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**VILLAGE OF MELROSE PARK
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 1062

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 5.68,
HANDBILL DISTRIBUTORS, OF THE VILLAGE OF MELROSE
PARK MUNICIPAL CODE, FOR THE VILLAGE OF MELROSE
PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF MELROSE PARK**

THIS 29TH DAY OF MAY 2007

**RONALD M. SERPICO, Village President
MARY ANN PAOLANTONIO SALEMI, Village Clerk**

Board Of Trustees

**JOHN S. CONTEDEUCA
CATHLEEN COSSIDENT ITALIA
THOMAS KLEIN
ARTURO J. MOTA
ANTHONY J. PRIGNANO
MARY RAMIREZ TACONI**

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**Published by authority of the
President and Board of Trustees
Of the Village of Melrose Park,
Cook County, Illinois on
This 30TH day of MAY 2007**

ORDINANCE NO. 1062

AN ORDINANCE REPEALING AND REPLACING CHAPTER 5.68, HANDBILL DISTRIBUTORS, OF THE VILLAGE OF MELROSE PARK MUNICIPAL CODE, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.

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WHEREAS, the Village of Melrose Park, County of Cook, State of Illinois (the "Village") is a duly organized and existing village created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefit of the residents of the Village; and

WHEREAS, the Village President (the "President"), the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, having taken office on May 2, 2005 and the Board of Trustees of the Village (the "Village Board"), the Honorable John S. Conteduca, Cathleen Cossident Italia, Tom "T.K." Klein, Arturo J. Mota, Anthony J. Prignano and Mary Ramirez Taconi having taken office on May 14, 2007, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, the Village Board deems it advisable and necessary for the benefit of the Village and the health, safety, and welfare of its residents to amend the Village of Melrose Park Municipal Code (the "Village Code") to regulate the distribution of handbills by repealing and replacing Chapter 5.68 of the Village Code; and

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Melrose Park, County of Cook, State of Illinois, as follows:

**ARTICLE I.
IN GENERAL**

Section 01. Incorporation Clause.

All of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct, and the Village Board does hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section 02. Purpose.

The purpose of this Ordinance is to repeal Chapter 5.68 of the Village Code in its entirety and to replace it anew by adding Chapter 5.68, titled "Handbill Distributors," to the Village Code for the purpose of regulating the distribution of handbills.

Section 03. Invocation of Authority.

This Ordinance is enacted pursuant to the authority granted to the Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

Section 04. State Law Adopted.

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

Sections 05-09 Reserved.

**ARTICLE II.
REPEAL AND REPLACEMENT OF CHAPTER 5.68,
HANDBILL DISTRIBUTORS**

Section 10.00 Repeal of Chapter 5.68, Handbill Distributors.

That Chapter 5.68 of the Village Code, titled, "Handbill Distributors," is hereby deleted in its entirety, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, including, but not limited to, the following sections: Section 5.68.010, Section

5.68.020, Section 5.68.030, Section 5.68.040, Section 5.68.050, Section 5.68.060, Section 5.68.070.

Section 10.01 Addition of Chapter 5.68, Handbill Distributors.

That Chapter 5.68 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Chapter title shall read as follows:

HANDBILL DISTRIBUTORS.

Section 10.02 Addition of Section 5.68.010, Definitions.

That Section 5.68.010 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

Definitions.

The following words and phrases, when used in this Chapter, for the purposes of such Chapter, unless herein otherwise provided, have the meanings respectively ascribed to them as set forth in this Section. Where applicable, words used in the present tense include the future tense of the word, words in the singular include the plural form of the word, and words used as different parts of speech also have the same ascribed meanings.

“Director” means the Village Director of Code Enforcement or his or her designee.

“Distribute” means to affix, cast, deliver, deposit, distribute, drop, fasten, hurl, litter, loft, place, scatter, throw, or the like. “Distribute” also includes, but is not limited to, the placement or use of a box, holder, receptacle or other apparatus from which a Handbill may be removed by an individual.

“Handbill” means any printed or written matter, leaflet, pamphlet, paper, booklet, card, circular, dodger, sample of merchandise, advertising matter, or any other printed matter or literature which is not delivered by United States Postal Service, including, but not limited to, the following material: (A) advertisements for the sale of any merchandise, product, commodity or thing; (B) material which directs attention to any business or mercantile or commercial establishment or other activity for the purpose of either directly or indirectly promoting the interest

thereof by sales; (C) material which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profit.

