



City of Oakley
3231 Main Street
Oakley, CA 94561
Ph: (925) 625-7000
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www.oakleyinfo.com

OUTDOOR VENDING PERMIT APPLICATION

Per Oakley Municipal Code (OMC) section 5.5.204, an Outdoor Vending Permit allows for the sale of prepared food, fresh cut flowers or plants, agricultural products, artwork, crafts, wares, merchandise, things or articles of value, or the sale of items 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 below.

Applications shall be reviewed for compliance with the submittal requirements. Please use the following checklist to ensure a complete application is submitted to the City.

Submittal Requirements:

1. One copy of the completed application form with all necessary signatures. *
2. The required application fee of \$129.
3. A City of Oakley Business License Tax Application (separate fee).
4. A signed sworn statement that the applicant is the owner of the property on which the facility will operate, or a signed statement of the owner granting the applicant permission to use a portion of the property for the proposed use.
5. A copy of the Certificate of Insurance covering the vending facility for property damage and personal liability. The minimum coverage for liability insurance is \$500,000. The type of insurance will be based on the nature of the vending operation.
6. A copy of the Contra Costa County Environmental Health Department approval.
7. A valid encroachment permit, if required by OMC Section [5.5.206](#).
8. If the applicant has, in the twelve months that preceded the application, conducted a retail sales operation subject to the collection and remittance of sales tax, evidence that the applicant collected and remitted to the California Franchise Tax Board the applicable sales tax. For permit renewals, the applicant must submit evidence of collecting and remitting the applicable sales tax for the period in which the applicant operated the facility in the City.
9. A passport quality picture of the applicant and copy of a valid Driver's License.

* Please note that the initial term of an outdoor vending permit shall be for up to three months from the date of approval. The Community Development Director may issue an unlimited number of three-month extensions, upon a determination that the findings required in Section [5.5.210](#) of the OMC are still applicable and that all information required by this section is current.

Important Phone Numbers:

Oakley Business Licenses: (925) 625-7018

Passport Services (including passport pictures): (925) 625-7000

Contra Costa Health Department:

Contra Costa County
Environmental Health
2120 Diamond Boulevard Suite 200
Concord, CA 94520
(925)-692-2500

Findings of Approval:

The approval or conditional approval of an outdoor vending facility shall be based on a finding by the Director that the establishment, maintenance or operation of the use and facility will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood, or to the general welfare of the City, based on the materials submitted as part of the application and the Director's independent review and investigation.

Permit Denial or Revocation

The Community Development Director may revoke or deny an outdoor vending permit for any of the following causes:

1. Fraud, misrepresentation, or any false statement made in furnishing the information required by this article;
2. Any violation of this article;
3. Conviction of the permit holder of any felony or crime involving fraud, tax evasion, or moral turpitude;
4. Conducting the vending in an unlawful manner or in such manner as to constitute a nuisance or breach of the peace or to be a menace to the health, safety or general welfare of the people of the City.



Outdoor Vending Permit Application

APPLICANT NAME (print or type): _____

Owner of Business

Employee

Company Name _____

Day Phone _____

Address, with Zip: _____

Name _____

Driver's License No. _____ **Expiration Date** _____

Vehicle License No. _____ **VIN #** _____

Signature _____ **Date** _____

In making this application, the undersigned agrees that the above information is true and that all conditions of approval will be met.

PROJECT INFORMATION:

Proposed Vendor Name _____

Vehicle Storage Address (if applicable) _____

Hours of Operation _____

Description of Sales _____

In accordance with Oakley Municipal Code Section 5.5.212, Outdoor Vendors shall comply with the following development Standards, and subjected to the following Conditions of Approval:

1. Except when operated on property lawfully used for agricultural purposes, the facility shall be located on improved private property. For the purposes of this section "improved private property" shall be defined as a property that has a paved legal access and adequate hardscaping to accommodate an outdoor vending facility.
2. The Community Development Director shall determine the distance of a proposed facility to other outdoor vending facilities and fully enclosed retail businesses engaged in similar commercial activity. The Community Development Director shall ensure that an over-concentration of outdoor vending facilities does not result in the discouragement of permanent enclosed retail businesses in the area of the City in which an applicant proposes to locate a facility. The Director shall additionally ensure that the proximity of a proposed facility to a fully enclosed retail business engaged in similar commercial activity does not harm the economic viability of the enclosed retail business. In making both of those determinations, the Director shall consider the general plan designation of the property on which the applicant proposes to operate the facility, the applicable zoning, the proximity of the property to other zoning districts, and the type of vending proposed.
3. The Community Development Director shall determine appropriate distance of a proposed outdoor vending facility from any fire hydrant and all driveways that access the property. In addition to other considerations, the Director shall base his/her decision, in part, on information from the Police and Fire Departments, as well as from the City Engineer.
4. An outdoor vending facility shall not occupy required off-street parking spaces, required landscape areas, or within any required landscaping setback adjacent to a public street.
5. An outdoor vending facility shall not be located on a pedestrian path/sidewalk that is less than 10 feet in width. A minimum of a six-foot path of travel shall be maintained around a facility.
6. An outdoor vending facility shall not exceed more than 200 square feet in area.
7. If located on a property at an intersection, the facility shall be located outside of a 30-foot by 30-foot commercial clear vision triangle.
8. An outdoor facility shall include trash receptacle(s) and such receptacles shall be maintained, by the vendor, so as not to create an offending odor or visual nuisance. The area on which the open air vending facility is located shall be kept free of debris.
9. An outdoor vending facility shall not reflect undesirable light and glare from the designated premises.
10. An outdoor vending facility shall not use, play or employ any sound, outcry, amplifier, loudspeaker, radio or any other instrument or device for the production of sound in connection with the promotion of the operation.
11. An outdoor vending facility shall not be greater than 10 feet in height.
12. An outdoor vending facility may not display more than two signs on the identified property. The signs may not exceed 12 square feet each and shall be attached to the stand, cart, table, or other impermanent facilities used for vending.

