

# CITY OF MERCED

"Gateway to Yosemite"



Dear Business Owner,

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

**Street Vendor** – A street vendor is a City-wide mobile business (such as cart or truck) selling only food and/or drink using City streets that cannot stop in one place longer than 10 minutes (MMC Section 5.54.090). The following items are required for Street Vendors:

- As part of the Street Vendor permit process, each person who works in the vehicle selling the food and drink shall also obtain a Solicitor's Permit. Fingerprinting and a background check is required for the Solicitor Permit, so be sure to also obtain a Solicitor Permit Application and a Request for Live Scan Service form.
- For the privilege of using public property for a commercial enterprise, and annual public property use fee of \$50 per vehicle, wagon, or cart must be paid in advance of the year for which a permit is issued. You must renew your permit before December 31<sup>st</sup> of each year to be able to continue operating in the City. They are issued on an annual, calendar-year basis.
- A Certificate of Insurance must be furnished to the City evidencing coverage of at least \$500,000 for property damage and \$500,000 for liability, or a minimum combined single limit coverage of \$500,000. In addition, an Endorsement of Additional Insured statement must accompany the Certificate of Insurance, naming the City of Merced, its Officers, Agents, and Employees as additional insureds. Please see your insurance company for these requirements.

**Sidewalk Vendor** – A sidewalk vendor is a business selling only food and/or drink that has a fixed place of business on private property. If you have a food truck and you cannot stop on request of a customer, heat up your cooking equipment, and be able to fully cook and serve your customer's order within a maximum of ten minutes, you must apply as a sidewalk vendor. If you wish to operate your business in the City Limits, you must get approval from the City for your fixed location (see MMC 5.54.080 for site requirements). As sidewalk vendors can only locate in certain land use zones, a Vendor Map has been prepared for you to show you what locations in the City may be appropriate. Depending on which location you choose, you will need to fill out and submit either a Site Plan Review Application or a Conditional Use Permit Application. The application fee for the site review process depends on which process you are required to apply for (see Vendor Map). **Only** after obtaining approval of your fixed location in the City can you apply for the Business License using this application packet. Sidewalk vendors are not required to pay a public property use fee if they are located on private property.

