

Sec. 4-7.08. Vendor regulations.

Due to the impacts that vending can have on residential neighborhoods and the desire to preserve the residential character of neighborhoods, the following operating standards are established:

(a) All owners and vendors vending fruits, vegetables, ice cream, or other foodstuffs shall be in possession of a valid Orange County Health Inspection Sticker. If such foodstuffs are being vended from a vehicle, the above-mentioned sticker shall be affixed to the lower right side of the windshield of the vehicle or in a prominent position on any wagon or pushcart. Each owner or vendor vending such foodstuffs on foot shall carry the sticker on his/her person.

(b) Each person who operates a motor vehicle while engaged in vending shall have on his or her person a current, valid State driver's license which he shall make available for inspection by law enforcement officials upon request. Each person who vends from a vehicle shall have on his or her person a current, valid State identification card or other verifiable identification which he shall make available for inspection by law.

(c) Each individual engaged in vending shall have the vendor identification card issued by the City in a visible position within the vehicle at all times while vending. Each vendor shall be responsible for the conduct and activities of each operator employed in vending activities and each person within a vending vehicle while such vehicle is engaged in vending activities. It shall be the responsibility of each vendor to submit the name of each operator to the City prior to employment in vending activities. Except as provided in this chapter, no operator shall vend within the City until background checks are completed, which shall be completed on an expedited basis.

(d) Each vendor shall pick up and deposit in the trash receptacle on the vehicle any paper, cups, wrappers, litter, or other refuse of any kind which were a part of the goods or merchandise supplied from the vehicle and which have been left or abandoned within twenty-five (25) feet of such vehicle on any public or private property other than in a trash receptacle provided for such purposes.

(e) No vending shall be permitted within any residential district by any vendor or operator during the following hours:

(1) Daylight savings time: From the first Sunday in April through the last Saturday in October, from 8:00 p.m. until 8:00 a.m.

(2) Non-daylight savings time: From the last Sunday in October through the first Saturday in April, from 5:30 p.m. until 8:00 a.m., except in specified locations away from through streets and high traffic areas, where vending shall be prohibited from 7:00 p.m. until 8:00 a.m.

(f) No vending vehicle shall park or stand on a public street in a residential district for a continuous period exceeding one hour in duration at any one location. For purposes of this section, any vehicle moving from a location less than 100 feet or for a period of less than one hour shall be deemed to be in the same location continuously. (§ 1, Ord. 778)

Sec. 4-7.09. Prohibited conduct.

(a) No person shall vend:

(1) Within 500 feet of any school property;

(2) To persons who are located in that portion of the street, alley, or highway which is open to vehicular traffic;

(3) To persons who are parked in violation of any other provision of this Code or the [Vehicle Code](#) of the State;

(4) In any manner that impedes the flow of traffic;

(5) In any manner that impedes the flow of pedestrians on the sidewalk, or with an overhead gate or awning that is less than six feet and eight inches above the sidewalk;

(6) In any manner that violates the City's sign regulations pursuant to Section 9-3.603 of this Code;

(7) From a vehicle parked or standing on a public street in the following residential districts, except in designated parking spaces marked exclusively for vehicular vending pursuant to the provisions of Title 4, of the San Juan Capistrano Municipal Code: Capistrano Villas I, II, and III, Tracts 7160, 7183, 7191, 7192, 7193, 7194, 7195 and 7196;

(8) Except in the residential districts with designated parking spaces listed in this Section, from a vehicle parked or standing on a public street within thirty (30) feet in very low, low, medium low, and medium density and forty (40) feet in medium high and high density land use categories from the right-of-way line to the dwelling portion of any residence.

For the purposes of this section, the dwelling portion shall mean the habitable portion of a dwelling unit not including any garage, carport or similar structure; very low, low, medium low, medium, medium high, and high density shall be as defined and shown on the official General Plan Map of the City of San Juan Capistrano;

(9) When the certificate of liability insurance coverage for said business, individuals, property, and/or vehicles has expired or has been cancelled.

(b) No vendor shall vend from a vehicle which is stopped, parked, or standing on any public street, alley or highway:

(1) When the posted speed limit on the public street, alley, or highway is thirty-five (35) miles per hour or greater;

(2) When the vehicle is parked in violation of any other provision of this Code or the [Vehicle Code](#) of the State;

(3) When any pan of the vehicle is open to prospective customers other than the side of the vehicle next to the right side of the street, alley, or highway;

(4) When the vehicle is not stopped, parked, or standing on the right side of the street, alley, or highway;

(5) When the prospective customer is standing or sitting in another vehicle, in any manner that impedes the flow of traffic;

(6) When the minimum half width of the street is less than eighteen (18) feet measured from the centerline to curb face or the edge of pavement when there are no curbs within the street.

(c) No vendor shall back a vehicle to make or attempt a sale, except for backing of not more than two vehicle lengths necessary for the legal parking of the vehicle.

(d) No owner or driver shall activate any device causing music or any loud noise to emanate therefrom for the purpose of attracting customers to the vehicle. (§ 1, Ord. 778)