

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES
OF THE VILLAGE OF DAKOTA**

**AMENDS AND REPLACES TITLE 3, CHAPTER 2
PEDDLERS, SOLICITORS AND TEMPORARY VENDORS**

ORDINANCE NO. 2023-0821

WHEREAS, the Village of Dakota, Illinois (“Village”) has Codified Ordinances of the Village (the “Code”); and

WHEREAS, the Village Code requires that a Solicitation Permit be obtained in narrow circumstances in order for persons to engage in door-to-door solicitation, sales, or canvassing within the Village; and

WHEREAS, the Village recognizes that the appearance of a stranger at a resident's front door can create discomfort on the part of many residents, particularly in light of the Village's small size and closely knit community; and

WHEREAS, the Village believes it is in the best interests of public safety to restrict the access of potentially dangerous persons to private residences where vulnerable minors and elderly persons may reside; and

WHEREAS, the Village wishes to protect the rights of private residences to remain undisturbed by uninvited solicitors, for any reason, if the resident so chooses; and

WHEREAS, the Village believes it is in the interests of public safety and welfare to require persons going door-to-door, for any purpose, to abide by a uniform set of rules designed to protect the public safety, welfare, and peace of mind; and

WHEREAS, the Village acknowledges the need to balance the above-referenced purposes with the rights of persons to freedom of speech and expression, as well as allowing for the uninterrupted pursuit of legitimate business purposes; and

WHEREAS, the Village has determined that updating its existing Code with the provisions set forth herein strikes an appropriate community balance between public safety, welfare, and peace of mind against the rights of persons to freedom of speech for religious, political, or business purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF THE VILLAGE OF DAKOTA, ILLINOIS AS FOLLOWS:

Section 1. The above-recitals are incorporated herein and made a part hereof.

Section 2. Chapter 2 of Section 3 of the Codified Ordinances is hereby DELETED in its entirety, and replaced with the following provisions:

CHAPTER 2

PEDDLERS, SOLICITORS and TEMPORARY VENDORS

3-2-1: DEFINITIONS

The following definitions shall apply to terms whenever utilized in this this Chapter:

“Applicant” means any person that files an application for a solicitation permit provided by this chapter.

“Charitable solicitation” means conduct whereby a person solicits property, financial aid, gifts in money, donations, contributions, any article representing monetary value, sells, or offers to sell, a product, article, tag, service, publication, ticket, advertisement, or subscription on the plea or representation, whether expressed or implied, that the proceeds from the solicitation or sale are for a charitable purpose.

“Charitable purpose” means the use of money or property for the benefit of any charitable, religious, benevolent, humane philanthropic, patriotic, or eleemosynary purpose.

“Commercial home merchandising” means any commercial activity conducted for the purpose of selling, offering to sell, soliciting, taking orders, offering services of any kind, character, or description, other than newspaper or magazine subscriptions, or making demonstrations of any goods, wares, chattel, or things of value for immediate delivery or to be delivered or performed in the future, by any person who goes from residential dwelling to residential dwelling or residential dwelling to residential dwelling or upon any other privately owned property within the Village.

“Contribution” means the promise or grant of any money or property of any kind or value, including the promise to pay or to give anything of value including, but not necessarily limited to, alms, food, clothing, money, subscription, property or donations under the guise of a loan of money or property, financial assistance or other thing of value.

“Political solicitation” means solicitation engaged in for the purpose of lobbying, campaigning, promoting, advancing, espousing or benefiting a political cause, party or candidate for political office.

“Religious or religious purpose” means the means of or relating to an organized religion or religious group or identifiable and definable set of religious beliefs or other ideology.

“Religious solicitation” means solicitation engaged in for a religious purpose.

“Solicitation” means communicating with another person without invitation for a specific commercial, charitable, religious, political or other purpose by means of:

- (1) In-person contacts on streets, highways, sidewalks and at residences within the Village; or
- (2) Distribution of written material, including the placement or delivery of such materials at the premises or on any property belonging to a third person.

“Village” Means the Village of Dakota, Illinois.

3-2-2 : PERMIT REQUIRED.

