

**CHAPTER 35
SOLICITATION**

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35.01 DEFINITIONS

For the purposes of this Chapter 35, the following words and phrases shall have the meanings herein ascribed to them unless defined more specifically in this Chapter.

Applicant: Any person that files an application for a solicitation permit as provided for in this Chapter.

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

Charitable Solicitation: Solicitation engaged in for a charitable purpose.

Chief of Police: The Chief of Police or any of his or her authorized representatives.

Person: Any individual, organization, group, association, partnership, joint venture, corporation, trust, or any combination of the foregoing.

Premises: Any occupied building or structure, or any separate dwelling unit contained within any occupied building or structure, of any type within the Village.

Solicit or Soliciting: The act of engaging in solicitation.

Solicitation: Seeking to sell (or peddle), to offer for sale, to deliver, to barter, to exchange, or to obtain a gift, a contribution, a subscription, or any other goods or services, whether for a charitable, political, commercial, or noncommercial organization or purpose, except when such activity is conducted within a building zoned to permit such activity and under the ownership or control of the solicitor.

Solicitor: A person engaged in solicitation.

Terms used in this Chapter not defined in this Chapter shall have the meanings ascribed to them in Appendix A to this Code and in the Illinois Compiled Statutes.

35.02 PERMIT REQUIRED

Except only as provided in Section 35.03 of this Chapter 35, it shall be unlawful for any person to engage in solicitation in the Village without having first applied for and obtained a valid solicitation permit therefore.

35.03 PERMIT EXEMPTION FOR MINORS

A. Persons under the age of 17 years engaged in charitable solicitation within the Village shall not be required to obtain a solicitation permit. However, any such person shall comply with all other applicable provisions of this Chapter 35.

B. A permit is not required for persons engaged in door-to-door charitable, not-for-profit, solicitations involving the advocacy of religious or political causes which may include the distribution of handbills, circulars or other printed materials or the appeal for funds, pledges or donations. Such persons shall comply with all other applicable provisions of this Chapter 35.

35.04 SOLICITATION PERMIT

A. APPLICATION PROCEDURE AND CONTENTS: Each applicant for a solicitation permit shall file with the Chief of Police a properly completed application therefore on a form provided for such purpose by the Chief of Police. Each applicant shall verify under oath all statements made on or in connection with the application. A new application shall be required to solicit after the expiration of any permit issued hereunder. Each application shall contain, at a minimum, the following information and materials:

1. Two copies of a 2" by 2" photograph showing the full facial features of the applicant. Such

photograph shall have been taken within 30 days immediately prior to the date of filing of the application.

2. The applicant's name and current residence address, and the length of time the applicant has resided at such address.
3. The applicant's local address, whether temporary or permanent, if different from the applicant's current residence address.
4. The applicant's business address, if different from the applicant's residence address.
5. The name and address of a principal officer, director, or chief executive officer of the applicant's business or organization with the authority to determine matters related to the application, and the businesses or organization's registered agent for service in Illinois, if any.
6. The applicant's social security number and driver's license number, or, if the applicant has neither, then some other official form of identification.
7. The applicant's physical description, including sex, height, weight, hair color, and eye color.
8. The name and address of the applicant's current employer, and the length of the applicant's employment with such employer.
9. The name and address of the business or other person or entity that the applicant represents for purposes of the solicitation for which the permit is sought, if different from the applicant's current employer.
10. A description of the subject matter and purpose of the applicant's solicitation.
11. The date(s) for which the applicant seeks a solicitation permit.
12. The solicitation methods that the applicant and the applicant's business or organization will employ within the Village.

13. If more than one solicitor will be soliciting on behalf of a business or organization, then the names(s), address(es), and telephone number(s) of the person(s) who will be in direct charge of the solicitors on behalf of such business or organization.
14. The date of the most recent previous application for a solicitation permit filed with the Village by the applicant or the business or organization the applicant represents, if any.
15. Information regarding the applicant's violation, within the previous five years, of any of the provisions of this Chapter 35, or of any local, state, or federal solicitation regulation.
16. Information regarding whether the applicant has been convicted, within the previous five years, 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.
17. If the applicant seeks a permit to conduct charitable solicitation on a public right-of-way within the Village, then a written statement by the Illinois Attorney General, made within six months immediately prior to the date of filing of the application, that the business or organization represented by the applicant is in full compliance with all applicable provisions of the Illinois Solicitation For Charity Act, 225 ILCS 460/0.01 et seq.
18. Payment of a permit fee of \$50.00 for the solicitation permit.

