

# CITY OF MERCED

"Gateway to Yosemite"



Dear Business Owner,

There are several additional requirements which must be complied with in order to be issued a Street or Sidewalk Vendor business license.

In addition to obtaining a solicitor's license, the following requirements must be met.

1. A permit must be obtained to operate in the City as a street or sidewalk vendor. This is in addition to a business license and/or solicitor's permit. All permits expire December 31 and must be renewed annually.
2. A certificate of insurance must be furnished to the City evidencing coverage of \$500,000 for property damage and \$500,000 for liability or a minimum combined single limit coverage of \$500,000 naming the City of Merced, its officers, agents, and employees as additional insured.
3. For the privilege of using public property for a commercial enterprise, an annual public property use fee of \$50 per vehicle, wagon, cart or location must be paid in advance of the year for which a permit is issued.

The business license will be based upon average gross receipts. Please find enclosed a copy of the ordinance and permit application form. Once approved, a permit will be provided to you.

If you have any questions or concerns, don't hesitate to call me at (209) 385-6843.

Thank you,

*Melanie R. Neely*  
*Business License*  
*Finance Department*

# CITY OF MERCED

"Gateway to Yosemite"



## SOLICITOR'S LICENSE APPLICATION

Applicants for the position of solicitor must complete the following application to solicit in the City of Merced. A felony conviction or a conviction for a crime of moral turpitude will be considered grounds for denial of a solicitor's license. After completing the application, return it to the **Planning Department** at 678 W. 18<sup>th</sup> Street, 2<sup>nd</sup> Floor, for further processing. Your application will be forwarded to the Police Department. You will need to call the Merced County Sheriff's Dept. to request an appointment to have your fingerprints taken. Please call 385-7616 or 385-7446 for an appointment.

You must come to your appointment with the following materials:

- Request Live Scan Service (copies available at Planning Dept.)
- \$47.00 Cash for the County of Merced and Dept of Justice fingerprint fee.
- Valid California drivers license or identification.

NAME: \_\_\_\_\_ DOB: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_  
TELEPHONE: \_\_\_\_\_ DRIVERS LICENSE: \_\_\_\_\_

The issuance of a solicitor's license is conditional and may be revoked in the event you fail any portion of this process.

\*\*\*\*\*TO BE COMPLETED BY THE POLICE DEPARTMENT\*\*\*\*\*

_____ Alpha Check	_____ Finger Prints
_____ Warrants Check	_____ License
_____ Drivers License	_____ Payment Amount \$ _____
_____ NCIC, CII	

\_\_\_\_\_ **APPROVED**                      \_\_\_\_\_ **DENIED**

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
(AUTHORIZED POLICE DEPARTMENT SIGNATURE)

## Chapter 5.54

## STREET AND SIDEWALK VENDORS

## Sections:

- 5.54.010 Definitions.
- 5.54.020 Permit required.
- 5.54.030 Application for permit.
- 5.54.040 Insurance.
- 5.54.050 Hold harmless agreement.
- 5.54.060 Public property use fee.
- 5.54.070 Business license tax.
- 5.54.080 Designated location—Sidewalk vendors.
- 5.54.090 Stopping and parking—Street vendors.
- 5.54.100 Hours of operation.
- 5.54.110 Products sold.
- 5.54.120 Shouting wares.
- 5.54.130 Sidewalk vendor carts.
- 5.54.140 Temporary relocation.
- 5.54.150 Exemptions.
- 5.54.160 Revocation of permit.
- 5.54.170 Appeal.

**5.54.010 Definitions.**

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

A. "Sidewalk vendor" means every person engaged in the business of selling goods, merchandise, food or drink on any sidewalk, parkway, public parking lot, park or square in the city.

B. "Street vendor" means every person engaged in the business of selling goods, merchandise, food or drink on any street or alley in the city. (Ord. 1677 § 1 (part), 1987).

**5.54.020 Permit required.**

A. It is unlawful for any street vendor or sidewalk vendor to operate in the city without having first obtained a permit to do so from the city manager or his designee. Permits shall be issued if all the requirements of this chapter are met and the city manager or his designee finds that granting such permit will not unduly interfere with the

rights of the public or significantly contribute to traffic or other safety hazards.

B. All permits shall expire on December 31st of each year. Permits may be renewed on an annual basis. (Ord. 1677 § 1 (part), 1987).

**5.54.030 Application for permit.**

Applications for permits shall be submitted to the city manager. Every application shall contain the following information:

A. The name, address, social security number, driver's license number, and date of birth of every owner and employee of the business. This information must be kept current:

B. The number, type, and description of vehicles, wagons or carts to be used, their desired locations (if they are to remain in one location), and whether the permit is for a street vendor or sidewalk vendor;

C. In addition, every street vendor and sidewalk vendor must comply with the application requirements contained in Sections 5.08.830 through 5.08.890. (Ord. 1677 § 1 (part), 1987).

**5.54.040 Insurance.**

Every street vendor and sidewalk vendor operation shall be required to furnish the city with a certificate of insurance with coverage of five hundred thousand dollars for property damage and five hundred thousand dollars for liability or a minimum combined single limit coverage of five hundred thousand dollars naming the city, its officers, agents and employees as additional insured. The certificate shall provide that thirty days' written notice of cancellation will be given to the city. (Ord. 1677 § 1 (part), 1987).

**5.54.050 Hold harmless agreement.**

Every street vendor and sidewalk vendor shall sign an agreement to indemnify and hold harmless the city, its officers, agents and employees from any and all liability, costs, damages, or injuries to persons or damage to property which may arise out of or in any way be connected with the business. (Ord. 1677 § 1 (part), 1987).

**5.54.060 Public property use fee.**

For the privilege of using public property for a commercial enterprise, an annual public property use fee shall be paid in advance, in the sum of fifty dollars per vehicle, wagon, cart or location. (Ord. 1677 § 1 (part), 1987).

**5.54.070 Business license tax.**

For the business of conducting or carrying on a street vendor or sidewalk vendor operation, the license tax shall be based upon average gross receipts as specified in Section 5.08.020. (Ord. 1677 § 1 (part), 1987).

**5.54.080 Designated location—Sidewalk vendors.**

A. Sidewalk vendors shall only operate at a designated fixed location approved by the city manager or his designee. Pushcarts are prohibited from traveling along the sidewalks of the city. A sidewalk vendor operation shall not be conducted in such a manner as to obstruct the free passage of any sidewalk nor shall it obstruct the free passage into or from any business, office or other establishment.

B. Public safety shall be the principal factor considered when determining allowable locations. In addition, a designated location shall not be:

1. Within ten feet of a perpendicular line drawn from the curb to a doorway or entry opening of a building;
2. Within twenty feet of any driveway;
3. Within twenty feet of any crosswalk;
4. Within twenty feet of the intersection of property lines of property on a street corner;
5. Within twenty feet of an alley approach;
6. Within five hundred feet of another sidewalk vendor;
7. Within fifty feet of the entrance to any business which has as its primary source of income the sale of food and drink;
8. Within any residentially zoned district (unless within a park);
9. Within three hundred feet of any park dur-

ing the time of operation of any concessionaire under contract with the city.

C. The total number of sidewalk vendors in a park shall be limited to one, except that a park over three acres shall be limited to three sidewalk vendors.

D. In the event that applications are received for more than the allowed total number of vendors within a given area, the first completed application shall be given preference if received after January 1st of a given year, otherwise applicants shall be chosen by lot each January for a given area.

E. No wagon or cart shall remain in its designated location overnight. (Ord. 1677 § 1 (part), 1987).

**5.54.090 Stopping and parking—Street vendors.**

A. Street vendors may use any street or alley in the city so long as they stop or park only next to the curb in a permitted parking space and only at the request of a bona fide purchaser for a period of time not to exceed ten minutes at any one place.

B. Notwithstanding subsection A of this section, street vendors shall not stop or park adjacent to any school between the hours of eight a.m. and four p.m. on any school day; or adjacent to any church on Sunday prior to twelve noon; or adjacent to any hospital; or adjacent to any park during the time of operation of any concessionaire under contract with the city. (Ord. 1677 § 1 (part), 1987).

**5.54.100 Hours of operation.**

Street vendors and sidewalk vendors shall only operate between the hours of ten a.m. and eight p.m. daily. (Ord. 1677 § 1 (part), 1987).

**5.54.110 Products sold.**

Street vendors and sidewalk vendors shall only sell food and nonalcoholic drinks. The sale of goods and/or merchandise is prohibited. (Ord. 1677 § 1 (part), 1987).

**5.54.120 Shouting wares.**

Sidewalk vendors shall not shout or call out their wares, nor ring bells, play music or produce any forms of electronic or mechanical sounds to attract customers. Street vendors shall not shout or call out their wares. (Ord. 1677 § 1 (part), 1987).

**5.54.130 Sidewalk vendor carts.**

Sidewalk vendor carts shall not be wider than five feet nor longer than ten feet. Any power used shall be contained wholly within the cart. A trash receptacle shall be provided and the vendor shall keep the area around the cart free of all garbage, litter and trash. (Ord. 1677 § 1 (part), 1987).

**5.54.140 Temporary relocation.**

The city reserves the right to temporarily relocate or modify a designated location of a sidewalk vendor to the extent necessary for any city-sponsored event or for any health and safety reasons. (Ord. 1677 § 1 (part), 1987).

**5.54.150 Exemptions.**

Except for Sections 5.54.050 and 5.54.080A, this chapter shall not apply to the following:

A. Persons who have a fixed place of business on private property who conduct a sale on public property not more than six days per year;

B. Persons who have obtained an exclusive use permit for a park or portion thereof pursuant to Chapter 14.08 of this code;

C. Nonprofit, charitable organizations which conduct a sale on public property not more than six days per year;

D. Persons who have concession agreements with the city;

E. Persons who conduct a sale on public property at an event that is sponsored by the city;

F. Organizations conducting sales on public property for the purpose of raising funds to be donated to the city. (Ord. 1677 § 1 (part), 1987).

**5.54.160 Revocation of permit.**

A. Violation of any provision of this chapter, or of any federal, state, county or local health regulation shall be grounds for revocation of the permit. Also, a permit may be revoked if not used during a period of sixty consecutive days. In addition, any conduct of a street vendor or sidewalk vendor which is a threat to public health and safety shall be grounds for immediate revocation of the permit.

B. Notice of a revocation hearing before the city manager shall be given to the street vendor or sidewalk vendor by mail at least five days before the date of the hearing. At the hearing, the street vendor or sidewalk vendor may show cause why such permit should not be revoked. The city manager shall mail his determination on the revocation to the street vendor or sidewalk vendor within five days after the hearing. (Ord. 1677 § 1 (part), 1987).

**5.54.170 Appeal.**

Any decision by the city manager to issue, revoke or deny a permit may be appealed to the city council by filing a written appeal with the city manager within ten days of the mailing of the city manager's decision. The city council shall hear the appeal at the next regularly scheduled meeting provided that the appeal is received at least seven days before the meeting date. The city council's decision shall be final. (Ord. 1677 § (part), 1987).

CITY OF MERCED  
STREET AND SIDEWALK VENDOR APPLICATION

Date \_\_\_\_\_

Business Name \_\_\_\_\_

(1)

Owner (O)

Employee (E) \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Social Security # \_\_\_\_\_

Driver's License # \_\_\_\_\_

Date of Birth \_\_\_\_\_

(2)  
Cart Type \_\_\_\_\_

Vehicle, Wagon or Cart Description \_\_\_\_\_

Desired Location \_\_\_\_\_

Street Vendor \_\_\_\_\_

Sidewalk Vendor \_\_\_\_\_

The undersigned applicant does hereby agree to indemnify and hold harmless the City of Merced, its officers, agents and employees from any and all liability, costs, damages, or injuries to persons or damage to property which may arise out of or in any way be connected with the business.

Signed \_\_\_\_\_

Owner \_\_\_\_\_

Date \_\_\_\_\_

(1) Every owner and employee of the business must be listed.

(2) Every vehicle to be used must be listed.

FOR OFFICE USE ONLY

Issued To

Date Issued

Issued To

Date Issued

Solicitor's  
Permit:

Business License: Account No. \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Insurance: \$500,000 Property Damage \$500,000 Liability \$500,000 Single Limit naming City of Merced, its officers, agents and employees as additional insureds. Expiration Date: \_\_\_\_\_

Public Property Use Fee: Number of Carts \_\_\_\_\_ X \$50.00 = \_\_\_\_\_ Date Paid: \_\_\_\_\_

Prepared By: \_\_\_\_\_

Reviewed By: \_\_\_\_\_

Cart Type \_\_\_\_\_

Cart Description \_\_\_\_\_

Approved Location \_\_\_\_\_

Street Vendor \_\_\_\_\_

Sidewalk Vendor \_\_\_\_\_

Approved By \_\_\_\_\_

City Manager \_\_\_\_\_

Expiration Date \_\_\_\_\_

with, or as a part of, or in the name of any local dealer, trader, merchant or auctioneer. (Ord. 1888 § 1 (part), 1994: prior code §15.39).

#### **5.08.800 Solicitor—Defined.**

"Solicitor" means any person who goes from house to house or from place to place in the city selling or taking orders for or offering to sell or take orders for goods, wares and merchandise for present or future delivery or for services to be performed immediately or in the future whether such person has, carries or exposes a sample of such goods, wares and merchandise or not and whether he is collecting advance payments on such sales or not. (Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: prior code §15.101).

#### **5.08.810 Solicitor—License required.**

It is unlawful for any person to act as solicitor within the city without having first obtained a license issued pursuant to this chapter. (Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: Ord. 1564 § 2, 1984: prior code §15.102).

#### **5.08.820 Solicitor—Application for license.**

Applicants for license under this chapter shall file with the finance officer an application in writing on a form to be prescribed by the finance officer. (Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: prior code §15.103).

#### **5.08.830 Solicitor—Contents of application.**

The application shall contain the following information:

- A. The name and address of the solicitor;
- B. The name and address of the person, firm or corporation by whom employed;
- C. The length of service of each solicitor with such employer;

D. The place of residence and nature of the employment of the solicitor with such employer during the last preceding year;

E. The nature or character of the goods, wares merchandise or services to be offered by the solicitor;

F. A personal description of the solicitor;

G. A statement as to any convictions of any crimes, misdemeanors, violations of municipal ordinances, the date, the nature of the offense and the penalty assessed therefor. (Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: Ord. 1534 § 1, 1984: prior code §15.104).

#### **5.08.840 Solicitor—Other information.**

Such information shall be accompanied by such credentials and other evidence of good moral character and identity of each solicitor as may be reasonably required by the finance officer. (Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: prior code §15.105).

#### **5.08.850 Solicitor—Application fees.**

A. The application fee for solicitors hereunder shall be as follows:

1. For each new application where an investigation is required, five dollars for each application payable in advance;
2. For each replacement application or issuance of a new identification card, five dollars for each such replacement.

B. Fees and investigations as used in this section refers solely to individuals and not to firms. (Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: Ord. 1534 § 2, 1994: prior code §15.106).

#### **5.08.860 Solicitor—Photograph required.**

Each application for a license as required by this chapter must be accompanied by two prints of a recent photograph of the solicitor, which photographs shall not exceed two inches square in size and shall be full front views of the



face and head only of such solicitor. (Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: Ord. 1534 § 3, 1984: prior code § 15.101).

**5.08.870 Solicitor—Fingerprints required.**

At the time of making the application for a license, each solicitor shall present himself at the office of the chief of police of the city for the purpose of being fingerprinted and supplying routine information required on the fingerprinting forms provided without expense by the city, including the physical characteristics of each person, identifying marks or scars, age, name, address and signature. Such fingerprint records are to be taken in triplicate and each individual so presenting himself is advised that the city reserves the right to retain one of such fingerprint records in its files for permanent safekeeping, and to send one such fingerprint record to the Federal Bureau of Investigation of the Department of Justice at Washington, D.C., and to the Criminal Investigation Department of the California Department of Justice at Sacramento, California, for the purpose of filing. No fingerprint records will be returned in the event the license applied for is not issued or is subsequently suspended or revoked. (Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: prior code § 15.108).

**5.08.880 Solicitor—Investigation-Character and business responsibility.**

The original copy of the application shall promptly be referred to the chief of police, who shall promptly make an investigation of the applicant's character and business responsibility. If the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse on such application his disapproval and the reason therefor and return the application to the finance officer. The finance officer shall notify the applicant

that his application is disapproved and that no license will be issued. If the chief of police finds that the applicant's character and business responsibility are satisfactory, he shall endorse his approval on the application and return it to the finance officer, who shall promptly issue the license and identification card. (Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: Ord. 1534 § 4, 1984: prior code § 15.109).

**5.08.890 Solicitor—License and identification card to be carried on person.**

Each applicant for a license must at all times retain in his possession the business license issued by the finance officer and each applicant issued an identification card must retain the same in his personal possession at all times while engaged in the business so licensed within the city and must produce and show the same on the demand of any person solicited or of any police officer or official of the city. No person issued an identification card shall alter, remove or obliterate any entry made upon such license or card, or deface such license or card in any way. Each license and card shall be personal and not assignable or transferable, nor shall any license or card be used by any person other than the licensee or the person for whom issued. (Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: Ord. 1534 § 5, 1984: prior code § 15.110).

**5.08.900 Solicitor—Conditions and regulations.**

The following conditions and regulations shall also apply to the exercises of the privileges granted by licenses issued under the provisions of this chapter in addition to those set forth in other parts of this chapter or elsewhere in this code:

A. Shouting—calling wares. No person acting under authority of any license issued

under this chapter shall shout or call his wares in a loud, boisterous or unseemly manner, or to the disturbance of citizens or dwellers in the city.

