

ORDINANCE No. 2478-25

AN ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF  
HAWTHORN WOODS – TITLE 3, CHAPTER 4 – PEDDLERS AND SOLICITORS; AND  
TITLE 11, SECTION 11-1-1.F—GENERAL FEES AND CHARGES

BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Hawthorn  
Woods, Lake County, Illinois, as follows:

SECTION ONE: That Title 3, Article 3-4B of the Village Code of the Village of Hawthorn  
Woods, entitled "SOLICITORS", is hereby deleted in its entirety, and in lieu thereof, the following  
language shall be substituted:

... "CHAPTER 4  
PEDDLERS AND SOLICITORS

ARTICLE A. PEDDLERS

SECTION:

3-4A-1: Definition

3-4A-2: Prohibition

3-4A-1: DEFINITION:

The following word used in this article shall have the following meaning unless a different  
meaning is required by the context:

**PEDDLING**: The act of traveling by foot, vehicle or any other means of conveyance, from place  
to place, from house to house or from street to street carrying, conveying or transporting goods,  
wares or merchandise, offering and exposing the same for sale, or making sales and delivering  
articles to purchasers or, without traveling from place to place, the selling or offering for sale of  
goods, wares or merchandise from a vehicle or other means of conveyance. Peddling shall not  
include: a) the sale of newspapers, b) delivering goods, wares or merchandise to homes pursuant  
to regularly established routes or pursuant to prior individualized invitation from the homeowner,  
c) "charitable solicitation" by "charitable organizations" as those terms are defined in section 3-  
4B-1 of this chapter, or d) parking of a vehicle by the owner thereof for the purpose of displaying

it for sale on the driveway of the private property where the owner resides, but only in conformance with section 6-3-4 of this code.

3-4A-2: PROHIBITION:

It shall be unlawful for any person or organization to engage in peddling within the corporate limits of the village.

ARTICLE B. SOLICITORS

SECTION:

3-4B-1: Purpose

3-4B-2: Definitions

3-4B-3: Solicitation Permit; Required

3-4B-4: Solicitation Permit; Issuance, Revocation And Renewal

3-4B-5: Permit Applications; Contents

3-4B-6: Permit Application; Fees

3-4B-7: Village Policy On Soliciting And Trespassing

3-4B-8: Notice Regulating Soliciting

3-4B-9: Duty Of Solicitors To Obey Notice Or To Leave When Requested

3-4B-10: Uninvited Solicitors Prohibited

3-4B-11: Time, Place, and Manner of Solicitation

3-4B-12: Soliciting On Highways Or Streets

3-4B-13: Appeal Of Permit Denial Or Revocation

3-4B-14: False Application

3-4B-15: Additional Requirements

3-4B-16: Severability

3-4B-17: Penalty

3-4B-1: PURPOSE:

It is the declared purpose of this subchapter to prevent crime and protect the health and safety of Village citizens; to ensure that the Police Department is aware of the number and identity of

persons who will be soliciting for commercial and charitable purposes and the geographic area and time periods in and during which such activities will occur within the Village; and to prevent the imitation of charitable organizations by unscrupulous individuals who would defraud the public and cause charitable organizations to be endangered by the suspicions engendered by such practices, and to protect the welfare, safety, peace, comfort and convenience of the public in their homes and traveling upon the streets, highways and sidewalks within the Village.

### 3-4B-2: DEFINITIONS:

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

**CHARITABLE:** Pertaining to any benevolent, philanthropic, patriotic, or eleemosynary organization registered with the Attorney General of this State under Section 2 of the Solicitation for Charitable Act, or specifically exempted from registration under Section 3 of such Act, including religious organizations.

### CHARITABLE SOLICITATION:

1) The request, by a person on sidewalks, and at residences within the Village, directly or indirectly of money, credit, property, financial assistance or other thing of value on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for a charitable purpose as those purposes are defined in this subchapter. These words shall also mean and include the following methods of securing money, credit, property, financial assistance or other thing of value on the plea or representation that it will be used for a charitable purpose as herein defined:

- a) Any oral or written request or exchange of literature for money or other thing of value;
- b) The distribution, circulation, posting or publishing of any handbill, written advertisement or publication;
- c) The public making of any announcement concerning an appeal, assemblage, athletic or sports event, bazaar benefit, campaign, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale or social gathering to be held within the village, which the public is requested to patronize or to which the public is requested to make a contribution for any charitable purpose connected therewith;
- d) The sale of, offer or attempt to sell, any advertisement, advertising space, book, card, chance, coupon, device, magazine, membership, merchandise, subscription, ticket or other thing in connection with which any appeal is made for any charitable purpose or where the name of any charitable person is used or referred to in any such appeal as an inducement or reason for making any such sale, or when or where in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will go or be donated to any charitable purpose.

