

**CITY OF MONTICELLO  
PIATT COUNTY, ILLINOIS**

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ORDINANCE NO. 2018 -22

AN ORDINANCE AMENDING TITLE XI, CHAPTER 114 OF  
THE CITY OF MONTICELLO MUNICIPAL CODE REGARDING  
SOLICITORS AND CANVASSERS

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ADOPTED BY THE

CITY COUNCIL

CITY OF MONTICELLO

THIS 14<sup>th</sup> DAY OF MAY, 2018

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PIATT COUNTY, ILLINOIS**

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THE CITY OF MONTICELLO MUNICIPAL CODE REGARDING  
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**WHEREAS**, the City of Monticello (the “City”) is an Illinois municipal corporation organized and operating pursuant to Article VII of the Illinois Constitution of 1970 and the Illinois Municipal Code (65 ILCS 5/1-1-1, *et seq.*); and

**WHEREAS**, the City is authorized to license, tax, regulate, or prohibit hawkers, peddlers, itinerant merchants, and transient vendors of merchandise (65 ILCS 5/11-42-5; 225 ILCS 465/4), and to define, prevent, and abate nuisances (65 ILCS 5/11-60-2); and

**WHEREAS**, based on a routine review of the City Code, the City Council expressed a desire to amend its ordinances regarding solicitors in order to reduce fraud and crime, and protect resident privacy, while protecting the First Amendment rights of solicitors, itinerant merchants, and transient vendors of merchandise.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Monticello, Piatt County, Illinois, as follows:

**Section 1. RECITALS.** The foregoing recitals are incorporated as though fully set forth herein.

**Section 2. AMENDMENT.** Title XI, Chapter 114 of the City of Monticello Code of Ordinances is hereby repealed and replaced with the following:

§ 114.01: Definitions. For the purposes of this chapter, the following words shall be considered to have the meanings hereinafter ascribed thereto:

Door-to-door commercial solicitation: attempting to make personal contact with any person at his residence, without prior invitation by or appointment with the resident, for the primary purpose of:

- (1) attempting to sell, for present or future delivery, any goods, wares, or merchandise, or any services to be performed immediately or in the future, whether or not the person has, carries or exposes a sample of such goods, wares or merchandise, and whether or not he is collecting advance payments for such sales and services;
- (2) seeking or attempting to obtain contributions of money or any other thing of value for the benefit of any association, organization, corporation, or program, excluding those defined under door-to-door non-commercial solicitation; or
- (3) personally delivering to the resident a handbill or flyer advertising a commercial event, activity, good, or service that is offered to the resident for purchase at a location away from the residence or at a future time.

Door-to-door non-commercial solicitation: attempting to make personal contact with any person at his residence, without prior specific invitation by or appointment with the resident, for the primary purpose of:

- (1) seeking or asking for a gift or donation for a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501(c);
- (2) soliciting the sale of goods, wares, or merchandise for present or future delivery, or the sale of services to be performed immediately or in the future, with the entire proceeds of such sale to be paid directly to, or used exclusively for the benefit of, a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501(c);
- (3) personally delivering to the resident a handbill or flyer advertising a future not-for-profit event, activity, good or service;
- (4) distribution of religious tracts and information on behalf of a religious organization;
- (5) door-to-door soliciting and pamphleteering as a vehicle for the dissemination of ideas, or views or opinions by one engaged in political activities as a candidate or on behalf of a candidate in a recognized federal, state or local election, or on behalf of an issue on an upcoming ballot; or

- (6) attempting to sell or deliver newspapers, magazines, or newspaper magazine subscriptions.

License: a document issued by the Police Department authorizing a commercial solicitor to engage in door-to-door commercial solicitation.

Public entity: the United States of America, the State of Illinois, and any county, municipality, school district, special district, and any other kind of district, agency, instrumentality, or political subdivision thereof organized pursuant to law and any separate entity created by intergovernmental contract or cooperation only between or among the federal, state, county, municipality, school district, special district, and every other kind of district, agency, instrumentality, or political subdivision thereof.

