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**Excerpt from VENDORS**

**5.22.010 DEFINITIONS.**

For the purpose of this chapter, certain words and phrases shall be construed as herein set forth, unless it is apparent from the context that a different meaning is intended.

(a) "Mobile **vendor**" means any person in charge of or operating any mobile vending vehicle, either as agent, employee, or otherwise under the direction of the owner.

(b) "Mobile vending vehicle" means any vehicle, wagon or pushcart from which goods, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon or eating cart or vehicle on any portion of any street within the city.

(c) "Owner" means any person, firm, association or corporation having proprietary control of or right to proprietary control of any mobile vending vehicle as defined herein.

(d) "Permit officer" shall mean the city manager or the city manager's designee.  
(Ord. 2005-27 § 2 (part), 2005).

**5.22.020 PERMIT REQUIRED.**

No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of operating mobile vending vehicles upon the streets, alleys, or any public way or place of the city unless such person holds a currently valid mobile vending permit, issued pursuant to this chapter.  
(Ord. 2005-27 § 2 (part), 2005).

**5.22.110 ADDITIONAL REGULATIONS.**

- (a) All mobile **vendors** shall comply with the following regulations;
- (1) Street vending in industrial and residential areas only;
  - (2) No vending within three hundred feet of any school;
  - (3) The **vendor** may stop for a maximum of fifteen minutes per stop. The **vendor** must move at least one block before making another stop;
  - (4) No vending in commercial districts;
  - (5) No vending in congested areas where it may impede or inconvenience the public or create a traffic hazard;
  - (6) No vending in areas not approved by the permit officer;
  - (7) No **vendor** shall use amplified sound to attract attention, but may use bells or other devices described in the application and approved by the permit officer;
  - (8) Only ready-to-eat food is permitted. Food preparation on the street is prohibited. The **vendor** may sell only fruits, vegetables or foodstuffs described in the application filed with the permit officer and approved by the permit officer; and
  - (9) The **vendor** must have a business license and approval of its operation by the county health department, if required for food service.
- (Ord. 2005-27 § 2 (part), 2005).

**Chapter 5.40**

**PEDDLING, SOLICITING AND CANVASSING\***

\* Editor's Note: Prior ordinances codified herein include prior code §§ 3606 and 3606.1 and Ord. NS 708.

Sections:

- [5.40.010](#) Purpose and intent.
- [5.40.020](#) Definitions.
- [5.40.030](#) Business license required.
- [5.40.040](#) Entry upon signed premises unlawful.
- [5.40.050](#) Hours of **solicitation**.
- [5.40.060](#) Claims of exemption.
- [5.40.070](#) Violations.

#### **5.40.010 PURPOSE AND INTENT.**

The purpose of this chapter is to set forth minimum regulations for solicitors, canvassers or peddlers who enter upon private property for the purpose of peddling goods, wares, merchandise or services, or to solicit donations or to canvass; to protect the public against individuals falsely representing themselves as peddlers, solicitors or canvassers; and to balance the rights and interests of those engaged in door-to-door peddling, soliciting and canvassing activities with the rights and interests of those who do not wish to be disturbed by such activities on their private property.

(Ord. 95-11 § 2 (part), 1995).

#### **5.40.020 DEFINITIONS.**

The following definitions shall be used in the interpretation, construction, application and enforcement of this chapter:

(a) "Peddler" means any person who goes upon the premises of any private residence in the city, not having been requested or invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale or donation.

(b) "Person" means any person, firm, corporation, association, club, society or other organization.

(c) "Solicitor" means any person who goes upon the premises of any private residence in the city, not having been requested or invited by the occupant thereof:

(1) For the purpose of taking or soliciting donations;

(2) For the purpose of taking orders for the sale of goods, wares, merchandise or personal property of any nature for future delivery; or

(3) For the purpose of providing services, or seeking employment, to be performed at that time or in the future.

(d) "Canvasser" means any person who goes upon the premises of any private residence in the city, not having been requested or invited by the occupant thereof, for the purpose of either acquiring information from or disseminating information to the occupant(s) of the premises.

(Ord. 95-11 § 2 (part), 1995).

#### **5.40.030 BUSINESS LICENSE REQUIRED.**

Except as set forth in Section [5.40.060](#), it is unlawful for any peddler or solicitor to engage in peddling or soliciting within the city without first complying with applicable business license requirements set forth in Chapter 5.04.

(Ord. 95-11 § 2 (part), 1995).

#### **5.40.040 ENTRY UPON SIGNED PREMISES UNLAWFUL.**

It shall be unlawful for any person, while conducting peddling, soliciting or canvassing activity in the city, to enter upon any residential premises where, posted at the entry to the premises, or at the entry to the principal building on the premises, is a sign prohibiting any such activity.

(Ord. 95-11 § 2 (part), 1995).

#### **5.40.050 HOURS OF SOLICITATION.**

It shall be unlawful for any person, while conducting peddling, soliciting or canvassing activity in the city, to enter upon any residential premises between the hours of 8:00 p.m. and 9:00 a.m.

