



City of Santa Paula

Peddler/Vendor Application

200 S. 10th St.
Santa Paula, CA 93060
Mailing Address: P.O. Box 569,
Santa Paula, CA 93061
805/933-4214 ext. 214
Fax: 805/525-6660

Peddler/Vendor Permits are required to engage in vending within the City of Santa Paula. In addition, persons must possess a valid business license. Regulations for Peddler/Vendor Permits are detailed in Santa Paula Municipal Code § 121.13 and includes insurance, County health permits, noise restrictions, and access limitations. Peddler/Vendor Permits are valid for one calendar year.

APPLICANT INFORMATION

Owner's Name: _____

Mailing Address: _____ City/State: _____ Zip: _____

Phone: Home _____ Cell: _____ Bus: _____

DOB: _____ Driver's Lic. # _____

Ht: _____ Wt: _____ Hair Color: _____ Eye Color: _____

Have you ever been convicted of a misdemeanor or felony? Yes _____ No _____

VEHICLE INFORMATION

How many vehicles or pushcarts will be used? _____

CA Vehicle license number: _____ Make: _____

Model: _____ Year: _____

BUSINESS INFORMATION

Business Name: _____

Business Address: _____

Supervisor's Name: _____ Phone: _____

Detailed Description of Peddler/Vendor Activity and how that Activity will be conducted:

Date Peddler/Vendor Activity will begin: _____

General time of operations: _____

Submit the following applicable additional permits or requirements:

- City of Santa Paula Business License**
- County of Ventura Environmental Health Permit**
- State of California Department of Food & Agricultural Permit**
- Insurance Documentation/General Liability California Auto Insurance**

- 1. INSURANCE REQUIREMENTS.** Permittee must obtain liability insurance from an insurance company licensed to do business in the state of California and having a financial rating in Best's Insurance Guide of not less than "A:VII." The amount of insurance must be not less than \$1,000,000. Such insurance will provide "occurrence" coverage against liabilities for death, personal injury or property damage arising out of or in any way connected with the peddler/vendor activity. Insurance must name the city and the city's elected and appointed officials, officers, and employees as additional insureds under the coverage afforded. In addition, such insurance must be primary and noncontributing with respect to any other insurance available to the city and will include a severability of interest (cross-liability) clause.
- 2. CERTIFICATES OF INSURANCE.** A copy of the policy or a certificate of insurance along with all necessary endorsements, in a form approved by the City's risk manager, must be filed with City not less than five (5) business days, except as otherwise provided in this chapter, before the date the peddler/vendor activity begins, unless the City for good cause waives the filing deadline.
- 3. ASSIGNMENT.** This Permit cannot be transferred to another business owner or other business location. In the event the business relocates, a new permit must be obtained.
- 4. CHANGE IN INFORMATION.** Whenever any change occurs in the information contained in this Permit, the Permittee must give the director written notice of the change within 30 days of the date the change becomes effective.
- 5. ADDITIONAL CONDITIONS AND REVOCATION.** The City may amend this Permit to include additional conditions should the circumstances require such subsequent additions. In addition, this Permit may be suspended, revoked, or modified in accordance with SPMC Chapter 121.
- 6. ENFORCEMENT.** Should City determine it necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the Permittee will be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by City.
- 7. SIGNATURE REQUIRED.** Permittee, or its representative, must sign and return this original application to the City of Santa Paula within three (3) business days from receiving this application. Failure to do so will be deemed a withdrawal of the Permittee's application.
- 8. DECAL REQUIRED.** In order for the permit to be valid, a valid decal issue by the City of Santa Paula must be posted on the vehicle used for the purposes of the peddler/vendor activity. Decal must be visible at all times. If a vehicle is not used in conjunction with the vendor/peddler activity, the valid decal must be carried on the person performing peddler/vendor activity.

By processing this application and issuance of this permit, the City of Santa Paula does not assume responsibility of liability for claims, damages, or injuries, of whatever nature, which may arise from this Permit.

Dated this ___ day of _____, 20____.

