

Chapter 5.24

**HANDBILLS<sup>5</sup>**

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**5.24.010 Purpose.**

To protect the people against the nuisance of an incident to the promiscuous distribution of handbills and circulars, particularly commercial handbills, as defined in Section 5.24.020, with the resulting detriment and danger to public health and safety, the public interest, convenience and necessity requires the regulation thereof and to that end the purposes of this chapter are specifically declared to be as follows:

- A. To protect the people against the unlawful activities or operations of dissolute persons of criminal habits or tendencies, representing themselves as solicitors, canvassers or handbill distributors, by requiring the registration of all such solicitors, canvassers or handbill distributors, together with the names of their employers, and by regulating the business of handbill and advertising distribution through the imposition of reasonable license fees;
- B. To protect local residents against trespassing by solicitors, canvassers or handbill distributors upon the private property of such residents if they have given reasonable notice that they do not wish to be solicited by such persons or do not desire to receive handbills or advertising matter;
- C. To protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the promiscuous and uncontrolled distribution of advertising matter and commercial handbills;
- D. To preserve to the people their constitutional right to receive and disseminate information not restricted under the ordinary rules of decency and good morals and public order, by distinguishing between the nuisance created by the promiscuous distribution of advertising and commercial circulars and the right to deliver noncommercial handbills to all who are willing to receive the same.

(Ord. 1978-M-43 § 1 (part): prior code § 25.601.)

**5.24.020 Definitions.**

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

- A. "Billposter" means and includes any person engaging in the business for hire or posting, fastening, nailing, or otherwise affixing any written, painted or printed matter of any kind, or other form or reproduction thereof, (hereinafter called "sign"), containing a message or information of any kind whatsoever, to any outdoor billboard, or to or upon any bridge, fence, pole, post, sidewalk, tree, or to or upon the exterior of any other structure except that the terms of this definition shall not apply to nor include any such sign mounted on, fastened to, or suspended from the outside of any building or other structure, in accordance with and authorized by any provisions of an ordinance or statute, either for any public convenience or use, or regulating the construction or use of so-called outdoor display signs, whether such display signs are illuminated or not.
- B. "Commercial handbill" means and includes any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature:
  - 1. Which advertises for sale any merchandise, product, commodity, or things; or
  - 2. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interests thereof by sales; or
  - 3. Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this state, or under any ordinance of this city; or
  - 4. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor; or
  - 5. Which is not covered by the definition of sign in subsection A of this section.
- C. "Handbill distributor" means and includes any person engaging or engaged in the business for hire or gain of distributing commercial or noncommercial handbills, other than newspapers distributed to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of such handbills.
- D. "Newspaper" means and includes any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, means and includes any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.
- E. "Noncommercial handbill" means and includes any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other

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- printed or otherwise reproduced original or copies of any matter or literature not included in the definition of a sign, or a commercial handbill, or a newspaper in subsection A of this section.
- F. "Person" means and includes any person, firm, partnership, association, corporation, company or organization of any kind.
  - G. "Private premises" means and includes any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and includes any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.
  - H. "Public place" means and includes any and all streets, boulevards, avenues, lanes, alleys, or other public ways, and any and all public parks, squares, spaces, plazas, grounds and buildings.
  - I. Words singular in form may include the plural; any words plural in form may include the singular; and words in the masculine gender shall include the feminine and neuter genders.
- (Ord. 1978-M-43 § 1 (part): prior code § 25.602.)

### **5.24.040 Unauthorized posting on public property prohibited.**

No person shall post, stick, stamp, paint or otherwise fix, or cause the same to be done by any person, any notice, placard, bill, card, poster, advertisement or other paper or device calculated to attract the attention of the public, to or upon any sidewalk, crosswalk, curb or curbstone, flagstone, or any other portion or part of any public way or public place, or any lamppost, electric light, telegraph, telephone or trolley line pole, or railway structure, hydrant, shade tree or treebox, or upon the piers, columns, trusses, girders, railings, gates or other parts of any public bridge or viaduct, or other public structure or buildings, or upon any pole, box or fixture of the fire alarm or police telegraph system, except such as may be authorized or required by the laws of the United States, or state, and the ordinances of the city. (Ord. 1978-M-43 § 1 (part): prior code § 25.603.)

### **5.24.050 Depositing in public places prohibited.**

It is unlawful for any person to deposit, place, throw, scatter or cast any commercial handbill in or upon any public place within this city; and it is also unlawful for any person to hand out or distribute or sell any commercial handbill in any public place; provided, however, that it is not unlawful for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill in any public place to any person willing to accept such noncommercial handbill. (Ord. 1978-M-43 § 1 (part): prior code § 25.604.)

### **5.24.060 Placing in vehicles prohibited - Exception.**

It is unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any automobile or other vehicle. The provisions of this section shall not be deemed to prohibit the handing, transmitting, or distributing of any noncommercial handbill to the owner or other occupant of any automobile or other vehicle, who is willing to accept the same. (Ord. 1978-M-43 § 1 (part): prior code § 25.605.)

**5.24.070 Distribution on uninhabited or vacant private premises.**

It is unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. (Ord. 1978-M-43 § 1 (part): prior code § 25.606.)

**5.24.080 Distribution prohibited where properly posted.**

It is unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill upon any premises, if requested by anyone thereon not to do so, or if there is placed on said premises, in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of said premises do not desire to be molested or to have their right of privacy disturbed, or to have any such handbills left upon such premises. (Ord. 1978-M-43 § 1 (part): prior code § 25.607.)

**5.24.090 Distribution on inhabited private premises.**

No person licensed under the provisions of this chapter, or any other person, shall distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or any other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted as provided in this chapter, the aforesaid licensed or other person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or elsewhere, except that mailboxes may not be used when so prohibited by federal postal laws or regulations. (Ord. 1978-M-43 § 1 (part): prior code § 25.608.)

**5.24.100 Name and address of printer and distributor required.**

It is unlawful for any person to distribute, deposit, scatter, hand out or circulate any commercial or noncommercial handbill in any place, under any circumstances, which does not have printed on the cover, front or back thereof, the name and address of the following:

- A. The person who printed, wrote, compiled or manufactured the same;
- B. The person who caused the same to be distributed; provided, however, that in the case of a fictitious person or club, in addition to such fictitious name, the true names and addresses of the owners, managers or agents of the person sponsoring said handbill shall also appear thereon.

(Ord. 1978-M-43 § 1 (part): prior code § 25.609.)

**5.24.110 Posting of objectionable material prohibited.**

It is unlawful for the owner, lessee, occupant or agent of premises to permit any person, whether licensed or acting under the terms of this chapter, or otherwise, to post, affix or otherwise attach to any building, structure or fixture located upon such premises, whether such fixture is natural or artificial, any poster or handbill containing any matter prohibited by the terms of this chapter. (Ord. 1978-M-43 § 1 (part): prior code § 25.612.)

**5.24.120 Posting of handbills offensive to public morals prohibited.**

It is unlawful for any person to post, hand out, distribute or transmit any sign, or any commercial or noncommercial handbill:

- A. Which may reasonably tend to incite riot or other public disorder, or which advocates disloyalty to or the overthrow of the government of the United States or of this state by means of any artifice, scheme, or violence, or which urges any unlawful conduct, or encourages or tends to encourage a breach of the public peace or good order of the community; or
- B. Which is offensive to public morals or decency, or which contains blasphemous, obscene, libelous or scurrilous language.

(Ord. 1978-M-43 § 1 (part): prior code § 25.613.)

**5.24.130 Exemptions.**

The provisions of this chapter shall not be deemed to apply to the distribution of mail by the United States, nor to newspapers as defined in this chapter. (Ord. 1978-M-43 § 1 (part): prior code § 25.611.)

**5.24.140 Violation - Penalty.**

Any person, firm or corporation violating any provision of this chapter shall be fined fifty dollars (\$50.00) for the first offense and two hundred dollars (\$200.00) for each subsequent offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 2008-M-44 § 1; Ord. 1978-M-43 § 1 (part): prior code § 25.617.)

