

ORDINANCE NO. 3967

AN ORDINANCE AMENDING REGULATIONS CONCERNING CANVASSERS AND SOLICITORS IN THE CITY OF MARION

WHEREAS The City finds it necessary, on occasion, to amend and update sections of the Marion City Code; and

WHEREAS The City finds it necessary to amend Ordinance Number 3863 and amendments, so codified in Title 4, Chapter 5, of the City Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, ILLINOIS THAT THE FOLLOWING AMENDMENTS ARE MADE TO THE SECTIONS AS INDICATED BELOW:

4-5-1: REGISTRATION REQUIRED:

It shall be unlawful for any person to engage in business as a canvasser or solicitor, calling at residences in the city such as going door-to-door, without the previous consent of the occupant when that canvasser or solicitor is engaging in any commercial enterprise such as soliciting orders, sales, subscriptions, or business of any kind, without having first registered in the office of the city clerk. Pursuant to section 4-5-9 of this chapter, religious, charitable, political, and other noncommercial canvassers and solicitors shall not be subject to this requirement when undertaking noncommercial canvassing or solicitation. (Ord. 859, 12-13-1976; amd. 2013 Code)

4-5-2: REGISTRATION FEE:

Each registrant shall pay to the city clerk a registration fee of twenty-five dollars (\$25.00) for each twenty four (24) hour period such registrant will be selling or soliciting, subject to its acceptance or rejection as provided in this chapter; provided, that such registration fee shall be one hundred dollars (\$100.00) for each registrant who intends to sell or solicit for seven (7) days rather than twenty-five dollars (\$25.00) per day as provided in this section. If a registrant is not physically going door to door, they may pay a reduced fee of five dollars (\$5.00) per day or fifty dollars (\$50.00) per month. (Ord. 859, 12-13-1976; 1977 Code § 5.24.020)

4-5-3: CONTENTS OF REGISTRATION:

The registrant shall give his complete identification, his signature, the name of his or her employer, the nature of the products or services in which he or she is interested, the names of the manufacturers of such products or of the organization which he or she is representing, the make, model and identification of any vehicle he or she will be operating or using while soliciting within the City, and the proposed method of operation in the city. The form of registration shall be supplied by the office of the city clerk. The registrant shall also submit to a background check as approved by the City Clerk's Office. (2013 Code)

4-5-4: APPROVAL OF REGISTRATION; DURATION: APPEAL

Upon approval of a completed application, the city clerk shall issue a certificate of registration which shall be valid for the period stated thereon. (2013 Code)

If an application to register for a permit is denied or if a permit is revoked under this Chapter, the applicant/permittee may appeal to the City Council by filing a written notice of appeal with the City Clerk's Office no later than seven (7) days after the final action of denying or revoking the permit has been taken. Such appeal shall be in writing setting forth all grounds for appeal. The City Council shall take up the appeal at the next available council meeting and render a final decision.

4-5-5: POSSESSION OF CERTIFICATE; FORM:

Each person shall at all times, while engaged in the business of soliciting or canvassing in the city, carry and display (so as to be easily seen by any person) upon his or her person the registration certificate, and the same shall further be presented for additional review, by such registrant whenever he or she is required to do so by any city officer or employee, police officer or by any person solicited.

(2013 Code)

4-5-6: REVOCATION OF REGISTRATION:

Any registration permit may be revoked by the mayor because of any violation by the registrant of this chapter or of any other ordinance of the city, or of state or federal law, or whenever the registrant shall cease to possess the qualifications or character required by this chapter for the original registration. (2013 Code)

4-5-7: : Days and Hours

No one shall act as a canvasser or solicitor or shall sell at residences without the previous consent of the occupant for the purpose of soliciting or canvassing except between the hours of eight o'clock (8:00) A.M. and seven o'clock (7:00) P.M., or sunset, whichever

occurs first, Monday through Saturday. Canvassing or soliciting on Sundays and local, state and national holidays is prohibited. (2013 Code)

4-5-8: SIGNS REGULATING SOLICITING; COMPLIANCE REQUIRED:

A. Residents and other persons within the city shall be entitled to post a "No Solicitors", "No Solicitation", or other similar sign on the property which they own or occupy, where it is reasonably visible to individuals who may approach the house, apartment, building or other edifice near or on which the sign is posted, in order to notify any such individual that no solicitation, canvassing or peddling of any type is desired by the occupant without the occupant's prior approval.

B. It shall be unlawful for any person, whether engaging in commercial or noncommercial canvassing, solicitation or other similar enterprise, to, when entering upon a premises which has a reasonably visible "No Solicitors" or other such similar sign, continue with the attempted canvassing or solicitation. Upon sight of such sign, the canvasser or solicitor must leave the premises. If such sign is reasonably visible, the canvasser or solicitor shall be presumed to have seen the sign and shall be in violation of this chapter if he or she attempts his or her canvassing or solicitation. (2013 Code)

4-5-9: LEAVING MATERIALS; ACCESS TO PROPERTY:

A. No person shall leave or deposit materials upon private property without the consent of the property owner in such a fashion so as to permit the materials to become waste, debris or refuse.

B. In the case of a single-family dwelling, canvassers, solicitors and peddlers shall only enter any property from the front yard and, unless invited by the resident of the premises, shall only knock, ring or otherwise attempt to contact the residents in the building at the front or main door to the dwelling.

C. For purposes of soliciting at multiple-family dwelling units, canvassers, solicitors and peddlers shall only enter any property from the front entrance to the dwelling unit complex and, unless invited by the specific resident of a specific unit, shall only knock, ring or otherwise attempt to contact the residents in the building at the front or main door of each such unit. (2013 Code)

4-5-10: EXEMPTIONS AND APPLICATION OF PROVISIONS:

Sections 4-5-1 through 4-5-6 of this chapter shall not apply to charitable, religious or political canvassers or solicitors, or any other noncommercial canvassers or solicitors. Sections 4-5-7, 4-5-8 and 4-5-9 of this chapter shall apply to all individuals undertaking any commercial or noncommercial canvassing or solicitation; with the exception, that no part

of this chapter shall apply to officers or employees of the city, county, state or federal governments, or any subdivision thereof, when on official business. (2013 Code)

4-5-11: FRAUD, DECEPTIVE PRACTICES AND MISREPRESENTATION PROHIBITED:

False, Deceptive or Misleading Statements: A solicitor shall not misrepresent or make false, deceptive, or misleading statements concerning the quality, quantity, cost, or character of any merchandise offered for sale, his/her identity, or the identity of the organization which he or she represents.


4-5-12: PENALTY:

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be subject to a fine as provided in section 1-4-1 of this code. (2013 Code)


These amendments are to become effective immediately upon passage and approval.

Passed and Approved by the Marion City Council this 8th day of July, 2024.

Signed by the Mayor this 8th day of July, 2024.



Michael W. Absher, Mayor

Attest: 

Tammy Beasley Wright, City Clerk