B. ISSUANCE: The Chief of Police shall issue a solicitation permit to an applicant within thirty (30) days after the Chief of Police receives the application, if but only if the Chief of Police finds and determines all of the following:

1. The applicant has properly provided all information required by the Chief of Police and the application and the material statements made in the application are true.
2. The applicant has not been convicted of a felony under the laws of the State of Illinois, any other state, or the United States within five years

immediately prior to the date of filing of the application.

3. The applicant has not had a Village solicitation permit revoked or suspended within five years immediately prior to the date of filing of the application.
4. The applicant has not been convicted of violating any provision of this Chapter 35, or of any provision of any previous Village solicitation regulation, within five years immediately prior to the date of filing of the application.

C. DENIAL: If the Chief of Police determines that the applicant has not met one or more of the conditions set forth in Subsection B of this Section 35.4, then the Chief of Police shall deny issuance of the solicitation permit and shall give the applicant a written notification and explanation of such denial. The Chief of Police's notice of denial shall be delivered in person or by first class U.S. mail addressed to the applicant's current residence address as set forth in the application. The solicitation permit shall be deemed denied on the day that the notice of denial is delivered or is placed in the U.S. Mail as provided in this Subsection C. If the Chief of Police does not issue or deny the solicitation permit within thirty (30) days after the Chief of Police receives the application, then the permit applied for shall be deemed to have been issued. The applicant may appeal the denial of a solicitation permit pursuant to the provisions of Section 35.10 of this Chapter 35.

D. FORM AND DISPLAY OF PERMIT: A solicitation permit shall be issued by the Chief of Police and shall consist of a plastic-enclosed pin-on or clip-on card, approximately 2" by 4" in size, containing the full facial photograph of the solicitor that was submitted with the application. The name of the solicitor and the business or organization the solicitor represents, if any, the date(s) solicitation shall occur under the permit, and the effective dates of the permit shall be printed on the solicitation permit in easily readable form. Solicitation permits also shall bear the name of the Village, the signature of the Chief of Police or his/her duly authorized designee, and the relevant permit application number. Each solicitor shall prominently display the solicitation permit issued to the solicitor pursuant to this Chapter 35 on the front of his or her person at all times while soliciting within the Village.

35.05 REGULATIONS APPLICABLE TO ALL SOLICITATION

All solicitors shall comply with the following regulations:

A. "NO SOLICITATION" NOTICES: 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 other similar notice indicating in any manner that the occupants of such premises desire not to be solicited or to have their right to privacy disturbed, unless the occupants have specifically requested such solicitation. The Chief of Police or his/her duly authorized designee may make available weatherproof cards bearing a notice of the type herein described for posting on or near the principal entrance to any premises.

B. NO SOLICITATION FROM VEHICLES: No person shall solicit from a motorized vehicle at any time in any location within the Village except where authorized in Section 35.13.

C. NO ADVERTISING OR USE OF SOUND: No person shall advertise any solicitation at any time within the Village by use of signs, sound, or any other method except where authorized in Section 35.13. Nor shall any person use music or any other sound when soliciting except where authorized in Section 35.13.

D. PRINCIPAL APPROACH AND ENTRANCE ONLY: Every solicitor shall approach a premises only by using the principal approach route thereto, and every solicitor shall attempt to make contact with the occupants thereof only at the principal entrance to such premises.

E. DISCONTINUANCE ON REQUEST: No solicitor shall solicit any person or premises at any time after any such person or the occupant of such premises requests that the solicitor leave the premises or otherwise cease soliciting.

F. HOURS WHEN SOLICITATION PROHIBITED: Except only as provided in Subsection C of Section 35.06 of this Chapter 35, no person shall solicit anywhere in the Village at any time between the hours of 9:00p.m. and 9:00a.m.

G. IMMEDIATE IDENTIFICATION: Every solicitor shall immediately identify himself or herself and the purpose of the solicitation to each person being solicited.

