Village of Carol Stream

SOLICITOR INFORMATION SHEET

1. Each individual who will be soliciting is required to apply for and obtain a permit.

2. Background and fingerprint checks are done for each applicant. $59.25 Fee ($25 and $34.25 – non-refundable fees). (These fees may change without notice).

3. The fee for the permit:
   $150 year
   $ 50 month
   $ 30 week
   $ 10 day

4. A picture I.D. badge is prepared and given to you and is required to be worn when soliciting.

5. When you are ready to submit your completed application, call the Village Manager's office at 630-871-6250 to schedule your fingerprint appointment. Please do NOT call the police department directly.

6. Processing can take up to 10 working days.

7. Once your application is approved, your permit will be issued and you will be called to pick up.

8. The Village ordinance is attached which outlines the requirements of solicitation.

Village Use:	
Permit Fee:	_____
Background Fee:	_____
Fingerprint Fee:	_____

Carol Stream

Village Use:	
Permit #:	_____
Date Issued:	_____
Permit Expiration:	_____

WHEN A "NO SOLICITORS" SIGN IS POSTED, ABSOLUTLEY NO CONTACT IS TO BE MADE!

Village of Carol Stream

SOLICITOR VENDOR PERMIT APPLICATION

(ALLOW 10 WORKING DAYS TO PROCESS)

1. Business Name: _____

2. Business Address: _____
(Street Address)

_____ _____ _____
(City) (State) (Zip Code)

3. Business Telephone/Fax #: (_____) _____ (_____) _____
Area Code Telephone No. Area Code Fax Number

4. Business Owner/Contact Name: _____

5. Business Owner/Contact Address: _____
(Street Address)

_____
(City, State, Zip Code) (Area Code) (Phone Number)

6. Applicant Name: _____

7. Applicant Address: _____ _____
(Street Address) (City)

_____ _____ _____ _____
(State) (Zip Code) (Area Code) (Phone Number)

_____
(Email Address)

8. Length of Time at Present Address: from ____/____/_____ to ____/_____/_____

9. Description of Dwelling: Home: _____Apartment: _____Hotel/Motel: _____

10. Address of residence(s) during the past three years, if any? _____
(Residence #1)

_____ _____
(Residence #2) (Residence #3)

11. Applicant Date of Birth: _____/_____/_____
(Mo.) (Day) (Year)

12. Applicant's Driver's License Number: _____ _____
(Issuing State) (License Number)

No Driver's License: _____
(check here)

13. Length of Employment with the Applicant Company: from: _____ to: _____

14. Name and Address of Employers during the past three years:

_____

_____

_____

15. Have you been convicted of a felony within 5 years of the date of this application?
(Check One) Yes: _____ No: _____

16. Nature and Circumstance of the Conviction Charge: _____

_____

_____

17. Have you ever been charged with a misdemeanor that involved dishonesty or making false statements under state law or a similar violation in another state within five years of the date of this application? (Check One) Yes: _____ No _____

18. Nature and Circumstance of the Misdemeanor Charge: _____

_____

19. Has a previously issued license or permit issued to you or your company ever been revoked?
(Check One) Yes: _____ No: _____

20. Reason and Circumstance for the Revocation: _____

_____

21. Have you ever been convicted of public solicitation without a Village permit? Yes __ No __
Date of Conviction: ____/____/_____

22. List Illinois cities that have issued you or your company a solicitor vendor license.

_____ _____ _____ _____

23. Nature of the Business and Principal product(s) to be sold: _____

_____

24. Length of License Requested For: __ (year $150) __ (month $50) __ (week $30) __ (day $10)

Application must be complete and signed by each solicitor vendor to process within 10 days. Incomplete and unsigned applications cannot be processed. Please review the application before submitting it. The undersigned swears that they will comply with all local, State and Federal laws in conducting the business enterprise described herein, that all the information contained in this application is true and accurate to the best of their knowledge and belief, and that they authorize the Village to release any and all information contained on this license application to any agency or person(s) capable of substantiating the truth and validity of the information to the Carol Stream Police Department. The applicant also promises to release the Village of Carol Stream, its officials, agents or employees from any liability or damages which result from verifying the accuracy and reliability of the information contained on this application. The Village of Carol Stream promises to use the information contained on this application solely for the purpose of processing and responsibly issuing the license applied for.

