

ARTICLE III. ITINERANT AND TRANSIENT MERCHANTS¹

DIVISION 1. GENERALLY

Sec. 26-47. License requirements.

It shall be unlawful for any person to engage in the business or occupation of being a transient merchant or itinerant vendor as defined by the Transient Merchant Act of 1987 of the State of Illinois (225 ILCS 465/1 et seq.), without first having received a license from the police department of the village.

(Ord. No. 1288, 11-13-1990)

Sec. 26-48. Application for license.

The chief of police and his duly authorized subordinates shall be the persons authorized to issue licenses to a transient merchant or itinerant vendor who wish to engage in the sale of goods in the village pursuant to the terms and conditions of Transient Merchant Act of 1987.

(Ord. No. 1288, 11-13-1990)

Sec. 26-49. License fee and period.

All licenses issued by the chief of police or his duly authorized subordinates to a transient merchant or itinerant vendor under this article shall expire on December 31 of the year issued. An application fee in the amount determined from time to time by the village board shall be paid at the time the application for license is made.

(Ord. No. 1288, 11-13-1990)

Sec. 26-50. Mobility on streets and other public places.

- (a) It shall be unlawful for any transient merchant or itinerant vendor who makes sales from a vehicle or any other form of conveyance to remain standing at any one location on any street or other public property or in reasonable close proximity to such location except when actively engaged in the expeditious retail sale of goods, wares or merchandise. Any transient merchant or itinerant vendor who remains in the same location or in reasonable close proximity to the same location for longer than five minutes when any goods, wares or merchandise are on display or otherwise available for sale shall be presumed to not be actively engaged in the expeditious retail sale of such goods, wares or merchandise if no sales actively has taken place during any such continuous period.
- (b) This section does not apply to any public event conducted or authorized by the village.

¹State law reference(s)—Transient Merchant Act of 1987, 225 ILCS 465/1 et seq.; municipal authority to license, tax, regulate, or prohibit itinerant merchants and transient vendors of merchandise, 65 ILCS 5/11-42-5.

(Ord. No.2388, § 1, 7-8-2014)

Sec. 26-51. Zoning and Code regulations.

- (a) It shall be unlawful for any transient merchant or itinerant vendor to sell any goods, wares or merchandise from any premises that is not zoned for any such sales activity or that is not in compliance with all applicable building and safety regulations of this Code.
- (b) This section does not apply to:
 - (1) Any person selling vegetables, fruits or perishable farm products raised by such person;
 - (2) Any person operating a stand or booth on property owned by such person or upon which such person resides;
 - (3) Any public event conducted or authorized by the village; or
 - (4) Any person selling food for immediate consumption from a vehicle or other form of conveyance in any nonresidential zoning district who:
 - a. Is on the premises with the permission of the owner;
 - b. Does not remain on such premises for more than four hours in any 24-hour period;
 - c. Does not employ any signs other than those permanently affixed to the vehicle or other form of conveyance; and
 - d. Does not generate noise, including but not limited to, generators, in excess of 75 decibels as measured from ten feet away.

(Ord. No.2388, § 1, 7-8-2014)

DIVISION 2. MOBILE FOOD TRUCKS

Sec. 26-52. Definition.

"*Mobile food truck*" shall mean a self-contained food service operation, located in a readily movable, motorized, wheeled, or towed vehicle, used to store, prepare, display, or serve food intended for individual portion service.

(Ord. No. 2762, § 1, 3-14-2024)

Sec. 26-53. License; health department permit.

- (a) A mobile food truck operating in the village shall be considered a transient merchant, and subject to the license requirements for transient merchants in section 26-47 of the village Code.
- (b) A mobile food truck operating as a transient merchant must obtain a Champaign County Health Department permit, and shall provide a copy of the health department permit in order to obtain a village transient merchant license. The transient merchant license shall be revoked if the health department permit is not maintained for the entire duration of mobile food truck's operations within the village.

(Ord. No. 2762, § 1, 3-14-2024)

Sec. 26-54. Monthly operation fee.

In addition to paying the transient merchant license fee and obtaining a transient merchant license, a mobile food truck shall pay a monthly fee of \$100.00 for every month that a mobile food truck is licensed and operating within the village. This fee shall be due and paid prior to any operations in that calendar month. The fee shall not be pro-rated for a portion of a month.

(Ord. No. 2762, § 1, 3-14-2024)

Sec. 26-55. Areas allowed.

- (a) Mobile food trucks shall be allowed to operate on any non-residential zoned property within the village, and shall also be allowed to operate in designated on-street public parking spaces in the downtown area (north of Champaign Avenue, east of the railroad tracks, south of Grove Avenue, and west of Century Boulevard).
- (b) If operated on a non-residential zoned property, written permission of the property owner must be received, and a copy of that written permission must be provided to the village clerk.
- (c) Mobile food trucks shall not operate within 200 feet of an existing restaurant, unless the written consent of that restaurant is obtained, and a copy provided to the village clerk.
- (d) Mobile food trucks shall not operate within 500 feet of any special event, unless the written consent or permission to participate in the event is obtained from the event operator, and a copy provided to the village clerk.

(Ord. No. 2762, § 1, 3-14-2024)

Sec. 26-56. Additional operating requirements.

A mobile food truck shall:

- (1) Only be operated between the hours of 6:00 a.m. and 9:00 p.m.
- (2) Only be parked on and operated from an improved surface as defined in section 46-168 of the village Code.
- (3) Not block, obstruct, or otherwise interfere with vehicular, bicycle, or pedestrian traffic flow.
- (4) Not remain parked overnight upon the property from which it operates.
- (5) Provide at least one trash collection receptacle at its operating location, and shall be responsible for proper disposal of the trash in that collection receptacle. The mobile food truck shall also be responsible for collecting and disposing of all trash and debris within 100 feet of the mobile food truck's operating location prior to leaving such location.
- (6) Only utilize self-contained power, and shall not use utilities drawn from public property, unless approved by the village. Mobile food trucks may use power from a private utility service with written permission.
- (7) Not use or maintain any sound amplifying equipment or noise making apparatus that exceeds 75 decibels measured from ten feet away.
- (8) Not place signage on the property on which it is operating. Only signage permanently affixed to the mobile food truck is allowed.

(9) Maintain a complete record of all sales. Receipts shall be available to customers upon request. A record of individual transactions shall be made available to the village upon request.

(10) Comply with all other applicable village, state, and federal laws.

(Ord. No. 2762, § 1, 3-14-2024)

Secs. 26-57—26-80. Reserved.