Residence: a private residence in the City, including condominium units and apartments, and including the yards, grounds, or hallways thereof.

§ 114.02: Prohibited Solicitation.

- (A) It is hereby declared to be the policy of the City that the occupant or occupants of residences in the City shall make the determination of whether solicitors shall be, or shall not be, invited to their residence.
- (B) No person may engage in door-to-door commercial solicitation at any residence without prior invitation from the occupant if the residence:
  - (1) is registered with the City's "No Knock" registry for door-to-door commercial solicitation; or
  - (2) prominently displays a notice stating "No Commercial Solicitors" or "No Commercial Solicitation" on or near the main entrance or door to any dwelling unit in the residence.
- (C) No person may engage in any door-to-door commercial or non-commercial solicitation upon any residence without prior invitation from the occupant thereof if the residence is:
  - (1) registered with the City's "No Knock" registry for door-to-door commercial and non-commercial solicitation; or
  - (2) prominently displays a notice stating "No Solicitors" or "No Solicitation" on or near the main entrance or door to any dwelling unit in the residence.

- (D) No person may engage in door-to-door commercial or non-commercial solicitation at any residence after the owner or occupant asks the person to leave the residence.

§ 114.03: “No Knock” Registry.

- (A) An occupant may prohibit door-to-door commercial and/or non-commercial solicitation without prior invitation at his or her residence by registering the residence with the Chief of Police.
- (B) The Chief of Police will maintain and publish a “No Knock” registry on the City’s website, indicating those occupants prohibiting door-to-door commercial and/or non-commercial solicitation at his or her residence.

§ 114.04: Commercial Door-to-Door Solicitation License Required.

It shall be unlawful for any person to engage in door-to-door commercial solicitation at a residence without first obtaining a license issued by the Chief of Police. Unless authorized or permitted pursuant to the terms and provisions of this chapter, the practice of being in and upon private residential property within the City by door-to-door commercial solicitors is a nuisance prohibited and punishable as set forth in this chapter.

§ 114.05: No License Required for Non-Commercial Door-to-Door Solicitation.

Persons engaged in non-commercial door-to-door solicitation are not required to obtain a license.

§ 114.06: Door-to-Door Solicitation.

- (A) Every person licensed pursuant to this chapter must at all times possess and display their license in a conspicuous place while soliciting and shall produce the same whenever requested to do so by a police officer or other person.
- (B) Not more than two individuals will engage in door-to-door commercial or non-commercial solicitation at any residence at the same time without permission of the occupant.

§ 114.07: Application for Commercial Door-to-Door Solicitation License.

- (A) Each person applying for a door-to-door commercial solicitation license must make a written application on forms provided by the City with payment of the license fees to the City of Monticello. The applicant shall state upon oath or affirmation that the information contained in the application is truthful to the best of his or her knowledge and belief.

- (B) The applicant must supply the following information and any such additional information that the City may require upon the application form:
- (1) applicant's true and correct name, and any former names or aliases;
  - (2) applicant's business address and business telephone number;
  - (3) if different from the applicant, the name, address, and phone number of the responsible person or entity;
  - (4) the name, address, and phone number of the applicant's immediate supervisor, if any;
  - (5) information regarding the applicant's business including, without limitation, its legal status and proof of registration with, or a certificate of good standing from the Illinois Secretary of State;
  - (6) proof the applicant or the applicant's business has registered with the Illinois Department of Revenue for the payment of sales tax;
  - (7) a brief explanation of the nature and duration of the applicant's proposed solicitation activity that requires a license under this chapter;
  - (8) a complete list of all persons to be authorized to solicit under the license;
  - (9) for each person authorized to solicit under a license, the following information:
    - a. name, address, phone number and date of birth;
    - b. proof of identification by submittal of any of the following that bear a photograph of sufficient quality to identify the person:
      - I. a valid U.S. driver's license or identification card issued by any state;
      - ii. a valid United States uniformed service identification card;
      - iii. a valid U.S. passport; or

iv. U.S. Citizenship and Immigration Services Green Card;

(10) a statement that the applicant, nor any person to be authorized to solicit under the license, have not:

a. been convicted in any jurisdiction of robbery, theft, embezzlement, larceny, or crime involving the obtaining of money or property by false pretenses; and

b. had any jurisdiction revoke or deny them a permit, license, or registration in connection with soliciting.