H. PROMINENT DISPLAY OF PERMIT: Every solicitor shall prominently display on the outside of his or her clothing the solicitation permit issued to the solicitor pursuant to this Chapter 35 on the front of his or her person at all times while soliciting within the Village.

I. IMPENDING TRAFFIC PROHIBITED: No person shall solicit anywhere in the Village in a 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 shall have the exclusive right to any sidewalk or other public property, way, or place, nor the right to establish a permanent stationary location for such solicitation.

J. SOLICITING RIDES OR BUSINESS ON PUBLIC RIGHTS-OF-WAY: No person shall stand in a public right-of-way within the Village for the purpose of soliciting a ride from the driver of any vehicle, or for the purpose of soliciting employment or business from the occupant of any vehicle.

K. FRAUD OR MISREPRESENTATION: No person shall perpetrate a fraud or misrepresentation of any kind while engaged in solicitation within the Village.

L. PUBLIC HEALTH AND SAFETY: No person shall engage in solicitation within the Village in such a manner that creates a danger or threat of any kind to the public health, safety, and welfare.

35.06 CHARITABLE SOLICITATION ON PUBLIC RIGHTS-OF-WAY

Except as provided in Section 35.15 of this Code governing charitable highway solicitation by public safety employees, charitable solicitation on public rights-of-way within the Village shall be allowed only if such charitable solicitation is conducted in strict compliance with all applicable provisions of this Chapter 35, including without limitation Section 35.05, and only if such charitable solicitation also complies with the following regulations:

A. PERMIT REQUIRED; APPLICATION REQUIREMENTS: No person shall engage in charitable solicitation on any public right-of-way within the Village without first having applied for and obtained a valid solicitation permit therefor pursuant to this Chapter 35. Because solicitation on a public right-of-way does not involve door-to-door activities, such solicitation does not involve the same considerations related to public health, safety, and welfare as are raised by door-to-door solicitation. Accordingly, the application for a permit to solicit on a public right-of-way shall be made only by the charitable organization on behalf of all of the individuals who shall be soliciting. Such application shall include the names and addresses of all such individuals and shall conform to the requirements of Subparagraphs 35.4A2, 4, 5, 10, 11, 13, and 17 of this Chapter.

B. NUMBER OF PERMITS LIMITED: No more than one group shall engage in charitable solicitation on public rights-of-way within the Village on any day.

C. HOURS WHEN PERMITTED: No person shall engage in charitable solicitation on any public right-of-way within the Village at any time between the hours of 7:30p.m. or dusk, whichever is earlier, and 6:30a.m. or dawn, whichever is later.

D. LOCATIONS: Charitable solicitation on public rights-of-way within the Village shall be engaged in only at intersections at which all traffic is required to come to a full and complete stop.

E. ANNUAL AND CONSECUTIVE DAYS LIMITATIONS: No solicitor, nor the business or organization represented by the solicitor, shall engage in charitable solicitation on public rights-of-way within the Village on more than two days within any one calendar year.

F. MINIMUM AGE: No person younger than 16 years of age shall engage in charitable solicitation on any public right-of-way within the Village.

G. PROTECTIVE CLOTHING: Every person engaged in charitable solicitation on any public right-of-way within the Village shall wear a high-visibility vest at all times while engaged in such solicitation.

H. STATE REGISTRATION: Every business or organization represented by a solicitor engaged in charitable solicitation on any public right-of-way within the Village shall be registered with the Illinois Attorney General as a charitable organization pursuant to the Illinois Solicitation for Charity Act, 225 ILCS 460/0.01 et seq.

I. STATEWIDE ACTIVITY: Every business or organization represented by a solicitor engaged in charitable solicitation on any public right-of-way within the Village shall be engaged in statewide fund raising activity.

J. LIABILITY: Every solicitor engaged in charitable solicitation on any public right-of-way within the Village, and the business or organization represented by the solicitor, shall be liable for all injuries to any person or property that occurs during or as a result of the solicitation and that is causally related to an act of ordinary negligence of the solicitor or the business or organization the solicitor represents.

