

CHAPTER 26

PEDDLERS AND SOLICITORS

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ARTICLE I. IN GENERAL

Sec. 26-01. License required for peddling/soliciting.

It shall be unlawful for any person, organization, firm or corporation to solicit, peddle, or canvass, as hereinafter defined in Section 26-2, within the City of Kankakee without first having obtained a license therefore, issued in compliance with the ordinance codified in this chapter, unless exempted herein. (Ord. 92-12, 3-16-92)

Sec. 26-02. Definitions - peddlers and solicitors.

For the purposes of this chapter, the following words and phrases shall have the following meanings unless a different meaning is required by context.

Canvasser: Any person interviewing, examining or obtaining information or attempting to do so from house to house, building to building or upon any street, highway, sidewalk or other public right-of-way within the City of Kankakee.

Charitable: Any benevolent, philanthropic, patriotic Organization or eleemosynary person or one purporting to be which solicits and collects funds for charitable purposes.

Charitable Purpose: Any charitable, benevolent, philanthropic, patriotic or eleemosynary purpose.

Contribution: Any promise or grant of money or property or any kind or value, including the promise to pay, except payments by members or an organization for membership fees, dues, fines or assessments, or for services rendered to individual members.

Peddler: Any person, going continually from house to house, building to building, or upon any street, alley, sidewalk or any other such place, places or public rights-of-way within the City of Kankakee, either on foot or by motor vehicle, provided such motor vehicle does not exceed 6,000 lbs. Empty weight, who shall sell or attempt to sell any goods, wares, merchandise, or services of any kind and nature, being carried or transported for same day delivery or performance. The person so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer; provided however that such person is not required to obtain a license under the provisions of Section 26-3.

Person: Any individual, organization, group, association, partnership, corporation, trust or any combination thereof.

Residence: Any separate living unit occupied for residential purposes, by one or more persons, contained within any type of building or structure located within the City of Kankakee.

Solicitor: Any person, going from house to house, building to building, or upon any street, highway, sidewalk or other public right-of-way within the City of Kankakee, who shall solicit or attempt to solicit or take orders for any goods, wares, merchandise, or services of any type or description including subscription to books, magazines, newspapers or any other type of publication, or other sale of property or services, or 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 project. (Ord. 92-12, 3-16-92)

Sec. 26-03. License for peddler/solicitor not required.

The standards of conduct, as set forth in Section 26-16, and all other applicable provisions of this chapter relating thereto to soliciting, peddling or canvassing shall apply to all persons engaged in such activity as defined herein. However, the requirement that a license be obtained shall not apply to the following:

- (a) Regularly established route-men with regularly established routes within the City of Kankakee, or other persons having an established list of customers within the City of Kankakee to whom periodic deliveries are made;
- (b) Officers or employees of the City, County, State, or Federal Government, or any subdivision thereof, when on official business;
- (c) Any retail merchant, located in the City of Kankakee, who solicits orders for his goods, wares or merchandise or for his services on a continuing and ongoing basis; or,
- (d) Persons soliciting or calling for purposes of promoting a political candidate, party, or public policy issue, unless such solicitation includes a request for donation of funds, in which case the license provided herein shall be required. (Ord. 92-12, 3-16-92; Ord. No. 98-12, Sec. 1 2-17-98)

Sec. 26-04 - 26-05. Reserved.

ARTICLE II. LICENSE & FEES

Sec. 26-06. Application for License - For-Profit Solicitor, Peddler or Canvasser.

