



ORDINANCE #O18-06-06

AN ORDINANCE AMENDING TITLE 2 – ADMINISTRATION AND PERSONNEL, CHAPTER 2.300, CHAPTER 2.300 – ADMINISTRATIVE ADJUDICATION, SECTION 2.300.90 – FINES AND COSTS APPLICABLE TO ALL OFFENSES AND TITLE 5 – BUSINESS TAXES, LICENSE AND REGULATIONS, CHAPTER 5.28 – SOLICITORS, AND CHAPTER 5.29 – ICE CREAM VENDORS

ADOPTED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CARY
THIS 5TH DAY OF JUNE, 2018

Published in pamphlet form by
authority of the Mayor and
Board of Trustees of the Village
of Cary, McHenry County, Illinois
this 5th day of June, 2018

WHEREAS, the Village is authorized to enact certain ordinances and make rules and regulations proper or necessary in accordance with the Illinois Municipal Code (65 ILCS 5/1-2-1); and,

WHEREAS, the Illinois Municipal Code (65 ILCS 5/11-42-5) authorizes municipalities the ability to tax, regulate or prohibit hawkers and peddlers; and,

WHEREAS, members of the public have expressed concerns about the regulation and conduct of solicitors; and,

WHEREAS, the exercise of the powers granted to the Village of Cary through the Illinois Municipal Code can address the concerns expressed by the public; and,

WHEREAS, the Mayor and Village Board of Trustees have determined that the amendment to the Municipal Code is in the best interest of the Village of Cary; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Cary as follows:

SECTION 1: That the above recitals are incorporated as if fully set forth herein.

SECTION 2: That following is added or amended to the Municipal Code Section 2.300.90:

Sec. 2.300.90. - Fines and costs applicable to all offenses.

Ordinance and Code violations that may be heard in an administrative adjudication as set forth in this chapter shall carry the fines listed below in this Code, or as provided for in the State statutes, whichever is greater. Fines for any violation of this Code which may be heard in an Administrative Hearing shall be not less than twenty-five dollars (\$25.00), or as indicated below, nor more than seven hundred fifty dollars (\$750.00) for each offense committed on each day during, or on which a violation occurs or continues. If the recipient of the minimum fine imposed does not pay the fine by 12:00 midnight on the fourteenth (14th) day following the date the fine was issued, said minimum fine and penalty shall increase by not less than double the minimum fine nor more than seven hundred fifty dollars (\$750.00). Certain offenses as cited below require the defendant to appear at the administrative adjudication hearing and are not subject to the prepay option.

Offense	Municipal Code and/or ILCS provision adopted in 10.08.005— See also 10.08.005 for coding for Illinois Vehicle Code (625 ILCS 5/1-100 et seq.)	Fine if paid in 14 days or at administrative hearing	Fine if not paid in 14 days or at administrative hearing	Minimum fine, must appear at hearing
Ordinance Violations				
Soliciting without permit	5.28.020	\$75.00	\$150.00	
Soliciting where posted no solicitors invited	5.28.080	\$75.00	\$150.00	
Soliciting/failure to leave when asked	5.28.070(B)	\$75.00	\$150.00	
<u>Failure to Display Solicitor Badge/Permit</u>	<u>5.28.070(c)</u>	<u>\$75.00</u>	<u>\$150.00</u>	
<u>Soliciting by Means of Printed Material/Violation</u>	<u>5.28.085</u>	<u>\$75.00</u>	<u>\$150.00</u>	
Soliciting outside of permitted hours/days, before 9:00 a.m. or after 8:00 p.m. Monday— Saturday, no soliciting on Sundays or holidays	5.28.090	\$75.00	\$150.00	
Ice cream vendor registration required	5.29.020	\$75.00	\$150.00	

Ice cream vendor regulations	5.29.050	\$75.00	\$150.00	
Purchase of tobacco products by a minor	5.24.200(A)			\$75.00
Possession of tobacco products by minors prohibited	5.24.200(B)			\$75.00
Sale or delivery of tobacco products to a minor/under 18 years old	5.24.190			\$250.00
Alcohol: purchase, acceptance, possession or consumption by persons under 21 years of age	5.08.280(A)			\$250.00
Alcohol: purchase, acceptance, possession or consumption by persons under 21 years of age—second offense within 12 month period	5.08.280(A)			\$250.00
Alcohol: misrepresentation of age to purchase alcohol	5.08.280(B)			\$250.00
Alcohol: false identification to obtain	5.08.280(C)			\$250.00
Alcohol: sale, delivery of alcohol to intoxicated or unlawful persons/under 21 (license holder)	5.08.270 and 5.08.290			\$250.00
Animals (Title 6)				
Prohibited animals	6.04.060	\$75.00	\$150.00	
Nuisance prohibited—a) at large; b) unleashed in park; c) allowing animal to be in unsanitary area; d) excessive noise, barking, whining; attacking or molesting persons; e) chasing vehicles; attack other animals; trespass on private property; deposit excretory matter on	6.04.070	\$75.00	\$150.00	