It is unlawful for a person to engage in commercial home merchandising activities within the corporate boundaries of the Village without having first applied for and obtained a permit from the Village President.

3-2-3 : EXEMPTIONS.

Persons engaged in charitable, political or religious solicitation are exempt from the permit requirements of this Chapter. Provided, notwithstanding the exemption from registration, all persons exempt from the permit requirements remain subject to the nuisance, trespass and other restrictions contained in this Chapter, including, but not limited to, the restrictions in Sections 3-2-6 and 3-2-7 of this Chapter.

3-2-4 : APPLICATION.

(a) Every person required to obtain a solicitation permit shall make a written application for a solicitation permit, pay the solicitation permit fee as established by the Village, and obtain a solicitation permit prior to engaging in solicitation within the Village.

(b) Application for the solicitation permit shall be made on the form provided by the Village and shall be submitted to the Village days prior to the date on which the solicitation is to begin and shall be accompanied by the proper documentation necessary to complete the application. The applicant shall truthfully state in full the following information requested on the application:

- (1) Full name as it appears on a driver's license, state ID, Social Security card or birth certificate, birth date, mailing address and telephone number of the individual person who will be engaged in the proposed solicitation;
- (2) Present address and address of places of residence during the past three (3) years, if other than present address;
- (3) Name, address and telephone number of the person, firm, corporation or association by whom or on behalf of whom the applicant is employed, sponsored, promoting or conducting the proposed solicitation;

- (4) Name and address of all employers during the past three (3) years;
- (5) The nature of the business or activities conducted by the person or organization on whose behalf the proposed solicitation will be conducted;
- (6) Period of time for which the permit is applied, including the beginning date, hours and expected duration of the proposed solicitation;
- (7) Whether a solicitation permit issued to the applicant under this chapter or by any other issuing agency has ever been revoked;
- (8) Whether the applicant ever been convicted of a violation of any of the provisions of this chapter or the ordinance or laws of any other state or municipality regulating solicitation;
- (9) Whether the applicant has ever been convicted of physical abuse, sexual abuse or assault of any person, or exploitation of a minor under the laws of this or any other state or under federal law at any time within the preceding five (5) years, and whether they are subject to public reporting requirements under the laws of any State;
- (10) Whether the applicant has ever been convicted of the commission of a felony and/or any crime involving moral turpitude under the laws of this state or any other state or federal law of the United States;
- (11) If more than one solicitor will be soliciting on behalf of a person or organization, then the name(s), address(es), and telephone number(s) of the person(s) who will be in direct charge of the solicitors on behalf of the person or organization;
- (12) Such additional information and any documentation as the finance department may deem necessary to process the application.

3-2-5. NO SOLICITATION SIGNS AND TRESPASS.

- (a) Any owner, lessee, invitee or lawful occupant of a residence may prohibit solicitation by posting prominently on the front door, and upon any other door or prominent location of the residence, a sign which states, "No Solicitors" or "No Trespassing" or words of similar meaning. Whenever any person engaging in solicitation, whether having a solicitation permit or not, encounters such a sign described above, such person shall not engage in solicitation at such premises and shall immediately and peacefully depart from the premises.
- (b) When any solicitor has gained entrance to a residence, whether or not the residence is posted pursuant to subsection (a) of this section, the solicitor shall immediately and peacefully depart from the premises when requested to do so by any owner, lessee, invitee or lawful occupant.

(c) It is declared to be unlawful and shall constitute a nuisance and a trespass:

(1) For any person to go upon or about any residence and ring the doorbell, knock, 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 for the purpose of soliciting at any premises, which has posted a sign in accordance with the provisions of subsection (a) of this section;

(2) For any person to place or deposit or in any manner to affix or cause to be placed or deposited or affixed written materials to or inside of a door or about or around any premises on which a sign is posted in accordance with the provisions of subsection (a) of this section; or

(3) For any person to remain on the premises or fail to depart peacefully from a premises immediately upon being requested to do so by the occupant, whether a sign is posted or not.

(d) The provisions in this section prohibiting trespassing shall apply to any and all persons engaging in solicitation within the Village of Dakota regardless of whether such persons are exempt from the requirement to obtain a solicitation permit.