By: _____

AFFIDAVIT:

I (we), _____, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I authorize the filing of this application. I also acknowledge that I have read the provisions of SPMC Chapter 121 and agree to abide by those regulations. In addition, I will comply with all other applicable regulations of the Santa Paula Municipal Code.

APPLICANT SIGNATURE: _____ **DATE:** _____

OFFICE USE ONLY Initial and Date	
Fire Department, Inspection Services: _____	Comments: _____
Planning Department: _____	Comments: _____
<input type="checkbox"/> City of Santa Paula Business License <input type="checkbox"/> County of Ventura Environmental Health Permit <input type="checkbox"/> State of California Department of Food & Agricultural Permit <input type="checkbox"/> Insurance Documentation/General Liability California Auto Insurance	
Permit Fee: _____	
Date Permit Issued: _____	By: _____

City of Santa Paula
PEDDLER/VENDOR PERMIT CHECK LIST

Date Application Submitted: _____

- Complete and signed application
 - Application Sign by Permittee, or its representative
 - Affidavit Complete and Sign
 - Copy of Santa Paula Business License
 - Copy of County of Ventura Environmental Health Permit
 - Copy of State of California Department of Food & Agricultural Permit (If required)
 - Insurance Documentation/General Liability
 - Certificate of Insurance
 - All necessary endorsements
 - Amount of insurance correct
 - Is City name as additional insure
 - California Auto Insurance
 - Fees Paid
 - Not a complete application
- Missing Items**

Reviewed By: _____



City of Santa Paula Food Truck Compliance Guide

All Food trucks are required to comply with the following conditions:

1) Displayed City Peddler Vendor Decal

This identifies that the vendor has the following:

- a) Insurance Documentation and general Liability
- b) California Auto Insurance
- c) Completed applications (permit, business license, feed paid)
- d) Copy of Ventura County Environmental Health Permits
- e) Site plan reviewed and approved by Police, Fire, Public Works and Building Safety
- f) Letter of permission to operate on private property by property owner

2) Compliance with Ventura County Environmental Health Site Requirements:

- a) Restroom Access (within 200 feet, to include toilet and hand washing sinks with soap, warm water and paper towels)
- b) Current vehicle/kitchen inspection and approval
- c) Certified food handlers certificate
- d) Commissary Letter - for truck service and food prep
- e) Operational procedures

3) City Health and Public Safety Requirements

- a) May not obstruct free movement of pedestrian, vehicular or non-motorized traffic (minimum pedestrian path four feet)
- b) May not take up more than 30 feet of parallel parking area on a roadway for the vendor's vehicle, and the vendor shall not indicate exclusive roadway parking or reserve any public parking area for its customer parking;
- c) Cannot be located in a landscape area
- d) Fifteen (15) feet from a fire hydrant
- e) Five (5) feet from: handicapped ramps, sidewalks, utility boxes
- f) *Noise or Music* - No entertainment, audio or visual media or amplified sound
- g) *Lighting* - Any lighting should be shielded, downcast and directed onto property (no strobes or movement)
- h) *Signage* - The only signs permitted shall be a sign not to exceed three square feet which may be affixed to two opposite, parallel sides of a vehicle displaying, offering or storing goods or merchandise for sale.
- i) *Trash Containers* - Clearly designated impermeable litter receptacle with lid in the immediate vicinity of the vending vehicle, outside of the pedestrian way; maintain litter receptacle and clean-up site of all related litter.
- j) *No exterior furniture, equipment or generators*
- k) Food trucks are prohibited on any specific roadway, or portion thereof, which as a result of the limited parking, limited line of sight, traffic control impacts, and high-traffic flow is designated by the Public Works Director/City Engineer as unsafe for vending.

If documented problems occur, the approved permit may be revoked.

CITY OF SANTA PAULA

Insurance Requirements

Permittee shall supply proof of public liability insurance from an insurance company licensed to do business in the state of California and having a financial rating in Best's Insurance Guide of not less than AA VII. Such insurance shall provide "occurrence" coverage against liabilities for death, personal injury or property damage arising out of or in any way connected with the event. Such insurance shall be in the minimum amount of **\$1,000,000.00** combined single limit, and shall name the city and the city's officers, employees, agents, and registered volunteers as additional insureds under the coverage afforded. Such insurance shall be primary and noncontributing with respect to any other insurance available to the city and shall include a severability of interest (cross-liability) clause. A copy of the policy or a **certificate of insurance** along with an **endorsement page** shall be filed with the City at **least ten (10) business days** before operating.

POLICY NUMBER:
COMMERCIAL LIABILITY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT
CAREFULLY.

ADDITIONAL INSURED

**THE CITY OF SANTA PAULA, IT'S OFFICERS, OFFICIALS,
EMPLOYEES, AGENTS AND VOLUNTEERS**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name of Person or Organization:

City of Santa Paula

Building & Safety Department
P.O. Box 569 / 93061
Santa Paula, CA 93060

(If no entry appears above, information required to complete this endorsement
will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the
Person or organization shown in the schedule, but only with respect to liability
arising out of "your work" for that insured by or for you.

Reproduction of Insurance Services Office, Inc. Form

INSURER: ISO FORM CG 20 10 22 85 : (MODIFIED)
POLICY NUMBER: COMMERCIAL GENERAL LIABILITY
ENDORSEMENT No.: EXHIBIT 1-A

<u>ACORD</u> CERTIFICATE OF LIABILITY	Date (MM/DD/YY)
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PRODUCER	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER, THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
INSURED	INSURERS AFFORDING COVERAGE INSURER A: INSURER B: INSURER C: INSURER D: INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED NOT WITHSTANDING ANY REQUIREMENT TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJ ECT <input type="checkbox"/> LOC				EACH OCCURRENCE \$ Fire Damage (Any one time) \$ Med Exp (Any one person) \$ Personal & Advertising Injury \$ General Aggregate \$ Products-Comp/Op AGG \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS				COMBINED SINGLE LIMIT (Ea. accident) \$ BODILY INJURY (Per accident) \$ BODILY INJURY (Per person) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY EA ACC AGG \$
	EXCESS LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION* \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY <input type="checkbox"/> OTHER				WC STATUTORY LIMIT \$ E.I. EACH ACCIDENT \$ E.I. DISEASE-EA EMPLOYEE \$ E.I. DISEASE-POLICY LIMIT \$

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

CERTIFICATE HOLDER ADDITIONAL INSURED; INSURER LETTER: CANCELLATION

CERTIFICATE HOLDER City of Santa Paula Community Services Department P.O. Box 569 Santa Paula, CA 93061-0569	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL * 30 * DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVE.
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POLICY NUMBER:
LIABILITY

COMMERCIAL

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - OWNERS, LESSEES or
CONTRACTORS [Form B]

This endorsement modifies insurance provided under the following:

**THE CITY OF SANTA PAULA, IT'S OFFICERS, OFFICIALS,
EMPLOYEES, AGENTS AND VOLUNTEERS**

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name of Person or Organization:

City of Santa Paula

P.O. Box 569 / 93061
Santa Paula, CA 93060

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the Person or organization shown in the schedule, but only with respect to liability arising out of "your work" for that insured by or for you.

Reproduction of Insurance Services Office, Inc. Form

INSURER: ISO FORM CG 20 10 22 85 : (MODIFIED)
POLICY NUMBER: COMMERCIAL GENERAL LIABILITY

THIS ENDORSEMENT CHANGES THE POLICY, PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED

**THE CITY OF SANTA PAULA, IT'S OFFICERS, OFFICIALS,
EMPLOYEES, AGENTS AND VOLUNTEERS**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART.

SCHEDULE

Name of Organization

(If no entry appears above, the information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule, but only with respect to liability arising out of "your work" for that insured by or for you.