_____ _____

(Applicant Name – PRINT) (Applicant Name – SIGNATURE)

Received by: _____ Date: _____/_____/_____

Print

Carol Stream, IL Code of Ordinances

ARTICLE 4: PEDDLERS AND SOLICITORS

Section

10-4-1 Definitions

10-4-2 Solicitation permit required

10-4-3 Permit issuance; denial

10-4-4 Display of permit

10-4-5 Permit revocation

10-4-6 Permit renewal

10-4-7 Permit applications

10-4-8 Application and permit fees

10-4-9 Village policy on soliciting and trespassing

10-4-10 Notice regulating soliciting

10-4-11 Duty of solicitors to obey notices or to leave when requested

10-4-12 Uninvited solicitors prohibited

10-4-13 Time limit on soliciting

10-4-14 Prohibited acts

10-4-15 Appeal of permit denial or revocation

10-4-16 Solicitation on public highways

§ 10-4-1 DEFINITIONS.

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

PERSON. Any individual, firm, co-partnership, corporation, company, association or joint stock association, church, religious sect, religious denomination, society, organization or league, and including any trustee, receiver, assignee, agent or other similar representative thereof.

SOLICITING or ***SOLICITATION.***

(1) Any one or more of the following activities by a person on streets, highways, sidewalks and at residences without invitation:

(a) The sale of, offer or attempt to sell, or seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuff, consulting services or services of any kind, character or description, for any kind of consideration whatever;

(b) The sale of, offer or attempt to sell, or seeking to obtain prospective customers for any application or purchase of insurance of any type, kind or character;

(c) The sale of, offer or attempt to sell, or seeking to obtain subscriptions to books, magazines, periodicals, newspapers or any type kind of publication; and

(d) The request, directly or indirectly, for money, credit, property, financial assistance or other thing of value on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for a political, religious or charitable purpose.

(2) ***SOLICITATION*** shall be deemed completed when made, whether or not the person making the same receives any contribution or makes any sale referred to in this section.

(Ord. 92-11-117, passed 11-10-1992; Ord. 2002-06-34, passed 6-17-2002; Ord. 2003-02-07, passed 2-18-2003)

§ 10-4-2 SOLICITATION PERMIT REQUIRED.

(A) It shall be unlawful for any person to engage in solicitation without securing a required permit or to solicit in a manner inconsistent with the issuance of the permit.

(B) Every person desiring to engage in solicitation, as defined in this article, from persons in residences, on streets, highways or sidewalks located in the village, except for a merchant conducting a sale on the sidewalk as permitted under the village's Zoning Code, is hereby required to make written application for a solicitation permit as hereinafter provided, and obtain such permit prior to engaging in solicitation within the village.

(C) Application for solicitation permits shall be made upon a form provided by, and shall be submitted to, the Village Manager, and shall be accompanied by such other documentation as is required herein.

(D) All statements made by the applicant upon the application or in connection therewith shall be under oath.

(E) The Village Manager and the Chief of Police shall cause to be kept in their offices an accurate record of every application received and acted upon, together with all other information and data pertaining thereto, and copies of all solicitation permits issued under the provisions of this article. Applications for permits shall be numbered in consecutive order, as filed, and every permit issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.

(F) No solicitation permit shall be issued to any person who has been convicted of soliciting without a permit within the village or in any other jurisdiction or of a violation of any of the provisions of this article, nor to any person whose solicitation permit issued hereunder has

previously been revoked, as herein provided, for a period of two years from the date of such conviction or revocation.

