

**TITLE 3: BUSINESS & LICENSE REGULATIONS
CHAPTER 5: PEDDLERS AND SOLICITORS**

SECTION:

- 3-5-1: Definition**
- 3-5-2: Permitting of Peddlers and Solicitors**
- 3-5-3: Application for Permit**
- 3-5-4: Permit Fees**
- 3-5-5: Issuance and Revocation of Permits**
- 3-5-6: Regulation of Solicitors for Funds**
- 3-5-7: Policy on Soliciting and Peddling**
- 3-5-8: Notice Regulating Soliciting**
- 3-5-9: Restrictions Applicable to All Soliciting and Peddling**
- 3-5-10: Place of Conducting Business**
- 3-5-11: Soliciting Publicly on Roadways**
- 3-5-12: Soliciting by Means of Printed Materials**
- 3-5-13: Individuals Exempt from Permit**
- 3-5-14: Penalties**

3-5-1: DEFINITIONS

CHARITABLE ORGANIZATION An organization that has applied for, and is recognized by the Illinois Attorney General as a Charitable Organization and is catalogued in the Illinois Attorney General Charitable Trust database. Any benevolent, philanthropic, patriotic, or eleemosynary person or one purporting to be such which solicits and collects funds for charitable purposes.

COMMERCIAL SOLICITING The door-to-door selling, offering for sale or solicitation of offers to purchase property or services of any kind, character or description whatever, for any kind of consideration, for future delivery from other than a fixed place of business on private property, including the sale of foods and refreshments from a vehicle, except fund soliciting. Commercial soliciting shall not include the sale of goods by persons conducting fund raising activities for charitable organizations.

FUND SOLICITING Soliciting of funds not involving the sale of property, including solicitation where pamphlets are given to a donor of funds but not including the sale of books or pamphlets.

GROUP PERMIT A certificate issued to an organization or individual as required by Section 3-15-13 this Code that does not require individual badges/permits to be issued.

PEDDLING The door-to-door sale or offering for sale of property, for immediate delivery from other than a fixed place of business on private property, including the sale of charitable or religious books or pamphlets. Peddling shall not include the sale of goods by charitable organizations for

REGISTERED SOLICITOR

charitable purposes

Any person who obtained a valid certificate of registration as provided in this Chapter, and the Village-issued permit is in the possession of the solicitor on his or her person while engaged in soliciting.

RESIDENCE

Residence shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure and the yard or grounds upon which such structure is located.

SOLICITING

Includes any of the following activities: 1) Seeking to obtain sales or orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatsoever, for any kind of consideration, whatsoever, except for the sale of books, periodicals or other publications or subscriptions to such, through person-to-person contact, or 2) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable organization, either by door-to-door residential solicitation or by engaging in solicitation on public roadways or other public property.

3-5-2: PERMITTING OF PEDDLING AND SOLICITOR

- A. It shall be unlawful for any person to engage in the business of peddling or soliciting in the Village without first having registered for and received a permit from the Chief of Police or designee, and provided a permit fee payment to the Village.
- B. Said permit shall be prominently displayed by the registered solicitor while engaged in peddling/soliciting. A photo ID badge and safety vest issued by the Police Department shall be worn as the outer most layer of clothing at all times of peddling and soliciting, unless precluded by the Village code.

3-5-3: APPLICATION FOR PERMIT

- A. The application for a permit shall be made under oath and signed by the applicant upon a form provided by the Chief of Police. Each original application shall be completed by the applicant in full. The application shall only collect information required to determine the applicant’s eligibility, enforce the regulations in this Chapter, and the advance the Village’s interests in protecting the privacy of its citizens, including the quiet enjoyment of their homes, and preventing crime. Incomplete or unreadable applications will not be processed.
- B. Applicants shall sign and notarize the release of liability waiver for a criminal history records check and submit to a fingerprint-based record of conviction (As allowed by the Illinois Administrative Code).
- C. The Chief of Police shall cause to be kept in his or her office an accurate record of

every application received and acted upon together with all other information and data pertaining thereto and all permits issued under the provisions of this Chapter, and of the denial of applications. Applications for permits shall be numbered in consecutive order proceeded by the year of issuance, as filed, and every permit issued shall be identified with the duplicate number of the application upon which it was issued.

- D. No permit shall be issued to any person who has been convicted of the commission of a felony under the laws of the State of Illinois or any other state or Federal laws of the United States, within five (5) years of the date of the application; or has been convicted of a violation of any of the provisions of this Chapter; or whose permit issued hereunder has previously been revoked within the last twelve (12) months, as herein provided.
- E. All applicants applying for a permit under this Chapter are required to provide a current driver's license or state identification card. In addition, applicants will have a photo taken by a Village staff member during Village business hours. The photo will be used to create the required photo identification card worn by the registered solicitor.
- F. Individuals or groups soliciting or peddling on private property, with the approval of the property owner or tenant, are not required to register for a permit.

3-5-4: PERMIT FEES

- A. The non-refundable permit fee for peddlers and solicitors shall be as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code, each permit to be valid for no more than 30 days from the date of issuance with the opportunity for additional monthly renewals. Renewal fees will be reduced by half the cost of the initial permit if the renewal occurs within the same calendar year.
- B. Prior to soliciting door-to-door in the Village, the registered solicitor must acquire a photo identification card and a vest to wear, both of which are provided by Village staff. A refundable cash only deposit is required upon issuance of the vest and will be refunded when each vest and photo identification card is returned to the Police Department. The cash deposit will be automatically forfeited to the Village of Lincolnshire for any safety vest or photo identification card not returned to the Police Department within five (5) days of the expiration of the permit.
- C. An additional fee will be assessed for requests made for replacement badges.

3-5-5: ISSUANCE AND REVOCATION OF LICENSES

- A. The Chief of Police or designee, upon receipt of a properly completed application, but in no event later than seven (7) working days after the receipt of the application and fingerprint background check submission, shall either issue a license, or notify the applicant in writing that the application has been denied because of the applicant's failure to comply with the requirements of this Chapter.

- B. Approved permits will be valid for a maximum of thirty (30) days from the date of issuance. Immediately upon giving such notice, the permit shall state the expiration date thereof. Permits may be renewed.
- C. Permits/badges will consist of a photograph of the permit holder, name of the permit holder, the soliciting entity name, the expiration date of the permit, and the Village of Lincolnshire and Police Department logos.
- D. Permits are issued to an individual and are not transferable.
- E. Any permit issued under this section shall be revoked by the Chief of Police, or designee, if the holder of the permit is convicted of a violation of any of the provisions in this Chapter, or any violation of any other ordinance of the Village, or of any State or Federal Law within five (5) years of the date of application, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a permit under the terms of this chapter. Revocation of any permit may be in addition to any fine or penalty which may be imposed for any violation in this Chapter. Should a permit be revoked, any payments made to the Village will be non-refundable.
- F. Any person whose permit has been revoked may not apply for another permit for 12 months from the date of revocation.
- G. An applicant whose permit has been denied or a registered solicitor, whose permit has been revoked, shall have the right to appeal to the Hearing Officer the denial of the application for or revocation of the solicitor's permit. The applicant or permit holder may appeal the decision by filing a written request for a hearing with the Chief of Police within ten (10) days of the postmarked date of the denial or revocation of the permit. The Village's Hearing Officer shall conduct a hearing within five (5) business days of the request. All notices to the applicant or permit holder shall be delivered by sending the notice by certified mail.

3-5-6: REGULATION OF FUND SOLICITING

- A. Any person engaged in fund soliciting must comply with the "Solicitation for Charity Act", 225 ILCS 460 et. al., and must register with the Police Department prior to soliciting funds. The applicant in registering must furnish all the information required in the application for permit provided in Section 3-5-3 of this Chapter and evidence of compliance with said State law.
- B. Permit fees shall be waived for qualifying charitable organizations falling into one of the following categories:
 - 1. Having a membership of 55% or more reside within the corporate limits of the village;
 - 2. Having a charter or other official recognition by a parent, state, or national

organization that designates it a Lincolnshire chapter; or

3. Having a principal or sole place of business located in corporate limits of the Village; or
4. Being an organization supporting exclusively a local unit of government which provides services of the Village.

3-5-7: POLICY ON SOLICITING AND PEDDLING

It is hereby declared to be the policy of the corporate authorities of the Village that the occupant or occupants of the residences in the Village shall make the determination of whether solicitors and/or peddlers shall be, or shall not be, invited to their respective residences. If no determination is made, as is provided in Section 3-5-8 hereof, then, in that event, the solicitation and/or peddling is permitted.

3-5-8: 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. Occupants wanting to refuse invitation to solicitors to their residence shall affix a “No Solicitors Invited” decal, or similarly worded decal or sign, upon or near the main entrance door to the residence, indicating the determination by the occupant. Such decal exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.
- B. The absence of either a “No Solicitors Invited” decal, or a similarly worded decal or sign, shall mean the occupant of such residence has given invitation to a solicitor.

