

VILLAGE OF TOLONO
CHAMPAIGN COUNTY, ILLINOIS

ORDINANCE NO. 2026-O-1

AN ORDINANCE AMENDING CHAPTER 111
"TRANSIENT MERCHANTS, SOLICITORS AND MOBILE FOOD VENDORS"
OF THE TOLONO MUNICIPAL CODE

Passed by the Board of Trustees and
Approved by the President
of
Village of Tolono, Illinois
On January 6, 2026

Published in pamphlet form by authority of the President and Board of Trustees of the
Village of Tolono, Champaign County, Illinois, this 6th day of January, 2026.

VILLAGE OF TOLONO
CHAMPAIGN COUNTY, ILLINOIS

ORDINANCE NO. 2026-O-1

JANUARY 6, 2026

**AN ORDINANCE AMENDING CHAPTER 111
“TRANSIENT MERCHANTS, SOLICITORS AND MOBILE FOOD VENDORS”
OF THE TOLONO MUNICIPAL CODE**

WHEREAS, the Village of Tolono, Champaign County, State of Illinois (the “Village”) is a duly organized and existing Municipality created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto with full powers to enact ordinances for the benefit of the residents of the Village and the Village previously enacted the Tolono Municipal Code; and

WHEREAS, the Village Board of Trustees previously adopted Title 11, Chapter 111 of the Tolono Municipal Code relating to transient merchants, solicitors and mobile food vendors; and

WHEREAS, the Board of Trustees of the Village of Tolono has determined that it is advisable, necessary and in the best interest of the Village to amend and update Chapter 111 as provided herein; and

WHEREAS, the Village deems it appropriate to adopt the within Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TOLONO, ILLINOIS, AS FOLLOWS:

Section 1. Incorporation Clause.

The President and Board of Trustees of the Village of Tolono hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and does hereby, by reference, incorporate and make them part of this Ordinance.

Section 2. Purpose.

This Ordinance is to amend and update all sections of Title 11, Chapter 111 of the Tolono Municipal Code.

Section 3. Amendment.

Chapter 111 of the Tolono Municipal Code is hereby amended to read, in entirety, as provided as follows:

CHAPTER 111: TRANSIENT MERCHANTS, SOLICITORS AND MOBILE FOOD VENDORS

Statutory reference:

Municipality authorization to license auctioneers, see 65 ILCS 5/11-42-1

Municipality authorization to license hawkers, peddlers, theatricals, and other exhibitions, shows, and amusements, see 65 ILCS 5/11-42-5

§ 111.01 REGISTRATION REQUIRED.

It shall be unlawful for a transient merchant, itinerant merchant, itinerant vendor, solicitor or mobile food vendor to engage in such business within the village without first registering with the Village Clerk. Provided, however, this chapter shall not be construed as applying to any person(s) who holds a garage sale as defined in this chapter, any person(s) under the age of 16 years running a lemonade stand as defined in this chapter, or any person(s) selling or attempting to sell at wholesale garden or agricultural produce grown by such person(s).

§ 111.02 DEFINITIONS.

For the purpose of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

CHARITABLE SOLICITATION. All solicitation by or on behalf of a charitable origination within the meaning of Section 501(a) and (c)(3) of the Internal Revenue Code, 1954 (as amended).

GARAGE SALE. A sale of used items, goods, and wares legally owned at the time such goods, items and wares are offered for sale by the person(s) actually residing on the premises upon which such sale is held or legally owned by the neighbors of said person(s).

GOODS, WARES AND MERCHANDISE. Any and all items of tangible or intangible personal property.

LEMONADE STAND. A small, temporary, occasional, or seasonal setup run by a person under the age of 16 for the purpose of selling lemonade or other nonalcoholic drinks. A Lemonade does **not** require a permit, license, inspection, or approval from the municipality or any health department (public health restriction may apply).

MOBILE FOOD VENDOR. Any person(s) who sells food and/or beverages from a motorized mobile vehicle or a trailer pulled by a motorized vehicle.

RESIDENCE. Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

SOLICITOR. Any person, whether a resident of the village or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares and merchandise, offering and exposing the same for sale, or making sales and delivery articles to purchasers, or offering services for hire, or who, without traveling from place to place shall sell or offer the same for sale from a wagon, automotive vehicles, or other vehicle conveyance. One who solicits orders and as a separate transaction makes deliveries to purchasers at a future date shall be deemed a solicitor subject to the provisions of this chapter.

TRANSIENT MERCHANT, ITINERANT MERCHANT OR ITINERANT VENDOR. Any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the village or not, who engages in a temporary business of selling and/or delivering goods, wares and merchandise within the village and who in furtherance of such purpose hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad box car, or boat, public room in hotels, lodging houses, apartments, shops, or any street, alley, or other place within the village, for the exhibition and sale of such goods, wares and merchandise, either privately or at a public auction. This definition shall include any person, firm or corporation who, while occupying such temporary locations, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery. No person, firm or corporation shall be relieved from complying with the provisions of this chapter merely by reason of associating with any local dealer, trader, merchant or auctioneer, or by reason of conducting such transient business in connection with, as part of, or in the name of any local dealer, trader, merchant, or auctioneer.

§ 111.03 REQUIREMENTS OF REGISTRATION.

Before a permit or registration card may be issued under this chapter, a written sworn application signed by the applicant, if an individual; or by a duly authorized partner, if a partnership; or by a duly authorized officer of a corporation, if a corporation; or by the managing member, if an LLC, or association; or managing official of any other entity, containing the following must be submitted:

(A) The name(s) and phone number(s) of the person(s) having the management or supervision in the applicant's business during the time that is proposed that business will be carried on in the village;

(B) The name(s) of the person(s) who are in fact the ultimate owners and person(s) responsible for the applicant's business;

(C) The name(s) and phone number(s) of the applicant(s);

(D) The local address(es) of applicant(s) while engaged in such business; the permanent address(es) of such person(s);

(E) The capacity in which such person(s) shall act (such as, proprietor, agent or otherwise);

(F) A copy of a photographic identification of the applicant(s);

(G) The vehicle description and registration/license plate number and state of issuance for any vehicle that will be used while carrying out the business in the village;

(H) The name, address and phone number of the person for whose account the business will be carried on, if any, and if a corporation, LLC or association, under what state the same is incorporated or organized;

(I) The place(s) in the village where it is proposed to carry on the applicant's business and length of time during which it is proposed that such business shall be conducted;

(J) A statement of the nature, character and quality of the goods, wares and merchandise to be sold or offered for sale by the applicant in the village, a statement whether such goods, wares and merchandise are sold from stock and possession or by sample, credentials from the person for which the applicant proposes to do business authorizing the applicant to act as such representative, and such other reasonable information as to identify the person or person having the management or supervision of the applicant's business, or the method or plan of doing business; and

(K) Written proof of compliance with the Transient Merchant Act of 1987 (255 ILCS 465), as amended, the Solicitation for Charity Act (255 ILCS 460), as amended, or other applicable state or county laws, ordinances and regulations.

(L) A copy of the Illinois Department of Health License issued to the name of the person(s) for whose account the business will be carried on is required for mobile food vendors.

(M) A copy of all required Food Safety and Food Manager certifications is required for all mobile food vendors.

(N) All Mobile Food Vendors requesting 3+ month or longer permits, must register an address in Tolono, with the Illinois Department of Revenue for proper Sales Tax capture.

§ 111.04 POLICY ON SOLICITING.

It is hereby declared to be the policy of the Board of Trustees that the occupant or occupants of the residences in the village shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residences. If no determination is made as provided in § 111.05, then in that event, solicitors may go upon such premises for any lawful purpose as long as said solicitor has been properly registered and has been issued a permit for solicitation, and provided that entry onto the premises is not refused or prohibited by some other lawful means.

§ 111.05 NOTICE REGULATING SOLICITING.

Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this chapter shall comply with the following directions:

(A) Notice of the determination by the occupant of giving invitation to solicitors, or the refusal of invitation to solicitors, to any residence shall be given in the following manner:

(1) A weatherproof card, approximately three inches by four inches in size or larger, shall be exhibited upon or near the main entrance door to the residence indicating the determination by the occupant containing the applicable words, as follows:

NO SOLICITORS INVITED

or

CHARITABLE SOLICITORS ONLY

(2) The letters shall be at least one-third inch in height.

(B) Such cards so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

§ 111.06 DUTY OF SOLICITORS.

(A) It shall be the duty and responsibility of any prospective solicitor, transient merchant, itinerant merchant, or itinerant vendor to make application through the office of the Village Clerk a minimum of two business days prior to the intended time of solicitation. Upon approval of the application and payment of the appropriate fees, a permit will be issued for a period not to exceed five consecutive days.

(B) It shall be the duty of each applicant to pay a non-refundable application fee upon initial application of \$10 per day for each person who shall be soliciting or acting as a transient merchant, itinerant merchant or itinerant vendor, provided that there shall be no fee for charitable solicitation as defined in § 111.02 of this chapter.

(C) Any business having entered into a franchise agreement with the village shall be exempt from paying the application fee.

(D) It shall be the duty of every solicitor upon going onto any premises in the village upon which a residence, as defined in § 111.02 of this chapter, is located, to first examine the notice provided for in § 111.05 of this chapter, if any is attached, and be governed by the statement contained on this notice. If the notice states "CHARITABLE SOLICITORS ONLY," then the solicitor shall immediately and peacefully depart from the premises unless such person represents a charitable organization, as defined in § 111.02 of this chapter; and if the notice states "NO SOLICITORS INVITED," then the solicitor shall immediately and peacefully depart from the premises.

(E) Any solicitor who has gained entry to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

(F) It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, knock on any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as defined in this chapter, in defiance of the notice exhibited at the residence in accordance with the

provisions of § 111.05 of this chapter or to otherwise violate the provisions of this chapter.