Modifications to ISO form CG 20 10 11 85:

1. The insured scheduled above includes the Insured's officers, officials, employees, agents & volunteers.
2. This insurance shall be **PRIMARY** as respects the insured shown in the schedule above, or if excess, shall stand in an unbroken chain of coverage excess of the Named Insured's Scheduled underlying primary coverage. In either event, any other insurance maintained by the Insured scheduled above shall be in excess of this insurance and shall not be called upon to contribute with it.
3. The insurance afforded by this policy shall not be cancelled except after thirty (30) days prior written notice by certified mail return receipt requested has been given to the Entity.
4. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of section 2782 of the Civil Code.

Signature-Authorized Representative

Address

Santa Paula, CA Municipal Code

CHAPTER 121: PEDDLERS, VENDORS AND SOLICITORS

Section

- 121.01 Definitions
- 121.02 Permits required for solicitations
- 121.03 Applications for permits
- 121.04 Term of permits
- 121.05 Transferability
- 121.06 Revocation
- 121.07 Appeals to city council
- 121.08 Manner of solicitation
- 121.09 Receipts
- 121.10 Door-to-door solicitation
- 121.11 Solicitation permit fees
- 121.12 Vending on public streets, public or private property and in various zones
- 121.13 Operating regulations
- 121.14 Exceptions
- 121.15 Permits required
- 121.16 Annual renewal
- 121.17 Establishment of fees and procedures
- 121.18 Notification of right to appeal
- 121.99 Penalty

§ 121.01 DEFINITIONS.

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

CATERING TRUCK. A vehicle in which food is prepared and/or sold and which commonly visits construction sites, offices or factories for such operations.

CHARITABLE PURPOSE. Benevolent, civic, educational, patriotic, political, philanthropic or other similar purposes.

COMMERCIAL SOLICITATION. Any person who goes from door-to-door taking, or attempting to take, orders for the sales of goods, wares and merchandise, or for services to be furnished or performed; or conducting a survey

or poll. **COMMERCIAL SOLICITATION**, as defined herein, does not include solicitations by telephone, solicitations through the United States mail, nor solicitations or selling agents selling their goods wholesale to dealers.

CONTRIBUTION. The words alm, food, clothing, money, property, subscription or pledge and donations under the guise of loans of money or property.

GOODS or MERCHANDISE. Includes items and products of every kind and description, including all food, produce, flowers and beverage items.

NONPROFIT ORGANIZATION. A nonprofit corporation that has obtained recognized state or federal tax exempt status.

OWNER. Any person or entity owning, or otherwise controlling the operation of any business or activity involving the vending of goods, products or merchandise.

PEDDLER. Any person who goes from house to house or place to place seeking to make concurrent sale and delivery of the goods, wares and merchandise of any nature whatsoever.

PERMIT HOLDER. The person to whom a permit has been granted and the organization or group on whose behalf solicitations will be made.

PERSON. Any individual, firm, partnership, corporation, company, association, society, organization, church, congregation, assembly or league, and shall include any trustee, receiver, assignee, agent or other similar representative thereof.

PUSHCART. Any wheeled human powered device used for the purpose of assisting a vendor in conducting business.

RELIGIOUS or RELIGION. These terms shall have the meaning established by the Supreme Court of the state or the Supreme Court of the United States.

RELIGIOUS AND CHARITABLE SOLICITATION. The request, directly or indirectly, of money, credit, property, financial assistance or other things of value, on the plea or representation that such money, credit, property, financial assistance or other thing of value, or any portion hereof, will be used for a charitable or religious purpose, as those purposes are defined in this section, conducted door-to-door in any place of public accommodation, in any place of business open to the public generally, on the city streets and sidewalks, in the public parks, or in any public place. **RELIGIOUS AND CHARITABLE SOLICITATION** shall also mean and include, but are not limited to, the following methods of securing such money, credit, property, financial assistance, or other thing of value, when conducted in the manner set forth in this section:

(1) Any oral or written request;

(2) The sale of any goods or services; and

(3) The sale of any ticket or right to admission to any amusement, show, entertainment, lecture or other enterprise, where such solicitation is made to persons other than the bona fide members of the organization or institution causing the solicitation of, for or on whose behalf the solicitation is made, and where it is represented or made to appear that such solicitation, or any part of the proceeds therefrom, shall be used for charitable or religious purposes. **RELIGIOUS AND CHARITABLE** shall not apply to solicitations through the United States mail, or to charitable or religious solicitations which are conducted among the members whether at regular assemblies or services or otherwise.