Chapter 5.28

**PEDDLERS<sup>6</sup>**

Sections:

- 5.28.010 License - Required.
- 5.28.020 License - Application - Contents.
- 5.28.040 Violation - Penalty.

**5.28.010 License - Required.**

It is unlawful for any person, firm or corporation to engage in the business of hawker or peddler of any merchandised article or thing in the village, without first having obtained a license therefor. (Prior code § 25.801.)

**5.28.020 License - Application - Contents.**

Applications for such licenses shall be made to the clerk, and shall state thereon the number of vehicles, if any, intended to be operated; the kind of article or merchandise to be peddled; and the permanent address of the peddler. (Prior code § 25.802.)

**5.28.040 Violation - Penalty.**

Any person, firm or corporation violating any provision of this chapter shall be fined not less than five dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Prior code § 25.805.)

## REFUSE COLLECTORS

### Chapter 5.32

#### REFUSE COLLECTORS

##### Sections:

5.32.005	Definitions.
5.32.010	License - Required.
5.32.011	Types of license - Limitation on number.
5.32.015	Recycling requirement for non-residential license holders.
5.32.020	License - Application - Issuance - Renewal.
5.32.030	License - Fee.
5.32.040	Vehicle requirements.
5.32.050	Disposal of refuse within city prohibited - Exception.
5.32.055	Unlawful removal of recyclable material.
5.32.060	Violation - Penalty.

##### **5.32.005 Definitions.**

The definitions stated in Chapter 8.24.010 are incorporated herein by reference. (Ord. 1990-M-13 § 1.)

##### **5.32.010 License - Required.**

It is unlawful for any person, firm or corporation to engage in the business of refuse collector, namely, the collection or disposal of animal, human or vegetable refuse, or offal, or refuse of any kind, without having first secured a license therefor. A license may not be assigned, transferred or conveyed in any manner without the consent and approval of the mayor and city council of the city. (Ord. 1978-M-34 § 1 (part); Ord. 1968-13 (part): prior code § 25.901.)

##### **5.32.011 Types of license - Limitation on number.**

- A. Residential License: A residential license permitting the refuse collector to collect garbage and refuse, compostable material and recyclable material from any location within the city. There shall be only one residential refuse collection license issued by the city in effect at any time.
- B. Non-Residential License: A non-residential license, permitting material and recyclable material from any location in the city other than single-family dwellings and multiple-family dwellings, except that holders of a non-residential license may collect home remodeling, construction and repair materials from single-family or multiple-family dwellings, provided said materials exceed two cubic yards in volume. There shall be no more than seven (7) non-residential refuse collection licenses issued by the city in effect at any one time.

(Ord. 1995-M-24 § 1; Ord. 1990-M-58 § 1; Ord. 1990-M-13 § 1.)

##### **5.32.015 Recycling requirement for non-residential license holders.**

- A. All holders of a non-residential refuse license shall offer recycling services to customers within the city, which shall include at least two (2) materials. At the time of applying for renewal of any such license, the application shall include two reports, one will detail the amount of refuse collected, while the second report details the types and quantities of recyclables collected during the period from April 1, of the prior year through March 31 of the year during which renewal is requested.

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- B. The refuse collector shall indemnify and hold harmless the city of St. Charles, Illinois, its employees and agents from and against any and all claims and demands whatsoever, including costs, litigation expenses, counsel fees and liabilities incurred in connection therewith, arising out of injury to, or death whatsoever, or damage to property of any kind by whomsoever owned, caused in whole or in part by the acts or omissions of the refuse collector, or any other person directly or indirectly employed by them, while engaged in the performance of the work or any activity associated therewith or relative thereto.

(Ord. 1993-M-12 § 1; Ord. 1991-M-17 § 1; Ord. 1991-M-12 § 1.)

### **5.32.020 License - Application - Issuance - Renewal.**

Application for such license shall be made to the City Clerk, prior to May 1st of a calendar year, and shall be referred by him to the Mayor and City Council. A renewal license may be issued by the Mayor provided the licensee has duly completed the required application, given the information required and paid the appropriate fee. In the event the same has not been completed on or before May 1 of the license year, the Mayor shall conduct a public hearing by the Mayor and City Council with a three-day written notice to the licensee, affording the licensee an opportunity to appear and defend such notice to begin the day following delivery by certified mail or by the city police department acting as agent for the Mayor and City Council. No more than eight (8) refuse collectors' licenses shall be in force in the city at any one time. Each collector must file with the City Clerk a list of its charges for commercial, business and industrial establishments on or before May 1 of each calendar year. (Ord. 1996-M-48 § 1; Ord. 1990-M-58 § 2; Ord. 1987-M-57 § 1; Ord. 1987-M-35 § 1; Ord. 1978-M-34 § 1 (part); Ord. 1977-M-17; Ord. 1977-M-7; Ord. 1968-13 (part): prior code 25.902.)

### **5.32.030 License - Fee.**

The annual fee for the residential refuse collector license shall be \$500.00. The annual fee for a non-residential license shall be \$500.00. (Ord. 1990-M-13 § 1; Ord. 1979-M-44 § 5(e); Ord. 1978-M-34 § 1 (part); Ord. 1968-13 (part): prior code 25.903.)

### **5.32.040 Vehicle requirements.**

Any vehicle used by such refuse collector in his business shall be watertight and equipped with airtight covers for such portions as are used for the transportation of garbage or similar refuse. It is unlawful for any such vehicle to be driven over or through any street in the city during or on Sunday. (Ord. 1978-M-34 § 1 (part); Ord. 1968-13 (part): prior code 25.904.)

### **5.32.050 Disposal of refuse within city prohibited - Exception.**

It is unlawful for any refuse collector to dispose of or store any refuse in any place within the city limits or within one and one-half miles thereof, except with the permission of the mayor and city council. (Ord. 1978-M-34 § 1 (part); Ord. 1968-13 (part): prior code 25.905.)

### **5.32.055 Unlawful removal of recyclable material.**

It shall be unlawful for any refuse collector, except as authorized by the city council, to remove any item of recyclable material including newspaper, aluminum or bimetal cans, glass bottles or plastic milk containers placed in or adjacent to city recycling containers. (Ord. 1989-M-27 § 2)

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### **5.32.060 Violation - Penalty.**

Any person, firm or corporation violating any provision of this chapter shall be fined not less than five dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 1978-M-34 § 1 (part); Ord. 1968-13 (part): prior code 25.906.)

Chapter 5.36

**SOLICITORS**

Sections:

5.36.010	Definitions.
5.36.020	Registration - Required.
5.36.030	Registration - Application requirements.
5.36.040	Registration - Granting and revocation.
5.36.050	City policy on soliciting.
5.36.060	Notice regulating soliciting.
5.36.070	Solicitors to be governed by notices attached to premises.
5.36.080	Uninvited soliciting prohibited.
5.36.090	Time limit on soliciting.
5.36.100	Exemption.
5.36.110	Violation - Penalty.

**5.36.010 Definitions.**

For the purpose of this chapter, the following words as used herein shall be construed to have the following meanings:

- A. "Residence" means and includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.
- B. "Registered solicitor" means and includes any person who has complied with the application requirements and is registered with this municipality as provided in this chapter.
- C. "Soliciting" means and includes any one or more of the following activities:
  - 1. 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; or
  - 2. Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or
  - 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.

(Ord. 1970-M-16 (part): prior code § 25.1001.)

**5.36.020 Registration - Required.**

Every person desiring to engage in soliciting, as defined in Section 5.36.010, from persons in residences within this municipality, is required to make written application for registration as provided in Section 5.36.030. (Ord. 1970-M-16 (part): prior code § 25.1002.)