K. INSURANCE: Before engaging in any charitable solicitation pursuant to this Section 35.06, the solicitor shall

provide to the Chief of Police a certificate of insurance issued by an insurance company licensed to do business in Illinois indicating that the insurance company will insure the solicitor and the business or organization represented by the solicitor against any injury to any person or property during the solicitation that is causally related to an act of ordinary negligence of the solicitor or of the business or organization represented by the solicitor. Such certificate of insurance shall name the Village as an additional insured, shall state that the insurance policy shall not be amended or cancelled during the period of the permitted solicitation, and shall reflect that at least the following coverage has been provided:

1. Personal injury coverage of at least \$1,000,000 per occurrence and \$500,000 per person.
2. Property damage coverage of at least \$100,000.

35.07 VIOLATIONS DECLARED TO BE NUISANCES

Every violation of any term, provision, condition, restriction, or duty stated in this Chapter 35 or in any solicitation permit issued pursuant thereto is hereby declared to be a public nuisance.

35.08 EFFECTIVE PERIOD

Each solicitation permit issued pursuant to this Chapter 35 shall be valid for a period of time set by the Chief of Police but not to exceed 60 consecutive calendar days. An expiration date shall be printed on the face of each solicitation permit.

35.09 REVOCATION

The Chief of Police shall revoke immediately any solicitation permit issued pursuant to this Chapter 35 if the Chief of Police determines that the solicitor is in violation of any of the provisions or requirements of this Chapter 35 or of the solicitation permit issued pursuant hereto, or if the solicitor made a false material statement in the application or otherwise becomes disqualified for the issuance of a solicitation permit under the terms of this Chapter 35. Immediately after such revocation, the Chief of Police shall take custody of the solicitation permit. The Chief of Police shall give written notice of the revocation to the solicitor as soon as practicable thereafter, in the form of a citation that states the reason for the permit revocation or such other form approved by the Chief of Police that clearly states the reason for such revocation. The Chief of Police shall serve the citation or other form of notice on the solicitor in person or by certified U.S. mail return receipt requested, addressed to the residence address set forth in the solicitor's application. The

permit shall become null and void immediately on service of the notice of revocation as provided in this Section 35.09.

35.10 APPEAL OF DENIAL OR REVOCATION

Any person aggrieved by the Chief of Police's denial or revocation of a solicitation permit shall have a right to appeal such decision to the Village Administrator as provided in this Section 35.10. Within 10 days after receipt of the Chief of Police's notice of denial or revocation, the applicant or permit holder may make a written request for a hearing regarding the denial or revocation. The Village Administrator after receipt of the written request for a hearing, shall set a time and date certain for such hearing within 10 days after such receipt. The Village Administrator shall give written notice of such hearing to the applicant or permit holder at least five days in advance of the hearing date. At the hearing, the applicant or permit holder may present and submit evidence and witnesses to rebut the reasons cited by the Chief of Police for revoking or denying the permit. Within five days after the close of the hearing, the Village Administrator shall render a decision in writing. The Village Administrator may reinstate a revoked permit, grant the requested permit or a renewal thereof, or affirm the Chief of Police's decision. The action taken by the Village Administrator shall be final.

35.11 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 Chief of Police in writing of any change in any material information given by the applicant or permit holder in the application for such permit.

35.12 ADMINISTRATIVE RECORD

The Chief of Police shall cause to be kept in the Chief of Police's office an accurate record of every solicitation permit application received and acted on, together with all other information and material pertaining thereto, and copies of all solicitation permits issued and revoked pursuant to this Chapter 35. Permit applications shall be numbered in consecutive order as filed, and every permit issued pursuant to this Chapter 35 and any renewal thereof shall be identified with the number of the application upon which it was issued.

35.13 FOOD VENDORS

A. DEFINITION: For the purposes of this Section, "vehicle" shall mean motor vehicles or devices either moved by human power or pulled by a motor vehicle (i.e. trailer cart) which are not more

than 104 inches in height at its highest point from the ground, not more than 84 inches in width at its widest point, and not more than 197 inches in length at its longest point with a wheel base not to exceed 109 inches; a front track not to exceed 70 inches; rear track not to exceed 70 inches.

B. LICENSE REQUIRED: It shall be unlawful to use or permit the use of a vehicle for the storage or carrying of food products for sale at retail upon the streets of the Village of Lake in the Hills without having first obtained a license to do so and the provisions of the Section are fully complied with, however no food vendor license need be obtained hereunder for vehicles to be used to deliver food products from a food establishment with a permanent location wherein the vehicle is used solely for the delivery of food products ordered through the permanent food establishment location.

