

10 SOUTH LA SALLE STREET
CHICAGO, ILLINOIS 60603

SEYMOUR C. AXELROOD

THOMAS A. MATTHEWS
BYRON S. MATTHEWS
ATTORNEYS

November 18, 1964

2 for Pres. Jr. 11/27/64
11/23 deferred
Petition Ordinance 12/14/64
TELEPHONE CENTRAL 6-3500

Mr. John H. D. Blanke,
Village President,
P. O. Box 88
Barrington, Illinois

Dear Mr. Blanke:

We are enclosing the ordinance you suggested on house to house canvassing.

This subject was discussed at length by the Resolutions Committee of the Illinois Municipal League during the most recent convention. The attorneys present agreed that our statutes do not give us the authority to prevent trespass, or to pass an ordinance prohibiting trespassing on private property. Consequently, this ordinance as drafted, would be of rather doubtful validity, although it is certainly highly desirable.

Of course, we have ordinances against scattering refuse or waste material anywhere, which may be involved in the practice of throwing circulars indiscriminately on the lawns. Many municipalities have an ordinance somewhat similar to the one we have; and we also have an ordinance prohibiting house to house canvassing against the consent of the owner or occupant of the premises.

The enclosed ordinance, as I said, is highly desirable, but it is not certain that it is valid under the decisions of our Supreme Court.

Cordially yours,

Thomas A. Matthews

TAM:f
Enc.

STENOGRAPHIC REPORT of a Public Hearing held before the Zoning Board of Appeals of the Village of Barrington, in the Village Council Chambers on July 13, 1966, at 8:00 PM, on the petition of Mrs. M. June Hoffman, asking for a variation for the occupation of the home at 142 West Station Street, for nurses from the Barrington Rest Home, Inc. Meeting having been duly published.

MEMBERS PRESENT:

Arnett C. Lines, Secretary
F. H. Beinhoff
Edw. J. Dugan
Henry Lipofsky
Clyde Church

On motion of Mr. Dugan, seconded by Mr. Beinhoff, Mr. Lines was elected Chairman pro-tem for the evening. All ayes.

MR. LINES: The meeting shall come to order. Everyone will be heard that wants to be, either pro or con. I will read the petition first. (Read same) The petitioner will be heard first, then anyone desiring to speak will be sworn in and should give his name and address for the record.

I understand the petitioner will not be present tonight, but will be represented.

Mr. Robert Blumenfeld, CPA, 188 W. Randolph Street, Chicago, was sworn in.

MR. BLUMENFELD: Mrs. Hoffman is out of town. I am not a lawyer, but I am familiar with the case. We actually need quarters for nurses and nurses' aids. There will be eight or ten people sleeping in this house. Mrs. Hoffman has already up-graded the appearance of the house and it will remain in appearance, as a residence and will be in keeping with the neighborhood, not detracting in any way.

MR. LINES: Are there any questions to be asked this gentleman?

Mrs. Eva Hay, 138 W. Station Street, Barrington, was sworn in.

MRS. HAY: It stated in the paper that Mrs. Hoffman requested this variation for sleeping quarters for nurses. I am not here as an objector, but as a property owner. At one time my home at 138 and this home at 142 W. Station Street were as one and for me there is a lot of sentiment about these two places. As long as Mrs. Hoffman agrees that she will house only nurses in this particular home and does not violate this agreement, I have no objections, but if she does violate this agreement, then I believe the house and lot should revert back to its present status. There is a sidewalk between the two properties and has been known as one piece of property, therefore, you can see the close proximity. I have no objections as long as it does not become a part of Barrington Rest Home, Inc.

MR. BLUMENFELD: I appreciate your interest. This house will have nurses and nurses' aids, registered and practical licensed, but no patients.

MR. DUGAN: Mrs. Hoffman, do I understand you have no objection if not used for patients?

MRS. HAY: I am interested as a home owner and out of love for these homes I ask that it be properly maintained. I object to nurses' aids because some of them are patients that have been released from the State Hospital and sometimes it is necessary that they be returned. They are entitled to a home, just as much as I am, but I do not think they should become a part of this group.

MR. BLUMENFELD: It is true that some aids are from Elgin. I see nothing wrong in this as they have been formally released for rehabilitation. They are not just out-patients. The Elgin Hospital seeks places to place these people to be rehabilitated. They are not patients that are left out, temporary, to be returned.

MR. LINES: Anyone else who wishes to be heard on this petition?

MR. CHURCH: What is the approximate dimension of the property involved?

Mr. Hay remarked 58 ft. front, 90 to 100 ft. deep.

MR. BEINHOFF: Is this a single family residence?

Mr. Hay said yes.

MR. CHURCH: The property in question, does it have a two-car garage?

Mr. Hay said yes.

MR. LINES: Will the nurses have cars that need to be parked? (Answered no.) No parking question? They would simply be travelling from the rear to the nursing home, I assume.

Mrs. Laura Winchell, 145 West Station Street, Barrington, was sworn in.

MRS. WINCHELL: At the previous meeting they advised that nurses would be on duty round-the-clock, would that mean they would have people sleeping there around-the-clock? Would it mean that we would have to curtail any noise or child's play?

MR. BLUMENFELD: I cannot imagine any objection on this point.

MR. DUGAN: I think if people have to sleep during the day-time, they just have to take what occurs. I can see no objections from the part of the nurses to street noises.

MR. LIPOFSKY: I personally think this would be the problem of the people on the night shift, it would not be any different than if a neighbor had a night shift and this is a neighborhood that has a lot of noises, just the siren alone is one.

MR. CHURCH: Is the place now being used for housing nurses?

MR. BLUMENFELD: No. It is vacant. We did not want to violate the ordinance.

MR. LINES: Anyone else wishing to be heard? If not the meeting will be closed for the session of the Zoning Board to consider this petition. Thank you.

Ordinance No. _____

House to house distribution.

BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington, Cook and Lake Counties, Illinois, that:

Section 14.302 of the Municipal Code of Barrington of 1957 be and the same is hereby amended to read as follows:

"14.302 House to house distribution. It shall be unlawful to distribute indiscriminately to the public by leaving at stores, offices, houses or residences in the Village, any cards, circulars, samples of merchandise, handbills, or any advertising matter whatsoever, without first having secured a permit therefor. Provided that this Section shall not be construed to apply to the sale of articles by licensed peddlers.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any newspaper or other advertising or news matter, upon any premises, if requested by the owner or occupant thereof not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof a sign bearing the words "No Circulars, Pamphlets, or Newspapers Unless Ordered" or any similar notice indicating in any manner that the occupants of said premises do not desire to have any such unsolicited newspapers left upon such premises."

Passed this _____ day of _____, 1964.

APPROVED:

Village President

Attest:

Village Clerk

Published: