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**TO: TOWN COUNCIL**

**FROM: STAFF**

**SUBJECT: MOBILE BUSINESSES ON FIXED SITES THROUGHOUT TOWN**

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### **DISCUSSION**

Three (3) mobile businesses have approached staff inquiring on the proper steps and permitting in order to operate their mobile businesses in Town and possibly on Town property (Multi-Modal parking facility and future Blue Anchor Park area). The three (3) businesses are as follows:

1. Frozen in Time (Shaved Ice mobile vendor)
2. Mobile Food Vendor
3. Howdy-Moo-To-You (photo with a steer)

### **ISSUE**

Town staff has recently received inquiries from three (3) "mobile business" owners regards obtaining proper licensing from the Town. The Town has a "Peddler/Solicitor" license and an "Itinerant Merchant" license for such business operations, however, staff has some concerns regarding the proposals by the mobile business owners.

- Utilizing Town property
  - Peddler/Solicitor and Itinerant Merchant licenses do not require the business owner to obtain General Liability insurance with the Town as additionally insured. This may be desired by the Council due to these types of businesses occupying Town property.
  - Does the Town wish to have/allow multiple mobile businesses occupying the Multi-Modal and future Blue Anchor parking stalls? Does the Council wish to see multiple mobile businesses located in the Downtown core?

- How to cover electricity costs should a mobile business wish to utilize Town utilities at the Depot/Multi-Modal/Blue Anchor Park? If allowing these mobile businesses to occupy the Multi-Modal area, should they be required to utilize a generator? (May lead to noise complaints).
- Each parking stall at the Multi-Modal cost roughly \$10,000....does the Council wish to charge any mobile business utilizing the Depot/Multi-Modal/Blue Anchor area a percentage of their gross sales receipts as a form of "rent" for occupying Town property? Or some amount related to temporary use of parking?
- Utilizing private property
  - Some local business owners have recently complained about the Shaved Ice trailer being located next to the Hardware Emporium (in the parking area).....their concerns relate to parking requirements and site improvements (including providing ADA compliant parking and bathrooms) that they had to comply with because they have a fixed place of business.
  - Does the Town wish to see multiple mobile businesses located on private property in the Downtown district?
- Other points for discussion
  - Does the Council wish to regulate where mobile businesses can operate in Town (by zoning district or any other means)?

### **HEALTH DEPARTMENT REQUIREMENTS**

Health Department requirements for mobile businesses depend on the type of mobile business (pre-packaged food versus prepared food, etc). A mobile food vendor is required to have a 3-compartment sink whereas a shaved ice mobile vendor does not. All mobile businesses that sell any type of food product must be approved and permitted by the Health Department and go through annual inspection of their mobile facility (every fiscal year). If a mobile business is to be at one location for more than one (1) hour, the mobile business must fill out certain forms per Health and Safety Code: A form indicating that they have received permission from someone within 200-feet of their location to utilize their restroom facility (form must be signed by person allowing the mobile business to utilize their restroom facilities). A similar form is also required by the Health Department regards using electricity. If a mobile business vendor plans to use a generator, they will indicate that on the form.

**BACKGROUND**

In the past, the Town has received inquiries from mobile coffee buses wishing to operate in Town. The issues at that time were similar regarding fairness to existing businesses who operate at a fixed locations (required parking, ADA bathrooms, site improvements, etc). and the impact (aesthetics and feel) on multiple mobile vendors occupying Downtown Loomis.

**RECOMMENDATION**

Review staff report, ask questions of staff and give staff direction on mobile business permit requirements, possible compensation for utilizing Town property and/or utilities, specify specific locations in Town where mobile businesses can operate, as well as any other comments the Council finds applicable.

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*Chapter 5.08 PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS*

5.08.010 Itinerant merchant—Defined—License fee required.

A. “Itinerant merchant” means and includes any person or persons, firm or corporation, either principal or agent, employer or employee who engages in a temporary business in the town by selling or offering for sale goods, wares, merchandise or things or articles of value, for a period of not more than one hundred eighty days, and who, for the purpose of carrying on such business, hires, leases or occupies any room, building, structure or stand on any real property, or on or adjoining any street or public place in the town. The person, firm or corporation so engaged shall not be relieved from the provisions of this section by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by reason of conducting such temporary business in connection with or as a part of any local business, or in the name of any local dealer, merchant or auctioneer.