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

Thank you,

Rose Usog  
Business Licenses, Finance Department

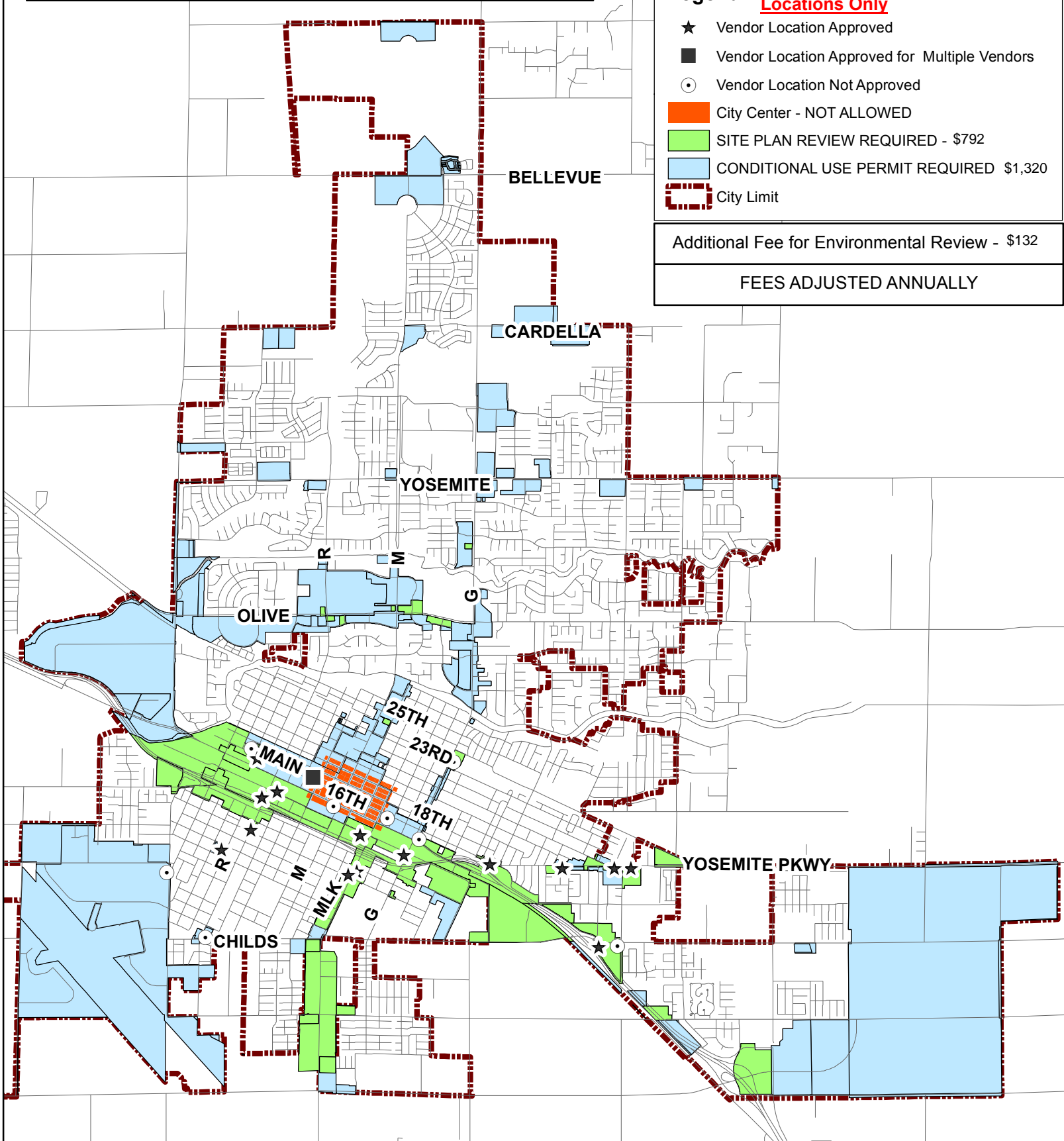
# MOBILE FOOD VENDOR LOCATION MAP

**Legend** Fees Associated w/ Fixed Locations Only

- ★ Vendor Location Approved
- Vendor Location Approved for Multiple Vendors
- Vendor Location Not Approved
- Orange City Center - NOT ALLOWED
- Green SITE PLAN REVIEW REQUIRED - \$792
- Light Blue CONDITIONAL USE PERMIT REQUIRED \$1,320
- Red Dashed Line City Limit

Additional Fee for Environmental Review - \$132

FEEES ADJUSTED ANNUALLY



**DISCLAIMER:** This document was prepared for general inquires only. The City of Merced makes no warranty, representation, or guarantee regarding the accuracy of this map. The City of Merced is not responsible for errors or omissions that might occur. Official information regarding specific parcels should be obtained from official recorded or adopted City documents.

**REFER TO DEVELOPMENT STANDARDS ATTACHED.**

Map Updated 6/8/2018





# BUSINESS LICENSE APPLICATION

Finance Department  
TEL # (209) 385-6843  
FAX # (209) 388-7217

Email: [blinquiry@cityofmerced.org](mailto:blinquiry@cityofmerced.org)

City of Merced  
678 W. 18<sup>th</sup> St.  
Merced, CA 95340

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

Please Check All That Apply:     New Application     Change of Owner

Change of Address - Previous Address: \_\_\_\_\_

Change of Business Name; previous business name: \_\_\_\_\_

Add/Delete Partner     Temporary Business    From \_\_\_\_\_ to \_\_\_\_\_

New Business Operating Within an Existing Business  
(provide name of existing business) \_\_\_\_\_

## Business Name (Include DBA, if applicable)

**\*\*State licensed care facilities, must use the same name as listed on the state license.**

## Business Address and Telephone Information:

Address (Home-based businesses must use the <u>home</u> address as the business address):	Suite/Apt #:
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City:	State:	Zip Code:	Telephone: (    )
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Mailing Address:    Same as Business Address?

