
**THE CITY OF BLUE ISLAND
COOK COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 2023-034**

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK
COUNTY, ILLINOIS, AMENDING TITLE XI (“BUSINESS
REGULATIONS”), CHAPTER 121 (“SCAVENGERS,
PEDDLERS AND MERCHANTS”) OF THE CODE OF BLUE
ISLAND, ILLINOIS**

**FRED BILOTTO, Mayor
RAEANN CANTELO-ZYLMAN, City Clerk
JAIRO FRAUSTO, City Treasurer**

**DEXTER JOHNSON
LUIZ MONTOYA
NANCY RITA
BILL FAHRENWALD
GABRIEL McGEE
CANDACE CARR
JOSH ROLL**

Aldermen

**ORDINANCE
NUMBER 2023- 034**

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS,
AMENDING TITLE XI (“BUSINESS REGULATIONS”), CHAPTER 121
 (“SCAVENGERS, PEDDLERS AND MERCHANTS”) OF THE CODE OF BLUE
ISLAND, ILLINOIS**

WHEREAS, the City of Blue Island, Cook County, Illinois (the “*City*”) is a duly organized and existing City created under the provisions of the laws of the State of Illinois and operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefits of the residents of the City; and

WHEREAS, the Mayor and Aldermen of the City of Blue Island may from time to time amend the text of the City Code of Blue Island (the “*Code*”) when it is determined to be in the best interests of the health, safety and welfare of the City and its residents; and

WHEREAS, the Mayor and Aldermen of the City of Blue Island desire to modify the Code to regulate solicitation within the City; and

WHEREAS, the Mayor and Aldermen of the City find that the following amendments to the Code of Blue Island, Illinois, as set forth herein, are in the best interests of the health, safety and welfare of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Aldermen of the City of Blue Island, Cook County, Illinois as follows:

Section 1. That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2. That the Mayor and Aldermen of the City find and determine that the

adoption of this Ordinance is in the best interests of the City as well as in the best interests of the public.

Section 3. That Chapter 121 (“*Scavengers, Peddlers and Merchants*”) of Title XI (“*Business Regulations*”) of the Code of Blue Island, Illinois is hereby amended by adding the underlined language to read, as follows:

§ 121.20 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ITINERANT VENDOR. Every itinerant merchant and every person who, by himself, herself or by another, within the limits of the city, engages in or conducts a temporary or transient business of selling goods, wares or merchandise with the intention of continuing in such business in the city for a period of not more 120 days, and who, for the purpose of carrying on such business, uses, leases or occupies, either in whole or in part, a room, building or other structure, for the exhibition and sale of such goods, wares or merchandise, shall be deemed an ITINERANT VENDOR of merchandise. All regulations applicable to peddlers shall apply to itinerant vendors, except § 121.27 of this chapter.

~~— PEDDLING. The sale or offering for sale of property, for immediate delivery from other than a fixed place of business on private property, not including the sale of religious books or pamphlets. PEDDLING shall not include the sale of goods by charitable organizations for charitable purposes.~~
~~— PEDDLER. A person who engages in peddling.~~

PEDDLER. Every person who shall sell or offer for sale, barter or exchange any goods, wares, merchandise or other commodities, traveling from place to place on, along or upon the streets of the City, or who shall sell and deliver from any wagon, pushcart or other vehicle going from place to place, any goods, wares, merchandise, meat, poultry, fish, cheese, lard, vegetables, bread, bakery products or other commodities.

~~SOLICITING or SOLICITATION:~~

- ~~— (1) COMMERCIAL SOLICITING. The selling or offering for sale of property for future delivery.~~
~~— (2) FUND SOLICITING. Soliciting of funds not involving the sale of property, including solicitation where religious pamphlets or books are given or sold to a donor of funds.~~
~~— (3) SOLICITATION OF PRINTED MATERIAL. Solicitation of printed material shall include the sale or offering for sale of any printed material.~~
~~— (4) OTHER SOLICITING. Other soliciting shall include soliciting support for political, charitable or other causes, not involving the solicitation of funds.~~

SOLICITING: The act of any person traveling by foot, vehicle or any other type of

conveyance who goes from residence to residence, business to business, from place to place or in or along any highway, street or sidewalk within the City either: (1) requesting, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value; (2) collecting money, funds, contributions, personal property or anything of value solicited telephonically or electronically; (3) taking or attempting to take orders for the sale of any goods, wares, merchandise or services of any kind, or description for future delivery or for services to be performed in the future, in person or by the in-person distribution of flyers and leaflets; and (4) selling and making immediate delivery any goods, wares, merchandise or services of any kind or description, commonly referred to as "peddling". Solicitation shall be deemed completed when attempted, whether or not the person making the solicitation actually receives any contribution, whether monetary or otherwise, or makes any sale or other transaction in the process of soliciting.