“Newspaper” means any newspaper of general circulation, as defined by law; any newspaper duly entered with the United States Postal Service in accordance with federal statutes and regulations; any newspaper filed and recorded with any recording officer, as provided by law; and any periodical or current magazine regularly published with not less than four (4) issues per year and sold to the public.

“Private Premises” means all non-public property in the Village including, but not limited to, vacant land or any land, building or other structure designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any driveway, fence, grounds, mailbox, porch, steps, vestibule, walk, yard, and any structure appurtenant thereto.

“Public Place” means any of the following located within the Village: alleys, avenues, boulevards, grounds, gutters, lanes, parks, parkways, plazas, public ways, sidewalks, squares, streets, streetways, and public buildings frequented by or open to the general public.

“Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon land or water, including devices used exclusively upon stationary rails or tracks.

Section 10.03 Addition of Section 5.68.020, Distribution of Handbills in Public Places Restricted.

That Section 5.68.020 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

Distribution of Handbills in Public Places Restricted.

- A. No person, firm or corporation shall Distribute any Handbill in or upon any Public Place. This includes, but is not limited to, Distribution of Handbills by use of a box, holder, receptacle or other apparatus located in or on a Public Place from which a Handbill may be removed by an individual.
- B. The provisions of this Section shall not be construed to prohibit the peddling or sale of any article or publication that may carry or be

accompanied by advertising matter where a charge is made or a price paid for such article or publication, nor shall the provisions of this Section be construed to apply to literature of a political or religious matter.

Section 10.04 Addition of Section 5.68.030, Distribution of Handbills on Private Premises Restricted.

That Section 5.68.030 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

Distribution of Handbills on Private Premises Restricted.

- A. No person, firm or corporation shall Distribute any Handbill in or upon Private Premises without having first secured a license therefor, as required by this Chapter.
- B. No person, firm or corporation shall Distribute any Handbill in or upon Private Premises except in the following manner:
 - 1. By delivering a Handbill directly into the personal possession of an occupant or owner of Private Premises; or
 - 2. By placing a Handbill in or upon the entrance door, porch or vestibule of a house or building on Private Premises, provided that: (a) the Handbill is wrapped, tied, folded, hung from a door handle or otherwise so secured that it will not be blown loose by the winds or other elements; (b) it is secured in such a fashion so as not to damage property; and (c) that any Handbills placed on previous days have been removed from the entrance door, porch or vestibule of said house or building on the Private Premises.
- C. This Section shall not apply to the delivery of mail by the United States Postal Service to Private Premises.
- D. This Section shall not apply to the Distribution of literature of a political or religious nature, provided that said literature shall be placed in compliance with subsection 5.68.030.B hereinabove.
- E. This Section shall not apply to the Distribution of any Newspaper in or upon Private Premises when an occupant or owner of said Private Premises is currently subscribing to such Newspaper. A Newspaper may be delivered to a Private Premises when an occupant or owner of the Private Premises is not currently subscribing to such Newspaper, provided

that such is placed in compliance with subsection 5.68.030.B hereinabove.

- F. This Section shall not apply to Itinerant Merchants as regulated by Chapter 5.92 of the Village Code.

Section 10.05 Addition of Section 5.68.040, Prohibitions.

That Section 5.68.040 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

Prohibitions.

- A. No person, firm or corporation shall Distribute any Handbill in or upon any Vehicle located in or upon any Public Place or Private Premises.
- B. No person, firm or corporation shall ring the doorbell of any Private Premises or create a noise by knocking or otherwise to attract the occupants thereof, in order to Distribute any Handbill to the occupant thereof.

Section 10.06 Addition of Section 5.68.050, License; Application; Fee.

That Section 5.68.050 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

License; Application; Fee.

- A. Applications for a license to Distribute Handbills shall be made in writing to the Director on a form furnished by the Village, and shall require the following information:
 - 1. A statement of the nature of the Handbill, and a copy or representation of the Handbill to be Distributed;
 - 2. Proof of age, address and identification of the applicant, to be provided through the applicant's driver's license or other legally recognized form of identification;
 - 3. A statement as to whether or not the applicant has been convicted

of a felony, misdemeanor or ordinance violation (other than traffic offenses), the nature of the offense or violation, the penalty or punishment imposed, the date when and place where the conviction for such offense occurred, and other pertinent details thereof;

4. If employed, the name, address and telephone number of the employer, or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;
5. A statement as to whether any Vehicle will be used in conjunction with the Distribution of the Handbill, and, if so, a description of the Vehicle including its make, model, color and license plate number;
6. The date(s) and time(s) when the applicant seeks to Distribute Handbills;
7. The location(s) in the Village where the applicant seeks to Distribute Handbills; and
8. Such other information as the Village requires.