2) A solicitation, as defined herein, shall be deemed completed when made, whether or not the person making the same receives any contribution or makes any sale referred to in this section.

**CHIEF OF POLICE or CHIEF:**

The head of the police department of the Village or such other member of the department designated by the Chief of Police to perform the duties of the Chief of Police under this Chapter.

**COMMERCIAL SOLICITATION:**

Any one or more of the following activities:

- 1) The sale of, or seeking to obtain orders for the purchase of goods, wares, merchandise, food stuff or services of any kind, character or description, for any kind of consideration whatever;
- 2) The sale of, or seeking to obtain prospective customers for any application or purchase of insurance of any type or kind or character; or
- 3) The sale of, or seeking to obtain subscriptions to books, magazines, periodicals, newspapers or any other type or kind of publications.
- 4) The solicitation of any contribution for other than a charitable contribution.

**CONTRIBUTIONS:**

Alms, food, clothing, money, subscription, property or donations under the guise of a loan of money or property.

**PERSON:**

Any individual, firm, co-partnership, corporation, company, association or joint stock, association, church, religious sect, religious denomination, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.

**RESIDENCE:**

Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

**3-4B-3: SOLICITATION PERMIT; REQUIRED:**

A. Every person desiring to engage in solicitation as defined in this subchapter from persons in residences, or on sidewalks located in the Village, except for a merchant conducting a sale on the sidewalk immediately adjacent to his or her place of business, is hereby required to make written application for a solicitation permit as hereinafter provided, and obtain such permit prior to engaging in solicitation within the Village.

B. Application for solicitation permits shall be made upon a form provided by, and shall be submitted to, the Village Clerk, and shall be accompanied by such other documentation as is required herein.

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

D. The Village Clerk and the Chief of Police shall cause to be kept in their offices an accurate record of every application received and acted upon, together with all other information and date

pertaining thereto, and copies of all solicitation permits issued under the provisions of this subchapter.

E. No solicitation permit permitting door-to-door residential solicitation shall be issued to any person who has (1) been convicted of the commission of a felony under the laws of the state or any other state or federal law of the United States, or any other crime involving moral turpitude, and whose sentence therefore has been discharged within five (5) years of the date of the permit application; (2) convicted of a violent crime as defined by Section 3 of the Rights of Crime Victims and Witnesses Act; (3) required to register as a sex offender or a sexual predator under the Sex Offender Registration Act; or (4) Required to register as a violent offender against youth under the Murderer and Violent Offender Against Youth Registration Act. No solicitation permit shall be issued to any person who has been adjudged to have violated any of the provisions of this subchapter, nor to any person whose solicitation permit issued hereunder has previously been revoked, as herein provided, for a period of one year from the date of such adjudication or revocation.

F. All applicants for a solicitation permit aged nineteen (19) or older shall be subject to fingerprinting and a criminal background examination conducted by the police department, the costs of which shall be determined by the Village Board and prepaid by the applicant. An applicant who has previously been previously licensed under this chapter and subject to a background examination under this paragraph within the preceding three hundred and sixty-five (365) days shall be exempt from this requirement. The chief of police shall report to the village clerk whether the applicant is eligible for permitting under paragraph E of this subsection. Whenever the results of a background examination appear to prohibit the issuance of a permit to an applicant, the chief of police shall inform the applicant of such findings and offer the applicant the opportunity to withdraw the application or provide information contesting the accuracy of such findings. If the applicant fails to respond to the chief within five (5) business days of notice, such application shall be deemed to have been withdrawn. In all other instances, the chief shall report the disqualifying criminal history to the village clerk along with any response provided by the applicant.

#### 3-4B-4: SOLICITATION PERMIT; ISSUANCE, REVOCATION AND RENEWAL:

A. Within seven (7) business days of the receipt of an application and the report from the chief of police as to the results of the background examination, the village clerk shall issue a permit or deny it in accordance with this subsection. If the applicant has complied with all the provisions of this code, the solicitation permit shall be issued forthwith. The village clerk shall deny an application if the applicant is not entitled to a permit, pursuant to the provisions of this chapter or if the application does not contain all of the information and documentation required in this section. Endorsement shall be made by the village clerk on the application of the reason for the denial of the application. If the application is denied, the fee collected to conduct the background examination shall not be returned.