C. APPLICATIONS: The application for such licenses shall be made in writing and a license shall be issued by the Village Administrator upon determination that the applicant meets the standards set forth herein. The application shall be verified by oath or affidavit and shall state as follows;

1. The name, address and statement of legal age of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation for profit, or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, owned by one person or his nominees, the name and address of such person;
2. The citizenship of the applicant, his or her place of birth, and if a naturalized citizen the time and place of his or her naturalization;
3. The character of business of the applicant; and in the case of a corporation, the objects for which it was formed;
4. The length of time that said applicant has been in business of that character or in the case of a corporation, the date on which its charter was issued;
5. A statement whether applicant has made similar application for a similar other license on premises other than described in this application, and the disposition of such application;

6. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Section, laws of this State or the ordinances of this Village;
7. Whether a previous license by any state or subdivision thereof, or by the Federal government has been revoked, and the reasons therefore;
8. The number of trucks intended to be operated under the proposed license and the vehicle identification number of each truck;
9. The owner and the driver shall sign a waiver authorizing the Village to conduct a background check on each driver including any replacement drivers who will operate the trucks. There shall be a \$50 non-refundable fee for each background check required to be completed. No driver shall operate any trucks within the Village until the Village completes a background check satisfactory to the Village. The owner shall furnish a list of the drivers who will be operating the trucks including their names and addresses and a statement that each driver has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Section, laws of this State or the ordinances of this Village;
10. That the license to be issued upon the application is and will be subject to revocation by the Village Administrator.
11. A copy of all required health department permits.

D. CHARACTER OF APPLICANT: No such license shall be issued to or held by any person who is not a person of good character or who has been convicted of a felony; nor shall such license be issued to or held by any corporation if any officer or driver of a vehicle thereof would be ineligible for a license under the foregoing condition.

E. DRIVERS: It shall be unlawful for any driver of a vehicle while on duty to drink any intoxicating liquor or alcoholic beverage, to use any profane or obscene language, to shout or call to prospective customers, or to disturb the peace in any manner. The licensee shall submit a list of drivers to the Village Administrator or his or her designated representative upon application for a license and at such other time as the Village

Administrator or his or her designated representative shall request.

F. LIMITATIONS ON LICENSES: There shall be no more than six (6) food vendor business licenses in the Village of Lake in the Hills each with no more than two (2) vehicles. Of the six (6) food vendor business licenses, three (3) shall be issued to businesses that solely sell ice cream products. The allowed number of business licenses or the number of trucks permitted per licensee may be increased or decreased by ordinance passed and approved by the Village President and Board of Trustees.

G. VEHICLES: No food vendor vehicle shall be operated unless it bears a state license duly issued and no such food vendor vehicle shall be operated unless it is equipped with proper brakes, lights, tires, horn, muffler, rear vision mirror and windshield wipers in good condition. It shall be the duty of the owner to furnish to the Village an inspection of each food vendor vehicle at least on an annual basis to submit a certificate of safety indicating that the food vendor vehicle is in a safe mechanical condition. No food vendor vehicle shall be operated upon the streets of the Village if the inspection indicates that the food vendor vehicle is not in a safe mechanical condition and until it has been repaired, submitted for retesting and a certificate issued indicating that it has no mechanical defects.

Each food vendor vehicle, while operated, shall have on each side, in letters readable from a distance of 50 feet, the name of the licensee operating it. Each food vendor vehicle shall also have a driver's identification card, including a picture of the driver, prominently displayed so that it is clearly visible to the customers. If more than one food vendor vehicle is operated by a licensee, each food vendor vehicle shall be designated by a different number, and such number also shall so appear on each side of such food vendor vehicle.

H. DURATION AND TRANSFER OF LICENSE: A license shall be purely a personal privilege, good for not to exceed one year after the issuance. The one year period shall be from the 1st day of January of each year to 31st day of December of each year unless sooner revoked or suspended as herein provided. Licenses issued after the 1st day of January of any year shall pay the full license fees as provided. A license shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to be encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that the executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt

licensee may continue the business under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license. In no event shall there be any refund of any portion of any license fee paid.

