



# Elburn Police Department

301 E. North St., Elburn, Illinois 60119-9006

Phone: 630-365-5070 Fax: 630-365-5073

Solicitor Permit  Itinerant Merchant Permit

Application Date: \_\_\_\_\_

Expires: \_\_\_\_\_

Name (Last, First, Middle)			Date of Birth:	Driver's License/State ID No.:	State:
Sex:	Height:	Weight:	Hair:	Eyes:	
Home Address:				Phone:	
Firm, Corporation or Association Name:			Firm, Corporation or Association Address:		
Describe the Subject or Product(s) that you are soliciting:					
How long have you been employed there?			Length of time requested for permit?		
Date(s) of previous solicitation in Elburn:				Have you ever had a permit revoked? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Have you or your agency ever been convicted of a felony under State or Federal Law? <input type="checkbox"/> Yes <input type="checkbox"/> No If so, Describe:					
Have you ever been convicted of a violation under the soliciting ordinances in this Village, or in any other municipality in violation of their soliciting regulations? <input type="checkbox"/> Yes <input type="checkbox"/> No If so, where, when and provide disposition of the case:					
Are you, or the firm you represent, subject to an act entitled "An act to Regulate Solicitation and Collection of Funds for Charitable Purposes, Providing for Violations Thereof, and Making an Appropriation thereof?" <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide certification by the Attorney General of the State of Illinois that you have complied with Chapter 23, Section 5101 of the Illinois Revised Statutes.					
The following is a list of the municipalities and counties that the requestor, organization, and/or company have previously solicited similar products or services within the past 2 years, whether or not a permit was issued by those agencies.  <input type="checkbox"/> Neither I, nor my firm, corporation or association have solicited similar products or services within the past 2 years in any jurisdiction, with or without a permit.					
<b>VEHICLE INFORMATION</b>					
Year	Make	Model	Color	License Plate	State

I hereby certify that there are no willful misrepresentations, omissions, or falsifications in the foregoing statements and answers to questions on this solicitor application. I am fully aware that any such misrepresentations, omissions, or falsifications will be grounds for immediate rejection of the application. I have also reviewed the Village of Elburn ordinances, Chapter 838 (Itinerant Merchants) and Chapter 874 (Soliciting) and understand it is my responsibility to understand and comply with all Village of Elburn ordinances.

\_\_\_\_\_  
*Applicant Signature*

\_\_\_\_\_  
*Date*

**\*\*\*\*\* For Office Use Only – Do not write below this line \*\*\*\*\***

Application Received on: \_\_\_\_\_ by \_\_\_\_\_

Application Fee: \_\_\_\_\_ Paid by Cash / Check # \_\_\_\_\_  
(\*See fees below)

Application Reviewed by: \_\_\_\_\_

Criminal History Checks done on: \_\_\_\_\_ by \_\_\_\_\_

Application Approved: \_\_\_\_\_ Fee: \_\_\_\_\_ Paid by Cash / Check # \_\_\_\_\_  
(\*\*See fees below)

Application Denied: \_\_\_\_\_ Reason: \_\_\_\_\_

Permit Issued By: \_\_\_\_\_ Date: \_\_\_\_\_

- \* Each Registered Solicitor shall pay a \$5.00 fingerprinting fee per person per permit.
- \*\* Daily fee is \$5.00/day for each day within and including such dates or \$25.00/month for any full or partial month's registration.

Permit Expires: _____
Report Number, if one was generated: _____

Notes:

## Village of Elburn Ordinance

### Chapter 874 – Solicitors

(Revised Ordinance Summer 2019)

#### **874.01 DEFINITIONS.**

As used in this chapter:

- (a) “Registered solicitor” means and includes any person who has obtained a valid certificate of registration, as described in this chapter, which certificate is in the possession of the solicitor and/or is on his or her person while engaged in soliciting.
- (b) “Residence” means and includes every living unit occupied for residential purposes by any one or more persons, contained within any type of building or structure.
- (c) “Soliciting” means and includes any one or more of the following activities:
  - (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs or services of any kind, character or description whatsoever, for any kind of consideration whatsoever;
  - (2) Seeking to obtain prospective customers for the application for or purchase of insurance of any type, kind or character;
  - (3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type of publication;
  - (4) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or association, organization, corporation or project.
- (d) “Street Vendor” means and includes any person selling or offering for sale any item intend for human consumption, merchandise or services from a vehicle, or otherwise, upon the public ways of the Village including but not limited to Ice Cream Vehicle Vendors.

