

Village of Carbon Cliff

ORDINANCE NO. 2018-28

AN ORDINANCE DELETING AND REPLACING
TITLE III, ARTICLE 5, SECTION 1 OF THE VILLAGE CODE
(Solicitors and Canvassers)

ADOPTED
December 18, 2018

Prepared By And Return To:

Village of Carbon Cliff
Attn: Nick Gottwalt
1001 Mansur Avenue
P.O. Box 426
Carbon Cliff, IL 61239-0426

Village of Carbon Cliff

ORDINANCE NO. 2018-28

AN ORDINANCE DELETING AND REPLACING TITLE III, ARTICLE 5 OF THE VILLAGE CODE (Solicitors and Canvassers)

WHEREAS, the Village of Carbon Cliff (the “*Village*”) is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State, and as a home rule unit may, under the powers granted by Section 6(a) of Article VII of the Constitution of the State of Illinois of 1970, “exercise any power and perform any function pertaining to its government and affairs”; and,

WHEREAS, the Village has determined it is in the interest of the public health, safety, and welfare for the protection of its residents and business owners to prohibit door-to-door “Commercial Soliciting” and Peddling, and;

WHEREAS, the Village has determined that it is in the best interest of the community to continue to allow door-to-door “Charitable Solicitation”; and,

WHEREAS, the purpose of this ordinance is to protect against criminal activity, including fraud and burglary, minimize the unwelcome disturbance of residents and the disruption of privacy, and to otherwise preserve the public health, safety, and welfare by regulating and controlling door-to-door solicitors and peddlers; and,

WHEREAS, this Ordinance is adopted pursuant to the Village’s home rule authority.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Carbon Cliff, Illinois as follows:

Section 1. That the facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. That Title III, Article 5 of the Village Code is hereby deleted and replaced as follows:

“Article 5 – SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS”

Section 1 DEFINITIONS: For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Charitable Solicitor. A person making a solicitation for a charitable or not for profit association, organization or entity for the purpose or benefit of that charitable, religious, political, or not for profit association, organization, entity or project.

Commercial Solicitor. A person making a solicitation, not as a charitable solicitor, including but not limited to seeking to obtain prospective customers for application or purchase of insurance or seeking to obtain subscriptions to books, magazines, periodicals, newspapers or other publications.

Peddler. A person who goes upon the premises of any building in the Village, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise, or personal property of any nature and offering the same for sale. Peddler does not include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good, or service that is offered to a resident for purchase at a location away from his/her residence or at a time different from the time of the visit.

Peddling. Means a peddler going upon the premises of any building in the Village, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise, or personal property of any nature and offering the same for sale.

Person. The word "person" means any individual, partnership, corporation, or joint stock association and includes any trustee, receiver, assignee or representative thereof.

Solicitation. Means going upon the premises of any building in the Village, not having been invited by the occupant thereof, for the purpose taking or attempting to take orders for the sale of goods, merchandise, wares, publications, or other personal property of any nature for future delivery, or for services to be performed in the future or seeking gifts or contributions of money, clothing or anything of value.

Transient Merchant. As defined in Section 2 of the Transient Merchant Act of 1987 (225 ILCS 465/2) any person or employee or agent whether or not a resident of the village, who temporarily engages in the sale of merchandise for present or future delivery within the Village and who in furtherance of such purpose leases, uses or occupies any building, vehicle, trailer, tent, railroad car, hotel or motel room or other place in the city for the exhibition and sale of such goods, wares and merchandise and does not have an approved fixed business location or license for retail sales from the Village.

Section 2 COMMERCIAL SOLICITING PROHIBITED. It shall be unlawful for any person to be a commercial solicitor in the Village.

Section 3 CHARITABLE SOLICITATING. Soliciting by a charitable solicitor is allowed in the Village of Carbon Cliff and no permit or license from the Village shall be required.

Section 4 PEDDLING AND TRANSIENT MERCHANT PROHIBITED. It shall be unlawful for any person to engage in the business of peddler or transient merchant in the Village.

Section 5 NUISANCE. Commercial solicitors, peddlers, and transient merchants, not having been requested or invited by the occupant to come to the property, in the Village are declared to be a nuisance and a violation punishable as a misdemeanor.

Section 6 PENALTY. Whoever violates any provisions of this article shall be penalized as provided in Title 1, Article 3, of the Village Code.”


Section 3. This ordinance shall be recorded in the Recorder’s Office, in Rock Island County, Illinois.

Section 4. This ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as required by law.

ADOPTED BY THE BOARD OF TRUSTEES of the Village of Carbon Cliff, Illinois, this 18th day of December 2018, pursuant to a roll call vote as follows:


	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Todd Cantrell	X		
Keith Curry			X
Robert Dreher	X		
Leevon Harris	X		
Alma Neels	X		
Larry Scott	X		
Ayes:	5	Nays:	0
		Absent:	1

APPROVED by the President of the Board of Trustees, Village of Carbon Cliff, this 18th day of December 2018.



Bill G. Hintz – Village President
Village of Carbon Cliff

ATTEST:



Karen L. Hopkins – Village Clerk
Village of Carbon Cliff

Published in pamphlet form by authority of the Board of Trustees of the Village of Carbon Cliff, Rock Island County, Illinois, this 19th day of December 2018.