Address:	Suite/Apt. No.:
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City:	State:	Zip Code:	E-Mail Address:
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## Business Activity (Provide a detailed description of all proposed business activities):

Licensed Contractor?	Y	N	License #:	Classification:	Expiration:
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Contractor's License Verified By (*official use*):

Check Cashing Business?	Y	N	Permit #:
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Business Start Date In Merced:	Number of Employees/Professionals:	Number of Units:
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## Tax Identification Numbers:

Federal Tax ID #/SSN:	State Tax ID #/SSN:	State Sales Tax #:
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<input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Owner	Non-profit #:
<input type="checkbox"/> Non-profit	

**Owner's Information**

(If more than 2 owners please attach a separate sheet of paper)

<b>1) First Name:</b>	<b>Middle Initial:</b>	<b>Last Name:</b>	<b>Suffix (Jr./Sr./III):</b>
<b>Home Address (No P.O. Boxes):</b>	<b>Apt. #:</b>	<b>City:</b>	<b>State:</b> <b>Zip Code:</b>
<b>Home Telephone:</b> ( )	<b>Date of Birth:</b>	<b>Driver's License #:</b> (The Finance Dept. will make a copy of your license)	

<b>2) First Name:</b>	<b>Middle Initial:</b>	<b>Last Name:</b>	<b>Suffix (Jr./Sr./III):</b>
<b>Home Address (No P.O. Boxes)</b>	<b>Apt. #:</b>	<b>City:</b>	<b>State:</b> <b>Zip Code:</b>
<b>Home Telephone:</b> ( )	<b>Date of Birth:</b>	<b>Driver's License #:</b> (The Finance Dept. will make a copy of your license)	

**Corporate Information (If Applicable)**

<b>Person/Agent for Service of Process (First and Last Name):</b>	<b>Telephone:</b> ( )
<b>Home Address (No P.O. Boxes):</b>	<b>Apt. #:</b> <b>City:</b> <b>State:</b> <b>Zip Code:</b>

**Emergency Contact Information (Provide two names):**

<b>Emergency Contact:</b>	<b>Telephone Number:</b> ( )
<b>Emergency Contact:</b>	<b>Telephone Number:</b> ( )

**Select a billing method:** CPI Base Rate  Gross Receipts 

I understand that this selection shall remain in effect for a minimum of four (4) consecutive quarters. Falsification of this statement is a misdemeanor. ( ) Initial

**FOR FINANCE USE ONLY**

<b>Date Billed:</b>	<b>Classification:</b>
<b>Additional Fee \$</b>	<b>Gross receipts</b> <input type="checkbox"/> <b>CPI Base Rate</b> <input type="checkbox"/>
<b>License Fee \$</b>	<b>License Number Issued:</b>
<b>Total Due</b>	<b>Initial:</b>

**NOTE: Application continues on the following pages**

## Police Department Review Assessment

**Will your business involve any of the following? (answer all questions/circle yes or no)**

Firearms or Gunpowder (if gunpowder is used a fire permit may be required)	Y	N
Storage of Explosives	Y	N
Tattoo Establishments	Y	N
Curb Painting	Y	N
Taxicabs and Drivers (requires City Council approval)	Y	N
Limousine Service	Y	N
Card Room	If yes, how many tables? _____	Y N
Pool/Billiard Rooms and Family Billiard Parlors	If yes, how many tables? _____	Y N
Bingo or other games open to the general public	Y	N
Carnivals or Circuses	Y	N
Fortune Teller	Y	N
Child Care Centers	If yes, how many children? _____	Y N
Dependent Adult Care Centers	Y	N
Massage. State Certified? include number _____ and expiration date _____	Y	N
Door to door soliciting of goods or services	Y	N
Pawn Shop/Secondhand Dealer/Junk Dealer (requires City Council approval)	Y	N
Street or Sidewalk Vendor	Y	N
Liquidation Sale	Y	N
Itinerant Vendors	Y	N
Motion Picture Filming	Y	N
Dancing Permits	Y	N
Nightclub	Y	N
Alcohol Sales	On-Sale <input type="checkbox"/> Off-Sale <input type="checkbox"/>	Y N
Adult Entertainment Business	Y	N
Renting or Selling Adult-Type Videos and Books	Y	N
Escort Service and/or Figure Modeling	Y	N
Mobile Auto Repair	Y	N
Tow Company and Drivers	Y	N
Fire Extinguisher Refill Business	Y	N
Alarm Companies	Y	N
Lock and Key Businesses, including mobile services	Y	N
Private Patrol, Security Services and Guards (requires City Council approval)	Y	N

**If you answered "yes" to any of the questions, your license may be subject to Police Department review.**

## Read the following information before signing below

The payment of a license tax required by the provisions of the Merced Municipal Code and its acceptance by the City, and the issuance of such license to any person shall not entitle the holder thereof to carry on any business unless he has complied with all the requirements of the Merced Municipal Code, California Fire Code, California Building Code, and all other applicable laws, nor to carry on any business in any building or on any premises designated on such license in the event that such building or premises are situated in a zone or locality in which the conduct of such business is in violation of any law.