(Ord. 95-11 § 2 (part), 1995).

#### **5.40.060 CLAIMS OF EXEMPTION.**

Any person claiming to be legally exempt from the regulations set forth in this chapter, or from the requirement to obtain a business license, shall cite to the city finance department the statute or other legal authority under which exemption is claimed and shall present proof of qualification for such exemption.

(Ord. 95-11 § 2 (part), 1995).

#### **5.40.070 VIOLATIONS.**

Any violation of the provisions of this chapter shall constitute a misdemeanor. At the discretion of the city attorney, said violation may be prosecuted as an infraction. In addition to any other available

remedies and penalties, said violation(s) shall be subject to the remedies and penalties provided for in Chapter 1.08 of this code.  
(Ord. 95-11 § 2 (part), 1995).

## **Chapter 5.22**

### **MOBILE VENDORS**

#### **Sections:**

- 5.22.010 Definitions.
- 5.22.020 Permit required.
- 5.22.030 Exemptions.
- 5.22.040 Revocation of permits.
- 5.22.050 Applications.
- 5.22.060 Investigation and findings for mobile vending permit.
- 5.22.070 Permit not transferable.
- 5.22.080 Issuance of permit – Grounds for denial – Conditions.
- 5.22.090 Operators of mobile vending vehicles.
- 5.22.100 Maintenance of vehicles.
- 5.22.110 Additional regulations.

#### 5.22.010 DEFINITIONS.

For the purpose of this chapter, certain words and phrases shall be construed as herein set forth, unless it is apparent from the context that a different meaning is intended.

(a) “Mobile **vendor**” means any person in charge of or operating any mobile vending vehicle, either as agent, employee, or otherwise under the direction of the owner.

(b) “Mobile vending vehicle” means any vehicle, wagon or pushcart from which goods, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon or eating cart or vehicle on any portion of any street within the city.

(c) “Owner” means any person, firm, association or corporation having proprietary control of or right to proprietary control of any mobile vending vehicle as defined herein.

(d) “Permit officer” shall mean the city manager or the city manager’s designee.

(Ord. 2005-27 § 2 (part), 2005).

#### 5.22.020 PERMIT REQUIRED.

No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of operating mobile vending vehicles upon the streets, alleys, or any public way or place of the city unless such person holds a currently valid mobile vending permit, issued pursuant to this chapter.

(Ord. 2005-27 § 2 (part), 2005).

#### 5.22.030 EXEMPTIONS.

(a) A mobile vending vehicle owned or operated by any public agency, or operated pursuant to a franchise issued in accordance with the Santa Cruz City Charter, or for the operation of which a certificate of public convenience and necessity has been granted by the Public Utilities Commission of the state of California, shall not be subject to the provisions of this chapter.

(b) This chapter shall not apply to persons delivering goods, wares, merchandise, fruits, vegetables or foodstuffs upon order of, or by agreement with, a customer from a store or other fixed place of business or distribution.

(c) This chapter shall not apply to **vendors** participating in farmer’s markets, street fairs, sidewalk sales or other special events permitted by the city pursuant to Chapters 10.64 or 10.65.

(Ord. 2005-27 § 2 (part), 2005).

#### 5.22.040 REVOCATION OF PERMITS.

(a) Mobile vending permits may be revoked for any cause which would have warranted denial thereof in the first instance, or for a failure to comply with any of the provisions of this chapter or any of the conditions of the permit.

(b) Mobile vending permits are subject to renewal in March of each calendar year, irrespective if a 12-month period has not elapsed since the original issue of the permit.

(Ord. 2005-27 § 2 (part), 2005).

#### 5.22.050 APPLICATIONS.

(a) Any person may apply to the city for a mobile vending permit by filing with the permit officer, upon forms supplied by the city, an application containing the following information:

(1) The residence and business address of applicant, if a natural person. If a firm, association or partnership, the name and address thereof and the names and residences of partners or association members. If a corporation, the name and address thereof and the names and residences of officers and local manager, if any;

(2) Nature of business;

(3) Number, make, model and engine number, and photograph, if any, of vehicles proposed to be operated, or so much of said information as is available at the time of application;

(4) A list of the goods, wares, merchandise, fruits, vegetables or foodstuffs to be sold, displayed, exchanged or bartered;

(5) The days of the week and hours of the day for which permission is being sought to operate the mobile vending business; and

(6) Such other information as the city may require and as requested in said application form.

(Ord. 2005-27 § 2 (part), 2005).

#### 5.22.060 INVESTIGATION AND FINDINGS FOR MOBILE VENDING PERMIT.

(a) Completed applications for a mobile vending permit shall be filed with the permit officer who shall investigate each applicant and make a written determination whether to grant or deny the mobile vending permit within ninety days after the filing of the application, or as soon thereafter as is reasonably possible. Final approval may require Santa Cruz city council review and vote depending upon the operation's impact on public property, pedestrian traffic, vehicle traffic, and public safety. The permit officer may submit the application to the city council for approval, conditional approval or denial; alternatively, the city council may inform the permit officer of its intention to take final action on a particular permit application. Permit applications in all cases are to be submitted to the permit officer. The city council will not accept applications.

