (16) years shall be permitted to participate in the street collection.

(D) The name of the organization or group sponsoring the collection and purpose of the collection shall be visibly displayed at all times during the street collection. The aforementioned display shall be located a minimum of fifty (50) feet from the location of the street collection and shall be displayed facing each direction of each street on which the collection is conducted. This requirement shall be satisfied if the persons collecting display their group name on their reflective gear.

(E) A certificate of liability insurance naming the City as additional insured in a form acceptable to the City Council shall be provided to the City at least twenty-four (24) hours before the date of the street collection. The certificate of liability insurance shall be in an amount no less than One Million Dollars (\$1,000,000.00).

(F) All persons participating in the street collection shall wear reflective gear adequate to insure visibility to all motorists. Said reflective gear shall be worn at all times during the street collection. All persons participating in the street collection release the City of Red Bud from any and all liability for actions or incidents which occur during the street collection. The City of Red Bud encourages participants of street collections to be aware of street traffic and to review safety procedures before beginning a street collection.

(G) The City Council may attach additional restrictions in its discretion.

(H) Street collections shall not be permitted for soliciting as defined in subsections (A) and (B) of Section 101-1 of the City Code.

101-7: FEES. Upon making an application for a Certificate, the applicant shall pay a license fee, which shall be as follows:

(A) **Daily License:** **\$20.00 per person per day.**

(B) **Annual License:** **\$100.00 per person per year.**

There shall be no fee for registration of solicitations on public highways pursuant to Section 101-6 hereinabove.

101-8 to 101-9: RESERVED.

(65 ILCS 5/11-5-2)