This business license does not grant authorization to occupy any space, building, premises or property that requires modifications or additional approvals or permits. Any modifications or change of occupancy category to the building or space may require building permits. All new uses occupying space through lease, rent or ownership, whether a lot, tenant space, or portion of a property, must comply with local zoning laws. It is the responsibility of the business license applicant to obtain all necessary permits and approvals from the building department, fire department and planning department prior to occupying the space. For the reasons stated above, it is highly advisable that applicants for a business license contact the Building Department and Planning Department as early in the process of obtaining a business license as is possible. By ensuring permits and approvals are obtained in advance of occupancy, unforeseen construction and permit fees may be avoided.

Additionally, the Merced County Environmental Health Department has requirements for certain business operations such as any Food Facilities, Hazardous Materials/Waste (including medical), Care Facilities, Labor Services (handyman/contractors/janitorial/yard service, and many others). Please contact them at (209) 381-1100, or visit their offices at 260 E. 15<sup>th</sup> Street.

By signature below, I certify that I will operate my business in accordance with all applicable Federal, State, and City laws and regulations, including the requirements of the California Fire and Building Codes. I also certify that I am aware that it is my responsibility to obtain any necessary permits and/or approvals prior to occupying a business location, and that violations must be corrected.

Applicant's Printed Name:	
Applicant's Signature:	Date:
Applicant's Title:	

**Is there a need for Supplemental Application Forms? Check all that apply.**

<i>Business-Related Activity and Supplemental Application Form</i>	<i>Responsible Department</i>
<input type="checkbox"/> Massage? <i>Massage Application</i>	Finance Dept.
<input type="checkbox"/> Street and Sidewalk Vendor? <i>Solicitors Permit</i>	Finance Dept.
<input type="checkbox"/> Curb Painting? <i>Curb-Painting Application</i>	Finance Dept.
<input type="checkbox"/> Motion Picture Filming? <i>Motion Picture Filming Application</i>	Finance Dept.
<input type="checkbox"/> Adult Entertainment? <i>Adult Entertainment Business Applications</i>	Police Dept.
<input type="checkbox"/> Weapon Sales? <i>Sale of Weapons Application</i>	Police Dept.
<input type="checkbox"/> Taxicab Service? <i>Taxicab Service Application</i>	Police Dept.
<input type="checkbox"/> Pool and Billiard Rooms? <i>Pool and Billiard Room Application</i>	Police Dept.
<input type="checkbox"/> Private Patrol Service? <i>Private Patrol Application</i>	Police Dept.
<input type="checkbox"/> Second Hand Dealer/Pawn Shop? <i>Goods Resale Application</i>	Police Dept.
<input type="checkbox"/> Work from Home in City? <i>Home Occupation Certificate</i>	Planning Dept.
<input type="checkbox"/> Circus or Carnival? <i>Temporary Outdoor Use Application</i>	Planning Dept.

**Endorsements from other Departments and Agencies**

**Endorsement Required?**  YES  NO

City of Merced Police Department. 611 W. 22<sup>nd</sup> Street. (209) 385-6912

By: \_\_\_\_\_ Date: \_\_\_\_\_.

**Endorsement Required?**  YES  NO

City of Merced Planning Department. 678 W 18<sup>th</sup> Street. (209) 385-6858

Zoning: \_\_\_\_\_. Home Occupation Certificate No. \_\_\_\_\_ (if applicable).

By: \_\_\_\_\_ Date: \_\_\_\_\_. Is a Land Use Entitlement Required Y / N

**Endorsement Required?**  YES  NO

Merced County Environmental Health Department. 260 E 15<sup>th</sup> Street (209) 381-1100

