

OUTDOOR SALES

5.5.201 Purpose

The purpose of this chapter is to regulate the sale of prepared food, fresh cut flowers or plants, agricultural products, artwork, crafts, goods, wares, merchandise, things or articles of value, seasonal sales events, or any other use determined by the Community Development director to be a similar type of retail operation. The following regulations shall apply to the operation of outdoor vending facilities when the operations of outdoor vendors are allowed by the Zoning Ordinance in the applicable zone.

5.5.204 Definitions

“Outdoor Vending Facilities.” The sale of prepared food, fresh cut flowers or plants, agricultural products, artwork, crafts, wares, merchandise, things, things or articles of value, seasonal sales events, or any other use determined by the Community Development director to be a similar type of retail operation, from a stand, motorized vehicle, non-motorized stationary or non-stationary cart or pushcart, or any type of sales not within an enclosed building. Vending facilities located within enclosed retail buildings, shopping centers, malls, office buildings and industrial buildings are exempt from the regulations and requirements of this chapter.

5.5.206 Allowable Locations; Required Permits

- a. Subject to Community Development Director's approval of outdoor vending permit, the operation of an outdoor vending facility may be permitted in the following locations:
 - 1) An outdoor vending facility may be permitted on a specified portion of private property having a Commercial or Industrial general plan land use designation, or zoned for uses consistent therewith.
 - 2) Additionally, an outdoor vending facility may be permitted on a specified portion of private property having a general plan land use designation or zoning that allows agricultural uses if A) the agricultural goods sold are grown on the property on which the facility is located, or B) the vendor operating the facility owns or operates an active agricultural enterprise on another property in the City.
- b. An outdoor vending permit shall be required for the operation of all outdoor vending facilities. The operation of an outdoor vending facility within the

public right-of-way shall additionally require the approval of an encroachment permit.

SOLICITORS, PEDDLERS & VENDORS

5.5.302 Purpose.

The purposes of this article are:

- a. The regulation of individuals entering upon private property, particularly private residential property, for the purpose of peddling, soliciting or vending goods, wares, merchandise, food or services;
- b. The regulation of individuals peddling, soliciting or vending good, wares, merchandise, food or services on public or private property whether by foot, vehicle or other mobile device whether powered by motor, hand or stationary;
- c. To protect the public health, safety and welfare against unlawful activities or operations by individuals falsely representing themselves as peddlers, solicitors, or vendors;
- d. To protect the public health safety and welfare by regulating negative land use, public safety, and traffic impacts; and
- e. To balance the rights and interests of those engaged in commercial and nonprofit activities with the rights and interests of those who do not want to be disturbed by such activities on private and public property.

5.5.304 Definitions

Whenever used in this article, the following terms are defined as follows:

- a. **“Engaged in business”** means and includes the conducting, managing or carrying on of any such business or helping therewith, by any person in any capacity.
- b. **“Peddler”** means and includes any person carrying, conveying or transporting food, goods, wares, merchandise or other personal property of any nature whatsoever, offering or exposing the same for sale or making sales and delivering articles to purchasers. **“Peddler”** means and includes the words **“hawker”** and **“huckster.”**
- c. **“Person”** means and includes the singular and the plural and also means and includes any individual, firm, corporation, association, club, partnership, joint venture, and any other organization.
- d. **“Solicitor”** means and includes any person taking or attempting to take subscriptions, contracts for

sale, or orders for the sale of food, goods, wares, merchandise or other personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such person has, carries or exposes for sale a sample of the subject of such sale or whether he/she collects advance payments on such sale or not.

- e. **“Vendor”** means and includes any person selling, or offering and exposing for sale or solicitation of offers to purchase or causing to be sold for cash or consideration or soliciting, exposing, or offering for sale for delivery at a later time any property, foodstuffs or service by any person from public property or the public right-of-way within the City at any location other than a building or structure constructed on a permanent foundation which is rented, leased, or owned by the person selling, offering to sell, or soliciting the sale of the property. **“Vendor”** includes **“street vendors,”** **“mobile food vendors,”** **“ice cream vendors,”** **“itinerant merchants,”** and **“street merchants.”** **“Vendor”** also means and includes any person traveling by foot or vehicle from street to street, or from place to place for the purpose of vending.
- f. **“Mobile vending vehicles”** and **“mobile service vehicles”** shall include, but not be limited to, any motor vehicle, truck, car, trailer, pushcart, wagon, conveyance or structure not permanently fixed to a permanent foundation and which may be moved under its own power, pushed or pulled by hand, towed by a motor vehicle, wheelchair, motorcycle, bicycle, or other mobile device, or carried upon or in a motor vehicle or trailer.