property of another; f) create offensive orders				
Remove excrement required	6.04.080	\$75.00	\$150.00	
Owner responsibility—a) provide food and water; b) protection/shelter from weather; c) care to prevent suffering; d) humane care and treatment	6.04.090	\$75.00	\$150.00	
Running at large	6.04.130	\$75.00	\$150.00	
Number of domestic animals allowed—No more than 3 domestic animals over 1 year old	6.04.150	\$75.00	\$150.00	
Striking of animal by vehicle—Failure to report	6.04.160	\$75.00	\$150.00	
Health and Safety (Title 8)				
Disposal of refuse/littering	8.08.050(A)	\$75.00	\$150.00	
Unauthorized use of dumpster	8.08.050(E)	\$75.00	\$150.00	
Fireworks	8.28.010	\$50.00	\$100.00	
Weed Nuisance	8.32.010	\$50.00	\$100.00	
Public Peace, Morals and Welfare (Title 9)				
Assault, battery or fighting	9.08.010			\$250.00
Alcoholic beverages in public place	9.12.030			\$250.00
Obscene act	9.12.050			\$250.00
Lewd conduct	9.12.060			\$250.00
Disorderly conduct	9.16.010 et seq.			\$250.00
Hunting	9.16.050			\$250.00
Noises/annoyance to residents	9.16.130(A)	\$75.00	\$150.00	
Noises/machinery	9.16.130(B)	\$75.00	\$150.00	
Persons responsible for premises/unlawful activity	9.16.131			\$500.00

Posting bills	9.20.010	\$75.00	\$150.00	
Trespass prohibited	9.20.040	\$100.00	\$200.00	
Trespass designated/posted or notice given	9.20.050(A)	\$100.00	\$200.00	
Trespass/refusal to leave	9.20.050(C)	\$100.00	\$200.00	
Trespass/vehicle, aircraft or watercraft	9.20.050(D)	\$100.00	\$200.00	
Trespass/Rail Property	9.20.050(E)	\$100.00	\$200.00	
Curfew/under 17 years of age, between 12:01 a.m. and 6:00 a.m. Saturday; between 12:01 a.m. and 6:00 a.m. Sunday; and between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day	9.28.010			\$75.00
Permitting child to violate curfew	9.28.020			\$75.00
Cannabis Possession and Drug Paraphernalia	9.36			
Unlawful Possession of Cannabis	9.26.010			\$250.00
Possession of drug paraphernalia (Less than 10 grams Cannabis)	9.36.020(A)			\$250.00
Possession of drug paraphernalia (10 grams or more Cannabis)	9.36.020(B)			\$750.00
Vehicles and Traffic (Title 10)				
Parking prohibited/locations and time periods	10.32 et seq.	\$25.00	\$50.00	
Parking prohibited/locations and time period restrictions	10.32.005(A)	\$25.00	\$50.00	
Prohibited locations	10.32.005(C)	\$25.00	\$50.00	

