

Chapter 5.05 SOLICITORS AND PEDDLERS

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Article I. General Provisions

5.05.005 Purpose.

The purpose of this chapter is to protect against criminal activity, including fraud and burglary, minimize the unwelcome disturbance of citizens and the disruption of privacy, avoid traffic congestion and accidents, and to otherwise preserve the public health, safety and welfare by regulating and controlling door-to-door and place-to-place solicitors and peddlers. (Ord. 1718 § 2, 10-27-98; Ord. 1811 § 1, 10-10-06).

5.05.010 Definitions.

The words and terms used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

(a) "Approved location" means a site designated by the Chief of Police as an approved site from which a peddler, operating from a mobile unit, may sell his or her products.

(b) "Business" means and includes any type of product, good, service, performance or activity which is provided or performed, or offered to be provided or performed, in exchange for money, labor, goods or any other form of consideration.

(c) "Charitable" means and includes the words patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal, either actual or purported.

(d) "Chief of Police" means the elected Chief of the Santa Clara Police Department, or his/her duly authorized agents and representatives.

(e) "Contributions" means and includes the words alms, money, subscription, property or any donations under the guise of a loan or money or property.

(f) "Employee" means any person who works for or on behalf of the business operator.

(g) "Employment" shall mean and include services, industry or labor performed by a person for wages or other compensation or under any contract of hire, written or oral, express or implied.

(h) "Mobile unit" means any vehicle, truck, trailer, push cart, wagon, bicycle, dray, conveyance or structure on wheels, not firmly fixed to a permanent foundation, which is not required to have a license to operate issued by the California Department of Motor Vehicles.

(i) "Motor vehicle" means any automobile, truck, trailer or other conveyance requiring a license issued by the California Department of Motor Vehicles.

(j) "Peddler" means any person who sells and makes immediate delivery or offers for sale and immediate delivery any goods, wares, merchandise, or thing in the possession of the seller, at any place in the City other than at a fixed place of business.

(k) "Peddling" means traveling by foot, motor vehicle, mobile unit or any other type of vehicle, from place to place, and selling or vending any goods, wares, merchandise, products, or any other thing on any private property, or on any street, sidewalk, right-of-way, park or other public place. Peddling also means selling or vending any goods, wares, merchandise, products or any other thing from an approved location on any private property or on any street, sidewalk, right-of-way, park or other place.

(l) "Peddling activities" means the business of peddling; or the business of supplying, providing, or selling goods, wares, merchandise, products, or any other thing on consignment to be peddled by another person; or the business of supplying, providing, or renting mobile units or motor vehicles for use by another person in peddling.

(m) "Permittee" means the holder of a business permit.

(n) "Person" means a natural person or any firm, corporation, association, club, society or other organization.

(o) "Solicit" means and includes any request, offer, enticement, or action which announces the availability of a person for employment or availability to provide services for compensation, the sale of goods, or a request for money or other property; or any request, offer, enticement or action which seeks to purchase or secure employment or goods, or to solicit a contribution of money or other property. As defined herein, a solicitation shall be deemed complete when made whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money or other property takes place.

(p) "Solicitor" means any person who goes from place to place in the City, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offers property of any nature for future delivery, or for services to be performed in the future. This definition also includes any person who, without invitation, goes from place to place to request contribution of funds or anything of value, or sell goods or services for political, charitable, religious, or other noncommercial purposes.

(q) "Solicitation" includes all activities ordinarily performed by a solicitor. A solicitation is deemed complete when made, whether or not an employment relationship is created, a transaction completed, or an exchange of money or other property takes place. (Ord. 1718 § 2, 10-27-98; Ord. 1811 § 1, 10-10-06. Formerly § 7-1).

5.05.020 Permit requirements and exemptions.

It shall be unlawful for any person to engage in solicitation or peddling activities within the City without first obtaining a permit issued by the Chief of Police; provided, however, that the following are exempt from the provisions of this section:

- (a) Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made.
- (b) Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation.
- (c) Any solicitation in the form of a collection at a regular meeting, assembly or service of a charitable person.
- (d) Employees for wholesale houses or firms who sell to retail dealers for resale or sell to manufacturers for manufacturing purposes or to bidders for public works or supplies.
- (e) Newspaper employees delivering newspapers by subscription.
- (f) Any City-run or City-sponsored or sanctioned program. (Ord. 1718 § 2, 10-27-98; Ord. 1811 § 1, 10-10-06. Formerly § 7-2).