B. Every person, firm or corporation engaged in the business of an itinerant merchant shall pay a business license fee of one hundred fifty dollars per year and shall be required to post a bond as described in Section 5.08.040, if the bond pertains. (Ord. 207 § 18, 2003; Ord. 30 § 1, 1985)

5.08.020 Peddler—Defined—License fee required.

A. “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 town other than at a fixed place of business, but shall not include salesmen or agents 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.

B. Every person, firm or corporation engaged in such a business shall pay a license fee of one hundred fifty dollars per year per peddler. (Ord. 30 § 2, 1985)

5.08.050 Principal solicitor or peddler.

A. Any person, firm or corporation, either employing or contracting with one or more individuals to have such individuals solicit the retail sale of any goods, wares, merchandise, services or other things of value for future delivery, or to sell or peddle such goods, wares and merchandise, who operate in the town longer than one hundred eighty days and who do not have a regularly established place of business within the town may obtain a principal's solicitor or peddler license and pay a business license fee of one hundred dollars plus twenty dollars for each solicitor.

B. In the alternative any bona fide resident of the town applying for an individual solicitor's or peddler's license to operate in the town shall pay an annual business license fee of fifty dollars each in advance.

C. The principal solicitor or peddler shall promptly notify the collector of the name or address of each individual solicitor or peddler hired or contracted with by the principal for solicitation or peddling. It is the responsibility of the principal solicitor or peddler to see that each individual solicitor or peddler receives a solicitor's permit as furnished by the chief of police before making any contacts for business. (Ord. 30 § 5, 1985)

5.08.010 Itinerant merchant—Defined—License fee required.

A. "Itinerant merchant" means and includes any person or persons, firm or corporation, either principal or agent, employer or employee who engages in a temporary business in the town by selling or offering for sale goods, wares, merchandise or things or articles of value, for a period of not more than one hundred eighty days, and who, for the purpose of carrying on such business, hires, leases or occupies any room, building, structure or stand on any real property, or on or adjoining any street or public place in the town. The person, firm or corporation so engaged shall not be relieved from the provisions of this section by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by reason of conducting such temporary business in connection with or as a part of any local business, or in the name of any local dealer, merchant or auctioneer.

B. Every person, firm or corporation engaged in the business of an itinerant merchant shall pay a business license fee of one hundred fifty dollars per year and shall be required to post a bond as described in Section 5.08.040, if the bond pertains. (Ord. 207 § 18, 2003; Ord. 30 § 1, 1985)

5.08.070 Persons without fixed business place.

Persons, other than itinerant merchants, peddlers and solicitors, not maintaining a fixed place of business in the town, but who regularly render personal or other services or products either by appointment, call, referral or otherwise from place to place or house to house in the town are subject to the provisions of this chapter. (Ord. 207 § 20, 2003; Ord. 30 § 7, 1985)

5.08.080 Certificate of compliance.

A. Every person engaged in the business of peddling or soliciting must receive a certificate of compliance from the chief of police.

B. Every such person shall identify himself at the police department by signing and filling out an identification blank which shall contain the following information:

1. Name;
2. Age;
3. Permanent address, if any;
4. Local temporary address, if any; and
5. General description of person in such further detail as the police department may require, including fingerprints.

C. The identification blank shall be accompanied by a fee of ten dollars to defray the cost of conducting an investigation of the contents of the identification form which shall be conducted by the police department. Any individual, firm or entity exempt from payment of any business license fees under any provisions of this chapter shall also be exempt from payment of the fees provided by this subsection. This fee is in addition to any business license tax imposed by the town for nonexempt entities.

D. Upon making such applications and identification and complying with the provisions of this chapter, it shall be the duty of the police department to issue to such person a certificate showing that such person has complied with the provisions of this section. Such person shall thereafter retain such certificate and have the same upon his person at all times while engaged in any of the activities mentioned in this section, and it shall be the duty of such person to display the same to any party from whom he solicits any business upon request therefore.

E. Any person failing to comply with the provisions of this section is subject to arrest and prosecution for a misdemeanor.

F. If there is any evidence of misrepresentation made in any statement or application, or if the investigation of an applicant discloses that the granting of the certificate of compliance be detrimental to the public peace, morals, health, safety or general welfare, or that the applicant has been convicted of any violation of law involving moral turpitude, the chief of police shall recommend that the certificate of compliance be denied. The town manager shall accept or deny, upon the recommendation of the chief of police, any application for a certificate of compliance as described in the provisions of this section. (Ord. 207 §§ 21, 22, 2003; Ord. 30 § 8, 1985)

## **ATTACHED**

- Letter from Frozen In Time business owners
- Letter from Howdy-Moo-To-You business owner
- Peddler/Solicitor & Itinerant Merchant Business License applications

May 3, 2011  
Frozen In Time Shaved Ice

Dear Town of Loomis Officials,

Last summer was our first year to have the pleasure of serving Shaved Ice in Loomis. We really enjoyed getting to know everyone in the community and felt the rapport we built within town was growing right into the end of our season.

