

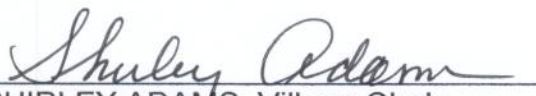
VILLAGE OF PALESTINE, ILLINOIS

ORDINANCE NO. 2018-O- 13

AN ORDINANCE TO AMEND CHAPTER 32,  
BUSINESS REGULATIONS, SECTION 32.09  
SOLICITOR'S CERTIFICATES OF THE PALESTINE VILLAGE CODE

ADOPTED BY THE BOARD OF TRUSTEES  
OF THE VILLAGE OF PALESTINE, ILLINOIS  
THIS 4<sup>th</sup> DAY OF October, 2018

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF  
THE BOARD OF TRUSTEES OF THE VILLAGE OF PALESTINE,  
CRAWFORD COUNTY, ILLINOIS  
THIS 4<sup>th</sup> DAY OF October, 2018

  
SHIRLEY ADAMS, Village Clerk

**ORDINANCE 2018-O- 13**

**AN ORDINANCE TO AMEND CHAPTER 32,  
BUSINESS REGULATIONS, SECTION 32.09  
SOLICITOR'S CERTIFICATES OF THE PALESTINE VILLAGE CODE**

BE IT ORDAINED by the Board of Trustees of the Village of Palestine, Crawford County, Illinois, that CHAPTER 32, BUSINESS REGULATIONS, SECTION 32.09 SOLICITOR'S CERTIFICATES, of the Palestine Village Code, be, and the same is hereby amended such that SECTION 32.09 SOLICITOR'S CERTIFICATES, shall be in its entirety, as follows:

**SECTION 32.09 DOOR-TO-DOOR SOLICITATION**

**ARTICLE 1 – IN GENERAL**

**SECTION 32.09 -1- SOLICITATION PROHIBITED**

(a) No person shall engage in commercial solicitation upon any premises without prior invitation from the occupant thereof if such premises is posted with a notice prominently displayed upon which is printed "No Commercial Solicitors" or "No Commercial Solicitation". For the purposes of this subsection, a dwelling house or apartment or other residence will be deemed to be posted against solicitation if the above notice is exhibited on or near the main entrance to the premises or on or near the main door to any residence located thereon.

(b) No person shall engage in any form of solicitation upon any premises without prior invitation from the occupant thereof if such premises is posted with a notice prominently displayed upon which is printed "No Solicitors" or "No Solicitation". For the purposes of this subsection, a dwelling house or apartment or other residence will be deemed to be posted against solicitation if the above notice is exhibited on or near the main entrance to the premises or on or near the main door to any residence located thereon. This provision shall apply to all solicitation including, but not limited to commercial, religious, charitable, non-profit, or political.

**SECTION 32.09 -2- COMMERCIAL SOLICITATION PERMIT REQUIRED.**

It shall be unlawful for any person to engage in door-to-door commercial solicitation activities within the Village without first obtaining a door-to-door solicitation permit issued by the Village of Palestine. Unless authorized or permitted pursuant to the terms and provisions of this chapter, the practice of being in and upon private



residential property within the city by solicitors for the purpose of commercial solicitation, the same is prohibited and is punishable as set forth in this chapter.

### **SECTION 32.09 -3- EXEMPTIONS.**

(a) Any solicitor previously invited by the owner or occupant of the private residential property is exempt from the prohibitions under sections 32.09 -1 and 32.09 - 2. Such invitation shall not relieve the commercial solicitor from complying with all other terms and provisions of this chapter including the requirement to obtain a door-to-door solicitation permit.

(b) Those persons engaged in non-commercial solicitation as defined herein, are not required to obtain a door-to-door solicitation permit.

### **SECTION 32.09 -4- POSSESSION AND DISPLAY OF LICENSE.**

Every person permitted pursuant to this chapter must at all times possess and display their door-to-door solicitation permit in a conspicuous place while soliciting, and shall produce the same whenever requested to do so by a police officer or other person.

### **SECTION 32.09 -5- DOOR-TO-DOOR SOLICITATION RESTRICTIONS.**

(a) No person will engage in solicitation upon any residential premises after having been asked by the owner or occupant thereof to leave such premises or residence.

(b) There will be no solicitation upon any residential premises, other than upon prior invitation by the occupant, prior to 9:00 a.m. or after 8:00 p.m., of any day.

(c) Not more than two (2) individuals will engage in solicitation upon any residential premises at the same time for the same goods or merchandise, services, or for religious or charitable purposes. Each individual member of a group engaged in solicitation in violation of this provision will be deemed to have violated such provision.

