



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 023-065
DATE OF PASSAGE September 26, 2023

An Ordinance amending Chapter 32 of the Code of Ordinances pertaining to Peddlers and Solicitors.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, Chapter 32 of the Code of Ordinances has been reviewed by City staff and outside Legal Counsel who identified several necessary updates; and

WHEREAS, Chapter 32 of the Code of Ordinances provides no direction for an administrative process for denial, suspension, or revocation of permits, or banning of businesses from peddling/soliciting within the City; and

WHEREAS, it is in the best interest of the City and its residents that processes be clearly defined; and

WHEREAS, it is in the best interest of the City and its residents to enact legislation that balances the residents' rights to safe, quiet use and enjoyment of their property with the rights of peddlers/solicitors to exercise their free speech.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows: that Chapter 32 of the Code of Ordinances shall be and hereby is amended as set forth in Exhibit A; and further

BE IT ORDAINED, that the Corporation Counsel and City Clerk shall be and hereby are authorized and directed to correct any scrivener's or other non-substantive errors in Exhibit A upon codification.

ORDINANCE NO. 023-065

LEGISTAR NO. 23-0571

PASSED AND APPROVED ON September 26, 2023

AYES 11 NAYS 1 NOT VOTING 0 ABSENT 0

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderwoman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderman Tolliver, Ward 7	yes
Alderwoman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderwoman Baid, Ward 10	yes
Alderman Laesch, At Large	no
Alderman Woerman, At Large	yes

ATTEST:

Jennifer Stallings
City Clerk

[Signature]
Mayor

CHAPTER 32 PEDDLERS AND SOLICITORS**ARTICLE 32-I IN GENERAL****Sec 32-1 Purpose**

It is the purpose of this chapter to protect the health, safety and welfare of the citizens of the city, to protect against fraudulent solicitation, to protect and promote the quiet enjoyment of property for the residents of the city, to prevent crime, and to protect the First Amendment rights of solicitors, distributors, canvassers and peddlers operating within the city.

It is further declared to be the policy of the corporate authorities of the city, that the occupant or occupants of any premises in the city shall have the right to determine whether any solicitor, distributor, canvasser or peddler shall be, or shall not be, invited onto their respective premises, and those persons who violate the provisions of this chapter constitute a public and private nuisance, and a detriment to the health, safety and welfare of the residents of the city.

Sec 32-2 Definitions

The following words, terms, phrases and their derivations, when used in this chapter, shall have the meanings ascribed to them in this section:

(a) *Charitable solicitations campaign* means any course of conduct whereby any person, or any agent, member or representative thereof shall solicit property or financial assistance of any kind or sell or offer to sell any article, tag, service, emblem, publication, ticket, advertisement, subscription, or anything ~~any thing~~ of value on the plea or representation that such sale or solicitation or that proceeds therefrom are for a charitable, educational, patriotic, religious or philanthropic purpose.

(b) ~~Commercial~~ *Hhandbill* means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, video or audio material, or any other printed or otherwise reproduced original or copies of any matter or literature.;

~~(1) Which advertises for sale any merchandise, product, commodity or thing; or~~

~~(2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interests thereof by sales; or~~

~~(3) Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of public peace, safety and good order, provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting,~~

1 ~~theatrical performance, exhibition or event of any kind without a license,~~
2 ~~where such license is or may be required by any law of this state, or under~~
3 ~~this Code or any other ordinance of the city; or~~

4 ~~(4) Which, while containing reading matter other than advertising matter, is~~
5 ~~predominantly and essentially an advertisement, and is distributed or~~
6 ~~circulated for advertising purposes or for the private benefit and gain of any~~
7 ~~person so engaged as advertiser or distributor; or~~

8 ~~(5) Which is not covered by the definition of sign as defined in this Code.~~

9 (c) *Newspaper* means any newspaper of general circulation, as defined by general
10 law, any newspaper duly entered with the United States Postal Service in
11 accordance with federal statute or regulation, and any newspaper filed and
12 recorded with any recording officer as provided by general law, and, in addition
13 thereto, any periodical or current magazine regularly published with not less than
14 four (4) issues per year and sold to the public.