5.05.030 Responsibility of supplier – Goods to be peddled.

Any person who supplies independent contractors or employees with goods, merchandise or wares to be sold by means of soliciting or peddling within the city shall make known in writing, to said person, the requirements of this chapter. (Ord. 1718 § 2, 10-27-98; Ord. 1811 § 1, 10-10-06. Formerly § 7-3).

5.05.040 Permit application.

Every person or business intending to engage in the business of soliciting or peddling shall file an application for a permit with the Chief of Police. The application shall be signed under penalty of perjury and contain the following information:

- (a) Name, physical description, residential address and telephone number of the applicant.
- (b) The date of birth and driver's license or other identification number of the applicant.
- (c) The type of goods, merchandise, wares or services offered for sale.
- (d) The method of solicitation, order taking or peddling.

- (e) The name, address and telephone number of the company, sponsor or individual for which the orders are to be secured.
- (f) The method of delivering the order.
- (g) The hours of the peddling or solicitation.
- (h) A statement as to whether or not the applicant has been convicted of any criminal offense, other than minor traffic violations. For any such offense, the nature of the offense, the date and place of conviction and the penalty imposed must be provided. (Ord. 1718 § 2, 10-27-98; Ord. 1811 § 1, 10-10-06. Formerly § 7-4).

5.05.050 Fingerprints required.

In addition to the information required in SCCC [5.05.040](#), at the time of filing an applicant shall be fingerprinted with a record of such filed in the Police Department bureau of identification. The Chief of Police shall cause an investigation to be made of the statements in the application and of the background of the applicant. (Ord. 1718 § 2, 10-27-98; Ord. 1811 § 1, 10-10-06. Formerly § 7-5).

5.05.060 Background investigation fees.

At the time the application is filed with the Department, the applicant shall pay a fee to cover the cost to the City of investigating the facts stated therein and processing and providing the identification card required in SCCC [5.05.080](#). The fee shall be established by resolution of the City Council and shall apply to each individual solicitor or peddler. (Ord. 1718 § 2, 10-27-98; Ord. 1811 § 1, 10-10-06. Formerly § 7-6).

5.05.070 Application review and permit issuance.

- (a) Upon receipt of an application, the Chief of Police, or designee, shall review the application as deemed necessary to ensure the protection of the public health, safety and general welfare.
- (b) Within a reasonable time after receipt of the application, the Chief of Police shall endorse his/her approval on the application if the Chief determines that there is no ground for denial of the permit, as set forth in SCCC [5.05.090](#). Applicant shall be directed to pay a business tax as required in SCCC [5.05.130](#). (Ord. 1718 § 2, 10-27-98; Ord. 1811 § 1, 10-10-06. Formerly § [5.05.080](#) (prior code § 7-8)).

5.05.080 Identification and photograph required.

Upon approval of permit application by the Chief of Police, the solicitor or peddler will be issued an identification card with photograph. Such identification issued shall be kept in the applicant's immediate possession at all times when engaged in the business of soliciting or peddling. Such individual shall present the identification card for examination upon demand by a City official enforcing

the provisions of this Code. (Ord. 1718 § 2, 10-27-98; Ord. 1811 § 1, 10-10-06. Formerly § [5.05.070](#) (prior code § 7-7)).

5.05.090 Denial of permit.

(a) Upon the Chief of Police's review of the application, the Chief of Police may refuse to issue a permit to the applicant under this chapter for any of the following reasons:

- (1) The investigation reveals that the applicant falsified information on the application, concealed a material fact or otherwise committed any fraud in the application;
- (2) The applicant has been convicted of a misdemeanor/felony involving a sex offense, trafficking in controlled substances, kidnapping, or any violent acts against persons and/or children;
- (3) The applicant has been convicted of a misdemeanor/felony involving an offense against private property interests, such conviction being entered within the five years preceding the date of application. Such property offenses include, but are not limited to, larceny, false pretense, fraud, grand theft and embezzlement;
- (4) The applicant has been denied a permit under this chapter within the immediate past year, unless the applicant can and does show to the satisfaction of the Chief of Police that the reasons for such earlier denial no longer exist;
- (5) The applicant has failed to pay the application fee.