VEHICLE. As defined in the California Vehicle Code and shall include human powered devices.

VEND. Any act of hawking, operating noise making devices to attract attention to the vendor, or displaying, selling or offering for sale any goods or merchandise to the public from any carrying device, box, bag, stand, human-powered device or from a vehicle.

VENDOR. Any person or peddler who engages in the act of vending or who drives or operates any such vehicle or human powered device for the purpose of vending.

('81 Code, § 5.44.010) (Ord. 830, passed - -85; Ord. 978, passed - -94)

§ 121.02 PERMITS REQUIRED FOR SOLICITATIONS.

No person shall directly or indirectly engage in solicitations without a permit issued pursuant to the provisions of this chapter.

('81 Code, § 5.44.020) (Ord. 830, passed - -85) Penalty, see § 121.99

§ 121.03 APPLICATIONS FOR PERMITS.

(A) Applications for solicitation permits shall be made to the License Collector upon forms prescribed by the city. The application shall be made under penalty of perjury. The License Collector shall have 10 days to review the application prior to the issuance of the permit.

(B) Such applications shall contain the following information and documentation:

(1) The full name, address, telephone number, date of birth and physical description of the person applying for the permit;

(2) If the applicant will be engaged in solicitations on behalf of a person, corporation, company or other such organization, the name, street address and telephone number of such person or entity, and the name, street address and telephone number of the person supervising the applicant;

(3) If solicitation is for religious or charitable purposes, a statement of the purpose for which the proceeds of the solicitation are to be used;

(4) A statement that the applicant has not been convicted of any of the crimes specified in § 121.10;

(5) A statement that the applicant is aware of the provisions of state law relating to home solicitation contracts;

(6) A statement that the applicant has received and read a copy of this chapter;

(7) A short outline of the method or methods to be used in conducting the solicitation;

(8) The time when such solicitation will be made, including preferred dates and hours of the day for commencement and termination of solicitations;

(9) A statement to the effect that if a permit is granted it will not be used or represented in any way as an endorsement by the city or any department or officer thereof.

(C) If, while the application is pending or during the term of any permit granted, there is a change in fact, policy or method that would alter the information to be given on the application, the applicant shall notify the License Collector in writing thereof within 24 hours after such change.

('81 Code, § 5.44.030) (Ord. 830, passed - -85)

§ 121.04 TERM OF PERMITS.

Permits issued under this chapter shall be valid for a period of the calendar year unless revoked or suspended pursuant to the provisions of this chapter.

('81 Code, § 5.44.040) (Ord. 830, passed - -85)

§ 121.05 TRANSFERABILITY.

No permit issued under this chapter shall be transferred or assigned, and any attempt at assignment or transfer shall be void.

('81 Code, § 5.44.050) (Ord. 830, passed - -85) Penalty, see § 121.99

§ 121.06 REVOCATION.

(A) Whenever it shall be shown that any person to whom a permit has been issued has violated any of the provisions of this chapter, the License Collector shall suspend the permit, after giving written notice to the permit holder of not less than two business days, in person or by registered special delivery, postage prepaid, and addressed to the permit holder at the address specified in the permit application or any amendment thereto, of the suspension and proposed revocation, stating with specificity the reason therefor. However, the two-day notice shall not be required if the License Collector determines there is a need to protect the public safety, in which case the permit shall be suspended immediately.

(B) The permit holder may file with the City Manager, within 10 days of the date of the notice of suspension and proposed revocation, a written request for a hearing, which request shall have the effect of staying the suspension until the City Manager has rendered his decision, except in instances where the suspension is necessary to protect the public safety. The City Manager shall hold a hearing within 10 days after the filing of such request.