**5.36.030 Registration - Application requirements.**

- A. Application for registration shall be made upon a form provided by the chief of police of this municipality and filed with such chief. The applicant shall truthfully state in full the information requested on the application as follows:

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1. 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;
  2. Address of place of residence during the past three years if other than present address;
  3. Physical description of the applicant;
  4. 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;
  5. Description sufficient for identification of the subject matter of the soliciting which the applicant will engage in;
  6. Period of time for which the registration is applied for;
  7. The date, or approximate date, of the latest previous application for registration under this chapter, if any;
  8. Whether a registration granted to the applicant under this chapter has ever been revoked;
  9. Whether the applicant has ever been convicted of a violation of any of the provisions of this chapter, or the ordinance of any other Illinois municipality regulating soliciting;
  10. Whether the applicant has ever been convicted of the commission of a felony under the laws of the state or any other state or federal law of the United States;
  11. 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 in connection therewith shall be under oath.
- B. 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 registrations which are granted under the provisions of this chapter and all denials of registration.
- C. No registration shall be granted to any person who has been convicted by 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 years of the date of the application for registration; nor to any person who has been convicted of a violation of any of the provisions of this chapter, nor to any person whose registration granted under this chapter has previously been revoked as provided in this chapter.
- (Ord. 1998-M-82 § 1; Ord. 1979-M-4 § 1; Ord. 1970-M-16 (part): prior code § 25.1003.)

### **5.36.040 Registration - Granting and revocation.**

- 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 registration required in this chapter, and that the granting of a registration to the applicant would not be in accord with the intent and purpose of this chapter. 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 registration shall be granted forthwith.

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- B. Any registration granted under this chapter shall be revoked by the chief of police if the registrant is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the granting of a registration under the terms of this chapter. Immediately upon such revocation written notice thereof shall be given by the chief of police to the registrant in person or by certified United States mail addressed to his or her residence address set forth in the application. Immediately upon the giving of such notice, the registration shall become null and void.  
(Ord. 1970-M-16 (part): prior code § 25.1004.)

### **5.36.050 City policy on soliciting.**

It is declared to be the policy of the governing body of this municipality that the occupant or occupants of the residences in this municipality 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 5.36.060, then, in that event, registration is not required. (Ord. 1970-M-16 (part): prior code § 25.1005.)

### **5.36.060 Notice regulating soliciting.**

Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this chapter, shall comply with the following directions:

- A. 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: A weatherproof card, approximately three inches by four inches in size, shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

**"ONLY SOLICITORS REGISTERED IN  
THE CITY OF  
ST. CHARLES, ILLINOIS INVITED"**

or

**"NO SOLICITORS INVITED"**

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, at the cost thereof.

- B. Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereof.  
(Ord. 1970-M-16 (part): prior code § 25.1006.)

### **5.36.070 Solicitors to be governed by notices attached to premises.**

It is the duty of every solicitor, upon going onto any premises in the municipality upon which a residence as defined in Section 5.36.010 is located, to first examine the notice provided for in Section 5.36.060, if any is attached, and be governed by the statement contained on the notice. If the notice states "ONLY SOLICITORS REGISTERED IN THE CITY OF ST. CHARLES, ILLINOIS INVITED," then the solicitor not registered as provided in this chapter shall immediately and peacefully depart from the premises; and, if the notice states "NO SOLICITORS INVITED," then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant. (Ord. 1970-M-16 (part): prior code § 25.1007.)

### **5.36.080 Uninvited soliciting prohibited.**

It is 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 other manner calculated to attract attention of the

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occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as defined in Section 5.36.010, in defiance of the notice exhibited at the residence in accordance with the provisions of Section 5.36.060. (Ord. 1970-M-16 (part): prior code § 25.1008.)

### **5.36.090 Time limit on soliciting.**

It is 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, 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 as defined in Section 5.36.010, prior to nine a.m. or after nine p.m. of any weekday, or at any time on a Sunday or on a state or national holiday. (Ord. 1970-M-16 (part): prior code § 25.1009.)

### **5.36.100 Exemption.**

The provisions of this chapter shall not apply to persons authorized by the city council to canvas or solicit for religious or charitable purposes. (Ord. 1970-M-16 (part): prior code § 25.1013.)

### **5.36.110 Violation - Penalty.**

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars for each offense. (Ord. 1970-M-16 (part): prior code § 25.1011.) (Ord. 1994-M-18 § 1.)

## SECONDHAND AND JUNK STORES

### Chapter 5.44

#### SECONDHAND AND JUNK STORES

Sections:

- 5.44.010 Licenses - Exceptions.
- 5.44.020 Records required - Inspection of records and goods.
- 5.44.030 Stolen goods.
- 5.44.040 Dealing with minors.
- 5.44.050 Licensee not to operate certain businesses.
- 5.44.060 Time for purchases restricted.

**5.44.010 Licenses - Exceptions.**

- A. It is unlawful for any person to operate a business as a dealer in junk, dismantled or wrecked motor vehicles or parts thereof, and secondhand articles without having first obtained and kept in effect a license therefor. Such secondhand articles shall include, but not be limited to, used household goods and personal items, metals and gems.
- B. This chapter shall not apply to those isolated transactions commonly known as "garage sales" or "rummage sales;" provided that the same are held a maximum of twice yearly.
- C. This chapter shall not apply to antique dealers, flea market dealers, and consignment dealers except to the extent any of them shall in the course of business purchase jewelry, gems and/or precious metals.
- D. This chapter shall not apply to not-for-profit organizations operating a business as described in subsection A above if the articles sold are originally donated to the organization.

(Ord. 1983-M-27 § 1 (part).)

**5.44.020 Records required - Inspection of records and goods.**

Every secondhand or junk store dealer shall keep a permanent record book in which shall be legibly written in ink, at the time of each purchase, an accurate account and description of the article or thing so purchased or sold, and the name and residence of the person to whom or from whom such purchase was made. The record book as well as every article of merchandise shall at all reasonable times be open to the inspection of any member of the police force. The form of such record shall be as set forth in Exhibit "A" attached to this chapter. (Ord. 1983-M-27 § 1 (part).)

**5.44.030 Stolen goods.**

Every secondhand or junk store dealer who receives or is in possession of any goods, articles or things of value which may have been lost or stolen, shall upon demand produce such article or thing to any member of the police department for examination, and it shall be the duty of every dealer hereunder to report to the police department any article or thing which was sold to him or which is offered to him for purchase if he has reason to believe that the article or thing was stolen. (Ord. 1983-M-27 § 1 (part).)

**5.44.040 Dealing with minors.**

No secondhand or junk store dealer shall, in the course of his business, make any transaction with any person less than eighteen years of age, except with the written consent of the parent or guardian of the minor given in the presence of the dealer. (Ord. 1983-M-27 § 1 (part).)

## **SECONDHAND AND JUNK STORES**

### **5.44.050 Licensee not to operate certain businesses.**

No secondhand or junk store dealer shall receive or hold a license to carry on a business as a pawnbroker. (Ord. 1983-M-27 § 1 (part).)

### **5.44.060 Time for purchases restricted.**

It is unlawful for any licensee hereunder to purchase in the course of business any goods, articles or things whatsoever from any person or persons whomever, between the hours of ten p.m. one day and eight a.m. of the following day. (Ord. 1983-M-27 § 1 (part).)



## PAWNBROKERS

### Chapter 5.45

## PAWNBROKERS

#### Sections:

5.45.010	Definition.
5.45.020	License Required, Application, Fee and Bond Requirements.
5.45.030	Records and Pawn Procedures.
5.45.040	Reports to Police.
5.45.050	Purchase Prohibited.
5.45.060	Pledges.
5.45.070	Employment of Minors.
5.45.080	Change of Location.
5.45.090	License - Suspension - Revocation.
5.45.100	Penalty.

#### **5.45.010 Definition.**

Every person engaged in the business of receiving property in pledge or as security for money or other things advanced to the pawner or pledger, shall be held and is hereby declared and defined to be a pawnbroker. (Ord. 1988-M-27 § 1.)

