

CITY OF NOKOMIS

FILED
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Sandy Leithuser COUNTY CLERK

ORDINANCE NO. 2045

AN ORDINANCE AMENDING CHAPTER 7 BUSINESS CODE
ARTICLE II SOLICITORS
SECTIONS 7-2-3, 7-2-7, AND 7-2-11 and
AMENDING ADMINISTRATION, APPENDIX "A",
VIOLATION PENALTIES, ADDING Section: Solicitation 7-2-11
OF THE REVISED CODE OF ORDINANCES
OF THE CITY OF NOKOMIS, ILLINOIS

PASSED BY THE CITY COUNCIL
OF THE
CITY OF NOKOMIS

THIS 11th DAY OF December 2017

Published in pamphlet form by authority of the City Council of the City of Nokomis, Montgomery County, Illinois, this 12th day of December 2017.

Ordinance No. 2045

AN ORDINANCE AMENDING CHAPTER 7 BUSINESS CODE
ARTICLE II SOLICITORS
SECTIONS 7-2-3, 7-2-7, AND 7-2-11 and
AMENDING ADMINISTRATION, APPENDIX "A",
VIOLATION PENALTIES, ADDING Section: Solicitation 7-2-11
OF THE REVISED CODE OF ORDINANCES
OF THE CITY OF NOKOMIS, ILLINOIS

WHEREAS, it is deemed to be in the best interests of the residents of the City of Nokomis, Montgomery County, Illinois to amend CHAPTER 7 BUSINESS CODE, ARTICLE II SOLICITORS, SECTIONS 7-2-3, 7-2-7, AND 7-2-11 and Amending ADMINISTRATION, APPENDIX "A", Violation Penalties, Adding Section: Solicitation 7-2-11, of the code;

WHEREAS, upon Motion duly made and seconded, the following is adopted by the City Council:

WHEREAS, ARTICLE II SOLICITORS SECTION 7-2-3 APPLICATION FOR CERTIFICATE OF REGISTRATION, SECTION 7-2-7 COMPLIANCE BY SOLICITORS, and SECTION 7-2-11 FEES of the Revised Code of Ordinances **currently** states as follows:

7-2-3 APPLICATION FOR CERTIFICATE OF REGISTRATION.

Applications for a Certificate of Registration shall be made upon a form provided by the Chief of Police of this Municipality and filed with such Chief. The applicant shall truthfully state in full the information requested on the application, to-wit:

- (A) Name and address of present place of residence and length of residence at such address; also, business address if other than residence address; also, Social Security Number.
- (B) Address of place of residence during the past **three (3) years** if other than present address.
- (C) Age of applicant and marital status; and if married, the name of spouse.
- (D) Physical description of the applicant.
- (E) Name and address of the person, firm or corporation or association with whom the applicant is employed or represents; and the length of time of such employment or representation.
- (F) Name and address of employer during the past **three (3) years** if other than the present employer.
- (G) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.
- (H) Period of time for which the Certificate is applied.
- (I) The date or approximate date of the latest previous application for a Certificate under this Chapter, if any.
- (J) Has a Certificate of Registration issued to the applicant under this Chapter ever been revoked?

(K) Has the applicant ever been convicted of a violation of any of the provisions of this Code or the regulations of any other Illinois municipality regulating soliciting?

(L) Has the applicant ever been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States?

(M) The last **three (3) municipalities** where the applicant carried on business immediately **preceding** the date of application in this Municipality and the address from which such business was conducted in those municipalities.

(N) Also, such additional information as the Chief of Police may deem necessary to process the application.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

The Chief of Police shall cause to be kept in his office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto and all Certificates of Registration issued under the provisions of this Chapter and of the denial of applications.

Applications for Certificates issued shall be numbered in consecutive order as filed, and every Certificate issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.

No Certificate of Registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States within **five (5) years** of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this Chapter, nor to any person whose Certificate of Registration issued hereunder has previously been revoked as herein provided.

7-2-7 COMPLIANCE BY SOLICITORS. It is the duty of every solicitor upon going onto any premises in this Municipality upon which a residence as herein defined is located to first examine the notice provided for in **Section 7-2-6** if any is attached and be governed by the statement contained on the notice.

If the notice states "**ONLY REGISTERED SOLICITORS INVITED**", then the solicitor not possessing a valid Certificate of Registration as herein provided for shall immediately and peacefully depart from the premises; and if the notice states, "**NO SOLICITORS INVITED**", then the solicitor, whether registered or not shall immediately and peacefully depart from the premises.

Any 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.

7-2-11 FEES. Upon making an application for a Certificate, the applicant shall pay a license fee, which shall be as follows:

(A) **Daily License:** **\$10.00 per person per day.**

(B) **Annual License:** **\$50.00 per person per year.**

(65 ILCS Sec. 5/11-5-2)

BE IT ORDAINED, that the above-mentioned paragraphs shall be **deleted** from the City Code.

BE IT ORDAINED that the following shall **amend and replace** ARTICLE II SOLICITORS SECTION 7-2-3 APPLICATION FOR CERTIFICATE OF REGISTRATION, SECTION 7-2-7 COMPLIANCE BY SOLICITORS, AND SECTION 7-2-11 FEES of the Revised Code of Ordinances of the City of Nokomis as follows:

7-2-3 APPLICATION FOR CERTIFICATE OF REGISTRATION.

