



## CITY OF WASHINGTON, ILLINOIS

### Committee of the Whole Agenda Communication

**Meeting Date:** September 8, 2025

**Prepared By:** Police Chief Jeff Stevens

**Agenda Item:** Draft Door-to-Door Soliciting Ordinance Discussion

**Explanation:** The City Code, Section 16-98, prohibits door-to-door solicitation in a broad sense (<https://washingtonpolice.link/16-98>). Although enacted to protect residents' peace and privacy, the ordinance predates recent First-Amendment case law favoring content-neutral time, place, and manner regulations. Many Illinois municipalities now use permit systems, do-not-knock registries, and limited hours of operation to balance resident peace and privacy with lawful expressive and commercial activity.

A working redline is attached for discussion. It has not been reviewed by the City Attorney; staff seeks Council direction first to ensure the draft reflects Council's policy goals before legal refinement.

My initial intent was to simplify the ordinance. You will see the draft ordinance is not simplified, mostly in attempts to meet both perceived Council intent and balance rights of residents to experience peace with rights of those seeking to do business or solicit for charitable causes. Interaction between soliciting regulation and other types of commerce addressed in Section 16, such as itinerant vendors, transient merchants, and mobile vendors, caused review beyond merely addressing door-to-door solicitation.

**Fiscal Impact:** Initial expenses include legal review and ordinance editing or drafting. Ongoing costs arise from processing applications, maintaining any registry, and enforcing compliance. Appropriately structured permit and background-check fees can offset ongoing costs, making the program near revenue-neutral after implementation.

**Action Requested:** Provide a consensus on elements of a revised ordinance, including types of regulatory elements to include in a draft revision of § 16-98. Such consensus would guide the City Attorney in further preparation. Some key items are below:

#### 1. Permit/Registration

- Require permits for commercial solicitation; registration (no fee) for charitable, religious, or political solicitation.
- Require visible identification/badge issued by the City.

**2. Background Checks (Commercial Only)**

- Authorize checks limited to disqualifying offenses relevant to doorstep interactions (e.g., fraud, burglary, violent offenses), with an appeal process.
- Difference in background requirements for door-to-door solicitation versus other types of sales (with a rational basis)?

**3. Do-Not-Knock Registry & Posted Notices**

- Maintain a City registry; require permittees and others to honor it.
- Enforce respect for clearly posted “No Soliciting” signs.

**4. Hours of Operation**

- Set uniform daytime/evening hours (e.g., 9:00 a.m.–7:00 p.m., or sunset, whichever is later).
- Prohibit solicitation on designated holidays and during declared emergencies.

**5. Conduct Standards**

- Require immediate departure upon request; prohibit misrepresentation and obstruction of ingress/egress.
- Require disclosure of business name, purpose, and any cost/obligation at the outset.

**6. Exemptions & Special Cases**

- Clarify exemptions for noncommercial expressive activity (political, religious, public-interest).
- Address minors engaged in bona fide youth fundraising (e.g., school or scout groups) and whether adult supervision is required.

**7. Fees & Cost Recovery**

- Set permit and fingerprint/background-check fees to recover administrative costs only.
- Provide reduced/zero fees for qualifying charities as permitted by law.

**8. Enforcement & Remedies**

- Options for enforcement: warning, administrative citation, notice to appear, permit suspension/revocation (with due-process hearing).
- Civil penalty schedule and authority for immediate suspension for egregious conduct.

## ARTICLE III. TRANSIENT MERCHANTS AND SIMILAR VENDORS

### DIVISION 1. GENERALLY

#### Sec. 16-96. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator or City Administrator means The Washington City Administrator or his or her appointee or designee.

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Applicant means Any person or entity that files an application for a permit under this Article.

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Charitable purpose means Any charitable, benevolent, philanthropic, patriotic, or eleemosynary purpose under the Illinois Solicitation for Charity Act, 225 ILCS 460/1 et seq.

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Charitable solicitation means Solicitation engaged in for a charitable purpose.

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Door-to-door sales means in-person commercial solicitation conducted at a private residence for the purpose of offering goods or services for sale, lease, or exchange, regardless of whether the goods or services are immediately available or subject to future delivery.

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Entity means A corporation, organization, association, or similar entity of any form on whose behalf one or more individuals engage in solicitation.

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Fixed Place Of Business means A business that is properly licensed, if required by law, and operated from a permanent, fixed location in the city.

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Hawker or peddler means every person, whether or not the person is an employee of another person, who shall sell or offer for sale, barter, or exchange, at retail, any goods, wares, or merchandise, except milk or cream, traveling from place to place, in, along, and upon the streets, avenues, alleys, or public places of the city, or who shall sell and deliver from any vehicle, going from place to place in the city, whether to regular customers or not, any goods, wares, or merchandise, except milk or cream. A mobile vendor operating with a valid city mobile vendor license in compliance with this article is not a hawker or peddler.

Itinerant vendor means any person who transports tangible personal property for retail sale within the city who does not maintain in the city an established office, distribution house, sales house, warehouse, service center, or residence from which such business is conducted. The term "itinerant vendor," for the purposes of this article, shall not apply to:

- (1) Any person who delivers tangible personal property within the city who is fulfilling an order for such property which was solicited or placed by mail or other means; or
- (2) Any person holding a valid license, issued by the state or county, to engage in retail sales.

Mobile vendor means an individual, partnership, or corporation that engages in the business of selling retail goods, food and/or beverages from a vehicle.

Nonprofit organizations means any bona fide charitable, educational, fraternal, labor, religious, or veterans organization that operates without profit to its members.

Premises means Any occupied building or structure, or any separate dwelling unit contained within any occupied building or structure, within the city.

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Police Chief means the City of Washington Chief of Police or his or her designee.

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Public property means real property owned, controlled, used, or occupied by any unit of government or any governmental organization.

Solicit or Soliciting means The act of engaging in solicitation.

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Solicitation means Engaging in any of the following activities anywhere within the city, other than from a fixed place of business:

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(1) seeking or offering to sell, offering for sale, selling and delivering, peddling, bartering, exchanging, or obtaining, for profit or any kind of consideration, any goods or services;

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(2) distributing to the public—by leaving at a store, office, or residence or on any public property—any solicitation material;

(3) asking for or seeking to collect contributions of money, gifts, or goods of any kind for any purpose, except for a purely political purpose;

(4) selling tickets;

(5) seeking to obtain customers for application, purchase of, or enrollment in any public utility service or program; and

(6) going upon any public or private property within the city for the purpose of engaging in any of the activities described in (1) through (5). Religious proselytizing and political canvassing are not defined as solicitation and are not regulated by Division 4 except relating to the City's No Solicitation list wherein a resident or property owner seeks to limit in-person visits to their property through voluntary inclusion.