At the end of the summer we tried out the Train Depot and found it to be a great location for our shaved ice trailer. We met with town officials and worked out a plan for the rest of the summer and the following year. The location has ample amounts of parking and a beautifully restored building with plenty of benches for families to enjoy their treats. We have an insurance policy that is good for up to a million dollars incase an incident were to occur and we are able to obtain a larger amount if needed. In six years of doing business in other states with similar locations as the depot we have never had an issue because the safety of the children is our number one priority. We also feel that with the new kids park going in, it will be a great place for the community families to come together and enjoy everything that makes summer great in small towns.....Fun in the Sun and refreshing Shaved Ice.

Last year we plugged into an outlet at the Train Depot for electricity and could pay an amount that can be determined by usage this summer. If using the outlet is not advised we can use a generator to power our trailer. We always take it as our responsibility to keep the area very neat and presentable.

Loomis is an great place with fabulous residents that really care about one another. Allison grew up in Newcastle and attended Placer Elementary and Del Oro High School. She knows first hand how great the town of Loomis is and those wonderful summer vacation days. We want to continue to be a fun part of what Loomis kids remember about summer and we feel the Train Depot is just the spot.

I am sure we can easily work out an agreement that is great for everyone. Please let us know any question or concerns you might have, we always are looking for ways to make our business as safe and fun as possible. We look forward to being a part of the Town of Loomis this summer.

Sincerely,

Frozen In Time  
Kyle Rose & Allison Millhollen Rose

RECEIVED

MAY 03 2011

TOWN OF LOOMIS



"Make your next event one to remember!"

## Howdy Moo To You!

Kimberly Henson 916.802.7387 (PETS)

Dear Matt,

Howdy Moo To You is a new business starting in our community, consisting of one gentle steer trained for special events and for photo opportunities and a younger one still in training. The reason I am writing you is to find out what permits or requirements need to be met for me to market them, for profit, in the town of Loomis.

I have procured million dollar liability insurance for paid events and have my steers covered by my home insurance for volunteer activities. They are licensed by the USDA, in accordance with the Animal Welfare Act, as performance / exhibition animals. I am in the process of procuring a Placer County business license.

These steers have been/are well trained and socialized with people. They have walked the streets of Loomis (or stood and chewed their cuds) for many non paid events; entertaining customers at High Hand Nursery, Wild Chicken, Christianson's Supply, Cowpoke Fall gathering, 3 parades, civic event, visited Penryn elementary school, Loomis Senior care facility, Farm and Barn Tour and many more events outside of the town. Please see pictures and video of them at <http://www.HowdyMooToYou.com>.

The description of their work would be standing , typically next to the live stock trailer (complete with props for the theme of the event or season) or other secure place, and having folks have their pictures taken petting them or sitting on them. I would take the picture and print it immediately for a fee of \$10 or \$15 a picture.

In addition, I am attaching pictures of two seasoned steers soon to be purchase for my business that, for years, have been working fairs, private events and have been in TV commercials.

