

AN ORDINANCE DEFINING, REGULATING AND LICENSING  
TRANSIENT MERCHANTS, ITINERANT MERCHANTS, ITINERANT VENDORS,  
PEDDLERS, CANVASSERS, AND SOLICITORS, AND PROVIDING PENALTIES  
FOR THE VIOLATION THEREOF

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
URBANA, ILLINOIS, that:

Section 1. It shall be unlawful for a transient merchant, itinerant merchant, itinerant vendor, peddler, canvasser or solicitor, as defined herein, to engage in such business within the City of Urbana without first obtaining a license therefore in compliance with the provisions of this Ordinance. Provided, however, this Ordinance shall not be construed as applying to any person(s) who hold a garage sale as defined herein, if the duration of such sale is not more than three (3) consecutive days and if no such sale is held on more than two separate occasions in any calendar year on the same premises. And provided further, however, that this Ordinance shall not be construed to apply to any person under the age of 13 nor shall it apply to any person who is soliciting funds or making sales, the entire proceeds and profits for which are legally required to be transferred to an entity which is tax exempt under the Internal Revenue Code of the United States. Nor shall this Ordinance be deemed to apply to any person soliciting funds or making sales if the entire proceeds and profits thereof are legally obligated to go to a political party within the meaning of the word political party as defined in the Illinois Election Code.

Section 2. Definitions. For the purpose of this Ordinance, the following words are defined as set forth herein:

A. Transient Merchant, Itinerant Merchant or Itinerant Vendor, is defined as any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within said city, 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 city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction provided that this definition shall not be construed to include any person, firm, or corporation who, while occupying such temporary location, 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 ordinance merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by reason of conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant, or auctioneer.

B. Peddler. A peddler is any person, whether a resident of the city of Urbana 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 delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance. One who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this ordinance shall be deemed a peddler subject to the provisions of this ordinance. The word "peddler" shall include the words "hawker" and "huckster".

C. Canvasser or solicitor. A canvasser or solicitor is any person whether resident of the city of Urbana or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he/she is

collecting advance payments on such sales or not, provided that such definition shall not include any person who, for himself/herself, or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop, or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

D. "Goods, wares and merchandise" is defined as any and all items of tangible personal property, except perishable, agricultural commodities.

E. A "garage sale" is 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.

Section 3. Requirements of Eligibility for Licenses. Before a license may be issued under this Ordinance, a written sworn application signed by the applicant, if an individual; or by all partners in a partnership; or by the president of a corporation, if a corporation; containing the following must be submitted:

A. The name or names of the person or persons having the management or supervision of the applicant's business during the time that it is proposed that it will be carried on in the City of Urbana.

B. The name or names of the person or persons who are in fact the ultimate owners and person or persons responsible for the applicant's business.

C. The local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons.

D. The capacity in which such person or persons shall act (e.g. proprietor, agent or otherwise).

E. The name and address of the person, firm, or corporation for whose account the business will be carried on, if any, and if a corporation, under what state, the same is incorporated.

F. The place or places in the city of Urbana 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.

G. The place or places other than the permanent place of business of the applicant where the applicant within the six months next preceding the date of application conducted his/her business, stating the nature thereof and giving the post office and street address of any building or office in which said business was conducted.

H. 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 city of Urbana, a statement whether such goods, wares and merchandise are proposed from stock and possession or by sample, credentials from the person, firm or corporation 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 persons having the management or supervision of the applicant's business, or the method or plan of doing business.

Section 4. Service of Process. Before any license as herein provided shall be issued for engaging in business as an itinerant merchant, transient merchant, itinerant vendor, peddler, canvasser or solicitor as herein defined, in the city of Urbana, such applicant shall file with the City Clerk an instrument nominating and appointing the City Clerk, or the person performing the duties of such position, his/her true and lawful agent with full power and authority to acknowledge service of notice of process for and on behalf of said applicant in respect to any matters connected with or arising out of the business transacted under said license and the bond given as required by this Ordinance, or for the performance of the conditions of said bond or for any breach thereof, which said instrument shall also contain recitals to the effect that said applicant for said license consents and agrees that service of any notice or process may be made upon said agent, and when so made shall be taken and held to be as valid as if personally

served upon the person or persons applying for the said license under this Ordinance, according to the law of this or any other state, and waiving all claim or right of error by reason of such acknowledgment of service or manner of service.

Immediately upon service of process upon the City Clerk as herein provided, the City Clerk shall send to the licensee at his/her last known address, by Certified mail, (Return Receipt Requested) a copy of said process.

Section 6. Bonds. Before any license, as provided by this Ordinance, shall be issued in the City of Urbana, such applicant shall file with the City Clerk a bond running to the City of Urbana in the sum of One Thousand Dollars (\$1,000.00) executed by the applicant, as principal, and two (2) sureties upon which service of process may be made in the State of Illinois; said bond to be approved by the City Attorney, conditioned that the said applicant shall comply fully with all of the provisions of the Ordinances of the City of Urbana and the statutes of the State of Illinois, regulating and concerning the sale of goods, wares and merchandise, and will pay all judgments rendered against said applicant for any violation of said ordinances or statutes, or any of them, together with all judgments and costs that may be recovered against him/her by any person or persons for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether said misrepresentations or deceptions were made or practiced by the owners or by their servants, agent, or employes, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares and merchandise sold or any part thereof. Action on the bond may be brought in the name of the city to the use of the aggrieved person. Such bond must be approved by the City Attorney, both as to form, and as to the responsibility of the sureties thereon.

Section 7. If any of the above licenses are issued pursuant to this Ordinance, the Police Department shall cause a photograph of the applicant to be taken and affixed to the

license.