Solicitation material means Cards, circulars, handbills, samples, merchandise, advertising materials, documents or articles of a commercial nature, and other types of publications, or any other items used in conjunction with solicitation.

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Solicitor means any person engaged in solicitation who goes from house to house or from place to place in the city selling or taking orders for, or offering to sell or take orders for, goods, wares, or merchandise, upon immediate delivery, when the same is to be paid for upon an installment or deferred plan, or for future delivery where a deposit of money is made in advance of final delivery.

Street means The entire width between boundary lines of every way publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular travel, except the sidewalk. Street includes medians and channelization islands between roadways.

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Temporary stand means any table, stand, rack, or display set up for fewer than 90 consecutive days in a calendar year at the same location.

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Transient merchant means any person who is engaged temporarily in the retail sale of goods, wares, or merchandise in the city, and who, for the purpose of conducting such business, occupies any building, room, vehicle, structure of any kind, or vacant lot. The term transient merchant, for the purposes of this article, shall not apply to:

- (1) Any person selling goods, wares, or merchandise which are raised, produced, or manufactured by him;

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- (2) Any person selling vegetables, fruit, or perishable farm products at an established city market;
  - (3) Any person operating a store or refreshment stand at a resort;
  - (4) Any person operating a stand or booth on or adjacent to property owned by or upon which the same resides;
  - (5) Any person operating a stand or booth at a state or county fair;
  - (6) Any person operating a stand or booth at a trade show, exposition, convention, or similar event; or
  - (7) Any person holding a valid license, issued by the state or county, to engage in retail sales.

(Code 2000, § 115.01; Ord. No. 2082, 8-18-1997; Ord. No. 3352, 11-4-2019)

#### **Sec. 16-97. Prerequisites to conducting business.**

(a) State tax registration. No person may engage in the business of selling tangible personal property at retail under this article unless the person has first obtained a certificate of registration from the Illinois Department of Revenue as required by Section 2a of the Retailers' Occupation Tax Act (35 ILCS 120/2a) and remains in compliance with all applicable State tax laws. Proof of such registration (or a sworn statement that registration is not required because the activity is not "engaging in the business of selling at retail" under State law) shall be submitted with the license application and produced upon request during operations.

(b) Transient merchant/itinerant vendor bond or deposit (when applicable). If the applicant is a transient merchant or itinerant vendor as defined by the Transient Merchant Act of 1987 (225 ILCS 465/), the applicant shall file with the City Clerk a surety bond or cash deposit in the amount required by 225 ILCS 465/4(d)—equal to 50% of the wholesale value of the merchandise to be offered for sale, but not less than \$1,000 and not more than \$10,000—unless waived as permitted by that Act.

(c) Transfer to Attorney General and holding period. Upon cessation of business within the City, the City Clerk shall transfer the bond or deposit to the Illinois Attorney General within 14 days, and the Attorney General shall hold the bond/deposit for two (2) years for the benefit of eligible claimants, all as provided in 225 ILCS 465/4(e).

(d) State-law primacy and concurrent licensing. Compliance with subsections (a)–(c) is a condition precedent to issuance or continuation of any license under this article. Nothing in this article authorizes any person to operate without (i) a certificate of registration and, if required, financial security under State tax law, and (ii) a license under the Transient Merchant Act of 1987, where applicable. In the event of a conflict, State law controls (see 225 ILCS 465/3).

(e) Construction. This section must be read together with the Retailers' Occupation Tax Act and the Transient Merchant Act of 1987 and does not expand or change the obligations those Acts impose. References to State statutes in this section mirror those Acts and automatically include any later amendments.

It is unlawful for any person, either as principal or agent, to conduct business as a transient merchant or itinerant vendor in the city without first complying with the requirements of 35 ILCS 120/2a by obtaining a certificate of registration and by posting bond or other approved security, and without having obtained a license under this article.

(Code 2000, § 115.02; Ord. No. 2082, 8-18-1997; Ord. No. 2530, 5-3-2004)

#### **Sec. 16-98. Hawkers, peddlers and solicitors ~~prohibited~~.**

It is unlawful for any person, either as principal or agent, to conduct business as a hawker or peddler in the city. The prohibition of hawkers or peddlers contained in this section does not apply to those individuals identified in section 16-133 as being exempted from licensing requirements applicable to transient merchants or itinerant

~~vendors. Solicitation, as defined in this Article, is permitted only in compliance with Division 4 of this Article and all other applicable provisions of this Code. It is unlawful for any person, either as principal or agent, to conduct business as a hawker, peddler or solicitor in the city. The prohibition contained in this section does not apply to those individuals identified in section 16-133 as being exempted from the licensing requirements.~~

(Code 2000, § 115.02A; Ord. No. 2530, 5-3-2004)

#### **Sec. 16-99. Prima facie evidence.**

It shall be prima facie evidence that a person, ~~a merchant or a vendor~~, is a transient merchant or itinerant vendor under this article if the person does not transact business from a fixed location or if the person does not own, or lease, for a term of at least six months, the property from which business is conducted. Proof of a transaction occurring without a license is prima facie evidence of a violation by both the seller and the employing business entity.

(Code 2000, § 115.03; Ord. No. 2082, 8-18-1997)

#### **Sec. 16-100. Limitation on hours of operation.**

It is unlawful for any transient merchant, or itinerant vendor to transact business of a transient merchant, or itinerant vendor as defined in section 16-96 from door-to-door within the city before the hour of 9:00 a.m. or after the later of sunset or 7:00 p.m. Monday through Saturday, or at any premises listed in the City's No Solicitation registry, or at any premises displaying a reasonably visible "No Soliciting" or equivalent sign, except by prior appointment made between the transient merchant, or itinerant vendor and the citizen.

(Code 2000, § 115.04; Ord. No. 2082, 8-18-1997; Ord. No. 2530, 5-3-2004)

#### **Sec. 16-101. Location of sales facilities on private property.**

No transient merchant, or itinerant vendor licensed under the provisions of this article may erect or place any display, exhibition, or sales facility of any nature whatsoever upon any parcel of privately owned real property except under the following conditions:

- (1) Such activity is permitted under all applicable zoning regulations.
- (2) The structure from which the display, exhibition, or sales facility is operated is provided with water and sewer service in the manner required by this Code and conforms in all respects to the provisions of the city's building regulations.
- (3) Parking and loading facilities available on the parcel meet the requirements established under the provisions of the city zoning ordinances.

(Code 2000, § 115.05; Ord. No. 2082, 8-18-1997; Ord. No. 2530, 5-3-2004)

#### **Sec. 16-102. Vehicles to be marked.**

Every vehicle or conveyance used by a person licensed ~~hereunder as or acting as a transient merchant or itinerant vendor~~ shall have the name of such person or employer and the number of the license, if applicable, conspicuously displayed thereon. No person may display a license number or purport to display a license number when such number does not match the person's actual, valid, City of Washington license number.

(Code 2000, § 115.06; Ord. No. 2082, 8-18-1997)

#### Sec. 16-103. Restrictions on use of public streets and City property.

- (a) Except as permitted in subsection (b) of this section, it is unlawful for any person, including those licensed hereunder, for the purpose of dispensing or displaying any goods, wares, foodstuffs, or other merchandise or tangible personal property of any nature whatsoever, to erect or place any temporary or permanent stand, cart, wagon, or other structure or vehicle upon any street, alley, sidewalk, or other location owned or maintained by the city.
- (b) Any person licensed hereunder may, if so indicated on the face of such license, conduct licensed operations from a single specific fixed location identified on the face of the license, which location is on property owned or maintained by the city. Conduct of licensed operations from more than one location shall require a separate license and payment of an additional license fee for each such location. No such location shall be within 50 feet of any entrance or exit to any building. All such locations shall be within areas of the city which are zoned C-1, C-2, or C-3 under the city zoning ordinances, or, if the permitted location is a street, adjacent to property so zoned. No licensee may conduct licensed operations from any location where such operations would reasonably interfere with the intended or primary use of the public place in question. No license shall be issued for any location on property owned or maintained by the city which is within 300 feet of any location for which a current valid license has been issued. Mobile vendors subject to Division 3 of this article are exempt from this section and subject to the requirements of Division 3 of this Article.

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(Code 2000, § 115.07; Ord. No. 2082, 8-18-1997)

#### Sec. 16-104. Compliance with sign requirements.

Except as otherwise permitted in this article, no transient merchant, or itinerant vendor shall establish or display a sign without first complying with this Code applicable to signs.

(Code 2000, § 115.08; Ord. No. 2082, 8-18-1997; Ord. No. 2530, 5-3-2004)

#### Sec. 16-105. Fraud and misrepresentation.

Any licensed transient merchant, solicitor, or itinerant vendor who shall be guilty of any fraud, cheating, misrepresentation, or imposition, whether the licensee or through an employee, while engaged in trade or solicitation within the city or who shall broker, sell, or peddle any goods other than those specified in the application for a license shall be deemed guilty of a violation of this article. It is a violation to misstate or conceal the legal name of the business, the refund policy, or, when a right to cancel disclosure is required by state or federal law, the right to cancel.

(Code 2000, § 115.09; Ord. No. 2082, 8-18-1997; Ord. No. 2530, 5-3-2004)

#### Sec. 16-106. Door-to-door soliciting.

- (a) Except only as provided in Division 4 of this article, it shall be unlawful for any person to engage in solicitation in the city without having first applied for and obtained a valid solicitation permit therefor.

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~~It is unlawful for any person licensed hereunder, or any agent or employee of any person licensed hereunder, to go in or upon any private residence, apartment, or other premises in the city for the purpose of selling or soliciting from the occupants thereof or canvassing for orders for publications, goods, wares, and merchandise or services of any character or description, or for the purposes of offering to give or to furnish~~

~~or giving or furnishing any publications, goods, wares, merchandise, or services to any such occupants or inviting such orders without first having obtained the consent of the occupant thereof.~~

- (b) It is unlawful for any person ~~licensed hereunder,~~ or for any agent or employee of any person ~~licensed hereunder,~~ to go in or upon any private residence, apartment, or other premises in the city for the purpose of selling or soliciting from the occupants thereof or canvassing for orders for publications, goods, wares, and merchandise or services of any character or description, or for the purposes of offering to give or to furnish or giving or furnishing any publications, goods, wares, merchandise, or services to any such occupants or inviting such orders where any such occupant has forbidden such soliciting or canvassing, or caused to be placed on such premises, in a conspicuous place near the entrance thereof, a sign bearing the terms "no trespassing," "no peddlers," "no soliciting," or any similar notice indicating in any manner that the occupants of such premises do not desire to have their right of privacy disturbed, unless such occupant has specifically requested such solicitation or canvassing.

(Code 2000, § 115.10; Ord. No. 2082, 8-18-1997)

**Secs. 16-107—16-125. Reserved.**

## ***DIVISION 2. LICENSING***

### **Sec. 16-126. License and bond required.**

- (a) It is unlawful for any person as principal or agent, to conduct business as a transient merchant or itinerant vendor within the ~~city~~ City without first ~~obtaining a license under this Division, which license shall be administered in conformity with the Transient Merchant Act of 1987 (225 ILCS 465/), complying with the requirements of 35 ILCS 120/2a by obtaining a certificate of registration and by posting bond or other appropriate security, and without having obtained a license hereunder.~~
- (b) ~~State tax registration. Any applicant who will engage in the business of selling tangible personal property at retail shall, as a condition of the City license, submit proof of a certificate of registration issued by the Illinois Department of Revenue under Section 2a of the Retailers' Occupation Tax Act (35 ILCS 120/2a) or a sworn statement that such registration is not required by State law. It is unlawful for any person as principal, agent, or employee to conduct business as a transient merchant or itinerant vendor to transact any business within the city without having first obtained a license therefor for each such person who will be conducting such business in the city.~~
- (c) ~~Bond or cash deposit. Before issuance of a license under this Division, the applicant shall file with the City Clerk a surety bond executed by the applicant and a surety authorized to do business in Illinois, or a cash deposit, in the amount required by 225 ILCS 465/4(d), equal to fifty percent (50%) of the wholesale value of the merchandise to be offered for sale, but not less than One Thousand Dollars (\$1,000.00) and not more than Ten Thousand Dollars (\$10,000.00), unless waived as permitted by that Act. No license required in subsection (a) of this section shall be issued until the applicant therefor has filed the bond required in subsection (b) of this section.~~
- (d) ~~Transfer to Attorney General; holding period. Upon cessation of business within the City by a transient merchant or itinerant vendor, the City Clerk shall transfer the bond or deposit to the Illinois Attorney General within fourteen (14) days. The Attorney General shall hold the bond or deposit for two (2) years for the benefit of eligible claimants, as provided in 225 ILCS 465/4(e). The applicant for a license as a transient merchant or itinerant vendor shall file with the police chief a surety bond or shall make a cash deposit. The amount of the bond or deposit shall be equal to 50 percent of the wholesale value of the merchandise that the applicant intends to offer for sale; however, the amount of the bond or deposit shall not be less than \$1,000.00 nor more than \$10,000.00. The city shall transfer the deposit or bond to the attorney general of~~



the state within 14 days after the applicant ceases to do business in the city; and the attorney general shall hold such deposit or bond for two years for the benefit of any person who suffers loss or damage as a result of the purchase of merchandise from the person licensed hereunder or as the result of the negligent or intentionally tortuous act of the person licensed hereunder. The attorney general will pay any portion of the bond or deposit to any person in accordance with the order of a court without making an independent filing as to the amount of the bond or deposit that is payable to that person. Any balance of the deposit held by the attorney general two years after the expiration of a license of a person hereunder shall be refunded to the person.

