

**VILLAGE OF VARNA
MARSHALL COUNTY, ILLINOIS**

ORDINANCE NO. 285

**AN ORDINANCE CONCERNING SOLICITORS
FOR THE VILLAGE OF VARNA, MARSHALL COUNTY, ILLINOIS**

Recitals

- A. The Board of Trustees of the Village of Varna (the "Village") has the authority to adopt ordinances that protect the public health, safety, and welfare of its citizens.
- B. Section 11-60-2 of the Illinois Municipal Code, 65 ILCS 5/11-60-2, grants municipalities the authority to license, tax, regulate or prohibit hawkers, peddlers, itinerant merchants and transient vendors.
- C. The Village Board of Trustees deems it to be in the best interest of the residents of the Village of Varna to adopt an ordinance regulating door-to-door solicitations within the corporate limits of the Village of Varna and to adopt penalties for the violation of the ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VARNA, MARSHALL COUNTY, ILLINOIS, AS FOLLOWS HEREIN.

SECTION 1: RECITALS. The facts and statements contained in the recitals to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2: DEFINITIONS.

- (A) "Soliciting" shall mean and include any one or more of the following activities: seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs or services of any kind or description whatsoever; seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or, seeking to obtain contributions or donations of money, or any other thing of value, for the use or benefit of any benevolent, charitable, philanthropic, patriotic, or civic association, organization, or not-for-profit corporation. "Soliciting" shall not include children under the age of 18 engaged in fund-raising activities for a school, charitable or not-for-profit organization located within Marshall County, Illinois.
- (B) "Residence" shall mean and include every separate living unit occupied for residential purposes by one or more persons and contained within any type of building or structure.

- (C) "Registered Solicitor" shall mean and include any person who has obtained a valid permit, as hereinafter provided, and who has such permit in his possession and on his person while engaged in soliciting.

SECTION 3: PERMIT REQUIRED. It shall be unlawful for any person, firm, or corporation to go in or upon any private residence, apartment, or premises in the Village for the purpose of soliciting from the occupants thereof or to canvass for orders for goods, wares, merchandise, or service of any character or description, or for the purpose of offering to give or to furnish, or giving or furnishing, any goods, wares, merchandise, or service to any such occupant to induce or invite such orders, without having first applied for and receiving a permit, as hereinafter provided.

- (A) Application. Application for a Permit shall be made upon a form provided by the Village Clerk and filed with the Village Clerk. The applicant shall truthfully state in full the information requested on the application, which shall include at least the following and shall be made under oath:
- (1) Name of the applicant;
 - (2) Permanent home address and local address, if different;
 - (3) A brief description sufficient for identification of the subject matter of the soliciting which the applicant will engage in;
 - (4) Name and address of person, firm, corporation, or association whom the applicant is employed by or represents, and length of time of such employment or representation;
 - (5) The length of time for which the permit is applied for;
 - (6) Date, or approximate date, of latest previous application for a permit under this Ordinance, if any;
 - (7) Whether a Permit issued to the applicant under this Ordinance has ever been revoked;
 - (8) Whether the applicant has ever been convicted of a violation of any of the provisions of this Ordinance or any ordinance of any other Illinois municipality regulating soliciting;
 - (9) A statement as to whether the applicant has ever been convicted of a felony or a misdemeanor involving dishonesty, and, if yes, a statement as to the nature of the offense, the year of the prosecution, and the venue in which such matter was prosecuted;
 - (10) Each applicant shall furnish a recent photograph of passport size and such photograph shall be affixed to the Permit when issued to the applicant or, in lieu thereof, an applicant may utilize a separate piece of identification having his or her photograph affixed thereto; and
 - (11) Such additional information as the Village Clerk may deem necessary to process the application.

Providing false information on the application is a violation of this Ordinance and will subject the applicant to the penalty provision of this Ordinance.

(B) Issuance.

(1) No Permit shall be issued to any person who has been found to have violated of any of the provisions of this Ordinance in the past two (2) years nor to any person whose Permit issued hereunder had previously been revoked in the past two (2) years.

