

RESCINDED

Date: 10-13-1953
Re: Min Ek 23 Pg. 22ORDINANCE NO. 81.

AN ORDINANCE REGULATING THE VENDING, PEDDLING, SELLING OR OFFERING FOR SALE, TAKING OR SOLICITING ORDERS FOR FRUITS, VEGETABLES, MEAT, FISH, POULTRY PRODUCTS, BAKERY PRODUCTS, DAIRY PRODUCTS, GROCERIES, AND ALL OTHER FOOD PRODUCTS EITHER FRESH OR CANNED, FROM WAGONS, TRUCKS, DRAYS, CARTS, OR OTHER MOVABLE VEHICLES, CONTAINERS, OR APPLIANCES IN UNINCORPORATED TERRITORY IN THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA; TO PROVIDE RULES AND REGULATIONS THEREOF; REQUIRING AND PROVIDING FOR PERMIT OR LICENSE FEES; AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF SANTA CLARA COUNTY:-

Section 1. It shall be unlawful for any person, firm or corporation, either as owner, manager, lessee, agent or employee, to vend, peddle, sell, offer for sale, or to take or solicit orders for fruits, vegetables, meat, fish, poultry products, bakery products, dairy products, groceries, and all other food products, either fresh or canned, from wagons, trucks, drays, carts or other movable vehicles, containers or appliances, in any unincorporated territory in the County of Santa Clara, State of California, without first applying for and receiving from the Health Officer, his assistant or duly authorized representative, a permit or license therefor in the manner hereinafter provided, or without complying with the regulations herein set forth.

Providing that no permit or license shall be required of growers or producers who offer for sale only fruits, vegetables, or other food products grown or produced upon their own or leased premises within the confines of Santa Clara County.

Section 2. Every applicant for such a permit or license shall file with the Health Officer, his assistant or duly authorized representative, a written application which shall state the name and address of the applicant, a description of the kind or character of vehicle or other appliance by means of which it is proposed to conduct such a business and a description of the territory proposed to be travelled by such applicant in the conduct of such business, and such other information as the Health Officer may require. Every applicant for such permit or license shall at the time of filing such application deposit with and pay to the authorized representative designated by the Health Officer to receive such applications, the semi-annual permit or license fee hereinafter in this ordinance established.

Section 3. Upon the filing of such application, accompanied by the fee herein provided, it shall be the duty of the Health Officer, his assistant or duly authorized representative, to investigate the matter set forth in such application and the sanitary conditions in and about the place, vehicle or container, wherein or whereon it is proposed to conduct the business mentioned in the application, and whether said place, vehicle or container conforms to the requirements of the ordinances of the County of Santa Clara, and with the rules and regulations of the Health Officer of the County of Santa Clara, and unless it shall appear to the satisfaction of the said Health Officer, his assistant or duly authorized representative, that such place, vehicle, or container conforms to the requirements of this ordinance and is proper and suitable for such business, such application shall be denied. A permit or license shall be granted only on the expressed condition that it is not transferable and that it shall be subject to revocation or suspension by the said Health Officer upon a showing satisfactory to said Health Officer of the violation by the holder of such permit or license, or by his employee, servant or agent, or any other person acting with his consent or under his authority,

of any provision of any ordinance of the County of Santa Clara, or any law of the State of California, or any rule of the Health Officer of said County of Santa Clara, regulating business of the character set forth in Section 1 of this ordinance.

Section 4. Every person, firm or corporation applying for a permit or license under the provisions of this ordinance shall at the time of making application for such permit or license pay such permit or license fee as hereinafter designated, to the duly authorized clerk or representative of the Health Officer of said County, designated to receive such fee.

Provided that nothing in this clause shall be taken to apply to commercial travelers soliciting only orders from business houses in the same line of business.

A permit or license fee shall be imposed upon each and every wagon, truck, dray, cart, or other movable vehicles, container or appliance used in the vending, peddling, selling, or offering for sale, taking or soliciting orders according to the following schedule:

Groceries and all food and beverage commodities usually carried for sale in grocery stores, at retail, except as otherwise provided in this ordinance\$100.00 semi-annually,

Vending machines offering food and beverage commodities of any kind what-so-ever.....\$150.00 semi-annually.

Fruits and vegetables at wholesale.....	\$ 50.00	semi-annually.
Fruits and vegetables at retail.....	\$ 25.00	semi-annually.
Meats at wholesale.....	\$ 25.00	semi-annually.
Meats at retail.....	\$ 10.00	semi-annually.
Fish at wholesale.....	\$ 25.00	semi-annually.
Fish at retail.....	\$ 10.00	semi-annually.
Poultry products at wholesale.....	\$ 20.00	semi-annually.
Poultry products at retail.....	\$ 10.00	semi-annually.
Bakery products at retail.....	\$ 5.00	semi-annually.
Dairy products at retail.....	\$ 5.00	semi-annually.