(Ord. 92-11-117, passed 11-10-1992; Ord. 97-12-85, passed 12-15-1997; Ord. 2003-02-07, passed 2-18-2003)

§ 10-4-3 PERMIT ISSUANCE; DENIAL.

(A) *Permit issuance*. If the applicant has complied with all the provisions of this article, the solicitation permit shall be issued forthwith.

(B) *Permit denial.*

(1) The Village Manager, within ten business days of filing of the application, after consideration, investigation and review of the application and all information obtained relative thereto, shall deny the application if the applicant is not entitled to a permit, pursuant to the provisions of this article, or if the application does not contain all of the information and documentation as required herein.

(2) Endorsement shall be made by the Village Manager on the application of the reason for the denial of the application.

(3) If the application is denied, the license fee shall be deemed to have covered the cost of investigation and shall not be returned.

(Ord. 92-11-117, passed 11-10-1992; Ord. 2003-02-07, passed 2-18-2003)

§ 10-4-4 DISPLAY OF PERMIT.

(A) A solicitation permit shall be a photo I.D. card, approximately three inches by four inches, containing the name of the soliciting organization or company, the product, if any, being offered for sale, the name of the solicitor, the date solicitation shall occur in the village, and the effective dates of the permit, in easily readable form.

(B) All permits shall bear the name of the village and the signature of the Village Manager or Assistant Village Manager designated to examine applications for and issue such permits.

(C) Each person engaged in solicitation shall prominently display the solicitation permit issued hereunder on his or her person while so soliciting within the village.

(Ord. 92-11-117, passed 11-10-1992; Ord. 2003-02-07, passed 2-18-2003; Ord. 2003-12-78, passed 12-1-2003)

§ 10-4-5 PERMIT REVOCATION.

(A) (1) Any solicitation permit issued hereunder shall be revoked by the Village Manager, if the holder of the permit or anyone soliciting under the permit 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 solicitation permit under the terms of this article.

(2) Immediately upon such revocation, written notice thereof shall be given by the Village Manager to the holder of the permit in person, or by United States mail, return receipt requested, addressed to his or her residence set forth in the application.

(B) The permit shall become null and void upon the first to occur of the following:

(1) Actual notice of revocation to the individual or organization; and

(2) Return of the return receipt of the mailed notice to the individual or organization, whether or not delivered to the permit holder personally.

(Ord. 92-11-117, passed 11-10-1992; Ord. 2003-02-07, passed 2-18-2003)

§ 10-4-6 PERMIT RENEWAL.

(A) Upon expiration of a solicitation permit, the holder shall be entitled to renew the permit; provided that, the application for renewal continues to satisfy all conditions and requirements necessary to obtain an original permit, and provided any changes in the information originally submitted in the initial application, if any, are made.

(B) The applicant for a renewal of a solicitation permit shall also pay the fee required for a permit.

(Ord. 92-11-117, passed 11-10-1992; Ord. 2003-02-07, passed 2-18-2003)

§ 10-4-7 PERMIT APPLICATIONS.

(A) *Solicitation permits.* An application for a commercial solicitation permit shall contain the following information regarding the applicant:

(1) The name and address of the organization making the application and the name under which it intends to solicit;

(2) The name and address of the person in charge of solicitation in the village;

(3) The names and addresses of all the persons who will solicit in the village;

(4) Such additional information which the Village Manager may require;

(5) The dates such solicitation shall be conducted; provided that, the maximum time period for which the permit shall be issued shall not exceed 30 days, and provided that permit renewals shall not exceed 30 days;

(6) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage;

(7) For charitable solicitation permits, a written statement of recent date by the Attorney General of Illinois that the organization is in compliance with the provisions of An Act to

Regulate Solicitation and Collection of Funds for Charitable Purposes, 225 ILCS 460/1, and such statute as it may hereafter be amended;

