



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item number: 4.c

Title: Recommendation to Update Title 5 “Business Licenses and Regulations” of the City Ordinance, to Include Modifications to Chapters 5.28 “Peddlers” and 5.36 “Solicitors”

Presenter: Police Chief Keegan

Meeting: Government Services Committee Date: May 29, 2018

Proposed Cost: N/A Budgeted Amount: \$ Not Budgeted:

Executive Summary *(if not budgeted please explain):*

In an effort to streamline and bring up to date the City Ordinance, the Police Department recommends the attached revisions be made to Title 5 of the City of St. Charles City Code. Please see the attached document which highlights these requested modifications.

Chapters to be modified include 5.28 – Peddlers; and 5.36 – Solicitors.

Attachments *(please list):*

* Recommended Ordinance Revisions * Ordinance with proposed changes

Recommendation/Suggested Action *(briefly explain):*

Recommendation to approve updates to Title 5 “Business Licenses and Regulations” of the City Ordinance.

Police Department Recommended Ordinance Revisions to Title 5 “Business Licenses and Regulations” for May 2018

~~5.28 – Peddlers (Delete the Entire Section/In Its Entirety)~~

~~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.~~

~~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.~~

~~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.~~

5.36 – Solicitors

5.36.030 – Commercial Solicitation/~~Peddling~~; Registration

COMMERCIAL SOLICITATION/~~PEDDLING~~: Seeking to ~~sell or “hawk” merchandise or~~ obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration whatever; seeking to obtain subscriptions to books, magazines, periodicals , etc.

5.36.020 – Charitable Solicitation; Registration

- A. It shall be unlawful for any charitable organization to engage in charitable solicitation within the corporate limits of the City unless such organization has ~~notified registered with~~ the City as hereinafter provided.

B. Any charitable organization engaging in charitable solicitation within the corporate limits of the City shall ~~make notification of~~ register the following information with the Chief of Police or his designee:

1. The name and address of the charitable organization and the name or names under which it intends to engage in solicitation.
2. The names and addresses of all persons who will engage in charitable solicitation in the City.
3. The dates and time of day such solicitations are to be made and the geographic areas within the City wherein such solicitation shall be conducted at a particular time and day.
4. A written statement of recent date issued by the attorney general of Illinois that the charitable organization has complied with the provisions of 225 Illinois Compiled Statutes 460/ 1 et seq., or a written statement by the attorney general of exemption under 225 Illinois Compiled Statutes 460/3.

5.36.030 – Commercial Solicitation/~~Peddling~~; Registration

A. It shall be unlawful for any person to engage in commercial solicitation/~~peddling~~ within the corporate limits of the City unless such person shall have first obtained approved registration from the City as hereinafter provided.

1. Application for registration shall be made upon a form provided by the City. The applicant shall truthfully state in full the following information and submit the following documentation:

2. The name and address of the person who intends to engage in solicitation/~~peddling~~.

1. The name and address of the person or organization by whom the applicant is employed or represents, and the length of time of such employment or representation.

2. The name and address of the person in charge of solicitation/~~peddling~~ in the City and an address within the state of Illinois where service of process may be had.

3. Applicant shall submit his or her driver's license or state ID number and date of birth, as well as a physical description of applicant.

4. The dates and time of day such solicitation/~~peddling~~ is to be made and the geographic area within the City wherein such solicitation shall be conducted at a particular time and day.

5. The date, or approximate date, of the latest previous application for registration under this ordinance, if any.

6. Whether a registration issued to the applicant under this ordinance has ever been revoked.

7. Whether the applicant has been convicted of a violation of any of the provisions of this ordinance or the ordinances of any other Illinois municipality regulating solicitation.