Limited parking	10.32.010 et seq.	\$25.00	\$50.00	
15 minutes/locations	10.32.010(A)	\$25.00	\$50.00	
2 hours/locations	10.32.010(B)	\$25.00	\$50.00	
2 hours/locations on school days	10.32.010(C)	\$25.00	\$50.00	
4 hours/locations	10.32.010(D)	\$25.00	\$50.00	
6 hours/locations	10.32.010(E)	\$25.00	\$50.00	
Certain vehicles in residential areas/second division	10.32.020 et seq.	\$25.00	\$50.00	
After snowfall	10.32.030	\$50.00	\$100.00	
Unlawful vehicle parking and exceptions	10.32.050 et seq. and 10.11.1303	\$25.00	\$50.00	
In any intersection	10.11.1303(a)1.c.	\$25.00	\$50.00	
In a crosswalk	10.11.1303(a)1.d.	\$25.00	\$50.00	
Within 30 feet of a traffic sign or signal	10.11.1303(a)2.d.	\$25.00	\$50.00	
Within 20 feet of an intersection or crosswalk	10.11.1303(a)2.c.	\$25.00	\$50.00	
Any place reducing usable width to less than 18 feet	10.32.050(7)	\$25.00	\$50.00	
Within 15 feet of a fire hydrant	10.11.1303(a)2.b.	\$25.00	\$50.00	
Blocking a driveway	10.11.1303(a)2.a.	\$25.00	\$50.00	
Within 50 feet of any railroad grade crossing	10.11.1303(a)3.a.	\$25.00	\$50.00	
On any parkway	10.32.050(12)	\$25.00	\$50.00	
At any place where official signs prohibit parking	10.11.1303(a)2.f.	\$25.00	\$50.00	
In any fire lane	10.32.050(15)	\$50.00	\$100.00	
Permit parking only in commuter lots	10.32.061 et seq.	\$25.00	\$50.00	
Angle parking	10.32.070	\$25.00	\$50.00	
Vehicles for sale	10.32.080	\$25.00	\$50.00	

Parking with expired or improper display of registration	10.11.1303(a)1.i.	\$25.00	\$50.00	
All night parking/December through February from 1:00 a.m. to 6:00 a.m.	10.32.100	\$25.00	\$50.00	
Alleys/reducing to less than 10 feet or block driveway entrance	10.32.110	\$25.00	\$50.00	
Handicapped parking violations	10.11.1301.3(a)	\$250.00	\$250.00	
Unlawful use of disability plate or parking decal	10.11.1301.3(a-1)	\$600.00	\$750.00	
Parking - two-way street (Left wheel to curb prohibited)	10.11.1304(a)	\$25.00	\$50.00	
Parking - one-way street	10.11.1304(b)	\$25.00	\$50.00	
When lighted lamps are required	10.12.201 et seq.	\$25.00	\$50.00	
Clearance identification and side markers	10.12.202 et seq.	\$25.00	\$50.00	
Insufficient lighting on parked vehicles	10.12.203 et seq.	\$25.00	\$50.00	
Improper lamp or flag on projected load	10.12.204	\$25.00	\$50.00	
Lamps on other vehicles and equipment	10.12.205	\$25.00	\$50.00	
Spot lamps and auxiliary driving lamps	10.12.207	\$25.00	\$50.00	
Signal lamps and signal devices	10.12.208	\$25.00	\$50.00	
Additional lighting equipment	10.12.209	\$25.00	\$50.00	
Use of headlamps and auxiliary driving lights	10.12.210	\$25.00	\$50.00	
Number of driving lamps required or permitted	10.12.211	\$25.00	\$50.00	

Special restrictions on lamps	10.12.212	\$25.00	\$50.00	
Oscillating rotating or flashing lights on vehicles	10.12.215 et seq.	\$25.00	\$50.00	
Brakes—Defective or no brakes	10.12.301	\$25.00	\$50.00	
Restrictions as to tire equipment	10.12.401	\$25.00	\$50.00	
Operating condition of pneumatic tires	10.12.405	\$25.00	\$50.00	
Mirrors	10.12.502	\$25.00	\$50.00	
Obstructed windshields and wipers required/tinting	10.12.503	\$25.00	\$50.00	
Horns and warning devices	10.12.601	\$25.00	\$50.00	
Mufflers, prevention of noise	10.12.602	\$25.00	\$50.00	
Video devices	10.12.604.1	\$25.00	\$50.00	
Tow truck identification system	10.12.606	\$25.00	\$50.00	
Suspension system	10.12.607	\$25.00	\$50.00	
Bumpers	10.12.608	\$25.00	\$50.00	
Headset receivers	10.12.610	\$25.00	\$50.00	
Wireless telephones/under age 19	10.12.610.1	\$75.00	\$150.00	
Wireless telephones/school and construction zone	10.12.610.1(e)	\$75.00	\$150.00	
Vehicles over 6 tons prohibited on West Main Street and Residential Areas	10.26.040(C) and (D)	\$75.00	\$150.00	
Sound amplification systems (audible 75 feet away)	10.12.611	\$25.00	\$50.00	
Water and Sewer (Title 13)				
Water Sprinkling Prohibition	13.04.090	\$75.00	\$150.00	