#### **5.45.020 License Required, Application, Fee and Bond Requirements.**

- A. No person shall engage in, carry on or conduct the business of a pawnbroker within the city unless he be licensed so to do.
- B. Any person desiring a license as a pawnbroker shall make application in writing therefor to the Mayor, setting out in such application the full name and residence of the applicant, if an individual, and if a corporation, partnership or firm, the name and residence of each of its officers and local agent, individual owner, partner, associate, director and trade names to be used by applicant. Such application shall also set out the location at which it is intended or desired to conduct such business and any other information the Mayor or his designee shall find necessary.
- C. If such applicant shall produce satisfactory evidence of good character to the Mayor, he shall direct the City Clerk to issue a license to such applicant to conduct, carry on or engage in the business of a pawnbroker, at the place designated in such application for and during the period of such license, upon payment by such applicant to the City Clerk of an annual license fee of one hundred dollars (\$100.00) and the filing of a bond as required in this chapter.
- D. Every person so licensed shall at the time of receiving such license execute a bond to the city in the sum of one thousand dollars (\$1,000.00) with good and sufficient sureties, conditioned for the due observance of the ordinances of the city respecting pawnbrokers at any time during the continuance of such license. (Ord. 1988-M-27 § 1.)

#### **5.45.030 Records and pawn procedures.**

- A. Record of Loan and Pledges: Every pawnbroker shall keep a book in which shall be fairly written in ink at the time of each loan an accurate account and description in the English language of the goods, article or thing pawned or pledged, the amount of money loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan and the name and residence of the

## PAWNBROKERS

person pawning or pledging the said goods, article or thing. No entry made in such book shall be erased or obliterated or defaced.

- B. Memorandum to Pledger: Every pawnbroker shall at the time of each loan deliver to the person pawning or pledging any goods, article or thing, a memorandum or note signed by him containing the substance of the entry required to be made in his book at the last preceding subsection, and no charge shall be made or received by any pawnbroker for any such entry, memorandum or note.
- C. Inspection of Records: The said book, as well as every article or other thing of value pawned or pledged, shall at all times be open to inspection of the Mayor or any member of the police force. (Ord. 1988-M-27 § 1.)

### **5.45.040 Reports to police.**

It shall be the duty of every person licensed as aforesaid to make out and deliver to the Chief of Police every Tuesday before the hour of twelve o'clock (12:00) noon, a legible and correct copy of the book required in Section 5.45.030(a) hereof, of all personal property and other valuable things received or deposited during the preceding week, setting forth the hour when received, and a description of the person by whom left in pledge. No report shall be necessary for days when the business is closed. (Ord. 1988-M-27 § 1.)

### **5.45.050 Purchases prohibited.**

No pawnbroker shall, under any pretense whatsoever, purchase or buy any secondhand furniture, metals or clothes or any other article or thing whatever offered to him as a pawn or pledge. (Ord. 1988-M-27 § 1.)

### **5.45.060 Pledges.**

- A. Redemption of Pledge: No personal property received on deposit or pledge by any such licensed person shall be sold or permitted to be redeemed or removed from the place of business of such licensed person for the space of twenty-four (24) hours after the copy and statement required to be delivered to the Chief of Police shall have been delivered as required by Section 5.45.030.
- B. Pledge from Minor Prohibited: No person licensed as aforesaid shall take or receive in pawn or pledge for money loaned, any property, bonds, notes, securities, article or other valuable thing from any minor under the age of eighteen (18) years, or which may be in the possession or under the control of any minor. (Ord. 1988-M-27 § 1.)

### **5.45.070 Employment of minors.**

No person licensed as aforesaid shall permit any person under the age of eighteen (18) years of age to take pledges in pawn for him. (Ord. 1988-M-27 § 1.)

### **5.45.080 Change of location.**

If, after issuance and delivery of a license under the provisions of this chapter, any change be made in the place of business designated therein, no business shall be carried on or engaged in at such new location under such license, until notice of such change shall have been given, in writing, by the licensee to the City Clerk. (Ord. 1988-M-27 § 1.)

## PAWNBROKERS

### **5.45.090 License - Suspension - Revocation.**

Nothing in the provisions of this chapter shall preclude the right of the Mayor to suspend or revoke the license of the licensee, as follows:

- A. The Mayor may temporarily suspend any license issued under the terms of this chapter when he has reason to believe that the continued operation of a particular licensed premises will immediately threaten the welfare of the community or create an imminent danger of violation of applicable law. In such case, he may, upon the issuance of a written order stating the reason for such determination, and without notice or hearing, order the licensed premises closed for not more than seven days; provided, that the licensee shall be given an opportunity to be heard in a public hearing during the seven-day period; and further provided, that if such licensee is also engaged in the conduct of other businesses on the licensed premises, such order shall not be applicable to such other businesses.
- B. The Mayor may suspend or revoke any license issued under the terms of this chapter upon due notice to the licensee of the time and place of a public hearing, and if the Mayor determines upon hearing that the licensee has failed or refused to comply with the terms of this chapter, has failed or refused to comply with other law applicable to the business of pawnbroker, or has been convicted by a court of competent jurisdiction of a violation of any provision of this chapter.

(Ord. 1988-M-27 § 1.)

### **5.45.100 Penalty.**

Any pawnbroker who shall violate, neglect or refuse to comply with any of the provisions of this chapter shall, in addition to the suspension or revocation of his license, be fined not more than five hundred dollars (\$500.00) for each offense. (Ord. 1988-M-27 § 1.)

Chapter 5.48

CARNIVALS

Sections:

- 5.48.010 Definitions.
- 5.48.020 Prohibited concessions.
- 5.48.030 License required.
- 5.48.040 Insurance requirements.
- 5.48.050 City held harmless.
- 5.48.060 Length and hours of operations.
- 5.48.070 Right of inspection by city.
- 5.48.080 Emergency telephone numbers posted.
- 5.48.090 Location - Distance from residential district.
- 5.48.100 Fire resistant material.
- 5.48.110 License fees.
- 5.48.130 Sanitary facilities.

**5.48.010 Definitions.**

- A. "Carnival" means and includes an aggregation of attractions, whether shows, acts, games, vending devices or amusement devices, whether conducted under one or more managements or independently, which are temporarily set up or conducted in a public place or upon any private premises accessible to the public, with or without admission fee and which, from the nature of the aggregation attracts attendance and causes promiscuous intermingling of persons in the spirit of merry making and revelry. The term "carnival" is intended to include the term "circus" within its definition.
- B. "Game of skill" means and includes a game in which the average person with a reasonable amount of practice can be expected to improve his/her performance and be able to complete the required task at least once out of fifty (50) attempts. The fact that a select few by virtue of long practice and experience can win at a game is not sufficient to designate the game as one of skill.
- C. "Razzle-Dazzle" means and includes a series of games of skill or chance in which the player pays money or other valuable consideration in return for each opportunity to make successive attempts to obtain points by use of dice, darts, marbles or other implements and where such points are accumulated in successive games by the player toward a total number of points, where the total number of points are required for the player to win a prize or valuable consideration, and where the operator determines the total number of points needed.
- D. "Concession" means and includes any game, vending device, or amusement device open to the public and operated for profit in which the patron pays a fee for participating and may receive a prize upon a later happening.

(Ord. 1985-M-34 § 1.)

## CARNIVALS

### 5.48.020 Prohibited concessions.

- A. It shall be unlawful for any person who owns or operates a concession at a carnival to obtain money by deception from another by means of one or more hidden mechanical devices or obstructions, or by any other means with intent to diminish the chance of such person to win a prize.
- B. It shall be unlawful for any person who uses, manufactures or sells at a carnival within the city a mechanical device or obstruction for a concession at a carnival to know or have reason to know it will be used to diminish the chance of any patron to win a prize.
- C. It shall be unlawful for any person to own or operate a game of "razzle-dazzle" at a carnival.
- D. It shall be unlawful for any person to own or operate at a carnival any game other than a game of skill open to the public and operated for profit in which the patron pays a fee for participating and may receive a prize upon a later happening.
- E. It shall be unlawful for any person to set up or operate at a carnival any gambling device, lottery, number or paddle wheel, number board, punch board or other game, of chance or any lewd, lascivious or indecent show or attraction making an indecent exposure of the person or suggesting lewdness or immorality.

(Ord. 1985-M-34 § 1.)