B.

1. A commercial solicitation permit shall be a plastic-encased card, which the solicitor shall conspicuously affix to their outer clothing or suspend from a lanyard, in a form determined by the village clerk of sufficient size to contain a full facial photograph of the solicitor which photograph shall be supplied by solicitor, the name of the soliciting company, the dates

solicitation shall occur in the Village and the effective dates of the permit, in easily readable form. All permits shall bear the name of the Village and the signature of the village clerk.

2. Each person engaged in commercial solicitation shall prominently display the solicitation permit issued hereunder on his or her person while so soliciting within the village.

C. A charitable permit shall state the name and address of the organization for which donations will be solicited, the names and addresses of the persons who will conduct the solicitation, and the dates during which such solicitation will occur within an indicated area. The permit shall bear the name of the village and the signature of the village clerk. Each individual soliciting under a charitable permit shall prominently display while soliciting a plastic-encased card in a form determined by the village clerk of sufficient size to contain a full facial photograph of the solicitor, which photograph shall be supplied by the solicitor, the name of the charitable organization involved, the name of the solicitor and the effective dates of the permit in easily readable form, and the signature of the village clerk. In addition, each person engaged in charitable solicitation shall have on his or her person a copy of the permit issued herein while so soliciting within the Village and shall produce same for examination when so requested by any person.

D. Any solicitation permit issued hereunder shall be revoked by the village clerk if the holder of the permit or anyone soliciting under the permit is adjudicated to have violated any of the provisions of this subchapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a solicitation permit under the terms of this subchapter. The village clerk shall revoke any permit issued contrary to the requirements of this subsection. Immediately upon such revocation, written notice thereof shall be given by the village clerk to the holder of the permit in person or by United States mail, return receipt requested, addressed to his or her residence address set forth in the application. The permit shall become null and void upon the first to occur of the follows:

1. Actual notice of revocation; and/or
2. Return of the return receipt of the mailed notice, whether or not delivered to the permit holder personally.

E. Upon expiration of a solicitation permit, the holder shall be entitled to renew his or her permit; provided that, the application for renewal continues to satisfy all conditions and requirements necessary to obtain an original permit and provided any changes in the information originally submitted in the initial application, if any, are made. The application for a renewal of a solicitation permit shall also pay the fee required for a renewal permit.

### 3-4B-5: PERMIT APPLICATIONS; CONTENTS:

A. Commercial solicitation permits. An application for a commercial solicitation permit shall contain the following information regarding the applicant:

1. Name and address of present place of residence, and length of residence at such address;
2. Address of place of residence during the past three years, if older than present address;

3. Make, model, color of car and license number of applicant's automobile used during soliciting;
4. Name and address of the person, firm, corporation or association with whom the applicant is employed or represents and the length of time of such employment or representation;
5. Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage;
6. Starting date and termination date of which the permit is to be used, provided that the maximum time period for which the permit shall be issued shall not exceed sixty (60) days. Nothing in this subsection shall be construed as prohibiting application for or issuance of consecutive permits by or for qualified applicants;
7. Information as to whether a solicitation permit has been previously issued to the applicant, and if so, whether the permit was ever revoked;
8. Information as to whether the applicant has ever been convicted of a violation of any of the provisions of this subchapter;
9. Information as to whether the applicant would be disqualified from receiving a permit in accordance with Paragraph E of Sec. 3-4B-3 of this subsection.

B. Charitable solicitation permits. An application for a charitable solicitation permit shall include or be accompanied by the following:

1. The name of the organization and the name under which it intends to solicit contributions;
2. The name and address of the person in charge of solicitation in the Village;
3. The names and addresses of all persons who will solicit contributions in the Village;
4. Make, model, color of car and license number of applicant's automobile used during soliciting;
5. The dates and times of day such solicitations are to be made and the geographic area in the Village wherein such solicitation shall be conducted at a particular time and day; provided that, the maximum time period for which the permit shall be issued shall not exceed 90 days; and, provided that, permit renewals shall not exceed 30 days;
6. A written statement of recent date by the Attorney General of the state that the organization is in compliance with the provisions of the Solicitation for Charity Act or exempt therefrom as it may hereafter be amended; and
7. A written statement from the Internal Revenue Service that the organization is a tax exempt organization under the Internal Revenue Code of the United States, § 501(c)(3).

