

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 R. Niehaus, Village Manager

DATE: April 5, 2021 (B of T) Date: April 15, 2021

TITLE: Amending Village Code Title XI, Chapter 118, Section 118.10  
Solicitation for Contributions on a Highway

SUBMITTED BY: Janet Downer, Business Administrator 

BACKGROUND/POLICY IMPLICATIONS:

Please find attached an ordinance repealing Title XI, Chapter 118, Section 118.10 in regard to Peddlers and Solicitors as a result of a recent Federal Court ruling.

Please place this item for consideration on the April 15, 2021 Board of Trustees agenda under Items for Separate Action.

Fiscal Impact/Funding Source:

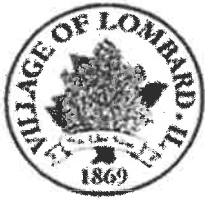
Review (as necessary):

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.



## MEMORANDUM

**TO:** Scott Niehaus  
Village Manager

**FROM:** Janet Downer, Business Administrator 

**DATE:** April 5, 2021

**SUBJECT:** Title XI, Chapter 118, Section 118.10  
Solicitation for Contributions on a Highway

Attached is an ordinance repealing Title XI, Chapter 118, Section 118.10 of the Lombard Village Code relative to Peddlers and Solicitors Soliciting for Contributions on a Highway.

This amendment is proposed resultant to a recent Federal Court ruling in which the Court found a portion of the Illinois Vehicle Code relating to Rules of the Road unconstitutional. The section of the Vehicular Code at issue, 625 ILCS 5/11-1006(c), provides, in pertinent part:

*No person shall stand on a highway for the purpose of soliciting contributions from the occupant of any vehicle except within a municipality when expressly permitted by municipal ordinance. The local municipality, city, village, or other local governmental entity in which the solicitation takes place shall determine by ordinance where and when solicitations may take place based on the safety of the solicitors and the safety of motorists. The decision shall also take into account the orderly flow of traffic and may not allow interference with the operation of official traffic control devices.*

In the case in question, the Court concluded as a matter of law, that the section above is a “content-based restriction on the freedom of speech that is not justified by any compelling interest and that the provision violates the First Amendment and is unconstitutional on its face under clearly established law.” (No. 19-cv-5604)

Accordingly, the portion of the Lombard Village Code relating to Peddlers and Solicitors and referencing 625 ILCS 5/11-1006 is proposed to be deleted by the attached ordinance. Section 118.10 provided that “soliciting for contributions (fund soliciting) from the occupants of motor vehicles, while standing on a highway” should only be permitted under certain conditions, and is proposed to be deleted.

If you have any questions, please feel free to contact me.

NA/jd

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE REPEALING TITLE XI, CHAPTER 118,  
SECTION 118.10 OF THE LOMBARD VILLAGE CODE  
IN REGARD TO PEDDLERS AND SOLICITORS**

**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 118.10 of the Lombard Village Code is hereby repealed.

**SECTION 2:** That this Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

First reading waived by action of the Board of Trustees this \_\_\_ day of \_\_\_\_\_, 2021.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021, pursuant to a roll call vote as follows:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED** by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Keith Giagnorio, Village President

**ATTEST:**

\_\_\_\_\_  
Sharon Kuderna, Village Clerk