### 5.48.030 License required.

- A. A license to give, conduct, produce, operate, or present a carnival as herein defined shall be applied for by the owner. Application for said license shall be in writing on a form provided by the city which shall include the following information.
  - 1. Applicant's name, address, and telephone number.
  - 2. Type of ownership.
  - 3. Name of business, address and telephone number if other than applicant's name.
  - 4. If business is conducted by a manager or agent, name, address, and telephone number of such manager or agent.
  - 5. Location of where carnival will be operated.
  - 6. Starting and closing dates of carnival operation.
  - 7. List of rides, amusement stands, food stands, entertainment shows inside or outside and any other attractions not necessarily falling within the above list.
  - 8. Written proof of compliance with the State of Illinois Carnival Amusement Rides Safety Act.
  - 9. Amount of insurance, type, expiration date, and name of insurance carrier.
  - 10. Other information as may be deemed necessary by the Mayor.

(Ord. 1985-M-34 § 1.)

## CARNIVALS

### **5.48.040 Insurance requirements.**

Prior to a license being issued to operate a carnival the applicant shall submit to the city of St. Charles a certificate of public liability insurance showing as named insureds the owner(s) of the carnival as well as those persons owning each ride, amusement, entertainment, performance or exhibition which collectively make up the carnival, and further naming the city of St. Charles as an additional insured. Such insurance shall cover bodily injury, death and property damage, insuring against liability that may arise from the operation or maintenance of said carnival or any part thereof. The amount of such insurance shall be not less than \$2,000,000, except that the amount shall not be less than \$1,000,000 in the case of an owner of five or less amusement rides or amusement attractions as defined in the Illinois Carnival and Amusement Rides Safety Act, and in the case of an owner of any other amusements, entertainments, performances, exhibitions, rides or attractions not subject to the Illinois Carnival and Amusement Rides Safety Act. (Ord. 1998-M-42 § 1; Ord. 1987-M-36 § 1.)

### **5.48.050 City held harmless.**

Applicant for a license for a carnival shall provide the city with an indemnification agreement in writing holding the city harmless from any and all claims, liabilities and losses including reasonable attorney fees rising out of or in connection with granting a license to the applicant. (Ord. 1985-M-34 § 1.)

### **5.48.060 Length and hours of operation.**

- A. Any carnival licensed to operate in the city of St. Charles shall not remain in operation at any one location for a period not to exceed twelve (12) consecutive days, nor shall any carnival be located at any one location more than three (3) times during one calendar year.
- B. Carnivals shall not open for business prior to ten o'clock (10:00) a.m. in the morning, and shall not remain open later than eleven o'clock (11:00) p.m. on the same day or curfew time as specified in Chapter 9.52 of the St. Charles Municipal Code, whichever is earlier. A carnival operating at a permanent county fairground shall not remain open later than twelve o'clock (12:00) a.m. (midnight), and shall remain closed between twelve o'clock (12:00) a.m. (midnight) and ten o'clock (10:00) a.m.

(Ord. 1996-M-78 § 1; Ord. 1985-M-34 § 1.)

### **5.48.070 Right of inspection by city.**

- A. Police officers, firemen, the city health officer, building/zoning commissioner and electrical inspector and their subordinates shall in connection with inspections, have free access to the grounds of any carnival and all booths, shows and concessions on such grounds at all times.
- B. The owner or his/her appointed manager shall keep records as specified below open to inspection during the hours the carnival is open for business. These records shall be available at the site of the carnival operation. The records shall be updated daily. The records shall be shown to those persons listed in Section 5.48.070(A). The records shall contain:
  - 1. The name and address of the owner and operator of each ride and concession.
  - 2. The name and address of each employee and independent contractor and at which ride or concession he or she is employed.
  - 3. Compensation paid and hours worked by each employee and independent contractors.
  - 4. The gross receipts of each ride and concession and the percentage that is paid to the carnival.

## CARNIVALS

5. The amount of stock or merchandise dispensed to the players of each game concession.
  6. The recording by the owner or his or her appointed representative of his or her personal inspection at least once every four (4) hours the carnival is open to the public, of each ride for safety and each concession that it complies with this chapter of the St. Charles Municipal Code.
  7. The name, address, age, and extent of injuries, if know, of any person or including employees injured at the carnival.
- C. All rules pertaining to playing of any games and the price to participate must be posted conspicuously at the location of each game. The fee to participate shall be collected by the operator and the proper change, if any is due, returned to the player prior to the start of the game.
  - D. The use of "shills" and/or any person posing as a patron is prohibited.
  - E. Games utilizing foul lines wherein the person operating the game is the sole determiner as to whether or not a player has fouled are prohibited unless the foul lines shall be explained to the patron before the games start.
  - F. Only items of merchandise that can be won by the player may be displayed in conjunction with any game. A sign setting forth the requirements for winning a prize shall be conspicuously displayed. The offering of money as a prize or as incentive to play is prohibited.
  - G. All concessions shall be open to inspection by those persons listed in Section 5.48.070(A) during the hours the carnival is open to the public.

(Ord. 1985-M-34 § 1.)

### **5.48.080 Emergency telephone numbers posted.**

There shall be posted at least four (4) conspicuous locations on the grounds the telephone numbers of the police department, fire department, ambulance service and city health officer. In addition, if a first aid station is available on or near the grounds, directions to the station will be posted with the emergency telephone numbers. (Ord. 1985-M-34 § 1.)

### **5.48.090 Location - Distance from residential district.**

Carnival shall not be set up and operated closer than three hundred (300) feet to any area zoned residential district. Nor shall any carnival be located closer than twenty (20) feet of any lot line as determined for zoning purposes. (Ord. 1985-M-34 § 1.)

### **5.48.100 Fire resistant material.**

All non-metallic material used in conjunction with any ride or concession such as but not limited to canvas components, decorative materials, streamers, and related material shall be of approved fire resistant material. Specifications of the aforementioned material shall conform to the requirements of Chapter 15.28 of the St. Charles Municipal Code and shall be submitted to city of St. Charles Fire Prevention Bureau for review and approval prior to issuance of a license hereunder. (Ord. 1985-M-34 § 1.)

## CARNIVALS

### 5.48.110 License fees.

- A. The following fees shall be paid prior to issuance of a license hereunder:
1. \$30.00 per amusement ride or amusement attraction, as defined in the Illinois Carnival and Amusement Rides Safety Act,
  2. \$20.00 per amusement stand,
  3. \$20.00 per concession,
  4. \$20.00 per entertainment show, inside or outside,
  5. \$20.00 per foot stand,
  6. \$20.00 for any other attractions not necessarily falling within the above listed.
- B. The following organizations are exempt from fees under this chapter:
1. Grammar, junior high and high schools located within the city.
  3. Governmental units, boards, commissions, and bodies duly organized under the laws of the city, state of Illinois and/or United States of America.
- (Ord. 1998-M-42 § 1; Ord. 1997-M-73 § 1.)

(5.48.120 Number of rides and concessions - deleted Ord. 1998-M-42 § 2; Ord. 1985-M-34 § 1.)

### 5.48.130 Sanitary facilities.

There shall be provided on the premises of the carnival site not less than four (4) toilets (2 for females and 2 for males). When portable toilets are utilized, two (2) toilets shall be placed at opposite ends of the carnival site. The toilets shall be clearly marked for female or male use. It shall be the responsibility of the licensee of the carnival to maintain the toilet facilities in a clean and sanitary condition at all times. (Ord. 1985-M-35 § 1.)

(5.48.140 Parking – deleted Ord. 1998-M-42 § 2; Ord. 1985-M-34 § 1.)