8. A description sufficient for identification of the subject matter of the solicitation/~~peddling~~ which the applicant will engage in.
 9. Whether the applicant has ever been convicted of the commission of a felony under the laws of the state of Illinois or any other state, or of a law of the United States.
 10. An electronic headshot photo of each applicant in an approved format.
 11. Proof of submission for Uniform Conviction Information Act through a fingerprint conviction information request with an approved Livescan Vendor with the Illinois State Police.
- B. An application for registration shall be submitted to the Chief of Police and shall be verified under oath. The Chief of Police shall acknowledge receipt of such application in writing within five (5) working days of such receipt and shall act upon such application within ten (10) ~~working~~ days after its receipt. No application shall be effective until acted upon by the Chief of Police. If the Chief of Police finds and determines that all the requirements of this ordinance have been met, the Chief of Police shall issue said approval forthwith. Registration shall be valid for 90 days from the date of issue.
- C. The failure of an applicant to fulfill the requirements of this ordinance shall be a basis for the denial of an approved registration by the Chief of Police. In addition, no approved registration shall be issued to any person who has been convicted of a felony under the laws of the state Illinois or any other state or under the laws of the United States; nor to any person who has been convicted of a sex offense as defined by 720 Illinois Compiled Statutes, Act 5, Article 11 or any other equivalent law of any other state; nor to any person who has been convicted of a violation of any of the provisions of this ordinance; nor to any person whose registration issued hereunder has previously been revoked as herein provided. In the event that any registration is denied for failure to comply with the requirements set forth hereinabove, the Chief of Police shall immediately notify the applicant, in writing, of the reasons for denial. If said application is not cured within ten (10) ~~working~~ days after the date on which the Chief of Police denies the issuance of said registration, said application shall be null and void.
- D. The Chief of Police shall revoke an approved registration for a violation of any of the ~~provisions of this chapter regulations listed in sections 5.36.050 through 5.36.090 of this ordinance, inclusive~~. Immediately upon such revocation, written notice thereof shall be given by the Chief of Police to the holder of the approved registration by certified or registered mail, return receipt requested, ~~or by personal service~~. Upon receipt of said notice of revocation, all solicitation activity shall cease.

5.36.040 – Registration fee

The fee for application and approval of registration required to engage in commercial solicitation/**peddling** pursuant to this ordinance shall be fifty dollars (\$50.00) per applicant. Said fee shall be paid at the time of application and prior to the processing of said application.

5.36.090 – Prohibitions

- A. Felons and Persons Convicted of Sex Offenses as Solicitors: It shall be unlawful for any person to be a solicitor who has been convicted of a felony under the laws of the state of Illinois, or any equivalent law of any other state, or under the federal laws of the United States. It shall be unlawful for any person to be a solicitor who has been convicted of a sex offense as defined by 720 Illinois Compiled Statutes, Act 5, Article 11, or any equivalent law of any other state.
- B. Fraud: No person shall misrepresent his name, occupation, financial condition, social conditions or residence, and no person shall make or perpetrate any other misstatement, deception or fraud, in connection with any charitable or commercial solicitation, or in any application or report filed under this ordinance.
- C. **Number of Solicitors permitted: No more than two (2) persons shall go upon or approach any premises at any one time for purposes of soliciting or peddling.**
- D. **Principal Approach and Entrance Only: Every solicitor shall approach a premises only by using the principal approach route thereto, and every solicitor shall attempt to make contact with the occupants thereof only at the principal entrance to such premises. No solicitor shall gain entry to any enclosed portion of the premises without invitation and whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.**

5.36.100 – Additional Regulations for Charitable Solicitations

- A. Financial Disclosure Required: The charitable organization shall, **upon request**, distribute to every person solicited a financial statement of said charitable organization for the preceding twelve (12) months which shall include a balance sheet and statement of income and expenses clearly setting forth the following: gross receipts and gross income from all sources broken down into total receipts and income from each separate solicitation project or source; cost of administration ; cost of solicitation; cost of programs designed to inform or educate the public; funds or properties transferred out of the state of Illinois, with explanation as to recipient and purpose; total net income amount for each major purpose, charitable or otherwise. Statements shall be signed by the president or other authorized officer or agent and shall be accompanied by an opinion signed by an independent certified public accountant that said financial statement fairly represents the financial operation of the charitable organization.

A copy of the annual report to the attorney general of Illinois required by 225 Illinois Compiled Statutes 460/4, as amended, may be presented in lieu of the aforementioned financial statement. For the purpose of financial statements, the definitions and standards applicable to the annual report to the attorney general as set forth in paragraph 460/4 shall be utilized.

In the event a charitable organization has not been established for a period of twelve (12) months, a copy of the registration statement filed with the attorney general of Illinois pursuant to 225 Illinois Compiled Statutes 460/2, as amended, may be utilized.

5.36.120 – Violation – Penalty

Any person violating any of the provisions of this chapter shall, ~~be or plea, be fined one hundred dollars (\$100.00) for the first offense~~ fined one hundred dollars (\$100) for the first offense thereof, and be subject to a fine of not more than five hundred dollars (\$500) for each ~~subsequent~~ offense.