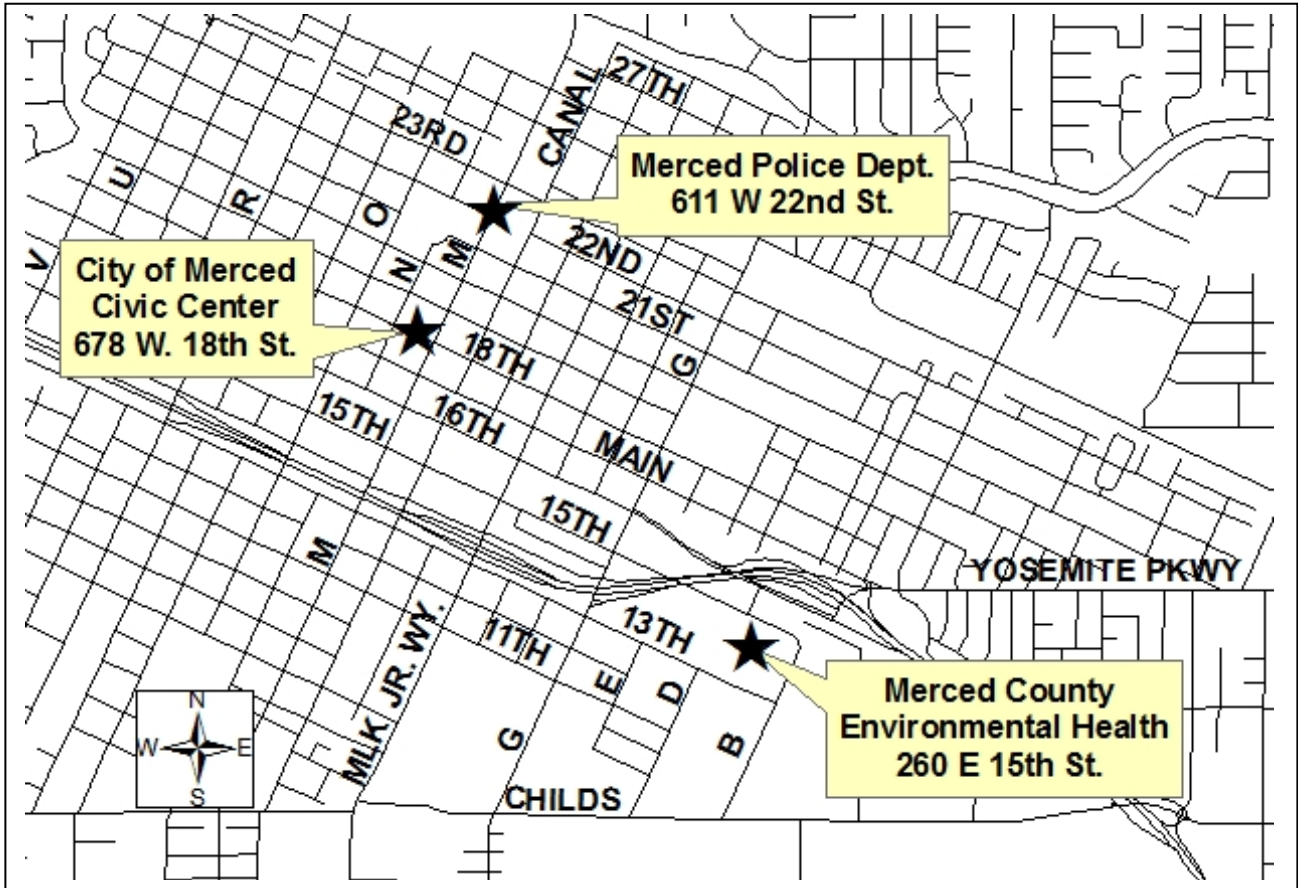
By: \_\_\_\_\_ Date: \_\_\_\_\_.

**Endorsement Required?**  YES  NO

Merced County Public Health Department (massage only) 260 E. 15<sup>th</sup> Street. (209) 381-1023

By: \_\_\_\_\_ Date: \_\_\_\_\_.

\*\*\* Under federal law and state law, compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public. You may obtain information about your legal obligations and how to comply with disability access laws at the following agencies: The Division of the State Architect at [www.dgs.ca.gov/dsa/Home.aspx](http://www.dgs.ca.gov/dsa/Home.aspx); The Department of Rehabilitation at [www.rehab.cahwnet.gov](http://www.rehab.cahwnet.gov); The California Commission of Disability Access at [www.cdda.ca.gov](http://www.cdda.ca.gov).





