

COUNTY OF KENDALL, ILLINOIS
Ordinance 21 - 23

ORDINANCE REGULATING SOLICITORS

WHEREAS, Article VII, Section 7, of the Illinois Constitution provides that counties which are not home rule units shall have only powers granted to them by law (Ill. Const. 1970, Art. VII, Sec. 7); and

WHEREAS, Kendall County, Illinois (the "County") is not a home rule unit; and

WHEREAS, Section 5/5-1058 of the Counties Code provides a county board with the authority to regulate hawkers, peddlers, itinerant merchants, and transient vendors of merchandise within the unincorporated portions of the County (55 ILCS 5/5-1058); and

WHEREAS, the County currently has an Ordinance regulating hawkers, peddlers, itinerant merchants, and transient vendors of merchandise within the unincorporated portions of the County (County Ordinance 87-2); and

WHEREAS, the Kendall County Board desires to update its Ordinance regulating hawkers, peddlers, itinerant merchants, and transient vendors of merchandise within the unincorporated portions of the County as set forth herein.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COUNTY BOARD OF KENDALL COUNTY, STATE OF ILLINOIS, as follows:

Section 1. DEFINITIONS.

When used herein, unless otherwise provided, the following words and terms shall have the following meanings:

A. Premise: Every separate living unit contained within any type of building or structure that is used for residential or agricultural purposes and occupied by one or more persons.

B. Soliciting: To engage in any one or more of the following activities without prior consent of the occupant or property owner of a premise:

- i. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, real property or personal property or services of any kind for any consideration whatsoever; or
- ii. Seeking to obtain prospective customers for application or purchase of insurance of any type, kind, or character; or
- iii. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and every other type or kind of publication.

C. Solicitor: Any hawker, peddler, itinerant merchant, transient vendor of merchandise, and/or any other person who is soliciting. For purposes of this Ordinance, solicitor shall not

include any person who engages in soliciting on behalf of a public body, religious, political, charitable, or educational organization, school district or not-for-profit corporation.

Section 2. REGISTRATION REQUIRED.

It shall be unlawful for any solicitor to engage in any act of soliciting in the unincorporated portions of the County without valid registration issued by the County.

Section 3. SOLICITOR'S REGISTRATION APPLICATION

To register, a solicitor must complete and submit a written application to the Kendall County Clerk on a form provided by the Kendall County Clerk. The written application must include, at a minimum, the following information: (1) the name and address of the applicant, (2) the name and address of the person, firm, company or corporation the applicant represents (hereinafter collectively referred to as "the business"), (3) how long the applicant has represented the business, (4) the nature of the applicant's relationship with the business (e.g., employee or independent contractor), (5) a description of the items that will be solicited, (6) the proposed dates and locations where the soliciting will occur in the County, and (7) a recent photograph of the applicant.

Section 4. SOLICITOR'S REGISTRATION

Once the application is approved, the Kendall County Clerk will provide the solicitor with a copy of the completed application that includes a license. The solicitor's license shall specify the dates, times, and locations where the solicitor can engage in soliciting in the unincorporated areas of the County. The solicitor's registration is valid for up to one year.

Section 5. LIMITATIONS UPON SOLICITING

Soliciting should only occur on the approved dates, times, and locations set forth in the solicitor's registration card. No soliciting within the unincorporated portions of the County shall be permitted except on Monday through Saturday between 9:00 a.m. and 7:00 p.m. No soliciting is permitted at any time on Sunday.

Section 6. RECORD OF SOLICITOR'S REGISTRATIONS

The Kendall County Clerk shall maintain a record of the registered solicitors within Kendall County in accordance with the above and post said record weekly on the Kendall County Clerk's website.

Section 7. EXHIBITION OF REGISTRATION.

Evidence of solicitor's registration shall be carried at all times by the solicitor when soliciting in the unincorporated portions of the County and shall be exhibited by any such solicitor whenever requested by any police officer, County Sherriff or deputy thereof, or any person solicited.

Section 8. NOTICE REGULATING SOLICITING.

- A. Notice of the determination by the occupant or owner of the refusal of invitation to solicitors, to any premise shall be given in the following manner:
1. A card approximately three inches (3") by four inches (4") in size shall be exhibited upon or near the main entrance door to the premise, indicating such determination by the occupant or owner, substantially containing the applicable words as follows: "No Soliciting" or "No Solicitors". The letters shall be at least one-third inch (1/3") in height.
 2. Such card so exhibited shall constitute sufficient notice to any solicitor of the determination of the occupant or owner of the residence of the information contained thereon.
- B. It shall be the duty of every solicitor upon going onto any premises in unincorporated areas of the County to first examine the notice provided for above, if any is attached, and be governed by the statement contained in said notice. If the notice states "NO SOLICITORS INVITED", then the solicitor shall immediately and peacefully depart from the premises. Any notice which provides that "NO SOLICITORS INVITED", "NO SOLICITORS" or "NO SOLICITING" shall be deemed to have substantially contained the applicable words as set forth in Subsection A above.
- C. Any solicitor who has gained entrance to any premises, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant or property owner.

Section 9. REVOCATION OF REGISTRATION.

Any registration may be revoked by the Kendall County Clerk for violation by the holder of any of the provisions of this Ordinance.

Section 10. APPLICABILITY

The requirements of this Ordinance related to the application for and receipt of a solicitor's registration shall not apply to any representative of a public body, religious, political, charitable, or educational organization, school district, or not-for-profit corporation.

Section 11. PENALTY.

Any person, found guilty of violating any provision of this Ordinance shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense.

- A. An offense shall be deemed to have occurred on each day during which a solicitor operates within the unincorporated limits of the County without having an active registration on file with the County Clerk.
- B. An offense shall be deemed to have occurred for each incident where a solicitor violates any provision of Section 8.

C. The Kendall County State's Attorney has authority to prosecute all violations of this Ordinance.

Section 12. SEVERABILITY

If any provision or provisions of this Ordinance is declared to be invalid, unenforceable or unconstitutional by a court having competent jurisdiction, then such provision or provisions shall be severed from this Ordinance with the remainder thereof to remain in force to the fullest extent allowed by law.

Section 13. REPEAL AND REPLACE

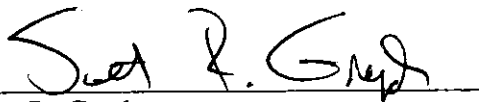
Upon the effective date as set forth herein, this Ordinance shall repeal and replace all provisions of Kendall County Ordinance 87-2, ORDINANCE REGULATING HAWKERS, PEDDLERS, ITINERANT MERCHANTS AND TRANSIENT VENDORS.

Section 14. EFFECTIVE DATE

This Ordinance shall be in full force and effect on and after its passage by the Kendall County Board.

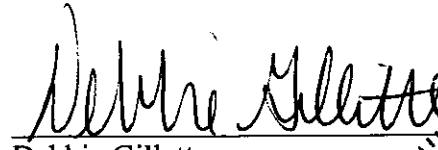
Adopted by the Kendall County Board on this 6 day of September, 2021

Approved:



Scott R. Gryder
Board Chairman

Attest:



Debbie Gillette
County Clerk & Recorder

