

**Ordinance No. 2011-09-03520**  
**Solicitation in Public Right-of-Way**

**Please read all the provisions of following  
Ordinance No. 2011-09-03520.**

**Note requests to solicit must be received at  
least 30 days in advance of date requested.**

**Fill out and submit application.**

**Any questions, call 708-687-4050, ext. 1005.**

**CITY OF OAK FOREST**

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**ORDINANCE NO. 2011-09-03520**

**REGULATING THE SOLICITATION OF FUNDS BY  
CHARITABLE ORGANIZATIONS ON ROADWAYS IN OAK FOREST**

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Passed by the City Council, September 27, 2011

Published in pamphlet form by authority of the City Council  
of the City of Oak Forest, Cook County, Illinois,  
this 27<sup>th</sup> day of September, 2011.

CITY OF OAK FOREST  
COOK COUNTY, ILLINOIS

I hereby certify that this document  
was properly published on the date  
stated above.

  
\_\_\_\_\_  
City Clerk

## **ORDINANCE NO. 2011-09-03520**

### **REGULATING THE SOLICITATION OF FUNDS BY CHARITABLE ORGANIZATIONS ON ROADWAYS IN OAK FOREST**

**WHEREAS**, the City of Oak Forest is a municipal corporation and home rule community organized and under and empowered by the Statutes of the State of Illinois; and

**WHEREAS**, Section No. 90.085 of the Oak Forest Municipal Code allowed fundraising by religious and charitable organizations on roadways in Oak Forest after the submission required documentation and approval of the City Council; and

**WHEREAS**, over the past several years, requests to solicit funds, traffic traveling along main roadways and the number of complaints regarding solicitation on busy roadways have increased and have caused considerable concern about the safety of the solicitor, persons being solicited and the general public; and

**WHEREAS**, the City of Oak Forest finds it necessary to further define solicitation activities that occur on streets and highways in the city; and

**WHEREAS**, the City is authorized to regulate and / or prohibit solicitors under Illinois State Statute, 625 ILCS 5/11-1006(c); and

**WHEREAS**, it is the City Council that is responsible for adopting policies that help ensure the continued health, safety and welfare of people that live, work and visit in our community.

**WHEREAS**, to accomplish the revision of existing Section 90.085 of the Oak Forest Municipal Code regarding solicitation, this section is deleted in its entirety and replaced in lieu thereof by this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF OAK FOREST:**

#### **SECTION ONE**

All religious or charitable organizations seeking to solicit funds on streets in Oak Forest must hereafter this date complete a Permit Application available at City Hall in Oak Forest or on the City's web site. This Permit Application must be completed in its entirety, dated and signed by an officer of the religious or charitable organization seeking to solicit funds in Oak Forest.

#### **SECTION TWO**

Any religious or charitable organization seeking to solicit funds on streets in Oak Forest must also provide a Not-for-Profit Certificate issued by the Attorney General of the State of Illinois, as well as a Certificate of Insurance with an appropriate level of insurance, as noted on the Permit Application.

#### **SECTION THREE**

The religious or charitable organization must submit the Permit Application, Not-for-Profit Certificate and Certificate of Insurance to the Mayor or his designee. All solicitation on public roadways in Oak Forest must comply with the following provisions:

- A. A soliciting person or agency shall be registered with the Illinois Attorney General as a charitable organization, as provided by "an Act to regulate solicitation and collection of funds for charitable purposes", approved July 26, 1963, as amended (225 ILCS 4601/1 et seq.). The soliciting person

or agency must be engaged in statewide fund raising activity and will be liable for any injuries to any person or property during the solicitation which is causally related to an act of ordinary negligence of the soliciting agent.