(A) All Applications will be processed no later than 10 working days after submission and are good for one year from the date of application.

(B) Application for a Commercial Solicitation Permit shall be made to the individual designated by the Mayor or his or her designee upon a form provided by the City. The person (applicant) shall truthfully state in full on the application the following information:

1. The name and address of the person applying for the Permit.
2. The name and address of each person in charge of and supervising the solicitation in the City.
3. The names addresses and phone numbers of all individuals who will engage in solicitation in the City for that person.
4. The nature and purpose of the solicitation.
5. The requested dates for solicitation.
6. The date, or approximate date, of the latest previous application for a Solicitation Permit under this Article.
7. Whether a Solicitation Permit issued to the person under this Article has ever been revoked.
8. Whether the person (applicant) or any individual listed in this section has ever been convicted of a violation of any provisions of this Article, or the Ordinances of any other Illinois Municipality regulating solicitation.
9. Whether the person (applicant) or any individual listed in this subsection has been convicted of the commission of a felony under the laws of the State of Illinois or any state, or of a federal law of the United States within five (5) years of the date of application.
10. Any additional information that the individual designated by the Mayor, or his or her designee, may need necessary to process the application.

(C) No Permit shall be issued to a person:

1. If the application is not truthfully completed as required by the Section above of this Article;
2. If the person has been convicted of a violent felony or crime of dishonesty under the Laws of the State of Illinois, any other state, or under the federal law of the United States within five (5) years of the date of the Application;
3. If the person has been convicted of a violation of any of the provisions of this or similar Ordinances within two (2) years of the date of the Application;
4. If the person engages for the purpose of solicitation any individual who has been convicted by a court of competent jurisdiction of such offenses as enumerated in the separate sections above; or

5. If any Solicitation Permit issued hereunder has previously been revoked as herein provided.

(D) The City Clerk or Police Department have the right to require and make a copy of each solicitors valid government issued photo identification card.

(E) The Chief of Police shall cause to be kept in his office an accurate record of every application and copy of ID received and acted upon, together with all other information and data pertaining thereto and all Certificates of Registration issued under the provisions of this Chapter and of the denial of applications.

7-2-7 COMPLIANCE BY SOLICITORS. It is the duty of every solicitor upon going onto any premises in this Municipality upon which a residence as herein defined is located to first examine the notice provided for in **Section 7-2-6** if any is attached and be governed by the statement contained on the notice.

If the notice states "**ONLY REGISTERED SOLICITORS INVITED**", then the solicitor not possessing a valid Certificate of Registration as herein provided for shall immediately and peacefully depart from the premises; and if the notice states, "**NO SOLICITORS INVITED**", then the solicitor, whether registered or not shall immediately and peacefully depart from the premises.

Any 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.

All solicitors will be provided a DO NOT CONTACT list when their Permit is issued. Solicitors will be prohibited from contacting these residents.

7-2-11 FEES.

(A) Application Fee shall be \$100.00. Applications are good for twelve months. Upon approval of the Application, the Permit Fee shall be \$50.00 per person per day. The Company requesting permission to solicit must submit an Application for each person that will be soliciting. The fees are non-refundable.

(B) Penalty for soliciting without the proper permit shall be the sum of the Application Fee, the Permit Fee and the penalty described in ADMINISTRATION APPENDIX "A" VIOLATION PENALTIES for each solicitor found without a permit.

(65 ILCS Sec. 5/1-2-1)

BE IT ORDAINED that the following shall **amend** ADMINISTRATION, APPENDIX "A", VIOLATION PENALTIES, ADDING Section: Solicitation 7-2-11 Soliciting without proper permit, First offense \$100.00 and Second offense \$200.00 of the Revised Code of Ordinances of the City of Nokomis.

BE IT ORDAINED, this Amendment shall be published in pamphlet form and take effect thereafter.

Passed by the City Council and approved by the Mayor of the City of Nokomis, Illinois this 11th day of December, 2017.

YEAS: Commissioners: Voyles, Brookshire, Hard, Voils, and Mayor Hill

NAYS: None

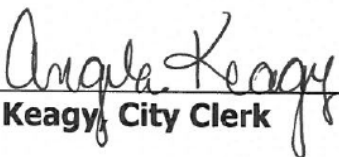
ABSENT: None



Terry Hill, Mayor

{CORPORATE SEAL}

ATTEST:



Angela Keagy, City Clerk

STATE OF ILLINOIS)
) SS
MONTGOMERY COUNTY)

CERTIFICATION

I, Angela Keagy, certify that I am the duly appointed and acting City Clerk of the City of Nokomis, Montgomery County, Illinois.

I further certify that on December 11, 2017 the City Council of such municipality passed and approved Ordinance No. 2045, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2045, including the Ordinance and a cover sheet thereof, was prepared and posted in the Municipal Complex commencing on December 12, 2017, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request to the City Clerk.

Dated at Nokomis, Illinois, this 12th day of December, 2017.



ANGELA KEAGY, CITY CLERK