15 ~~(d) *Noncommercial handbill* means any printed or written matter, any sample or~~
16 ~~device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet,~~
17 ~~video or audio materials, or any other printed or otherwise reproduced original or~~
18 ~~copies of any matter or literature not included in the definitions of a sign or a~~
19 ~~commercial handbill or a newspaper.~~

20 (e) *Peddler* or *solicitor* means any person who goes upon the premises of any private
21 residence in the city, not having been invited by the occupant thereof, or, while
22 present at any location in the city and carrying or transporting goods, wares,
23 merchandise, written materials or personal property of any nature, and offering the
24 same for sale, or for the purpose of taking or attempting to solicit orders for the
25 sale of goods, merchandise, wares, written materials or other personal property of
26 any nature for future delivery, or for services to be performed in the future.

27 (f) *Peddling* or *soliciting* includes all activities ordinarily performed by a peddler or
28 solicitor as indicated in this chapter.

29 (g) *Person* means a natural person or any firm, corporation, association, club, society
30 or other organization.

31 (h) *Private premises* means any dwelling, house, building or other structure designed
32 or used either wholly or in part for private purposes, whether inhabited or
33 temporarily or continuously uninhabited or vacant, including any yard, ground,
34 walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to
35 such dwelling, house, building or other structure.

36 (i) *Temporary sales structure* means a tent, stand, table, or other temporary structure
37 erected at any location in the city for the sale of goods or solicitation of goods
38 and/or services in a location otherwise not permanently approved, zoned, or
39 designated by the city for the outdoor sale of goods or solicitation of goods and/or
40 services. Temporary sales structures are not allowed in the city.

1 **Sec 32-3 Registration Required; Exemptions**

2 (a) Every person wishing to engage in peddling or solicitation must submit an application
3 to the city clerk ~~or the city clerk's designee~~ and receive approval a permit before
4 engaging in such peddling or solicitation activities. Such application shall include:

- 5 (1) The applicant's name.
6 (2) The applicant's home address, phone number and email address.
7 (3) Two passport-sized photos of the applicant taken within the last
8 ninety (90) days.
9 (4) Physical description of applicant.
10 (5) Contact person's name.
11 (6) Contact person's phone number.
12 (7) Business address.
13 (8) Description of the items to be peddled or solicited and a copy of
14 all materials that will be provided to the residents.
15 (9) The location and time frame within which this activity will occur.
16 (10) Vehicle license number, make, model year and color (if
17 applicable).
18 (11) A non-refundable payment per ~~section 32-4(a):~~ resolution as
19 set from time-to-time.
20 (12) Every applicant must provide written proof to the city clerk ~~or~~
21 ~~designee~~ at the time of application that all certifications, permits,
22 licenses and any other required authorization needed to perform
23 peddling or solicitation activities has been received in advance.
24 (13) If applicant is a third-party representative, a copy of a current,
25 valid signed contract for work to be performed by the third-party
26 representative on behalf of the business must be attached to
27 application.

28 (b) Every applicant for a for-profit/non-charitable peddler or solicitor permit must submit
29 to a background check. Background checks shall be valid for purposes of a peddler
30 or solicitor permit for three (3) years. The city clerk shall not issue a permit to
31 applicants with background checks containing the offenses identified in Sec. 32-
32 3(b)(1), (b)(2) or (b)(3) herein, unless the applicant appeals the decision of the city
33 clerk pursuant to Sec 32-3 (c) and (d) below and the city clerk determines that the
34 applicant has been sufficiently rehabilitated to warrant the public trust.

- 35 (1) Convicted sex offenders as defined by 730 ILCS 150/2 and as
36 may similarly be applicable to any by other law enforcement
37 jurisdictions throughout the United States;
38 (2) Convicted of a violent crime as defined by 725 ILCS 120/3;
39 (3) Convicted of a felony or misdemeanor for a crime involving moral
40 turpitude or truth and veracity within the last ten (10) years.

