

Los Altos Municipal Code Ordinance 8.34 Mobile Vendors

Quick Reference Sheet

“Mobile vendor” means any person, as defined in this article who, on or along any street or sidewalk, or operating any vehicle or other mobile unit, sells or offers for sale, any goods, wares, merchandise, services, food or things of value from a vehicle or other mobile unit, and includes the person who engages in such vending operations as an agent or employee. Mobile vendors do not include outdoor retail sales of adjacent businesses.

“Vendor” means any person who engages in the act of vending from a vehicle or other mobile unit, or who drives or otherwise operates any such vehicle for the purpose of vending therefrom.

“Operator” means any and all person(s) who drive, operate, prepare foods and/or vend from a vehicle or other mobile unit.

8.34.030 Permits Required

(a) No person or organization shall operate the business of vending goods or merchandise from a vehicle or other mobile unit pursuant to this section without first obtaining a permit or permits from the chief of police.

(b) Every mobile vendor shall obtain a city business license in accordance with Chapter 4.04 for each vehicle or other mobile unit from which vending is to be conducted.

(c) Every mobile vendor shall be in compliance with all applicable health requirements. All mobile vendors and all persons operating the vehicles or other mobile units shall comply with all local, county and state health regulations as enforced by the Santa Clara County Health Officer.

8.34.040 Vendor’s Permit Required

Any person desiring to obtain a vendor’s permit to engage in the vending of goods or merchandise from a vehicle or other mobile unit, or driving of such vehicle, pursuant to this section shall make application to the chief of police.

8.34.050 Operator’s Permit Required

Any person desiring to obtain an operator’s permit to conduct or otherwise operate the business of vending goods or merchandise from a vehicle or other mobile unit pursuant to this section shall make application to the chief of police.

8.34.080 Permits—Investigations

When a completed permit application is filed and the payment of the fee is made, the chief of police shall begin an applicant investigation. The chief of police has the authority to obtain criminal history information for each person operating or assisting in the operation of a vending permit for the purposes of his or her investigation. If he or she finds that such operators or persons assisting in vending operations have been convicted within the past five years of any state law or municipal ordinance while in the course of conducting vending operations from a vehicle or other mobile unit or crimes involving minors, the chief of police may deny the issuance of the permit.

8.34.090 Issuance of Permit

Within thirty (30) days after receiving the completed application, the chief of police shall grant the applicant vendor’s permit or operator’s permit only if he or she finds that all of the following requirements have been met:

- (a) The required fees have been paid;
- (b) The application conforms in all respects to the provisions of this chapter;
- (c) The applicant has not made a material misrepresentation of fact in the application;
- (d) The applicant has not had a similar permit denied or revoked by the city within a period of one year prior to the date of such application; and
- (e) The applicant does not have any outstanding debt owing to the city.

Any permit shall be valid for one year from date of issuance.

8.34.140 Refuse Receptacles and Removal

- (a) All mobile vendors shall be equipped with refuse receptacles large enough to contain all refuse generated by its operation.
- (b) The mobile vendor shall pick up all refuse generated by such operation within one hundred foot (100') radius of the vehicle before the vehicle is moved. All refuse shall be disposed of at an approved solid waste facility.

8.34.150 Days and Hours of Operation

- (a) No mobile vendor shall remain on public property during non-operating hours. Overnight parking of a mobile vendor vehicle or other mobile unit on a public street or alley is prohibited.
- (b) No vending shall be permitted by any operator or conducted by a vendor except between the hours of 10:00 a.m. and 2:00 p.m., Monday through Saturday.

8.34.160 Insurance Provisions

Vendors shall submit and maintain a certificate of commercial general liability insurance in an amount not less than one million dollars (\$1,000,000) with a signed endorsement to the policy satisfactory to the City. The certificate of insurance shall name the city, council, boards, commissions, officers, employees, agents, and volunteers as additional insured.