(C) At the hearing, the City Manager shall hear all relevant evidence, shall consider the merits of the proposed revocation, including any actions which have been taken to cure the alleged violation, and shall render a decision thereon within one business day after the hearing. The decision shall be communicated in writing to the permit holder within one day thereafter, and shall state with specificity the reasons therefor.

(D) In the event that the permit holder does not request a hearing within 10 days after the date of the notice of suspension and proposed revocation, the permit shall be revoked, and the revocation shall not be appealable.

('81 Code, § 5.44.060) (Ord. 830, passed - -85)

§ 121.07 APPEALS TO CITY COUNCIL.

Any applicant or permit holder aggrieved by an action of the City Manager to deny, revoke or refuse to renew a permit may appeal to the Council by filing with the City Clerk a statement addressed to the Council setting forth the facts and circumstances regarding the action of the City Manager. Such appeal shall be filed within 10 days after the disputed action of the City Manager, and the Council shall hear the appeal at its next regular meeting, but not earlier than five calendar days after the receipt of the appeal. The filing of such an appeal with the City Council shall not stay the action of the City Manager. At the time of the appeal hearing, the Council shall not receive new testimony, but shall review the record of the hearing of the City Manager and shall determine the merits of the appeal, and it shall render a decision thereon within three business days after the hearing. The decision shall be communicated in writing to the appellant within two days thereafter, and shall state with specificity the reasons therefor. The action of the Council shall be final and appealable to the Superior Court of the state pursuant to Cal. Civ. Proc. Code § 1094.5. Such an action in the Superior Court shall be filed within 90 days following the Council's action, pursuant to Cal. Civ. Proc. Code § 1094.6.

('81 Code, § 5.44.070) (Ord. 830, passed - -85)

§ 121.08 MANNER OF SOLICITATION.

(A) Solicitations pursuant to permits under this chapter:

(1) Shall not be conducted by any person under the age of 16 years, unless supervised by an adult and in compliance with all laws of the state; and

(2) Shall not be made at any house, apartment or other dwelling unit, nor at any business to which is affixed a sign indicating "No Solicitors" or similar indication that no solicitation contact is desired by the occupants thereof.

(B) No solicitor shall:

(1) Affix any object to the person of any member of the public without first receiving express permission therefor;

(2) Persistently and importunately engage in commercial solicitation with the person being solicited after he or she has indicated that he or she is not interested in the solicitation;

(3) Intentionally and deliberately obstruct the free movement of any person on any street, sidewalk or other public place, or any place open to the public generally.

(C) The permit issued pursuant to this chapter shall be shown to the person from whom a contribution is sought upon request.

('81 Code, § 5.44.080) (Ord. 830, passed - -85) Penalty, see § 121.99

§ 121.09 RECEIPTS.

Upon request, the permit holder shall issue to the customer a written receipt for the sale or order of any goods, wares, newspapers, magazines, books, merchandise, services, or any other item or exchange of value, which receipt shall be signed by the permit holder and shall plainly indicate his name, the date, the items or services purchased, and the amount received.

('81 Code, § 5.44.090) (Ord. 830, passed - -85)

§ 121.10 DOOR-TO-DOOR SOLICITATION.

No person shall conduct solicitations at residences if that person has been convicted of any of the following crimes, as defined in the California Penal Code: murder, mayhem, assault, battery, rape, arson, burglary, possession of burglarious instruments or deadly weapons, crimes of embezzlement, bunco or fraud, or attempt to commit any of the aforementioned crimes or any crimes requiring registration with the Police Department.

('81 Code, § 5.44.100) (Ord. 830, passed - -85) Penalty, see § 121.99

§ 121.11 SOLICITATION PERMIT FEES.

(A) For each person engaged in commercial solicitation, as defined in § 121.01, there shall be a permit fee in an amount to be established by resolution of the City Council for each calendar year, and shall not be prorated. No permit shall be issued unless and until a permit for commercial solicitation is granted in accordance with the provisions of this chapter, and any such permit shall be subject to and limited by the provisions of this chapter.