**CARNIVALS**

(Applicant Is Not To Write Below)

**STAFF FINDINGS**

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**Police Chief Endorsement:** Recommend Issuance  Yes  No

Signature \_\_\_\_\_ Date \_\_\_\_\_

Comments: \_\_\_\_\_  
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**sdg. Comm./Health Off. Endorsement:** Recommend Issuance  Yes  No

Signature \_\_\_\_\_ Date \_\_\_\_\_

Comments: \_\_\_\_\_  
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OF APPLICANT  
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**Comptroller Endorsement:** Recommend Issuance  Yes  No

Signature \_\_\_\_\_ Date \_\_\_\_\_

Comments: \_\_\_\_\_  
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**Fire Chief Endorsement:** Recommend Issuance  Yes  No

Signature \_\_\_\_\_ Date \_\_\_\_\_

Comments: \_\_\_\_\_  
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**Mayor's Approval:** Recommend Issuance  Yes  No

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## NEWSPAPER DISPENSING DEVICES

### Chapter 5.50

#### NEWSPAPER DISPENSING DEVICES

Sections:

5.50.010	Definitions
5.50.020	Newspaper Dispensing Devices: Application and Permit
5.50.030	Privately Owned Newspaper Dispensing Device Permit Conditions
5.50.040	Uniform Newspaper Dispensing Devices
5.50.050	Appeal of Denial of Permits
5.50.060	Emergency
5.50.070	Revocation of Permits
5.50.080	Removal of Newspaper Dispensing Devices
5.50.090	Penalties
5.50.100	Severability

#### **5.50.010 Definitions**

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

**Newspaper dispensing device:** a container constructed of metal or other material of substantially equivalent strength and durability which is used for the dispensing of newspapers, fliers, handbills, or other similar printed materials at a cost or free of charge.

For purposes of this ordinance, the geographic area referred to as the “Central Business District” or “CBD” shall have the same boundaries as the City’s Special Service Area #1B. (2002-M-24 § 1.)

#### **5.50.020 Newspaper Dispensing Devices: Application and Permit**

- A. No newspaper dispensing device shall be placed or located within a public right-of-way, along the streets, thoroughfares, parkways or sidewalks within the City unless a permit has been issued therefor by the City in conformance with the provisions of this article. This ordinance does not prohibit newspaper dispensing devices located within a wholly enclosed structure.
- B. Applications for a permit under this section shall be made on forms approved by the City Administrator (or his/her designate) for permits allowing for the installation and placement of newspaper dispensing devices within the public right-of-way, along the streets, thoroughfares, parkways, and sidewalks within the City. The applications shall be available and provided by the City Clerk (or his/her designate) upon request. The application must include a site plan and must expressly state the exact location where the applicant wishes to install a newspaper dispensing device. The application must also include a description of and the specifications for the intended newspaper dispensing device.

## NEWSPAPER DISPENSING DEVICES

- C. Within five business days of receipt of an application for a permit under this section, the City Administrator (or his/her designate) shall grant the application and instruct the City Clerk to issue the permit provided that the conditions contained in Section 5.50.030 are, where applicable, complied with. If the terms and conditions of Section 5.50.030, where applicable, are not complied with, the City Administrator (or his/her designate) shall, within five business days of receipt of the application for a permit, deny the application, and state the reasons in writing for such denial.  
(2002-M-24 § 1.)

### **Section 5.50.030 Privately Owned Newspaper Dispensing Device Permit Conditions**

A city permit allowing the placement of privately owned newspaper dispensing devices shall be subject to, and granted upon, the following conditions, restrictions, and requirements:

- A. Newspaper dispensing devices shall not be placed in the central business district. The central business district is delineated on the map attached as Exhibit A. However, newspapers, fliers, handbills, or other printed materials may be placed in uniform newspaper dispensing devices in the central business district pursuant to Section 5.50.040. The location of the uniform newspaper dispensing devices is depicted on the maps attached as Exhibit B, collectively.
- B. Newspaper dispensing devices shall be placed adjacent and parallel to building walls not more than six inches distant therefrom, or near and parallel to the curb not less than 18 inches and not more than 24 inches distant from the curb.
- C. No newspaper dispensing device shall be placed, installed, located, used or maintained:
1. Within twenty feet of any electric utility pole, fire hydrant, Fire Department Station, Police Department Station, or Medical Building driveway.
  2. Within twenty feet of any intersecting driveway, alley, or street.
  3. Adjacent to parallel parking spaces or on the curb in front of angle parking spaces.
  4. At any location where the width of paved (or other suitable hard surface) clear space in any direction for the passage of pedestrians is reduced to less than five feet.
  5. So as to be chained or otherwise secured to any tree, utility pole, light pole, parking meter, traffic control post, street signpost, or other public property.
  6. Within three feet of any bicycle tie-up racks, bus benches, area improved with landscaping, or window displays.
  7. On or within any median within any public right-of-way.
  8. So as to project into any part of the public right-of-way or along the streets, thoroughfares, parkways and sidewalks within the City, as authorized by a properly issued City permit.
- D. The permittee shall pay an administrative processing fee of \$25.00 for each location where a newspaper dispensing device is installed. The initial administrative processing permit fee shall be applicable to the initial license year, or any part thereof. The permittee shall pay a renewal administrative processing permit fee of \$25.00 per year for each location where a newspaper dispensing device is installed. The permittee will also pay for the cost of a template placed upon the box to identify the publication and the permittee will also pay any yearly maintenance costs associated with the box.
- E. The permittee shall maintain the device in good working order, in a safe and clean condition, in such a manner that:
1. It is reasonably free of dirt and grease;
  2. It is reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas thereof;
  3. It is reasonably free of rust and corrosion in the visible unpainted metal areas thereon;
  4. The clear plastic or glass parts thereof, if any, through which the publications therein are viewed are unbroken and reasonably free of cracks, dents, blemishes and discoloration;

## NEWSPAPER DISPENSING DEVICES

5. The paper or cardboard parts or inserts thereof are reasonably free of tears, peeling or fading;
  6. The structural parts thereof are not broken or unduly disfigured;
  7. The device shall display a telephone number for refund in case of malfunctioning of the device.
- F. The permittee shall not use a newspaper dispensing device for advertising signs or publicity purposes other than that dealing with the display, sale, or purchase of the materials sold or distributed therein.
- G. Permits shall be for a term of one year and shall not be assignable. Permits for the City fiscal year 2002-03 will be filed with the City Administrator (or his/her designate) no later than June 3, 2002; these permits will be valid through April 30, 2003. For all years thereafter, permits shall expire on the 30th day of April of each year; applications for renewal of permits shall be filed with the City Administrator (or his/her designate) no later than the 1st day of April of each year.
- H. A permit shall allow the installation of a newspaper dispensing device only at the exact location described in the application for the permit. The permit shall contain a description of the authorized location. Permits shall not be transferable from one location to another.
- I. The permittee, upon removal of the newspaper dispensing device, shall restore the property of the City to the same condition as when the device was initially installed, ordinary wear and tear excepted.
- J. As an express condition of the acceptance of a permit hereunder, the permittee thereby agrees to indemnify and hold harmless the City, its officials, both elected and appointed, its employees and agents against any loss or liability or damage, including expenses and costs for bodily or personal injury, and for property damage sustained by any person as the result of the installation, use or maintenance of a device within the City.

(2002-M-24 § 1.)

### **5.50.040 Uniform Newspaper Dispensing Devices**

Uniform newspaper dispensing devices shall be located within the central business district (See Exhibit A) at the locations shown in Exhibit B. A prototype illustration of the uniform newspaper dispensing devices is attached at Exhibit C. Permits for spaces within the uniform newspaper dispensing devices shall be issued, subject to the following conditions:

- A. Persons or entities wishing to place newspapers, fliers, handbills, or other printed materials in the uniform newspaper dispensing devices must file an application for a permit on the forms approved by the City Administrator (or his/her designate). Said applications shall be available and provided by the City Clerk upon request.
- B. Permits shall be issued on a first come - first served basis. In the event that the City has issued permits equal to the number of available spaces in the newspaper dispensing devices, additional applicants will be placed on a waiting list. As spaces become available, additional permits shall be issued and retained according to the provisions of this Section. No publication shall be issued more than one space at each location.
- C. The permittee shall pay an administrative processing fee of \$25.00 for each space in the uniform newspaper dispensing device. The initial administrative processing permit fee shall be applicable to the initial license year, or any part thereof. The permittee shall pay a renewal administrative processing permit fee of \$25.00 per year for each space. Permits shall be for a term of one year and shall not be assignable. Permits shall expire on the 30th day of April of each year; applications for renewal of permits shall be filed with the Mayor's Office no later than the 1st day of April of each year. In the event that the renewal fee is not paid by April 1st, the space shall be forfeited.
- D. The permittee, upon removal of materials from the newspaper dispensing device, shall restore the newspaper dispensing device to the same condition as when the device was initially installed, ordinary wear and tear excepted. The permittee shall be responsible for reimbursing the City for the cost of any repairs to the newspaper dispensing device resulting from damage caused by the permittee.

