

ORDINANCE # 2024-6-5

AN ORDINANCE AMENDING SOLICITORS AND PEDDLERS IN THE VILLAGE LIMITS

WHEREAS, the Board of Trustees of the Village of Aviston deems it appropriate to modify Chapter 3 of the Code Book of Ordinances pertaining to Solicitors and Peddlers in the Village limits

THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Aviston, Clinton County, Illinois as follows:

Chapter 3 is hereby amended to read as follows:

3-1-1 DEFINITIONS

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

- (A) Soliciting – Soliciting shall mean and include 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 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 non-profit association, organization, corporation or project.
- (B) Peddle – Peddle shall mean the selling, bartering, or exchanging or the offering for sale, barter, or exchange, or any tangible personal property upon or along the streets, highways, or public places of the Village, or from place to place, from any wagon, car, truck, pushcart, or other vehicle or from moving receptacles of any kind, but shall not include the delivery of any item previously ordered by the sale of items along delivery routes where the purchaser has previously requested the seller to stop and exhibit his/her items. Peddlers of meat, fruit, and vegetables, or other farm products are prohibited from setting up roadside stands.
- (C) Residence – Residence shall mean and include every separate living unit occupied for residential purposes by one (1) or more persons, contained within any type of building or structure.

- (D) Registered Solicitor or Peddler – Registered solicitor or peddler shall mean and include any person who has registered with the Village of Aviston, or an authorized representative.

3-1-2 REGISTRATION

All solicitors and peddlers are required to register their name, company, or organization, purpose, number of days and dates. Registration shall be with the Village President, Village Clerk, Police Chief or Patrolman, or a representative designated by the Village Board of Trustees. The list of representatives shall be kept by the Village Clerk and a monthly report of their activities shall be reported to the Board of Trustees.

Additionally, a Village of Aviston Application for Certification of Registration-Solicitor Form will be completed in its entirety along with a one hundred fifty (\$150) certificate fee that will remain active within the designated times for five (5) consecutive business days once the application is approved. A background check fee of one hundred (\$100) dollars must be submitted with the registration form also in addition to a signed Authorization for Release of Information, accompanied by a copy of a state ID or Driver's License.

- (A) Certificate of Registration – Every person desiring to engage in soliciting as herein defined from persons within this municipality is here by required to make written application for a Certificate of Registration as hereinafter provided. All resident charitable, non-profit organizations in this municipality which have been in existence for six (6) months or longer shall be exempt from the provisions of this Article.
- (B) Application for Certificate of Registration – Applications for Certificate of Registration shall be made upon a form provided by the Aviston Police Department or the office of the Village Clerk and filed with the Police Department. The applicant shall truthfully state in full the information requested on the application, to-wit:
 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 (3) years if other than present address.
 3. Age of applicant and marital/partnered status; and if married/partnered, the name of significant other.
 4. Proof of insurance and \$1000 Bond.
 5. Name and address of the person, firm or corporation or association with whom the applicant is employed or represents; and the length of time of such employment or representation.
 6. Name and address of employer during the past three (3) years if other than the present employer.
 7. Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.
 8. Period of time for which the Certificate is applied.

9. The date or approximate date of the latest previous application for Certificate under this Chapter, if any.
10. Has a Certificate of Registration issued to the applicant under this Chapter ever been revoked?
11. Has the applicant ever been convicted of a violation of any of the provisions of this Code or regulations of any other Illinois municipality regulating soliciting?
12. Has the applicant ever been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States?
13. The last three (3) municipalities where the applicant carried on business immediately preceding the date of application in this municipality and the address from which such business was conducted in those municipalities.
14. Also, such additional information as the Police Department may deem necessary to process the application.
15. Two (2) photographs of the applicant, taken within the last sixty (60) days, immediately prior to the filing of this application, are required. Pictures shall be two inches by two inches (2" x 2"), showing the head and shoulders of the applicant in a clear and distinguishing manner.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

The Police Department shall cause to be kept in a safe place, an accurate record of every application received and acted upon, together with all other information and data pertaining thereto and all Certificates of Registration issued under the provisions of this Chapter and of the denial of applications.

