

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

 X Resolution or Ordinance (Blue) _____ *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: February 21, 2018 (B of T) Date: March 1, 2018

TITLE: An Ordinance Amending the Lombard Village Code in Regards to Peddlers and Solicitors

BACKGROUND/POLICY IMPLICATIONS:

Attached for your consideration is an ordinance proposing amendments to the Lombard Code in relation to peddlers and solicitors. The proposed amendment would reduce the permitted hours for peddlers, commercial solicitors and fund solicitors, increase the fees for a solicitors permit and provide for a photo identification badge that must be worn by registered solicitors at all times they are engaged in peddling or soliciting.

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X <u>Scott Niehaus</u>	Date <u>2/21/18</u>

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: Nicole Aranas, Assistant Village Manager *N/A*
DATE: February 21, 2018
SUBJECT: **ORDINANCE AMENDING THE LOMBARD VILLAGE CODE IN REGARDS TO SOLICITORS AND PEDDLERS**

Attached please find information pertaining to proposed amendments to the Lombard Code in regards to peddlers and solicitors. The primary amendment to the Village Code reflects a change to the permitted hours for peddlers, commercial solicitors, and fund solicitors.

Door-to-door peddlers, commercial solicitors and fund solicitors within the Village have been the subject of numerous complaints to the Village of Lombard. Such peddlers and solicitors are licensed by the Village and subject to multiple restrictions on their activities under the Village Code. Attached, please find a registry of complaints made to the Village Clerk's office in regards to peddlers and solicitors. These complaints mark only a portion of the sum of all Village complaints regarding the practices of peddlers and fund solicitors, as they are only the notes of one division of the Village. Additional complaints regarding peddlers and solicitors have been received by the Police Department, front counter staff and communications division personnel for the Village. The log also does not represent the complaints of property owners and residents not reporting their complaints or observed violations of Code to Village personnel.

In an effort to evaluate and address the non-compliance, complaints and issues regarding door-to-door solicitors and peddlers, Village staff conducted a survey of the local regulations for solicitors in neighboring municipalities (attached). The survey revealed that other jurisdictions maintain more restrictive hours for door-to-door solicitors than the Village of Lombard. Disparities between Lombard and neighboring municipalities with respect to sales hours may make the Village of Lombard a more attractive place for commercial solicitation and peddling when compared to other neighboring localities.

Accordingly, Village staff is recommending amendment of the hours for door-to-door commercial soliciting, fund soliciting and peddling from a 9:00 p.m. end time Monday-Saturday to 7:00 p.m. This amendment has been reviewed and is supported by the Police Department. Staff recommends further restriction and this amendment to the hours for commercial solicitors, fund solicitors and peddlers for the following reasons:

- The prevention of fraud;
- The prevention of potential crime;

- Protection of the privacy of residents;
- Protection from unnecessary annoyance;
- Enforcement challenges for the Police Department in twilight or dark conditions;
- Ability of residents to see individual solicitors, badges, products or documents clearly;
- Visibility and safety of solicitors and sales people traversing neighborhoods and streets in darkened conditions;
- Resident fatigue at later hours may increase annoyance of sales interruptions, impede resident aptitude for making buying decisions and increase susceptibility to aggressive sales practices; and,
- Consistency with other neighboring jurisdictions

Note that nearly all of the complaints received by the Village of Lombard have pertained to individuals engaged in the door-to-door sales of commercial products or services. The number of complaints received regarding persons engaged in door-to-door advocacy of a particular position or cause, without commercial or fund soliciting, in the Village of Lombard have been negligible. Accordingly, the proposed amendments regarding the further restrictions to peddling and soliciting hours are proposed solely for peddlers, commercial solicitors, and fund solicitors on the following basis:

- Virtually all of the complaints received by the Village are for commercial solicitors, fund solicitors or peddlers;
- The Village has received significantly fewer complaints regarding persons engaged in door-to-door advocacy of positions or causes (without commercial or fund soliciting);
- Door-to-door advocates of positions or causes are more likely to be local Lombardians or neighbors with a local interest in the ability to advocate or communicate with neighbors;
- Commercial solicitors, fund solicitors, and peddlers are more likely to be out of area sales persons than local Lombardians or neighbors seeking to communicate with neighbors;
- Commercial solicitors are attempting financially benefit or gain for themselves or a corporation through commercial sales or fund solicitations;
- Door-to-door advocates of positions or causes are not attempting to communicate for commercial gain, but rather share their thoughts or beliefs on an issue.

Additional changes under the Ordinance increase the cost of a solicitor permit from \$25.00 to \$50.00 to more accurately reflect the cost of administration and enforcement of the permit. Additionally, the proposed Ordinance provides that solicitors will be issued and must display a photo identification badge. The issuance and requirement of a photo identification badge is recommended to assist with identification and enforcement.