Except as provided herein, any solicitor, peddler or canvasser, as defined in Section 26-2, shall prior to engaging therein submit to the City Clerk's Office a written application for a license on a form furnished by such office which shall contain the following information requested on the application:

- (a) The applicant's name, present residence address, telephone number, date of birth, and social security number;
- (b) A brief description of the nature of the business in which the applicant is engaged, and the kind of products or services to be sold or orders solicited;
- (c) Name, address, and telephone number of the person, firm, corporation or organization which the applicant is employed by or represents, and the length of time of such employment or representation;
- (d) If a motor vehicle is used, a description of same, together with the current license number of such motor vehicle as issued by the Secretary of State or such other identification as will serve to identify the vehicle and its owner;
- (e) Two photographs, size one inch by one inch, taken within the past sixty days, showing the head and shoulders of the applicant in a clear and distinguishing manner, together with a physical description of the applicant;
- (f) The period of time for which the license is requested, which in no event shall extend beyond April 30 of the fiscal year in which the license is issued, the hours of the day that such function shall be performed, and the approximate area within the City of Kankakee where the solicitation, peddling or canvassing will take place;
- (g) The date, or approximate date, of the latest previous application for a license, if any, as submitted to the

Office of the City Clerk;

- (h) A statement whether a license under the provisions of this chapter, or any other similar ordinance of the City of Kankakee or any county or municipality, has been revoked, together with the details thereof;
- (i) A list of the names, addresses, social security numbers and birth dates of all persons who will participate or are involved with the solicitation.
- (j) The designation of a resident of the City of Kankakee as a registered agent for purposes of receiving notices from the City of Kankakee or other claims or process, as a result of soliciting or doing business in the City of Kankakee.
- (k) A statement whether the applicant has been convicted of any crime, misdemeanor or violation of any municipal regulations, together with the details thereof;
- (l) Any vendor who sells food of any kind needs to show proof of having been granted a license from the County Health Department before being issued a permit from the City of Kankakee. (Ord. 98-63, Sec. 1, 7-20-98)
- (m) Any additional information that the City Clerk may deem necessary to process the application. (Ord. 92-12, 3-16-92; Ord. No 98-12, Sec. 1, 2-17-98)

Sec. 26-07. Application for License - Not-For-Profit Solicitor, Peddler or Canvasser.

Except as provided herein, any solicitor, peddler or canvasser, as defined in Section 26-2, or nonprofit corporation or organization involved, shall prior to engaging therein submit to the City Clerk's Office, at least five days prior to the date of soliciting, a written application for a license to solicit solely for charitable, community, or religious purposes, on a form furnished by such office which shall contain the following information requested on the application:

- (a) The name of the organization and the name under which it intends to solicit contributions;
- (b) The name of the person in charge of solicitation in the City of Kankakee;
- (c) The names and addresses of the persons who will solicit contributions in the City of Kankakee;
- (d) The dates and times of day such solicitations are to be made and the general area of solicitation within the City of Kankakee; not more than seven days (including one weekend) shall be permitted in one year;
- (e) Satisfactory proof that the organization is a charitable organization as defined in Section 26-2 herein;
- (f) A written statement of recent date by the Attorney General of Illinois that the organization has complied with the provisions of "An Act to regulate Solicitation and Collection of Funds for Charitable Purposes", Illinois Revised Statutes, Chapter 23, Section 5101, et seq., or such other reasonable proof as may be acceptable to the City Clerk that the organization intends to solicit for a valid and legitimate purpose;
- (g) Satisfactory proof that the organization is a tax-exempt organization under the Internal Revenue Code, Section 501 (c) (3); and,
- (h) Any additional information that the City may deem necessary to process the application. (Ord. 92-12, 3-16-92)

No organization or individual shall be allowed to solicit donations upon the streets or sidewalks of the City of Kankakee without obtaining a permit from the Clerk of City of Kankakee.

Only those organizations whose primary purpose are charitable educational or recreational and whose primary place of business is located in the City of Kankakee and which are organized as “not-for-profit” may obtain a permit for solicitation.

No permit for any organization shall be issued for solicitation for more than one day each calendar year with the designation of an alternate “rain day” which may be used in the event of inclement weather.

Any organization seeking a permit shall submit an application on the form as required by the City Clerk. Any organization seeking a permit shall in addition to supplying the information required by the City Clerk, shall also provide proof of liability insurance naming the City of Kankakee as an additional insured in such form and amounts as required by the City Clerk.

