

**VILLAGE OF BIG ROCK**  
**ORDINANCE NO. 2024- 07**

**AN ORDINANCE APPROVING LICENSING REQUIREMENTS AND  
REGULATIONS FOR SOLICITORS IN THE VILLAGE OF BIG ROCK**

ADOPTED BY THE BOARD OF TRUSTEES  
OF THE VILLAGE OF BIG ROCK  
THIS 26<sup>TH</sup> DAY OF MARCH, 2024

Published in pamphlet form by the authority of the Board of Trustees of the  
Village of Big Rock, Kane County, Illinois  
this 26<sup>th</sup> day of March, 2024

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WHEREAS, the Village of Big Rock is a municipal corporation duly organized and operating pursuant to the laws of the State of Illinois; and

WHEREAS, the Village of Big Rock is authorized to license and regulate solicitors within the Village pursuant to Division 42 of the Illinois Municipal Code, and specifically pursuant to 65 ILCS 5/11-42-5; and

WHEREAS, the Village of Big Rock Board of Trustees desires to approve licensing requirements and regulations for solicitors in the Village of Big Rock, finding such licensing requirements and regulations are authorized by law and will promote and protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Big Rock, Kane County, Illinois, as follows:

Section 1: The above-stated Recitals are hereby restated and incorporated into this Section 1 as though fully set forth herein.

Section 2: The Licensing Requirements and Regulations for Solicitors in the Village of Big Rock, a copy of which is attached hereto as Exhibit "A," are hereby approved. The Village Clerk is authorized and directed to review, issue, and/or reject licenses for solicitors according to these requirements and regulations.

Section 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict.


Section 4: This ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

**PRESENTED** to the Board of Trustees of the Village of Big Rock, Kane County, Illinois on this 26<sup>th</sup> day of March, 2024.

Trustee McCannon <u>Y</u>	Trustee Metzger <u>Y</u>	Trustee Lynch <u>Y</u>
Trustee K. May <u>A</u>	Trustee Walsh <u>Y</u>	Trustee T. May <u>A</u>

**PASSED** by the Board of Trustees of the Village of Big Rock, Kane County, Illinois, this 26<sup>th</sup> day of March, 2024.

**SIGNED** by the President of the Board of Trustees of the Village of Big Rock, Kane  
County, Illinois, this 26<sup>th</sup> day of March, 2024.

  
\_\_\_\_\_  
Matt Fitzpatrick, President  
Village of Big Rock, Illinois

ATTEST:

  
\_\_\_\_\_  
Lindsey Zambrano, Village Clerk  
Village of Big Rock, Illinois

(SEAL)



STATE OF ILLINOIS       )  
                                      ) SS  
COUNTY OF KANE        )

**CLERK'S CERTIFICATE**

I, Lindsey Zambrano, certify that I am the Village Clerk of the Village of Big Rock, Kane County, Illinois, and as such officer I am the keeper of the records, files and proceedings of the corporate authorities of said municipality.

I further certify that:

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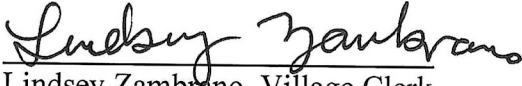
was adopted by the President and Board of Trustees of the Village of Big Rock at a meeting held on March 26, 2024 and approved by the Village President on March 26, 2024. I do further certify that a quorum of said Board of Trustees was present at said meeting, and that the Board complied with all the requirements of the Illinois Open Meeting Act.

I do further certify that the ordinance, of which the attached is a true and correct copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of same.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and the seal of the municipality this 26<sup>th</sup> day of March, 2024.

(SEAL)



  
Lindsey Zambrano, Village Clerk  
Village of Big Rock, Illinois

**EXHIBIT "A"**

**LICENSING REQUIREMENTS AND  
REGULATIONS FOR SOLICITORS IN THE VILLAGE OF BIG ROCK**

## **LICENSING REQUIREMENTS AND REGULATIONS FOR SOLICITORS IN THE VILLAGE OF BIG ROCK**

1. Definitions. For the purposes of these solicitor requirements and regulations (hereinafter "Regulations"), the following words and phrases shall have the meanings herein ascribed to them:

"Applicant" means any person that files an application for a solicitation permit as provided for in these Regulations.

"Charitable Organization" means a charitable organization as defined in the Illinois Solicitation for Charity Act, 225 ILCS 460/0.01, *et seq.*

"Charitable Solicitation" means a person solely seeking to obtain donations, gifts, or contributions of money or tangible personal property on behalf of a Charitable Organization.

"Premises" means an 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" means the act of engaging in solicitation.

"Solicitation" means a person seeking (a) to solicit funds, or (b) to propose to engage in a commercial transaction involving a sale, an offer for a sale, delivery of a commercial good or service, or a commercial exchange, subscription, or any similar transaction, except, as to both (a) and (b) above, when such activity is conducted within a building zoned to permit such activity and under the ownership or control of the solicitor. Solicitation does not mean political or religious activities such as religious proselytizing, the collection of signatures by political organizations or individuals in support of candidates for public office or referendum questions to be submitted to voters, or otherwise engaging in political activities related to specific individuals, issues, political parties, or political action groups.

"Solicitor" means a person engaged in soliciting.

2. License Required. Except as provided in Section 3 below, any person wishing to engage in solicitation in the Village shall first apply for and obtain a solicitation license from the Village Clerk.