Please let me know of any issues, questions or concerns you may have regarding this matter.

Date	Time of Day	Complaint Registered By	Description of Complaint
2017			
April 20		Telephone Call	Did not honor their "No Solicitor" sign
October 25	6:30 pm	Telephone Call	Misrepresented that they worked for the State of IL & doing a ComEd survey . Needed to see their ComEd bill
August 22		Telephone Call	Stated they were agent for VOL and needed to check energy supplier Solicitor had lanyard turned backwards and unable to see ID. Said he needed to see their bill
August 16		Telephone Call	Stated they were affiliated with the Village and asked to use their telephone
August 17		Telephone Call	To be in compliance they asked to see their bill
August 22		Telephone Call	Pushy, implied the Village endorsed his energy company . Got resident to sign up and then cancelled and reverted back to ComEd
August 21		Telephone Call	Stated the Village had switched to turbine power and wanted resident to sign up for the service. He asked for resident's account number or to see energy bill. Flipped his tag at resident.
October 26	Late afternoon	Telephone Call	Not wearing a badge but had a picture of it on his phone.
October 27		Telephone Call	Phone Call - Said they were working with ComEd and there was a change in IL law from coal to wind energy. Had to acknowledge their bill to ensure they were not paying extra fees any longer. Resident signed up and later cancelled. Solicitor also had another person with him.
October 1	"last night"	Report a Concern	Ignored "no solicitor" decal and rang their bell. Demanded to see their cable bill. Resident demanded they leave property and called 911.
	5 p.m. and 8 p.m.	Facebook Notification	Initially wanted to see ComEd bill because the area was approved for windmills. Resident said she couldn't find it. They said they would come back in 3 hours. They returned around 8 p.m. and asked the resident to come outside and talk.
May 2		In person at Village Hall and follow up email	No solicitor license and no Village issued badge. Misrepresentation of services. Signed up and then cancelled.
2016			
January 5	7:45 p.m.	Report a Concern	No identification, didn't name the company, kept his hands in his pockets and was very suspicious. Called 911
July 31		Telephone Call	Implied that VOL is under contract with the solicitor and resident needs to properly sign up
		Telephone Call	Would not leave even after being asked to
2015			
July 30	2:30 p.m.	Telephone Call	Said he was working with the Village regarding green alternatives and implied it was something they had to do - not an alternative
July 30		Telephone Call	Implied working with Village about renewable energy
August 4	5:30 p.m.	Telephone Call	Misrepresentation they had an agreement with the Village to save on utility costs
August 11	7:00 p.m.	Email	Had to see her electric bill – making sure Lombard is a green community – never indicated what company they were associated with
		Telephone Call	Energy company – needed to see her energy bill and implied she worked with ComEd or NiCor - insulted resident by saying "you have mental problems" and other derogatory comments. Called 911

September 8	1:50 p.m.	Telephone Call	Energy company – implied they had an agreement with the Village – very pushy
September 11		Telephone Call	Energy company insisted resident give a copy of ComEd & NiCor bill otherwise solicitor couldn't leave
September 14		Telephone Call	Energy company – Didn't notice solicitor badge – tactics fraudulent – implied he was working with Village -insisted resident needed to comply
September 17		Telephone Call	Implied she was representing NiCor and ComEd – “very shady and sneaky”
September 17		Telephone Call	Energy Company – Said they were representing the Village and the Village was changing gas and electric providers - resident assumed they were a subcontractor of the Village
September 17	Afternoon	Facebook Postings	Energy supplier – Needed to see energy bill as there may be some issue with his usage. Resident had to tell him twice he wasn't interested before he left
October 1	6:30 p.m.	Telephone Call	Came back to residence after homeowner expressed disinterest – Energy company
September 23	3:00 p.m.	Telephone Call	Did not honor the “No Solicitor” sign posted on side door
September 28		Telephone Call	Did not honor the “No Solicitor” sign posted on door and knocked – Energy Company