Applications for Certificates issued shall be numbered in consecutive order as filed, and every Certificate issued, and any renewal thereof shall be identified with the duplicate number of the application up on which it was issued.

No Certificate of Registration 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 law of the United States within five (5) years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this Chapter, nor to any person whose Certificate of Registration issued hereunder has previously been revoked as herein provided.

- (C) Issuance and Revocation of Certificate – The Police Department, 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 Certificate as herein required, and that the issuance of a Certificate of Registration to the applicant would not be in accord with the intent and purpose of the denial of the application. When the applicant is found to be fully qualified, the Certificate of Registration shall be issued forthwith.
- Any Certificate of Registration issued hereunder shall be revoked by the Police Department if the holder of the Certificate is convicted of a violation of any

provision of this Chapter or has made a false material statement in the application or otherwise becomes disqualified for the issuance of a Certificate of Registration under the terms of this Chapter. Immediately upon such revocation, written notice thereof shall be given by the Police Department to the holder of the Certificate in person or by certified (return receipt requested) US Mail, addressed to his or her residence address set forth in the application. Immediately upon the giving of such notice, the Certificate of Registration shall become null and void. The Certificate of Registration shall state the expiration date thereof.

3-1-3 DUTY OF SOLICITORS AND PEDDLERS

Any solicitor or peddler who has gained entrance to any residence whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

3-1-4 UNINVITED SOLICITING PROHIBITED

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or to 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 of the building and engage in soliciting or peddling as defined, in defiance of a notice exhibited at the residence stated in clear and concise words that soliciting is not invited.

3-1-5 TIME LIMIT ON SOLICITING AND PEDDLING

It is hereby declared unlawful and shall constitute a nuisance for any person, whether registered under this Chapter or not, to solicit or peddle prior to nine (9) a.m. or after five (5) p.m. of any weekday or Saturday. It is unlawful to solicit or peddle at any time during Sunday or any State or National holiday. Special consideration is given to public action groups and religious groups to solicit until eight (8) p.m., in addition to local civic organizations that have been given special permission by the Aviston Village Board.

3-1-6 FRAUD, CHEATING, OR MISREPRESENTATION

Any solicitor or peddler who shall be guilty of any fraud, cheating, or misrepresentation, or in violation of the first five (5) paragraphs of Article 1 of this Chapter, shall be ordered to stop all solicitations and peddling, and arrested or ordered to leave the Village by the Police Chief, a patrolman, or the Village President.

3-1-7 PUBLIC ACTION AND RELIGIOUS GROUPS

Public Action and religious groups must register their members involved in solicitations in the Village. Although they will be allowed to solicit until **eight (8) p.m.**, they must adhere to all other provisions of this Chapter. No fee will be charged to members of these groups.

3-1-8 FEES FOR SOLICITORS AND PEDDLERS

The fee for daily soliciting and peddling shall be one hundred fifty (\$150) dollars for five (5) consecutive days. Days are considered Monday through Saturday 9am – 5pm. Only religious groups, local organizations or groups that have been given special permission by the Aviston

Village Board are exempt from this fee. (Ordinance #2001-6-1, passed and approved June 4, 2001)

3-1-9 PENALTY

Any person found in violation of any section of this Code shall be fined three hundred fifty (\$350) dollars and shall be fined an additional three hundred fifty (\$350) dollars for each additional offense.

A motion was made by Kimi Peck, second by Kyle Markus to approve this ordinance as presented.

AYES: K. Evksgaard, C. Albers, K. Peck, M. Netemeyer, K. Markus

NAYS:

ABSENT: M. Kohnen

ABSTAIN:

Passed and approved this 3rd day of June, 2024.

ATTEST:

Jennifer Jansen
Jennifer Jansen, Village Clerk

Mike Kampwerth
Mike Kampwerth, Village President