

## CHAPTER 5

### PEDDLERS AND SOLICITORS

#### SECTION:

- 3-5- 1: Definitions
- 3-5- 2: Licensing of Peddling and Commercial Solicitors
- 3-5- 3: Application for License
- 3-5- 4: Issuance and Revocation of Licenses
- 3-5- 5: License Fees
- 3-5- 6: Regulation of Solicitors for Funds
- 3-5- 7: Policy on Soliciting and Peddling
- 3-5- 8: Restrictions Applicable to All Soliciting and Peddling
- 3-5- 9: Place of Conducting Business
- 3-5-10: Revocation of Licenses
- 3-5-11: Penalties

#### 3-5-1: DEFINITIONS:

A. Regarding Peddlers:

#### **PEDDLER**

A person who engages in peddling, including persons required to be licensed pursuant to An Act to License and Regulate the Business of Transient Merchants and to Provide Penalties for the Violation of the Act.<sup>1</sup>

#### **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 charitable purposes on not to exceed one day in any calendar year, or the sale of goods by persons as part of fund raising activities for local schools or youth organizations.

B. Soliciting or Solicitation:

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<sup>1</sup>225 ILCS 460/1

**COMMERCIAL SOLICITING**

The door-to-door selling or offering for sale of 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 local schools or youth organizations where the goods will be delivered at a future date.

**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.

**OTHER SOLICITING**

Shall include soliciting support for political, charitable, religious, or other causes not involving the solicitation of funds.

C. 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.

**3-5-2: LICENSING OF PEDDLING AND COMMERCIAL SOLICITORS:** It shall be unlawful for any person to engage in the business of Peddling or Commercial Soliciting in the Village without first having a license as herein provided.

**3-5-3: APPLICATION FOR LICENSE:**

A. The application for a license shall be made under oath upon a form provided by the Chief of Police. Each original application shall be completed by the applicant in full and shall set forth:

1. The applicant's name, address and zip code, social security number, date of birth, sex, and a physical description of the applicant;
2. The name, address and telephone number of the person, firm, corporation, association or organization whom the applicant is employed by or represents, and the length of time of such employment or representation;

3. A description sufficient for identification of the subject matter of the soliciting in which solicitor applicants will engage or the wares peddlers will sell or take orders for;
  4. The period of time for which the license is applied for;
  5. The date, or approximate date, of the latest previous application for license under this Chapter;
  6. Whether a license issued to the applicant under this Chapter, or its predecessor, has ever been revoked;
  7. Whether the applicant has ever been convicted of a violation of any of the provisions of this Chapter, its predecessor, or the ordinance of any other Illinois municipality, or any Illinois Statute, regulating soliciting;
  8. 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 Federal laws of the United States;
  9. Evidence that the applicant is authorized to solicit for the organization represented;
  10. The number and description of vehicles used.
- B. All applicants for a license under this Chapter shall attach to their application two (2) color photographs of the person in whose name the license is to be issued. All such photographs shall be a head and shoulders shot and shall measure one inch (1") wide by one and one-half inches (1-1/2") high.
- 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 licenses issued under the provisions of this Chapter, and of the denial of applications. Applications for licenses shall be numbered in consecutive order, as filed, and every license issued shall be identified with the duplicate number of the application upon which it was issued.
- D. No license 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 license issued hereunder has previously been revoked, as herein provided.

**3-5-4: ISSUANCE AND REVOCATION OF LICENSES:** The Chief of Police, upon receipt of a properly completed application, but in no event later than five (5) working days after the receipt of the application, 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.

**3-5-5: LICENSE FEES:** The license fee for peddlers and commercial solicitors shall be as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code, each license to be valid for no more than one year from the date of issuance.

**3-5-6: REGULATION OF SOLICITORS FOR FUNDS:** Solicitors for funds must comply with the "Solicitation for Charity Act", 225 ILCS 460 et. al., and must register with the Chief of Police at least five (5) working days prior to soliciting funds. The applicant in registering must furnish all the information required in the application for license provided in Section 3-5-3 of this Chapter and evidence of compliance with said State law, but no license fee or license shall be required. Solicitors for funds for organizations that have had a fixed place of operation in Lincolnshire for over two (2) years shall be exempt from registering under this Chapter, provided said organization has on file in the Village at a place accessible to the Chief of Police, a list of names and addresses of its solicitors available for inspection; and provided that said organization is in compliance with the Act to Regulate Solicitors referred to herein above.

**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: RESTRICTIONS APPLICABLE TO ALL SOLICITING AND PEDDLING:**

A. 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 a notice, prominently displayed upon which is printed the legend:

**"ONLY SOLICITORS OR PEDDLERS REGISTERED  
IN LINCOLNSHIRE INVITED"**

or

**"NO SOLICITORS OR PEDDLERS"**

For purposes of the preceding sentence, a dwelling house, apartment or other place of residence shall be deemed to be posted against solicitation or peddling if there is exhibited, on or near the main entrance to the premises or on or near the main door to any residence located thereon, a sign at least three inches (3") by four inches (4") in size and with letter at least three-eighths inch (3/8") in height, which bears the above legend. Signs complying with the foregoing requirements shall be made available at cost at the office of the Village Clerk to persons requesting the same.

3. Who engages in solicitation or peddling to use any plan, scheme or ruse to make any statement which indicates or implies that the purpose of such person's solicitation is other than to obtain orders for or to make sales of goods or services.
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.
6. To solicit or peddle in any public right-of-way, nor otherwise interfere with vehicular, bicycle, or pedestrian traffic on any public right-of-way. (Amd. Ord. 08-3037-20, eff. 5/27/08)

- B. 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 nine o'clock (9:00) A.M. or after five o'clock (5:00) P.M. Monday through Saturday or at any time on a Sunday or a State or national holiday, except in the case of a solicitation by a charitable or nonprofit organization which may not engage in soliciting prior to nine o'clock (9:00) A.M. or after nine o'clock (9:00) P.M. Monday through Friday and after six o'clock (6:00) P.M. on Saturday or at any time on a Sunday or a State or national holiday.

C. The license 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.

**3-5-9: PLACE OF CONDUCTING BUSINESS:** No peddler or solicitor may peddle or solicit on public property in one place for longer than one-half (1/2) hour. After the expiration of one-half (1/2) hour, he must move to a different location which is at least six hundred sixty feet (660') away.

**3-5-10: REVOCATION OF LICENSES:** Any license or registration under this Chapter may be revoked by the Village Manager and the cash deposit revoked because of any violation of any provisions of this Chapter or of any other ordinance of the Village, or of any State or Federal law, but not before the licensee or registrant has been given at least ten (10) days' notice of hearing on the violations and revocation of the license. At said hearing the licensee and his attorney may present and submit evidence and witnesses in licensee's defense.

**3-5-11: 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)