The location of any solicitation shall be limited to the following intersections: Station Street and Wall Street; Schuyler Avenue and River Street; Schuyler Avenue and Brookmont Boulevard; Harrison and Station Street; Indiana Avenue and Station Street; or Water Street and Washington Avenue. No solicitation shall occur on any street Intersections other than those designated by the City Clerk.

Any organization conducting a “Tag Day” under this ordinance shall abide by the following rules:

1. Wear reflective vests approved by the Police Chief.
2. No one under the age of sixteen (16).
3. No soliciting during inclement weather.
4. Soliciting may begin ½ hour after sunrise to 6:00 p.m. or ½ hour before sunset, whichever is earliest.
5. Organization name must be labeled on the outside of collection containers.

(Ord. 2015-30;7/6/15)

Sec. 26-08. License (Issuance & Revocation) - For –Profit Solicitor, Peddler or Canvasser.

- (a) After consideration of the application and all information and data obtained relative thereto, the City Clerk shall license the applicant as a solicitor, peddler, or canvasser, if he determines that the applicant has the qualifications and meets the requirements of this Chapter and all other applicable laws and Ordinances; if not, the application shall be denied and the applicant shall not solicit, peddle, or canvass in the City of Kankakee. (Ord. No 98-12, Sec. 1, 2-17-98)
- (b) The application shall be denied if the applicant or any person who is to participate in the solicitation or any person having management or supervision of the applicant's business has been convicted of a felony, or a misdemeanor which involves lack of moral character, honesty, or integrity, as determined by the result of an investigation conducted by the Chief of Police within ten years prior to the date of the application; or if he or any person who is to participate in the solicitation has at any time violated the provision of this Chapter or any other applicable laws or Ordinance of the City of Kankakee or any County or municipality for a period of ten years prior to the date of the application, or if a license or other such permit to engage in or carry out such business defined herein has been revoked by the City or any other governmental agency or body. This application shall also be denied if the purpose of the business is otherwise unlawful.
- (c) If the application for a license is approved, the City Clerk shall forthwith issue the applicant a license, provided the applicant complies with the requirements of Section 26-6 and pays the appropriate fee as determined in Section 26-12.

- (d) The license shall contain a permanently affixed photograph of the applicant, and copies thereof shall contain the names, addresses and the photograph of each person who is authorized to solicit on behalf of the applicant.
- (e) At all times while soliciting, peddling or canvassing in the City of Kankakee, the applicant, or any person soliciting, peddling or canvassing on behalf of the applicant shall prominently display said license and shall exhibit same whenever he is requested to do so by any police officer or by any person who is approached for purposes of soliciting, peddling, or canvassing. (Ord. No. 98-12, Sec. 1, 2-17-98)
- (f) Any license issued hereinafter shall be revoked by the City Clerk if the holder of the license is convicted for a violation of this chapter or any other law or ordinance, or ceases to possess the qualification required for licensing here under, or has made a false material statement in the application, or otherwise become disqualified for the issuance of a license under this chapter.
- (g) Immediately upon such revocation, written notice thereof shall be given by the City Clerk to the holder of the license by certified mail, return receipt requested, addressed to the applicant's residence address as set forth in the application. Immediately upon the mailing of such notice, the license shall become null and void. (Ord. 92-12, 3-16-92)

Sec. 26-09. License (Issuance and Revocation) - Not-For-Profit Solicitor, Peddler or Canvasser.

- (a) After consideration of the application and all information and data obtained relative thereto, the City Clerk shall license the applicant as a solicitor, peddler or canvasser if he determines that the applicant has the qualifications and meets the requirements of this Chapter and all other applicable laws and Ordinances; if not, the application shall be denied and the applicant shall not solicit, peddle or canvass in the City of Kankakee.
- (b) The Application shall be denied if the applicant or any person who is to participate in the solicitation or any person having management or supervision of the applicant's business has been convicted of a felony, or a misdemeanor which involves the lack of moral character, honesty or integrity, as determined by the result of an investigation conducted by the Chief of Police within ten years prior to the date of the application; or, if he or any person who is to participate in the solicitation has at any time violated the provisions of this Chapter or any other applicable laws or Ordinances of the City of Kankakee or any County or municipality for a period of ten years prior to the date of the application; or if a license or other such permit to engage in or carry out such business defined herein has been revoked by the City or any other governmental agency or body. The application shall also be denied if the purpose of the business is otherwise unlawful.
- (c) If the applicant is approved, the City Clerk shall issue a license to the applicant, setting forth the detailed permission to carry out the solicitation in the City of Kankakee.
- (d) The license shall contain a permanently affixed photograph of the applicant, and copies thereof shall contain the names, addresses and the photograph of each person who is authorized to solicit on behalf of the applicant.
- (e) At all times while soliciting, peddling or canvassing in the City of Kankakee, the applicant or any person soliciting, peddling or canvassing on behalf of the applicant, shall prominently display said license and shall exhibit the name whenever he is requested to do so by any police officer or by any person who is approached for purposes of soliciting, peddling or canvassing. (Ord. No. 98-12, Sec. 1, 2-17-98).
- (f) Immediately upon such revocation, written notice thereof shall be given by the City Clerk to the applicant in person or by certified or registered mail, return receipt requested, addressed to applicant's address set forth in the application. Immediately upon the delivering or mailing of the notice, the license

shall become null and void. (Ord. 92-12, 3-16-92)

Sec. 26-10. Penalty for violating Peddler/Solicitor Regulations.

Any person violating any of the provisions of this Chapter, or who makes a false statement upon an application for license provided herein shall, upon conviction, be subject to a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00). Any person who conducts solicitations or any business described in this Chapter, without first obtaining a license as described herein, shall be assessed a fine of not less than Two Hundred and Fifty Dollars (\$250.00) and not more than Five Hundred Dollars (\$500.00). (Ord. No 98-12, Sec. 1, 2-17-98)

Sec. 26-11. License - Records to be kept for peddlers/solicitors.

The City Clerk of the City of Kankakee shall cause to be kept an accurate record of every application received and acted upon, together with all other information and data pertaining thereto, all licenses issued hereunder, and a record of the denial of applications.

Sec. 26-12. License fees - peddlers/solicitors.

Each applicant shall pay an initial fee of fifteen dollars (\$15.00) for the handling and processing of such application. Upon approval and prior to the issuance of a license by the City Clerk, to solicit, peddle or canvas, a fee shall be paid in the amount described in Chapter 21 Section 21.04 of this Municipal Code. There shall be no additional fees charged for solicitors or canvassers other than the initial application fee. No application fee shall be charged for solicitors or canvassers representing a charitable, community or religious organization. (Ord 04-24, Sec 10 4/5/04)

Sec. 26-13 - 26-15. Reserved.

ARTICLE III.

STANDARDS OF CONDUCT, CITY POLICY DUTIES, TIME LIMIT, VIOLATION AND PENALTY

Sec. 26-16. Standards of Conduct - peddlers/solicitors.

All persons soliciting, peddling, or canvassing, in the City of Kankakee, whether required to be licensed under the provisions of this chapter or not, shall conform to the following standards of conduct:

- (a) Such persons shall conduct themselves at all times in an orderly and lawful manner, and shall not make, or cause to be made, any loud or obnoxious noise of such volume sufficient to disrupt the peace of the residents of the City of Kankakee.
- (b) Such persons shall, when requested identify themselves by the license issued by the City of Kankakee and other approved means of identification, if any.
- (c) Such persons shall, within a reasonable time, at the residence of a buyer or prospective buyer, clearly reveal the product or service they are selling, the company they are employed by or represent, and the exact price and conditions of proposed sale.
- (d) Such persons shall, at the time of taking of any order for the purchase of the product or service they are selling, deliver to the purchaser a copy of a written order or receipt which shall set forth the following in language that is clear and free of ambiguity;
 - 1. All terms and conditions of the sale, with specification of the total amount the purchaser will be required to pay, including all interest, service charges and fees, and other costs and expenses;
 - 2. The name and address of the solicitor, peddler or canvasser and the company selling such product

or service;

