



## City of Seal Beach Application for Sidewalk Vendor Permit

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### APPLICANT TO COMPLETE ALL INFORMATION BELOW:

1. Applicant Name:

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2. Applicant Address:

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3. Applicant Telephone number:

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4. Applicant Email:

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5. If Applicant is an Agent for of an individual, company, partnership, corporation, or other entity, the name and business address of the principal:

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6. City of Seal Beach Business License number:

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7. Name, address and telephone number of person(s) responsible for the roaming sidewalk vendors, sidewalk vending activity and/or for the person(s) working at the sidewalk vending receptacle:

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8. Name, address, and telephone number of all persons that will be employed as roaming sidewalk vendors or at a sidewalk vending receptacle:

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9. The number of sidewalk vending receptacles operating within the City under this permit:

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10. The applicant intends to operate as:

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Stationary sidewalk vendor. Please indicate the intended location(s) to operate, and operate dates/hours at each location:

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Roaming sidewalk vendor. Please indicate the intended path of travel and operate dates/hours:

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11. Please provide the dimensions of sidewalk vending receptacle(s), including a picture/drawing of each sidewalk vending receptacle operating under the permit and any signs that will be affixed thereto.

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12. The vendor will sell:

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Food items. Please provide a description of the type of food to be sold, whether the food will be prepared on site, heating element requirement for food preparation and the type of heating element (if any):

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Non-food merchandise items. Please provide a description of the merchandise.

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13. All applicants intend to sell food items must attach a copy of the VALID HEALTH PERMIT issued by the Orange County Health Care Agency, certification to completion of a food handler course, in compliance with Chapter 5.40, of the Seal Beach Municipal Code, and any applicable discharge permits in compliance with Chapter 9.25 of the Seal Beach Municipal Code.

14. All applicants must attach a VALID SELLER'S PERMIT issued by the California Department of Tax and Fee Administration, which lists the City of Seal Beach as a location.

Seller's Permit Number:

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15. Application and Inspection fee is \$137 (non-refundable).

16. All applicants must provide a policy of liability insurance with companies approved to do business in California, which policy names the City of Seal Beach, its officers, employees and agents as additional insureds in a minimum amount of one million dollars (\$1,000,000) combined single limit.

17. Prior to a sidewalk vendor permit issuance, an applicant has not had a permit revoked within the past 12 months under SBMC Section 5.80.060; and has paid all previous administrative fines (if any) connected with any violations of SBMC Section 5.80.100.

18. A Sidewalk Vendor Permit is valid for 12 months from the date of issuance and shall expire on the anniversary of issuance unless a new permit is issued.

### **APPLICANT CERTIFICATION**

I certify, to my knowledge and belief, the information contained within the application is true and correct.

*Signature:* \_\_\_\_\_

*Print Name/Title:* \_\_\_\_\_

*Name of Business:* \_\_\_\_\_

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

#### **FOR CITY OFFICE USE ONLY:**

Code Enforcement Approval: \_\_\_\_\_

Planning Approval: \_\_\_\_\_

Public Works Approval: \_\_\_\_\_

Community Services Approval: \_\_\_\_\_

Police Department Approval: \_\_\_\_\_

Fire Department Approval: \_\_\_\_\_

Health Permit Verified by Finance: \_\_\_\_\_

Seller's Permit Verified by Finance: \_\_\_\_\_

## **SIDEWALK VENDOR INDEMNITY AGREEMENT**

This is an agreement by the sidewalk vendor to defend, indemnify, release and hold harmless the City of Seal Beach, its City Council, boards, commissions, officers and employees from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to the permit or the vendor's sidewalk vending activities. This indemnification shall include, but not be limited to, damages awarded against the City of Seal Beach, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, or proceeding whether incurred by the permittee, the City of Seal Beach, and/or the parties initiating or bringing such proceeding.

*Signature:* \_\_\_\_\_

*Print Name/Title:* \_\_\_\_\_

*Name of Business:* \_\_\_\_\_

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

## **SIDEWALK VENDOR STATEMENT OF ACKNOWLEDGEMENT**

I acknowledge that I have read the pertaining City of Seal Beach Ordinance in its entirety and that I will comply with all generally applicable Federal, State, and local laws.

I acknowledge that use of public property is at the sidewalk vendor's own risk, the City does not take any steps to ensure public property is safe or conducive to the sidewalk vending activities, and the sidewalk vendor uses public property at their own risk.