- B. No person shall stand on a roadway for the purpose of soliciting contributions from the occupant of any vehicle except after receiving a fully executed permit from the City of Oak Forest.
- C. No religious or charitable organization will be given a permit to solicit for more than two (2) twelve (12) hour periods on roadways in Oak Forest in any calendar year (January – December).
- D. No more than one (1) permit shall be issued by the City for the same date at the same intersection. Applications will be treated on a first come first served basis.
- E. Solicitations shall only be conducted at traffic control intersections when traffic has come to a full stop during the hours of daylight, but in no event earlier than 7:00 a.m. in the morning or later than 7:00 p.m. in the evening.
- F. Any person engaged in the act of soliciting on a public roadway shall be 16 years of age or more and wear a high visibility yellow or orange safety vest and clear identification of the organization undertaking the solicitation.
- G. Solicitors may only solicit on behalf of a permitted organization and such solicitation may only occur during a charitable solicitation event.
- H. Solicitors shall not approach a moving vehicle or one that does not have a window down and an occupant has given some sign of assent to approach.
- I. Solicitors shall only enter the roadway while the traffic signal for that lane is red and shall not enter the roadway while traffic is moving.
- J. No solicitor shall at any time enter or remain in the traveled portion of the roadway or solicit in a manner which impedes the flow of traffic.
- K. No person shall solicit in the public right-of-way at any time or place not designated in the application permit under which the person is conducting the solicitation.
- L. Any violation of the provisions of this ordinance or extra ordinarily adverse weather conditions will constitute a reason for the City to cease all soliciting activities.

#### **SECTION FOUR**

The Permit Application, Not-for-Profit Certificate and Certificate of Insurance must be submitted to the Mayor's Office at least 30 calendar days before the requested date(s) of solicitation. The City of Oak Forest will have seven (7) calendar days to either approve or reject the request for solicitation.

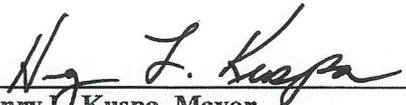
#### **SECTION FIVE**

The provisions of this application process will encourage religious and charitable organizations to make their plans to solicit funds on roadways in Oak Forest well in advance of their requested date(s). It will also allow proper processing of requests by the municipality, afford an equal opportunity to all those religious and charitable organizations that wish to solicit funds in Oak Forest, and promote activities that result in the safer solicitation of funds on crowded public roadways.

**SECTION SIX**

This ordinance shall be in full force and effect from and after its passage by a vote of a majority of the corporate authorities, and approval in the manner provided by law. All ordinances in conflict herewith are hereby repealed to the extent of such conflict. Should any part this ordinance be held invalid, its other provisions shall remain in effect.

**APPROVED BY ME THIS 27<sup>th</sup> DAY OF SEPTEMBER, 2011.**

  
Henry L. Kuspa, Mayor

**ATTEST:**

  
Scott Burkhardt  
City Clerk

Aldermen	Aye	Nay	Abstain	Absent
Laura Clemons First Ward				✓
Richard D. Simon Second Ward	✓			
Diane Wolf Third Ward	✓			
Chuck Toland Fourth Ward	✓			
Daniel Ensing Fifth Ward	✓			
Peter Muscarella Sixth Ward	✓			
Mark Keating Seventh Ward	✓			
Henry L. Kuspa Mayor				

6-0-0-1



# RIGHT-OF-WAY SOLICITATION APPLICATION

PERMIT NO: \_\_\_\_\_

DATE ISSUED: \_\_\_\_\_

APPROVED FOR: \_\_\_\_\_

**Mayor's Office**  
Phone: 708-687-4050  
Fax: 708-687-8817  
Web Site: www.oak-forest.org

**NOTE:** Applicants must contact the Mayor's Office at 708-687-4050 for assistance. Permits for soliciting in the public right-of-way shall be used for no more than two (2) twelve (12) hour periods each calendar year. Soliciting is permitted between the hours of 7:00 a.m. and 7:00 p.m. The Mayor or his designee shall have the authority to revoke the permit to solicit contributions. He or she, in their sole discretion, may order any and all of the applicant's agents to cease all activity at any time if weather conditions become hazardous and / or inclement, or if the soliciting agents fail to comply with the requirements of this application and / or applicable regulations.

**1. PLEASE SUBMIT THE FOLLOWING:**

- ONE (1) ORIGINAL SIGNED APPLICATION
- ONE (1) COPY OF CURRENT 501 (C) (3) LETTER recognizing the organization as tax exempt.
- ONE (1) COPY OF PAID LIABILITY INSURANCE POLICY OR CERTIFICATE OF INSURANCE IN THE AMOUNT OF NO LESS THAN \$1,000,000.00.
- SIGNED WAIVER OF LIABILITY for each person soliciting on behalf of the organization.
- LIST OF NAMES indicating all members of the organization who will be soliciting funds.

