

Section 15.28.ART. Article II. Solicitation

(Ord. 5750, Amended, 02/05/2019)

Section 15.28.SEC. Purpose.

(a) The Village of Downers Grove has a legitimate interest in preventing fraud, protecting the privacy of its residents, preventing crime and conserving the resources of its police department. This Article is intended to apply to the solicitation of funds and is not intended to interfere with the exercise of free speech and the free exercise of rights protected under the First Amendment (i.e. religious proselytizing, anonymous political speech and the distribution of hand bills). It is further declared to be the policy of the Village that the residents of the Village have the right to determine whether any solicitor shall be invited to their residence

(b) The operation of any solicitor in conformance with the terms of this Article shall not be interpreted to be an endorsement of any solicitor by the Village, its elected officials or its employees.

(Ord. 5750, Add, 02/05/2019)

Section 15.29. Definitions.

For the purpose of this Article, the following words and phrases shall have the following meanings:

Charitable Organization shall mean a charitable organization as defined in the Illinois Solicitation for Charity Act, 225 ILCS 460/0.01 et seq.

Charitable Solicitation shall mean solely seeking to obtain donations, gifts or contributions of money or tangible personal property on behalf of a Charitable Organization.

Person shall mean any individual, organization, group, association, partnership, corporation, trust, or any combination thereof. **Residence** shall mean and include every separate living unit occupied for dwelling purposes by one or more persons, contained within any type of building or structure, including the common areas inside multiple dwelling buildings.

Solicit or Soliciting shall mean the act of engaging in solicitation.

Solicitation shall mean the act of seeking to a) solicit funds or b) to propose or engage in a commercial transaction involving a sale, an offer for a sale, delivery of a commercial good or service, or a commercial exchange, subscription, or any similar transaction, except, as to both items a) and b) of this definition, when such activity is conducted within a building zoned to permit such activity and under the ownership and control of the solicitor. Solicitation does not mean political or religious activities such as religious proselytizing, the collection of signatures by political organizations or individuals in support of candidates for public office 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.

Solicitor shall mean any person engaged in solicitation. (Ord. No. 2833, § 2.)

(Ord. 5750, Amended, 02/05/2019)

Section 15.30. Registration required; exemption; application.

(a) Except as otherwise provided in this Article, it shall be unlawful for any person desiring to engage in solicitation within the Village without having registered with the Village and obtained a certificate of registration from the Village as provided herein.

(b) Persons under the age of fifteen (15) years engaged in charitable solicitation within the Village shall not be required to register with the Village. However, any such person shall comply with all other applicable provisions of this Article.

(c) Application for a registration shall be made to the Village upon a form prescribed by the Village. The person shall truthfully state in full all of the required information in the application. (Ord. No. 2833, § 2.) (Ord. 5750, Amended, 02/05/2019)

Section 15.31. Term; renewal.

Each registration shall be in effect for no more than thirty (30) days. To renew a registration, a person shall complete a short form, indicating no changes in the information provided in the initial application, or if changes have occurred, a new application.

(Ord. 5750, Amended, 02/05/2019)

Section 15.32. Regulations.

All solicitors shall comply with the following regulations:

(a) *Duty to leave premises on request.* No person shall engage in solicitation upon any premises or at any residence after having been asked by an owner or occupant thereof to leave such premises or residence.

(b) *Duty to honor no soliciting signs.* No person shall enter upon any premises nor engage in solicitation upon any premises or at any residence located thereon, if such premises or residence is posted against solicitation by means of a notice, prominently displayed, upon which is printed the legend, "No Soliciting", or substantially similar language. Said posting shall be exhibited at or near the main entrance to the premises or on or near the main door to any residence located thereon.

(c) *Fraudulent misrepresentation and misstatement prohibited.* No person shall cheat, deceive, or fraudulently misrepresent, whether through himself or through an employee or representative, while soliciting in the Village, nor barter, sell or peddle any goods, books, magazines, or services other than those specified in the application.

(d) *Duty to wear badges.* Every person issued a certificate of registration or any individual soliciting for such person shall wear conspicuously on the outside of his or her outer garments a solicitation badge provided by the Village. Such badge shall include at least the following information printed legibly: the name of the individual issued the badge, the organization registered with the Village, the purpose of the solicitation, and the date of the expiration of the registration. Each badge shall also contain a statement indicating that the card is not an endorsement by the Village or any of its employees. Badges issued under this Article shall be nontransferable.

(e) *Restrictions on individuals who may solicit.* No person shall use any individual for solicitation as herein defined unless such individual is listed on that person's application.

(f) *Time limits.* Except as otherwise provided herein, no person shall engage in solicitation as herein defined at any time prior to 9:00 a.m. or after 8:00 p.m.

(g) *Immediate Identification.* Every solicitor shall immediately identify himself/herself and the purpose of the solicitation to each person being solicited.

(h) *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, nor the right to establish a permanent stationary location for such solicitation.

(i) *Soliciting from vehicles.* No person shall stand on any street or highway within the Village for purposes of soliciting employment or business from the occupant of any vehicle.

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

(Ord. No. 2833, § 2.)

(Ord. 5750, Amended, 02/05/2019; 5750, Renumbered, 02/05/2019)

Section 15.33. Solicitation on Public Rights-of-Way and Highways.

(a) *Registration Required.* No person shall engage in charitable solicitation on any public right-of-way or street/highway within the Village without first having registered for and obtained a certification of registration therefor. The application for a permit to solicit on a public right-of-way or street/highway 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.

(b) *Duration of Registration Limited.* Certificates of registration issued pursuant to this section shall be limited to no more than three (3) consecutive days.

(c) *Hours.* No person shall engage in charitable solicitation on any public right-of-way or street/highway within the Village between sunset and sunrise.

(d) *Locations.* Charitable Solicitation on public streets/highways within the Village shall be allowed only at intersections at which all traffic is required to come to a full and complete stop. Neither the solicitor nor the business or organization represented by the solicitor shall engage in charitable solicitation at any more than four (4) such intersections at one time within the Village. The Village Manager or his/her designee shall have the power to limit the number of solicitors to be active at any one time and at any one location, this shall be done on a first come-first serve basis.

(e) *Minimum Age.* Persons engaged in the act of charitable solicitation for such agency shall be at least sixteen (16) years of age and shall wear a high visibility safety vest.

(f) *State Registration.* Every business or organization represented by a solicitor engaged in charitable solicitation on any public right-of-way or street/highway within the Village shall be registered with the Illinois Attorney General as a charitable organization pursuant to the Illinois Solicitation for Charity Act, 225 ILCS 460/0.01 et seq.

(g) *Statewide Activity.* Every business or organization represented by a solicitor engaged in charitable solicitation on any public right-of-way or street/highway within the Village shall be engaged in statewide fundraising activities.

(h) *Liability.* Every solicitor engaged in charitable solicitation on any public right-of-way or street/highway 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 the solicitation and that is casually related to an act of ordinary negligence of the solicitor or the business or organization the solicitor represents.

(i) *Insurance.* Prior to engaging in any charitable solicitation a certificate of insurance demonstrating proof of insurance in at least the following amounts and naming the Village of Downers Grove as an additional insured must be submitted to the

a. 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; and

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

(Ord. 5750, Amended, 02/05/2019; 5750, Renumbered, 02/05/2019; 3945, Amended, 06/23/1997)

Section 15.34. Penalties for certain violations.

(a) Any person who violates any of the provisions of this Article may be subject to the penalties set forth in Sections 1.15 and 1.16 of the Downers Grove Municipal Code.

(1) In addition to or in lieu of the fine and penalty as set forth in Sections 1.15 and 1.16 of the Downers Grove Municipal Code, a period of court supervision or conditional discharge not to exceed one year may be imposed. Either disposition shall specifically require as a condition that the defendant not violate any criminal statute or quasi-criminal ordinance of any jurisdiction and that the defendant report to and appear in person before such person or agency as directed by the court. In addition, the disposition may require as a condition that the defendant:

(i) pay a fine as specified herein;

(ii) make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss;

(iii) perform some reasonable public or community service work;

(iv) work or pursue a course of vocational study;

(v) undergo medical or psychiatric treatment or counseling;

(vi) if a minor, to reside with his/her parent or in a foster home, attend school or attend a nonresidential program for youth;

(vii) comply with any other penalty or condition set forth in 730 ILCS 5/5-6-3 or 5-6-3.1, as may be amended from time to time.

(b) The parent or legal guardian of an unemancipated minor defendant who resides with such parent or legal guardian shall be liable for any fine or condition of restitution or reparation imposed by the court upon a minor hereunder; provided, that the minor has not paid such fine or made restitution or reparation within the time ordered by the court, and further provided that such parent or legal guardian has been served with a notice to appear in the original cause as provided by law. (Ord. No. 2877, § 1.)

(Ord. 5750, Amended, 02/05/2019; 5750, Renumbered, 02/05/2019; Ord. 4852, Amended, 02/20/2007, his to his/her(s))

Section 15.35. through 15.58. Reserved.

(Ord. 5750, Amended, 02/05/2019; 5750, Amended, 02/05/2019, Reserved to clean up numbering - ck; 3945, Amended, 06/23/1997)