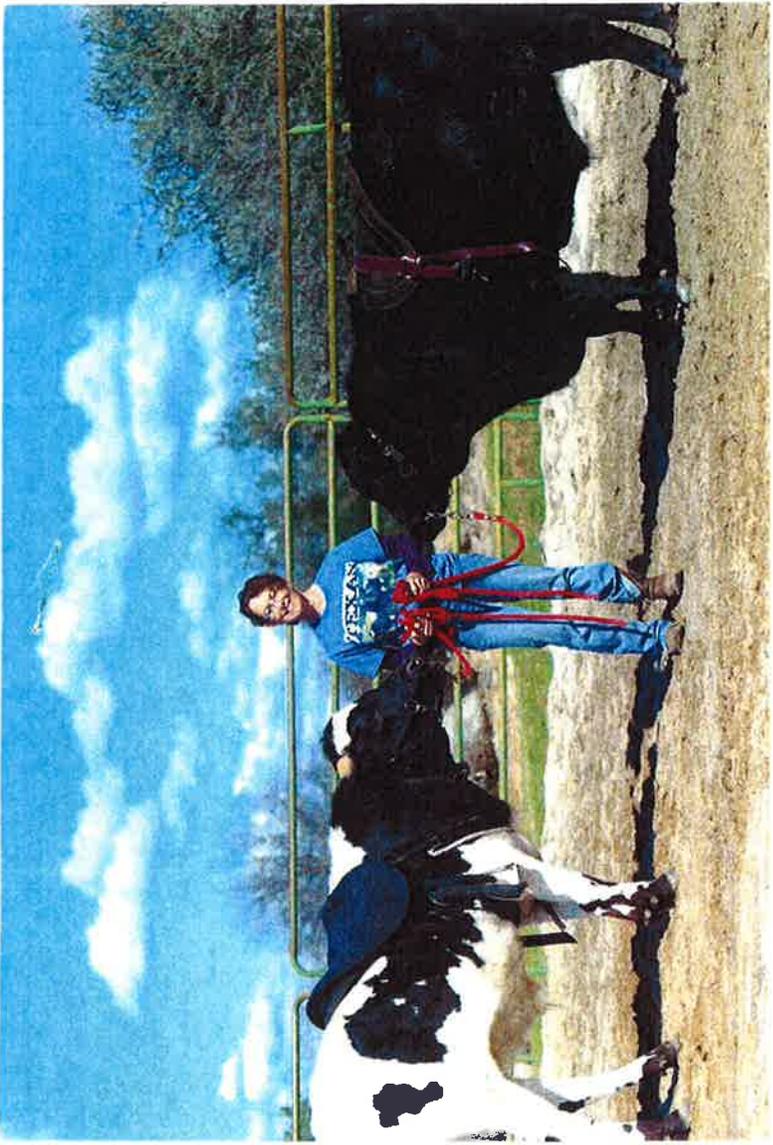
Besides having Million Dollar Insurance, having a Placer County business license, and being licensed yearly by the USDA, would you know of any other permits or procedures I would need to go through to work my animals in Loomis?

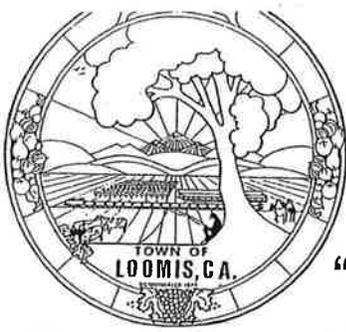
Thank you, Matt

Kimberly Henson

Web: [www.HowdyMooToYou.com](http://www.HowdyMooToYou.com)

Email: [hensonkimberly@sbcglobal.net](mailto:hensonkimberly@sbcglobal.net) ☎ 9430 Powerhouse Road, Newcastle CA 95658





# TOWN OF LOOMIS

## BUSINESS LICENSE

# “PEDDLER/SOLICITOR”

3065 Taylor Rd., Loomis, CA 95650/P. O. Box 1330 Loomis, CA 95650  
Telephone: (916) 652-1840 • Fax (916) 652-1847

Section 5.08.020 of Municipal Code – **“Peddler”**: 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 Town other than at a fixed place of business, but shall not include salesmen or agents 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.

Section 5.08.030 of Municipal Code – **“Solicitor”**, any person who engages in the business of going from house to house, place to place, in or along the streets within the Town, selling or taking orders for or offering to sell or take orders for goods, wares or merchandise or other things of value for future delivery, or for services to be performed in the future.

Section 5.08.050 of Municipal Code – **“Principal Solicitor or Peddler”**, any person, firm or corporation, either employing or contracting with one or more individuals to have such individuals solicit the retail sale of any goods, wares, merchandise, services or other things of value for future delivery, or to sell or peddle such goods, wares and merchandise, who operate in the Town longer than one hundred eighty days and who do not have a regularly established place of business within the Town.

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

Solicitor       Peddler       Principal Solicitor/Peddler

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Type of Business/wares/goods/merchandise: \_\_\_\_\_

\_\_\_\_\_

Date of operating days: \_\_\_\_\_ Hours: \_\_\_\_\_

Attached Certificate of Compliance -     Approved       Not Approved

Bond Required                          Bond Not Required   

Section 5.08.040 Bond Required. All solicitors, peddlers, and Itinerant Merchants requiring cash deposits or who require a contract of agreement to finance the sale of any goods, services or merchandise for future delivery, or for services to be performed in the future, shall furnish to the Town a bond in the sum of five thousand dollars executed by the principal and any reliable surety company. Such bond shall be conditioned upon the making of final delivery of the goods ordered or services to be performed, in accordance with the terms in each order or failing therein, that the advance payment on such order be refunded within sixty days from the contract date.

