

ORDINANCE NO. 2018 - _____

AN ORDINANCE AMENDING SECTION 5.52.050, ENTITLED “SOLICITATION RESTRICTIONS”, OF CHAPTER 5.52, ENTITLED “SOLICITORS” OF TITLE 5, ENTITLED “BUSINESS LICENSES AND REGULATIONS”, OF THE WESTCHESTER MUNICIPAL CODE

WHEREAS, the corporate authorities of the Village of Westchester (the “Village”) have determined that it is necessary, proper and in the best interest of the Village to amend Section 5.52.050, entitled “Solicitation restrictions”, of Chapter 5.52, entitled “Solicitors,” of Title 5, entitled “Business Licenses and Regulations”, of the Westchester Municipal Code, in order to comply with Section 11-80-9 of the Illinois Municipal Code (65 ILCS 5/11-80-9) and otherwise to permit solicitations taking place on the public right-of-way.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Westchester, Cook County, Illinois as follows:

Section 1. Paragraph (5) of Section 5.52.050, entitled “Solicitation Restrictions,” of Chapter 5.52, entitled “Solicitors,” of Title 5, entitled “Business Licenses and Regulations,” of the Westchester Municipal Code is hereby amended, as follows:

5.52.050 – Solicitation Restrictions.

(5) 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.

Notwithstanding the prohibition contained in this Paragraph (5), it shall be lawful for a charitable organization, as defined in Section 2 of the Charitable Games Act (230 ILCS 30/2) and Section 5.52.020 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 Village to protect the public safety of the Village, and that are soliciting solely in an area that is within the Village, 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 (18) years of age.
- (b) The charitable organization files an application with the Village. The application shall be filed not later than 10 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 (3) 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 insuring the charity and Village against bodily injury and property damage arising out of or in connection with the solicitation.

The Village shall approve the application within 5 business days after the filing date of the application, but 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 Village determines that the applicant's location cannot be permitted due to significant safety concerns, such as high traffic volumes, poor geometrics, construction, maintenance operations, or past accident history, then the Village may deny the application for that location and must approve one of the three (3) 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 Village, shall be limited to two (2) days per calendar year.

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

Section 2. Any ordinance or portion of any ordinance in conflict with any provisions of this Ordinance is hereby repealed, solely to the extent of such conflict.

Section 3. This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form as provided by law.

ADOPTED this 23rd day of October, 2018, pursuant to a roll call vote as follows:

Angelo A. Calcagno
Carl C. Celestino
Sherby J. Miller

Aye
Aye

Frank Perry
Nick Steker
Tom Yurkovich

Aye
Aye

President Gattuso Aye

APPROVED this 23rd day of October, 2018.

Paul Gattuso
Paul Gattuso, Village President

ATTEST:

Stanley V. Kolodziej
Stanley V. Kolodziej, Village Clerk