3. A statement whether the contract or negotiable instrument signed by the purchaser in connection with the sale may be sold or assigned by the seller to a third party; and,
 4. Statement shall also be included as to the time permitted to cancel any order and the method for such cancellation at no penalty.
- (e) Such persons shall strictly adhere to the terms of the invitation or lack of invitation in accordance with Section 26-18, and the failure of such persons to so adhere shall constitute a trespass.
- (f) No persons soliciting, peddling, or canvassing shall have the exclusive right to any location in the public streets, sidewalks, or alley, nor shall any such persons be permitted to operate in any congested area where their operations might impede or the creation of traffic obstruction, hazards or congestion created. (Ord. 92-12, 3-16-92)

Sec. 26-17. City Policy - No Solicitors signs.

It is the policy of the City of Kankakee that the occupant or occupants of a residence within the City of Kankakee shall make the determination of whether solicitors, peddlers, or canvasser (whether or not licensed or exempt from licensing) shall be, or shall not be invited into their respective residences. If no determination is made in accordance with the provisions of Section 26-18, it is presumed that any licensed solicitor, peddler, or canvasser or person acting for a non-profit corporation or organization, to which license has been issued hereunder, may solicit, peddle, or canvass on such premises.

Sec. 26-18. Residential Notice of Refusal of Invitation to Solicitors.

Every resident desiring to state his policy of invitation, including a refusal or limitation of invitation, to persons engaged in any soliciting, peddling, or canvassing, shall exhibit upon or near the main entrance door to the residence a weatherproof card containing the following words:

"NO SOLICITORS, PEDDLERS, OR CANVASSERS INVITED"

or,

"ONLY SOLICITORS, PEDDLERS, OR CANVASSERS LICENSED OR
AUTHORIZED BY THE CITY OF KANKAKEE INVITED"

For purposes of uniformity, the City of Kankakee shall provide such cards to residents on request and at the cost thereof. Such card so exhibited shall constitute sufficient binding notice to any persons of the information contained thereon.

Sec. 26-19. Duty of Solicitors, Peddlers and Canvassers.

It shall be the duty of every solicitor, peddler, or canvasser, upon going onto any residential premises in the City of Kankakee, to first examine the notice provided for in Section 26-8, if any is exhibited, and be governed by the statement contained on the notice. If the notice states:

"ONLY SOLICITORS, PEDDLERS, OR CANVASSERS LICENSED
OR AUTHORIZED BY THE CITY OF KANKAKEE INVITED"

then the solicitor, peddler, or canvasser, whether registered or not, shall immediately and peacefully depart from the premises. Any solicitor, peddler, or canvasser who has gained entrance to any residential premises, whether invited or

not shall immediately and peacefully depart from the premises when requested to do so by the occupant.

Sec. 26-20. Uninvited Soliciting, Peddling, and Canvassing.

It is unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, 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, peddling, or canvassing as defined in Section 26-1, in defiance of the notice exhibited at the residence in accordance with the provisions of Section 26-18. (Ord. 92-12, 3-16-92)

ARTICLE IV. TIME LIMIT, VIOLATION AND PENALTY

Sec. 26-21. Time Limit on Soliciting, Peddling and Canvassing.

It is unlawful and shall constitute a nuisance for any person, whether registered under the provisions of this chapter or not, to go 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 which the occupant thereof and engage in soliciting, peddling, or canvassing, prior to: sun-up or after sun-down on any day except Sundays or national holidays; prior to twelve noon, or after six p.m. or sun-down, which ever first occurs, on Sundays; and, at any time on national holidays.

Sec. 26-22. Violation by solicitors/peddlers - Penalty.

Any person violating any of the provisions of the Ordinance in this chapter, or who makes a false material statement upon an application for a license, as provided herein, shall, upon conviction shall be subject to a fine of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.) for each offense. Some offenses may be imposed as provided in Section 36-12 of the Municipal Code of the City of Kankakee. (Ord. No. 92-12, 3-16-92;Ord. No. 98-88, Sec. 26-22, 11-2-98).

PEDDLERS AND SOLICITORS

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