(11) a ten-dollar (\$10.00) application fee.

(C) Within five business days of the Chief of Police's receipt of a complete application, the Chief of Police will issue a license for a term of one year, unless the Chief of Police determines that the license application should be denied under the criteria stated in section § 114.08.

(D) Each applicant must read and sign a statement in substantially the following form:

"I, \_\_\_\_\_, having read and understood the provisions of the Monticello City Code regarding soliciting and in particular the provision contained therein against soliciting at residential premises where notices against solicitation have been posted.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_"

§ 114.08: Denial or Revocation of a License.

(A) The Chief of Police will send the applicant or licensee a "Notice of Denial" or "Notice of Revocation" for a door-to-door commercial solicitation license by first class mail, if the Chief of Police determines that the applicant or licensee:

(1) made any material misrepresentation or false statement in the license application;

(2) authorized, condoned, or knowingly tolerated any unlawful solicitation or any solicitation conducted under the license in such a manner as to constitute a nuisance, crime, fraud, trespass,

invasion of privacy, or deceptive practice;

- (3) failed to comply with applicable laws, including registration with the Illinois Department of Revenue for the payment of sales tax; or
  - (4) failed to conduct and/or supervise solicitation activities under the license so as to reasonably ensure that such solicitation is in compliance with the terms of the license and with the provisions of this chapter.
- (B) Within five business days of the “Notice of Denial” or “Notice of Revocation,” the applicant or licensee may submit a written request to the Mayor for a hearing to dispute the license denial or revocation.
- (C) Within five business days of the applicant or licensee’s request for a hearing, the Mayor will submit a “Notice of Hearing” to the applicant or licensee by first class mail, not less than five business days prior to the date of the hearing. The “Notice of Hearing” will describe the Chief of Police’s grounds for denial or revocation of the license and notify the applicant of the time and place of the hearing, and their right to counsel, to submit evidence, and to cross-examine witnesses.
- (D) The Mayor will deny the application or revoke the license:
- (1) in the absence of a timely request for hearing; or
  - (2) upon finding of grounds for denial or revocation of the license based upon the preponderance of the evidence after a hearing.

§ Section 114.09: Penalty.

Notwithstanding any other remedies available to the City pursuant to this chapter, any person violating any of the provisions of this chapter shall be punished by a fine of not more than seven hundred and fifty dollars (\$750.00) for each offense, to which court or adjudication costs may be added. A separate offense shall be deemed committed on each day on which the violation occurs or continues to occur. The City may pursue any appropriate remedy at law or in equity to enforce the terms of this Chapter.

§ Section 114.10: Constitutional Rights.

Nothing in this chapter shall be interpreted or enforced to deprive any person of any rights guaranteed under the constitutions of the state of Illinois or the United States.

**Section 3. SUPERSEDER AND SEVERABILITY.** In the event a conflict exists between the terms of this Ordinance and any other ordinance of the City, the terms of this Ordinance shall govern. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 4. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law, and the provisions of the City Code amended herein shall be reprinted with the changes.

Passed by the City Council of the City of Monticello, Piatt County, this 14<sup>th</sup> day of May, 2018, by the following roll-call vote:

AYES: BROCK, CLARK, REED, SEBENS

NAYS: BROWN

ABSENT: JONES, MILLER, KEATING

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Pamela Harlan, City Clerk  
City of Monticello, Piatt County, Illinois

Approved by the City of Monticello this 14<sup>th</sup> day of May, 2018.

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Larry Stoner, Mayor

ATTEST:

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Pamela Harlan, City Clerk  
City of Monticello, Piatt County, Illinois