41 ~~Every person wishing to engage in a charitable solicitations campaign must make~~
42 ~~application for a permit with the public health, safety, and transportation committee of the~~
43 ~~city council no less than thirty (30) days prior to initiation of the campaign. Upon~~
44 ~~achievement of a permit, all persons engaging in such charitable solicitation shall have a~~

1 ~~copy of the permit on their person at all times during any such solicitation. The application~~
2 ~~shall state the person's name, a contact person's name, phone number, address, the~~
3 ~~date(s) the campaign will operate, state the purpose of the charitable solicitations~~
4 ~~campaign and/or the purpose for which the funds are to be raised, and stating the exact~~
5 ~~locations of said campaign within the city. Such charitable solicitation shall be confined~~
6 ~~to house-to-house canvassing and/or solicitation in the public ways or places of the city,~~
7 ~~and shall not be conducted upon the highways, streets, alleys and vehicular~~
8 ~~thoroughfares of the city unless proof of the following criteria are provided to the~~
9 ~~committee's satisfaction:~~

10 (c) Applicants for a charitable solicitation permit pursuant to this chapter shall, as part of
11 said application, provide the following:

12 (1) The application shall state the name of the charitable
13 organization, a contact person's name, phone number, address,
14 the date(s) the campaign will operate, the purpose of the
15 charitable solicitations campaign and/or the purpose for which the
16 funds are to be raised, and the exact locations of said campaign
17 within the city. Every registrant pursuant to this chapter shall, as
18 part of said registration document, stipulate that no individual
19 employees, is a convicted "Sex Offender" as defined by the State
20 of Illinois Statute 730 ILCS 150/2 and as may similarly be
21 applicable to any by other law person wishing to engage in a
22 charitable solicitations campaign must make application for a
23 permit with the public health, safety, and transportation
24 committee of the city council no less than thirty (30) days prior to
25 initiation of the campaign. Upon achievement of a permit, all
26 persons Each participant in the charitable solicitation campaign
27 shall have a copy of the permit on their person at all times during
28 any such solicitation.

29 (2) A stipulation that no person involved in the charitable solicitation
30 campaign has been convicted of the offenses identified in Sec.
31 32-3(b)(1), (b)(2) or (b)(3) herein, or provide a copy of the
32 background check performed by the applicant's charitable
33 organization. If a minor is peddling/soliciting door-to-door with an
34 adult, the minor does not need to submit to a background check.
35 If an adult is peddling/soliciting on behalf of a minor, a
36 background check or stipulation as to prior convictions and
37 criminal history is required with respect to the adult.

38 (3) Such charitable solicitation shall be confined to house-to-house
39 canvassing and/or solicitation in the public ways or places of the
40 city, and shall not be conducted upon the highways, streets,
41 alleys and vehicular thoroughfares of the city unless proof of the
42 following eriteria are is provided to and approved by the city clerk
43 to the committee's satisfaction:

44 1. The soliciting agency is registered with the attorney
45 general as a charitable organization as provided by "An

- 1 Act to regulate solicitation and collection of funds for
2 charitable purposes, providing for violations thereof, and
3 making an appropriation therefore."
- 4 2. The soliciting agency is engaged in a state- or nationwide
5 fund raising campaign.
- 6 3. The soliciting agency will provide reflective safety vests for
7 solicitors to wear at all times while soliciting in the public
8 ways and further agrees to be liable for and hold the city
9 harmless from any injuries to person or property during
10 any permitted solicitation, and agrees to name the city as
11 a primary, non-contributory additional insured under a
12 policy of general liability insurance covering any and all
13 solicitation activities and participants soliciting in the public
14 right-of-way. A certificate of insurance shall be submitted
15 to the city at the time of application as indicated in
16 subsection (b) herein. Said liability insurance shall have
17 minimum coverage limits of one million dollars
18 (\$1,000,000.00) per occurrence and two million dollars
19 (\$2,000,000.00) general aggregate.
- 20 (d) The clerk, upon a finding that an applicant for a permit is prohibited from obtaining a
21 peddler/solicitor permit based on criteria identified in Sec 32-3(b) herein shall consider
22 any evidence of rehabilitation and mitigating factors contained in the applicant's
23 record. Upon consideration of evidence of rehabilitation and mitigating factors
24 provided by the applicant or if ten (10) years have passed since the completion of the
25 terms of the sentence, and if all other requirements for a peddlers or solicitors permit
26 have been satisfied, the city clerk shall issue a permit to an applicant that the city clerk
27 has determined is sufficiently rehabilitated to warrant the public trust.
- 28 (e) If the clerk refuses to issue a permit to an applicant, the applicant shall be notified of
29 the denial in writing with the following included in the notice of denial:
- 30 (1) A statement about the decision to refuse to issue a permit;
31 (2) A list of the convictions that the clerk determined will impair the
32 applicant's ability to engage in the position for which a permit is
33 sought;
34 (3) A list of convictions that formed the sole or partial basis for the
35 refusal to issue a permit; and
36 (4) The applicant's right to appeal the denial per Sec. 3-107 of the
37 code of ordinances.