3-2-6. TIME, PLACE AND MANNER RESTRICTIONS.

(a) Every solicitor who is required to obtain a solicitation permit shall display the solicitation permit, or other authorized form of identification, on their person so that every person being solicited shall have an unobstructed view of the solicitation permit.

(b) No person shall engage in solicitation within the Village in such a manner that creates a danger or threat of any kind to the public health, safety and welfare or is a violation of state or federal law.

(c) No person engaged in solicitation shall use abusive, vulgar, obscene or offensive language while engaged in solicitation within the Village.

(d) No person engaged in solicitation shall threaten to use force, use force or otherwise coerce a person being solicited within the Village.

(e) For the safety of minors involved in solicitation, no parent, guardian or other person responsible for a minor shall allow a minor in his or her charge to engage in solicitation except during daylight hours, from one-half hour after sunrise to one-half hour before sunset, unless accompanied by an adult responsible for the minor's well-being.

(f) No person may engage in charitable solicitation of funds from another person in the Village in violation of the Solicitations for Charity Act (225 ILCS 460/1 et seq.).

(g) No person shall engage in solicitation activities on or upon private residential property between the hours of 8:00 p.m. and 9:00 a.m.

- (h) It shall be unlawful for any person engaged in solicitation to make any assertion, representation, or statement of fact that misrepresents the purpose of his call, or use any plan, scheme, or ruse that misrepresents such purpose.
- (i) It shall be unlawful for any person engaged in solicitation to fail to provide, at the request of the purchaser, a written receipt, which receipt shall be signed by the person making the sale and set forth a brief description of the goods or services sold, the total purchase price thereof, amount of cash payment, if any, and the balance due and terms of payment, if any.
- (j) No person engaged in solicitation shall:
 - (1) Obstruct any public street, public highway, public sidewalk, or public alley or way, or any other public place or building by hindering, or impeding or tending to hinder or impede, the free and uninterrupted passage of vehicles, traffic, or pedestrians;
 - (2) Commit in or upon any public street, public highway, public sidewalk, alley, or public way or any other public place or building, any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public place or building, which prevents the free and uninterrupted ingress, egress, or regress therein, thereof, and thereto, and no person shall, by his presence or by other means, either alone or in consort with others, interfere with or interrupt the conduct of business in the offices located in such buildings; or
 - (3) Obstruct or interfere with the free and uninterrupted use of private residential property as a residence by hindering or impeding, or tending to hinder or impede, the free, uninterrupted passage of vehicles or persons.

3-2-7. PROHIBITED SOLICITATION.

- (a) No persons described in this subsection (a) shall be permitted to engage in solicitation within Village Limits:
 - (1) Any person convicted of the commission of a felony and/or any crime involving moral turpitude under the laws of this state or any other state or federal law of the United States, provided said conviction is within the preceding five (5) years;
 - (2) Any person convicted of physical abuse, sexual abuse or assault of any person, or assault or other exploitation of a minor under the laws of this or any other state or under federal law within the preceding five (5) years, or at any time while they are subject to public reporting requirements under the laws of any State.

(b) No person shall engage in solicitation for the following purposes:

- (1) Distribution of any prescription or nonprescription drugs or medicines whether legal or illegal or any other contraband as defined by state or federal laws; or
- (2) Solicitation within the Village in such a manner that would create a danger or threat of any kind to the public health, safety and welfare or would be a violation of state or federal law.

3-2-8 DISPLAY OF PERMIT CARD.

A solicitation permit card, approximately two inches by four inches, containing the name and address of the soliciting company, organization or association, the name of the solicitor, the effective dates of the permit, in an easy readable form shall be visibly displayed by each person subject to the solicitation permit requirement while soliciting within the Village. All permits shall bear the name of the Village of Dakota and the signature of the Village President.

3-2-9: TERM OF PERMIT.

Each solicitation permit issued shall be valid for a period of time not to exceed thirty (30) days. The expiration date shall be printed and visible on the face of the solicitation permit.

3-2-10: PERMIT DENIAL.

