



BENSENVILLE
VILLAGE CLERK'S OFFICE

**Village of Bensenville
Solicitor's Application for
Certificate of Registration**
Subject to Background Check

1. Complete Name: First, Middle, Last – In Full					
2. Alias – Nickname/Maiden Name		3. Social Security #		4. Phone (Work/Home) (W) _____ (H) _____	
5. Current Address					
6. List all residences for the past three (3) years from present:					
From	To	Street & Number		City	State
7. Date of Birth			8. Place of Birth		9. Sex Male _____ Female _____
10. Height	11. Weight	12. Eye Color	13. Hair Color	14. Driver's License Number	
15. Organization or company you are soliciting for				16. Length of time associated with said group	
17. Address of organization or company					
18. Description of what is being solicited for			19. Period of time for which permit is sought.		
20. List all employers for the past three (3) years from present if different from above:					
From	To	Name	Address	City	State
21. List the date of the last application submitted for a solicitor permit in Bensenville					

22. Have you ever had a Solicitor Permit suspended or revoked in Bensenville or anywhere else: Yes No

If Yes, Explain: _____

23. ARREST – DETENTION – LITIGATION – Show all arrests including criminal and traffic

Have you ever been arrested or detained by a Law Enforcement Agency? Yes No

Have you ever been involved in any court action, civil or criminal? (Include all traffic – felony – misdemeanor – in this state or elsewhere) _____

I certify that I have read and understand Village of Bensenville Ordinance No. 33-2011. _____
Initial

Authorization to Release Records

I hereby consent and authorize the Village of Bensenville to secure information pertaining to my character and background. I understand that the information supplied by me can be utilized in conducting a background investigation which may include, but not be limited to, a consumer credit report, criminal history search, driving record history, worker’s compensation report, education/degree verification and verification of any information provided on application form. I release from liability all persons, companies and corporations supplying information as a result of this investigation. I further release and indemnify the above named and InfoTrack Information Services, Inc., against liability that might result from conducting these investigations.

Signature of Applicant

Date

*****OFFICE USE ONLY*****

Bensenville Police Department

Date

Date Received: _____

Rcvd By: _____

Approved: _____

Issued: _____



**VILLAGE OF BENSENVILLE
12 S. CENTER STREET
BENSENVILLE, ILLINOIS 60106**

Ordinance No. 33-2011

**An Ordinance Amending and Restating Title 3, Chapter 6 of the Municipal Code of the
Village of Bensenville, Illinois**

**APPROVED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF BENSENVILLE
THIS 26th DAY OF April 2011**

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Bensenville,
DuPage and Cook Counties, Illinois this 27th day of April 2011

STATE OF ILLINOIS)

COUNTIES OF COOK) SS

AND DUPAGE)

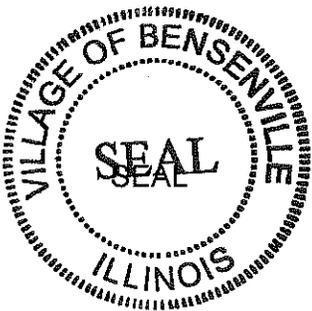
I, Corey Williamsen, do hereby certify that I am the duly appointed Deputy Village Clerk of the Village of Bensenville, DuPage and Cook Counties, Illinois, and as such officer, I am the keeper of the records and files of said Village;

I do further certify that the foregoing constitutes a full, true and correct copy of Ordinance No. 33-2011 entitled An Ordinance Amending and Restating Title 3, Chapter 6 of the Municipal Code of the Village of Bensenville, Illinois.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and seal on this 27th day of April 2011.



Corey Williamsen
Deputy Village Clerk



ORDINANCE NO. 33-2011

AN ORDINANCE AMENDING AND RESTATING TITLE 3, CHAPTER 6 OF THE MUNICIPAL CODE OF THE VILLAGE OF BENSENVILLE, ILLINOIS

WHEREAS, the Village of Bensenville (hereinafter the "Village") is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the Village is empowered pursuant to Sections 11-42-5, 11-60-1, and 11-60-2, 65 ILCS 5/11-42-5, 11-60-1, and 11-60-2, to regulate, license, and abate within its boundaries the hawking, peddling, and other promotion of goods and services through door-to-door solicitation for the security, welfare, and comfort of its residents; and

WHEREAS, pursuant to such authority, the Village has adopted and has in effect a solicitor ordinance, codified at Title 3, Chapter 6, of the Bensenville Village Code, which regulates the solicitation of goods and services to the citizens of the Village; and

WHEREAS, the Village seeks to protect its citizens from possible frauds perpetrated by individuals or groups seeking contributions under the guise of a legitimate charitable or business organizations; and

WHEREAS, the Village's attention has been called to the annoyance, intrusion, and litter nuisance created by door-to-door solicitors who appear at the citizens residence on a semi-regular basis and who occasionally leave leaflets, flyers, cards, door tags, advertisements and other unwanted materials at the citizen's residence; and

WHEREAS, the Village seeks to protect motorists, solicitors and pedestrians from injuries and accidents caused by soliciting at intersections or roadways of the Village; and

WHEREAS, the Village Code currently does not have provisions requiring solicitors to register with the Village Clerk, prohibiting solicitors from leaving their material at a citizen's residence, or prohibiting soliciting at intersections or on Village roadways; and

WHEREAS, the Village therefore finds and determines that it is proper and necessary that the Village Code be amended to require solicitors to register with the Village Clerk, restrict the materials a solicitor may leave on the property of a citizen, and to prohibit solicitation on Village intersections and roadways; these amendments will help ensure the security and enjoyment of citizens' property and residence and will also protect solicitors from injuries caused by soliciting on the Village roadways and intersections.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, as follows:

SECTION ONE: The recitals set forth above are incorporated herein and made a part hereof.

SECTION TWO: That Section 3-6-1, entitled Definitions, of the Village Code of the Village of Bensenville be amended to include the following definitions:

3-6-1: Definitions:

Advertising materials shall mean and include all leaflets, flyers, cards, door tags, advertisers, advertising newspapers or other advertising or promotional materials offering or promoting the sale or purchase of goods, wares, merchandise, foodstuffs, insurance and/or services of any kind, character or description; or soliciting gifts or contributions of money, clothing or other valuable things for the support or benefit of any charitable or nonprofit association, organization, corporation or project; or selling or soliciting subscriptions to books, magazines, periodicals, newspapers or other type or kind of publication. Advertising materials shall not include books, magazines, periodicals, newspapers consisting of noncommercial speech, even though they may incidentally contain advertising or other commercial speech; religious or political tracts and pamphlets or election campaign literature; or telephone directories of classified listings of products and services, commonly known as "yellow pages."

Exempt solicitor shall mean and include any person who is not required to obtain a certificate of registration, pursuant to section 3-6-2.

Person shall mean and include any individual, organization, group, association, firm, corporation, trust, or any combination thereof.

Registered solicitor shall mean and include any person who has obtained a valid certificate of registration as hereinafter provided, and which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

Residence shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

Soliciting shall mean and include any one (1) or more of the following activities regardless of the method used, including the leaving or placing of advertising materials on any part of the premises, including the parkway between the sidewalk and road or street thereof:

(1) Seeking to obtain order for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration; or

- (2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or
- (3) 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; or
- (4) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or
- (5) Going upon any premises and ringing the door bell, knocking, upon or near any door, or creating any sound in any manner that is calculated to attract the attention of an occupant or owner for the purpose of engaging in any of the activities described above in this definition of solicitation.

Solicitor shall mean and include any person who engages in soliciting as herein defined, and exempt solicitors.

SECTION THREE: That the current form of Section 3-6-2, Village Policy on Soliciting, be renumbered for identification as Section 3-6-6, and Section 3-6-2 is amended to read as follows:

3-6-2: Certification of registration required.

Every nonexempt solicitor desiring to engage in soliciting from persons in residences hereof within this municipality is hereby required to make written application for a certificate of registration.

Exemption. A person age sixteen (16) and under, who is participating in fundraising programs for, or sponsored by, a public or private elementary or high school or bona fide children's organization including, without limitation, Boy Scouts, Girl Scouts or youth sports, is not required to obtain a certificate of registration hereunder. All persons or groups who are not soliciting funds, and those groups whose primary purpose is not the solicitation of funds, for any purpose in their canvassing, political campaigning, surveying, proselytizing, or door-to-door advocacy, and are not attempting to sell or promote any goods or service. All such persons are not solicitors and are not required to register hereunder.

All persons who qualify under this exemption shall be referred to as exempt solicitors.