38 ~~Every registrant pursuant to this chapter shall, as part of said registration document,~~
39 ~~stipulate that no individual employees, independent contractors, employees of~~
40 ~~independent contractors, volunteers or any other such person associated with the~~
41 ~~registrant is a convicted "Sex offender" as defined by the State of Illinois Statute 730~~
42 ~~ILCS 150/2 and as may similarly be applicable to any by other law enforcement~~
43 ~~jurisdictions throughout the United States. Every registrant shall include the names,~~
44 ~~addresses and dates of birth for every person who will be working with them in the city~~
45 ~~for the registered purpose, and shall provide an affidavit certifying that such persons,~~

1 ~~including the registrant, have not been convicted of any felony, nor convicted on two~~
2 ~~(2) or more occasions of driving under the influence of alcohol or drugs. Such~~
3 ~~certification as required in this subsection (c) shall be updated whenever any change~~
4 ~~in persons occurs for the registrant at any time during the registered year.~~

5 (f) Each corporation, partnership, limited liability company or any other organization
6 applying for a permit under this chapter shall be limited to registering a maximum of
7 ten (10) individual persons to engage in door-to-door ~~door-to-door~~ peddling or soliciting
8 within the city on its behalf.

9 (g) For purposes of this section only, organizations engaged in door-to-door distribution
10 of ~~political campaign literature or religious materials~~ non-commercial or informational
11 materials are not subject to the registration requirements set forth in this section,
12 provided that such organizations are not soliciting contributions or payments, in any
13 way, while distributing such materials. ~~"Political campaign literature" as used in this~~
14 ~~section means a communication supporting or opposing a candidate or election to a~~
15 ~~federal, state or local public office which is published in a handbill, flier, newspaper,~~
16 ~~magazine, pamphlet, circular, bumper sticker, or other similar written form of~~
17 ~~communication.~~ Notwithstanding the above, such organizations are subject to all
18 requirements set forth in article II of this chapter.

19 **Sec 32-4 Fees**

20 At the time the application is filed with the city clerk ~~or the city clerk's designee~~, the
21 applicant shall pay an application processing fee to cover the cost to the city as set by
22 resolution which may be amended from time-to-time by the City Council. ~~of processing~~
23 ~~the application. Permit fees shall be as follows:~~

24 ~~(a) Non-refundable one hundred dollars (\$100.00) for each solicitor or peddler~~
25 ~~application per month.~~

26 ~~(b) Ten dollar (\$10.00) badge replacement fee per solicitor or peddler.~~

27 **Sec 32-5 Processing Of Permits**

28 (a) Upon receipt of a completed application the city clerk ~~or city clerk's designee~~ will
29 issue permits to qualified applicants within five (5) to seven (7) business days.

30 (b) Any approved permits once issued, if not picked up within five (5) business days,
31 becomes null and void.