§ 111.07 TIME LIMIT ON SOLICITING.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises in the village and ring the doorbell upon or near any door of a residence located thereon, or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as defined in this chapter, prior to 9:00 a.m. or after 7:00 p.m., or sunset, whichever is earlier. No soliciting shall be lawful on Sunday or a national or state holiday, except for charitable soliciting.

§ 111.08 DUTY OF MOBILE FOOD VENDORS.

(A) It shall be the duty and responsibility of any prospective mobile food vendor to make application through the office of the Village Clerk a minimum of one business days prior to the intended time of food service. Upon approval of the application, receipt of all copies of IDPH and CUPH permits, and payment of the appropriate fees, a permit will be issued.

(B) It shall be the duty of each applicant to pay a non-refundable application fee upon initial application of \$20 for each mobile food vendor vehicle for a daily permit, \$100 for each mobile food vendor vehicle for a 3-month permit, and \$250 for each mobile food vendor vehicle for an annual permit, except when providing for a private party with no sales to the general public, which there will be no fee.

(C) Any business having entered into a franchise agreement with the village shall be exempt from paying the application fee.

(D) It shall be the duty of each applicant, whether parking the mobile food vehicle or trailer upon any private premises or upon any public property, to assure the vehicle or trailer is not blocking any fire hydrant, roadway, intersection, traffic sign, view of traffic or entrances or driveways to businesses or homes.

(E) It is hereby declared to be unlawful and shall constitute a nuisance for any mobile food vendor to park the mobile food vehicle or trailer upon any property without consent from the property owner, if private property, or the village, if public property.

(F) It shall be the duty of mobile food vendors to provide self-contained utilities and trash receptacles.

(G) It is hereby declared to be unlawful and shall constitute a nuisance for any mobile food vendor to sell any alcoholic beverages.

(H) It is hereby declared to be unlawful and shall constitute a nuisance for any mobile food vendor to locate on public property within 100 feet of a restaurant or permanent business that sells food.

§ 111.09 TIME LIMIT ON MOBILE FOOD VENDORS.

(A) It is hereby declared to be unlawful and shall constitute a nuisance for any mobile food vendor to conduct business prior to 6:00 a.m. or after 9:00 p.m. Sunday through Thursday and prior to 6:00 a.m. Friday and Saturday or after 12:00 a.m. Saturday and Sunday.

(B) **BLACKOUT DAYS:** Mobile Food Vendors will be prohibited from public sale in the Village of Tolono on the following days:

1. **Tolono Fun Days:** the Last Saturday in June, and the last Friday that immediately precedes the last Saturday in June; the Second Saturday in December
2. **Village-reserved dates TBD** – All current permit holders would receive notice a minimum of 7 days in advance of these blackouts.

§ 111.10 SIGNS AND NOTICES.

The President of the Board of Trustees is authorized to order and display appropriate signs and notices to be placed at appropriate places within the village advising that solicitors, transient merchants, itinerant merchants, itinerant vendors and mobile food vendors must register with the office of the Village Clerk.

§ 111.11 MOBILE FOOD VENDOR PERMITS

Permits shall be issued based on the chart below, subject to blackout days listed in § 111.09 (B)

Food Truck Permit Length	Time Period SUBJECT TO VILLAGE EVENT BLACKOUT DAYS	Cost
Daily	Sunday - Saturday	\$20
3-month (Sold by Quarters)	Jan-March, April-June, July-Sept, Oct-Dec	\$100
Annual	January - December	\$250

§ 111.99 PENALTY.

Any violation of any of the provisions of this chapter shall be subject to suspension or revocation of the permit issued, as well as a fine as outlined herein:

- (A) A fine of \$150 for a first violation.
- (B) A fine of \$300 for a second violation.
- (C) A fine of \$500 for any subsequent violations.

Each day on which an infraction of this chapter occurs shall be considered a separate violation.

Section 4. Superseder and Publication.

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

Section 5. Effective Date.

This Ordinance shall be in full force and effect upon passage and approval, as provided by the Illinois Municipal Code, as amended.

Motioned for approval by Trustee Vicki Buffo

With a second by Trustee Craig Goad, roll call vote:

Mark Adair aye

Daniel Grady aye

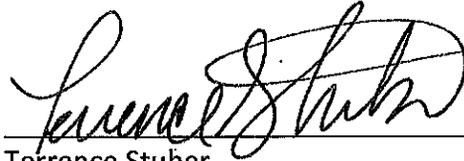
Vicki Buffo aye

Jared Robbins aye

Craig Goad aye

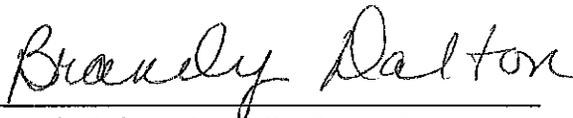
Tom Swigart aye

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE
VILLAGE OF TOLONO, COUNTY OF CHAMPAIGN, STATE OF ILLINOIS, THIS 6th DAY OF
JANUARY, 2026 A.D.



Terrence Stuber
Village President

ATTEST:



Brandy Dalton, RMC, CMC, MMC
Village Clerk

(SEAL)

Recorded in the Municipal Records: January 6, 2026.
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