

**ORDINANCE NO. O-20-07**

**AN ORDINANCE AMENDING TITLE 4 OF THE VILLAGE CODE OF CAMPTON HILLS, KANE COUNTY, ILLINOIS RELATING TO PEDDLERS AND SOLICITORS**

**WHEREAS**, the Village of Campton Hills, Kane County, Illinois (the "*Village*") is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

**WHEREAS**, the Village President and Board of Trustees of the Village of Campton Hills, Kane County, Illinois (the "*Corporate Authorities*") may from time to time amend the text of the Village Code of Campton Hills (the "*Code*") when it is determined to be in the best interests of the health, safety and welfare of the Village and its residents; and

**WHEREAS**, the Corporate Authorities desire to amend its solicitor and peddler regulations in order to prevent fraud and criminal activity, such as burglary, theft and assault, and to protect the privacy of residents in their homes by requiring commercial peddling and soliciting activity, as well as soliciting activity involving the solicitation of money, clothing and other valuable items, to be certified and registered and to impose narrowly tailored restrictions on such activities occurring within the Village that balance the Village's legitimate concern with crime prevention and the health, safety and welfare of its residents against the right of persons to engage in soliciting or peddling as a form of constitutionally protected free expression; and

**WHEREAS**, the regulations provided herein will further assist the Village in its ability to efficiently allocate limited police services within the Village to better protect the health, safety and welfare of its residents; and

**WHEREAS**, the Corporate Authorities find that it is in the best interest of the health, safety

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and welfare of the residents of the Village to provide for the regulations herein specified.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Campton Hills, Kane County, Illinois, as follows:

**Section 1.** That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

**Section 2.** Section 4-2-1 ("*Definitions*") of Chapter 2 ("*Peddlers and Solicitors*") of Title 4 ("*Business and License Regulations*") of the Village Code of Campton Hills, Illinois is hereby amended by deleting the stricken language and adding the underlined language as follows:

**4-2-1: Definitions:**

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SOLICITING: Any one or more of the following activities:

- A. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, insurance, subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication, or services of any kind, character or description whatsoever, for any kind of consideration whatsoever, all for future delivery.
- ~~B. Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation, or project.~~

**Section 3.** Section 4-2-2 ("*Certificate of Registration*") of Chapter 2 ("*Peddlers and Solicitors*") of Title 4 ("*Business and License Regulations*") of the Village Code of Campton Hills, Illinois, is hereby amended by deleting the stricken language and adding the underlined language to read as follows:

**4-2-2: CERTIFICATE OF REGISTRATION:**

- A. Certificate Required: Prior to engaging in any "soliciting" or "peddling" activities in the Village, as defined by this chapter, any person or entity, as the case may be, must

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first apply for and secure a certificate of registration as provided by this section for each person engaging in such activity. A certificate of registration issued pursuant to this Chapter 2 is non-transferable.

B. Ineligibility For Certificate: The following persons shall be ineligible for a certificate of registration, ~~unless specifically approved by the Board of Trustees:~~

1. 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; or

2. Any person who has been convicted of a violation of any of the provisions of this chapter; or

3. Any person whose certificate of registration issued hereunder has previously been revoked as herein provided.

4. Any person who has previously been issued certificates of registration for a total of 180 days in a current calendar year.

5. Any person applying for a certificate of registration to conduct activities on behalf of an entity, where such entity has seven (7) persons currently certified hereunder on its behalf.

C. Application For Certificate:

1. Form And Oath: Application for a certificate of registration shall be made by each individual and by each entity upon a form provided by and filed with the Village Clerk. The applicant shall state, under oath, such information requested on the application form as is required by the provisions of this chapter and such other relevant information as determined by the Village Clerk.

2. Identification: An applicant for a certificate of registration must submit a valid drivers' license or State issued photo identification card with the application form, a copy of which will be attached to the certificate of registration.

~~3. Pre-Approval Process: Anyone seeking to solicit for a charitable or nonprofit association or organization may apply for and obtain pre-approval by the Board of Trustees for all of the association or organization's soliciting activities within a calendar year by submitting a prior request to the Village Clerk, who will forward the request to the Board of Trustees for consideration. As part of the pre-approval process, the Board of Trustees has the authority to waive the applicable fees and other requirements of this chapter.~~ Entity Information. The name and address of the entity on whose behalf the soliciting or peddling activity is being conducted, together with credentials establishing the applicant's relationship to the entity. Additionally, the applicant shall supply the name, contact information and location

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of the nearest supervisor or manager overseeing the soliciting or peddling activity that is subject to the application.