(d) Every person engaged in solicitation shall, at the time of initial contact with a prospective customer or donor, immediately identify himself and truthfully state the purpose of the solicitation.

## **ARTICLE 2 – DOOR-TO-DOOR SOLICITATION PERMITS**

### **SECTION 32.09 -6- APPLICATION CONTENTS/FEEES.**

(a) Each person applying for a door-to-door solicitation permit shall submit written application on forms provided by the Village with payment of the permit fee, to the Village of Palestine. The applicant shall state upon oath or affirmation that the

information contained in the application is truthfully provided to the best of their knowledge and belief.

(b) The applicant shall supply the following information and any such additional information that the Village may include upon the application form:

- (1) Applicant's true and correct name, and any former names or aliases;
- (2) Applicant's business address and business telephone number;
- (3) If different from the applicant, the name, address and phone number of the responsible person or entity;
- (4) The name, address and phone number of the applicant's immediate supervisor, if any;
- (5) Information regarding the business including, without limitation, its legal status and proof of registration with, or a certificate of good standing from the Illinois Secretary of State;
- (6) Proof the applicant or the applicant's company has registered with the Illinois Department of Revenue for the payment of sales tax;
- (7) Proof that the applicant or the applicant's company has obtained a valid Village of Palestine Business License in accordance with Chapter 31 of the Palestine Village Code.
- (8) A brief explanation of the nature and duration of the solicitation activity that requires a permit under this chapter;
- (9) Whether a permit, license or registration in connection with soliciting has ever been revoked by any jurisdiction and an explanation of the circumstances;
- (10) A complete list of all persons to be authorized to solicit under the permit;
- (11) For each person authorized to solicit under a permit, the following information:
  - (a) Name, address, phone number and date of birth;
  - (b) Proof of identification by submittal of any of the following that bear a photograph of said person:



- any state;
- i. A valid U.S. driver's license or identification card issued by any state;
  - ii. A valid United States uniformed service identification card;
  - iii. A valid U.S. passport; or
  - iv. U.S. Citizenship and Immigration Services Green Card.

(12) Any other information determined to be relevant by the administrative official; and

(13) Permit fees as adopted by the Village of Palestine.

### **SECTION 32.09 -7- COMMERCIAL PERMIT HOLDER RESPONSIBILITIES.**

(a) Any person seeking to engage in door-to-door commercial solicitation must obtain a door-to-door solicitation permit from the Village and pay the permit fee as provided in this chapter before commencing any such solicitation.

(b) All door-to-door solicitation permits shall be issued in the name of the applicant. Upon issuance of each permit, the Village shall create and maintain a list of all persons authorized to engage in commercial solicitation under the permit. It shall be the sole responsibility of the permit holder to:

(1) Provide a copy of the permit to each person authorized to engage in solicitation under the permit;

(2) Ensure that each person authorized to solicit under the permit complies with the terms and conditions of the permit and with the provisions of this chapter;

(3) Notify the Village in writing of any persons added to or deleted from the list of authorized solicitors; and

(4) Submit to the Village, for each person to be added to such list, the information required under subsection 32.09 -6- b.

(c) The Village of Palestine shall, within five (5) business days of the Village's receipt of a complete application for a permit under this chapter, issue such permit, together with a list of all persons authorized to engage in door-to-door commercial solicitation under the permit, unless the Village determines that the permit application is denied under the criteria stated in Section 32.09 -9.

**SECTION 32.09 -8- PERSONS PROHIBITED.**

A person shall not be eligible for issuance of a permit nor be authorized under a permit under this chapter if:

(1) A permit previously issued to such a person by the Village under Section 32.09 -7 has been revoked by the Village under Section 32.09 -9.

**SECTION 32.09 -9- DENIAL OR REVOCATION OF A PERMIT.**

The Village shall deny an application for a permit, refuse to renew a permit or revoke a permit issued under this chapter if the Village determines that the applicant has:

(1) Made any material misrepresentation or false statement in the application for the permit;

(2) Failed to notify the Village if any person authorized to solicit under the permit including the applicant, becomes a prohibited person as outlined in Section 32.09 -8.

(3) Failed obtain necessary licenses as required by the Village, including but not limited to a sales and use tax license, or an occupational tax license;

(4) Failed to conduct and/or supervise solicitation activities under the permit so as to reasonably ensure that such solicitation is in compliance with the terms of the permit and with the provisions of this chapter; or

(5) Authorized, condoned or knowingly tolerated any unlawful solicitation or any solicitation conducted in such a manner as to constitute a menace to the health, safety, or general welfare of the public.