32 **Sec 32-6 General Regulations**

33 (a) When the owner, occupant or person legally in charge of the premises has
34 displayed on such premises in a conspicuous position near the entrance thereof,
35 a sign bearing the words "No Trespassing," "No Peddlers or Solicitors," "No
36 advertisement" or any similar notice or words of similar import indicating that the
37 occupants of such premises do not desire to have their right of privacy disturbed,
38 then entering upon any such private premises by any person for any such purpose

1 is unlawful, and shall constitute a trespass on private property. This shall
2 specifically include the delivery of unsolicited newspapers, advertising materials
3 and charitable solicitation.

4 (b) Fraud or misrepresentation. It shall be unlawful for any peddler, solicitor, or person
5 engaging in a charitable solicitation campaign to cheat, deceive, or fraudulently
6 misrepresent, whether through himself or any employee, while engaging in
7 peddling and/or solicitation. No person engaged in any form of solicitation or
8 peddling shall employ any ruse, plan or scheme, or make any assertion,
9 representation or statement of fact which misrepresents the purpose of the sale or
10 solicitation. It shall be unlawful for any person engaged in solicitation to represent
11 that the goods or services have sponsorship, approval, characteristics,
12 ingredients, uses, benefits or qualities that they do not have or that a person has
13 sponsorship, approval, status, qualification, affiliation or connection with an
14 individual, organization, firm or corporation that he or she does not have. It shall
15 be unlawful for a person engaged in peddling and/or solicitation to represent that
16 goods are original or new if they are deteriorated, altered, reconditioned,
17 reclaimed, used or secondhand.

18 (c) Public health and safety. No person shall engage in solicitation within the city in
19 such a manner that creates a danger or threat of any kind to the public health,
20 safety and welfare.

21 (d) No person engaged in solicitation or peddling shall use abusive, vulgar, obscene
22 or offensive language while engaged in solicitation within the city.

23 (e) No person engaged in solicitation or peddling shall threaten to use force, use force
24 or otherwise coerce a person being solicited within the city.

25 (f) Change of information. During the application process for, or during the term of,
26 any solicitation permit, the applicant or permit holder shall promptly notify the city
27 in writing of any change in any material information given by the applicant or permit
28 holder in the application for such permit.

29 **Sec 32-7 Supplemental And Temporary Regulations**

30 (a) The clerk may from time-to-time adopt supplemental or temporary regulations in
31 addition to those regulations set forth in Sec. 32-6 and elsewhere in this chapter,
32 provided that they are consistent with the purposes of the registration program set
33 forth in this article. Supplemental or temporary regulations adopted by the clerk
34 under this section shall be no less restrictive than any of the provisions of this
35 chapter.

36 (b) Upon the enactment of any supplemental or temporary regulation, the clerk shall
37 immediately provide a copy of said regulation to all persons permitted or registered
38 under this chapter and notify the same of the effective date of the regulation, which
39 shall not be less than five (5) business days following its adoption by the clerk. The
40 clerk shall provide a copy of the supplemental or temporary regulation to the mayor
41 and each member of the city council and cause the same to be posted upon the
42 city's official website.

43 (c) Whenever a public health authority with jurisdiction over the city determines that
44 in-person door-to-door peddling or solicitation poses an immediate threat to the

1 public health and welfare of the community, and issues such finding in writing, the
2 clerk is authorized to suspend the registration program set forth in this chapter in
3 its entirety until such time as the public health authority determines that the threat
4 is no longer present or may be safely mitigated by appropriate regulations.

- 5 (d) For the purposes of Article IV of this chapter, a violation of any supplemental or
6 temporary rule duly adopted pursuant to this section shall constitute a violation of
7 the provisions of this chapter.

8 **ARTICLE 32-II – UNSOLICITED MATERIAL**

9 10 **Sec 32-11 Posting Prohibited In Public Places**

11 No person shall post, stick, stamp, paint or otherwise fix or cause the same to be done
12 by any person, any notice, placard, bill, card, poster, commercial or non-commercial
13 handbill or device calculated to attract the attention of the public, to or upon any sidewalk,
14 crosswalk, curb or curbstone, flagstone or any other portion or part of any public way or
15 public place, or any lamppost, electric light, sign, telegraph or telephone pole, or railway
16 structure, hydrant, shade tree or tree-box, or upon the piers, columns, trusses, girders,
17 railings, gates or other parts of any public bridge or viaduct, or other public structure or
18 building, or upon any pole, box or fixture of the fire alarm or police telegraph system,
19 except such as may be authorized or required by the laws of the United States, the state
20 and this code or any other ordinances of the city.