(e) Exemptions. Exemptions available under the Transient Merchant Act of 1987 apply to this Division to the same extent as provided in that Act.

(f) State-law primacy. This section is intended to mirror the requirements of the Retailers' Occupation Tax Act and the Transient Merchant Act of 1987. In the event of a conflict between this Division and State law, State law controls. Nothing in this Division shall be construed to expand or diminish obligations imposed by those Acts

(Code 2000, § 115.20; Ord. No. 2082, 8-18-1997; Ord. No. 2530, 5-3-2004)

#### **Sec. 16-127. Application; fingerprinting of applicant.**

(a) Applications for a transient merchant or itinerant vendor license as required by section 16-126 shall be made in writing to the ~~police chief~~City Clerk and shall state thereon the following:

- (1) Applicant's full name and permanent address, which must include a street address;
- (2) The residence address of the principal and, if applicant is a corporation, the residence address of all of its officers;
- (3) The applicant's date of birth, if the applicant is an individual;
- (4) The applicant's social security number or federal employer's identification number;
- (5) The applicant's driver's license number and the state of issuance of such driver's license;
- (6) The locations at which the applicant intends to do business;
- (7) The nature of the business the applicant intends to conduct;
- (8) A copy of the applicant's, or the applicant's employer's, certificate of registration under 35 ILCS 120/2a;
- (9) A complete inventory of the goods the applicant intends to offer for sale; and
- (10) A list of all licenses to conduct business as a transient merchant or an itinerant vendor obtained by the applicant in the state in the 12 months preceding the date of filing of the application.

(b) If the applicant desires to operate from property owned or maintained by the city in accordance with the provisions of section 16-103, the applicant shall describe the location from which the applicant desires to operate.

(c) In addition to the foregoing, before issuing a license, each applicant must submit to the ~~police chief~~City Clerk the following:

- (1) A fully completed and executed authorization in such form as may be ~~proscribed~~prescribed from time to time by the police chief granting the city authority to request criminal history or conviction information from the state police or other lawful source; ~~including~~ fingerprints of such persons;
- (2) A properly and fully completed conviction information request form, or such other form as the state police may require from time to time, including the applicant's original fingerprint images; and

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- (3) ~~A check made payable to the state police to cover the necessary state police fees and expenses of processing the conviction information/criminal history background check~~Payment of the nonrefundable licensing fee prescribed by the city for such permit. Such fee shall not be less than \$40.00 (forty dollars).

(d) Application material collected by the City Clerk in relation to this Section shall be used only for licensing purposes and destroyed in accordance with state law related to retention of records.

(Code 2000, § 115.21; Ord. No. 2082, 8-18-1997; Ord. No. 2530, 5-3-2004)

#### **Sec. 16-128. Issuance; expiration.**

Upon submission of the information required by section 16-127 to the ~~police chief~~City Clerk, and upon receipt of the conviction information/criminal history background check results, ~~from the state police by the police chief,~~ the ~~police chief~~City Clerk shall then issue the specific license applied for, which license shall expire on December 31 of the year it was issued; however, no such license shall be issued to an applicant whose conviction information/criminal history background check results indicate, or if the police chief otherwise obtains information indicating the applicant has, a conviction for:

- (1) A felony, or any offense which if committed in the state would have been a felony, except that a felony not involving moral turpitude is not a bar to licensing after 5 years from the date of conviction;
- (2) A sex offense for which the applicant is required to register as a sex offender; or
- (3) An offense involving fraud or deceit.

(Code 2000, § 115.22; Ord. No. 2082, 8-18-1997; Ord. No. 2530, 5-3-2004)

#### **Sec. 16-129. Fees.**

No license to transact business as a transient merchant or itinerant vendor hereunder shall be issued until a fee as provided in the city fee schedule has been paid to the city clerk. An additional fee may be required of certain licensees under the provisions of section 16-103. The city may charge a fee for any replacement of a license.

(Code 2000, § 115.23; Ord. No. 2082, 8-18-1997; Ord. No. 2530, 5-3-2004)

#### **Sec. 16-130. Transference of license.**

No license issued pursuant to the provisions of this article shall be transferable.

(Code 2000, § 115.24; Ord. No. 2082, 8-18-1997)

#### **Sec. 16-131. Possession of license required at times when engaged in activity.**

Any person licensed pursuant to this article shall, at all times while engaged in the activities defined in section 16-96, keep the license in possession and display the same upon the demand of any police officer or upon the request of any person upon whose premises the same seeks to enter. City-issued photo ID badge shall be worn above the waist and visible at all times while engaged in sales; badges must be returned on expiration or revocation.

(Code 2000, § 115.25; Ord. No. 2082, 8-18-1997)

### Sec. 16-132. Revocation or Suspension.

Without excluding other just grounds for revocation, the police chief may revoke any license required under this article which is obtained under an application containing a false or fraudulent statement, or for violation of any of the provisions of this article, any other ordinances of the city, any state or federal statutes, or any other grounds specified by law, or the selling or offering to sell or soliciting or canvassing for orders for any goods, wares, merchandise, or services other than those specified in the application for license. Any police officer may immediately suspend and confiscate a license under this article where there is a reasonable threat to public safety or reasonable cause to believe the individual or company has perpetrated fraud. Any revocation or suspension under this article may be appealed as provided in Section 16-135.

