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VILLAGE OF HARWOOD HEIGHTS  
COOK COUNTY, ILLINOIS

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ORDINANCE NO. 10-14

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AN ORDINANCE REPEALING AND REPLACING ARTICLE 6 OF THE HARWOOD  
HEIGHTS CODE OF ORDINANCES TO REGULATE DOOR-TO-DOOR  
SOLICITATION ON PRIVATE PROPERTY IN THE VILLAGE

Passed by the Board of Trustees, April 22, 2010

Printed and Published, April 22, 2010

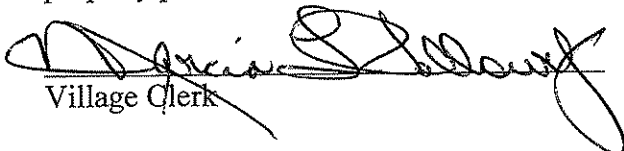
Printed and Published in Pamphlet Form  
By Authority of the Village Board of Trustees

VILLAGE OF HARWOOD HEIGHTS  
COOK COUNTY, ILLINOIS

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I hereby certify that this document was  
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Village Clerk

**VILLAGE OF HARWOOD HEIGHTS**

**ORDINANCE NO. 10-14**

**AN ORDINANCE REPEALING AND REPLACING ARTICLE 6 OF THE HARWOOD HEIGHTS CODE OF ORDINANCES TO REGULATE DOOR-TO-DOOR SOLICITATION ON PRIVATE PROPERTY IN THE VILLAGE**

**WHEREAS**, the Village of Harwood Heights (hereinafter, “the Village”) is a home rule unit of government pursuant to Section 6(a), Article VII of the 1970 Illinois Constitution; and

**WHEREAS**, pursuant to its home rule power, the Village may exercise any power and perform any function relating to its government and affairs; and

**WHEREAS**, the Corporate Authorities seek to preserve and promote the public health, safety and welfare; and

**WHEREAS**, the Corporate Authorities are desirous of preventing unwelcome interference with residents’ privacy, rest and enjoyment of their homes; and

**WHEREAS**, the Corporate Authorities seeks to combat negative secondary effects of fund solicitation, including an increased risk of fraud, misrepresentation and burglary; and

**WHEREAS**, the Corporate Authorities have found and determined that requiring registration and identification of solicitors with Village authorities serves as a deterrent to fraudulent solicitation of funds; and

**WHEREAS**, the Corporate Authorities further find that limiting the hours during which people may go in and upon private residential property without invitation shall enhance the safety of Village residents and reduce undesired invasions of privacy and enjoyment of their homes;

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Harwood Heights, Cook County, Illinois, as follows:

**SECTION 1. RECITALS.** The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

**SECTION 2. TITLE.** This Ordinance shall be known and may hereafter be referred to as the *Solicitation Ordinance*.

**SECTION 3. AMENDMENT.** Title 4 (“Business Licenses & Regulations”), Chapter 4.28 (“Other Businesses”), Article 6 (“Canvassers and Solicitors”), of the Harwood Heights Village Code, shall be, and hereby is, repealed in its entirety and replaced with the following provisions:

#### **ARTICLE 6 SOLICITORS**

##### **SECTION 4.28.180 Purpose.**

It is the purpose of this Article to protect the health, safety and welfare of the citizens of the Village, to protect against fraudulent solicitation, to protect and promote the quiet enjoyment of property for Village residents, and to protect the First Amendment rights of solicitors operating within the Village.

It is further declared to be the policy of the corporate authorities of the Village, that the occupant(s) of any premises in the Village shall have the right to determine whether any solicitor shall be, or shall not be, invited onto their respective premises, and those persons who violate the provisions of the Article constitute a nuisance and a detriment to the health, safety and welfare of the residents of the Village.

**SECTION 4.28.181 Definitions.**

*Charitable solicitation:* Charitable solicitation shall mean the act of going upon the premises of any private residence in the Village, not having been invited by the occupant thereof, and requesting the donation of money, property or anything of value or the pledge of a future donation of money, property or anything of value; or the selling or offering for sale of any property, real or personal, tangible or intangible, whether of value or not, including, but not limited to, goods, books, pamphlets, tickets, publications or subscriptions to publications or brochures, upon the representation, express or implied, that the proceeds of such sale will be used for a charitable, benevolent, philanthropic, patriotic, not-for-profit, religious or eleemosynary purpose.