D. Fees:

1. Fees Established: Fees shall be paid at the time of filing the application, as follows:

All persons who apply for a certificate under this Chapter 2 shall in addition to the fee identified below pay an application processing and background check fee of \$25, which shall be non-refundable.

<b>Duration of Certificate Requested</b>	<b>Fee Per Person And, If Applicable, Each Entity</b>
<u>1 day Single Day</u>	\$35.00
<del>More than 1 day and not more than 1 week</del> <u>30 Day</u>	<del>50.00</del> <u>\$75.00</u>
<del>More than 1 week and not more than 1 year</del> <u>90 Day</u>	<del>75.00</del> <u>\$200.00</u>

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F. Revocation Of Certificate: Any certificate of registration issued hereunder may be revoked by the Village President if the holder of the certificate is found by the Village to be in violation of any of the provisions 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 Village President to the holder of the certificate in person, email with proof of transmission, or by certified U.S. mail addressed to his address set forth in the application. Immediately upon the giving of such notice of revocation, the certificate of registration shall become null and void; provided, however, that the certificate holder may request, in writing within 10 days of the revocation, a post-revocation hearing before the Board of Trustees, which shall be heard at the next following board meeting which is scheduled at least three (3) business days after Village receipt of the certificate holder's request.

G. Records Kept: The Office of the Village Clerk shall cause to be kept ~~in his office~~ an accurate record of every application received and acted upon, together with all other information and data pertaining thereto, and of all certificates of registration issued under the provisions of this chapter, and of the denial of applications. Applications for certificates 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 upon which it was issued.

**Section 4.** Section 4-2-6 ("*Time Limit on Soliciting*") of Chapter 2 ("*Peddlers and*

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*Solicitors*”) of Title 4 (“*Business and License Regulations*”) of the Village Code of Campton Hills, Illinois, is hereby amended by deleting the stricken language and adding the underlined language to read as follows:

**4-2-6: TIME LIMIT ON SOLICITING**

It is hereby declared to be unlawful and shall constitute a nuisance 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 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" or "peddling", both as defined in section 4-2-1 of this chapter, prior to nine o'clock (9:00) A.M. or after ~~seven~~ five o'clock (75:00) P.M., Monday through Saturday, ~~or at any time on a Sunday or on a State or national holiday.~~

**Section 5.** Any certificate of registration under Chapter 2 of Title 4 of the Campton Hills Village Code issued prior to the effective date of this Ordinance shall remain valid through its expiration date notwithstanding the amendments set forth herein.

**Section 6.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

**Section 7.** All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 8.** This Ordinance shall be in full force and effect upon its passage, approval, and publication in the manner provided by law.

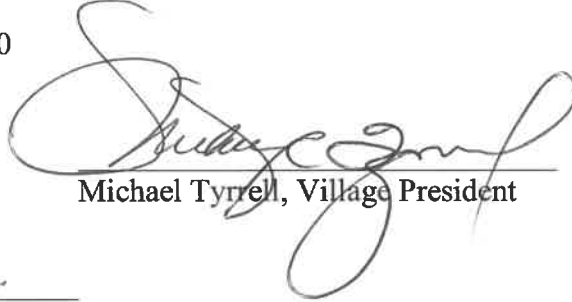
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Passed this 5th day of May 2020, pursuant to a roll call vote as follows:

	AYES	NAYES	ABSENT	ABSTAIN
Trustee Darlene Bakk	<u>✓</u>	_____	_____	_____
Trustee Susan P George	<u>✓</u>	_____	_____	_____
Trustee Jim McKelvie	<u>✓</u>	_____	_____	_____
Trustee Mike Millette	<u>✓</u>	_____	_____	_____
Trustee Michael O'Dwyer	<u>✓</u>	_____	_____	_____
Trustee Wendy K. White Eagle	<u>✓</u>	_____	_____	_____
President Michael Tyrrell	_____	_____	_____	_____

APPROVED this 5th day of May 2020

  
\_\_\_\_\_  
Michael Tyrrell, Village President

(SEAL)

ATTEST:

  
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Lynn Baez, Village Clerk