A. SOLICITING SHALL NOT INCLUDE: Any person not requesting, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value: (1) A person communicating or otherwise conveying ideas, views or beliefs or otherwise disseminating oral or written information to a person willing to directly receive such information, provided that such information is of a political, religious or charitable nature; (2) A person seeking to influence the personal belief of the occupant of any residence or business in regard to any political or religious matter; (3) A person seeking to obtain, from an occupant of any residence or business, an indication of the occupant's belief in regard to any political or religious matter; (4) A person conducting a poll, survey or petition drive in regard to any political matter; and (5) A person carrying, conveying, delivering or transporting dairy products, newspapers or other goods to regular customers on established routes or to the premises of any person who had previously ordered such products or goods and is entitled to receive the same. Solicitation shall also not include seeking or obtaining nominal contributions such as gifts, food, candy or contributions of money as is customarily and commonly known as "trick-or-treat" in the celebration of Halloween day.

CHARITABLE SOLICITATION: Any person seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation or project who engages in the activities of soliciting or canvassing upon any premises within the City.

CHARITABLE ORGANIZATION: (1) Any benevolent, philanthropic, patriotic, or eleemosynary person or one purporting to be such which solicits and collects funds for charitable purposes and includes each local, county, or area division of such charitable organization, provided such local, county or area division has authority and discretion to disburse funds or property otherwise than by transfer to any parent organization; (2) a not-for-profit organization incorporated pursuant to 805 ILCS 110/0.01 & 805 ILCS 110/35; or (3) any other organization that has been granted tax-exempt status from the State of Illinois or the Internal Revenue Service pursuant to Section 501(c)(3) of the Internal Revenue Code.

CHARITABLE PURPOSE: Any charitable, benevolent, philanthropic, patriotic, or eleemosynary purpose.

POLITICAL PURPOSE: means any activity in support of bona-fide candidates for public

office, or any matter related to the election, nomination, or performance of public officials, or issues presented to the electorate at any election.

COMMERCIAL SOLICITATION: Solicitation which is not conducted for any charitable purpose or political purpose, or on behalf of any charitable organization, as those terms are defined herein.

NONCOMMERCIAL SOLICITATION: Solicitation for a charitable purpose or political purpose, or on behalf of a charitable organization, as those terms are defined herein.

NONRESIDENTIAL PREMISES: All buildings, structures, and units in the City occupied for nonresidential purposes.

RESIDENCE: every separate living unit in the village occupied for residential purposes by one or more persons, contained within any type of building or structure.

APPLICANT: any person or entity that has filed an application for a commercial or noncommercial solicitation permit as hereinafter provided.

§ 121.21 LICENSE REQUIRED.

(1) The City Administrator and his/her designee shall have the following powers and duties, which shall at all times be performed without consideration of the content or viewpoint of the information being distributed by a solicitor:

- (a) To administer and rule upon the applications for, and the issuance, renewal, suspension, denial and revocation of permits as set forth in this chapter.
- (b) To take such further actions as the City Administrator and his/her designee shall deem necessary to carry out the purposes and intent of this chapter and to exercise such additional powers in furtherance thereof as are implied or incident to those powers and duties expressly set forth in this chapter.

~~—Every person engaged in the business of peddling, commercial soliciting or itinerant vending must obtain a license from the city as hereinafter provided.~~

(2) Solicitation Licenses

- (a) A commercial or non-commercial solicitation license shall be required to solicit within the City.
- (b) Solicitation Without Permit Prohibited. It shall be unlawful for any person not in possession of a current and valid commercial or non-commercial solicitation license to solicit within the City at any time after the effective date of this chapter.