Building and Construction (Title 15)				
Failure to Obtain a Building Permit	Title 15	\$50.00	\$50.00	

(Code 1981, § 2.300.90; Ord. No. 07-11-07; Ord. No. 011-10-02, § 2, 10-4-2011; Ord. No. 012-11-08, § 2, 11-20-2012; Ord. No. O-13-03-03, § 2, 3-19-2013; Ord. No. [015-03-05](#), § 3, 3-7-2015; Ord. No. [015-07-02](#), § 2, 7-7-2015; Ord. No. [016-09-04](#), § 4, 9-6-2016; Ord. No. [016-12-02](#), § 2, 12-6-2016)

SECTION 3: That following is added or amended to the Municipal Code Chapter 5.28:

CHAPTER 5.28. - SOLICITORS^[6]

Footnotes:

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Editor's note— Prior ordinance history: Ord. No. 83-8-1.

State Law reference— Authority to regulate hawkers and peddlers, 65 ILCS 5/11-42-5; Solicitation for Charity Act, 225 ILCS 460/0.01 et seq.

Sec. 5.28.010. - Definitions.

For the purpose of this chapter, the following words as used in this chapter shall mean as follows:

Registered solicitor means and includes any person who obtained a valid certificate of registration as provided in this chapter, and which Village-issued permit certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

Residence means and includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

Charitable Organization means an organization that has applied for, and is recognized by, the Illinois Attorney General as a Charitable Organization and is cataloged in the Illinois Attorney General Charitable Trust database.

Commercial Soliciting means any individual engaged in Soliciting as defined in this section for a business or commercial entity whose purpose is to profit from the sales of goods or services.

Group Permit means a certificate issued to an organization or individual as required by this code that does not require individual badges/permits to be issued.

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, services, of any kind, character or description whatever, for any kind of consideration whatever, except for the sale of books, periodicals or other publications or subscriptions to such, either through ~~personal door-to-door~~ person-to-person contact, ~~or by the use of flyers or other types of literature left on residential doors or porches;~~ or

2. Seeking to obtain prospective customers for application of purchase of insurance of any type, kind or character; or
3. Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation or project, either by door to door residential solicitation or by engaging in solicitation on public roadways or other public property.

(Code 1981, § 5.28.010; Ord. No. 98-5-2, § 1(part); Ord. No. 009-08-09, § 2, 8-18-2009; Ord. No. 010-04-06, § 1, 4-20-2010)

Sec. 5.28.020. - Certificate of registration—Required.

Every person desiring to engage in soliciting as defined in Section 5.28.010 from persons in residences within the Municipality is required to make written application for a permit certificate of registration as provided in Section 5.28.030. It shall be unlawful for any person to engage in soliciting without first securing a permit license as required hereunder.

(Code 1981, § 5.28.020; Ord. No. 98-5-2, § 1(part); Ord. No. 009-08-09, § 2, 8-18-2009; Ord. No. 010-04-06, § 1, 4-20-2010)

Sec. 5.28.030. - Certificate of registration—Application.

- A. Application for a permit certificate of registration shall be made upon a form provided by the Chief of Police or his designee of the Municipality and filed with such Chief or designee. The applicant must truthfully state in full the information requested on the application as follows:
1. Name and address of present place of residence and length of residence at such address, business address if other than residence address, and social security number;
 2. Address of place of residence during the past three (3) years if other than present address;
 3. Physical description of the applicant;
 4. Name and address of the person, firm or corporation or association with whom the applicant is employed by or represents, and the length of time of such employment or representation;
 5. Name and address of employer during the past three (3) years if other than the present employer;
 6. Description sufficient for identification of the subject matter and purpose of the soliciting which the applicant will engage in;
 7. Period of time for which the certificate is applied for;
 8. The date, or approximate date, of the latest previous application for certificate under this chapter, if any;
 9. Whether a certificate of registration issued to the applicant under this chapter has ever been revoked;

