

**ORDINANCE NO. 04-2024**

**ORDINANCE CREATING 2-3 OF THE ATHENS CITY CODE "SOLICITORS"**

THIS ORDINANCE is made and adopted by the CITY COUNCIL OF THE CITY OF ATHENS, MENARD COUNTY, ILLINOIS, at a regular meeting held in the City Council Chambers in said City on the 9th day of September, 2024, WITNESSETH:

WHEREAS, the CITY OF ATHENS is a municipal corporation located in Menard County, Illinois; and

WHEREAS, the CITY OF ATHENS desires to add reasonable regulations regarding solicitors and their operation within the City of Athens; and

WHEREAS, the CITY COUNCIL believes it would be in the best interests of the constituents of Athens if hours of operation were established, a requirement of a permit to solicit in Athens, a penalty for breaking the requirements of the code, etc.;

NOW, THEREFORE, IT IS HEREBY ORDAINED by the CITY COUNCIL OF THE CITY OF ATHENS, as follows:

1. The City of Athens will create Title 2 Chapter 3 of the Athens City Code titled "Solicitors" (See Exhibit A)
2. Effective Date. That this Ordinance is effective upon passage of the same.

The vote on the adoption of this Ordinance was as follows:

Alderwoman Chernowsky	<u>✓</u>	Alderwoman Thompson	<u>✓</u>
Alderman Hoffman	<u>✓</u>	Alderman Puma	<u>✓</u>
Alderwoman Leinberger	<u>✓</u>	Alderwoman Lantz	<u>✓</u>

Ayes: 6

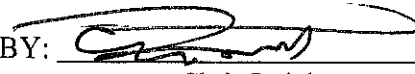
Nays: 0

Absent: 0


Abstain: 0

Passed and approved this 9th day of September, 2024.

CITY OF ATHENS,

BY: 

Chris Reichert, Mayor  
City of Athens, Menard County, Illinois

ATTEST:  (SEAL)  
City Clerk, City of Athens,  
Menard County, Illinois

## EXHIBIT A

### § 2-3-1      **Definition, License Required.**

A "solicitor" is defined as a canvasser, peddler, salesman or any other person, either as principal or agent, whether a resident of the City or not, traveling from house to house, or to any other place in the City, soliciting, taking or attempting to take orders for the sale of goods, wares, merchandise or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of the sale, or he or she is collecting advance payments on such sales or not; provided, that such definition shall include any person, who for himself or another, hires, leases, uses or occupies any building, structure, tent, vehicle, hotel room, apartment, shop or any other place within the City for the sole purpose of exhibiting samples and taking orders for future delivery. Before engaging in such business in the City, a solicitor shall obtain a license for himself and for each of his associates or assistants, if any, so engaged. Any person meeting this definition that solicits on behalf of any civic, charitable, and/or nonprofit group shall not be defined as a solicitor nor be required to obtain a license for the same.

### § 2-3-2      **Application For License.**

Applicants for a solicitor's license under this chapter must file at least one week prior to the desired start date of solicitation with the City Clerk with a sworn application, on a form to be furnished by the City Clerk, which shall include the following information:

- (A) Full name, permanent home address, no post office box and local address of the applicant. Driver's License (or State I.D. Card) and social security are required in addition to the previous information for the purposes of background checks.
- (B) Brief description of the nature of the business and the product to be sold.
- (C) If employed, the name and address of the employer, the name and address of any local or state office or manager, together with credentials establishing exact relationship or authority.
- (D) Length of time for which the right to do business is desired.

- (E) The place where the product proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time such application is filed and the proposed method of delivery.
- (F) Evidence that applicant has a photograph and fingerprints on file with the City police department.
- (G) Last three cities or towns where the applicant carried on business immediately preceding the date of application, and the address, if any, from which such business was conducted in those cities or towns.
- (H) Statement as to whether or not the applicant has been convicted of any crime, the nature of the offense and the punishment or penalty assessed therefor.

The Mayor is empowered to approve such application and to grant such license upon satisfying himself of the moral fitness of the applicant to receive such license.

#### § 2-3-3 **Investigation of Applicant.**

Upon receipt of the application, the chief of police shall make an investigation of the applicant's business responsibility and moral character for the protection of the public welfare and safety. If the applicant's character and business responsibility is not good, the chief of police shall endorse on such application his disapproval and his reasons therefor and return the same to the city clerk, who shall notify the applicant that his application is disapproved, and no permit or license will be issued. Any person aggrieved by the action of the chief of police or city clerk and the denial of the application for license shall have the right to appeal to the city council at their next regular meeting after the grievance occurs.

If, as a result of the investigation of the applicant, the applicant's character and business responsibility is found to be good, the chief of police shall endorse on the application his approval and shall transmit it to the city clerk.