(Code 2000, § 115.26; Ord. No. 2082, 8-18-1997)

### Sec. 16-133. Exemptions.

The following, if not previously exempted from this article, shall be exempt from the provisions and requirements of this division, and the prohibition against hawkers, peddlers, and solicitors:

- (1) *Previous invitation.* Any person who, for the purpose of selling or taking orders for the sale of merchandise or services, has been previously invited by the occupant of a residence to call thereon.
- (2) *Nonprofit organization.* Any person selling, peddling, hawking, soliciting, or taking orders for any goods or services not prohibited by law on behalf of a nonprofit organization sponsored by or participated in by a local chapter of such organization; or by a national nonprofit organization not represented locally but which has filed a statement of registration with the police chief specifying the name of the nonprofit organization, its permanent address, the names of its principal officers and the names of those persons who are authorized to sell, peddle, hawk, or solicit or take orders for goods and services within the city.
- (3) *Celebration.* Any person selling, peddling, hawking, soliciting, or taking orders for any goods or services not prohibited by law while invited to participate in any celebration, fair, festival, or similar lawful activity sponsored by the city or a nonprofit organization and while actually participating in said celebration, fair, festival, or similar activity and when such person selling, peddling, hawking, soliciting, or taking orders is a part of such celebration approved by the celebration-sponsoring authority. Such participation must occur wholly within the defined area of the celebration and may not include door-to-door solicitation.
- (4) *Farmers or gardeners.* Any person who sells the produce of one's own farm, vineyard, orchard, or garden, on the premises and such sales are made upon the same property whereupon the produce has been grown, harvested, picked, or cultivated; provided such person does not obstruct streets, sidewalks or other public places within the city. However, nothing herein contained shall be construed to authorize the sale of alcoholic, spirituous, malt, or other intoxicating liquors, or peddling of any kind whatsoever in any public park.
- (5) *Newspapers vendors.* Any person who, on behalf of the publisher of any newspaper of general circulation within the city, peddles the same within the city.
- (6) *Book canvasser.* Any person who solicits subscriptions for books, periodicals, and other publications for future delivery within the city.
- (7) *Minors.* Minors under the age of 18 years engaged in the sale of their own services (e.g., lawn care, snow shoveling) or school-sponsored or charitable fundraising.

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(Code 2000, § 115.27; Ord. No. 2082, 8-18-1997; Ord. No. 2530, 5-3-2004)

**Sec. 16-135. Appeal of denial, suspension, or revocation.**

Any person aggrieved by the denial, suspension, or revocation of a license under this Division may appeal to the City Administrator by filing a written request for hearing within ten (10) days after receipt of the notice of denial, suspension, or revocation. The City Administrator shall set a hearing within ten (10) days after receipt of the request and give written notice of the hearing at least five (5) days in advance. At the hearing, the appellant may present evidence and witnesses. Within five (5) days after the close of the hearing, the City Administrator shall render a decision in writing, which may reinstate a revoked or suspended license, grant the requested license or a renewal thereof, or affirm the denial, suspension, or revocation. The City Administrator's decision is final unless review is sought pursuant to the Administrative Review Law.

**Secs. 16-~~134~~135—16-164. Reserved.**

***DIVISION 3. MOBILE VENDORS***

**Sec. 16-165. License and fee.**

- (a) Any mobile vendor (MV) who would like to operate an MV within the city on public right-of-way (ROW) or public property shall submit an application for a mobile vendor license.
- (b) An application fee as provided in the city fee schedule is required to be submitted for any MV who operates within the city on public ROW or public property. Existing nonhome occupation businesses in the city shall be exempt from paying this fee if a business desires to also operate an MV within the city limits. MVs that are operating either on public ROW or public property during a special event shall be exempt from paying this fee subject to the conditions in section 16-172.
- (c) An annual fee as provided in the city fee schedule per MV shall be paid to the city no later than January 30 each year or, if a new license is being requested, the annual fee shall be paid at the time an application is requested. Existing nonhome occupation businesses in the city shall be exempt from paying this fee if a business desires to also operate an MV within the city limits. The annual fee shall only be required for any MV who operates within the city on public ROW or public property. MVs that are operating either on public ROW or public property during a special event shall be exempt from paying this fee subject to the conditions in section 16-172.

(Code 2000, § 115.30)

**Sec. 16-166. Vehicle requirements.**

- (a) An MV shall operate from a self-contained vehicle that possesses proof of vehicle registration. The vehicle shall be kept in good mechanical and structural condition.
- (b) An MV's vehicle shall be enclosed on the top and all sides, with the business name legibly painted on both sides of the vehicle. The presence of a door for public access or a serving window shall not be a violation of this section.
- (c) An MV's vehicle is not a multi-use vehicle. It should not be used for any other purpose other than an MV.
- (d) If the MV wishes to draw from a public power source, it must obtain written consent from the city and pay an appropriate fee, which shall be set by the city in its sole discretion. The city shall designate particular locations where it is acceptable for MVs to draw from a public power source. An MV shall not draw electricity

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from nonapproved public power sources, such as streetlights. An MV may rely on self-contained electricity. If an MV wishes to draw from an external power source on private property, the MV must gain consent from the property owner.

(Code 2000, § 115.31)

#### **Sec. 16-167. Proximity and location on public right-of-way or public property.**

- (a) An MV operating on a public street must conduct all points of sale on the curbside of the street in city approved public right-of-way or public properties. The city shall make a list and map of approved public right-of-way and public properties available on the city's website and at city hall.
- (b) An MV shall not obstruct access to any sidewalk, street, alley or parking lot. While operating in a location that affects sidewalk traffic, an MV must provide a minimum of five feet of unobstructed sidewalk to allow for pedestrian traffic, including, but not limited to, wheelchairs.
- (c) Any MV operating on public right-of-way within the downtown square must have written permission from any stationary business that it will be parked in front of. An MV is deemed operating in front of a business if any part of the vehicle or any attached power unit or accoutrement is within an area bounded by the prolongation of the sides of the building from which the business operates, at, or approximately at, right angles to the curb or roadway edge closest to the business and extending to the far side of the proximate roadway.
- (d) No more than six of the available downtown square on-street MV spaces can be occupied at any time as determined by the city administrator or designee.
- (e) An MV may operate and conduct business next to another MV, as long as these actions do not infringe on the MV that was in the area first.
- (f) When operating on public property, tables, tents and chairs designated for customer dining are prohibited, with the exception of tents and tables that are specifically designated for food storage and preservation. On private property, tables, tents and chairs designated for customer dining are permitted with consent of the property owner.
- (g) Freestanding signage, tables, tents and chairs of any kind are strictly prohibited, without any exceptions, if the MV is conducting sales from an on-street parking location.
- (h) All signage and aesthetics promoting the MV must be attached to the vehicle.
- (i) An MV may operate on private property only with written consent from the property owner.

(Code 2000, § 115.32)

#### **Sec. 16-168. Noise and behavior constraints.**

- (a) The vendor shall not ~~annoy~~ harass, or call out to patrons in any way that calls attention to the sale of any goods that are being sold from the MV.
- (b) Any form of intimidation or disorderly behavior towards patrons, residents, pedestrians, and/or other vendors is prohibited will not be tolerated and shall be cause for revocation of the MV license.
- (c) An MV shall not play any sort of music or make any announcements that are amplified.

(Code 2000, § 115.33)

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**Sec. 16-169. Food inspections and licensing.**

- (a) MVs are strictly prohibited from selling, displaying for sale, gifting, transferring or delivering any type of alcoholic beverages unless in compliance with city and state requirements for such action.
- (b) Beverages may not be served in any glass cup or container.
- (c) An MV shall comply with all health department regulations regarding food handling, food preparation, and food service. Health Department permits must be conspicuously displayed.
- (d) Every MV that stores, prepares, packages, serves, or vends food directly to the consumer shall have a valid inspection certification from the county health inspector.
- (e) Every MV that stores, prepares, packages, serves, or vends food directly to the consumer shall have a current food license from the county.

(Code 2000, § 115.34)

**Sec. 16-170. Sanitation and disposal.**

- (a) An MV shall abide by all rules and regulations regarding food safety and disposal set forth by the county health department.
- (b) An MV, at the end of each business day operation, shall remove all items, containers, and debris from the area of operation. The vendor shall collect all litter and garbage incidental to the operation of the vehicle.
- (c) Vendors shall not place the refuse in any public trash container or any drain along the streets or sidewalks.
- (d) An MV shall have a nonabsorbent and washable receptacle for refuse that is adjacent to the MV.

(Code 2000, § 115.35)

**Sec. 16-171. Service limits and hours of operation.**

- (a) An MV shall not operate between the hours of 12:00 midnight and 7:00 a.m.
- (b) An MV shall not operate a generator in a residential area between the hours of 10:00 p.m. and 7:00 a.m.
- (c) An MV must operate in one location for not less than 30 minutes nor more than six consecutive hours. Site-specific parking regulations shall be enforced.
- (d) An MV must wait two hours before returning to the same location.
- (e) An MV shall not violate any parking regulations and limitations set forth by the city unless granted permission by the city.

(Code 2000, § 115.36)

**Sec. 16-172. Special events.**

- (a) An MV may operate at a special event upon obtaining an MV license. An MV may operate at up to three events held within the downtown square per year without needing to pay the MV license fee. A single special event shall be considered to be the duration of the time period the event is held and shall not be any longer than three consecutive days.
- (b) Any MV operating on public right-of-way within the downtown square must have written permission from any business that it will be parked in front of. An MV is deemed operating in front of a business if any part of

the vehicle or any attached power unit or accoutrement is within an area bounded by the prolongation of the sides of the building from which the business operates, at, or approximately at, right angles to the curb or roadway edge closest to the business and extending to the far side of the proximate roadway.

(Code 2000, § 115.37)

#### Sec. 16-173. Indemnification and insurance on public right-of-way or property.

- (a) All MVs operating on public ROW or public property shall defend, indemnify and hold harmless the city from and against any all claims, demands, actions, or proceedings, all costs, including attorneys' fees, damages, expenses, or other liability of any nature whatsoever due to personal injury or property damage, including damage to the public property, any of which arises directly or indirectly from or in connection with, in whole or in part, the operations of the MV.
- (b) The MV shall, at the MVs expense, carry and keep in full force and effect an insurance policy with a carrier and in a form satisfactory to the city, which policy or policies shall:
- (1) Have commercial general liability coverage with the following limits:
    - a. Each occurrence: \$1,000,000.00
    - b. Damage to rented premises: ~~.....~~ \$100,000.00
    - c. Medical expenses (any one person): ~~.....~~ \$5,000.00
    - d. Personal and advertising injury: ~~.....~~ \$1,000,000.00
    - e. General aggregate: ~~.....~~ \$1,000,000.00
    - f. Products—Comp-op aggregate: ~~.....~~ \$1,000,000.00
  - (2) Have automobile liability coverage, combined single limit (each accident): ~~.....~~ \$1,000,000.00
  - (3) State that the city is an additional insured on the commercial general liability, auto liability and excess liability when required by written contract or agreement regarding activities by or on behalf of the named insured. This insurance is primary insurance and any other insurance maintained by the additional insured shall be excess only and noncontributing with this insurance. A waiver of subrogation applies to the commercial general liability, auto liability, excess liability and workers' compensation/employers' liability in favor of the additional insured. A copy of the 30 days' notification of cancellation endorsement needs to be included with the certificate of insurance naming the city.

(Code 2000, § 115.38)

#### Sec. 16-174. Applicable laws.

All MVs shall comply with all laws, rules and regulations, including, but not limited to, this Code and state law.

(Code 2000, § 115.39)

#### Sec. 16-175. Penalty.

- (a) When in this article any act is prohibited or is made or declared to be unlawful or an offense, or when in this article the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this article shall be punished by a fine of not less than \$50.00 and not exceeding

\$750.00. A separate offense shall be deemed committed for each day any violation of any provision of this article shall continue.

- (b) If any person makes retail sales as a transient merchant or itinerant vendor without having obtained a license under sections 16-126 through 16-129, the city may hold the inventory, truck, or other personal property of the person until the same obtains a license to conduct business as a transient merchant or itinerant vendor. If the property has been held by the city for more than 60 days and the person whose property is being held has not obtained a license under this article, the city may petition the circuit court for an order for the sale of the property being held. If the court finds that the person whose property is held has not obtained a license under this article, the court may order the city to sell the property. Proceeds of the sale of the property, less reimbursement to the city of the reasonable expenses of storage and sale of the property, shall be deposited in the treasury of the city.
- (c) Any person who violates the provisions of this article relating to soliciting without a permit or license shall be fined not less than \$50.00 for a first offense, \$75.00 for a second offense, and \$100.00 for a third offense, and not more than \$750.00 for all subsequent offenses. Violations of section 16-126 may be enforced by issuance of a notice to violation for the fine amount enumerated herein, or by issuance of a notice to appear.

(Code 2000, § 115.99; Ord. No. 2082, 8-18-1997; Ord. No. 2876, 3-1-2010)

**Secs. 16-176—16-203. Reserved.**

#### **DIVISION 4. SOLICITORS**

##### **Sec. 16-176. Purpose; applicability.**

The purpose of this division is to protect the public health, safety, and welfare by establishing reasonable, content-neutral regulations for solicitation within the city. This division regulates commercial solicitation and charitable solicitation. Religious proselytizing and political canvassing are not defined as solicitation and are not regulated by this division; however, all persons must comply with otherwise applicable state and local law, including trespass laws and the requirements of Sec. 16-181(b) regarding posted notice and the city's No Solicitation List. Specifically, door-to-door religious proselytizing and political canvassing are prohibited at any premise on the city's No Solicitation List because the list also serves as a method for residents to communicate their preference to avoid disturbance.