SECTION FOUR: That the current form of Section 3-6-3, entitled Resident Notice Prohibiting Soliciting, be renumbered for identification as Section 3-6-7, and Section 3-6-3 is amended to read as follows:

3-6-3: Application:

Application for a certificate of registration shall be made upon a form provided by the Village Clerk or his/her designee, of this municipality and filed with such Village Clerk or his/her designee. The applicant shall truthfully state the following information:

- (1) Name and address of residence and length of residence and business address, if other than residence address, and Social Security number;
- (2) Residence during the past three (3) years, if other than present address;
- (3) Date of birth, sex, any other aliases and marital status and the name of spouse, if any;
- (4) Physical description;
- (5) Name and address of the person or association by whom the applicant is employed or represents, and the length of time of such employment or representation;
- (6) Name and address of employer during the past three (3) years if other than the present employer;
- (7) Description of the subject matter of the soliciting;
- (8) Period of time for which the certificate is applied for;
- (9) The date, or approximate date, of the latest previous application for a certificate under this article;
- (10) Prior revocation of any certificate of registration issued to the applicant under this article;
- (11) Whether the applicant has ever been convicted of a violation of any of the provisions of this article, or any provision of any ordinance of any other Illinois municipality regulating soliciting, and if the applicant has been convicted of any violation, the applicant shall state the details of the violation in full;
- (12) Whether the applicant has been convicted of a felony under any laws of any state or the United States within the last five (5) years, and if the applicant has been convicted of a felony, the applicant shall state the details of the conviction in full;
- (13) Whether the applicant intends on soliciting on Village streets and roadways. If the applicant intends to solicit on Village streets and roadways then he or she must, pursuant to Section 3-6-11 of this Code, provide the following:

- (a) proof the applicant is registered with the Illinois State Attorney General as a charitable Organization.
- (b) a certificate of insurance indemnifying the Village from any injury to any person or property during the solicitation which is causally related to an act of ordinary negligence of the soliciting agency.

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

The Village Clerk or his/her designee shall require every applicant to submit to a background investigation by the police department in connection with the application for certificate.

The Village Clerk or his/her designee 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 article, and of the denial of any application. Applications for certificates shall be numbered in consecutive order as filed and every certificate issued and any renewal thereof shall be identified with the 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 law of the United States, within five (5) years prior to February 4, 1974, nor to any person who has been convicted of a violation of any of the provisions of this article, nor to any person whose certificate of registration issued hereunder has previously been revoked as herein provided.

SECTION FIVE: That the current form of Section 3-6-4, entitled Duty of Solicitors, be renumbered for identification as Section 3-6-8, and that Section 3-6-8 is amended as follows:

- A. It shall be the duty of every solicitor, whether registered or exempt, upon going onto any property in the village to first examine the notice provided for in this chapter, if any is attached, and be governed by the statement contained on the notice. If a sign is posted prohibiting solicitors from the property, the solicitor shall immediately and peacefully depart from the property. If no notice is provided but an occupant of the premises gives verbal instructions to leave the premises, the solicitor or exempt solicitor shall immediately and peacefully depart the premise
- B. Notwithstanding the prohibitions set forth in this chapter, any solicitor who has gained entrance to any property located in the village, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by any occupant thereof. Such a request shall be phrased so as to lead a reasonable person to understand that they are no longer welcome on the property.

If a solicitor fails to comply with the requirements of this subsection, said failure shall constitute a separate, distinct, and additional act of uninvited soliciting.

- C. No solicitor shall engage in soliciting by means of projecting, throwing, tossing, dropping, or otherwise placing upon any premises any advertising material which is affixed to a stone, piece of metal, wood, or other material intended to facilitate its placement on the premises or to keep it in the position where placed.

SECTION SIX: That Section 3-6-4 is amended as follows:

3-6-4: Issuance and revocation of certificates:

The Village Clerk or his/her designee, after consideration of the application and all information relative thereto, shall deny the application if the applicant does not possess the qualifications for such certificate as herein required. When the applicant is found to be fully qualified, the certificate of registration shall be issued forthwith.

Each certificate of registration shall be valid only for the period of time set forth thereon. The certificate of registration shall be valid for a maximum of three days from the initial date set forth thereon. The three day period allowed will constitute one (1) certificate of registration. The certificate of registration shall state the expiration date thereof.

A person shall be limited to receiving three (3) certificate of registrations within one (1) calendar year. A person shall fill out a separate application for each requested certificate of registration.

A person seeking to solicit in the Village of Bensenville more than the allotted three (3) times per year may petition the City Clerk for a conditional certificate of registration. The City Clerk will present the person's request and the completed application to the Village Board. The Village Board will vote to determine whether a conditional certificate of registration will be approved.

Any certificate of registration issued hereunder shall be revoked by the City Clerk or his/her designee if the holder of the certificate is convicted of a violation of any of the provisions of this article, or has made a false statement in the application, or otherwise has been disqualified for the issuance of a certificate of registration under the terms of this article. Immediately upon such revocation written notice thereof shall be given by the chief of police or his/her designee to the holder of the certificate in person or by certified United States mail addressed to the residence address set forth in the application.

Immediately upon the mailing or serving of such notice the certificate of registration shall become null and void.

