

ORDINANCE NO. 453

VILLAGE OF BELLEVUE, ILLINOIS

PASSED
6-0

ORDINANCE REGULATING RESIDENTIAL SOLICITING

new heading
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WHEREAS, the Village Board of Trustees has determined that residential soliciting can be a nuisance to citizens of the Village; and

WHEREAS, Section 11-60-2 of the Illinois Municipal Code (65 ILCS 5/11-60-2) authorizes the corporate authorities of municipalities to define, prevent and abate nuisances; and

WHEREAS, the Village Board has determined that it is in the best interests of the Village and its citizens that restrictions be placed on residential soliciting as set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BELLEVUE, PEORIA COUNTY, ILLINOIS, AS FOLLOWS:

Section 1: Findings of Fact. The Village Board of Trustees hereby finds as fact the recitals set forth above.

Section 2: Definitions. For purposes of this Ordinance, the following words shall have the following meanings:

A. 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 or services, of any kind, character or description whatever, for any kind or consideration whatever; or
2. Seeking to obtain prospective customers for application for 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 or money, clothing or any other valuable thing for the support or benefit of any charitable, religious, political or nonprofit association, organization, corporation or project; or
5. Seeking to proselytize beliefs by any charitable, religious, political or nonprofit association, organization, corporation or project.

B. 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.

C. REGISTERED SOLICITOR shall mean and include any person who has obtained a valid certificate of registration as hereinafter provided, and which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

Section 3: Certificate of Registration. It is hereby declared to be the policy of the Village Board 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 residences. If no determination is made as is provided in Section 7 hereof, registration is not required for soliciting of that particular residence.

Section 4: Application for Certificate of Registration; Fee. Application for a certificate of registration shall be made at the Peoria County Sheriff's Department, 301 North Maxwell Road, Peoria, Illinois 61604, upon a form provided by the Peoria County Sheriff's Department. The applicant shall truthfully state in full the following information:

- A. Name and address of present place of residence and length of residence at such address; business address if other than residence address; social security number;
- B. Address of place of residence during the past three (3) years if other than present address;
- C. Physical description of the applicant; or photograph on driver's license, or state identification card;
- D. Name and address of the person, firm or corporation or association whom the applicant is employed by or represents; and length of time of such employment or representation;
- E. Description sufficient for identification of the subject matter of the soliciting which the applicant will engage in;
- F. Period of time for which the certificate is applied for, which shall not exceed one (1) year;
- G. The date, or approximate date, of the latest previous application for a certificate under this Ordinance, if any;
- H. Whether a certificate of registration issued to the applicant under this Ordinance, or any similar certification issued by any other municipality, has ever been revoked;
- I. Whether the applicant has ever been convicted of a violation of any of the provisions of this Ordinance;
- J. Whether the applicant has ever been convicted of a felony under the laws of the State of Illinois, any other State or the United States.

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

The Peoria County Sheriff's Department shall deliver to the Village Clerk 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 Ordinance, and of the denial of applications.

Section 5: Issuance of Certificate. 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 the United States within five (5) years of the date of application; nor to any person who has been convicted of a violation of any of the provisions of this Ordinance. Further, no certificate of registration shall be issued to any person whose certificate of registration issued hereunder has previously been revoked as herein provided.

The Peoria County Sheriff's 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. When the applicant is found to be fully qualified, the certificate of registration shall be issued forthwith.

Section 6: Revocation of Certificate. Any certificate of registration issued hereunder shall be revoked if (i) the holder of the certificate is convicted of a violation of any of the provisions of this Ordinance or has made a false material statement in the application; (ii) the holder engages in soliciting inconsistent with the information contained in its application; or (iii) the holder becomes disqualified for the issuance of the certificate of registration under the terms of this Ordinance. Immediately upon such revocation, written notice thereof shall be given to the holder of the certificate in person or by certified U.S. 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 hereof.

Section 7: Notice Regulating Soliciting. Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this Ordinance may comply with the following regulations:

- 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 (3" x 4") 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 BELLEVUE INVITED"

or

"NO SOLICITORS INVITED"

- B. The letters shall be at least one-third inch (1/3") in height. For the purpose of uniformity the cards shall be provided by the Peoria County Sheriff's Department to persons requesting.
- C. Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

Section 8: Duty of Solicitors. It shall be the duty of every solicitor upon going onto any premises in the municipality upon which a residence as herein defined is located to first examine the notice provided for in Section 7 of this Ordinance, if any is attached, and be governed by the statement contained on the notice. If the notice states "ONLY SOLICITORS REGISTERED IN BELLEVUE INVITED", then any solicitor not possessing a valid certificate of registration as herein provided shall immediately and peacefully depart from the premises; and if the notice states "NO SOLICITORS INVITED", then any solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

Any solicitor 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.

Section 9: 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 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 as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of Section 7 of this Ordinance.

Section 10: Time Limit on Soliciting. It is hereby declared to be unlawful and shall constitute a nuisance for any person whether registered under this Ordinance or not, to go upon any premises and ring the doorbell upon or near any door of such residence located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of soliciting as herein defined, on any day of the week prior to nine o'clock (9:00) A.M. or after the later to occur of seven o'clock (7:00) P.M. or sunset.

Section 11: Severance Clause. If any section, paragraph clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance.

Section 12: Penalty. Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be subject to a fine of not less than Two Dollars (\$200.00) and not more than Seven Hundred Fifty Dollars (\$750.00) for each offense.

Section 13: Effective Date. This Ordinance shall be in full force and effect, from and after its passage and publication, in accordance law.

PASSED AND APPROVED THIS 11 DAY OF AUGUST, 1997.

VILLAGE OF BELLEVUE, ILLINOIS

By: _____
Ralph E. Wilson
President

Attest: _____
Carol S. Howard
Village Clerk

397-1208