(b) The Chief of Police's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his/her application is disapproved and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form, or at the applicant's last known address. (Ord. 1718 § 2, 10-27-98; Ord. 1811 § 1, 10-10-06. Formerly § 7-9).

5.05.100 Appeal from denial of permit.

The decision of the Chief of Police to deny, revoke or suspend a permit may be appealed under the procedures set forth in Chapter [2.115](#) SCCC. (Ord. 1718 § 2, 10-27-98; Ord. 1811 § 1, 10-10-06; Ord. 2007 § 4, 11-19-19. Formerly § 7-10).

5.05.110 Permit expiration.

The expiration of all permits issued under the provisions of this article shall coincide with the business tax certificate, unless an earlier expiration date is noted on the permit. (Ord. 1718 § 2, 10-27-98; Ord. 1811 § 1, 10-10-06. Formerly § 7-11).

5.05.120 Transfer prohibited.

It shall be unlawful for any person other than the permittee to use or wear any permit or badge issued under the provisions of this chapter. (Ord. 1718 § 2, 10-27-98; Ord. 1811 § 1, 10-10-06. Formerly § 7-12).

5.05.130 Business tax certificate required.

Each and every person or persons engaged in the business of soliciting or peddling shall be subject to business tax as stated in SCCC [3.40.330](#). The business tax certificate shall be issued if the Director of Finance finds:

(a) Approval to solicit or peddle has been granted by the Chief of Police; and

(b) The required tax therefor has been paid to the Director of Finance. (Ord. 1718 § 2, 10-27-98; Ord. 1811 § 1, 10-10-06. Formerly § 7-13).

5.05.140 Persons claiming tax exemption.

Any solicitor or peddler who claims to be entitled to an exemption from the payment of any tax provided for under SCCC [3.40.120](#) shall inform the Chief of Police and provide him with information as to the individuals who will solicit and when the solicitation will be performed. (Ord. 1718 § 2, 10-27-98; Ord. 1811 § 1, 10-10-06. Formerly § 7-14).

5.05.150 Application to persons requiring a certificate under other provisions of this chapter.

Any person maintaining a fixed place of business in the City; provided, that a tax is specifically required under Chapter [3.40](#) SCCC, shall not be required to pay any additional tax under the provisions of this chapter but shall be required to obtain the necessary peddler's or solicitor's permit and photo identification pursuant to SCCC [5.05.080](#) for each employee so engaged according to the provisions of this chapter. (Ord. 1718 § 2, 10-27-98; Ord. 1811 § 1, 10-10-06. Formerly § [5.05.160](#) (prior code § 7-16)).

5.05.160 Application to certain persons not maintaining a fixed location within the city.

Every person not previously mentioned in this chapter and not maintaining a fixed place of business in the City but who regularly renders personal or other services or products either by appointment, calls, referral or otherwise from place to place or in the City shall be classified as a peddler and subject to the peddler provisions of this chapter. (Ord. 1718 § 2, 10-27-98; Ord. 1811 § 1, 10-10-06. Formerly § [5.05.170](#) (prior code § 7-17)).

5.05.170 Conditions of permit – Operating regulations.

Each permit issued by the Chief of Police pursuant to this chapter shall be subject to the terms and conditions set forth in this chapter, as well as any other conditions specifically set forth in the permit.

The provisions of this chapter shall constitute operating regulations. It shall be unlawful for any person to engage in solicitation or peddling in violation of these provisions.

(a) All motor and mobile units operated by the permittee shall be inspected and certified by the Santa Clara County Health Department annually. (Per Health and Safety Code Section [113700](#).)

(b) All motor and mobile units operated by the permittee must have a current Health Department certificate, a current Department of Motor Vehicle registration sticker (if needed) and current vehicle insurance.