I. HOURS OF OPERATION: The licensee shall be permitted to sell food products from the licensed vehicles between the hours of 7:30 a.m. and 8:00 p.m. or sunset, whichever is earlier, Mondays through Saturdays, and between the hours of 10:30 a.m. and 8:00 p.m. or sunset, whichever is earlier, on Sundays, during the license period. Use of sound equipment utilized to draw attention to the vehicle prior to 10:30 a.m. is prohibited. All sales must be conducted from licensed vehicles that have come to a full stop with sound equipment turned off at the curb line of the street upon which the sales are being made.

J. FOOD SALES SHALL BE PROHIBITED UPON THE FOLLOWING STREETS WITHIN THE VILLAGE: Algonquin Road, Randall Road, Miller Road, Pyott Road, Rakow Road, Route 31, Frank Road, Lakewood Road, Virginia Road, Reed Road, Haligus Road and Route 47.

K. LICENSE FEE: The annual fee payable in advance for such licenses shall be One Hundred and no/100 Dollars (\$100.00) for each owner, plus Fifty and no/100 Dollars (\$50.00) for each food product vehicle operated. All such fees shall be paid to the Village at the time application is made. In the event the license applied for has been denied, the fee shall be returned to the applicant. If the license is granted, then the fee shall be deposited in the general corporate fund or such other fund, as the Board of Trustees shall designate. Such fee shall be in lieu of any other vehicle fee required by Ordinance and the Village Administrator or designee shall issue suitable tags or stickers for the number of food product vehicles covered by each license. Such tag or sticker shall be displayed in a prominent place on each food product vehicle while it is in use. If a food product vehicle is withdrawn from service and another food product vehicle replaces the one withdrawn, the licensee shall notify the Village Administrator's Office which shall issue a tag or sticker for such replacement food product vehicle provided that it meets all of the requirements of this section without additional charge to the licensee. The licensee shall notify the Village Administrator's Office of the motor number and of the license number of each food product vehicle operated and of the corresponding Village tag or sticker number.

L. INSURANCE: Whenever any licensee under this Section 35.13 shall make use of one or more motor vehicles in the licensed activity, such licensee shall maintain at least the following insurance coverages: 1) commercial general insurance with coverage

for bodily injury and property damage, personal and advertising injury, and products completed/operations with a per occurrence liability limit of at least \$1,000,000.00; and 2) automobile liability insurance for each vehicle with a combined single limit of \$500,000.00. The Village shall be named as an insured under the policy using an additional insured endorsement acceptable to the Village. This insurance shall apply as primary insurance with respect to any other insurance or self-insurance programs afforded to the Village. Prior to the issuance of the license under this Section 35.13, the licensee shall furnish the Village with copies of its current certificates of insurance evidencing the required insurance, along with the additional insured endorsements required in this Section 35.13.

M. TRAFFIC RULES: It shall be the duty of every driver of a vehicle to obey all traffic rules established by ordinances of the Village or the Statutes of the State of Illinois.

N. PENALTY: Any person, firm or corporation violating the provisions of this Section may, in addition to any penalty imposed under Section 35.14 of this code, suffer the penalty of having his or her license revoked for any such violation. Revocation shall be in writing signed by the Village Administrator.

35.14 LAW ENFORCEMENT SOLICITATION

A. Except as provided in Section 35.15, it shall be unlawful and a public nuisance for any person to solicit property of any kind from the general public when the property, or any part of that property, in any way tangibly benefits any law enforcement officer, agency, or association.

B. For purposes of this Section 35.14, "tangibly benefits a law enforcement officer, agency, or association" means the use, the intention to use, or the stated representation of use, of property of any kind (i) to support a law enforcement program or activity or (ii) for any purpose or use that otherwise would have to be funded or provided by the officer, agency, or association through its own means or budgeting mechanism.

C. This Section shall not apply to solicitations:

1. By or on behalf of law enforcement officers campaigning for election to public office; or
2. Solicitations for charitable purposes unrelated to law enforcement program or activity; or
3. Solicitations for a program that benefits the general welfare of the community, but only when

that program is sanctioned by the Chief of Police and only when 100 percent of the property collected through such solicitation is devoted to that program.