#### **874.02 CERTIFICATE OF REGISTRATION REQUIRED.**

Every person desiring to engage in soliciting, as defined in Section 874.01, from persons in residences within the Village is hereby required to make written application for a certificate of registration as described in Section 874.03.

#### **874.03 CERTIFICATE OF REGISTRATION APPLICATIONS.**

- (a) Application for a certificate of registration shall be made upon a form provided by the Chief of Police of the Village, and shall be filed with the Chief of Police. The applicant shall truthfully state in full the information requested on the application, to wit:
  - (1) The applicant's name, the address of his or her present place of residence and the length of residence at such address; also, the applicant's business address, if it is different than his or her residence address, and his or her social security number;
  - (2) The address of the applicant's place of residence during the past three years, if other than his or her present address;
  - (3) The age of the applicant;
  - (4) A physical description of the applicant;
  - (5) The name and address of the person, firm, corporation or association whom the applicant is employed by or represents, and the length of time of such employment or representation;

- (6) Whether or not the person, firm, corporation or association whom the applicant is employed by or represents is subject to an act entitled "An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes, Providing the Violations Thereof, and Making an Appropriation Therefor" (Ill. R.S. Chap. 23, Secs. 5101 et seq., as amended).
  - (7) The name and address of the applicant's employer during the past three years, if other than the present employer;
  - (8) A description, sufficient for identification of the subject matter, of the soliciting which the applicant will engage in;
  - (9) The period of time for which the certificate is being applied for;
  - (10) The date, or approximate date, of the latest previous application for a certificate under this section, if any;
  - (11) A statement as to whether a certificate of registration issued to the applicant under this section has ever been revoked;
  - (12) A statement as to whether the applicant has ever been convicted of a violation of any of the provisions of this section, or the ordinance of any other Illinois municipality regulating soliciting;
  - (13) A statement as to whether the applicant has ever 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; and
  - (14) Any such additional information as the Chief of Police may deem necessary to process the application.
- (b) All statements made by the applicant upon the application on in connection therewith shall be under oath.
  - (c) If the answer to paragraph (a)(6) hereof is in the affirmative, then the applicant shall produce certification by the Attorney General of the State of Illinois that the person, firm, corporation or association whom the applicant is employed by or represents has complied with Illinois Revised Statutes Chapter 23, Sections 5101 et seq.
  - (d) The Chief of Police shall cause to be kept in his or her 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 chapter, together with a record of the denial of any such 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.
  - (e) No certificate of registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the State of Illinois or the United States, within five years of the date of the application, nor to any person who has been convicted of a violation of any of the provisions of this chapter, nor to any person whose certificate of registration issued under this chapter has previously been revoked as herein provided.

#### **874.04 DENIAL OR ISSUANCE OF CERTIFICATE; REVOCATION; FEE.**

- (a) The Chief of Police, after consideration of the application and all other information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such certificate as herein required, and if the issuance of a certificate of registration to the applicant would not be in accord with the intent and purpose of this chapter. Endorsement shall be made by the Chief of Police upon the application or upon the denial of the application.

When the applicant is found to be fully qualified, a certificate of registration shall be issued forthwith.

- (b) 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 chapter, or if he or she 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 Chief of Police to the holder of the certificate, in person or by certified U.S. Mail addressed to such holder's residence address as set forth in the application.
- (c) Immediately upon the giving of such notice, the certificate of registration shall become null and void.
- (d) The certificate of registration shall state the effective date and the expiration date thereof, and the applicant, at the time of the issuance of said certificate, shall pay the sum of five dollars (\$5.00) per day for each day within and including such dates or twenty five dollars (\$25.00) per month for any full or partial month's registration. Each Registered Solicitor shall pay a five dollar (\$5.00) fingerprinting fee per person per permit.

**874.05 OCCUPANTS TO DETERMINE STATUS OF SOLICITORS AS INVITEES.**

It is hereby declared to be the policy of the governing body of this municipality that the occupant or occupants of the residences in this municipality shall make the determination as to whether solicitors shall be, or shall not be, invited to their respective residences.