#### 3-4B-6: PERMIT APPLICATION; FEES:

A. Original. The fee to be charged for an original solicitation permit shall be as set forth in subsection 11-1-1.F of this Code.

B. Renewal. The fee to be charged for the issuance of a renewal solicitation permit shall be as set forth in subsection 11-1-1.F of this Code.

C. Charitable solicitation. No fee shall be charged for a charitable solicitation permit or the renewal thereof.

D. Background Examination. Each applicant required to submit to a background examination under this chapter as a condition of permitting, shall pay the actual costs thereof, as set forth in subsection 11-1-1.F of this Code.

#### 3-4B-7: VILLAGE POLICY ON SOLICITING AND TRESPASSING:

It shall be the policy of the governing body of the municipality that the occupant or occupants of any residence located within the Village shall make a determination of whether solicitors or any person shall be or shall not be invited to their respective residences. Any person or solicitor who is not, pursuant to the provisions contained in this chapter, invited onto the premises of any residence or who has obtained entrance to such premises and does not leave the same, upon being so requested by the occupant or occupants of such premises, shall be deemed a trespasser.

#### 3-4B-8: NOTICE REGULATING SOLICITING:

A. Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this subchapter shall give notice of the determination by the occupant of the refusal of invitation to solicitors to any residence by displaying a card upon or near the main entrance door to the residence, containing such language as "No Solicitors," "No Solicitors Invited" or such other language as would indicate that solicitors are not to enter or engage in solicitation on the premises. Signs posted on residential properties that notice that trespassing is generally prohibited shall be construed as notice that solicitors and solicitation are not invited and prohibited on such premises.

B. Such card or signage so exhibited shall constitute notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

#### 3-4B-9: DUTY OF SOLICITORS TO OBEY NOTICE OR TO LEAVE WHEN REQUESTED:

A. It shall be the duty of every solicitor, upon going onto any premises in the Village upon which a residence is located, to first examine the notice provided for in this chapter, if any is attached, and be governed by the statement contained hereon. If the notice states "No Solicitors" or "No Solicitors Invited" or other language as would indicate that solicitors, or trespassers generally, are not to enter or engage in solicitation on the premises, the solicitor shall immediately and peacefully depart from the premises.

B. Any solicitor who has gained entrance to any residence, whether or not invited, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

#### 3-4B-10: UNINVITED SOLICITORS PROHIBITED:

It shall be unlawful and shall constitute a nuisance and a trespass for any person to go upon any premises and ring the doorbell upon or near the door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with occupant thereof and engage in any solicitation as defined in this subchapter, in

knowing defiance of the notice exhibited at the residence in accordance with the provisions of this chapter.

**3-4B-11: TIME, PLACE, AND MANNER OF SOLICITATION:**

A. It shall be unlawful and shall constitute a nuisance for any person to go about any residence and ring the door bell, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in solicitation, as defined in this subchapter, before the hour of 11:00 AM on a Sunday or on a state or national holiday; or before the hour of 9:00 a.m. on all other days, or after the hour of 7:00 p.m. all days.

B. It shall be unlawful to engage in solicitation on sidewalks or other public property within the village before the hour of 9:00 a.m. or after the hour of 7:00 p.m., unless the solicitation is incidental to and authorized as part of a special event for which the private use of public property has been obtained.

C. It shall be unlawful for any solicitor to knowingly make more than one solicitation call at the same premises for identical goods, services, or for the same charitable purpose within any consecutive one hundred twenty (120) day period, if such solicitation has previously been declined by an adult occupant of such premises within such period without receiving a prior invitation therefor from an adult occupant of any such premises.

**3-4B-12: SOLICITING ON HIGHWAYS OR STREETS:**

A. Solicitation of contributions on highways within the Village shall be prohibited on public rights of way within fifty (50) feet of the following intersections:

- 1) Old McHenry Road and Midlothian Road
- 2) Old McHenry Road and Quentin Road
- 3) Old McHenry Road and Fairfield Road
- 4) Old McHenry Road and Hubbard Lane
- 5) Gilmer Road and Midlothian Road
- 6) Gilmer Road and Illinois Route 176
- 7) Gilmer Road and Schwerman Road
- 8) Gilmer Road and Fremont Center Road
- 9) Gilmer Road and Hawley Street
- 10) Quentin Road and Ensell Road
- 11) Quentin Road and Illinois Route 22

- B. On all other highways, all such activity shall be conducted in strict conformity with and shall be limited to that activity permitted under the provisions of the Illinois Vehicle Code paragraph 5/11-1006(c) and this Village Code.
- C. The village board specifically finds that the presence of pedestrians soliciting contributions of any kind or otherwise interacting with motorists on or within the roadways identified in paragraph (A) is inherently dangerous and presents a hazard both to pedestrians and to traffic.