- (c) Solicitation Without Permit Displayed. It shall be unlawful for any person to solicit within the City at any time if a current and valid commercial or non-commercial solicitation license is not displayed in plain view on the person who is soliciting after the effective date of this chapter.
- (d) Solicitation in Violation of License Prohibited. It shall be unlawful for any holder of a commercial or non-commercial solicitation license to solicit except in the manner authorized by, and in compliance with, the provisions of this chapter.
- (e) Assignment or Transfer of License Prohibited. It shall be unlawful for any holder of a commercial or non-commercial solicitation license to assign or transfer a commercial or non-commercial solicitation license.

§ 121.22 APPLICATION FOR LICENSE.

(1) Application for a license shall be made upon a form provided by the City Collector Administrator or his/her designee . The applicant shall verify under oath or other similar affirmation that the statements made by the applicant in the application are true, complete and accurate. In addition to the information required by the application of a business license,

(2) If, during the pendency of any application for, or during the term of any commercial solicitation permit there is any change in any material information given in the application for such license, the applicant shall promptly notify the City Administrator or his/her designee in writing of such change.

(3) A commercial solicitation license shall expire ninety days after the date of issuance.

(4) A commercial solicitation license may be renewed by the applicant by reaffirming that the information in the prior application remains true, complete and accurate, or by submitting a new application, with any information that has changed from the prior application, and provided that the applicable requirements contained in this Section are satisfied.

§ 121.23 ISSUANCE OF LICENSE; FEE.

The application for license shall be investigated by the Police Department and City Administrator or his/her designee. If the requirements contained in this Chapter are not satisfied, the City Administrator or his/her designee shall deny the application and state the reasons in writing for such denial. If during the investigation or if the application discloses a conviction of a misdemeanor or a felony, the prior revocation of a license or a conviction of any ordinance regulating peddlers or solicitors, and if the conviction of a felony has occurred within the last ten years and if the conviction of a misdemeanor or ordinance violation or revocation of a license has

occurred within the last five years, and if the conviction bears a reasonable relationship to the peddling and soliciting activities by the licensee, then the license shall not be issued. ~~In all other cases, upon payment of the license fee of \$25, the license shall issue within seven days of the application.~~ The fee for a commercial solicitation license shall be \$250.00.

§ 121.24 REGULATION OF SOLICITORS FOR FUNDS CHARITABLE SOLICITATION.

(A)(1) ~~Solicitors for funds~~ Charitable Solicitors must comply with the Solicitation for Charity Act, 225 ILCS 460/0.01 et seq., if applicable, and must register with the City Clerk at least three days prior to soliciting funds.

(2) The applicant in registering must furnish all the information required in the application for license provided in § 121.22 of this chapter and evidence of compliance with 225 ILCS 460/0.01 et seq., if applicable, but no license fee or license shall be required.

(B) Solicitors for funds for organizations that have had a fixed place of operation in the city for over two years shall be exempt from registering under this section; provided, said organization has on file in the city, at a place accessible to the City Clerk, a list of names and addresses of its solicitors available for inspection; and, providing that, said organization is in compliance with the act to regulate solicitors referred to in this section.

~~§ 121.25 REGULATION OF SOLICITORS OF PRINTED MATERIAL.~~

~~—(A) Solicitors of printed material must register with the City Clerk at least three days prior to soliciting funds.~~

~~—(B) The applicant in registering must furnish all the information required in the application for license provided in § 121.22 of this chapter, but no license fee or license shall be required.~~

§ 121.26 REGULATIONS APPLICABLE TO ALL SOLICITING AND PEDDLING.

(C) It shall be unlawful for any person to conduct solicitation of employment, business, contributions or sales of any kind or collect money for such from the occupant of any vehicle traveling upon any street or highway when:

(a)The solicitation or collection causes the person performing the activity to enter onto the traveled portion of a street or highway;

(b)The solicitation or collection involves the person performing the activity to be located upon any median area which separates traffic lanes for vehicular travel in opposite directions; or

(c)The person performing the activity is located such that vehicles cannot move into a legal parking area to safely conduct the transaction.

For purposes of this section, the traveled portion of the street or highway shall mean that portion of the road normally used by moving motor vehicle traffic.

