

ORDINANCE NO. 1575

**AN ORDINANCE REGULATING SOLICITATION WITHIN  
THE CITY LIMITS OF CREST HILL, ILLINOIS**

WHEREAS, the City of Crest Hill ("City") desires to protect its citizens from fraudulent activity; and

WHEREAS, The City endeavors to maintain equitable opportunity for charitable organizations to solicit funds throughout the City; and

WHEREAS, pursuant to the Illinois Vehicle Code (the "Code"), 625 ILCS 5/11-1006, no person shall stand on a highway for the purpose of soliciting contributions from the occupant of any vehicle except within a municipality when expressly permitted by municipal ordinance; and

WHEREAS, pursuant to the Code, the city in which the solicitation takes place shall determine by ordinance where and when solicitations may take place based on the safety of the solicitors and the safety of motorists; and

WHEREAS, pursuant to the Code, the decision shall also take into account the orderly flow of traffic and may not allow interference with the operation of official traffic control devices; and

WHEREAS, the Mayor and City Council have determined that it is in the best interest of the City of Crest Hill to enact regulations regarding solicitation within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREST HILL, ILLINOIS, AS FOLLOWS:

SECTION 1: The preamble of this Ordinance is declared to be true and correct and is incorporated by reference herein.

SECTION 2: DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CHARITABLE ORGANIZATION.** Any patriotic, philanthropic, social service, welfare, athletic, political, benevolent, educational, civic or fraternal organization that was organized and exists as a not-for-profit entity.

**CITY.** The City of Crest Hill, Will County, Illinois.

**PUBLIC WAYS.** All streets, highways and/or roadways within the City, which shall include the entire right-of-way.

**SOLICITATION.** The method by which any person, business entity, firm or corporation requests contributions or donations within the City whether or not by means of distributing emblems, flowers, edible items, tags, or any other items, to persons who make a contribution to such charitable organization.

**STREET SOLICITATION.** A day or days upon which a charitable organization may conduct solicitation upon public ways within the City.

**TAG DAY.** A day or days upon which a charitable organization may conduct solicitation in the City at locations other than on public ways.

### **SECTION 3: STREET SOLICITATION PERMIT REQUIRED.**

Any charitable organization that desires to conduct street solicitation within the City shall make application for a "street solicitation" permit on a form provided by the City. Street solicitation days may be conducted subject to the following regulations:

- (A) No street solicitation may be conducted without having first obtained a street solicitation permit.
- (B) Any soliciting agency shall be, pursuant to Illinois Vehicle Code, 625 ILCS 5/11-1006:
  - (1) A charitable organization registered with the Office of the Attorney General of the State of Illinois pursuant to "The Solicitation for Charity Act," 225 ILCS 460/0.01, et seq.; and
  - (2) Engaged in a Statewide fund raising activity; and
  - (3) Liable for any injuries to any person or property during the solicitation that is causally related to an act of ordinary negligence of the soliciting agent.
- (C) Any person engaged in the act of solicitation shall be 16 years of age or more and shall be wearing a high visibility vest.
- (D) Street solicitation applications shall specify a maximum of two intersections where street solicitations are sought to be conducted. A street solicitation permit will be issued for a maximum of two intersections. No street solicitation may be conducted at a location not approved in the street solicitation permit.
- (E) Not more than one street solicitation permit may be issued for a given location on any given day.
- (F) Street solicitation permits may be requested not more than 364 days prior to the first day in which a street solicitation permit is sought.

- (G) If multiple charitable organizations file for street solicitation permit for the same location on the same day, preference shall be given to the applicant first applying.
- (H) Street solicitations are prohibited between dusk and dawn.
- (I) No charitable organization may receive more than two street solicitation permits in calendar year.
- (J) Each permit issued under this subchapter shall be valid for two consecutive days.
- (K) Street solicitors may not solicit from occupant(s) of any vehicle that has a green light.
- (L) All charitable organizations must provide proof of insurance before a permit will be issued.
- (M) All charitable organizations must provide proof of registration with the Illinois Attorney General pursuant to the "Solicitation for Charity Act", 225 ILCS 460/0.01, et seq., before a permit will be issued.
- (N) Street solicitation shall be allowed only at intersections where all traffic is required to come to a complete stop.
- (O) There shall be no street solicitation at the following locations in the City of Crest Hill:
  - (1) The intersection of Weber Road and Renwick Road