(c) All solicitation and peddling upon any private place, or any street, sidewalk, right-of-way, park or other public place in the City shall not occur between one-half hour after sunset and 10:00 A.M. of the following day, except this provision shall not apply to the sale of food items by licensed catering vehicles to employees of industrial establishments at or adjacent to such establishments, or to workers or employees at any construction job site.

(d) Each person who is engaged in solicitation or peddling shall, at all times while so engaged, wear in plain sight on his or her person an identification (ID) card, provided by the Chief of Police, containing such information, including a suitable photograph, as the Chief of Police may determine appropriate.

(e) Every peddler, upon the request of any public safety officer or official of the City, shall sign the peddler's name for comparison with the signature upon the license or card or the signature upon the license application.

(f) Every peddler who solicits orders for future delivery shall, if requested by the customer, provide a receipt plainly stating the quantity of each article or commodity ordered, the price to be paid therefor, the total amount ordered and the amount to be paid on or after delivery.

(g) Every peddler shall, if requested by the customer, provide his/her name, business address and telephone number and the name, business address and telephone number of the person, organization, or entity on whose behalf solicitation is being made. (Ord. 1811 § 1, 10-10-06).

5.05.180 Noise restrictions.

(a) No solicitor or peddler shall use, play or cause to be used or played any amplifier, loudspeaker, or any other instrument or device for the production of sound between one-half hour after sunset and 10:00 A.M. of the following day.

(b) No solicitor or peddler shall use, play or cause to be used or played an amplifier, loudspeaker, or any other instrument or device for the production of sound in such a manner as to create a

disturbance of the peace.

(c) No motor vehicle-based solicitor or peddler or mobile peddler shall use, play or employ any amplifier, loudspeaker, or any other instrument or device for the production of sound when the motor vehicle or mobile unit from which the solicitor or peddler is operating is stationary upon any private place, or any street, sidewalk, right-of-way, park or other public place. (Ord. 1811 § 1, 10-10-06).

5.05.190 Observance of “No Solicitors” or “No Peddlers” signs.

It is unlawful for any solicitor or peddler, whether licensed or unlicensed, to perform or attempt to perform the acts described in this chapter by ringing the doorbell or knocking at the door or otherwise calling attention to the person’s presence of or at any residence whereon a sign bearing the words “No Solicitors,” “No Peddlers” or words of similar import is painted or affixed so as to be exposed to public view, and no solicitor or peddler shall perform or attempt to perform any of the acts described in any building, structure or place of business whereon or wherein a sign bearing the words “No Solicitors,” “No Peddlers” or words of similar import is painted or affixed so as to be exposed to public view. (Ord. 1811 § 1, 10-10-06).

Article II. Solicitation of Employment, Business or Contribution of Money or Other Property from Vehicles and Motor Vehicle-Based and Mobile Unit Peddlers

5.05.210 Prohibition of solicitation in public right-of-way or public parking lots.

(a) It is unlawful for any person, while standing in any portion of the public right-of-way, including but not limited to public streets, highways, sidewalks and driveways, to solicit, or attempt to solicit, employment, business or contributions of money or other property from any person traveling in a vehicle along a public right-of-way, including but not limited to public streets, highways or driveways.

(b) It is unlawful for any person, while the occupant of any vehicle, to solicit, or attempt to solicit, employment, business or contributions of money or other property from a person who is within the public right-of-way, including but not limited to a public street, highway, sidewalk or driveway.

(c) It is unlawful for any person to solicit, or attempt to solicit, employment, business or contributions of money or other property from any occupant of a vehicle, or from any person getting into or out of a vehicle within any parking lot or structure open to the public, where such parking lot is posted with a sign prohibiting such activity. (Ord. 1686 § 2, 4-9-96; Ord. 1811 § 1, 10-10-06. Formerly § [5.05.220](#)).

5.05.220 Prohibition of solicitation in unauthorized locations within commercial parking areas.

(a) It is unlawful for any person to solicit or attempt to solicit employment, business or contributions of money or other property from a location within a commercial parking area other than an area within or served by such parking area which is authorized by the property owner (or the property owner’s

authorized representative) for such solicitations. This section shall not apply to a solicitation to perform employment or business for the owner or lawful tenants of the subject premises.

(b) For purposes of this section, “commercial parking area” shall mean privately owned property which is designed or used primarily for the parking of vehicles and which adjoins one or more commercial establishments.