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Approved by: \_\_\_\_\_ Date approved: \_\_\_\_\_

Business license fee of \$150 per year per peddler/solicitor **or** \$100 for Principal Peddler plus \$20 for each solicitor/peddler.

(Section 5.08.050 B. Any resident of the Town applying for a license the fee will be \$50)

Paid \$ \_\_\_\_\_ Receipt #: \_\_\_\_\_

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\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date



# TOWN OF LOOMIS

## CERTIFICATE OF COMPLIANCE

### FOR PEDDLER OR SOLICITORS LICENSE

Town of Loomis Municipal Code, Section 5.08.080 – Every person engaged in the business of peddling or soliciting must receive a Certificate of Compliance from the chief of police.

Principal Licensee: \_\_\_\_\_  
Name

Date of Birth: \_\_\_\_\_ Drivers License #: \_\_\_\_\_

Permanent Address: \_\_\_\_\_

General Description of Person in such detail as the Sheriff's Department may require, including fingerprints:

\_\_\_\_\_

Sub Licensee(s):

	Drivers License #
Name	
	Driver License #
Name	
	Driver License #
Name	
	Driver License #
Name	

Filing fee: \$10.00 \_\_\_\_\_ or Exempt \_\_\_\_\_

The following person - **has complied**  **has not complied**   
 with the provisions of this section.

The Sheriff's Department recommends that the license be **approved**  or **denied**

\_\_\_\_\_  
 Sheriff's Department Signature

Upon the recommendation of the Sheriff's Department, the Town Manager hereby  
**Accepts**  or **Denies**  the application for a Certificate of Compliance pursuant  
 to the Loomis Municipal Code Section 5.08.080.

\_\_\_\_\_  
 Town Manager

**Municipal Code:**

**Section 5.08.080 D.** – Such person shall thereafter retain certificate and have the same upon his person at all times while engaged in any of the activities mentioned in this section, and it shall be the duty of such person to display the same to any party from whom he solicits any business upon request therefor.

**Section 5.08.080 E.** – Any person failing to comply with the provisions of this chapter is subject to arrest and prosecution for a misdemeanor.

**Section 5.08.080 F.** – If there is any evidence of misrepresentation made in any statement or application, or if the investigation of an applicant discloses that the granting of the license applied for may be detrimental to the public peace, morals, health, safety or general welfare, or that the applicant has been convicted of any violation of law involving moral turpitude, the chief of police shall recommend that the license be denied. The Town Manager shall accept or deny, upon the recommendation of the chief of police, any application for a license as described in the provisions of this section.



# TOWN OF LOOMIS

## BUSINESS LICENSE

### "Itinerant merchant"

3065 TAYLOR ROAD Loomis, CA 95650 / PO Box 1330 - Loomis, CA 95650  
Telephone: (916) 652-1840 • Fax (916) 652-1847

Section 5.08.010 of the Loomis Municipal Code -- "Itinerant Merchant": any person or persons, firm or corporation, either principal or agent, employer or employee who engages in a temporary business in the Town by selling or offering for sale goods, wares, merchandise or things or articles of value, for a period of not more than one hundred eighty days, and who, for the purpose of carrying on such business, hires, leases or occupies any room, building, structure or stand on any real property, or on or adjoining any street or public place in the Town.

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

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Type of Business/wares/goods/merchandise: \_\_\_\_\_

\_\_\_\_\_

Address of where this will be done: \_\_\_\_\_

Property owner: \_\_\_\_\_ Phone #: \_\_\_\_\_

Date of operating days: \_\_\_\_\_ Hours: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date approved: \_\_\_\_\_

Business license fee of \$150 per year. Paid \$ \_\_\_\_\_ Receipt #: \_\_\_\_\_

Bond is Required: \_\_\_\_\_ Bond is Not Required: \_\_\_\_\_

Section 5.08.040 Bond Required. Itinerant Merchants requiring cash deposits or who require a contract of agreement to finance the sale of any goods, services or merchandise for future delivery, or for services to be performed in the future, shall furnish to the Town a bond in the sum of five thousand dollars executed by the principal and any reliable surety company. Such bond shall be conditioned upon the making of final delivery of the goods ordered or services to be performed, in accordance with the terms in each order or failing therein, that the advance payment on such order be refunded within sixty days from the contract date.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date