SECTION SIX: That the current form of Section 3-6-5, entitled Uninvited Soliciting Prohibited, be renumbered for identification as Section 3-6-9, and that Section 3-6-5 is amended as follows:

3-6-5: Display of certificates of registration:

The certificate of registration shall be carried on the person of each solicitor at all times and prominently displayed in full view by each solicitor at all times while soliciting. Such certificate of registration shall include the following information printed or typed legibly: the name of the individual, the organization to which the certificate is issued, the purpose of the solicitation, the date of the expiration of the certificate of registration and any other information from the application for the certificate of registration that the Village Clerk deems necessary to include. Each certificate of registration shall also contain a statement indicating that the fact that an organization has been issued a certificate of registration is not an endorsement of the organization by the Village. Certificates of registration issued under this Article are nontransferable and any actual or attempted transfer or alteration of said certificates of registration is a violation of this Section.

SECTION SEVEN: That the current form of Section 3-6-6, Time Limit on Soliciting, be renumbered for identification as Section 3-6-10.

SECTION EIGHT: That the current form of Section 3-6-7, entitled Solicitation on Roadways, be renumbered for identification as Section 3-6-11 and that Section 3-6-11 is amended as follows:

A. Any person soliciting for any not for profit company or organization, any religious institution, or any political candidate, political party, or any individual making political statements may solicit contribution from the occupant of any vehicle or pedestrian on the public right-of-way within the Village, except as may otherwise be provided in this Section, upon the following terms and conditions:

1. The soliciting agency shall be registered with the Attorney General as a charitable organization.
2. Engaged in a fund raising activity for which a certificate has been obtained from the Village pursuant to Section 3-6-4 of this Code.
3. Shall furnish to the Village a certificate of insurance indemnifying the Village from any injury to any person or property during the solicitation which is causally related to an act of ordinary negligence of the soliciting agency. Any person engaged in the act of solicitation shall be sixteen (16) years of age or more and shall be wearing a high visibility vest.
4. Solicitation shall be permitted only at intersections where all traffic is required to come to a full stop.

5. Permits shall be granted to local eleemosynary or religious organizations or to local chapters of national eleemosynary or religious organizations which have been in existence for not less than one year.

6. Any violation of this Section shall be grounds to deny a permit in the following year.

B. Solicitation of contributions from the occupant of any vehicle or from any pedestrian is expressly prohibited at the following locations:

1. On Illinois Route 83 within one thousand (1,000) feet of the centerline of Grove Avenue; and
2. On Illinois Route 83 within one thousand (1,000) feet of the centerline of Hillside Drive; and
3. On Illinois Route 83 within one thousand (1,000) feet of the centerline of Foster Avenue; and
4. On Illinois Route 83 within one thousand (1,000) feet of the centerline of Thorndale Avenue; and
5. On Illinois Route 83 within one thousand (1,000) feet of the centerline of Mark Street.

SECTION NINE: That the current form of Section 3-6-9, entitled Penalty, be renumbered for identification as Section 3-6-12 and paragraph A. of this section is amended to the following:

A. In addition to the provisions contained herein regarding license revocation, the violation of any provision of this article shall result in a fine of not less than two hundred fifty dollars (\$250.00) and not more than seven hundred fifty dollars (\$750.00). Each act of soliciting in violation of this article, including each act of leaving advertising materials in a manner prohibited by this article, or entering upon any premises and ringing the door bell, knocking upon or near any door, or creating any sound in any manner to attract the attention of an occupant or owner in violation of this article, shall constitute a separate offense. All persons who enter upon any premises for the purpose of soliciting in violation of this article, or who publish or distribute in any advertising materials left on any premises in violation of this article or offer goods, products, merchandise, services, insurance or subscriptions or solicit gifts, contributions, or donations in such advertising materials shall be jointly and severally liable for such offense, whether they knew of or intended such offense.

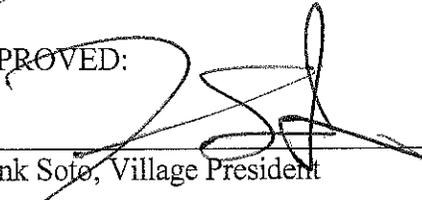
SECTION TEN: That the current form of Section 3-6-8, entitled Fraud, be renumbered to be Section 3-6-13.

SECTION ELEVEN: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

SECTION TWELVE: That this Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.

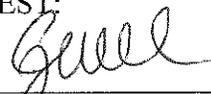
PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, this 19th day of April, 2011.

APPROVED:



Frank Soto, Village President

ATTEST:



~~Ellen Ridder, Village Clerk~~

Corey Williamsen, Deputy Village Clerk

AYES: Jarecki, O'Connell, Peconio, Ridder, Wesseler

NAYES: None

ABSENT: Bartlett