(a) If the Village President determines that the applicant has not provided all of the information and documentation required in this chapter, or met the terms and conditions of a solicitation permit set forth in this chapter, then the Village President shall deny issuance of the solicitation permit and shall give the applicant written notice and explanation of such denial.

(b) Subject to the limitations contained elsewhere in this chapter, including but not limited to the provisions of Section 3-2-7 of this Chapter, any person who provides all of the requested information and documentation and complies with the permit terms and conditions shall be issued a permit.

(c) No permit shall be denied based on the content of any written publication in violation of the First Amendment freedoms of speech, religion, and the press or upon the basis of any other discriminatory factor including but not limited to race, religion, gender, sexual orientation or age.

(d) The notice of denial required hereby shall be delivered in person or by first class U.S. mail addressed to the applicant's current residence address as set forth in the application. The denial of a permit under this Chapter shall be deemed a final administrative action by the Village as of the date notice is mailed or delivered to the Applicant, and the applicant may appeal the denial of a solicitation permit pursuant to the terms of the Administrative Review Laws of the State of Illinois.

3-2-11 : REVOCATION OF PERMIT

(a) Any solicitation permit issued may be revoked by the Village President if the person engaged in solicitation is:

- (1) Convicted of a violation of any of the sections in this Chapter; or
- (2) Refused to leave any premises when asked to do so; or
- (3) Entered onto a property which was posted with a "No Solicitation" notice; or
- (4) Has made a false statement in the application; or
- (5) Becomes disqualified for the issuance of a solicitation permit under the provisions of this chapter.

(b) Immediately after the revocation, the Village President shall give the person written notice in person or by first class U.S. mail, return receipt requested, addressed to his or her residence address set forth in the application. The permit shall become null and void immediately on service of the notice of revocation. Receipt of a revocation notice sent by mail shall be deemed given when the recipient signs or refuses to sign the return card or otherwise fails to claim the notice within the time allowed by the U.S. Post Office.

3-2-12 : CHANGE OF INFORMATION.

During the pendency of an application for, or during the term of, any solicitation permit, the applicant or permit holder shall promptly notify the Village in writing of any change in any material information given by the applicant or permit holder in the application for such permit.

3-2-13 : PENALTY AND ENFORCEMENT.

(a) Any person violating or aiding or abetting the violation of any provision of this chapter shall be fined not less than \$100.00. Each day that a violation occurs shall be considered a separate violation. The police department and County Sheriff shall have concurrent authority to enforce the provisions of this chapter and may give written notice of any violation and the fine imposed for the violation by serving a citation in person or by certified U.S. mail return receipt requested on any violator. All complaints from citizens regarding violations of this chapter shall be directed to the Village President.

(b) The acts of any employee, partner or other agent (hereinafter "agent") shall be attributed to and considered the acts of the employer, partnership, corporation, limited liability company or other principal on whose behalf, or at whose direction or by whose authority or consent (hereinafter "principal") the agent was performing the solicitation, and any violation of this chapter by an agent shall be enforceable against the principal and/or the agent jointly or severally. The act of soliciting for another person shall be presumed to create an agency relationship for purposes of this chapter.

Section 3. This Ordinance shall be effective upon its passage by the Village Board, its approval by the Village President, and its publication as provided by law.

Section 4. This ordinance is expressly adopted pursuant to the Regulatory Authority granted to the Village of Dakota by the Illinois Municipal Code and other applicable statutes.

Section 5. All ordinances or parts of ordinances in conflict with this Ordinance are repealed insofar as they conflict.

Section 6. If any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid, and this Village Board hereby expressly declares that it would have enacted this Ordinance even with the invalid portion deleted.

PASSED BY A ROLL CALL VOTE OF THE VILLAGE BOARD OF THE VILLAGE OF DAKOTA, ILLINOIS this 21 day of Aug, 2023.


Jennifer Knox, Village Clerk

YEAS: 5
NAYS: 0
ABSTAIN: _____
PRESENT: 5

APPROVED by the President of the Village of Dakota this 21st day of August, 2023.


Alisha Lizer, Village President

Date Published:
Date Effective:

Approved as to form:


Village Legal Counsel