13. Sales shall be from the approved open air vending facility and not from additional accessory stands, tables, chairs, or other devices other than those permitted as indicated on the application.
14. An outdoor vending facility shall be located on a generally level portion of the site and an adequate breaking system be provided for, as necessary.
15. The use shall not be closer than 15 feet from the outer edge of any entrance to any building.
16. Storage and handling of food shall comply with all applicable County and State requirements.
17. The Community Development Director, in consultation with the Director of Public Works, may require, as a condition of permit renewal, frontage roadway improvements and landscaping for any outdoor vending facility that operates continuously or intermittently from the same location for more than 90 days in a 12-month period, if the improvements are determined to be necessary to protect the health, safety, and welfare of the City.
18. The operator of an outdoor vending facility must maintain a current daily inventory control sheet at the facility while engaging in the permitted vending and must present it on demand to any City of Oakley employee who requests to see it for the purpose of determining compliance with the conditions of permit approval. A facility's inventory is subject to search by City of Oakley employees to determine that the inventory control sheet is accurate. If a facility operator refuses to produce an inventory control sheet, or if a facility operator's inventory control sheet is not accurate, the facility's outdoor vending permit shall be immediately suspended, pending a showing by the facility operator of the manner in which he/she will correct inventory control problems in the future. The Community Development Directory shall determine whether the proposed corrective plan is adequate. The operator of the facility shall conduct no outdoor sales while the permit is suspended.

Applicant Acknowledgement

I certify I have not been convicted of any felony or of any misdemeanor involving injury to person(s) or property, theft, fraud, or misrepresentation within the past five years. I further hereby agree to uphold the conditions and limitations as set forth above.

Applicants Signature: _____ Date: _____



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Outdoor Vending Facilities & Mobile Vendor Permits

Which permit should I apply for?

There are two forms of outdoor sales permits in Chapter 5 of the Oakley Municipal Code: Outdoor Vending Facilities and Mobile Vendors. Both categories may include the sale of food, flowers, agricultural products, crafts, artwork, and merchandise. Both categories may involve sales by foot, pushcart, motorized or non-motorized vehicles. As a result, the type of product or vending cart is not enough information to distinguish the appropriate category. For clarification, the following are attributes and processing requirements for the categories:

	Outdoor Vending Facility	Mobile Vendor
Location	Fixed location that is: <ul style="list-style-type: none"> • On <u>improved</u> private property (paved access, etc) • On <u>unimproved</u> private property only when land is used for agriculture • On public right of way only with an encroachment permit 	No fixed location. An individual enters upon public or private property for the purpose of peddling, soliciting, or vending. However, vendor may not vend: <ul style="list-style-type: none"> • w/in 500 ft of a school • w/in 300 ft of a park • w/in 300 ft of a recreation center • w/in 100 ft of an intersection • w/in pedestrian walkways • w/in 100 ft of a bus stop • w/in 300 ft of a like vendor • at any location longer than 30 min
Land Owner's Permission	Required – in writing	Required if serving customers on private property

	Outdoor Vending Facility	Mobile Vendor
General Plan/Zoning	Commercial, Industrial, or Agriculture	Any, but most common in residential
Community Development site requirements	Yes – many.	Not applicable
Background investigation by Police	Not applicable	Yes
Passport photo required	No	Yes
Sound, music, amplifier to promote sales	Not allowed	Allowed within reason
Distance requirements to similar commercial activity	Yes, to be determined by CDD	Not applicable
Common businesses	<ul style="list-style-type: none"> • Fruit stands (fixed locations) • Plants/outdoor sales associated with other retail on a commercial property 	<ul style="list-style-type: none"> • Catering trucks • Ice cream trucks

Oakley Police provides rigorous enforcement of illegal roadside vendors. It is essential that we inform Oakley Police of any pending approvals for outdoor vending facilities and mobile vendors. Oakley Police is involved in the investigation of mobile vendors prior to approval of mobile vendor permits.