



Vendors and Solicitors Ordinance Municipal Code Chapter 5.35

CITY OF FREMONT FINANCE DEPARTMENT/REVENUE DIVISION

The “Why” Behind the Ordinance Update...



The City is repealing and replacing City of Fremont Municipal Code 5.35 Commercial Solicitors and Vendors, for the following reasons:

- The State Legislature added Government Code Section 51036 to provide requirements for local authorities to regulate sidewalk vendors
- Food truck activities have increased throughout the City and current local regulations do not address the different nature of mobile vehicle vending businesses
- Many charitable organizations solicit donations in residential neighborhoods, and the City currently has no regulations applicable to charitable solicitations

Who is required to apply?

- Non-motorized vendors or solicitors (sidewalk vendors, push carts, trailer, or door to door solicitors)
- Motorized vendors (food trucks)
- Group site vendors (2 or more food trucks at one site)
- Ice Cream vendors (ice cream trucks)
- Charitable solicitors and vendors



Permit Application Requirements

Mobile Vendors and Charitable Solicitors/Vendors must apply for a permit with the Finance Department, Revenue Division, which involves:

- A written application form
- Payment of a non-refundable permit fee
- Background check
- Vehicle check, if applicable

Note: partial list; full list will be defined in the ordinance.



Cost Recovery Fee

- Fee will be presented to Council in June 2021.
- Permit fee will be increasing to cover administrative costs and requirements of Government Code Section 51036.

Exemptions

- A civic organization whose headquarters is located in the City of Fremont.
- Any political group seeking funds or membership.
- Garage, yard, or similar sales by individuals at their residence or place of business.
- Catering activity.
- any activity related to a Special Events Permit or a permitted farmers' market.
- Organizations which solicit to their own members.
- All veterans qualifying under Cal. Bus. & Prof. Code

Note: partial list; full list will be defined in the ordinance.

Permit Expiration Date and Renewal Cycle Process



- Permits will be valid for twelve (12) months from the month of issuance.
- Permit renewal applications must be submitted to Revenue 60 days prior to the expiration date.
- All renewed permits are subject to the same evaluation criteria as the original application.

Additional Information:

- Permit non-transferable and not a land use entitlement.
- Business tax certificate required.
- Administrative regulations: The city manager or designee may adopt rules and regulations to administer this ordinance.



More to Know...

- Operating hours and locations will be governed by the ordinance.
- All mobile vending carts, trailers, and vehicles, and any other items associated with vending activity must be removed from public property during non-vending hours.
- If applicable, all permittees shall obtain a health permit from the Alameda County Department of Environmental Health (ACEH).
- Permittees shall not be located within the immediate vicinity of a permitted certified farmers' market, permitted swap meet, or special event during the operating hours of that event.

Vending in Parks

The City has added Section 12.20.060 Vending in Parks, in response to California Senate Bill (SB-49) Safe Sidewalk Vending Act.

- Permits required for all vendors
- No motorized vending
- Restrictions on vending during City sponsored events
- No stationary vending where an exclusive permit exists for food and/or merchandise sale
- Prohibits drones from any park or recreation area or within 400 feet above any park or recreation area (Section 12.20.060 (y)).

Grant, Denial, Revocation, Suspension and Appeal

- A Mobile Vendor Permit Application may be denied if (examples; ordinance will have all-inclusive list):
 - Incomplete application.
 - Material misstatement or omission in the application.
 - Non-compliance with all applicable laws.
 - Prior conviction of any municipal, state or federal laws, except for minor traffic violations.
- Notice of suspension and appeal: Permit may be revoked or suspended by the City with written notice.
 - An opportunity for appeal is given for all suspension/revocation decisions.

Enforcement



- Permittee shall be responsible for the conduct of all workers.
- Unlawful conduct could result in an administrative citation, civil charges and/or an order of abatement (in addition to permit revocation/suspension).



Next Steps

Presentation to Council: June 2021

- Ordinance
- Staff Report
- Fee Schedule

Planned Ordinance / Permit Fee effective date: July 2021

- Subject to Council approval

Reference Sheet

Solicitors and Vendors Ordinance

FMC, Title 5, Chapter 5.35



Purpose of New Solicitors and Vendors Ordinance: The State Legislature added Government Code Section 51036 to provide requirements for local authorities to regulate sidewalk vendors. Over the past few years, the City has also experienced an increase in food truck activities, and currently the local regulations do not address the different types of mobile vending businesses. In addition, the City would like to include regulations applicable to charitable solicitation, as no such regulations currently exist.

Who is considered a vendor?

Any person, including employee or agent of a group of individuals, partnership, corporation, who sells or offers to take orders or sell food, beverages, goods, or merchandise from a mobile vending cart, vehicle, or trailer is considered a vendor and must apply and obtain a vending permit issued by the City of Fremont's Revenue Division or Police Department (if applicable).



Types of Vending and Soliciting Permits:

Non-motorized Vendors: sidewalk vendors, pushcart vendors, trailer vendors, and door to door solicitors

Motorized Vendors: Food trucks

Group Site Vendors: two (2) or more food trucks

Ice Cream Vendors: Ice cream trucks only

Charitable Solicitors and Vendors: Vendors and Solicitors working on behalf of non-profit/charitable organizations

Application Requirements:

- Complete vending permit application.
- Copy of a government issued photo ID.
- Two passport-quality photographs of the applicant.
- If a vehicle will be used, proof of automobile insurance with coverage of \$500,000.
- If applicant is a minor, under the age of 16, must provide proof of registration with the State Labor Commission.
- If application involves sale of food, produce or any item intended for human consumption, the application must provide copy of a valid health or other permit issued by the appropriate agency.
- Proof of compliance with the Business Tax Ordinance.
- Proof of general liability insurance with a minimum coverage of \$1,000,000.
- Payment of a nonrefundable application fee.

For more information regarding the new Solicitors and Vendors Ordinance, please contact:

City of Fremont Revenue Division

Email: businessstax@fremont.gov

Main Line: (510) 494-4790

Questions and Answers

Contact Information:



Revenue Division e-mail:
businessstax@fremont.gov



Revenue Division main line:
510-494-4790