3-5-9: RESTRICTIONS APPLICABLE TO ALL SOLICITING AND PEDDLING:

- A. It shall be the duty of every solicitor upon going onto any premises, as defined as a residence in Section 3-5-1, to first examine if there is any attached notice as provided in Section 3-5-8. If the notice states, “No Solicitors Invited,” or a similarly worded decal or sign then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.
- B. It shall be unlawful for any person:
 1. To continue to engage in solicitation or peddling upon any premises or in any dwelling house, apartment or other residence located thereon after having been requested by the owner or occupant thereof to leave such premises or residence.
 2. To engage in peddling or solicitation upon any premises or residence located thereon if such premises or residence is posted against solicitation or peddling by means of the notice described in Section 3-5-8.

3. Who engages in solicitation or peddling to engage in any conduct or communication in furtherance of any plan, scheme or ruse which indicates or implies that the purpose of such person's peddling or solicitation is other than to obtain orders for or to make sales of goods or services or solicit funds.
 4. Who engages in peddling or soliciting to misrepresent the right of a buyer to rescind or cancel a sale under the provisions of applicable law.
 5. Who engages in peddling or soliciting to cheat, deceive, or fraudulently misrepresent, whether through himself or through an employee, while acting as a peddler or solicitor in the Village, or to barter, sell or peddle any goods, merchandise or wares other than those specified in his application for a license.
- C. It shall be unlawful for any person, whether registered under this Chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon or rap or knock upon the door or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting or peddling, as herein defined, prior to eleven o'clock (11:00) a.m. or after eight o'clock (8:00) p.m. Monday through Saturday or at any time on Sunday or a State or national holiday.
- D. The permit and vest as described in Section 3-5-2 shall be displayed conspicuously on the outer garment of a registered peddler or solicitor at all times when the person is engaged in soliciting or peddling in the Village of Lincolnshire.

3-5-10: PLACE OF CONDUCTING BUSINESS

No peddler or solicitor may peddle or solicit on public property in a manner which obstructs reasonable access to the intended and permitted use of the property.

3-5-11: SOLICITING PUBLICLY ON ROADWAYS

- A. No person shall engage in soliciting on any street, highway, or right-of-way in the Village in any manner which tends to impede vehicle or pedestrian traffic or interfere with the permitted and intended uses of the right-of-way.
- B. No solicitation shall be conducted on any public street in the Village from November 1 to March 31 and solicitation must be done during daylight hours.
- C. Soliciting publicly on roadways is limited to intersections controlled with a traffic signal.
- D. Any person engaged in soliciting on public roadways must be 16 years of age or more.
- E. The soliciting agency shall be liable for any injuries to any person or property during the solicitation which is causally related to an act of ordinary negligence of the soliciting agent.

3-5-12: SOLICITING BY MEANS OF PRINTED MATERIALS

- A. Subject to Section 3-5-9-B, individuals may solicit business by means of distributing literature advertising the services or goods offered by their organization by securely affixing the printed material to the exterior portion of an entryway (door to porch). Such distribution of printed material will be conducted in such a manner as to not alert the occupant of the premise.
- B. The printed material may not be any larger than one 8 1/2 x 11 inches sheet of paper, or similar material, and shall include the name of the organization, or person, soliciting business and a contact telephone number.
- C. No permit is required for Soliciting by Means of Printed Material.
- D. Distributing material soliciting services or goods in any other manner not listed in this section, except through means of a common carrier, printed newspapers traditionally delivered or the delivery of materials by the U.S. Postal Service, will be a violation of this section and the advertising individual or organization will be liable for a penalty for the violation of this code.

3-5-13: INDIVIDUALS EXEMPT FROM PERMIT

- A. Individuals under the age of 18 shall not be required to obtain an individual solicitation permit to engage in solicitation within the Village, but must be sponsored by a supervising adult. The supervising adult must apply for the group permit and is subject to the same conditions set forth in this Chapter as other adult solicitors. The supervising adult may be responsible for more than one juvenile. Individuals under the age of 18 will not be required to undergo a background investigation.
- B. Individuals seeking to influence the personal belief of an occupant of any residence on any political or religious matter.
- C. Individuals seeking to obtain donations made incidental to canvassing door-to-door on behalf of any charitable, religious, or political purpose.

3-5-14: PENALTIES

Any person violating any provisions of this Chapter shall be subject to the fine set forth in the Comprehensive Fine Schedule of the Code described in 17-1. (Ord. Amd. 10-3131-08, eff. 3/22/10)