- B. At the time the application is submitted to the Village, the applicant shall pay a nonrefundable application fee in the amount of Fifty and No/100 Dollars (\$50.00).

Section 10.07 Addition of Section 5.68.060, Application Review and License Issuance.

That Section 5.68.060 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

Application Review and License Issuance.

- A. Upon receipt of an application, the Director shall review the application for completeness to ensure the protection of the public health, safety and general welfare of the Village and its residents. The Village shall, within seven (7) calendar days following receipt of a completed application,

determine whether to issue a license or deny the application.

- B. If the Director finds the application to be satisfactory, the Director shall endorse his or her approval on the application and shall, upon payment of the prescribed fee, deliver the required license to the applicant.
- C. The license shall show the name and address of the licensee, the nature of the Handbill, the date of issuance, and the length of time that the license shall be in effect. The license shall also show the license number and identifying description of any Vehicle to be used in carrying on the business for which the license was issued.
- D. A record of all licenses issued shall be maintained by the Director.

Section 10.08 Addition of Section 5.68.070, Denial of License.

That Section 5.68.070 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

Denial of License.

- A. Following review of the application, the Director may refuse to issue a license to the applicant under this Chapter for any of the following reasons:
 - 1. The date, location and time of the Distribution of the Handbill would endanger the safety and welfare of the licensee or the prospective Handbill recipients;
 - 2. It has been determined that the applicant provided false information as part of the application process;
 - 3. The applicant has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, theft, burglary, or any violent acts against persons or property, such conviction having been entered within five (5) years preceding the date of application;
 - 4. The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five (5) years immediately preceding the date of application;

5. There is no proof as to the authority of the applicant to serve as an agent to the principal, or employee to the employer, if such relationship has been presented; or
 6. The Village has denied the applicant a license under this Chapter within the immediate past year, unless the applicant can and does show to the satisfaction of the Director that the reason for such earlier denial no longer exists.
- B. The Village's denial and the reasons for such denial shall be noted on the application, and the applicant shall be notified that his application is disapproved and that no license will be issued. Notice shall be mailed to the applicant at the address shown on the application form, or the applicant's last known address.

Section 10.09 Addition of Section 5.68.080, License Expiration.

That Section 5.68.080 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

License Expiration.

A license issued under the provisions of this Chapter shall remain in effect for a period not to exceed ninety (90) calendar days from the date of issuance.

Section 10.10 Addition of Section 5.68.090, Penalties for Offenses.

That Section 5.68.090 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

Penalties for Offenses.

Any person, firm or corporation violating any provision of this Chapter shall be fined not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty and No/100 U.S. Dollars (\$750.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 10.11 Addition of Section 5.68.100, Advertising Unlawful Business or Article.

That Section 5.68.100 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

Advertising Unlawful Business or Article.

It is unlawful for any person, firm or corporation to advertise any unlawful business or illegal article in the Village.

Section 10.12 Addition of Section 5.68.110, Injuring Lawful Advertisements.

That Section 5.68.110 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

Injuring Lawful Advertisements.

It is unlawful for any person to injure or deface any lawful advertisement or notice in the Village.

Section 11.00 – Section 15.00 Reserved.

**ARTICLE III.
HEADINGS, SAVINGS CLAUSES,
PUBLICATION, EFFECTIVE DATE**

Section 16.00 Headings.

The headings for the articles, sections, paragraphs and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

Section 17.00 Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision, clause, sentence, paragraph, sub-paragraph, section, or part shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Village Board that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof been included.

Section 18.00 Superseder.

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

Section 19.00 Publication.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

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Section 20.00 Effective Date.

This Ordinance shall be in full force and effect ten (10) days following its passage, approval and publication, as provided by law.

On The Individual Poll And Voice Vote Of The Board of Trustees:

AYE VOTES: Trustee Conteduca, Trustee Italia, Trustee Klein,
Trustee Mota, Trustee Prignano, Trustee Taconi

NAY VOTES:

ABSTAIN:

ABSENT:


SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE
OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS TWENTY-NINTH
DAY OF MAY, 2007, A.D.

APPROVED:



RONALD M. SERPICO
VILLAGE PRESIDENT

ATTEST:



Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: May 29, 2007
Published in Pamphlet Form: May 30, 2007