10. Whether the applicant has ever been convicted of a violation of any of the provisions of this chapter, or the ordinance of any other Illinois municipality regulating soliciting;
 11. Whether the applicant has ever been convicted of the commission of a felony under the laws of the State or any other state or Federal law of the United States;
 12. Such additional information as the Chief of Police may deem necessary to process the application.
 13. If the applicant is employed by or represents a charitable organization, the applicant shall furnish, in addition to the aforementioned information:
 - a) Proof that the organization has complied with the provisions of the Solicitation for Charity Act, 225 ILCS 460/0.01 et seq.; and
 - b) Proof that the organization is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of the United States, as amended.
 14. For individuals engaged in Commercial Soliciting, Attached signed and notarized release of liability waiver for a criminal history records check and submission to a fingerprint-based record of conviction (As allowed by the Illinois Administrative Code).
- B. All statements made by the applicant upon the application or in connection therewith shall be under oath.
- C. The Chief of Police shall cause to be kept in his or her office an accurate record of every permit application received and acted upon together with all other information and date pertaining thereto and all permits certificates of registration issued under the provisions of this chapter, and of the denial of applications. Application for permits certificates shall be numbered in consecutive order as filed, and every permit certificate issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued.
- D. No permit certificate of registration shall be issued to any person who has been convicted of the commission of a felony under the laws of this State or any state or Federal laws of the United States within five (5) 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 Section 5.28.040 has previously been revoked as provided in this chapter.

(Code 1981, § 5.28.030; Ord. No. 98-5-2, § 1(part); Ord. No. 009-08-09, § 2, 8-18-2009; Ord. No. 010-04-06, § 1, 4-20-2010)

Sec. 5.28.040. – Permits Certificate of registration— Issuance.

- A. The Chief of Police, or his or her designee, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such permit certificate as required in this chapter, and that the issuance of a permit certificate of registration to the applicant would not be in accordance with the intent and purpose of this chapter. Endorsement shall be made by the Chief of Police, or his or her designee, upon the application of the denial of the application. When

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

- B. Such permits certificates shall be good and valid for a period of five (5) days up to a maximum of thirty (30) days from the date of issuance.
- C. Any permit certificate of registration issued under this section shall be revoked by the Chief of Police, or his or her designee, if the holder of the permit certificate is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a permit 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 permit certificate either by personal delivery or by certified mail addressed to the permit certificate holder. Revocation of any permit certificate of registration may be in addition to any fine or penalty which may be imposed for any violation of this chapter.
- D. Immediately upon giving of such notice, the permit certificate of registration shall state the expiration date thereof.
- E. Permits/Badges will consist of a photograph of the permit holder, their name, the entity that they are soliciting for, the expiration date of the permit, and the Village of Cary logo. All persons soliciting in the Village of Cary will be issued a Permit/Badge, unless precluded by this section of the Village code. Individuals engaged in Commercial Soliciting must submit for and be granted a Solicitor Permit and Issued Badge to engage in soliciting.
- F. Individual permits/badges will not be issued for organizations that do not approach private residences but engage in soliciting publicly on approved roadways or at private places of business with the approval of the private business owner. Organizations soliciting on public roadways must conform to the requirements of the Illinois Vehicle Code (625 ILCS 5/11-1006(c) – Pedestrians Soliciting Rides or Business). For these solicitations, only a certificate indicating a permit has been issued will be provided. No fee will be assessed for a group in good standing with the Illinois Attorney General Charitable Trust database.
- G. Soliciting by Youth Groups under 18 Years of Age – A Group Permit may be issued for individuals engaged in solicitation by means of contacting occupants of private residences by an organized group soliciting funds for a common purpose in an effort to raise funds for an organization whose purpose is to conduct youth-related activities and the organization is registered and is in good standing with the Illinois Attorney General Charitable Trust Database. A responsible supervising adult must apply for a permit only.
- H. Soliciting by Individuals under 18 Years of Age – An individual under 18 years of age, not engaged with a Youth Group, must be sponsored by a supervising adult who is the parent or legal guardian of the individual. The supervising adult must apply for the permit and submit to a fingerprint based Illinois State Police criminal conviction report. No fee will be assessed for this category of solicitor. An individual badge/permit will be issued only to the supervising adult sponsoring the juvenile who is actively engaged in the soliciting. The individual under the age of 18 years will not be required to undergo a background investigation.
- I. Law enforcement, firefighter and other public safety employees from the Village of Cary or Cary Fire Protection District soliciting within the Village of Cary do not require a Solicitor

Permit as required by this code but must adhere to the requirements of 65 ILCS 5/11-80-9. The organization must provide the required notice, when the solicitation will occur, locations (with alternate locations) and proof of required liability insurance.