(c) This section shall only apply to commercial parking areas where all of the following occur:

(1) The owner (or person in lawful possession) of the commercial parking area establishes a written policy which provides area(s) for the lawful solicitation of employment, business, or contributions of money or other property in locations which are accessible to the public and do not interfere with the normal business operations of the commercial premises;

(2) A copy of said policy is submitted to the City Manager (or his/her designee) to be maintained in City files, including a copy to be maintained at the City Police Department; and

(3) The owner (or person in lawful possession) of the commercial parking area has caused a notice to be posted in a conspicuous place at each entrance to such commercial parking area. Said notice shall not be less than eighteen (18) by twenty-four (24) inches in size with lettering not less than one inch in height, and the notice shall not exceed, in total area, six square feet. The notice shall read substantially as follows:

It is a misdemeanor to engage in the solicitation of employment, business or contributions of money or other property in areas of this commercial parking lot which are not approved for such activity by the property owner.

(Ord. 1686 § 2, 4-9-96; Ord. 1811 § 1, 10-10-06. Formerly § [5.05.230](#)).

5.05.230 Parking restrictions – Motor vehicle-based and mobile unit peddlers.

(a) It is unlawful for any motor vehicle-based or mobile unit peddler to:

(1) Remain standing or stopped, for peddling purposes, at any place on any public street, sidewalk, right-of-way, public park or other public place, for a total period of time exceeding ten minutes within any two-hour period; or

(2) Make any stop, for the purpose of making any sale upon any public street, sidewalk, right-of-way, public park, or other public place, within five hundred (500) feet, measured along the traveled way of any public street or streets, of any school property.

(b) It is unlawful for any motor vehicle-based or mobile unit peddler to peddle from any motor vehicle or mobile unit upon any public street except from or at the side of such motor vehicle, which is nearest to the curb of such street. (Ord. 1811 § 1, 10-10-06).

5.05.240 Congestion restriction for motor vehicle-based and mobile unit peddlers.

It is unlawful for any motor vehicle-based or mobile unit peddler to stop to peddle from a motor vehicle or mobile unit within two hundred (200) feet of another motor vehicle-based or mobile unit peddler that has already stopped to peddle. (Ord. 1811 § 1, 10-10-06).

5.05.250 Inspections of motor vehicle-based and mobile units.

(a) All motor vehicle-based or mobile units, except bicycles, operated by the business operator shall be inspected and certified annually by the Santa Clara County Health Department.

(b) The business operator shall present each motor vehicle-based or mobile unit for inspection and certification annually by the Chief of Police.

(c) The exterior of the motor vehicle-based and mobile units shall be clean and in good repair, and not have any peeling, dents, rust, scratches or missing components which are discernible at a distance of five feet or more from the motor vehicle. (Ord. 1811 § 1, 10-10-06).

5.05.260 Approved location permit terms and conditions.

(a) It is unlawful for a person to peddle from, at, or in conjunction with, a mobile unit or temporary structure except at the approved location. An approved location permit to peddle may be issued by the Chief of Police, subject to the following terms and conditions:

- (1) The person requesting an approved location permit at all times holds a current, valid business permit.
- (2) Permits shall be issued only for a specific approved location which is stated on the permit.
- (3) Permits shall be issued only for the street side of the sidewalk portion of a public street.
- (4) Permits shall be issued only for sidewalks with an overall minimum of eight feet where there is at least three feet of unobstructed sidewalk area for pedestrian traffic.
- (5) The mobile unit or temporary structure shall not exceed four feet high, five feet wide, and six feet long. Any mobile unit or temporary structure shall be parked in such a way as to use as little of the sidewalk as possible.

(6) No person shall use or have any movable or permanent stand, table, chair, ice chest or other ice container, equipment or device at any approved location other than the permitted mobile unit or temporary structure, one stool for his or her own use, and one trash/garbage container of no more than thirty-three (33) gallon capacity.

(7) No person shall block the movement of pedestrians along the sidewalk with a permitted mobile unit or temporary structure, stool, or trash/garbage container.