D. Any person who violates, neglects, or refuses to comply with, or assists in the violation of, any of the provisions of this Section 35.14 shall be deemed to have committed a public nuisance and a misdemeanor and shall be fined not more than \$500.00 for each such violation. Each day such violation continues shall constitute a separate offense. Within 7 days after the date of a citation, any person served with such citation pursuant to this Section 35.14 may avoid prosecution for the violation(s) identified in such citation by surrendering such citation to the Chief of Police and by paying at the same time to the Chief of Police a sum of \$25.00. Payment made after the 7-day period but before legal action is brought against the violator shall be equal to a sum of \$50.00. The Chief of Police shall issue a receipt to any person making payment pursuant to the provisions of this Subsection D.

35.15 CHARITABLE HIGHWAY SOLICITATION BY LAW ENFORCEMENT PERSONNEL, FIRE FIGHTERS OR OTHER PUBLIC SAFETY EMPLOYEES

A. Notwithstanding the provisions of Section 35.06 of this Code, (i) when the persons to be engaged in the charitable solicitation are law enforcement personnel, firefighters or other persons employed to protect the public safety of a local agency, (ii) who are soliciting for charitable organization (as defined in Section 2 of the Illinois Charitable Games Act, 230 ILCS 30/1, et. seq. as an organization or institution organized and operated to benefit an indefinite number of the public) (iii) and they are soliciting solely in an area that is within the service area of that local agency, then the rules of this Section 35.15 shall apply instead. For purposes of this Section 35.15, the term "local agency" shall mean the Village of Lake in the Hills, any special district, fire district, joint powers of authority, or other political subdivision of the State of Illinois.

B. The charitable organization must file an application with the Chief of Police or designee. The application shall be filed not later than 10 business days before the date the solicitation is to begin and shall include the following:

1. The date or dates and times of day when the solicitation is to occur.
2. The location or locations where the solicitation is to occur along with a list of three alternate locations listed in order of preference.

3. The manner and conditions under which the solicitation is to occur.
4. Proof of a valid liability insurance policy in the amount of at least \$1,000,000 insuring the charity or local agency against bodily injury and property damage arising out of or in connection with the solicitation.

C. Within five business days after the filing date of the application, the Chief of Police or designee shall approve the application but may impose reasonable conditions in writing that are consistent with the intent of 65 ILCS 5/11-80-9 and are based on articulated public safety concerns. These shall include, but are not limited to, the provisions of Section 35.06A, Permit Required; Application Requirements; Section 35.06- C, Hours when Permitted; Section 35.06-F, Minimum Age; Section 35.06-G, Protective Clothing; and Section 35.06-H, State Registration.

D. If the Chief of Police or designee determines that the applicant's location cannot be permitted due to significant safety concerns, such as high traffic volumes, poor geometrics, construction, maintenance operations or past accident history, then the Chief of Police or designee may deny the application for that location and must approve one of the three alternate locations following the order of preference submitted by the applicant on the alternate location list.

E. By acting under this Section, a local agency does not waive or limit any immunity from liability provided by any other provision of law.

35.16 PENALTY

A. **PENALTY FOR NONCOMPLIANCE:** Any person who violates, neglects or refuses to comply, or assists in the violation of, any of the provisions of this Chapter 35, or of any order, solicitation permit, or notice issued pursuant hereto, shall be deemed to have committed a misdemeanor and shall be fined not more than \$500.00 for each such violation. Each day such violation continues shall constitute a separate offense. The Chief of Police shall give written notice to any such person of any such violation and the fine imposed by serving a citation in person or by certified U.S. mail return receipt requested.

B. **PAYMENT WITHOUT PROSECUTION:** Within 7 days after the date of the citation, any person served with a citation issued by the Chief of Police pursuant to Subsection A of this Section 35.13 may avoid prosecution for the violation(s) identified in the

citation by surrendering the citation to the Chief of Police and by paying at the same time to the Chief of Police a sum of \$25.00. Payment made after the 7-day period but before legal action is brought against the violator shall be equal to a sum of \$50.00. The Chief of Police shall issue a receipt to any person making payment pursuant to the provisions of this Subsection B.

Amended March 27, 2003

Amended August 28, 2003

Amended August 14, 2008

Amended May 13, 2010

Amended December 12, 2013

Amended April 24, 2014