(D) Notwithstanding the prohibition contained in this paragraph (C), it shall be lawful for a charitable organization, as defined in Section 2 of the Charitable Games Act (230 ILCS 30/2) and Section 121.20 of this chapter, to solicit for charitable purposes, including solicitations taking place on public roadways from passing motorists, if all of the following requirements are met:

(a) The persons to be engaged in the solicitation are law enforcement personnel, firefighters, or other persons employed by the City to protect the public safety of the City, and that are soliciting solely in an area that is within the City, or the persons to be engaged in the solicitation are authorized by the charitable organization to solicit on its behalf, and all of such persons are at least eighteen years of age.

(b) The charitable organization files an application with the City. The application shall be filed not later than ten business days before the date that the solicitation is to begin and shall include all of the following:

- (1) The date or dates and times of day when 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 \$1,000,000.00 insuring the charity and City against bodily injury and property damage arising out of or in connection with the solicitation.

The City may impose reasonable conditions in writing that are consistent with the intent of Section 11-80-9 of the Illinois Municipal Code (65 ILCS 5/11-80-9) and are based on articulated public safety concerns. If the City determines that the applicant's location cannot be permitted due to significant safety concerns, such as high traffic volumes, poor geometries, construction, maintenance operations, or past accident history, then the City 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.

(c) Any solicitation conducted by persons on behalf of a charitable organization that is not limited to law enforcement personnel, firefighters, or other person employed to protect the public safety of the City, shall be limited to two days per calendar year.

~~(d) All such solicitations shall be conducted only during daylight hours between sunrise and sunset.~~

~~(C) No person who engages in solicitation or peddling shall use any plan, scheme or ruse or make any statement which indicates or implies that the purpose of such person's solicitation is other than to obtain orders for or to make sales of goods or services.~~

~~(D) No person who engages in solicitation or peddling shall misrepresent the right of a buyer to rescind or cancel a sale under the provisions of applicable law.~~

(E) It shall be unlawful for any person to engage in commercial solicitation, peddling, fund or charitable solicitation or any other type of solicitation prior to 10:00 a.m. or after 4:00 p.m. local time for the period of November 1 through and including April 30; and prior to 10:00 a.m. or after 6:00 p.m. local time for the period of May 1 through and including October 31.

(F) It shall be unlawful for any peddler or solicitor to cheat, deceive or fraudulently misrepresent any product or the price thereof, whether through himself, herself or through an employee, while acting as a peddler or solicitor in the city, or to barter, sell or peddle any goods, merchandise or wares other than those specified in the application for a license.

(G) No solicitor or peddler shall interfere with either vehicular or pedestrian traffic on the public right-of-way.

(H) No peddler or solicitor shall peddle or solicit by shouting or by using any sound device in connection with peddling or soliciting; including bells or amplifying systems

§ 121.27 PERMITTED PLACES OF PEDDLING AND SOLICITING.

§ 121.28 ITINERANT VENDORS; FOOD PEDDLERS.

§ 121.29 REVOCATION OF LICENSE.

Any license issued to a peddler or solicitor according to this chapter may be revoked by the City Administrator or his/her designee after proper notice and hearing, because of any violation of this chapter, or of any other ordinance of the city, or of any state or federal law, or whenever the registrant shall cease to possess the qualifications and character required in this chapter for the original registration.

§ 121.30 PENALTIES

Any person or entity who shall be guilty of a violation of any of the provisions of this chapter shall be subject to a fine of not less than seventy-five dollars and not more than seven hundred fifty dollars. A separate offense shall be deemed committed for every day a violation continues. The provisions of this section shall not limit any other remedies authorized by law.

Section 4. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

Section 5. All ordinances, resolutions, motions or orders in conflict with this Ordinance

are hereby repealed to the extent of such conflict.

Section 6. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

(Intentionally Left Blank)

ADOPTED this 27TH day of JUNE, 2023, pursuant to roll call as follows:

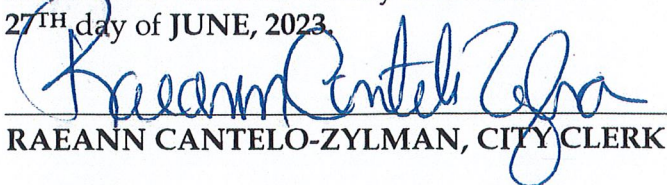
	YES	NO	ABSENT	PRESENT	ABSTAIN
Alderman JOHNSON	X				
Alderman FAHRENWALD	X				
Alderman RITA			X		
Alderman MONTOYA	X				
Alderman MCGEE	X				
Alderman CARR			X		
Alderman ROLL	X				
Mayor BILOTTO					
	5		2		

APPROVED by the Mayor on JUNE 27, 2023.



