

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 x Resolution or Ordinance (Blue) x *Waiver of First Requested*
____ Recommendations of Boards, Commissions & Committees (Green)
____ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE: August 8, 2018 (B of T) Date: August 16, 2018

TITLE: Ordinance Amending the Village Code in Regards to Fund Soliciting at Intersections
Within the Village

BACKGROUND/POLICY IMPLICATIONS:

Attached please find information pertaining to a proposed Ordinance to set forth specific requirements regarding fund soliciting at intersections within the Village. The ordinance provides regulations and framework for permitting organizations seeking to solicit charitable funds at roadway intersections, as distinguished from door-to-door solicitors.

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X _____	Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



#180357

MEMORANDUM

TO: Scott Niehaus, Village Manager
FROM: Nicole P. Aranas, Assistant Village Manager *NA*
DATE: August 8, 2018
SUBJECT: **ORDINANCE REGARDING FUND SOLICITORS AT INTERSECTIONS**

Attached please find information pertaining to a proposed ordinance providing a framework and regulations regarding the solicitation of charitable funds at intersections. At present, the Village does not have a specific ordinance regulating the solicitation for charitable funds at roadway intersections. The proposed Ordinance provides the necessary statutory framework to legally permit solicitation for funds at intersections under certain limited circumstances.

Without a formal ordinance regarding solicitation of funds at intersections, local charitable groups have been soliciting under a general door-to-door solicitor permit, which is generally not compatible to soliciting at intersections. Village staff worked with the Village Attorney to develop criteria for the regulation and permitting of solicitors.

The ordinance provides certain requirements for the solicitation of funds, most notably:

- Being an charitable organization registered with the Illinois Attorney General;
- Being engaged in a State-wide fundraising activity;
- Assume liability of injuries to persons or property;
- Solicit only at intersections controlled by a traffic light;
- Solicit only as part of a "tag day" where a tangible item is provided in exchange for a contribution to the soliciting agency.

It is anticipated that nearly all of the groups that currently solicit at local intersections under a solicitors permit will not be impacted or prohibited from future solicitations. Furthermore, the proposed Ordinance will not have any impact on the existing regulations recently amended relating to door-to-door solicitors.

Please let me know if there are any issues, questions or concerns regarding this request.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ARTICLE XI, CHAPTER 118
OF THE LOMBARD VILLAGE CODE IN REGARD TO THE REGULATION
OF FUND SOLICITING AT INTERSECTIONS WITHIN THE VILLAGE**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That Title XI, Chapter 118, Section 118.06 of the Lombard Village Code is hereby amended by adding the following to the end of the last sentence thereof:

“, and shall be required to comply with the provisions of Section 118.10 of this Code if fund soliciting is intended to take place at one or more intersections in the Village.”

SECTION 2: That Title XI, Chapter 118 of the Lombard Village Code is hereby amended by adding a new Section 118.10 thereto, which shall read in its entirety as follows:

“§ 118.10 Soliciting for Contributions on a Highway

Pursuant to 625 ILCS 5/11-1006, except as provided in 65 ILCS 5/11-80-9, soliciting for contributions (fund soliciting) from the occupants of motor vehicles, while standing on a highway, shall be permitted subject to the following conditions:

- (A) The soliciting agency, for which the individuals who are licensed and registered under this Chapter are engaging in fund soliciting, shall:
- (1) be registered with the Illinois Attorney General as a charitable organization under 225 ILCS 460/0.01, *et seq.*;
 - (2) be engaged in a State-wide fund raising activity;
 - (3) have been organized as a not-for-profit corporation under the laws of the State of Illinois for at least one (1) year;
 - (4) be liable for any injuries to any person or property during the period of fund soliciting on the highway which is causally related to an act of ordinary negligence of the individual(s) engaging in the fund soliciting on behalf of the soliciting agency; and

- (5) certify that no individual who is fund soliciting for the soliciting agency is a convicted sex offender as defined by 730 ILCS 150/2.
- (B) The fund soliciting shall only be allowed at intersections where all traffic is required to come to a full stop by a traffic light.
- (C) No more than four (4) fund solicitors shall be permitted at an intersection at the same time.
- (D) The fund soliciting shall not take place at the intersection for more than three (3) consecutive days.
- (E) The fund soliciting shall not begin prior to sunrise, nor shall it continue after sunset.
- (F) The fund soliciting must be in conjunction with a "tag day" for the soliciting agency, pursuant to which those contributing funds are provided with a tangible item by the fund solicitor which evidences that the individual receiving the tangible item has made a contribution to the soliciting agency.
- (G) No more than two "tag day" events per soliciting agency, involving fund soliciting at intersections, shall be allowed per calendar year.
- (H) The individuals engaging in the fund soliciting must be at least sixteen (16) years old.
- (I) The individuals engaging in the fund soliciting must wear a uniform or other article of clothing which informs the public of the identity of the soliciting agency, along with a high visibility vest.
- (J) The containers used in relation to the fund soliciting must contain the name of the soliciting agency on them, and be completely sealed except for an opening into which funds can be deposited.
- (K) No sound producing or amplifying device, flag, banner, balloon or other form of attention-getting device, which could distract drivers or otherwise create a hazard, shall be used in conjunction with the fund soliciting.
- (L) The fund soliciting shall take place only at those intersections specifically requested by the soliciting agency and approved by the Village as complying with the requirements of this Section 118.10 that are applicable thereto.

- (M) No two soliciting agencies shall engage in fund soliciting at the same intersection on the same day(s). In this regard, fund soliciting at intersections shall be approved by the Village on a first come, first permitted basis during each calendar year.
- (N) The fund soliciting shall not be conducted in a manner which poses or creates a hazard to public safety or impedes or disrupts the free flow of traffic.”

SECTION 3: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

Passed on first reading this _____ day of _____, 2018.

First reading waived by action of the Board of Trustees this ___ day of _____, 2018.

Passed on second reading this _____ day of _____, 2018, pursuant to a roll call vote as follows.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2018.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this ___ day of _____, 2018

Sharon Kuderna, Village Clerk