



**SAN JOSE POLICE
DEPARTMENT
PERMITS UNIT
(408) 277-4452**
All fees are non-refundable



PEDDLER ORDINANCE and VEHICLE CODE INFORMATION SHEET

This is not an exhaustive list of all requirements in the San Jose Municipal Code, California Vehicle Code or other law, rule or regulation controlling your business.

STATE LAW

Vehicle Code section 670:

A "vehicle" is a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

Vehicle Code section 22500:

No persons shall stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

(f) On any portion of a sidewalk, or with the body of the vehicle extending over any portion of a sidewalk, except electric carts when authorized by local ordinance, as specified in Section 21114.5.

SAN JOSE MUNICIPAL CODE

6.54.070 Definition of a Peddler: section "Peddling" means:

- A. 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 or representation of value on any private place, or on any street, sidewalk, right-of-way, park or other public place.
- B. Selling or vending any goods, wares, merchandise, food, products or any other thing or representation of value from an approved location on any private place, or on any street, sidewalk, right-of-way, park or other public place.

6.54.040 Mobile Unit

"Mobile unit" means any vehicle, truck, trailer, 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.

6.54.050 Motor Vehicle

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

6.54.110 Peddler business permit required.

- A. It shall be unlawful for a person to maintain, manage, operate, conduct, control or own a peddler business that operates within the city unless the business is maintained and operated in strict compliance with a valid peddler's business permit issued by the chief of police.
- B. A peddler business permit is a business permit for purposes of Chapter 6.02 of the code.

6.54.130 Employee License.

- A. It shall be unlawful for a person, other than the peddler business permittee, to peddle without having first obtained an employee license issued by the chief of police.
- B. It shall be unlawful for any peddler business permittee or any operator, manager, owner or employee of a peddler business to allow or tolerate any person who does not have an employee license from working for or under the direction of, or on behalf of, or as an agent of the peddler business permittee.
- C. A peddler business permittee, if the permittee is a natural person holding a valid peddler business permit, is deemed to have an employee license for purposes of peddling.

6.54.200 Conditions of permit.

- A. Each peddler business permit issued by the chief of police shall be subject to the terms and conditions set forth in this part, as well as any other conditions specifically set forth in the permit.
- B. The provisions of this part shall constitute operating regulations. It shall be unlawful for any person to engage in peddling in violation of these provisions.

6.54.205 Hours of business.

- A. No person shall peddle upon any private place, or any street, sidewalk, right of way, park or other public place in the city between the hours of 7:00 p.m. or one-half hour after sunset, whichever comes first, and 10:00 a.m. of the following day, except as provided in subsection B. below.
- B. The provisions of this section shall not apply to the sale of foodstuffs to employees of industrial establishments at or adjacent to such establishments or to workers or employees at any construction job site, if the foodstuffs sold to such persons are sold for immediate consumption at such places.

6.54.210 ID display requirements.

Each person who is engaged in 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 require.

6.54.220 General noise requirements.

- A. No 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 the hours of seven p.m. or one-half hour after sunset, whichever comes first, and ten a.m. of the following day.
- B. No 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 in such a manner as to create a disturbance of the peace as that term is used in Chapter 10.16 of the code.

6.54.230 Noise restrictions - Motor vehicle-based and mobile unit peddlers.

No motor vehicle-based 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 peddler is peddling is stationary upon any private place, or any street, sidewalk, right-of-way, park or other public place.

6.54.240 Parking restrictions - Motor vehicle-based and mobile unit peddlers.

- A. It shall be unlawful for any motor vehicle-based or mobile unit peddler to:
 - 1. Permit any motor vehicle or mobile unit from which peddling is occurring to remain standing or stopped, for peddling purposes, at any place on any public street, sidewalk,

2. right-of-way, public place or at any location within five hundred feet of that place, for a total period of time exceeding fifteen minutes within any two-hour period.
 3. Make any stop, for the purpose of making any sale upon any public street, sidewalk, right- of-way, park, or other public place, within five hundred feet, measured along the traveled way of any public street or streets, of any school property.
- C. It shall be 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.

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

No motor vehicle-based or mobile unit peddler shall stop to peddle from a motor vehicle or mobile unit within two hundred feet of another motor vehicle-based or mobile unit peddler that has already stopped to peddle.

I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THE PEDDLERS ORDINANCE AND CA. VEHICLE CODE INFORMATION SHEET, AND THAT FAILURE TO OBEY THE CONDITIONS OF THE ORDINANCE CAN RESULT IN A CITATION, FINE OR REVOCATION OF PERMIT.

Signature

Date