*Commercial solicitation:* Commercial solicitation shall mean the act of going upon the premises of any private residence in the Village, not having been invited by the occupant thereof, and engaging in one of the following acts:

- a) Seeking to obtain orders either for immediate or future delivery for the purchase of goods, wares, merchandise, food, or personal property or services of any kind, character or description;
- b) Seeking to obtain prospective customers for application of purchase of insurance of any type, kind or character;
- c) Seeking to obtain contributions of money, credit, property, financial assistance or other thing of value;
- d) Seeking to distribute or seeking to obtain subscriptions to books, magazines, periodicals, newspapers, handbills, pamphlets or any other type of publication in return for donations, money or other thing of value.

*Door-to-door canvassing:* Going upon any residential premises, not having been invited by the occupant thereof, and knocking on the door, ringing the doorbell thereon, or creating any sound in any manner calculated to attract the attention of the occupant of such residence, for purposes of commercial or charitable solicitation as those terms are defined herein, or for any other purpose whatsoever, whether or not funds or donations are sought.

*Solicitor:* Any person who engages in commercial or charitable solicitation as those terms are defined herein.

*Registered Solicitor:* Any person who has obtained a valid solicitation permit, as hereinafter provided, which permit is in the possession of the solicitor, conspicuously displayed on his or her person while engaged in solicitation.

#### **SECTION 4.28.182 Solicitation License & Certification Required.**

**A. License Required.** No person, organization or other entity sponsoring or promoting charitable or commercial solicitation shall authorize any individual acting on its behalf or in its name to engage in charitable or commercial solicitation within the Village unless that organization has first applied for and obtained a current, valid solicitation license in accordance with the provisions of Chapter 4.04 and Section 4.08.010(38) of the Village Code.

1) Exemptions.

a. No federal, state, county or municipal government, or any subdivision thereof, nor any of its officers, employees or agents, shall be subject to solicitation license or registration certificate requirements for the purposes of engaging or conducting official business.

b. No entity that has an income tax exemption from the Internal Revenue

Service for charitable, religious or educational purposes is be subject to the requirement that a solicitation license be obtained from the Village, though individual solicitors engaged in charitable solicitation as that term is defined herein and acting on behalf of such entities are nonetheless subject to the Village's registration certification requirements and other procedures set forth in this Article.

**B. Registration Certificate Required.** No person shall engage in charitable or commercial solicitation within the Village without first obtaining a registration certificate from the Village as hereinafter provided.

1) Exemptions. No person engaged in door-to-door canvassing merely to express ideas for charitable, benevolent, philanthropic, patriotic, not-for-profit, religious, eleemosynary or political purposes, nor anyone engaged in door-to-door canvassing for any purpose other than charitable or commercial solicitation shall be required to obtain a registration certificate.

#### **SECTION 4.28.183 Application for License & Registration Certificate.**

**A. License.** Application for a solicitation license shall be made in accordance with the provisions of Chapter 4.04 and Section 4.08.010(38) of the Village Code and such license shall be obtained by any person or organization sponsoring or promoting charitable or commercial solicitation activities.

**B. Registration Certificate.** Any person wishing to engage charitable or commercial solicitation, except those individuals exempted pursuant to Section 4.28.182(B)(1), must apply for a registration certificate annually with the Village Clerk or the Clerk's designee before engaging in any charitable or commercial solicitation activities. Such registration application shall include the person's name, signature, phone number, address, the name of his or her

employer, the name of his or her sponsoring entity or the entity he or she is representing, the nature of the products or services in which he or she is offering, the names of the manufacturers of such products, and the location and time frame within which this activity will occur. Every solicitation registration certificate applicant must additionally stipulate that he or she is not a convicted "sex offender," as defined by 730 ILCS 150/2 or in any other law enforcement jurisdictions throughout the United States, and that he or she has not been convicted of any felony.

Every solicitation registration certificate applicant must provide written proof to the Village Clerk or Clerk's designee at the time of applying that the entity he or she is sponsored by, working for or otherwise representing possesses a current and valid solicitation license, unless the said entity is exempt from licensing requirements as provided in Section 4.28.182(A)(1).

**SECTION 4.28.184 Investigations and Issuance of Registration Certificate & Safety Badge.**

No registration certificate shall issue until three days after the completed application is tendered to the Village Clerk. Upon receipt of such application, the Village Clerk shall refer the same to the Police Department, who shall investigate the applicant's criminal record, if any. If the applicant has been convicted of a felony, then and in that event no certificate shall issue. If the applicant has not been convicted of any felony, then the certificate hereunder shall issue so long as the non-exempt entity being represented by the applicant has a current and valid solicitation license from the Village.

At the time of issuing a solicitation registration certificate to approved applicants, the Village Clerk shall also issue a Safety Badge, as described more fully in Section 4.28.185.