- J. Permits are an individual license and not transferable.
- K. Only applicants that have paid the required fee associated with a Solicitor Permit will be issued such permit. The fee associated with this permit is \$40.00 for each month, or portion thereof, and includes the fees required for an Illinois State Police criminal conviction report. If an individual submitted to an Illinois State Police criminal conviction report within the last twelve (12) months for a Village of Cary Solicitor Permit, the fee will be \$15.00 for each month.

(Code 1981, § 5.28.040; Ord. No. 98-5-2, § 1(part); Ord. No. 009-08-09, § 2, 8-18-2009; Ord. No. 010-04-06, § 1, 4-20-2010)

Sec. 5.28.050. - Policy on soliciting.

It is declared to be the policy of the governing body of the Municipality that the occupant in the Municipality shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residence.

(Code 1981, § 5.28.050; Ord. No. 98-5-2, § 1(part); Ord. No. 009-08-09, § 2, 8-18-2009)

Sec. 5.28.060. - Notice regulating soliciting.

A. Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this chapter shall comply with the following directions:

- 1. Notice of the determination by the occupant of giving invitation to solicitors, or to the refusal of invitation to solicitors, to any residence, shall be given in the following manner:
 - a. A ~~decal card~~ shall be affixed ~~exhibited~~ upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words as follows:

"NO SOLICITORS INVITED"

- b. The letters shall be at least one-third (1/3) inch in height. For the purpose of uniformity, the ~~decal card~~ design shall be approved by the Chief of Police and provided by the Village to persons requesting.
 - c. Such ~~decal card~~ so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.
 - B. The absence of either a "No Solicitors Invited" ~~decal card~~, or a similarly worded sign card, shall mean that the occupant of such residence has given invitation to a solicitor.

(Code 1981, § 5.28.060; Ord. No. 98-5-2, § 1(part); Ord. No. 009-08-09, § 2, 8-18-2009)

Sec. 5.28.070. - Duty of solicitors.

- A. It shall be the duty of every solicitor upon going onto any premises in the Municipality upon which a residence is defined in Section 5.28.010 is located to first examine the notice provided for in Section 5.28.060, if any is attached, and be governed by the statement contained in the notice. If the notice states "NO SOLICITORS INVITED," then the solicitor, whether registered or not, 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 premises when requested to do so by the occupant.
- C. Every solicitor who is required to have a permit and is actively soliciting shall display the permit issued by the Village in a conspicuous manner on the outer garments worn so that it is visible to the resident whom the solicitor is speaking. Whenever requested by a resident, the permit shall be displayed in a manner that the resident may visibly examine the permit.

(Code 1981, § 5.28.070; Ord. No. 98-5-2, § 1(part); Ord. No. 009-08-09, § 2, 8-18-2009)

Sec. 5.28.080. - Uninvited soliciting prohibited.

It is unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell, or create any sound in any other manner calculated to attract the attention of the occupant thereof and engage in soliciting as defined in Section 5.28.010, in defiance of the notice exhibited at the residence in accordance with the provisions of Section 5.28.060.

(Code 1981, § 5.28.080; Ord. No. 98-5-2, § 1(part); Ord. No. 009-08-09, § 2, 8-18-2009)

Sec. 5.28.085. – Soliciting by Means of Printed Material.

Individuals may solicit business by means of distributing literature advertising the services or goods offered by their organization by securely affixing the printed material to the exterior of a mail receptacle or portion of an entryway (door or porch). Such distribution of printed material will be conducted in such a manner as to not alert the occupant of the premise. The printed material may not be any larger than one 8 ½ x 11 inches sheet of paper, or similar material, and shall include the name of the organization, or person, soliciting business and a contact telephone number. No permit is required for Soliciting by Means of Printed Material. Distributing material soliciting services or goods in any other manner, except through means of a common carrier, printed newspapers traditionally delivered or the delivery of materials by the U.S. Postal Service, will be a violation of this section and the advertising individual or organization will be liable for any penalty for such a violation under this code. This section does not address the distribution of handbills as defined in section 8.60.020 – Distribution of Handbills of this code.

Sec. 5.28.090. - Time limit on soliciting.

It is unlawful and shall constitute 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 engage in soliciting as defined in Section

5.28.010 prior to 9:00 a.m. or after 7:00 p.m. of any weekday, or Saturday, or at any time on a Sunday or on a State or national holiday.

(Code 1981, § 5.28.090; Ord. No. 98-5-2, § 1(part); Ord. No. 009-08-09, § 2, 8-18-2009; Ord. No. 010-04-06, § 1, 4-20-2010)

Sec. 5.28.095. - Restrictions on public solicitation.

