

CHAPTER 3
SOLICITORS & PEDDLERS

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3-3-1 DEFINITIONS, *Amend Ord. 21-22-990*

CONTRIBUTION: The promise or grant of any donation, money, alms, food, clothing or property of any kind or value.

MOBILE KITCHEN VENDOR: The operator or proprietor of a vehicle intended or designed for the cooking or preparation of hot and cold ready-to-eat food, prepackaged foods and drink for sale or distribution on a temporary basis at locations that may change from time to time.

OBSCENITY: Any material that the average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and the average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and taken as a whole, it lacks serious literary, artistic, political or scientific value.

SOLICIT: To go to any premises in the Village without prior appointment or prearrangement with the occupant of such premises or to go upon any public street, sidewalk or other property owned by the Village to ask for a contribution; or to sell, offer for sale, barter or exchange, or to take orders for the present or future delivery of any good, service, ware, merchandise or other article or thing whatsoever.

SOLICITOR/PEDDLER: Any person who goes to any premises in the Village without prior appointment or prearrangement with the occupant of such premises, or goes upon any public street,

3-3-5 UNINVITED SOLICITING PROHIBITED

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any residence 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 in order to "solicit" as herein defined, in defiance of the notice exhibited at such residence in accordance with section 3-3-3 of this chapter or oral notice given in accordance with the provisions of section 3-3-4 of this chapter.

3-3-6 APPLICATION FOR CERTIFICATE OF REGISTRATION

Application for a certificate of registration shall be made upon a form provided by the Chief of Police and filed with the Chief of Police. The applicant shall truthfully state in full the information requested on the application, to-wit:

- A. Name and address of present place of residence and length of residence at such address; also phone number; also driver's license number and state of issuance; also Social Security number.
- B. Name and address of business solicitation is being performed on behalf of; also phone number.
- C. Description of item(s) being sold.
- D. List of previously solicited communities in the past twelve (12) months; also if permits/badges were issued.
- E. List of solicitor's badge or permit revocations.
- F. Whether the applicant was ever convicted of a violation of any provision of this chapter, or the ordinance of any other Illinois municipality regulating soliciting.
- G. Whether the applicant was ever 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.
- H. Period of time for which the certificate is applied for.
- I. Such additional information as the Chief of Police may deem necessary to process the application.
 - 1. All statements made by the applicant upon the application or in connection therewith shall be under oath.
 - 2. The Chief of Police 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 all certificates of registration issued under the provisions of this

State Route 47 (Main Street) and State Route 173 (Maple Avenue)

Solicitations will be permitted only between the hours of seven o'clock (7:00) A.M. and three o'clock (3:00) P.M. daily, upon the following conditions:

- B. The soliciting agency shall be registered with the Illinois attorney general as a charitable organization as provided by "an act to regulate solicitation and collection for funds for charitable purposes, provide penalties for violations thereof, and making an appropriation therefor", approved July 26, 1963, as amended.
- C. The soliciting agency shall be engaged in a statewide fundraising activity. "Statewide fundraising activity" shall mean fundraising throughout the state of Illinois which occurs on the same day or days.
- D. The soliciting agency shall be liable for any injuries to any person or property during the solicitation which is causally related to any act of ordinary negligence of the soliciting agent.
- E. No permit shall be issued to more than one person or agency on any given day or days, nor shall any permit be issued for more than three (3) consecutive days.
- F. No permit shall be issued to any person or agency more than once in a calendar year.
- G. Solicitation shall only be permitted on Thursdays, Fridays, Saturdays or Sundays between the hours of:

7:00 A.M. and 5:00 P.M. from May 1 through September 30; and

7:00 A.M. and 3:00 P.M. from October 1 through April 30.
- H. In case of an emergency or dangerous or potentially dangerous situation, as determined by the Chief of Police or his designated agent, or in the case of the conduct of any solicitor being deemed to be detrimental to the safety, welfare or best interest of the Village, the Village shall have the authority to suspend or revoke any solicitor's permit for such period of time as deemed necessary under the circumstances.
- I. Insurance Required: Prior to the issuance of a Solicitation Certificate, the applicant shall provide the Chief of Police with a certificate of insurance issued by an insurance company licensed to do business in the State of Illinois indicating that the insurance company will insure the solicitor and the business or organization represented by the solicitor against any injury to any person or property during the solicitation. Such certificate of insurance shall name the Village as an additional party insured and provide, at a minimum, the following coverage, and indicate the following:

- A. A violation of any of the provisions of sections 3-3-3C through 3-3-13 of this chapter; or
- B. The Chief of Police or any other agent or employee of the Village receives ten (10) or more bona fide, sworn complaints setting forth facts showing a violation and harm of any provision of this chapter or any of the laws of this state; or
- C. The solicitor has engaged in fraud or misrepresentation to obtain money or property; or
- D. Promising any person that the proceeds of a solicitation of funds will be refunded upon request and thereafter willfully failing to make a written refund request within sixty (60) days; or
- E. Promising any person that he or she will receive a refund upon request without providing a written statement of the refund terms and conditions; or
- F. Knowing misrepresentation that a donor will obtain a federal tax deduction; or
- G. Willful use of solicited funds to commit a crime.

3-3-15: REVOCAION OF CERTIFICATE OF REGISTRATION

Any certificate of registration issued hereunder shall be revoked by the Chief of Police if the holder of the certificate is convicted of a violation of any of the provisions of this article 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 article. Immediately upon such revocation, written notice thereof shall be given by the Chief of Police 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.

3-3-16 MOBILE KITCHEN VENDORS

1. A permit is required for the establishment and operation of a mobile kitchen on property zoned and located in a zoning district. A mobile kitchen shall not be allowed to operate on property zoned or used for residential activity.
2. A mobile kitchen shall not be allowed to operate in a location within two-hundred-fifty (250) feet of any licensed food service establishment or restaurant. This requirement may be waived if written consent of the proprietor of said licensed food service establishment or restaurant is provided to the Village. No person shall pay or accept payment for such consent.
3. A separate permit shall be required for each location used as the site of a mobile kitchen. Any person desiring to operate a mobile kitchen shall make a written application for such

- B. The Village at its sole discretion, may require that permit applications be reviewed by the Police and Public Works Departments and the Hebron-Alden-Greenwood Fire Protection District for public safety issues.
- C. A mobile kitchen shall not be located on any parcel zoned or used for residential activity.
- D. A mobile kitchen located on property with an existing, principal use shall not interfere with fire lanes or with vehicular or pedestrian circulation. Additional street access shall not be provided.
- E. A mobile kitchen shall not block any means of emergency ingress/egress to an existing principal use on a parcel.
- F. A mobile kitchen shall meet and comply with all applicable parking space setback requirements.
- G. A mobile kitchen shall be situated on a paved surface.
- H. A mobile kitchen shall not displace parking required for the principal use on a parcel.
- I. A mobile kitchen shall not be open earlier or later than the time frame specified on the approved license. In all cases, the hours of operation for a mobile kitchen located within 300 feet of a residential dwelling shall be limited to the hours between 7:00 a.m. and 11:00 p.m.
- J. Signage for a mobile kitchen shall not conflict with the Village of Hebron Sign Control Ordinance.
- K. Lighting for a mobile kitchen shall comply with Village of Hebron Building Inspector requirements. Portable lights, lights which flash, and similar attention-getting devices are not permitted. Outside amplifying equipment or noisemakers shall not be used.
- L. A mobile kitchen shall comply with all applicable State and County health and sanitation requirements and shall provide receptacles for waste disposal. The permittee shall be responsible for removing all waste generated from the business and the site shall be cleaned daily.
- M. An approved mobile kitchen permit shall be valid for up to one year but shall not be valid beyond the end of the calendar year in which it is issued. An approved mobile kitchen permit may be renewed subject to compliance with the same standards and specifications required above.
- N. The Village of Hebron shall be the point of sale for all sales from the mobile kitchen.