Section 8. No license to engage in the business of transient merchant, itinerant merchant or itinerant vendor or peddler or canvasser or solicitor shall be issued to or held by any person who is not of good moral character or whose license to engage in the business of being a transient merchant, itinerant merchant, itinerant vendor, peddler, canvasser or solicitor has been revoked during the proceeding six months; nor shall such license be issued to or held by any former corporation if any officer thereof would be ineligible for a license under the foregoing conditions. In determining good character, the issuing authority may consider any conviction of a felony, or of a misdemeanor involving moral turpitude if relevant to the license, the recency of such conviction, and the applicant's conduct subsequent to such conviction.

Section 9. Licenses issued under this Ordinance shall expire twelve (12) months after issuance unless sooner suspended or revoked.

Section 10. The cost of licenses issued pursuant to this Ordinance shall be as fixed from time to time by the City Council.

Section 11. Any transient merchant, itinerant merchant, itinerant vendor, peddler, canvasser, or solicitor who enters a private residence in the City of Urbana after the owner or occupant thereof has requested such person to leave, or when the owner or occupant thereof has displayed a "No solicitors Invited" sign on such premises, or when the owner or occupant thereof has displayed an "Only Solicitors Licensed In the City of Urbana" sign on such premises and the transient merchant, itinerant merchant, itinerant vendor, peddler, canvasser, or solicitor is unable or unwilling to exhibit his/her license for inspection by said owner or occupant, is declared to be a public nuisance and, in addition to any other penalties imposed herein, shall be punished by a fine not to exceed two hundred dollars (\$200.00).

Section 12. Penalty. Any person violating any of the provisions of this Ordinance shall, upon conviction thereof,

'be punished by a fine not to exceed Two Hundred Dollars (\$200.00). Each day that a violation occurs shall be considered a separate violation for the purposes of this ordinance. In addition to the penalty set forth herein, the license of the person violating any provision of this Ordinance may be suspended or revoked as provided in Chapter 18 of the Urbana City Code.

Section 13. Severability clause. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall be for any reason held to be invalid or unconstitutional such decision shall not effect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 14. Upon the taking effect of this ordinance, all of Chapter 22 of the Urbana City Code is repealed.

This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the Members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 7 day of June, 1976.

PASSED by the City Council this 7th day of June, 1976.

Duane Eckerty  
Duane Eckerty, City Clerk

APPROVED by the Mayor this 11 day of June, 1976.

Hiram Paley  
Hiram Paley, Mayor

CERTIFICATE OF PUBLICATION

I, Duane Eckerty, City Clerk, City of Urbana, Illinois, do herewith certify that I caused the above Ordinance to be duly published in the C-U Courier on the 10th day of June, 1976, and a Certificate of Publication is attached hereto.

Duane Eckerty  
Duane Eckerty, City Clerk

22963

COPY OF ADVERTISEMENT

# Certificate of Publication

7576-111  
 AN ORDINANCE DEFINING, REGULATING AND LICENSING TRANSIENT MERCHANTS, ITINERANT MERCHANTS, ITINERANT VENDORS, PEDDLERS, CANVASSERS, AND SOLICITORS, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that:

Section 1. It shall be unlawful for a transient merchant, itinerant merchant, itinerant vendor, peddler, canvasser or solicitor, as defined herein, to engage in such business within the City of Urbana without first obtaining a license therefore, in compliance with the provisions of this Ordinance. Provided, however, this Ordinance shall not be construed as applying to any person(s) who hold a garage sale as defined herein, if the duration of such sale is not more than three (3) consecutive days of such sale is held on more than two separate occasions in any calendar year on the same premises. And provided further, however, that this Ordinance shall not be construed to apply to any person under the age of 13 nor shall it apply to any person who is soliciting funds or making sales; the entire proceeds and profits for which are legally required to be transferred to an entity which is tax exempt under the Internal Revenue Code of the United States. Nor shall this Ordinance to be deemed to apply to any person soliciting funds or making sales if the entire proceeds and profits thereof are legally obligated to go to a political party within the meaning of the word political party as defined in the Illinois Election Code.

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STATE OF ILLINOIS }  
 Champaign County } ss.

CHAMPAIGN-URBANA COURIER, Inc., a corporation, hereby certifies that it is the publisher of THE COURIER, a daily secular newspaper of general circulation in said County, printed and published in the City of Urbana, and in the City of Champaign, in said County and State, and that said newspaper is a newspaper as defined in "An Act to revise the law in relation to notices," approved February 13, 1874, as amended, and that the printed notice hereto annexed and hereby made a part of this certificate has been published in said newspaper at least once

each week for one successive weeks in each and every copy and impression

thereof; that the date of the first newspaper containing said publication was June

16 A.D. 19 76, and that the date of the last newspaper containing said

publication was \_\_\_\_\_ A.D. 19 \_\_\_\_\_; and that \_\_\_\_\_

**Barbara A. Rees** by resolution of the Board of Directors of said CHAMPAIGN-URBANA COURIER, Inc., has been authorized to make this certificate.

IN TESTIMONY WHEREOF said CHAMPAIGN-URBANA COURIER, Inc., has caused this cer-

tificate to be executed in its name by said **Barbara A. Rees**

this 16th day of June A.D. 19 76.

CHAMPAIGN-URBANA COURIER, Inc.

Publication Fee, \$ 70.05

By Barbara A. Rees



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**CERTIFICATE OF PUBLICATION**

in

**THE COURIER**

**CHAMPAIGN AND URBANA, ILLINOIS**

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In the Matter of

**Ord. Defining, regulating**  
~~**Transient Merchants**~~

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Solicitors or  
Attorneys

**City Clerk**

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