##### **Sec. 16-177. Permit required; exemptions.**

(a) Permit required. Except as provided in subsection (b), it shall be unlawful for any person to engage in solicitation within the city without first applying for and obtaining a valid solicitation permit pursuant to this division.

(b) Exemptions for individuals under 18. Individuals under the age of 18 are not required to obtain a solicitation permit, and are not required to pay fees or submit fingerprint records, for the following limited purposes, provided that the solicitation complies in all other respects with this division:

(1) Charitable solicitation on behalf of an entity that has submitted advance notice to the police department of the time, date, and location of such charitable solicitation and a listing of the names of all individuals under the age of 18 who will conduct charitable solicitation on behalf of the entity.

(2) Solicitation on the individual's own behalf, and not on behalf of any other person or entity, for services the individual will personally provide (e.g., babysitting, lawn mowing).

##### **Sec. 16-178. Application; fingerprinting; processing; denial; deemed issuance.**

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(a) Application. Each applicant shall file with the City Clerk a properly completed application on a form provided by the City Clerk at least seven (7) business days in advance of the first day for which authorization to solicit is sought. Each application shall be verified under oath and shall include, at a minimum:

- The applicant's name, business address (if any) and current residence address;
- If the applicant is an individual, each of the applicant's residence addresses during the previous three years;
- If the applicant is an individual, a copy of a government-issued photo identification card;
- The name and address of the entity on whose behalf the applicant will be soliciting, if any;
- The name, address, and telephone number of a principal officer or director of the applicant's business or organization who has authority to act on matters related to the application, and the business's or organization's registered agent for service in Illinois, if any;
- If more than one solicitor shall be soliciting on behalf of an entity, the name(s), address(es), and telephone number(s) of the person(s) in direct charge of the solicitors;
- A description of the subject matter and purpose of the applicant's solicitation;
- The date(s) on which the proposed solicitation would be conducted;
- Information regarding any prior solicitation permit issued by the city or any other municipality to the applicant or the business or organization the applicant represents during the previous five years, including any revocations;
- Information regarding whether the applicant has ever been convicted of a felony under the laws of the State of Illinois, any other state, or the United States, and the nature of any such conviction;
- If the applicant is a corporate entity, evidence that the applicant is registered to conduct business in the State of Illinois and is in good standing with the state;
- If the applicant is a charitable organization, evidence of registration with the Illinois Attorney General under the Illinois Solicitation for Charity Act; and
- If a vehicle will be used in connection with the solicitation, a description of the vehicle including make, model, year, and license plate number.

(b) Fingerprinting; fee. Every individual identified in an application who seeks to engage in solicitation, other than exempt minors described in Sec. 16-177(b), shall present him- or herself at the police department to be fingerprinted and photographed. A fee as provided in the city fee schedule shall be paid to cover the cost of fingerprinting, photographing, and processing.

(c) Processing and issuance. The City Clerk shall issue a solicitation permit within five (5) business days after receiving a complete application if, but only if, the City Clerk finds and determines all of the following:

- The applicant has properly provided all required information and the material statements in the application are true;
- The applicant has not been convicted of a felony under the laws of the State of Illinois, any other state, or the United States;
- Neither the city nor any other municipality has revoked or suspended the applicant's right to solicit within five (5) years immediately prior to the date of filing of the application; and
- The applicant has not been found in violation of any provision of this division or of any local, state, or federal solicitation regulation within five (5) years immediately prior to the date of filing of the application.

(d) Denial; notice; deemed issuance. If the City Clerk determines that the applicant has not met one or more of the conditions in subsection (c), the City Clerk shall deny the permit and provide written notice stating the reasons for denial, delivered in person, by first-class U.S. mail to the applicant's address, or by e-mail if requested by the applicant. If the City Clerk does not issue or deny the permit within five (5) business days after receiving the

application, the permit applied for shall be deemed issued and, unless revoked, the applicant may obtain the permit in person at City Hall during normal business hours.

(e) Duration; display. Each solicitation permit shall state the effective dates and shall be valid for a period set by the City Clerk not to exceed sixty (60) consecutive calendar days. Each solicitor shall prominently display the permit on the front of his or her person at all times while soliciting within the city.

#### **Sec. 16-181. Regulations applicable to all solicitation.**

(a) Valid permit required. No person may engage in solicitation without a valid solicitation permit issued under this division (except as provided in Sec. 16-177(b)).

(b) Maximum Number of Peddlers or Solicitors. No more than two persons may engage in peddling or solicitation at any given time at any given premises.

(c) "No solicitation" notices and list.

(1) No person shall solicit at or in any premises that has posted on or near its principal entrance a sign bearing the words "No Trespassing," "No Peddlers," "No Solicitors," or any similar notice indicating that the occupants do not desire to be solicited, unless the occupants have specifically requested such solicitation.

(2) The City Clerk is authorized to maintain a list of premises within the city whose owners or tenants have notified the city in writing that they desire not to be solicited and desire not to be subjected to religious proselytizing and political canvassing ("No Solicitation List"). The city shall provide a copy of the list to all solicitors at time of permit issuance and upon request to anyone for the purpose of religious proselytizing or political canvassing. The copy may be in an electronic format. No solicitor shall solicit at, and no person shall enter upon for the purpose of religious proselytizing or political canvassing, any premises included on the No Solicitation List whether or not such premises displays signage. An owner or tenant may remove a premises from the list by written notice to the City Clerk.

(d) Principal approach and entrance only. Every solicitor shall approach a premises only by the principal approach route, and shall attempt to make contact only at the principal entrance.

(e) Discontinuance on request. A solicitor shall immediately leave a premises and cease solicitation upon request of any person or occupant.

(f) Hours. Except as provided in Sec. 16-182(e), no person shall solicit anywhere in the city between the later of sunset or 7:00 p.m. and 9:00 a.m., except by explicit prior appointment arranged and agreed to by the citizen.

(g) Immediate identification. Every solicitor shall immediately identify himself or herself and the purpose of the solicitation to each person being solicited.

(h) Display of permit. Every solicitor shall prominently display his or her permit on the outside of all clothing while soliciting (except as provided in Sec. 16-177(b)).