B. Identification by comparing signature with that on license. Every solicitor, upon the request of any police officer or other officer of the city, shall sign his name for comparison with the signature upon the license or card or the signature upon the license application.

C. Order to be written in duplicate. Any person acting under authority of any license issued under this chapter who solicits orders for future delivery shall write each order at least in duplicate, 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. One copy of such order shall be given to the customer.

D. Loitering on streets or private property. No solicitor shall stop or remain in any one place upon the streets, alleys or public places in the city longer than necessary to make a sale to a customer wishing to buy, nor shall any solicitor stop or remain upon any private property within the city without the consent of the owner thereof or some person having authority to grant such permission.

E. Every solicitor shall, upon request of any person solicited, 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. 1888 § 1 (part), 1994: Ord. 1733 § 1, 1989: Ord. 1609 § 1 (part), 1986: prior code § 15.111).

#### **5.08.910 Solicitor—Revocation of license.**

A. A license issued under this chapter may be suspended or revoked by the chief of police for any of the following causes:

1. Fraud, misrepresentation or false statement contained in the application for license;
2. Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor;
3. Any violation of this chapter;
4. Conviction of any crime or misdemeanor involving moral turpitude;
5. Conducting the business of soliciting or of canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

B. This section shall be self-executing and the suspension or revocation shall be effective immediately. The city clerk shall give notice of the suspension or revocation of license and sufficient notice shall be given if mailed or delivered to the licensee at his last known local address. (Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: prior code § 15.112).

#### **5.08.920 Solicitor's license—Appeals to city council.**

In the event that any applicant desires to appeal from any order, revocation or other ruling of the finance officer, the chief of police or any other officer of the city, made under the provisions of this chapter, such applicant or any other person aggrieved shall file written notice of such appeal with the city clerk and such matters shall be heard at the next regular meeting of the city council, at which time the city council shall hear and receive evidence, written and oral upon all matters involved. The decision of the city council may be final upon all parties concerned. (Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: prior code § 15.113).

**5.08.930 Solicitation unlawful where "No Peddlers" sign posted.**

It is unlawful for any person described in Section 5.08.800 of this chapter to perform or attempt to perform the acts described in such section by ringing the doorbell or knocking at the door or otherwise calling attention to his presence of or at any residence whereon a sign bearing the words "No Peddlers", "No Solicitors" or words of similar import is painted or affixed so as to be exposed to public view, and no such person, described in Section 5.08.800 shall perform or attempt to perform any of the acts described in such section in any building, structure or place of business whereon or wherein a sign bearing the words "No Peddlers", "No Solicitors" or words of similar import, is painted or affixed so as to be exposed to public view. (Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: prior code § 15.114).

**Chapter 5.12**

**SALE OF WEAPONS**

**Sections:**

- 5.12.010 License—Required.**
- 5.12.020 License—Application.**
- 5.12.030 License—Form prescribed by state.**

**5.12.010 License—Required.**

In addition to any other business license or fees required by this title, every person proposing to engage in the business of selling at retail within the city, pistols, revolvers or other firearms capable of being concealed upon the person, shall apply for a license to conduct the business, and shall pay the application fee therefor as established by ordinance or resolution. The chief of police shall investigate or cause to be investigated the suitability of the premises on which said business is to be con-

ducted, and the character and fitness of the person proposing to conduct the business and of each partner, associate or employee of said person, if such partner, associate or employee is to be authorized to sell such firearms at retail. The chief of police may issue such license if, in his judgment, considering the suitability of the premises and the character and fitness of each person who is to be authorized to sell such firearms, the public safety and welfare will not be adversely affected. (Ord. 1139 § 1 (part), 1975: prior code § 15.57.2 (part)).

**5.12.020 License—Application.**

The chief of police may prepare, use and modify such application forms and other documents as are reasonably necessary to provide information for such investigation. The application fee in such amount as is determined by the city council shall be paid to the chief of police and transmitted by him to the finance officer. Such application fee shall not be refundable in the event that the license is not granted. (Ord. 1139 § 1 (part), 1975: prior code § 15.57.2 (part)).

**5.12.030 License—Form prescribed by state.**

Any license granted pursuant to this chapter shall be in the form prescribed by the Attorney General of the state, and shall conform to the requirements of Section 12071 of the Penal Code of the state, as the same may be from time to time amended. (Ord. 1139 § 1 (part), 1975: prior code § 15.57.2 (part)).

**Chapter 5.16**

**TAXICABS**

**Sections:**

**Article I. Generally**

- 5.16.010 Definitions.**