5.5.306 Permit Required

Except as provided in **Section 5.5.308** it is unlawful for any person to engage in the business of peddler, solicitor, or vendor, or to go from door to door or house to house or street to street for the purpose, direct or indirect, and whether or not the same is the sole purpose, of peddling, soliciting, or vending, without first obtaining a permit and paying the applicable fees as provided in this article.

5.5.308 Permit Exceptions

The following persons and entities shall not be required to obtain the permit required by **Section 5.5.306**:

- a. Persons soliciting orders from, or selling to, retail dealers for use, or for resale or to manufacturers for processing;
- b. Persons with a valid permit issued pursuant to this chapter and operating pursuant to the terms of this article;
- c. Public agencies, such as Federal, State or Local agencies supported by tax funds;
- d. Any person operating a regular route not less than once a week for newspapers or such goods as egg, dairy or bakery products, or for laundry or dry cleaning services;
- e. Persons delivering or soliciting for a newspaper of general circulation;
- f. Licensed real estate persons;
- g. Persons solely distributing literature, writings or merchandise which seek to inform or persuade the listener to support particular causes or particular views on economic, political or social issues;
- h. Persons solely soliciting signatures for referenda, recall, initiative, candidates for public office or similar electoral processes; and
- i. Persons soliciting funds for any religious, patriotic, philanthropic, social service, environmental, fraternal, or charitable purposes.

5.5.314 Permit Use

Peddlers, solicitors, and vendors shall comply with the following:

- a. **Display.** Every applicant shall be issued a permit to be carried on person and exhibited on request by any person to persons they deal with and shall at all times carry the permit issued hereunder and exhibit it on request to any police officer or designated City official.
- b. **Activities Creating Nuisance.** No solicitor, peddler or vendor, in the course of activities regulated in this article, shall create any public nuisance or disturb the peace and quiet of the neighborhood by the use of loud noise, brilliant lights, or any other actions constituting a public nuisance.
- c. **Restricted Premises.** No person shall peddle or solicit at any premise which are posted with a clearly visible sign bearing the words "No Peddlers or Solicitors" or words of the same import.
- d. **Hours of Operation.** It shall be unlawful for any person to enter upon any residential premises for the

purpose of contacting the occupant between 8:00 p.m. and 8:00 a.m. unless that person is invited by or known to the occupant, or unless contact is made for emergency purposes or in the interest of public safety. It is unlawful for any permittee to conduct any activities regulated under the provisions of this article between 10:00 p.m. and 5:00 a.m.

- e. **Transfer Prohibited.** It is unlawful for any person other than the permittee to use or wear any permit issued under the provision of this article.
- f. **Location of Permitted Activities.** No person shall peddle, solicit or vend in any of the following places within the City:
 - 1) Within **500 feet** of the closest point on the property line of a **school** serving students 18 years of age or younger;
 - 2) Within **300 feet** of the closest point on the property line of a public park or public playground;
 - 3) Within **300 feet** of the closest point on the property line of a municipal recreational center;
 - 4) Within **100 feet** of any street intersection;
 - 5) At a location where space for pedestrian passage will be reduced to less than **six feet**;
 - 6) On any sidewalk or street adjacent to a curb which has been designated as a white, yellow, blue, or red zone;
 - 7) Within **15 feet** of any crosswalk, fire hydrant, or driveway;
 - 8) Within **100 feet** of any public transit "bus stop" sign;
 - 9) Within **300 feet** of a like vendor, except where separated by a public street with four or more moving lanes.
 - 10) At any location for more than **30 minutes** without moving to a new location at least **300 feet** removed there from and may not return to a location where the vendor has stopped to vend within the previous **two hours**.
 - 11) On landscaped areas of public property.

City of Oakley Municipal Code

Peddlers & Vendors



**To report a crime, call:
Oakley P.D. Dispatch
(925) 625-8060**

Administrative offices:
Oakley Police Department:
(925) 625-8855

EMERGENCIES ONLY

Dial
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