(B) Notwithstanding division (A) of this section, the License Collector may issue a principal commercial solicitor's license to every person either employing or contracting with one or more individuals for commercial solicitation services, as set forth in division (A) of this section. If a principal solicitor should elect to use the provisions of this section, no principal commercial solicitor's license shall be issued until the applicant files with the License Collector a list of all solicitors employed or retained by the applicant with whom the applicant has a contract, and unless the applicant executes an agreement that he will notify the License Collector in writing of every change in personnel of those soliciting for him within five days after such change is made. In such event, the

principal commercial solicitor and each individual commercial solicitor must still obtain a permit in accordance with the terms and provisions of this chapter. Nothing contained in this section shall be deemed to grant to a principal commercial solicitor the privilege of commercial soliciting unless there is maintained in full force and effect for each individual commercial solicitor a permit in accordance with the terms and provisions of this chapter. The permit fees for a principal solicitor's permit shall be in an amount to be established by resolution of the City Council, and shall not be prorated.

(C) A business license, as defined in § 110.60, shall also be payable by all commercial solicitors.

(D) Religious and charitable solicitors shall not be charged a fee or be required to obtain a business license.

('81 Code, § 5.44.110) (Ord. 830, passed - -85)

§ 121.12 VENDING ON PUBLIC STREETS, PUBLIC OR PRIVATE PROPERTY AND IN VARIOUS ZONES.

No person, whether or not the person maintains or is employed at an established place of business or is employed by a person who is licensed pursuant to this chapter, shall engage in the business of peddling, operate a vending stand, or vend from any vehicle or pushcart without first obtaining a permit/decal pursuant to this chapter.

('81 Code, § 5.44.120) (Ord. 978, passed - -94) Penalty, see § 121.99

§ 121.13 OPERATING REGULATIONS.

(A) *Requirements.* All vending shall be subject to and in compliance with the following requirements:

(1) *Business license.* Each owner shall have a valid and current city business license.

(2) *Peddler/vendor permit.* Each owner shall have a valid and current peddler/vendor permit.

(3) *Health permit.* Each owner causing the sale of or offering for sale any produce, food or edibles shall have a valid health permit issued by the appropriate governmental agency.

(4) *Insurance.* Each owner shall have general liability and, when applicable, automobile insurance with coverage in the amounts and with the named additional insured as required by the City Attorney's office.

(5) *Decal/public property use fee.* Each person engaged in vending shall, in a conspicuous location on the vehicle or pushcart, display a city-issued decal visible to the general public. The decal shall be issued when:

(a) The owner has provided the city with evidence of compliance with subdivisions (1) through (4) above;

(b) The owner's proposed operation has been reviewed and approved by the city as complying with the municipal code;

(c) The owner has paid the peddler/ vendor permit fee.

(6) *Self-contained vehicle.* Any vehicle must be totally self-contained and may not use the utilities on the site on which it is operating.

(7) *May not impede access.* Vehicles and pushcarts shall not be located in such a way as to block required parking spaces or driveways, impede vehicular or pedestrian access on public or private property, create a hazardous disruption in the flow of traffic on public roadways or sidewalks, or encroach on landscaped areas by the vehicle, pushcart or customers.

(B) *Areas allowed or prohibited.* Vending activities shall only occur in commercial and industrial areas of the city. Vending of ice cream, snowcones and bakery products may be conducted in all areas of the city. Vehicles and pushcarts may park on private property, subject to the other limitations in this chapter, only with the permission of

the property owner. Vending shall not be permitted:

(1) On Harvard Blvd., 10th St., Ojai Rd., Main St. and within one block north or south of Main St., 12th St., Oak St., Peck Rd. south of Main St., and on Telegraph Rd. east of Calavo St., except for traditional-style hot food carts and catering trucks operating as provided in subdivision (A)(7) of this section;

(2) Upon any alley or roadway median;

(3) Within 100 feet of any residentially developed property unless visiting a construction site where two or more dwellings are under construction with an active, valid building permit;

(4) Within 100 feet of the nearest curb or edge of pavement on the cross roadway of any inter-section of two or more public roadways;