#### SECTION 4: TAG DAYS.

Any charitable organization that desires to conduct a tag day within the City shall make application to the City Clerk for a tag day permit on a form provided by the City. Tag days may be conducted subject to the following regulations:

- (A) No tag day may be conducted without first having obtained a tag day permit.
- (B) Tag day permits shall only be issued to charitable organizations.
- (C) A tag day permit shall be valid for not more than 60 days from the date of issuance.
- (D) Tag day permits may be requested not more than 364 days prior to the first day in which a tag day permit is sought.
- (E) All charitable organizations must provide proof of permission from the business at which the Tag Day is sought to be conducted specifying the dates the charitable organization will be allowed to conduct a tag day before a permit will be issued.

**SECTION 4: ISSUANCE.**

All permits issued by this subchapter shall be issued by the City Clerk or designee.

**SECTION 5: FRAUD.**

It shall be unlawful for any solicitor to cheat, deceive or fraudulently misrepresent, whether through himself or through an employee or agent, while acting as solicitor in the City, or to solicit funds other than those specified in his application for a permit.

**SECTION 6: CONDUCT.**

Any permit holder must conduct solicitation in a reasonably courteous manner at all times, must immediately cease solicitation efforts if requested to do so, and must not engage in offensive, obscene, or abusive language. Nor may the permit holder make any untrue statements to the people contacted regarding the purpose of the solicitation and must be otherwise law abiding.

**SECTION 7: SIGNS AT CITY LIMITS**

The Street Department is directed to post and maintain appropriate signs at the limits of the City with the following language:

“SOLICITORS MUST OBTAIN PERMIT FROM THE CREST HILL CITY HALL”

**SECTION 8: PROOF OF PERMIT.**

A copy of any permit issued pursuant to this subchapter shall be carried at each location in which the registrant is engaged in solicitation within the City.

**SECTION 9: REVOCATION.**

(A) Any permit issued under this subchapter may be revoked by the Mayor because of any violation of this subchapter, or whenever the registrant shall cease to possess the qualifications required in this subchapter for the original permit.

(B) (1) Upon receipt of information that the grantee has violated this subchapter or no longer possesses the requisite qualifications to be permitted hereunder, the Mayor shall immediately suspend the permit and give the grantee written notice by certified mail of such suspension. The notice shall contain a statement of the facts upon which the Mayor has acted in suspending the permit.

(2) The grantee shall have the right to demand a hearing to be held within five business days of the City's receipt of the grantee's demand for hearing. Upon the filing of such a demand with the City Clerk, the Mayor shall affix a time and place for hearing. At the hearing, the grantee and any other interested person shall have the right to present evidence as to the facts upon which the Mayor based the suspension of the permit, and any other facts that may aid the Mayor in determining whether this subchapter has been violated.

(3) If, after such hearing, the Mayor finds that this subchapter has been violated, or the information set forth in the application has been misrepresented, he shall within two days after the hearing file with the City Clerk for public inspection and serve upon the grantee, and all interested persons participating in the hearing, a written statement of the facts upon which he bases such finding and shall immediately revoke the permit. If, after such hearing the Mayor finds that this subchapter has not been violated or the information has not been misrepresented, he shall within two days after the hearing give to the grantee a written statement cancelling the suspension of the permit.

**SECTION 10: PENALTY.**

Any person, business entity, firm or corporation violating the provisions of this subchapter shall be fined not less than \$50 nor more than \$750 for each violation, and each day such violation shall continue shall be deemed a separate offense.

**SECTION 11:** Severability. If any section, paragraph, clause or provision of this ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any other provision of this ordinance.

**SECTION 12:** Repealer. All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this ordinance, are to the extent of such conflict hereby repealed.

**SECTION 13:** Effective Date. This ordinance shall be in full force and effect beginning October 1, 2011.

PASSED THIS 6th DAY OF SEPTEMBER, 2011.


AYES: 7 Vershay, Dyke, Cozart, Lelis, Convery, Inman and Stenisha

NAYS: 1 Oberlin

ABSENT: 0

  
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Christine Vershay-Hall, City Clerk

APPROVED THIS 16th DAY OF SEPTEMBER, 2011.

  
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Raymond R. Soliman, Mayor

ATTEST:

  
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Christine Vershay-Hall, City Clerk