## NEWSPAPER DISPENSING DEVICES

(2002-M-24 § 1.)

### **5.50.050 Appeal of Denial of Permits**

The decision of the City Administrator (or his/her designate) in refusing to grant a permit under this Article shall be appealable. The applicant shall have the right to appeal the decision to the Chair of the Government Operations Committee, provided that the applicant files a written notice of appeal, including a statement of the grounds of appeal, with the City Clerk within 15 calendar days after notice of the decision of the City Administrator (or his/her designate). The Government Operations Committee shall set a hearing on the appeal at its next regularly scheduled Government Operations Committee meeting, and notice of such time and place shall be given in the same manner as specified in this Article. The Government Operations Committee shall have the power to reverse, affirm, or modify the decision of the City Administrator (or his/her designate). In making its determination, the Government Operations Committee shall only consider the standards set forth in this Article. Its decision shall be rendered the same day as the hearing. The decision of the Government Operations Committee shall be final.

(2002-M-24 § 1.)

### **5.50.060 Emergency**

Notwithstanding any other provision of this Article, however, the City may remove any device from public property which, because of its location or condition, poses an immediate threat to the health, safety and welfare of the public or a member thereof. The City Administrator (or his/her designate) shall send, by certified mail, with return receipt requested, a written notice to the address of the owner or user of the newspaper dispensing device. The notice shall state the address and telephone number of the City Administrator (or his/her designate) and a description of why the newspaper dispensing device was removed. The owner may request a hearing before the Government Operations Committee by filing a written appeal with the City Administrator (or his/her designate). In this event, a hearing shall be held, according to Section 5.50.080, for the purpose of determining whether there is a continued need for the removal.

(2002-M-24 § 1.)

### **5.50.070 Revocation of Permits**

The City Administrator or his/her designate shall revoke any permit issued under the terms of this Article after a finding of guilty, by any state court, for any of the following causes, which shall constitute violations of this Article:

- A. Fraud, misrepresentation, or any false statement contained in the application for a permit;
- B. Violation of any term of the permit granted to the permittee;
- C. Violation of any term of this Article.

(2002-M-24 § 1.)

### **5.50.080 Removal of Newspaper Dispensing Devices**

- A. If any newspaper dispensing device is placed or remains within the central business district as delineated in the map at Exhibit A or within any public right-of-way, street, thoroughfare, parkway, or sidewalk without a permit therefor being issued, or after the expiration or revocation of a previously issued permit, or is deemed abandoned or unclaimed, or in violation of any other provision of this Article, the City Administrator (or his/her designate) shall send, by certified mail, with return receipt requested, a written notice to the address of the owner or user of the newspaper dispensing device. The notice shall state the address and telephone number of the City Administrator (or his/her designate), a description of why the newspaper dispensing device is in violation of the requirements of this Article; that the owner or user is ordered to cause immediate removal of the newspaper dispensing device from

## NEWSPAPER DISPENSING DEVICES

the public property; and that the newspaper dispensing device shall be removed by the City after a date designated in the notice. The date shall be no less than ten calendar days after the date the notice is mailed or first posted, as the case may be, unless the owner or user requests a hearing before the Government Operations Committee by filing a written appeal with the City Administrator (or his/her designate) on or before the designated removal date.

- B. If any materials are placed in a uniform newspaper dispensing device without a permit therefor being issued, or after the expiration or revocation of a previously issued permit, or the materials are deemed abandoned or unclaimed, or in violation of any other provision of this Article, the City Administrator (or his/her designate) shall send, by certified mail, with return receipt requested, a written notice to the address of the permitted user. The notice shall state the address and telephone number of the City Administrator (or his/her designate), a description of why the materials are in violation of the requirements of this Article; that the user is ordered to cause immediate removal of the materials; and that the materials shall be removed by the City after a date designated in the notice. The date shall be no less than ten calendar days after the date the notice is mailed or first posted, as the case may be, unless the user requests a hearing before the Government Operations Committee by filing a written appeal with the City Administrator (or his/her designate) on or before the designated removal date.
- C. When any appeal is filed pursuant to this section, the City Council shall set a hearing on the appeal at its next regularly scheduled Council meeting and notice of such time and place shall be given in the manner as specified in this section. Any newspaper dispensing device or materials located in a City owned newspaper dispensing device may remain in place during the appeal period. In making its determination, the Government Operations Committee shall only consider the standards set forth in this Article. Its decision shall be rendered on the same day as the hearing. The decision of the Government Operations Committee shall be final.
- D. If any newspaper dispensing device is still on public property after the ten-day period described in subsection (1) of this section, or if an appeal is made and denied after hearing before the Government Operations Committee, the City Administrator (or his/her designate) shall cause removal of the newspaper dispensing device. Similarly, if any materials located in a City owned newspaper dispensing device remain in the City owned newspaper dispensing device after the ten-day period described in subsection (2) of this section, or if an appeal is made and denied after hearing before the Government Operations Committee, the City Administrator (or his/her designate) shall cause the removal of the materials.
- E. The owner of any newspaper dispensing device removed in accordance with the terms of this Article shall be responsible for all the expenses of the removal, storage and disposal of such newspaper dispensing device. Likewise, the owner of any materials placed in a City owned newspaper dispensing device removed in accordance with the terms of this Article shall be responsible for all the expenses of the removal, storage and disposal of such materials. Should the newspaper dispensing device or materials fail to be claimed or should the owner fail to pay any money due the City, such newspaper dispensing device or materials shall be unclaimed property and may be disposed of pursuant to law.

(2002-M-24 § 1.)

### **5.50.090 Penalties**

Any person or entity who shall be guilty of a violation of any of the provisions of this Article, shall be subject to a fine of not less than fifty (\$50.00) dollars and not more than seven hundred and fifty (\$750.00) dollars. A separate offense shall be deemed committed for every day a violation continues.

(2002-M-24 § 1.)