21 **Sec 32-12 Manner Of Distribution In Or Upon Vehicles Prohibited**

22 No person shall distribute, deposit place, throw, scatter or cast any commercial or
23 noncommercial handbill in or upon any automobile or other vehicle. ~~in a manner in which~~
24 ~~it is likely to be carried or deposited by the elements upon any adjoining premises, street~~
25 ~~or sidewalk or other private place, or upon private property. The provisions of this section~~
26 ~~shall not prohibit the handing, transmitting or distributing of any such handbill to the owner~~
27 ~~of a vehicle who is willing to accept the same. Provided, however, that the owner of private~~
28 ~~property may place any commercial or noncommercial handbill upon any vehicle located~~
29 ~~upon the owner's property if such handbill advances said owner's product or service~~
30 ~~conducted upon such property.~~

31 **Sec 32-13 Depositing On Vacant Premises**

32 No person shall throw or deposit any ~~commercial or noncommercial~~ handbill, flyer,
33 promotional materials, or newspaper in or upon any private premises, driveway, sidewalk,
34 or adjacent public right-of-way which are temporarily or continuously uninhabited or
35 vacant in any of the following circumstances:

- 36 (a) Where it is apparent that such property is unoccupied;
37 (b) Where it is apparent that a previous day's distribution of handbills has not been
38 removed;
39 (c) Where the owner has not given his permission to do so.

Sec 32-14 Distribution On Posted Premises

No person shall distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill or newspaper upon any premises if requested by anyone thereon not to do so, or if there is placed on such premises, in a conspicuous position near the entrance thereof, a sign bearing the words, "No Trespassing," "No Peddlers or Solicitors," "No Advertisement," "No Unsolicited Newspapers" or any similar notice indicating in any manner that the occupants of such premises do not desire to have their right of privacy disturbed, or to have any such items left upon such premises.

Sec 32-15 Manner Of Distribution On Private Premises

No person shall distribute, deposit, place, throw, scatter or cast any non-subscribed newspaper, commercial or noncommercial handbill in or upon any inhabited private premises, driveway, sidewalk, or adjacent public right-of-way which are inhabited, except by handing or transmitting any such handbill or newspaper directly to the owner, occupant or any other person then present in or upon such private premises, driveway, sidewalk, or adjacent public right-of-way; ~~provided that in the case of inhabited private premises which are not posted as provided in this chapter, such registered or other person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill or newspaper in or upon such inhabited private premises, if such handbill or newspaper is so placed or deposited as to secure or prevent it from being blown or drifted about such premises or elsewhere, except that mMailboxes may not be used when prohibited by federal postal laws or regulations. For subscribed or otherwise agreed upon distribution of written materials, the manner of placement of such subscribed written materials shall be as agreed between the parties to said agreement.~~

ARTICLE 32-III PEDDLING AND SOLICITATION**DIVISION 32-III-1 PEDDLING FOR PROFIT****Sec 32-26 Permitted Locations For Peddlers And Solicitors**

- (a) Peddlers and solicitors may operate on any street within the city except on streets that are located within public parks, may only operate from motorized vehicles on such streets, but may not operate within six hundred (600) feet of a church, school or day care center.
- (b) Peddlers and solicitors may not operate on private business, vacant premises, or empty lots, ~~within the city with the written permission of the owner thereof, provided however, that the sale of items unrelated to the business already in operation on the premises, as well as the use of vacant premises, are hereby prohibited.~~
- (c) Peddlers and solicitors may not sell items from any temporary structure or cart. This shall include temporary sales structures, pushcarts, mobile carts, mobile or stationary stands, tents, pop up tents, or other outside sales unless permitted pursuant to chapter 25 - mobile food vendors, chapter 49 - permitted conditional uses, or chapter 41.5 – special event, or any other allowed provision of this code.