City of St. Charles, Illinois
Ordinance No. 2018-M- _____

An Ordinance Amending Title 5 “Business Licenses and Regulations”, Chapter 5.28 “Peddlers”; Chapter 5.36 “Solicitors”, Section 5.36.020 “Charitable Solicitation; Registration”, Section 5.36.030 “Commercial Solicitation/Peddling; Registration”, Section 5.36.040 “Registration Fee”, Section 5.36.100 “Additional Regulations for Charitable Solicitations”, Section 5.36.120 “Violation-Penalty” of the St. Charles Municipal Code

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION ONE: That Title 5 “Business Licenses and Regulations”, Chapter 5.28 “Peddling” of the St. Charles Municipal Code, be and is hereby amended by deleting in its entirety:

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.

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.

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.

SECTION TWO: That Title 5 “Business Licenses and Regulations”, Chapter 5.36 “Solicitors”, Section 5.36.020 “Charitable Solicitation; Registration”, of the St. Charles Municipal Code, be and is hereby amended as follows:

A. It shall be unlawful for any charitable organization to engage in charitable solicitation within the corporate limits of the City unless such organization has notified the City as hereinafter provided.

B. Any charitable organization engaging in charitable solicitation within the corporate limits of the City shall make notification of the following information with the Chief of Police or his designee:

1. The name and address of the charitable organization and the name or names under which it intends to engage in solicitation.
2. The names and addresses of all persons who will engage in charitable solicitation in the City.
3. The dates and time of day such solicitations are to be made and the geographic areas within the City wherein such solicitation shall be conducted at a particular time and day.
4. A written statement of recent date issued by the attorney general of Illinois that the charitable organization has complied with the provisions of 225 Illinois Compiled Statutes 460/ 1 et seq., or a written statement by the attorney general of exemption under 225 Illinois Compiled Statutes 460/3.

SECTION THREE: That Title 5 “Business Licenses and Regulations”, Chapter 5.36 “Solicitors”, Section 5.36.030 “Commercial Solicitation; Registration”, of the St. Charles Municipal Code, be and is hereby amended as follows:

5.36.030 – Commercial Solicitation/Peddling; Registration

A. It shall be unlawful for any person to engage in commercial solicitation/peddling within the corporate limits of the City unless such person shall have first obtained approved registration from the City as hereinafter provided.

1. Application for registration shall be made upon a form provided by the City. The applicant shall truthfully state in full the following information and submit the following documentation:
 1. The name and address of the person or organization by whom the applicant is employed or represents, and the length of time of such employment or representation.
 2. The name and address of the person in charge of solicitation/peddling in the City and an address within the state of Illinois where service of process may be had.
 3. Applicant shall submit his or her driver's license or state ID number and date of birth, as well as a physical description of applicant.

4. The dates and time of day such solicitation/peddling is to be made and the geographic area within the City wherein such solicitation shall be conducted at a particular time and day.

5. The date, or approximate date, of the latest previous application for registration under this ordinance, if any.

6. Whether a registration issued to the applicant under this ordinance has ever been revoked.

7. Whether the applicant has been convicted of a violation of any of the provisions of this ordinance or the ordinances of any other Illinois municipality regulating solicitation.

8. A description sufficient for identification of the subject matter of the solicitation/peddling which the applicant will engage in.

9. Whether the applicant has ever been convicted of the commission of a felony under the laws of the state of Illinois or any other state, or of a law of the United States.

10. An electronic headshot photo of each applicant in an approved format.

11. Proof of submission for Uniform Conviction Information Act through a fingerprint conviction information request with an approved Livescan Vendor with the Illinois State Police.

B. An application for registration shall be submitted to the Chief of Police and shall be verified under oath. The Chief of Police shall acknowledge receipt of such application in writing within five (5) working days of such receipt and shall act upon such application within ten (10) working days after its receipt. No application shall be effective until acted upon by the Chief of Police. If the Chief of Police finds and determines that all the requirements of this ordinance have been met, the Chief of Police shall issue said approval forthwith. Registration shall be valid for 90 days from the date of issue.