(8) A written statement from the Internal Revenue Service that the organization is a tax exempt organization under § 501(c)(3) of the Internal Revenue Code of the United States, and the organization's federal Employer Identification Number;

(9) Illinois Retail Sales Tax Identification Number, if applicable;

(10) When solicitation will be conducted by an itinerant vendor utilizing a motorized vehicle, a valid and current DuPage County Health Department permit is required to be submitted along with a certificate of insurance issued by an insurance company licensed to do business in this state shall be provided, insuring the solicitors and their organization for liability for damages for personal injury and property damage causally related to an act of ordinary negligence of the soliciting agent. The certificate must state that is shall not be canceled during the period of solicitation, and will provide at least the following coverage:

Personal injury	$500,000 per person
	$1,000,000 per occurrence
Property damage	$100,000

(11) Information as to whether a solicitation permit has been previously issued to the applicant, and if so, whether the permit was ever revoked;

(12) Information as to whether the applicant has ever been convicted of a violation of any of the provisions of this article or any similar law in any jurisdiction; and

(13) All prospective solicitors/peddlers whose products is insurance or insurance-related services must produce a current valid insurance license issued by the Illinois Department of Financial and Professional Regulation's Insurance Division. Failure to provide a current and valid Illinois insurance license will be cause for permit denial.

(B) *Scope*. Nothing in the foregoing sections shall be construed to give permission to any solicitor to enter into traffic intersections for the purpose of soliciting in contravention of any state law or local ordinance prohibiting such intersection solicitation.

(Ord. 92-11-117, passed 11-10-1992; Ord. 97-12-85, passed 12-15-1997; Ord. 2003-02-07, passed 2-18-2003; Ord. 2008-02-05, passed 2-19-2008)

§ 10-4-8 APPLICATION AND PERMIT FEES.

(A) *Original permit.*

(1) The fees to be charged for a solicitation permit shall be as follows:

(a) Non-refundable application fee	

	Whose fee includes a $25 administrative processing charge in addition to the current cost of a fingerprint check
(b) Permit fee	
1. Per day	$10 per person
2. Per week	$30 per person
3. Per month	$50 per person
4. Per year	$150 per person

(2) A permit shall be required for each vehicle used for solicitation.

(B) *Replacement card.* The fee to be charged for the issuance of a replacement card shall be $5.

(C) Religious, charitable or Illinois licensed insurance agent/broker application and permit fee: exempt.

(Ord. 92-11-117, passed 11-10-1992; Ord. 2003-02-07, passed 2-18-2003; Ord. 2003-12-78, passed 12-1-2003; Ord. 2004-05-31, passed 5-17-2004; Ord. 2008-02-05, passed 2-19-2008)

§ 10-4-9 VILLAGE POLICY ON SOLICITING AND TRESPASSING.

It shall be the policy of the governing body of this village that the occupant or occupants of any residence located within the village shall make a determination of whether solicitors or any person shall be or shall not be invited to their respective residences.

(Ord. 92-11-117, passed 11-10-1992; Ord. 2003-02-07, passed 2-18-2003)

§ 10-4-10 NOTICE REGULATING SOLICITING.

(A) When any solicitation is conducted by an organized group, the group shall appoint a group representative who shall provide the Police Department, before 10:00 a.m. on the day of the solicitation, a list of names of the solicitors and the geographic area of the village in which the solicitation will be conducted.

(B) Any person may give notice of the determination of the refusal of invitation to solicitors to any residence by displaying a card upon or near the main entrance door to the residence containing such language as "No Solicitors", "No Solicitors Invited" or such other language as would indicate that solicitors are not to enter or engage in solicitation on the premises.

(C) Such card so exhibited shall constitute notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

(Ord. 92-11-117, passed 11-10-1992; Ord. 2003-02-07, passed 2-18-2003)

§ 10-4-11 DUTY OF SOLICITORS TO OBEY NOTICES OR TO LEAVE WHEN REQUESTED.