(b) No mobile vending permit may be granted unless the permit officer makes each of the following findings:

(1) The mobile vending permit business has met each of the requirements listed elsewhere in this chapter;

(2) The operation of the vending vehicle, wagon or cart will not result in traffic hazards;

(3) The operation of the vending vehicle, wagon or cart will not disrupt the neighborhoods in which it will be operated; and

(4) The applicant has not been convicted during the last seven years of any felony or any crime involving driving under the influence of alcohol or other controlled substance; any crime involving the sale, use of, or transportation of narcotics; any crime involving reckless driving, any suspension of driver's license; a criminal assault; any crime involving theft or embezzlement; or any child annoyance or sex-related crime, as determined through a background investigation conducted by the police department.

(Ord. 2005-27 § 2 (part), 2005).

#### 5.22.070 PERMIT NOT TRANSFERABLE.

Mobile vending permits shall not be assignable or transferable, except as herein provided. If the ownership of in excess of thirty-three percent of the mobile vending business whether corporate stock, partnership interest or otherwise shall change, a new permit must be obtained; provided, however, that in the event of an involuntary transfer, by reason of the death or mental incapacity of the permittee, the personal representative or successor of such decedent or mentally incapacitated permittee may continue to operate the business under such permit, subject to all the provisions of this chapter, if such personal representative or successor would otherwise qualify for such permit pursuant to the terms of this chapter. (Ord. 2005-27 § 2 (part), 2005).

#### 5.22.080 ISSUANCE OF PERMIT – GROUNDS FOR DENIAL – CONDITIONS.

(a) The permit officer shall issue the mobile vending permit upon payment of the license fees required and proof of a valid city-issued business license and County environmental health permit required of all applicants for a permit to operate a mobile vending vehicle over the streets of the city, unless he or she finds, as a result of the investigation of the applicant, that:

(1) Any vehicle proposed to be operated is inadequate or insufficient for the purpose intended, is insufficiently equipped with reasonable safety devices or fails the required fire department safety inspection;

(2) The granting of such permit would be in violation of any ordinance of this city or would endanger the public health, peace, morals or safety, or on the basis of any reasonable cause it is determined that the proposed operation would be undesirable in the city or inadequate; provided, however, that if the issuance of the permit were conditioned upon certain performance standards, the grounds upon which it would otherwise be denied might be prevented or avoided, such permit may be issued subject to reasonable conditions;

(3) The applicant fails the criminal history background investigation referenced in Section 5.22.060(b)(4);

(4) Any of the other requirements for the approval of a permit application prescribed elsewhere in this chapter have not been met.

(Ord. 2005-27 § 2 (part), 2005).

#### 5.22.090 OPERATORS OF MOBILE VENDING VEHICLES.

No person shall operate a for-hire vehicle unless that person has not been convicted during the last seven years of any felony or any crime involving driving under the influence of alcohol or other controlled substance; any crime involving the sale, use of, or transportation of narcotics; any crime involving reckless driving, any suspension of driver's license; a criminal assault; any crime involving theft or embezzlement; or any child annoyance or sex-related crime and has a currently valid operator's or chauffeur's license authorizing the operation of such vehicle, if required. All operators shall undergo a background investigation with the police department and meet the aforesaid qualifications prior to issuance of a mobile vending permit.

(Ord. 2005-27 § 2 (part), 2005).

#### 5.22.100 MAINTENANCE OF VEHICLES.

(a) Every mobile vending vehicle operating under this chapter shall be inspected by:

(1) The fire department prior to issuance of the mobile vending permit; and

(2) The police department at such intervals as shall be established by the permit officer to ensure the continued maintenance of safe operating conditions. Every such vehicle shall be kept in a clean and sanitary condition at all times in conformance with the rules and regulations promulgated by the chief of police.

(Ord. 2005-27 § 2 (part), 2005).

#### 5.22.110 ADDITIONAL REGULATIONS.

(a) All mobile **vendors** shall comply with the following regulations;

(1) Street vending in industrial and residential areas only;

(2) No vending within three hundred feet of any school;

- (3) The vendor may stop for a maximum of fifteen minutes per stop. The vendor must move at least one block before making another stop;
  - (4) No vending in commercial districts;
  - (5) No vending in congested areas where it may impede or inconvenience the public or create a traffic hazard;
  - (6) No vending in areas not approved by the permit officer;
  - (7) No vendor shall use amplified sound to attract attention, but may use bells or other devices described in the application and approved by the permit officer;
  - (8) Only ready-to-eat food is permitted. Food preparation on the street is prohibited. The vendor may sell only fruits, vegetables or foodstuffs described in the application filed with the permit officer and approved by the permit officer; and
  - (9) The vendor must have a business license and approval of its operation by the county health department, if required for food service.
- (Ord. 2005-27 § 2 (part), 2005).