#### 3-4B-13: APPEAL OF PERMIT DENIAL OR REVOCATION:

A. The chief operating officer shall hear appeals on the denial of an application for a solicitation permit or revocation of a permit by the village clerk. A written appeal must be filed in the chief operating officer's office within twenty-one (21) days after the date of denial of the application or revocation of the permit by the village clerk and shall contain a specific request for or waiver of a hearing before the chief operating officer.

B. Where a hearing is waived, the appealing party shall submit what documentation it desires to have the chief operating officer consider with the written appeal, and the chief operating officer shall render a decision within fourteen (14) days of the filing of the written appeal.

C. If a hearing is requested, the chief operating officer shall schedule a hearing to be held within thirty (30) days of receipt of the written appeal. The appealing party shall have the right to file additional documents, amend the written appeal and to appear at such hearing in person, or by attorney, or otherwise to examine and cross-examine witnesses.

D. The chief operating officer shall not be bound by the rules of evidence prevailing in the courts of law, but shall, in ascertaining the conditions and practices involved in the decision appealed, take into account all reliable, probative and substantial evidence produced at the hearing relating to the denial of the application or revocation of the permit.

D-1. In the case of a denial of an application based on the applicant's ineligibility under Paragraph E of Subsection 3-4B-3, the chief operating officer may authorize the issuance of a permit upon presentation of evidence that the applicant has been sufficiently rehabilitated to warrant the public trust or does not present a danger to the community, subject to whatever conditions or restrictions the chief operating officer and the chief of police believe are reasonably necessary.

E. The appealing party may supply, at its own cost, a court reporter.

F. The written decision of the chief operating officer shall be made available to the appealing party not later than ten days after the hearing on the appeal is concluded.

#### 3-4B-14: FALSE APPLICATION:

It shall be unlawful for any person to file an application for permit which contains false, misleading or untrue information.

3-4B-15: ADDITIONAL REQUIREMENTS:

Nothing contained in this subchapter shall release or relieve any person from complying with any additional license requirements established by the Village.

3-4B-16: SEVERABILITY:

If any phrase, sentence, division or section of this subchapter shall be found invalid, this shall not invalidate the remaining terms and conditions of the subchapter which shall then still remain in full force and effect. Any ordinances or any provisions thereof in conflict with the terms of this subchapter are hereby repealed.

3-4B-17: PENALTY:

- A. Any person who engages in solicitation without possessing a valid license issued under this chapter shall be fined in amount of not less than \$100, each act of solicitation shall constitute a separate offense. A person adjudicated responsible for a second or subsequent violation of this chapter shall be fined an amount not less than \$500.
- B. Any person licensed under this chapter who violates any provision herein shall be fined in an amount not less than \$100, each violation constituting a separate offense.
- C. Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to Section 1-4-1 of this code of ordinances.”

SECTION TWO: That Title 11, Section 11-1-11.F of the Village Code of the Village of Hawthorn Woods, entitled “General Fees and Charges”, is hereby amended by deleting in its entirety subsections 17 and 18, and in lieu thereof, the following language shall be substituted:

...”17. Solicitation Permits

- |                                   |         |
|-----------------------------------|---------|
| a. Background examination         | \$40.00 |
| b. Solicitation Permit – Original | \$70.00 |
| c. Solicitation Permit – Renewal  | \$50.00 |

18. Reserved”

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

SECTION FOUR: That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law.

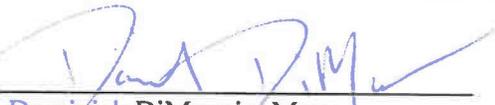
The foregoing Ordinance was adopted by a roll call vote as follows:

AYES: Kaiser, McCarthy, Ricciardi, Bayr, Huxol, Laman

NAYS: 0

ABSTENTIONS: 0

ABSENT: 0

APPROVED:   
Dominick DiMaggio, Mayor

ATTEST:   
Donna Lobaito, Village Clerk

PASSED: May 27, 2025

APPROVED: May 27, 2025

PUBLISHED: May 28, 2025