A permit or license for which application is made under the provisions of this ordinance may be granted at any time during the year but all permits or licenses granted hereunder shall expire semi-annually upon the 30th day of June and the 31st day of December of each year.

All moneys received as permit or license fees under provisions of this ordinance shall be paid into the County Treasury, and placed in the County Infirmary Fund.

Section 5. The owner, proprietor or person in control of every business vehicle or other appliance of the character mentioned in Section 1 of this ordinance shall keep posted in a conspicuous place upon such vehicle or appliance the copy of the permit or license granted to him under the provisions of this ordinance.

Upon issuing any such permit or license the Health Officer, or his duly authorized representative, shall furnish to the applicant therefor, at the actual cost to the County, two permit or license plates showing the period of the permit or license and the character of the business for which it is issued.

The applicant for such permit or license shall immediately affix each pair of plates to the vehicle for which they are issued and in such position as shall be directed by the Health Officer, and shall maintain said permit or license plates upon the opposite sides of said vehicle during the permit or license period covered by said plates.

Permit or license plates for containers or appliances shall be affixed as may be directed by the Health Officer.

The use of such permit or license plates upon any vehicle, container or appliance other than that for which they are issued, shall be grounds for the revocation of any permit issued in connection with said vehicle, container or appliance, or the business in which it was used.

Section 6. All highway or road food stands and vending stations coming under the specifications of this ordinance or the specifications of the Santa Clara County Health and Sanitary Ordinance must be back of right of way line and at least ten (10) feet away from surfaced road bed.

Section 7. The owner, proprietor or person in control of every business vehicle or other appliance of the character mentioned in Section 1 of this ordinance shall comply with the following regulations:

(a) The floors, sidewalls, ceiling, shelving, furniture, receptacles, implements of every place or vehicle mentioned in Section 1 of this ordinance shall at all time be kept in a clean, healthful and sanitary condition.

(b) All food in the process of preparation, distribution, or display must be securely protected from flies, dust, dirt, and other foreign or injurious contamination. No fruit, vegetables or other food stuffs, not securely packed in wood, tin or similar impervious material, shall be exposed for sale or stored nearer than 18 inches to the ground. No milk or cream shall be held for sale in retail establishments unless kept in clean surroundings and refrigerated so that the temperature shall not exceed 55 degrees Fahrenheit at any time. Milk or cream so held shall not be placed or kept in meat boxes, unless milk bottles or containers are inclosed in a separate compartment or otherwise securely protected against dripping or other contamination from meats.

(c) All garbage, dirt and waste products subject to decomposition or fermentation must be kept in a covered metal watertight and fly-tight depository, and shall not be permitted to leak or to become foul-smelling or unsightly or breeding places for flies.

Section 8. It shall be lawful for the Health Officer, his duly authorized representative or any Peace Officer to inspect at any time the vehicle or appliance used in the business provided for in this ordinance and to inspect the foods, goods and merchandise sold or offered for sale under the provisions hereof. If such inspection be refused, the permit shall be forthwith revoked.

Section 9. This ordinance is for the protection of the public health, safety and welfare, and its provisions are to be liberally construed to obtain the beneficial purposes thereof. The invalidity of any article, section, paragraph, sentence or clause of this ordinance shall not invalidate any other article, section, paragraph, sentence or clause of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance, and each article, section, paragraph, sentence and clause thereof, irrespective to the fact that any article, section, paragraph, sentence or clause thereof be declared invalid.

Section 10. Any person, firm or corporation, or agent or employee of any person, firm or corporation, who violates any provision of this ordinance, or any rules and regulations made hereunder, shall be guilty of a misdemeanor, and upon the conviction thereof shall be punished by a fine of not less than Ten Dollars (\$10.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment for a period of not less than five (5) days, nor more than six (6) month, or both by such fine and imprisonment.

Section 11. All ordinances or parts thereof in conflict herewith are hereby repealed.

Section 12. This ordinance shall take effect thirty (30) days from and after its adoption, and prior to fifteen (15) days from the adoption thereof shall be published for at least one week in the San Jose Mercury Herald, a newspaper published in the County of Santa Clara, State of California, together with the names of the member of the Board of Supervisors voting for and against the same.

Passed this 31st day of May 1932, by the following vote:

AYES: Supervisors: Cooley, Ayer, McKimmon, Hubbard, Hecker.
 NOES: Supervisors: None.
 ABSENT: Supervisors: None.

HENRY A. PFISTER, Clerk.

By EUGENE M. DON
Deputy Clerk.

H. HECKER.
Chairman of the Board of Supervisors.

RESCINDED

Date: 10-13 1953

Re: Min Ek 22 Pg. 224