8.34.170 Noise Level

- (a) Any use of amplified sound-making devices, including vehicle horns, to advertise, draw attention to, or announce the presence of any mobile vendor shall comply with the limitations and provisions set forth in the Los Altos Municipal Code. No amplified sound making devices shall be used for such purposes upon any public street immediately contiguous to any property zoned for residential use within the city.
- (b) Non-amplified sound making devices shall not be used while the mobile vendor is stopped, parked, or otherwise in a stationary position, on any public street in an area zoned for residential use within the City; and such sounds shall not be audible for a distance of more than two hundred feet (200') in an area zoned for residential use within the city.

8.34.180 Prohibited Conduct.

- (a) No person shall vend from a vehicle or other mobile unit, which are stopped, parked or standing on any public street, alley or highway in any of the following circumstances:
 - (1) Within three hundred feet (300') of any other vehicle which is engaged in the operation of vending;
 - (2) Within one hundred feet (100') of an intersection (including public alleys);
 - (3) When the posted speed limit on the public street, alley, or highway is thirty-five (35) miles per hour or greater.
 - (4) When the vehicle or other mobile unit is parked in violation of any other provision of the Los Altos Municipal Code or the California Vehicle Code.
 - (5) When the vehicle is duly registered and licensed by the State of California with a weight exceeding six thousand (6,000) pounds.
 - (6) When any part of the mobile vendor's vehicle is open to prospective customers other than on the side of the vehicle next to the right side of the street or highway;
 - (7) When the mobile vendor's vehicle is not stopped, parked, or standing on the right side of the street or highway;
 - (8) When the prospective customer is standing or sitting in another vehicle; or,
 - (9) When the prospective customer is located in that portion of the street, alley or highway which is open to vehicular traffic, or is obstructing pedestrian traffic;
 - (11) When the mobile vendor is within any parkway, alley, sidewalk or within a no parking area as defined by Los Altos Municipal Code Section 8.20.010 *et. seq.* or other public property, including city parking plazas or parking lots;
 - (12) When the mobile vendor is within fifteen feet (15) from any driveway.
- (b) Restocking of a mobile vendor's vehicle is prohibited on a public street or alley.

- (c) No mobile vendor's vehicle shall attach to or receive any utilities from private or public property.
- (d) No additional exterior lighting other than that required by the California Vehicle Code may be installed or operated on a mobile vendor's vehicle.

8.34.190 Applicability of Regulations to Existing Businesses

The provisions of this article apply to all persons and businesses described herein regardless of whether the described activities were established before or after the effective date of the ordinance enacting this article into law. All such persons and businesses shall have thirty (30) days from said effective date to file a completed application for a vendor's or operator's permit with the city.

8.34.200 Conducting as a Nuisance

Any mobile vendor operated contrary to the provisions of this chapter may be deemed to be unlawful and are hereby declared a public nuisance. The city attorney may commence any civil action or proceeding, for the abatement, removal or enjoyment thereof, in the manner provided by law, and may apply to such court as may have jurisdiction to grant such relief as will abate or remove such establishment and restrain and enjoin any person from operating as a mobile vendor contrary to the provisions of this chapter.

8.34.210 Penalty for Violation

Every violation of the provisions of this article shall be deemed to be a misdemeanor. Each day any violation of any said provision of this article shall constitute a separate offense.

8.34.220 Exemptions

The requirements of this section shall not apply to:

- (a) Any person delivering any goods or merchandise by vehicle where such goods or merchandise have been ordered in advance for such delivery from any business located at a permanent location and which goods or merchandise is being delivered from such location to the customer by vehicle, regardless of the point of sale thereof.
- (b) Any person engaged in the vending of goods or merchandise on public property where such persons have been authorized by the city to engage in such activity by a permit, special event permit, lease, real property license, agreement, or other entitlements issued by the city for such purpose.

For the full version of the Mobile Vendor Ordinance please visit: <http://www.losaltosca.gov/> and search for Los Altos Municipal Code or <http://library.municode.com/index.aspx?clientId=16460>. Click on Title 8 – Vehicles and Traffic, then Chapter 8.34 – Mobile Vendors.