I acknowledge that the sidewalk vendor will obtain and maintain throughout the duration of any permit issued under SBMC Section 5.80.020, any insurance and endorsement therefore required by this Article.

I acknowledge that I will not conduct sidewalk vending activities in certain locations as outlined in SBMC Section 5.80.090.

The conduct of the sidewalk vendor will not unduly interfere with traffic or pedestrian movement or tend to interfere with or endanger the public peace or rights of nearby residents to the quiet and peaceable enjoyment of their property, or otherwise be detrimental to the public peace, health, safety or general welfare.

The conduct of the sidewalk vendor will not unduly interfere with normal governmental or City operations, threaten to result in damage or detriment to public property, or result in the City incurring costs or expenditures in either money or personnel not reimbursed in advance by the vendor.

The conduct of such sidewalk vending activity will not constitute a fire hazard, and all proper safety precautions will be taken.

The conduct of such sidewalk vending activity will not require the diversion of police officers to properly police the area of such activity as to interfere with normal police protection for other areas of the City.

*Signature:* \_\_\_\_\_

*Print Name/Title:* \_\_\_\_\_

*Name of Business:* \_\_\_\_\_

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

## **SIDEWALK VENDOR OPERATING REQUIREMENTS**

Per SBMC Section 5.80.090, Sidewalk Vendors shall comply with the following:

- A. No sidewalk vendor shall vend in the following locations:
  - 1. Within 15 feet of any street intersection;
  - 2. Within 10 feet of any fire hydrant, fire call box, or other emergency facility;
  - 3. Within 10 feet of any driveway or driveway apron;
  - 4. Upon or within any roadway, median strip, or dividing section;
  - 5. Within 500 feet of a permitted certified farmers' market, a swap meet, or an area designated for a temporary special permit. This prohibition shall be limited to the operating hours of the farmers' market or swap meet, or the limited duration of the temporary special permit;
  - 6. In any city parking lot;
  - 7. On private property without the consent of the property owner.
- B. No sidewalk vendor shall vend to customers in moving operating vehicles, or in a manner that blocks or obstructs the free movement of pedestrians or vehicles. Sidewalk vendors must at all times provide a clearance of not less than 3 feet on all sidewalks, piers, or other pedestrian areas so as to enable persons to freely pass while walking, running, or using mobility assistance devices;
- C. Sidewalk vending only is permitted between the hours of 8 AM. and 10 PM, daily, except as follows:
  - 1. In residential areas, roaming sidewalk vending only shall be permitted between the hours of 10 PM and 5 PM.
  - 2. In nonresidential areas, the limit on hours of vending shall not be more restrictive than the hours of operation of other businesses or uses on the same street.
  - 3. In city parks, including the city's public beach and pier area, sidewalk vending shall be permitted only during hours open to the public.
  - 4. On the city's public beach and pier, sidewalk vending shall not be conducted in a manner or location that interferes with the public's and other licensees' use of the beach and pier for recreational purposes, including, without limitation, fishing, swimming, bathing and the mooring of boats. Vendors shall not deposit or dump anything into the water or onto the beach. No vendor on the pier shall use, or block the public's access to, sinks or drains. To protect the public health and safety, vendors shall not establish a fixed location on the sand, and shall not locate on the pier other than against the railing.
- D. Stationary sidewalk vendors shall not vend in areas that are zoned exclusively residential.
- E. Stationary sidewalk vendors shall not vend at any park, including the city's public beach and pier area, where the city has signed an agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire.
- F. Sidewalk vendors shall provide a trash receptacle for customers and shall ensure proper disposal of customer trash. Prior to leaving any vending location, the sidewalk vendor shall pick up, remove, and dispose of all trash generated by the vending operations or the vendor's customers within a 15-foot radius of the vending location.

- G. Vendors of food or food products shall possess and display in plain view on the vending cart, a valid food facility health permit from Orange County Environmental Health.
- H. Sidewalk vendors shall possess at all times while vending, a valid permit issued pursuant to this chapter, as well as any other permit or license required by the city and any other appropriate governmental agency.
- I. Sidewalk vendors shall possess at all times while vending, current liability insurance.
- J. Sidewalk vendors shall comply with all applicable state and local laws, including, without limitation, state food preparation, handling, and labeling requirements; fire codes and regulations; noise standards; and the Americans with Disabilities Act of 1990 and other disability access standards (both state and federal).
- K. No vending cart shall become a permanent fixture on the vending site or be considered an improvement to real property. No vending cart or goods shall be stored on any public street, sidewalk or any other public property when not in use for vending. (Ord. 1675)