## DISABILITY ACCESS REQUIREMENTS AND RESOURCES

### NOTICE TO APPLICANTS FOR BUSINESS LICENSES AND COMMERCIAL BUILDING PERMITS:

Under federal and state law, compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public. You may obtain information about your legal obligations and how to comply with disability access laws at the following agencies:

DEPARTMENT OF  
GENERALSERVICES,  
Division of the State  
Architect, CASp Program

[www.dgs.ca.gov/dsa](http://www.dgs.ca.gov/dsa)

[www.dgs.ca.gov/casp](http://www.dgs.ca.gov/casp)

DEPARTMENT OF  
REHABILITATION  
Disability Access Services

[www.dor.ca.gov](http://www.dor.ca.gov)

[www.rehab.cahwnet.gov/](http://www.rehab.cahwnet.gov/)

[disabilityaccessinfo](http://disabilityaccessinfo)

DEPARTMENT OF  
GENERALSERVICES,  
California Commission on  
Disability Access

[www.cdda.ca.gov](http://www.cdda.ca.gov)

[www.cdda.ca.gov/resources-menu/](http://www.cdda.ca.gov/resources-menu/)

### CERTIFIED ACCESS SPECIALIST INSPECTION SERVICES

Compliance with state and federal construction-related accessibility standards ensures that public places are accessible and available to individuals with disabilities. Whether your business is moving into a newly constructed facility or you are planning an alteration to your current facility, by engaging the services of a Certified Access Specialist (CASp) early in this process you will benefit from the advantages of compliance and under the Construction-Related Accessibility Standards Compliance Act (CRASCA, Civil Code 55.51-55.545), also benefit from legal protections.

Although your new facility may have already been permitted and approved by the building department, it is important to obtain CASp inspection services after your move-in because unintended access barriers and violations can be created, for example, placing your furniture and equipment in areas required to be maintained clear of obstructions. For planned alterations, a CASp can provide plan review of your improvement plans and an access compliance evaluation of the public accommodation areas of your facility that may not be part of the alteration.

A CASp is a professional who has been certified by the State of California to have specialized knowledge regarding the applicability of accessibility standards. CASp inspection reports prepared according to CRASCA entitle business and facility owners to specific legal benefits, in the event that a construction-related accessibility claim is filed against them.

To find a CASp, visit [www.apps2.dgs.ca.gov/DSA/casp/casp\\_certified\\_list.aspx](http://www.apps2.dgs.ca.gov/DSA/casp/casp_certified_list.aspx).

## DISABILITY ACCESS REQUIREMENTS AND RESOURCES

### GOVERNMENT TAX CREDITS, TAX DEDUCTIONS AND FINANCING

State and federal programs to assist businesses with access compliance and access expenditures are available:

#### Disabled Access Credit for Eligible Small Businesses

FEDERAL TAX CREDIT—Internal Revenue Code Section 44 provides a federal tax credit for small businesses that incur expenditures for the purpose of providing access to persons with disabilities. For more information, refer to Internal Revenue Service (IRS) Form 8826: Disabled Access Credit at [www.irs.gov](http://www.irs.gov).

STATE TAX CREDIT—Revenue and Taxation Code Sections 17053.42 and 23642 provide a state tax credit similar to the federal Disabled Access Credit, with exceptions. For more information, refer to Franchise Tax Board (FTB) Form 3548: Disabled Access Credit for Eligible Small Businesses at [www.ftb.ca.gov](http://www.ftb.ca.gov).

#### Architectural and Transportation Barrier Removal Deduction

FEDERAL TAX DEDUCTION—Internal Revenue Code Section 190 allows businesses of all sizes to claim an annual deduction for qualified expenses incurred to remove physical, structural and transportation barriers for persons with disabilities. For more information, refer to IRS Publication 535: Business Expenses at [www.irs.gov](http://www.irs.gov).

#### California Capital Access Financing Program

STATE FINANCE OPTION—The California Capital Access Program (CalCAP) Americans with Disabilities Act (CalCAP/ADA) financing program assists small businesses with financing the costs to alter or retrofit existing small business facilities to comply with the requirements of the federal ADA. Learn more at [www.treasurer.ca.gov/cpcfca/calcap/](http://www.treasurer.ca.gov/cpcfca/calcap/).

### FEDERAL AND STATE LEGAL REQUIREMENTS ON ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

AMERICANS WITH DISABILITIES ACT OF 1990 (ADA) —The ADA is a federal civil rights law that prohibits discrimination against individuals with disabilities, and requires all public accommodations and commercial facilities to be accessible to individuals with disabilities. Learn more at [www.ada.gov](http://www.ada.gov).

CALIFORNIA BUILDING CODE (CBC)—The CBC contains the construction-related accessibility provisions that are the standards for compliant construction. A facility's compliance is based on the version of the CBC in place at the time of construction or alteration. Learn more at [www.bsc.ca.gov](http://www.bsc.ca.gov).