#### § 2-3-4 **Issuance of License.**

Upon receipt by the city clerk of the application for license, which has been approved by the chief of police, the city clerk, upon payment of the proper license fee, shall issue the requested license, deliver said license to the applicant; provided, however, that no license shall issue to any applicant who has been convicted of the commission of a felony under the laws of the state of Illinois or any other state or federal law of the United States within

five (5) years of the date of the application; nor to any person who has been convicted of the violation of any of the provisions of this chapter; nor to any person whose certificate of registration issued hereunder has previously been revoked as herein provided.

The license issued hereunder shall state the expiration date thereof.

**§ 2-3-5 Display of License.**

Any person receiving a license hereunder shall prominently display said license on his person at all times when engaged in business in the city. The license will consist of a badge and lanyard. The badge/lanyard is acquired at City Hall upon payment of the \$25.00 refundable fee.

**§ 2-3-6 License Fees.**

The license fees to be charged for licenses to solicit in the City, each payable in advance, are hereby fixed at \$100.00 per person per day of solicitation.

No license shall be issued to extend beyond April 30 of the fiscal year in which the license is issued.

**§ 2-3-7 License Prohibitions.**

- (A) **Soliciting Without License:** It shall be unlawful for any person to solicit the sale of goods, wares, merchandise, produce or other articles or things in the City without first having obtained a license from the City to solicit and having a license in force at the time of pursuing such business.
- (B) **Stands Prohibited:** It shall be unlawful and it is hereby prohibited for any person to assume a place or to establish a temporary or fixed stand upon any of the streets, avenues, alleys, sidewalks or other public places of the City to sell or for the purpose of selling therefrom any goods, wares, merchandise, produce or other article or thing.
- (C) **Entering Private Houses; Fraud:** No person or solicitor shall enter any private house in the City without being admitted by some occupant thereof, nor shall be insist upon remaining on the premises or on showing his goods, wares or merchandise to any person, after being told by such person that he does not wish to see or purchase the same. No licensed solicitor shall practice fraud nor shall be misrepresent his wares or cheat or impose upon any person.

§ 2-3-8      **Hours.**

Solicitors shall only operate within the City of Athens between the hours of 9:00 a.m. to 5:00 p.m. There will be no solicitation of residents on Saturdays and Sundays.

§ 2-3-9      **Penalty.**

Any solicitor or person violating any of the provisions of this chapter shall be fined a minimum amount of \$500.00 and not to exceed \$2,500.00 for each offense; and each day such violation shall occur or continue shall constitute a separate offense.

**ORDINANCE NO. 05-2024**

ORDINANCE AMENDING 2-1-21 OF THE ATHENS CITY CODE

THIS ORDINANCE is made and adopted by the CITY COUNCIL OF THE CITY OF ATHENS, MENARD COUNTY, ILLINOIS, at a regular meeting held in the City Council Chambers in said City on the 9th day of September, 2024, WITNESSETH:

WHEREAS, the CITY OF ATHENS is a municipal corporation located in Menard County, Illinois; and

WHEREAS, the CITY OF ATHENS acknowledges that its state statute affixes the legal limit to be in a bar and to bartend at eighteen years of age; and

WHEREAS, the CITY OF ATHENS further acknowledges that its state statute gives municipalities the right to further restrict the age requirements to be present in a bar and to bartend;

WHEREAS, there has been a request from a local bar owner to change the rules based on difficulty to acquire gainful employees; and

WHEREAS, the CITY COUNCIL believes it would be in the best interests of the constituents of Athens if city code was changed to reflect state statute minimum requirements;

NOW, THEREFORE, IT IS HEREBY ORDAINED by the CITY COUNCIL OF THE CITY OF ATHENS, as follows:

1. The City of Athens will amend Title 2 Chapter 1 Part 21(E) of the Athens City Code titled to allow bartenders to eighteen years of age. (See Exhibit A)
2. The City of Athens will amend Title 2 Chapter 1 Part 21(F) to allow those of eighteen years of age and over to be present on the premises without supervision. (See Exhibit A)
3. Effective Date. That this Ordinance is effective upon passage of the same.

The vote on the adoption of this Ordinance was as follows:

Alderwoman Chernowsky

✓

Alderwoman Thompson

✓

Alderman Hoffman

✓

Alderman Puma

✓

Alderwoman Leinberger

✓

Alderwoman Lantz

✓

Ayes: Alderwoman Chernowsky, Alderwoman Thompson, Alderwoman Leinberger  
Alderwoman Lantz

Nays: Alderman Hoffman, Alderman Puma

Absent: —

Abstain: —

Passed and approved this 9th day of September 2024.

CITY OF ATHENS,

BY: 

Chris Reichert, Mayor  
City of Athens, Menard County, Illinois

ATTEST:  (SEAL)

City Clerk, City of Athens,  
Menard County, Illinois