(A) (1) It shall be the duty of every solicitor upon going onto any premises in the village upon which a residence is located to first examine the notice provided by herein, if any is attached, and be governed by the statement contained thereon.

(2) If the notice states "No Solicitors" or "No Solicitors Invited" or other language as would indicate that solicitors are not to enter or engage in solicitation on the premises, the solicitor shall immediately and peacefully depart from the premises.

(B) Any solicitor who has gained entrance to any residence, whether or not invited, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

(Ord. 92-11-117, passed 11-10-1992; Ord. 2003-02-07, passed 2-18-2003)

§ 10-4-12 UNINVITED SOLICITORS PROHIBITED.

It shall be unlawful and shall constitute a nuisance and a trespass for any person to go upon any premises and ring the doorbell upon or near any door, 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 engage in solicitation as defined in this article, when notice is exhibited at the residence in accordance with the provisions of § 10-4-10(B).

(Ord. 92-11-117, passed 11-10-1992; Ord. 2003-02-07, passed 2-18-2003)

§ 10-4-13 TIME LIMIT ON SOLICITING.

It shall be unlawful and shall constitute a nuisance for any person to go about any residence and ring the doorbell, 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 engage in solicitation, as defined in this article, at any time on a Sunday or on a state or national holiday; or before the hour of 10:00 a.m., or after the hour of 9:00 p.m.

(Ord. 92-11-117, passed 11-10-1992; Ord. 2003-02-07, passed 2-18-2003; Ord. 2005-04-20, passed 4-18-2005)

§ 10-4-14 PROHIBITED ACTS.

(A) It shall be unlawful for any person to file an application for permit which contains false, misleading or untrue information.

(B) Nothing contained in this article shall release or relieve any person from complying with any additional license requirement established by the village.

(Ord. 92-11-117, passed 11-10-1992; Ord. 2003-02-07, passed 2-18-2003; Ord. 2004-08-44, passed 8-16-2004)

§ 10-4-15 APPEAL OF PERMIT DENIAL OR REVOCATION.

(A) (1) The Village President shall hear appeals on the denial of an application for a solicitation permit or revocation of a permit by the Village Manager.

(2) A written appeal must be filed in the Village Manager's office within 21 days after the date of denial of the application or revocation of the permit by the Village Manager, and shall contain a specific request for or waiver of a hearing before the Village President.

(B) Where a hearing is waived, the appealing party shall submit what documentation it desires to have the Village President consider with the written appeal, and the Village President shall render a decision within 14 days of the filing of the written appeal.

(C) (1) If a hearing is requested, the Village President shall schedule a hearing to be held within 30 days of receipt of the written appeal.

(2) The appealing party shall have the right to file additional documents, amend the written appeal and to appear at such hearing in person, or by attorney, or otherwise to examine and cross-examine witnesses.

(D) The Village President shall not be bound by the rules of evidence prevailing in the courts of law, but shall, in ascertaining the conditions and practices involved in the decision appealed, take into account all reliable, probative and substantial evidence produced at the hearing relating to the denial of the application or revocation of the permit.

(E) The appealing party may supply, at its own cost, a court reporter.

(F) The written decision of the Village President shall be made available to the appealing party not later than ten days after the hearing on the appeal is concluded.

(Ord. 92-11-117, passed 11-10-1992; Ord. 2003-02-07, passed 2-18-2003)

§ 10-4-16 SOLICITATION ON PUBLIC HIGHWAYS.

It shall be unlawful for any person to stand on or along the public streets or highways within the village for the purpose of soliciting contributions from occupants of vehicles contrary to as 625 ILCS 5/11-1006.

(Ord. 92-11-117, passed 11-10-1992; Ord. 93-09-85, passed 9-28-1993; Ord. 2003-02-07, passed 2-18-2003)