(8) Each approved location peddler, at his or her sole cost and expense, and during the entire term of his or her permit or any renewal thereof, shall obtain and maintain in full force and effect a commercial general liability insurance policy or other such policy as the office of the risk manager shall require with minimum policy limits to be set by the risk manager; issued by an admitted insurer or insurers as defined by the California Insurance Code; and providing that no cancellation, change in coverage, or expiration by the insurance company or the insured shall occur during the term of the business permit, without thirty (30) days' written notice to the City prior to the effective date of such cancellation or reduction in coverage.

(b) The Chief of Police shall make approved location permits subject to such other terms and conditions, as the Chief deems necessary, to promote vehicular traffic safety and convenience and pedestrian safety and convenience.

(c) Permits issued under this section shall not be sold, assigned or transferred, and shall cover only the permittee to whom the permit is issued. A permittee may not move from the approved location without permission of the permits unit.

(d) If more than one application is received at the same time for the same location not currently assigned, assignment of the location shall be determined by lot. The drawing shall be made by someone other than the Chief and witnessed by another department employee. (Ord. 1811 § 1, 10-10-06).

5.05.270 Limitations on approved locations.

Approved location permits shall not be issued when any of the following conditions exist:

(a) The location is immediately adjacent to residentially zoned property.

(b) The location is within twenty (20) feet of any no-parking zone, red zone, fire hydrant, bus zone (marked or unmarked), passenger loading zone, loading zone, handicapped parking zone or driveway.

(c) The location is within twenty (20) feet of an entrance to any building.

- (d) The location is within twenty (20) feet of any merchandise display window.
- (e) The location is within twenty (20) feet of any marked or unmarked crosswalk.
- (f) The location impedes a free running right turn lane on an inside corner island, traffic lane, bike lane or any area where a vehicle cannot stop or park legally.
- (g) The location is wholly or partly within the right-of-way of a freeway or expressway, including any on-ramp, off-ramp, or roadway shoulder that lies within the right-of-way of a freeway or expressway.
- (h) The location is considered hazardous due to unusual volume, accident history or restricted visibility, or similar reasons. (Ord. 1811 § 1, 10-10-06).

5.05.280 Solicitation and peddling in parks prohibited.

It is unlawful for any person in any public park, including any adjacent parking area, to:

- (a) Expose, offer for sale or peddle any article or thing, nor station or place any stand, cart, or vehicle for the transportation, sale or display of any article or thing, or offer or provide any service for fee or compensation, or to solicit the future provision of any service for fee or compensation except any approved concessionaire acting by and under the authority of the director of parks and recreation;
- (b) Announce, advertise or call public attention in any way to any article or service for sale or hire, including paste, glue, tack or otherwise post any sign, placard, advertisement or inscription;
- (c) Solicit or attempt to solicit employment, business or contributions of money or other property from any other person in the park or within an adjacent public right-of-way. (Ord. 1811 § 1, 10-10-06).

Article III. Operating Regulations and Permit Conditions for Ice Cream Trucks

5.05.300 Definitions.

- (a) "Ice cream truck" means any motor vehicle requiring a license from the California Department of Motor Vehicles, which is used to peddle, sell, or vend at retail prepackaged frozen dairy or water-based food products; or soft-serve or hand-dipped frozen dairy or water-based products; or prepackaged snack foods, bottled water and nonalcoholic beverages.
- (b) "Ice cream truck business" means the business of peddling, selling or vending at retail, from a truck that travels from place to place on the streets within the city, prepackaged frozen dairy or water-based food products; or soft-serve or hand-dipped frozen dairy or water-based products; or prepackaged snack foods, bottled water and nonalcoholic beverages. (Ord. 1811 § 1, 10-10-06).

5.05.310 Permit required.

(a) It is unlawful for a person to maintain, manage, operate, conduct, control or own an ice cream truck business operating within the City unless the business is maintained and operated in strict compliance with a valid business permit.

(b) It is unlawful for a person, other than the business operator, to drive or ride on an ice cream truck that is in operation without having first obtained an ice cream business employee permit from the Chief of Police. A business permittee is deemed to have an employee permit for the purposes of driving or riding in the permittee's ice cream trucks. (Ord. 1811 § 1, 10-10-06).