Sec 32-27 Duration Of Permit; Hours Of Operation

(a) ~~Applicants~~ ~~Every permit issued for door-to-door a peddler/solicitor solicitation permit~~ under the provisions of this chapter shall have the option to request a permit for one (1) month up to be valid for a maximum of six (6) months in a calendar year with payment of the required monthly fee, except as otherwise provided in subsection (b) of this section.

(b) Registered peddlers and solicitors ~~who have received~~ with valid city permits shall be allowed to engage in such activities in residential areas of the city only between the hours of 9:00 a.m. and 7:00 p.m. during the months of April, May, June, July, August and September, and only between the hours of 9:00 a.m. and 6:00 p.m. during the remaining months of the year, however, peddling and soliciting shall not occur on State and/or Federal holidays. Delivery of subscribed newspapers is specifically excluded from this provision.

Sec 32-28 Identification, Permit Exhibition And Transferability

All door-to-door peddlers and solicitors shall have their city photo-identification on their person at all times when peddling/soliciting and business identification posted, in a lettering size that is easily readable, on their vehicle, ~~cart or other display mechanism,~~ or on their person if no display mechanism is utilized, stating the business name, address, phone number and an identification number of the vehicle if applicable. The permit issued must be exhibited upon request. No permit issued hereunder shall be worn or used at any time by any person other than the person to whom it was issued.

Sec 32-29 Refusing To Leave

Any peddler or solicitor who enters upon premises, whether posted or not, and refuses to leave such premises after having been notified by the owner or occupant of such premises, shall be deemed in violation of this section and subject to fines, penalties and/or ban from future peddling and soliciting pursuant to section 32-51 of this chapter.

Sec 32-30 Exceptions

Exceptions to this article shall be allowed only for the benefit of public property or any city-sponsored event and in such manner as permitted by the city administration ~~chief financial officer/treasurer or his designee~~ from time to time.

DIVISION 32-III-2 CHARITABLE SOLICITATIONS CAMPAIGNS

Sec 32-35 Charitable Solicitation Campaign Permit Required, Exemption

Every person wishing to engage in charitable solicitation campaign must submit an application to the city clerk no less than thirty days before the initiation of the campaign and receive approval before engaging in such activities. Applications shall be made pursuant to procedures as may be developed by the city clerk's office from time-to-time.

1 It shall be unlawful to conduct any charitable solicitations campaign in any public place or
2 by ~~house to house~~ house-to-house canvass in the city unless the person conducting same
3 and responsible therefore shall first have obtained a permit in compliance with the terms
4 of this chapter. ~~provided, however, that the provisions hereof shall not apply to any~~
5 ~~solicitor that has an income tax exemption from the Internal Revenue Service for~~
6 ~~charitable, religious or educational purposes, when it solicits from its own members or~~
7 ~~from its own assemblies not using public places for such purposes.~~

8 **Sec 32-36 General Provisions**

9 No person shall conduct or share in the proceeds of any charitable solicitations campaign
10 unless he shall conform to the following requirements:

- 11 (a) He shall ~~and shall~~ for not less than thirty (30) days prior to his application
12 hereunder, have been actually engaged during such period in charitable,
13 religious, political or educational activity commensurate with the stated purpose
14 of the current charitable solicitations campaign.
15 (b) A permit received pursuant to this chapter shall be personal to the person so
16 registered, and shall not be assigned or transferred. The recipient of a permit
17 hereunder shall be responsible for the acts of his authorized representatives in
18 connection with such campaign.
19 (c) All persons engaged in a charitable solicitations campaign shall have the permit
20 received pursuant to this article on their person at all times while soliciting.
21 (d) All forms and permits issued under this division shall be public records.

22 **Sec 32-37 Refusing To Leave**

23 Any charitable solicitor who enters upon premises whether posted or not, and refuses to
24 leave such premises after having been notified by the owner or occupant of such
25 premises, shall be deemed in violation of this section and subject to fines, penalties and/or
26 ban from future soliciting pursuant to section 32-51 of this chapter.