### **5.50.100 Severability**

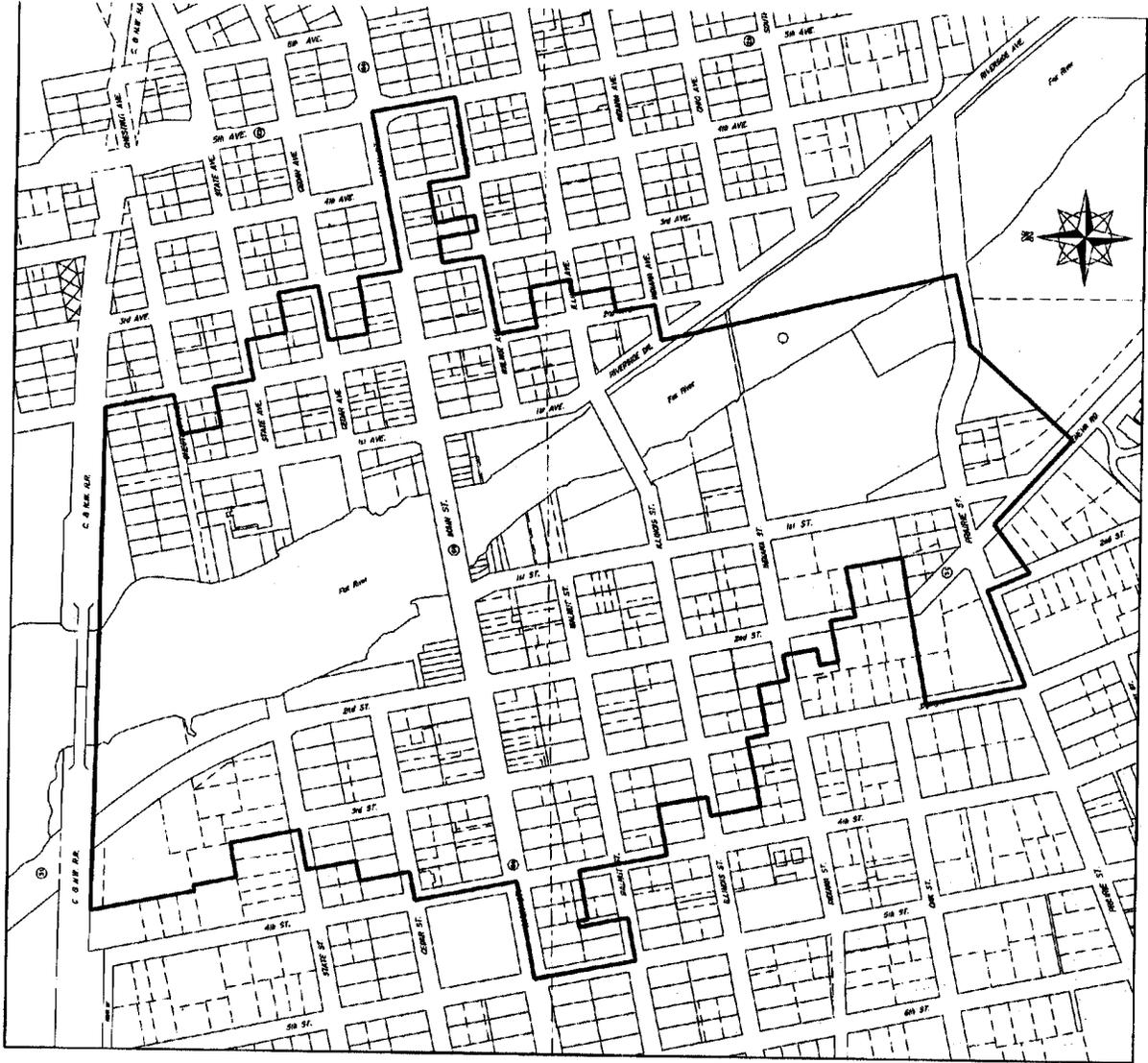
## **NEWSPAPER DISPENSING DEVICES**

If any section, subsection, sentence, clause, or phrase of this Article is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Article.

(2002-M-24 § 1.)

NEWSPAPER DISPENSING DEVICES

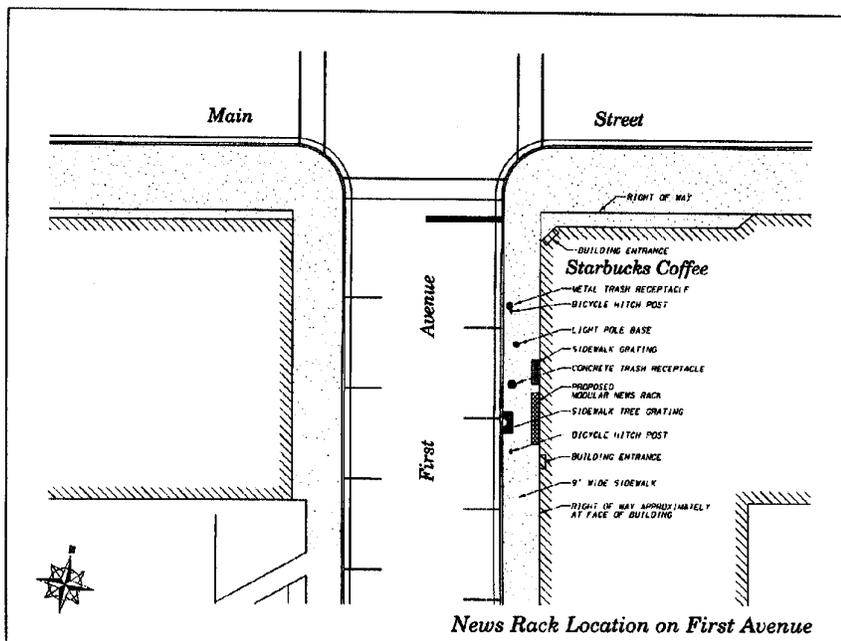
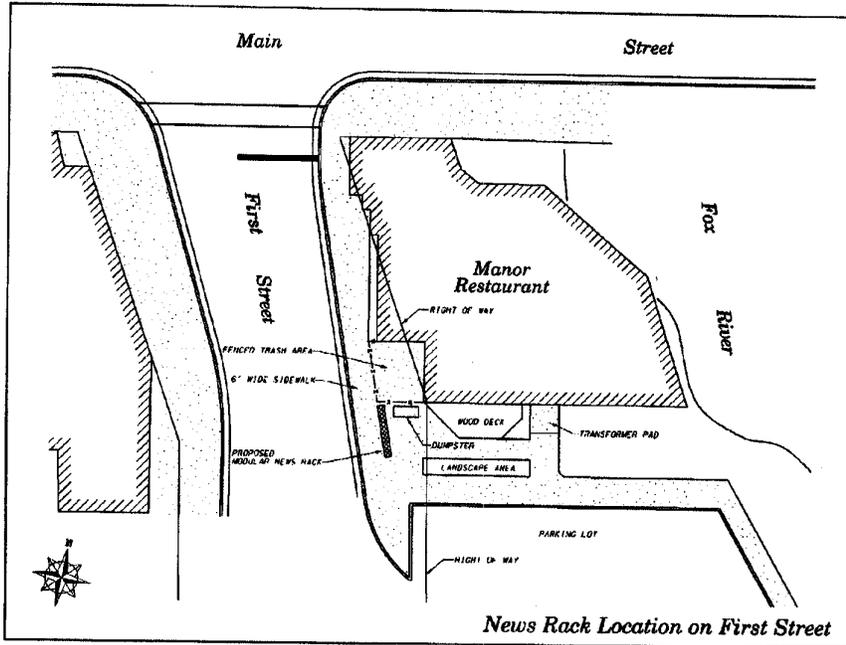
EXHIBIT A  
MAP OF CENTRAL BUSINESS DISTRICT



(Ord. 2002-M-24 § 1.)

NEWSPAPER DISPENSING DEVICES

GROUP EXHIBIT B  
MAP LOCATION OF SITES WITHIN CENTRAL BUSINESS DISTRICT



**NEWSPAPER DISPENSING DEVICES**

**Group Exhibit C  
Prototype Illustration of Uniform Newspaper Dispensing Devices**



(Ord. 2002-M-24 § 1.)

## TITLE 5 FOOTNOTES

### TITLE 5 FOOTNOTES

1. For statutory provisions authorizing cities to license and tax certain businesses, see 65 ILCS 5/11-42-1; for provisions authorizing cities to fix the amount, terms and manner of issuing and revoking licenses, see 65 ILCS 6/11-60-1. (Ord. 1996-M-53 § 12.)
2. For statutory provisions related to alcoholic beverages generally, see 235 ILCS 5/5-1 et seq.; for provisions authorizing local control, see 235 ILCS 5/4-1. Prior ordinance history: Ords. 1965-12, 1965-47, 1965-53, 1968-16, 1971-M-25, 1971-M-34, 1972-M-41, 1972-M-46, 1971-M-48, 1973-M-12, 1974-M-6, 1975-M-22. (Ord. 1996-M-53 § 12.)
3. For statutory provisions on municipal regulation of billiard and bowling alleys, see 65 ILCS 5/11-42-2; for provisions on municipal regulation of shows, see 65 ILCS 5/11-42-5. (Ord. 1996-M-53 § 12.)
4. For statutory provisions prescribing sales of cigarettes to minors, see 720 ILCS 675/1; for provisions on municipal health powers, see 65 ILCS 5/11-20-5; for provisions on municipal regulation of tobacco, see 65 ILCS 5/11-20-3. (Ord. 1996-M-53 § 12.)
5. For statutory provisions on municipal regulation of handbills, see 65 ILCS 5/11-80-16. (Ord. 1996-M-53 § 12.)
6. For statutory provisions on municipal regulation of hawkers, peddlers, solicitors and itinerant merchants, see 65 ILCS 5/11-42-5. (Ord. 1996-M-53 § 12.)