

## Operation Guidelines

### Public Streets and Rights-of-Way

- Shall operate at least 15' from any driveway or fire hydrant.
- Shall operate at least 100' from any bus stop, intersection, or primary school facility.
- Shall vend only on the same side of the street as the park if operating within 100' of a park.

### Prohibited Vending Locations

No person shall place, maintain, conduct, park or allow to stand or remain **for any duration** any portable container, vehicle pushcart, stand or wagon used in selling, vending, peddling, bartering or exchanging any goods in any of the following places within the City.

- Within fifteen (15) feet of any fire hydrant or public safety alarm box, or driveway
- Upon any sidewalk
- Within twenty-five (25) feet of any designated fire lane or "no parking" zone
- Within one hundred (100) feet of any public transit "bus stop" sign
- Within three hundred (300) feet of a public school building, a public park, playground, library building, center, or a take-out or a city administrative building, city recreational fast food restaurant
- Within three hundred (300) feet of another mobile food vendor, except where separated by a public street

## Exemptions

Mobile Vendors are permitted on private property with the permission of the property owner, under the following conditions:

- Vehicles or trucks used for catering or vending prepared foodstuffs and located upon private property at the invitation of the property owner, solely for the use of the owner or said owner's tenants or employees and not for the use of the general public.
- Persons having a fixed and permanent place of business in the city that are licensed and regulated by the state and have complied with the provisions of the Municipal code before offering or selling goods or merchandise outside of their permanent place of business. No person shall be relieved from the provisions of any section of the Municipal code by reason of associating temporarily with, or by conducting a transient business in connection with any local merchant having a fixed place of business within the city.
- Shall only display signs painted on the sides of the mobile vendor's facility. Such sign shall not exceed five feet in width or height. No other signs, flags or banners, whether attached or detached shall be permitted.
- Mobile vendors may encroach on the sidewalk and adjacent parking space in the public right-of-way with tables/chairs only if the host business secures the appropriate Outdoor Dining Permit.

# GUIDELINES FOR VENDORS

## Mobile Vendors Peddlers and Solicitors



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# Purpose of this Summary

The purpose of this summary is to set forth guidelines for vending of goods or services from locations which **are not** a permanent business location. All vendors, peddlers, and solicitors locating at a fixed place must meet all applicable provisions of the Municipal Code. Violation of any section of the municipal code is justification to revoke the business license.

## DEFINITIONS

**Mobile Food Vendor** - Any movable vending facilities including food trucks, portable containers, pushcarts, wagons, bicycles, automobiles, trucks, vans and other vehicles defined in California Vehicle Code Section 670, as amended, that are used for displaying, selling or offering for sale any food, goods or services on public or private property.

**Peddler** – Any person not having a regularly established place of business in the city, who travels from place to place, or has a stand upon any public street, alley or other public place, doorway of any building, unenclosed or vacant lot, or parcel of land, who sells or offers for sale any goods, wares or merchandise in his or her possession.

**Solicitor** – Any person who goes from place to place in the City, not having been invited by the occupant or property owner thereof, carrying or transporting goods, wares, merchandise or personal property of any nature, and who offers to sell any goods, wares or merchandise, and/or provide services to be performed in the future. This also includes any person who, without invitation, goes from place to place requesting contribution of funds or anything of value, or selling goods or services for political, charitable, religious, or other non-commercial purposes.

# Permitting and Licensing Requirements

All Vendors/Peddlers/Solicitors must have the following:

## City Business License

All Vendors/Peddlers/Solicitors must obtain a city business license and comply with all licensing requirements.

- As part of the business license application, a list of all employees who will be making contact with members of the community must be provided.

## Applicable Licenses

All Vendors/Peddlers/Solicitors must maintain all applicable licenses and permits from federal, state or local agencies, and provide proof of possession upon request.

## California Seller's Permit

All Vendors/Peddlers/Solicitors must possess a valid California Department of Tax and Fee Administration seller's permit that designates "City of Morgan Hill" as a location or sublocation.

## Insurance

All Vendors/Peddlers/Solicitors must acquire and maintain any insurance required by the city's risk manager, such as commercial general liability insurance, auto insurance or worker's compensation insurance. Submit copies of all existing insurance policies with your business license application.

## Santa Clara County Health Permit

All food product vendors who sell any form of food item are required to acquire and display a county public health permit at all times. Additional regulations apply to mobile food facilities.

# Operation Guidelines

If a mobile vendor is not helping customers, the vendor is limited to thirty (30) minutes in their current location. After thirty (30) minutes, the vendor must move their mobile vending equipment at least three hundred (300) feet before stopping again. Violation of this rule is justification to revoke the business license.

## Generally Applicable Regulations

- Allowed between the hours of 7:00 a.m. and 10:00 p.m.
- May not obstruct the sidewalks or traffic.
- May not vend in parks or playgrounds
- Shall maintain a clean vending area and properly dispose of trash.
- Mobile Food Vendors shall adequately store waste and provide waste containers for customers.

## Private Property Regulations

- Property owner must provide written consent.
- Shall not operate on vacant lots.
- Shall not operate in City-owned parking lots or structures without written consent from the City.
- Shall not operate upon or immediately adjacent to single-family homes or duplexes.
- No free standing or banner signs shall be displayed.
- No tables, chairs, or other site furniture shall be permitted.
- Temporary shade structures shall be removed whenever the mobile vendor vehicle is not operating.
- The vehicle shall only be stopped, standing, or parked on surfaces paved with concrete, asphalt, or another impervious surface.