27 **Sec 32-38 Duration Of Permit; Hours Of Operation – Charitable Solicitors**

- 28 (a) Every permit issued for charitable soliciting hereunder shall be valid for ninety (90)
29 days with the option to renew for an additional ninety (90) days for a maximum of
30 six (6) months in a calendar year, except as otherwise provided in subsection b of
31 this section.
32 (b) Registered charitable solicitors ~~who have received~~ with valid city permits shall be
33 allowed to engage in such activities in residential areas of the city only between
34 the hours of 9:00 a.m. and 7:00 p.m. during the months of April, May, June, July,
35 August and September, and only between the hours of 9:00 a.m. and 6:00 p.m.
36 during the remaining months of the year, with the exception that charitable
37 soliciting shall not be conducted on or near the roadway after dark.

Sec 32-39 Identification, Permit Exhibition And Transferability

All charitable solicitors shall have their copy of the city issued permit on their person at all times while soliciting, and the charitable organization identification posted, in a lettering size that is easily readable, on their vehicle, cart or other display mechanism, or on their person if no display mechanism is utilized, stating the charitable organization's name, address, phone number and an identification number of the vehicle if applicable. The permit issued must be exhibited upon request. No permit issued hereunder shall be worn or used at any time by any person other than the charitable organization to whom it was issued.

ARTICLE 32-IV PENALTIES**Sec 32-51 Violations Suspension and Revocation; Banning**

(a) Any permit issued under this article may be immediately suspended by the city clerk with reasonable cause to believe the permit holder filed a false or incomplete application or violated any provision of this article or any other law, and such violation arises out of solicitation or other commercial activities. The city clerk shall immediately notify the permit holder of the suspension and the reasons, therefore. The permit holder may appeal the suspension through the appeal process in accordance with chapter 3 of this code. The permit holder shall have the burden of proof to show, by a preponderance of the evidence, the suspension is not justified. If the hearing officer finds in favor of the city clerk, the permit will be revoked. If the solicitor did not have a permit, a ban order may be issued to ban solicitation in the city for up to two (2) years with leave to file a new permit application after two (2) years from the date of the order of the hearing officer. If the hearing officer finds in favor of the permit holder, the permit shall be reinstated. Failure to appeal the suspension is deemed an automatic revocation of the permit. All decisions of the hearing officer are final and reviewable in the manner provided by law.

(b) Upon violation of any of the provisions of this chapter, a ticket may be written charging the violation and reciting the following penalties, and the offender may request a hearing be held before the administrative hearing officer in the manner set forth in chapter 3 of this code, who, upon a finding for the city, shall apply the following penalties:

- (1) A first offense shall be punishable by a fine not to exceed one hundred fifty dollars (\$150.00).
- (2) A second offense shall be punishable by a fine not to exceed five hundred dollars (\$500.00).
- (3) A third offense shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00).
- (4) In addition to the monetary penalties above listed, upon a second or subsequent violation, the violator may be banned from peddling and soliciting, or otherwise doing business in the city for up to one (1) year.

1 (5) In addition to the monetary penalties above listed, and upon violation of
2 sections 32-5 6 or 32-7, the violator may be prosecuted for violation of
3 various trespass offenses under applicable law.

4 (6) In addition to the foregoing penalties, the administrative hearing officer may
5 order the revocation of a permit issued under this chapter if, following a
6 hearing, the hearing officer determines that a permittee or any of the
7 permittee's agents has violated any provision of this chapter, or has refused
8 to leave any premises when asked to do so, has made a false statement in
9 the application, or becomes disqualified for the issuance of a solicitation
10 permit under any provision of this chapter.

11 (7) All decisions of the hearing officer are final and reviewable in the manner
12 provided by law.

13 (c) Any business, mercantile or commercial establishment whose written materials
14 regardless of content are in violation of this chapter shall be prima facie
15 responsible for such violation and subject to the penalties expressed above.

16 (d) Any person so charged may not conduct business in the city until the administrative
17 hearing process is concluded.

18 **Sec 32-52 Reserved**