~ ~ ~ WATER QUALITY CONTROL DIVISION ~ ~ ~

1776 Grogan Avenue • Merced, CA 95341

Office: (209) 385-6204

**PLEASE COMPLETE EACH SECTION BELOW:**

Name of Business: \_\_\_\_\_ Name of Owner: \_\_\_\_\_

Address of Business: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_ Ph #: \_\_\_\_\_

Type of Business: \_\_\_\_\_ SIC Code: \_\_\_\_\_ ([www.osha.gov](http://www.osha.gov))

**IF YOU ARE A NEW FOOD SERVICE ESTABLISHMENT, YOU MUST CONTACT THE WATER QUALITY CONTROL DIVISION AT (209) 385-6204 FOR A GENERAL WASTE DISCHARGE PERMIT BEFORE OPENING DAY OF BUSINESS. (Merced Municipal Code 15.30.010)**

**Complete and answer each question below. If the question does not apply, write Not Applicable. Thank you.**

1. Will your business apply pesticides, herbicides or fertilizers? If yes, list the name of the products used and how often applied: \_\_\_\_\_  
\_\_\_\_\_
2. Is your business a wreckage or storage yard containing vehicles or motorized equipment? YES  NO
3. Will your facility be involved with any product manufacturing? YES  NO   
List Product(s) below: \_\_\_\_\_  
\_\_\_\_\_
4. Will your facility store materials outside? YES  NO
5. List chemicals and materials that will be stored outside: \_\_\_\_\_  
\_\_\_\_\_
6. How will you cover outside chemical/material storage to prevent contribution of pollution from storm water runoff? \_\_\_\_\_  
\_\_\_\_\_
7. Does your business provide car washing, detailing or cleaning of any kind? Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Internal Use Only:	
Review Date:	Inspection Date:
Follow Up:	RWQCB Notified:
Notes:	



**CITY OF MERCED  
STREET AND SIDEWALK VENDOR APPLICATION**

*Applicant: Please complete this side only – thank you.*

**PLEASE CHECK ONE:** I am a \_\_\_\_\_ STREET VENDOR \_\_\_\_\_ SIDEWALK VENDOR WITH AN APPROVED LOCATION IN THE CITY OF MERCED

Business Name: \_\_\_\_\_ Business Address: \_\_\_\_\_

<b>ENTER EACH:</b> O = OWNER, OR E = EMPLOYEE	NAME OF OWNER OR EMPLOYEE	ADDRESS (#, street, city, state)	SOCIAL SECURITY #	DRIVER'S LICENSE #	DATE OF BIRTH
			- - -	(State) ___ # _____	/ /
			- - -	(State) ___ # _____	/ /
			- - -	(State) ___ # _____	/ /
			- - -	(State) ___ # _____	/ /
			- - -	(State) ___ # _____	/ /
			- - -	(State) ___ # _____	/ /
			- - -	(State) ___ # _____	/ /
			- - -	(State) ___ # _____	/ /

<b>VEHICLE TYPE:</b> push cart, bicycle cart, van, food wagon, trailer, etc.	<b>VEHICLE DESCRIPTION:</b> License Plate #, Make & Model, Color, etc.). Please list all vehicles used for your business.	<b>STREET VENDORS:</b> ENTER "MOBILE" or specific area <b>SIDEWALK VENDORS:</b> Enter approved site address (must be approved)

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.

Business Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

~ This side for office use only – thank you. ~

Business License Acct #: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

PUBLIC PROPERTY USE FEE:

Fee Calculation:	Date Paid:	Prepared by:	Reviewed by:
# of carts _____ X \$50 = \$ _____			

SOLICITOR PERMITS:

Issued to:	Date issued:	Issued to:	Date issued:

INSURANCE:

Policy Limits		City of Merced, its officers, agents, employees named as additional insureds?	Policy Expiration Date:
\$500,000 Property Damage	\$500,000 Liability		
	\$500,000 Single Limit		

SITE LOCATION APPROVAL:

Approved Location Address (If same as on Side One, write "same". If street vendor, write "mobile"):	File #:	Date of Approval:	Verified by (initials):	Comments

Approved by: \_\_\_\_\_ City Manager or designee  
 Permit Expiration Date: \_\_\_\_\_

# **Street and Sidewalk Vendor Ordinance of the City of Merced, California**

## **Chapter 5.54 - STREET AND SIDEWALK VENDORS**

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### **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 resign 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 during 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).*