**2. APPLICANT INFORMATION: This section must be completed.**

Name of Applicant: \_\_\_\_\_

Local Street Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Phone No: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

**3. RELIGIOUS OR CHARITABLE ORGANIZATION INFORMATION: This section must be completed.**

Name of Applicant: \_\_\_\_\_

Local Street Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Phone No: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

**4. LOCATIONS AT WHICH ORGANIZATION WILL BE SOLICITING**

Location: _____
Location: _____
Date of Solicitation: _____ Time of Solicitation: _____

**5. STATEMENT OF ACKNOWLEDGEMENT: To be completed by the Applicant.**

<p>I, _____, hereby state that the information submitted within this application is true and correct. I, furthermore, testify that I will abide by all regulations that govern peddlers and solicitors within the city of Oak Forest, Illinois. I also have been informed of and agree to all other conditions that are attached to the approval of my application.</p> <p>Signature of Applicant: _____ Date: _____</p>
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**6. WAIVER OF LIABILITY: To be completed by the Applicant.**

Name of Applicant: _____
Local Street Address: _____
City, State, Zip Code: _____
Phone No: _____ E-mail Address: _____

**(Note that a WAIVER OF LIABILITY must be completed for each solicitor.)**

<p><b>FOR OFFICE USE ONLY:</b></p> <p>_____</p> <p><b>Approved By:</b> _____</p> <p><b>Title:</b> _____ <b>Date:</b> _____</p>
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**ADDITIONAL WAIVERS OF LIABILITY (One needed for each solicitor)**

**WAIVER OF LIABILITY: To be completed by the Applicant.**

Name of Applicant: _____
Local Street Address: _____
City, State, Zip Code: _____
Phone No: _____ E-mail Address: _____

**WAIVER OF LIABILITY: To be completed by the Applicant.**

Name of Applicant: _____
Local Street Address: _____
City, State, Zip Code: _____
Phone No: _____ E-mail Address: _____

**WAIVER OF LIABILITY: To be completed by the Applicant.**

Name of Applicant: _____
Local Street Address: _____
City, State, Zip Code: _____
Phone No: _____ E-mail Address: _____

**WAIVER OF LIABILITY: To be completed by the Applicant.**

Name of Applicant: _____
Local Street Address: _____
City, State, Zip Code: _____
Phone No: _____ E-mail Address: _____

**(Make further copies of this form to identify all those persons that will be soliciting.)**

## Solicitation on Oak Forest Roadways – The Rules

The following are provisions noted in Ordinance No. 2011-09-03520, Regulating the Solicitation of Funds by Religious and Charitable Organizations on Roadways in Oak Forest, must be complied with in their entirety:

- A soliciting person or agency shall be registered with the Illinois Attorney General as a charitable organization, as provided by “an Act to regulate solicitation and collection of funds for charitable purposes”, approved July 26, 1963, as amended (225 ILCS 4601/1 et seq.). The soliciting person or agency must be engaged in statewide fund raising activity and will be liable for any injuries to any person or property during the solicitation which is causally related to an act of ordinary negligence of the soliciting agent.
  - No person shall stand on a roadway for the purpose of soliciting contributions from the occupant of any vehicle except after receiving a fully executed permit from the City of Oak Forest.
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  - Any person engaged in the act of soliciting on a public roadway shall be 16 years of age or more and wear a high visibility yellow or orange safety vest and clear identification of the organization undertaking the solicitation.
  - Solicitors may only solicit on behalf of a permitted organization and such solicitation may only occur during a charitable solicitation event.
  - Solicitors shall not approach a moving vehicle or one that does not have a window down and an occupant has given some sign of assent to approach.
  - Solicitors shall only enter the roadway while the traffic signal for that lane is red and shall not enter the roadway while traffic is moving.
  - No solicitor shall at any time enter or remain in the traveled portion of the roadway or solicit in a manner which impedes the flow of traffic.
  - No person shall solicit in the public right-of-way at any time or place not designated in the application permit under which the person is conducting the solicitation.
  - Any violation of the provisions of this ordinance or extra ordinarily adverse weather conditions will constitute a reason for the City to cease all soliciting activities.
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