No person shall engage in soliciting as defined in Section 5.28.010 on a public roadway that intersects or is in close proximity to Illinois Route 14 (Northwest Highway). Any solicitor engaged in soliciting on any a roadway shall wear a reflective safety vest or other reflective safety clothing or device as approved by the Chief of Police or his designee.

(Ord. No. 010-04-06, § 1, 4-20-2010)

SECTION 4: That following is added or amended to the Municipal Code Chapter 5.29:

CHAPTER 5.29 – ICE CREAM VENDORS

Sec. 5.29.030. - Certificate of registration—Application.

- A. Application for a certificate of registration shall be made upon a form provided by the Chief of Police or his designee of the Municipality and filed with such Chief or designee. The applicant must truthfully state in full the information requested on the application as follows:
1. Name and address of present place of residence and length of residence at such address, business name address, and social security number;
 2. Address of place of residence during the past three (3) years if other than present address;
 3. Illinois or other state's valid driver's license number;
 4. Physical description of the applicant;
 5. Name and address of the person, firm or corporation or association with whom the applicant is employed by or represents; and the length of time of such employment or representation;
 6. Name and address of employer during the past three (3) years if other than the present employer;
 7. Description of the merchandise which the ice cream truck will vend;
 8. The number of vehicles to be owned, operated or controlled by the applicant and the makes, body styles, years, vehicle identification numbers, State license plate number, and the name and addresses of the registered and/or legal owners of each vehicle;
 9. The date, or approximate date, of the latest previous application for certificate under this chapter, if any;

10. Whether a certificate of registration issued to the applicant under this title has ever been revoked;
 11. Whether the applicant has ever been convicted of a violation of any of the provisions of this chapter, or the ordinance of any other Illinois municipality regulating soliciting or vending;
 12. Whether the applicant has ever been convicted of the commission of a felony under the laws of the State or any other state or Federal law of the United States;
 13. Attached copy of the McHenry County Department of Public Health permit as required under Article IV of the McHenry County Department of Public Health ordinance governing food establishments and vending of food and beverages;
 14. Certification, on a form provided by and as approved by the Police Department, evidencing that each and every ice cream truck to be operated or controlled within the Village limits by the applicant has, within two (2) months of the date the application is received by the Chief of Police or his designee, passed an inspection conducted by the Police Department finding the vehicles to be in compliance with the Illinois Vehicle Code (625 ILCS 5/1-100 et seq.);
 15. Signed and notarized release of liability waiver for a criminal history records check;
 16. Proof of liability insurance as required by the Illinois Vehicle Code (625 ILCS 5/1-100 et seq.);
 17. 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 or in connection therewith shall be under oath.
- C. 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 date pertaining thereto and all certificates of registration issued under the provisions of this chapter, and of the denial of applications. Application 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.
- D. No certificate of registration shall be issued to any person employed or contracted as a driver of an ice cream truck who:
1. Is a registered sex offender, or who, within five (5) years prior to the application, has been convicted of or plead guilty to:
 - a. The commission of any felony under the laws of this State or any state or Federal laws of the United States;
 - b. A drug-related misdemeanor or felony crime as defined in the Illinois Controlled Substances Act (720 ILCS 570);
 - c. A misdemeanor or felony sex offense as defined in 720 ILCS 5/11;
 - d. A misdemeanor or felony gambling or related offense as defined in 720 ILCS 5/28;

- e. A misdemeanor or felony alcohol- or drug-related traffic offense as defined in the Illinois Compiled Statutes 625 ILCS 11-501; or
 - 2. Has been convicted of a violation of any of the provisions of this chapter, nor to any person whose certificate of registration issued under Section 5.29.040 has previously been revoked as provided in this chapter.
- E. Only applicants that have paid the required fee associated with a Certificate of Registration will be issued such registration. The fee associated with this registration is \$40.00 annually and includes the fees required for an Illinois State Police criminal conviction report.

(Ord. No. O10-04-07, § 2, 4-20-2010)

PASSED THIS 5TH DAY OF JUNE, 2018

AYES: Kraus, McAlpine, Cosler, Covelli, Weinhammer, Betz

NAYS: None

ABSTAIN: None

ABSENT: None

APPROVED THIS 5TH DAY OF JUNE, 2018



Mark Kownick, Mayor

ATTEST:



Susan Greene, Deputy Village Clerk