**874.06 POSTING OF NOTICE PROHIBITING SOLICITATION.**

Notice of an invitation to solicitors, to any residence, shall be given in the following general or substantially similar manner and contain this language or words of similar import:

- (a) A weatherproof card, approximately three inches by four inches in size, shall be exhibited upon or near the main entrance door of the residence, indicating such determination by the occupant, as follows:  
"NO SOLICITORS INVITED"  
The letters shall be at least one-third of an inch in height. For the purpose of uniformity, the cards shall be provided by the Chief of Police, to persons requesting the same, at the cost thereof.
- (b) Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence.

**874.07 COMPLIANCE WITH NOTICE REQUIRED; DUTY TO DEPART FROM PREMISES.**

- (a) It shall be the duty of every solicitor, upon approaching any residence, as defined in Section 874.01, to be governed by the statement contained on the notice described in Section 874.06. If a notice is posted, as provided in Section 874.06, a solicitor shall immediately and peacefully depart from the premises.
- (b) Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the said premises where requested to do so by the occupant thereof.

#### **874.08 UNINVITED SOLICITING PROHIBITED.**

It is hereby declared to be unlawful, and the same shall constitute a trespass and a nuisance, for any person to go upon any premises 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 and engaging in soliciting as defined in Section 874.01, in defiance of the notice exhibited at the residence in accordance with the provisions of this chapter.

#### **874.09 HOURS OF SOLICITING.**

It is hereby declared to be unlawful, and the same shall constitute a trespass and 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 engaging in soliciting as defined in Section 874.01, prior to 9:00 a.m. or after 5:00 p.m. on Monday through Friday, or at any time on a Saturday, Sunday or national holiday.

#### **874.10 ICE CREAM VEHICLE VENDORS**

- (a) No person shall operate an ice cream vending vehicle or act as an ice cream vendor within the Village without first having complied with the provisions of this Section.
- (b) Definitions: For the purpose of this Section the following definitions shall apply:
  - (1) Ice cream vending vehicle means a vehicle from which the resale of ice cream or similar food confections for human consumption is conducted from a roadway;
  - (2) Owner means the title holder of a vending vehicle for ice cream or similar frozen confections;
  - (3) Retail Sale means the sale of ice cream or similar frozen confections to the consumer thereof;
  - (4) Vehicle means every device that is mechanically propelled, motorized and designed to transport one or more persons;
  - (5) Ice cream vending means the act of selling, or offering to sell, any ice cream or similar frozen confection for human consumption from an ice cream vehicle;
  - (6) Ice cream vendor means any person who physically operates an ice cream vending vehicle or any person who physically conducts ice cream vending from such a vehicle.

#### **874.11 PROHIBITIONS ON ICE CREAM VEHICLE VENDERS BUSINESS**

The following should not be performed from a vending vehicle:

- (a) Vending from the left, or drivers side, of the vehicle;
- (b) Vending from the ice cream vending vehicle directly to another vehicle;
- (c) The emission of any amplified music intended to advertise the presence of the vehicle. Amplified mechanized bells or chimes are permitted only while the ice cream vending vehicle is in motion;
- (d) If the vehicle is not parked with the right side thereof to the curb or the right side of the roadway;
- (e) Vending in a "no parking" area;

- (f) Vending within a distance of 100 feet from the nearest intersection or roadway;
- (g) Vending before 9:00 a.m. or after 7:00 p.m. on Monday through Saturday;
- (h) Vending of ice cream or other similar confections in other than sealed packages;
- (i) Conducting ice cream vending within a Village park unless permitted by the Village of Elburn;
- (j) Vending a product other than ice cream or similar frozen confections

**Village of Elburn Ordinance  
Chapter 838 – Itinerant Merchants**

**838.01 LICENSE REQUIRED.**

No person shall do business in the Village as an itinerant merchant without having first secured a license therefor as is herein provided. For the purpose of this chapter, any merchant engaging or intending to engage in business within the Village as a merchant dealing with potential customers in person, door-to-door, or from a vehicle shall be considered to be an itinerant merchant. However, solicitors who are licensed as required by these Codified Ordinances shall not be considered itinerant merchants. (Ord. 76-20. Passed 9-7-76; Ord. 2005-11. Passed 7-5-05.)

**838.02 LICENSE APPLICATIONS; FEES.**

- (a) Every applicant for the license required in Section 838.01 shall set forth the commodities intended to be sold and the place intended to be used or occupied for the business, as well as fulfilling the other regulations required for a license.
- (b) The fee for such license shall be fifty dollars (\$50.00) for a 30-day license, and five dollars (\$5.00) for a one-day license.

(Ord. 76-20. Passed 9-7-76; Ord. 2005-11. Passed 7-5-05.)