3. Exception for Minors. Persons under the age of fifteen (15) years engaged in charitable solicitation are not required to apply for and obtain a solicitation license, but shall comply with the other provisions of these regulations.

4. Solicitation Application and License.

A. Each applicant for a solicitation license shall file a completed application with the Village Clerk on a form provided by the Village Clerk. Each applicant shall verify under oath the

statements made on or in connection with the application. A new application is required to solicit after the expiration of any license issued hereunder.

B. **Application Contents:** Applications shall require, at a minimum, the following information:

1. Applicant's name, current home address, and mobile telephone number. If applicant does not own a mobile telephone, then applicant's home telephone number.
2. The name of the business or organization that the applicant represents for purposes of solicitation, as well as the address and telephone number of such business or organization.
3. The name of the principal officer or director of the applicant's business with authority to direct and determine matters related to the proposed solicitation and the application, as well as such officer's or director's business address and telephone number.
4. The applicant's social security number and driver's license number, or, if the applicant has neither, then some other form of official identification.
5. A description of the purpose of the solicitation and how the solicitation will be conducted.
6. The dates for which the applicant seeks a solicitation license.
7. Information regarding whether the applicant has been convicted, within the previous (5) years, of a felony under the laws of the State of Illinois, or under the laws of any other state or federal government, and the nature of any such conviction.

5. **License Fee.** The fee for a solicitation license is \$25.00, and said fee shall be paid upon submission of the application.

6. **Issuance of License.** The Village Clerk shall issue the solicitation license to the applicant within two (2) business days after receipt of the application, but only if the Village Clerk determines all of the following:

- A. The applicant has provided all information required by the application and the material statements made in the application are true.
- B. The applicant has not been convicted of a felony as described in Section 4(B)(7) above.
- C. The applicant or its company/organization has not violated these regulations within the previous five (5) years.
- D. The solicitation license fee has been paid.

Unless the applicant seeks a shorter time period to solicit in the application, a solicitation license issued by the Village Clerk shall be valid for sixty (60) consecutive days. The date of issuance and an expiration date shall be stated on the face of each license issued by the Village Clerk.



7. Denial of License and Appeal Rights. If the Village Clerk denies the application for a solicitation license, the Village Clerk shall provide the applicant with a statement in writing explaining the denial and returning the license fee. Any person whose application for a solicitation license is denied by the Village Clerk may appeal such denial. Within ten (10) days of the issuance of such denial, the applicant may file a written appeal to the Village President to reconsider such denial. The appeal shall provide the basis for which the applicant believes the application was wrongfully denied, and may include supporting evidence. Within ten (10) days after the Village President's receipt of an appeal, the Village President shall render a decision in writing which either (a) upholds the denial, (b) overturns the denial and directs the Village Clerk to issue the license, or (c) sets the matter for a hearing before the Village President so that more information can be obtained from the applicant or from third party sources in order for the Village President to make a decision. Such a hearing, if requested, shall take place within twenty (20) days after the Village's President's receipt of an appeal, and the Village President shall issue his/her opinion on the appeal within one (1) business day after the hearing. The action of the Village President shall be final.

8. Regulations Applicable to Solicitors. All solicitors shall comply with the following regulations:

- A. *Display of License.* Every solicitor shall openly display the solicitation license issued by the Village while soliciting and shall present it to all persons from whom solicitations are sought.
- B. *Identification.* Every solicitor shall identify himself or herself to each person being solicited and state the purpose of the solicitation.
- C. *Entry Onto a Premises.* 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 of each premises only at the principal entrance to such premises. Solicitors may not walk around or inspect other outside or inside parts of the premises without the express permission of the owner or occupant.
- D. *Hours of Solicitation.* No person shall solicit within the Village after 6:00 p.m., or before 8:00 a.m., or on Sundays or recognized national holidays.
- E. *"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 Solicitors."
- F. *Discontinuance Upon Request.* A solicitor shall immediately cease soliciting a premises and shall immediately leave the premises upon the request of any owner or occupant.
- G. *No Advertising or Use of Sound.* No person shall advertise any solicitation at any time within the Village by use of signs, sound, music, or other method.
- H. *No Solicitation from Vehicles.* No person shall solicit from a motorized vehicle at any time and in any location within the Village.



I. *Solicitation from Public Streets.* No person shall stand in a public street or right-of-way within the Village limits for the purposes of solicitation.

J. *Fraud or Misrepresentation.* No person shall perpetrate a fraud or misrepresentation of any kind while engaged in solicitation within the Village.

9. Violations and Penalties. A violation of any term, provision, condition, restriction, or duty stated in these regulations is declared to be a public nuisance. Any person who violates, neglects, or refuses to comply with these regulations, or who assists a person in violating, neglecting, or refusing to comply with these regulations, shall subject such person to a fine up to \$750.00 for each violation. Each day that a violation exists shall constitute a separate violation for which a fine may issue.

10. No Limitation of Free Speech Rights. Nothing in these regulations shall be construed or enforced so as to restrict the rights guaranteed by the First Amendment of the U.S. Constitution or the Illinois Constitution, or any federal or state law protecting the right to freedom of speech or freedom of religion. Nothing in these regulations shall prohibit religious organizations or individuals from religious proselytizing or political organizations or individuals from political organizations or candidates from collecting signatures in support of candidates for public office or referendum questions to be submitted to voters, or otherwise engaging in political activities related to specific individuals, issues, political parties, or political action groups.

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