(2) Upon payment of the fees provided herein, the Village Clerk shall deliver to the applicant a permit. Such permit shall contain the signature of the Village Clerk or his or her designee and shall show the name and address of the applicant, the subject matter of the solicitation, the amount of fee paid, the date of issuance, and the length of time that the permit shall be operative. The Village Clerk shall keep a permanent record of all permits issued.

(C) Fee. Each applicant shall pay an application fee of \$25.00 provided, however, that persons soliciting for charitable or not-for-profit corporations shall not be required to pay an application fee. Only one application shall be required of the charitable or not-for-profit organization conducting fund raising drives or other charitable solicitations, and such application shall be filed by the person in charge of a fund raising drive or other solicitation. The application shall contain the name and address of each person who will be participating in the fund raising drive or solicitation.

SECTION 4: EXHIBITION OF PERMIT. A Permit issued pursuant to this Ordinance and one piece of identification with a photograph of the solicitor, if the Permit does not have a photograph affixed thereto, shall be carried at all times by the solicitor to whom issued when soliciting or canvassing in the Village and shall be exhibited by such solicitor whenever he or she shall be requested to do so by any elected Village official, police officer, or ordinance enforcement officer of the Village or by any person being solicited.

SECTION 5: HOURS OF SOLICITATION. It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Ordinance or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated for the purpose of securing an audience with the occupant thereof and engage in soliciting, as herein defined, prior to 9:00 A.M. and after 6:00 P.M. or at any time on a Sunday or the following holidays: New Year's Day, Martin Luther King Day, President's Day, Lincoln's Birthday (as designated by the State of Illinois), Memorial Day, Independence Day (July 4th), Labor Day, Veterans' Day, Thanksgiving Day and the day following, Christmas Eve and Christmas Day.

SECTION 6: DUTY TO OBSERVE NOTICE. It shall be the duty of every solicitor upon going onto premises in the Village to first examine any notice which may have been placed on such premises and to be governed by any statement contained in such notice. If the notice states, "NO TRESPASSING OR SOLICITING ALLOWED," or "NO SOLICITING" or words to similar effect, then the solicitor, whether registered or not, and whether required to be registered under this Ordinance or not, shall immediately and peacefully depart from the premises. Any such solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

SECTION 7: SOLICITING IN VIOLATION OF NOTICE -- NUISANCE. It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any manner calculated to attract the attention of the occupant to such residence, for the purpose of securing an audience with the occupant

thereof and engage in soliciting either as herein defined or otherwise, in defiance of the notice exhibited at the residence.

SECTION 8: PENALTY. Any person violating this Ordinance shall be subject to a mandatory fine of not less than \$75.00 nor more than \$750.00, plus court costs, per offense.


SECTION 9: SEVERABILITY. Should any section or provision of this Ordinance be declared invalid or unconstitutional, or in conflict with any other section or provision of this Ordinance, such invalidity shall not affect any other section or provision of this Ordinance, and the same shall continue in full force and effect.

SECTION 10: PUBLICATION AND EFFECTIVE DATE. This Ordinance shall be in full force and effect immediately from and after its passage and approval, and shall be published in pamphlet form.


PASSED at a regular meeting of the Board of Trustees of the Village of Varna, Illinois on August 5, 2024, by roll call vote as follows:


RECORD OF THE VOTE	Yes	No	Absent	Abstain
Chambers				
Higgins				
Koch				
Marliere				
Meierkord				
Todd				

APPROVED August 5, 2024

 _____
Louis Holocker, Village President

PUBLISHED in pamphlet form
on August 6, 2024

ATTEST:
 _____
Julie Higgins, Village Clerk


 _____
Julie Higgins, Village Clerk

State of Illinois)
) ss
County of Marshall)

CERTIFICATE OF MUNICIPAL CLERK

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Village of Varna, the County and State aforesaid, and, as such Clerk, I am the keeper of the records and files of the Corporate Authorities of the Village. I do further certify that the attached and foregoing is a true and correct copy of **AN ORDINANCE CONCERNING SOLICITORS** as passed by the Village Board of Trustees at its regular meeting held on August 5, 2024, and as approved by the Village President on August 5, 2024.

IN WITNESS WHEREOF I have hereunto affixed my official signature and the corporate seal of the Village of Varna, Illinois.

 _____
Julie Higgins, Village Clerk

(SEAL)