2017 SOLICITATION HOURS SURVEY

City/Village	Cost		Mon	Tues	Wed	Thurs	Fri	Sat
Lombard	\$25/30 days		9-9	9-9	9-9	9-9	9-9	9-9
Wheaton	No permit required		9-9	9-9	9-9	9-9	9-9	10-6
Warrenville	\$25/day/person		9-9	9-9	9-9	9-9	9-9	9-9
Itasca	\$0		9-9	9-9	9-9	9-9	9-9	9-9
Roselle	\$75/calendar year		9-9	9-9	9-9	9-9	9-9	10-6
Lisle	\$45/90 days	Commercial	9-8	9-8	9-8	9-8	9-8	9-8
	\$0/90 days	Non-Commercial	9-9	9-9	9-9	9-9	9-9	9-9
Oak Brook	\$125/90 days for comm. only	Commercial	9-6	9-6	9-6	9-6	9-6	9-6
		Non-Commercial	9-9	9-9	9-9	9-9	9-9	9-9
Willowbrook	\$0		9-9 or dusk whichever earlier	9-9 or dusk whichever earlier	9-9 or dusk whichever earlier	9-9 or dusk whichever earlier	9-9 or dusk whichever earlier	9-9 or dusk whichever earlier
West Chicago	\$50/45 days		10-sunset	10-sunset	10-sunset	10-sunset	10-sunset	10-sunset
Addison	For-Profit - \$50 plus \$25/solicitor NFP - \$65 90 days for both		9-9	9-9	9-9	9-9	9-9	9-9
Downers Grove	\$59/per group (15 people/year)	Commercial	9-6	9-6	9-6	9-6	9-6	9-6
		Non-Commercial	9-9	9-9	9-9	9-9	9-9	9-9
Oakbrook Terrace	\$25/solicitor or \$100/per solicitor per year	Sol 1 & 2*	9- sundown	9-sundown	9- sundown	9-sundown	9- sundown	9-sundown
Glen Ellyn	\$3.00/permit fee	Sol 3 & 4	9-9	9-9	9-9	9-9	9-9	9-9
			9-9	9-9	9-9	9-9	9-9	9-9
Aurora	\$50/solicitor		9-7 9-6	9-7 9-6	9-7 9-6	9-7 9-6	9-7 9-6	9-7 9-6
Naperville	\$100/solicitor \$40/deposit for vest		10-7	10-7	10-7	10-7	10-7	10-7
Burr Ridge	\$8.00 or \$100 for transient merchants		9-7	9-7	9-7	9-7	9-7	9-5
Elk Grove Village	\$40/30 days		9-8	9-8	9-8	9-8	9-8	9-8
Westmont	\$50 cash bond	Code doesn't identify solicitation times according to the Deputy Village						
Clarendon Hills	\$50.00		9-7	9-7	9-7	9-7	9-7	9-7
Wood Dale	\$50 cash bond deposit		Dawn to Dusk	Dawn to Dusk	Dawn to Dusk	Dawn to Dusk	Dawn to Dusk	Dawn to Dusk
Glendale Heights	\$100		9-5	9-5	9-5	9-5	9-5	9-5

Sun	Holidays	Other
No	No	
10-6	Yes	
No	No	
No	No	
10-6	Yes	
9-8	9-8	Have specific hours for highways & the train station
9-9	9-9	
No	No	Have specific restrictions for public roadways
No	No	
No	No	Solicitation prohibited from 11/1 through 3/31
10-sunset	10-sunset	
9-9	9-9	
No	No	
No	Yes	
9-sundown	9-sundown	*Sundown defined by the Nat. Weather Bureau
9-9	9-9	
9-6		
9-7	9-7	For the months of April -Sept.
9-6	9-6	For the months of Oct - March
No	No	
No	No	
No	No	
erk		Refund of bond only if solicitor didn't commit any offense or cause any disturbance
No	No	
Dawn to Dusk	Dawn to Dusk	Refund of deposit when badge returned
No	No	

ORDINANCE NO. _____

**AN ORDINANCE
AMENDING TITLE XI, CHAPTER 118
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 effective April 1, 2018, Title XI, Chapter 118, Section 118.03(B), of the Lombard Village Code is amended by adding the following to the end thereof:

“In this regard, a photograph of the applicant shall be taken by the Village, for use in creating a photo ID license badge to be worn by the applicant when taking action in furtherance of any license issued pursuant to this Chapter.”

SECTION 2: That, effective April 1, 2018, Title XI, Chapter 118, Section 118.05 of the Lombard Village Code is amended by revising the reference to “\$25.00”, as contained therein, to read “\$50.00.”

SECTION 3: That, effective April 1, 2018, Title XI, Chapter 118, Section 118.08(B) of the Lombard Village Code is amended by revising the reference to “soliciting or peddling, as herein defined, prior to 9:00 a.m. or after 9:00 p.m.”, as contained therein, to read as follows:

“peddling, commercial soliciting, or fund soliciting, as herein defined, prior to 9:00 a.m. or after 6:00 p.m., or other soliciting, as defined herein, prior to 9:00 a.m. or after 9:00 p.m.”

SECTION 4: That, effective April 1, 2018, Title XI, Chapter 118, Section 118.08(C) of the Lombard Village Code is amended to read in its entirety as follows:

“(C) The photo ID license badge issued by the Village shall be displayed conspicuously on the outer garment of any person engaging in peddling, commercial soliciting, or fund soliciting in the Village of Lombard, at all times while engaging in peddling, commercial soliciting or fund soliciting.”

SECTION 5: 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