(5) Within 100 feet of any freeway on-ramp or off-ramp as defined in the California Vehicle Code;

(6) Within 500 feet of the property line of any place of worship, or public or private school;

(7) On any public park unless the vendor has formal authorization from the City Recreation Director;

(8) To take up more than 30 feet of parallel parking area on a roadway for the vendor's vehicle, and the vendor shall not indicate exclusive roadway parking or reserve any public parking area for its customer parking;

(9) Upon any specific roadway, or portion thereof, which as a result of the limited parking, limited line of sight, traffic control impacts, high traffic flow is designated by the Public Works Director/City Engineer as unsafe for vending.

(C) *Signs.* The only signs permitted shall be a sign not to exceed three square feet which may be affixed to two opposite, parallel sides of a vehicle displaying, offering or storing goods or merchandise for sale.

(D) *Number of vendors and sales persons.* The city may limit the number of vendors at any one location or within an area, or limit the number of sales persons or others engaged in the act of vending for any one owner at the requested or approved location.

(E) *Noise or music while parked.* No noise or music shall be played, created or sounded while a vehicle or pushcart is parked or stationary.

('81 Code, § 5.44.130) (Ord. 978, passed - -94) Penalty, see § 121.99

§ 121.14 EXCEPTIONS.

This chapter shall not be applicable to:

(A) Any nonprofit organization, or person acting for it, with respect to the sale of any goods or merchandise constituting or making a statement carrying a religious, political, philosophical or ideological message relevant to the purpose of the organization;

(B) Vending operations conducted by a business which sells food on property it owns or leases, where the business occupied at least 10,000 square feet of enclosed floor area;

(C) The sale of newspapers, periodicals, pamphlets, booklets or other constitutionally protected material;

(D) Farmers markets, art shows, special events, street fairs and craft shows approved and designated by the city, except the requirements in § 110.64 shall still apply;

(E) Those delivery activities of any business with a fixed place of business which generally only delivers its products, services or goods to a specified address in response to a customer request, order or invoice previously made to that fixed place of business;

(F) The sale on private property of tools customarily delivered by truck or van.

('81 Code, § 5.44.140) (Ord. 978, passed - -94)

§ 121.15 PERMITS REQUIRED.

No person or entity shall engage in the act of or business of peddling or vending within the city without first obtaining a city peddler/vendor permit as specified in this chapter. The business owner shall make a written application in a form and manner specified by the city.

('81 Code, § 5.44.150) (Ord. 978, passed - -94) Penalty, see § 121.99

§ 121.16 ANNUAL RENEWAL.

All peddler/vendor permits shall expire at the end of the calendar year.

('81 Code, § 5.44.160) (Ord. 978, passed - -94)

§ 121.17 ESTABLISHMENT OF FEES AND PROCEDURES.

The City Council may, from time to time, by resolution, establish procedures to provide for the administration and implementation of this chapter, including the establishment of fees to provide for processing of applications.

('81 Code, § 5.44.170) (Ord. 978, passed - -94)

§ 121.18 NOTIFICATION OF RIGHT TO APPEAL.

Upon the issuance or denial of a permit or the rejection of the application, the applicant shall be notified in writing that should the applicant object to the interpretation or decision of city staff under this chapter, the applicant has the right to present such objection to the City Council at any regularly scheduled meeting.

('81 Code, § 5.44.190) (Ord. 978, passed - -94)

§ 121.99 PENALTY.

(A) Any person guilty of violating the provisions of § 121.02 shall be guilty of an infraction and subject to a fine not exceeding \$50. A second violation of said section shall constitute a misdemeanor and be punished according to Chapter 13 of this code.

(B) Any person guilty of violating any other provisions of this chapter shall be guilty of an infraction and subject to a fine not exceeding \$50 for a first violation and a fine not exceeding \$100 for a second violation. A third violation shall constitute a misdemeanor and be punished according to Chapter 13 of this code. Upon conviction of a third in a calendar year, the permit shall be revoked.

('81 Code, § 5.44.180) (Ord. 978, passed - -94)