A registration certificate and the associated safety badge shall be personal to the person so registered and individually numbered for identification purposes, and shall not be assigned or transferred.

**SECTION 4.28.185 Displaying Registration Certificate & Safety Badge.**

All charitable and commercial solicitors shall at all times while soliciting within the Village, carry upon his or her person the registration certificate and the same shall be exhibited by the person whenever he or she is requested to do so by any law enforcement officer or resident of the Village.

Together with the solicitation registration certificate, the Village shall issue to all approved applicants a "Safety Badge," which must be worn at all times on outer garments so as to be visible at all times. Such safety badge shall contain the registration certificate number and photograph and expiration date, together with the following statement:

*I HAVE BEEN APPROVED BY THE VILLAGE OF HARWOOD HEIGHTS TO SOLICIT AT RESIDENCES WITHIN THE VILLAGE. MY PERMIT WAS ISSUED ON \_\_\_\_\_.*

**SECTION 4.28.186 Entering Premises of a Posted Private Residence Is Unlawful.**

Entering onto the premises of a private residence in the Village for purposes of door-to-door canvassing when the owner or occupant of the premises has displayed on such premises in a conspicuous position near the entrance thereof a sign bearing the words "No Trespassing," "No Peddlers or Solicitors," "No Solicitation," or any similar notice or words of similar import indicating that the occupants of such premises do not desire to have their right of privacy

disturbed, shall be unlawful. It shall be the duty of every person going onto the premises of any private residence in the Village to look for such signage and, if any is detected, to be governed by such signage and immediately and peacefully depart from the premises.

It shall also be unlawful for any person to remain in a private residence or on the premises thereof after the occupant requests any person to leave for any reason.

**SECTION 4.28.187 Time Limit on Door-to-Door Canvassing.**

No person shall engage in door-to-door canvassing as herein defined, in residential areas, prior to nine o'clock (9:00) a.m. or after eight o'clock (8:00) p.m.

**SECTION 4.28.188 Special Events.**

Nothing in this Article shall be construed to apply to anyone participating in door-to-door solicitation on Halloween and for other special events as recognized from time-to-time by the Corporate Authorities.

**SECTION 4.28.189 Penalties.**

- a. The penalty for not obtaining a solicitation license by any non-exempt person or entity sponsoring or promoting charitable or commercial solicitation activities in the Village shall be as set forth in Section 4.04.150 of the Village Code.
- b. Upon violation of any other provision of this Article other than that specified in Section 4.28.189(a), a first offense shall be punishable by a fine not to exceed one hundred dollars (\$100.00).
- c. Upon violation of any other provision of this Article other than that specified in

Section 4.28.189(a), a second offense shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

- d. Upon violation of any other provision of this Article other than that specified in Section 4.28.189(a), a third or subsequent offense shall be punishable by a fine not to exceed five hundred dollars (\$500.00).
- e. In addition to the monetary penalties listed herein, upon being found liable by an administrative adjudication hearing officer, the violator may have his or her solicitation registration certificate and safety banned suspended, revoked, or be banned from soliciting within the Village prospectively for up to one year.

#### **SECTION 4. RESOLUTION OF CONFLICTS.**

All Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

#### **SECTION 5. SAVING CLAUSE:**

If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

#### **SECTION 6. EFFECTIVE DATE.**

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

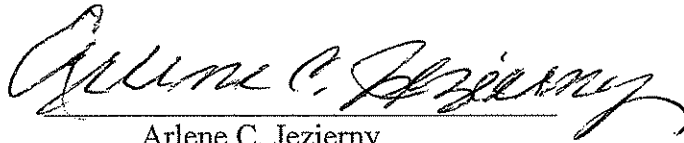
ADOPTED on this 22nd day of April, 2010, pursuant to a roll call vote as

follows:

	YES	NO	ABSTAIN	ABSENT	PRESENT
DOBRZYCKI	X				X
GADZINSKI	X				X
MOUGOLIAS				X	
SCHUEPFER	X				X
STEINER	X				X
SZLENDAK				X	
Mayor Jezierny					X
TOTAL	4			2	5

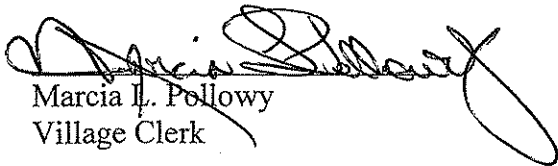
**Ordinance No. 10-14**

APPROVED by the Mayor on this 22nd day of April, 2010.



Arlene C. Jezierny  
MAYOR

ATTEST



Marcia L. Followy  
Village Clerk