**SECTION 32.09 -10- PERMIT TERM.**

Unless otherwise revoked under Section 32.09 -9, a door-to-door solicitation permit shall expire when the applicant's Village of Palestine business license expires.

**ARTICLE 3 – DEFINITION OF TERMS**

**SECTION 32.09 -11- DEFINITIONS.**

The following definitions shall apply in the interpretation and enforcement of this chapter:



Commercial solicitor shall mean any person, whether as volunteer, owner, agent, consignee or employee, who engages in door-to-door commercial solicitation.

Door-to-door commercial solicitation shall mean attempting to make personal contact with any person at his residence, without prior invitation by or appointment with the resident, for the primary purpose of:

(1) Attempting to sell, for present or future delivery, any goods, wares or merchandise, newspaper or magazine subscriptions, or any services to be performed immediately or in the future, whether or not the person has, carries or exposes a sample of such goods, wares or merchandise, and whether or not he is collecting advance payments for such sales and services;

(2) Seeking or attempting to obtain contributions of money or any other thing of value for the benefit of any association, organization, corporation, or program, excluding those defined under door-to-door non-commercial solicitation;

(3) Personally delivering to the resident a handbill or flyer advertising a commercial event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a future time.

Door-to-door non-commercial solicitation shall mean attempting to make personal contact with any person at his residence, without prior specific invitation by or appointment with the resident, for the primary purpose of:

(1) Seeking or asking for a gift or donation for a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501 (c);

(2) Soliciting the sale of goods, wares or merchandise for present or future delivery, or the sale of services to be performed immediately or in the future, with the entire proceeds of such sale to be paid directly to, or used exclusively for the benefit of, a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501 (c);

(3) Personally delivering to the resident a handbill or flyer advertising a future not-for-profit event, activity, good or service;

(4) Distribution of religious tracts and information on behalf of a religious organization;

(5) Door-to-door canvassing and pamphleteering as a vehicle for the dissemination of ideas, or views or opinions by one engaged in political activities as a candidate or on behalf of a candidate in a recognized federal, state or local election, or on behalf of an issue on an upcoming ballot.

Door-to-door solicitation permit shall mean a document issued by the Village of Palestine authorizing a commercial solicitor to engage in door-to-door commercial solicitation.

Employer shall mean any person, company, corporation, business, partnership, organization, or any other entity on behalf of whom a person is acting.

"No Commercial Solicitors" or "No Commercial Solicitation" sign shall mean a prominently displayed sign that is exhibited on or near the main entrance to the premises or on or near the main door to any residence, stating "No Commercial Solicitors" or "No Commercial Solicitation" and applies only to commercial solicitation.

"No Solicitors" or "No Solicitation" Sign shall mean a prominently displayed sign that is exhibited on or near the main entrance to the premises or on or near the main door to any residence, stating "No Solicitors" or "No Solicitation" and applies to all form of solicitation.

Non-commercial solicitor shall mean any person, whether as volunteer, owner, agent, consignee or employee, who engages in door-to-door non-commercial solicitation.

Permit holder shall mean any person to whom a permit has been issued under the provisions of this chapter.

Public entity shall mean the state, county, municipality, school district, special improvement district, and any other kind of district, agency, instrumentality, or political subdivision thereof organized pursuant to law and any separate entity created by intergovernmental contract or cooperation only between or among the state, county, municipality, school district, special improvement district, and every other kind of district, agency, instrumentality, or political subdivision thereof.

Residence shall mean a private residence in the city, including but not limited to condominium units and apartments, and shall include the yards, grounds or hallways, thereof.

## **ARTICLE 3 – PENALTIES FOR VIOLATIONS**

### **SECTION 32.09 -12- VIOLATIONS AND PENALTIES.**

Any person, partnership, corporation, or other entity violating any provision of this Ordinance, or any rule or regulation adopted or issued in pursuance thereof, upon conviction shall be subject to a fine of not less than \$55.00 nor more than \$750.00, attorney's fees in the minimum amount of \$175.00 per hour, and Court costs of prosecution.



This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.


Upon roll call vote the following Trustees voted yea:

*HARRY Gene Purcell, MARY Michael, Tim McDANIEL,  
J. R. DUNLAP, BRIAN NETHERT, George HARRISON.*

Upon roll call vote the following Trustees voted nay:

Passed, approved and published in pamphlet form this 4<sup>th</sup> day of

October, 2018.

  
*James R. Byrley*  
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JAMES R. BYRLEY, President of the  
Board of Trustees

ATTEST:

*Shirley Adams*  
\_\_\_\_\_  
SHIRLEY ADAMS, Village Clerk