5.05.320 Conditions of permit.

Each ice cream truck business permit issued by the Chief of Police shall be subject to the terms and conditions set forth in this chapter, as well as any other conditions specifically set forth in the permit. (Ord. 1811 § 1, 10-10-06).

5.05.330 Operating regulations.

It is unlawful for any person to violate the operating regulations set forth in this section in addition to the regulations set forth elsewhere in this chapter.

(a) Only prepackaged food items, soft-serve or hand-dipped frozen dairy products, bottled water, or nonalcoholic beverages may be offered for sale or sold.

(b) Sales from an ice cream truck shall be limited to the hours of 10:00 A.M. to one half-hour after sunset.

(c) Sales from ice cream trucks shall be limited to streets that have thirty (30) mile per hour speed limits or less.

(d) An ice cream truck shall not park for a period exceeding ten minutes at any one place.

(e) No sales shall be made while an ice cream truck is parked within seventy-five (75) feet of any intersection with any public street or streets, as measured along the traveled way.

(f) No person shall stop to vend from an ice cream truck within two hundred (200) feet of another ice cream truck that has already stopped to vend.

(g) The standard warning flashers shall be in operation immediately upon the truck stopping to vend and cease operation as the truck begins to move after vending. (Ord. 1811 § 1, 10-10-06).

5.05.340 Noise restrictions.

(a) No person shall use, play or employ any sound, outcry, amplifier, loudspeaker, or any other instrument or device for the production of sound from an ice cream truck when the ice cream truck is stationary, after 7:00 P.M. or one half-hour after sunset, whichever occurs first, or in such a manner as to create a disturbance of the peace.

(b) The Chief of Police may set reasonable restrictions on the type and use of any amplifier, loudspeaker, or any other instrument or device for the production of sound employed on an ice cream truck in order to prevent a disturbance of the peace. (Ord. 1811 § 1, 10-10-06).

5.05.350 Restriction on riders.

No one other than one driver and one additional person shall be allowed to ride in or on an ice cream truck that is in operation. The driver and the additional person may be the business operator or an employee of the business operator. In no event shall more than two persons ride in or on the truck while the truck is in operation. (Ord. 1811 § 1, 10-10-06).

5.05.360 Vehicle inspections – Certification.

(a) It is unlawful for a business operator to operate an ice cream truck that does not have a current, valid Health Department certificate, a current Department of Motor Vehicles registration sticker and current vehicle insurance. All ice cream trucks operated by the business operator shall be inspected and certified by the Santa Clara County Health Department annually. (Per Health and Safety Code Section [113700](#).)

(b) The business operator shall present each ice cream truck for inspection and certification by the Chief of Police or designee annually. For trucks which pass inspection, the Chief of Police or designee shall affix a suitable inspection sticker on each certified truck, identifying the truck as having successfully passed vehicle inspection.

(c) The business operator shall maintain each ice cream truck being operated in such condition that:

- (1) All doors, windows, the hood and the trunk shall open and close securely;
- (2) The inside of the ice cream truck shall be clean and free of litter and trash;
- (3) There is a trash receptacle that shall be made accessible to the public when sales occur in which patrons can place package wrappers and trash;
- (4) The exterior of the ice cream truck shall be clean and in good repair, and not have any peeling, dents, rust, scratches or missing components, which are discernible at a distance of five

feet or more from the truck;

(5) Advertising decals and price lists shall be placed only on the vending side of ice cream trucks.

(d) The business operator shall have and maintain in clean operating condition on each ice cream truck the following safety equipment:

(1) Signs painted or mounted on the front and rear of each truck using black four-inch-tall letters on a yellow background with a black one-inch border around each sign. The sign on the front and rear of each vehicle shall read "CHILDREN CROSSING" and be eight inches high by forty-eight (48) inches wide. An additional sign or signs shall be painted or mounted on the rear of each truck above the first sign and shall read "Warning," using the same size letter and paint requirements.

(2) Standard warning flashers.

(3) Any other safety equipment required by the California Vehicle Code. (Ord. 1811 § 1, 10-10-06).

The Santa Clara City Code is current through Ordinance 2056, and legislation passed through November 15, 2022.

Disclaimer: The City Clerk's Office has the official version of the Santa Clara City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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