

CITY OF ST. CHARLES

ORDINANCE NO. 1994-M-18

AN ORDINANCE AMENDING CHAPTER 5.36 "SOLICITORS"
OF THE ST. CHARLES MUNICIPAL CODE

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF ST. CHARLES
THIS 7TH DAY OF MARCH, 1994

PUBLISHED IN PAMPHLET FORM BY
AUTHORITY OF THE CITY COUNCIL
OF THE CITY OF ST. CHARLES,
KANE AND DU PAGE COUNTIES,
ILLINOIS, THIS 11TH DAY OF
MARCH, 1994


CITY CLERK

(S E A L)

ORDINANCE NO. 1994-M- 18

**AN ORDINANCE AMENDING CHAPTER 5.36 "SOLICITORS"
OF THE ST. CHARLES MUNICIPAL CODE**

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

1. That Chapter 5.36, "Solicitors", of the St. Charles Municipal Code, be and is hereby deleted and the following substituted therefor:

**"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.

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.

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 application shall truthfully state in full the information requested on the application as follows:

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 or affirmation.
- B. If the applicant seeks 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 seeks to obtain prospective customers for application or purchase of insurance of any type, kind or character, the chief of police shall require such applicant to submit to fingerprinting by the police department of this municipality in connection with the application for registration.
 - C. The chief of police shall cause to be kept in his office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto and all registrations which are granted under the provisions of this chapter and all denials of registration.
 - D. 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.

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.
- 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.

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.

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.

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 5.26.010 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.

5.36.080 Uninvited soliciting prohibited.

It is unlawful and shall constitute a nuisance for any person to go upon the premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract 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, in defiance of the notice exhibited at the residence in accordance with the provisions of Section 5.36.060.

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.

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.

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."

2. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, 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.

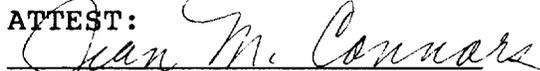
PRESENTED to the City Council of the City of St. Charles, Illinois, this 7th day of March, 1994.

PASSED by the City Council of the City of St. Charles, Illinois, this 7th day of March, 1994.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 8th day of March, 1994.



Mayor

ATTEST:


City Clerk

COUNCIL VOTE:

Ayes: 14

Nays: 0

Absent: 0

APPROVED AS TO FORM:



City Attorney

DATE: 2/22/94

STATE OF ILLINOIS)
) SS.
COUNTIES OF KANE AND DUPAGE)

C E R T I F I C A T E

I, JEAN M. CONNORS, certify that I am the duly elected and acting municipal clerk of the city of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on March 7, 1994, the Corporate Authorities of such municipality passed and approved Ordinance No. 1994-M-18, entitled

"AN ORDINANCE AMENDING CHAPTER 5.36
'SOLICITORS' OF THE ST. CHARLES MUNICIPAL
CODE",

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1994-M-18, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on March 11, 1994, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 9th day of March, 1994.



Municipal Clerk

(S E A L)