C. The failure of an applicant to fulfill the requirements of this ordinance shall be a basis for the denial of an approved registration by the Chief of Police. In addition, no approved registration shall be issued to any person who has been convicted of a felony under the laws of the state Illinois or any other state or under the laws of the United States; nor to any person who has been convicted of a sex offense as defined by 720 Illinois Compiled Statutes, Act 5, Article 11 or any other equivalent law of any other state; nor to any person who has been convicted of a violation of any of the provisions of this ordinance; nor to any person whose registration issued hereunder has previously been revoked as herein provided. In the event that any registration is denied for failure to comply with the requirements set forth hereinabove, the Chief of Police shall immediately notify the applicant, in writing, of the reasons for denial. If said application is not cured within ten

(10) working days after the date on which the Chief of Police denies the issuance of said registration, said application shall be null and void.

D. The Chief of Police shall revoke an approved registration for a violation of any of the provisions of this chapter. Immediately upon such revocation, written notice thereof shall be given by the Chief of Police to the holder of the approved registration by certified or registered mail, return receipt requested, or by personal service. Upon receipt of said notice of revocation, all solicitation activity shall cease.

SECTION FOUR: That Title 5 “Business Licenses and Regulations”, Chapter 5.36 “Solicitors”, Section 5.36.040 “Registration Fee”, of the St. Charles Municipal Code, be and is hereby amended as follows:

The fee for application and approval of registration required to engage in commercial solicitation/peddling pursuant to this ordinance shall be fifty dollars (\$50.00) per applicant. Said fee shall be paid at the time of application and prior to the processing of said application.

SECTION FIVE: That Title 5 “Business Licenses and Regulations”, Chapter 5.36 “Solicitors”, Section 5.36.100 “Additional Regulations for Charitable Solicitations”, of the St. Charles Municipal Code, be and is hereby amended as follows:

A. Financial Disclosure Required: The charitable organization shall, upon request, distribute to every person solicited a financial statement of said charitable organization for the preceding twelve (12) months which shall include a balance sheet and statement of income and expenses clearly setting forth the following: gross receipts and gross income from all sources broken down into total receipts and income from each separate solicitation project or source; cost of administration ; cost of solicitation; cost of programs designed to inform or educate the public; funds or properties transferred out of the state of Illinois, with explanation as to recipient and purpose; total net income amount for each major purpose, charitable or otherwise. Statements shall be signed by the president or other authorized officer or agent and shall be accompanied by an opinion signed by an independent certified public accountant that said financial statement fairly represents the financial operation of the charitable organization.

A copy of the annual report to the attorney general of Illinois required by 225 Illinois Compiled Statutes 460/4, as amended, may be presented in lieu of the aforementioned financial statement. For the purpose of financial statements, the definitions and standards applicable to the annual report to the attorney general as set forth in paragraph 460/4 shall be utilized.

In the event a charitable organization has not been established for a period of twelve (12) months, a copy of the registration statement filed with the attorney general of Illinois pursuant to 225 Illinois Compiled Statutes 460/2, as amended, may be utilized.

SECTION SIX: That Title 5 “Business Licenses and Regulations”, Chapter 5.36 “Solicitors”, Section 5.36.120 “Violation – Penalty”, of the St. Charles Municipal Code, be and is hereby amended as follows:

Any person violating any of the provisions of this chapter shall be fined one hundred dollars (\$100) for the first offense thereof, and be subject to a fine of not more than five hundred dollars (\$500) for each subsequent offense.

SECTION SEVEN: That Title 5 “Business Licenses and Regulations”, Chapter 5.36 “Solicitors”, Section 5.36.090 “Prohibitions”, of the St. Charles Municipal Code, be and is hereby amended adding the following:

- C. Number of Solicitors permitted: No more than two (2) persons shall go upon or approach any premises at any one time for purposes of soliciting or peddling.
- D. Principal Approach and Entrance Only: Every solicitor shall approach a premises only by using the principal approach route thereto, and every solicitor shall attempt to make contact with the occupants thereof only at the principal entrance to such premises. No solicitor shall gain entry to any enclosed portion of the premises without invitation and whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

SECTION EIGHT: That, after the adoption and approval hereof, this Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the City Council of the City of St. Charles, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

SECTION NINE: This Ordinance shall be in full force and effect ten (10) days from and after its passage by a vote of the majority of the corporate authorities now holding office, approval and publication in the manner provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this ____ day of _____, 2018.

PASSED by the City Council of the City of St. Charles, Illinois this ____ day of _____, 2018.

APPROVED by the Mayor of the City of St. Charles, Illinois, this ____ day of _____, 2018.

Raymond P. Rogina, Mayor

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes : _____

Nays : _____

Absent : _____