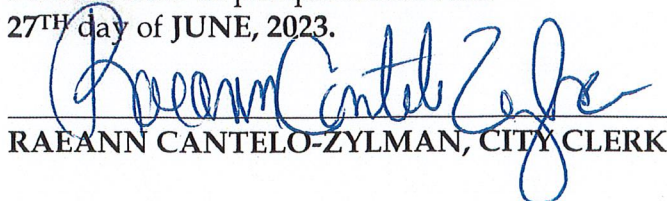
FRED BILOTTO
MAYOR OF THE CITY OF BLUE ISLAND,
COUNTY OF COOK AND STATE OF ILLINOIS

ATTESTED and Filed in my office this
27TH day of JUNE, 2023.



RAEANN CANTELO-ZYLMAN, CITY CLERK

PUBLISHED in pamphlet form this
27TH day of JUNE, 2023.



RAEANN CANTELO-ZYLMAN, CITY CLERK

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATE

I, RAEANN CANTELO-ZYLMAN, certify that I am the duly elected and acting Municipal Clerk of the City of Blue Island of Cook County, Illinois.

I further certify that on **June 27, 2023**, the Corporate Authorities of such municipality passed and approved Ordinance No. **2023-034**.

Entitled:

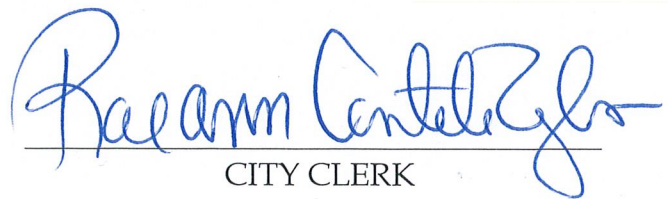
ORDINANCE: AN ORDINANCE OF THE CITY OF BUE ISLAND, COOK COUNTY, ILLINOIS, AMENDING TITLE XI ("BUSINESS REGULATIONS"), CHAPTER 121 ("SCAVENGERS, PEDDLERS AND MERCHANTS") OF THE CODE OF BLUE ISLAND, ILLINOIS.

Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **2023 - 034** including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance posted in the municipal building commencing on **June 27, 2023**, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Blue Island, Illinois, this 27th day of **June, 2023**.

CORPORATE SEAL


CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF COOK) ss.

CERTIFICATION

I, RAEANN CANTELO-ZYLMAN, DO HEREBY CERTIFY THAT I am the duly elected City Clerk of the City of Blue Island, Illinois, as such City Clerk, I am the keeper of the minutes and records of the Proceedings of the City Council of the said City and have in my custody the ORDINANCE and BOOKS of the records of said City.

I DO FURTHER CERTIFY that the attached and foregoing is a true and correct copy of the certain **2023 - 034** Entitled: **ORDINANCE: AN ORDINANCE OF THE CITY OF BUE ISLAND, COOK COUNTY, ILLINOIS, AMENDING TITLE XI ("BUSINESS REGULATIONS"), CHAPTER 121 ("SCAVENGERS, PEDDLERS AND MERCHANTS") OF THE CODE OF BLUE ISLAND, ILLINOIS.**

ORDINANCE NO. 2023-034 which was adopted at a regular meeting of the City Council of the City of Blue Island, Illinois held on the **27th day of June, 2023**; that at said meeting **5** Alderman were present; that at said meeting, on motion duly made and seconded that the Ordinance did pass and on the roll being called the vote of each Aldermen present on the question of the passage of said Ordinance was duly and separately taken by Ayes and Nays and their names and votes recorded in the minutes of **5** Alderman voted Aye and **0** Alderman voted Nay and **0** Alderman voted Abstain and **2** Alderman Absent.

I DO FURTHER CERTIFY that the original Ordinance which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of the City of Blue Island aforesaid, at the said City in the County and State aforesaid, this **27th day of June, 2023**.

CORPORATE SEAL



City Clerk