(i) Impeding traffic prohibited. No person shall solicit in any manner that completely or substantially impedes the flow of pedestrian or vehicular traffic in, on, or around any sidewalk or public property, way, or place. No person engaged in solicitation has the exclusive right to any sidewalk or other public way or place, nor the right to establish a permanent stationary location in any such public place.

(j) Solicitation on a roadway or median prohibited. No person shall solicit on a roadway or median between roadways.

(k) Fraud or misrepresentation. No person shall perpetrate a fraud or misrepresentation of any kind while engaged in solicitation.

(l) Public health and safety. No person shall engage in solicitation in a manner that creates a danger or threat to the public health, safety, or welfare.

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(m) Amplified sound prohibited. No person may use electronically amplified voice, music, or other sound in connection with solicitation.

(n) Signage and advertising devices. No person may advertise solicitation by the use of any sign, flag, banner, or similar device with a face greater than two feet by three feet or that is attached to a stick or standard extending more than two feet beyond the face of the sign. No person may advertise solicitation by carrying or displaying any internally or externally illuminated sign.

(o) Solicitation from vehicles or pushcarts. No person may solicit from a motorized vehicle or pushcart at any time or location within the city. This subsection does not prohibit mobile vending governed by Division 3 of this Article, provided the vendor holds all required licenses and complies with Division 3.

#### **Sec. 16-182. Solicitation on streets; additional restrictions.**

(a) Purpose; scope. The restrictions in this section apply to solicitation in any street or at any intersection of two or more streets within the city.

**(b) Charitable solicitation only. Solicitation in any street may be conducted only for the purpose of charitable solicitation.**

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(c) Safety. No person may engage in solicitation in a manner that poses an undue risk to the safety of any person or that interferes with the safe and orderly movement of traffic. No person engaged in solicitation may stand in any lane designated for vehicular traffic or in a median between two roadways.

(d) Devices and amplification. No person may use any sound-producing or sound-amplifying device, or any attention-getting device (including signs, flags, banners, or balloons), while engaging in solicitation in any street.

(e) Hours. No person may engage in solicitation in any street before sunrise or after sunset.

(f) Insurance. Each solicitor who intends to solicit in a street must be covered by, and provide to the city a certificate of insurance and additional insured endorsement, on a form at least as broad as ISO CG 20 10, as evidence of general liability insurance against bodily injury and property damage arising out of or in connection with the solicitation with a coverage limit of at least \$1,000,000 per occurrence and naming the city as an additional insured.

(g) Number of solicitors. No more than four (4) individuals may solicit at one time at an intersection, and no more than two (2) individuals may solicit the same lane of traffic.

(h) Daily sign-in. A permitted solicitor who intends to solicit in a street must present himself or herself at the police department and sign the registration book provided for that purpose each day of solicitation prior to beginning solicitation. If an entity is registered to solicit in the street, one representative may sign in and identify the intersections at which individuals will solicit for that day.

(i) Age. No person less than eighteen (18) years old may solicit in any street.

(j) Visibility apparel. Each solicitor must dress in a manner that is visible to motorists and reasonably identifies or distinguishes the person as a solicitor, clearly displaying the name or logo of the soliciting entity, and must wear high-visibility retro-reflective safety vests that meet or exceed Performance Class 2 or 3 requirements of the American National Standards Institute (ANSI)/ International Safety Equipment Association (ISEA) 207-2011 national standard.

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(k) Temporary prohibitions or restrictions. The city administrator or designee may prohibit or restrict solicitation at any intersection on any date and time upon determining that solicitation would create a hazardous condition; create undue risk to the safety and welfare of motorists, pedestrians, or solicitors; or interfere with the safe and orderly movement of traffic, including due to conditions such as work zones, special events, traffic congestion, visibility limitations, or adverse weather.

#### **Sec. 16-183. Violations declared to be nuisances.**

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Every violation of any term, provision, condition, restriction, or duty stated in this division or in any solicitation permit issued pursuant hereto is hereby declared unlawful and constitutes a public nuisance.

**Sec. 16-184. Revocation.**

The police chief may immediately revoke any solicitation permit issued under this division upon determining that the solicitor is in violation of any provision of this division or of the solicitation permit, that the solicitor made a false material statement in the application, or that the solicitor otherwise becomes disqualified for the issuance of a solicitation permit under Sec. 16-178(c). Upon revocation, the police chief, any police officer, or the City Clerk shall take custody of the permit and provide written notice stating the reason for revocation. Notice shall be served in person, by first-class U.S. mail to the address set forth in the application, or by e-mail if requested by the applicant. The permit becomes null and void upon service of the notice.

**Sec. 16-185. Appeal of denial or revocation.**

Any person aggrieved by the denial or revocation of a solicitation permit may appeal to the City Administrator by filing a written request for hearing within ten (10) days after receipt of the notice of denial or revocation. The City Administrator shall set a hearing within ten (10) days after receipt of the request and give written notice of the hearing at least five (5) days in advance. At the hearing, the appellant may present evidence and witnesses. Within five (5) days after the close of the hearing, the City Administrator shall render a decision in writing, which may reinstate a revoked permit, grant the requested permit or a renewal thereof, or affirm the denial or revocation. The City Administrator's decision is final unless review is sought pursuant to the Administrative Review Law.

**Sec. 16-186. Change in information.**

During the pendency of an application for, or during the term of, any solicitation permit, the applicant or permit holder shall promptly notify the City Clerk in writing of any change in any material information given in the application.

**Sec. 16-187. Administrative record.**

The City Clerk shall maintain an accurate record of every solicitation permit application received and acted upon, together with all relevant information and materials pertaining thereto. Permit applications shall be numbered as determined by the police chief, and every permit issued pursuant to this division and any renewal thereof shall be identified with the number of the application on which it was issued.

**Sec. 16-188. Penalty.**

Any person who violates, neglects, or refuses to comply with, or assists in the violation of, any provision of this division, or any order, permit, or notice issued pursuant hereto, shall be punished as provided herein. The city may also seek any remedy available at law or in equity, including abatement of a public nuisance.

- (a) When in this article any act is prohibited or is made or declared to be unlawful or an offense, or when in this article the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this article shall be punished by a fine of not less than \$50.00 and not exceeding \$750.00. A separate offense shall be deemed committed for each day any violation of any provision of this article shall continue.
- (b) Any person who violates the provisions of this article relating to soliciting without a permit or license shall be fined not less than \$50.00 for a first offense, \$75.00 for a second offense, and \$100.00 for a third offense, and not more than \$750.00 for all subsequent offenses. Violations may be enforced by issuance of a notice to violation for the fine amount enumerated herein, or by issuance of a notice to appear.