

CITY OF CERES
SIDEWALK VENDOR PERMIT APPLICATION NO. 26-_____

APPLICANT (VENDOR) INFORMATION:

- 1) APPLICANT NAME: _____
- 2) MAILING ADDRESS: _____
(STREET/PO BOX) (CITY) (STATE) (ZIP)
- 3) APPLICANT'S TELEPHONE NUMBER: (____) _____
- 4) EMAIL ADDRESS: _____

GENERAL VENDOR INFORMATION:

- 1) BUSINESS NAME: _____
- 2) DAYS OF WEEK/HOURS OF OPERATION: _____
- 3) TYPE OF VENDING: _____ Roaming _____ Stationary
- 4) TYPE OF VENDING FACILITY: _____ Pushcart _____ Table
- 5) NUMBER OF EMPLOYEES: _____ (Not including Vendor). If applicable, indicate where employees will have access to sanitary facilities. If a business location is used, the applicant shall provide written proof that they have permission from the applicable business owner to access said sanitary facilities.
- 6) PROPOSED LOCATION(S): _____

Signature of Vendor (Applicant)

Date

* SUBMITTAL REQUIREMENTS

- ☐ Insurance Certificate (Commercial General Liability of a minimum of \$1,000,000 per occurrence and naming the City of Ceres as an additional insured). Proof of comprehensive general liability insurance protecting the permittee and the City from all claims against any injury, death, loss or damage as a result of wrongful or negligent acts or omissions by the permittee. Such insurance shall name as additional insured the City and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days advance written notice to the City.
- ☐ Signed City of Ceres Indemnification Form.
- ☐ If located on any portion of private property, written consent from the property owner is also required.
- ☐ Copy of Health Permit(s) from the Stanislaus County's Department of Environmental Health.
- ☐ A copy of a valid California's driver's license.
- ☐ If applicable, provide a list of the names, addresses, and phone numbers of the employees that would be operating from the pushcart/table.
- ☐ Photos showing the different views of the vending pushcart and include the dimensions of the Cart (or table if stationary).
- ☐ Provide a list of the specific items proposed for sale at the vending pushcart/table.
- ☐ Answer the following Questions:
 1. Has the applicant at any time been convicted of a felony or of any offense involving moral turpitude or has been convicted of any narcotics violation? Yes___ No ___ . If yes, please explain:

 2. Has the applicant ever been granted a permit or license to engage in any business within the City of Ceres or elsewhere where said permit or license has been revoked? Yes___ No ___ . If yes, please explain:

Submit thirteen (1) copy of the Site Plan on a minimum 11" x 17" sheet in size must be submitted. These plans shall include the following information:

Site Plan

A. Sheet 1 – Illustrate the Sidewalk Vendor location on Site/Sidewalk Area

A vicinity map on the cover sheet.

Drawn to scale (i.e. 1" = 30', etc.) and include a north arrow.

Dimensions of the property.

A legend with the following notations: Name of the business; Address/Sidewalk location of where the Vendor proposes to operate.

Illustrate the location of where applicant proposes to locate vending pushcart.

**** Applications for permits shall be filed a minimum of thirty (30) days prior to the desired date requested for issuance of the permit. Renewal permit applications shall be filed a minimum of thirty (30) days prior to the expiration of any existing permit.**



Any permit issued for a Sidewalk Vendor shall be reviewed annually for a possible renewal or a revocation, and it may be reviewed on an as needed basis as determined by the City. If Conditions of Approval and Performance Standards are not being met, then either additional conditions may be imposed at the annual review, or the Permit may be terminated due to failure of compliance. In no case, shall any Sidewalk Vendor be permitted to operate that would subject the public to health and safety concerns.

***** General Conditions and Performance Standards for Sidewalk Vendors**

- ❑ Obtain and maintain a copy of a valid City of Ceres Business License.
- ❑ **Per Ceres Municipal Code Section 5.17.060 Operating Conditions,** all sidewalk vendors are subject to the following operating conditions when conducting sidewalk vending activities:
 - A. All sidewalk vendor permits shall be displayed conspicuously at all times on the vending cart or the sidewalk vendor's person.
 - B. Sidewalk vendors shall not display more than one sign. The sign shall not exceed ten (10) square feet and shall be affixed to the sidewalk vending cart.
 - C. Sidewalk vendors shall not leave their sidewalk vending cart unattended. Sidewalk vending carts shall not be stored on public property.
 - D. All sidewalk vendors shall allow a City police officer, firefighter, or code enforcement officer, or other City of Ceres Employee, at any time, to inspect their sidewalk vending cart for compliance with the size requirements of this Chapter and to ensure the safe operation of any heating elements used to prepare food.
 - E. Every sidewalk vending cart shall not exceed a total length of six (6) feet, a total width of four (4) feet, or a total height, including a roof, umbrella, or awning of eight (8) feet.
 - F. No sidewalk vending cart shall be motorized.
 - G. All food and merchandise shall be stored either inside or affixed to the sidewalk vendor cart or carried by the sidewalk vendor. Food and merchandise shall not be stored, placed, or kept on any public property. If affixed to the sidewalk vendor cart, the overall space taken up by the sidewalk vendor cart shall not exceed the size requirements provided in this Section.

- H. Sidewalk vendors that sell food shall maintain a trash container in or on their sidewalk vending cart and shall not empty their trash into public trashcans. The size of the vendor's trash container shall be taken into account when assessing the total size limit of a sidewalk vending cart. Sidewalk vendors shall not leave any location without first picking up, removing, and disposing of all trash or refuse from their operation.
- I. Sidewalk vendors shall maintain the area within which vending activities occur in a clean, safe, sanitary and dust-controlled condition. With the exception of approved stands, Sidewalk vendors shall remove all evidence of vending and leave the site in a clean state at the close of each business day including any generated trash.
- J. Sidewalk vendors may not empty vending cart trash containers into any City refuse container.
- K. Sidewalk vendors shall immediately clean up any food, grease, or other fluid or item related to sidewalk vending activities that falls on public property.
- L. Vending carts shall not be accompanied by accessories, including, but not limited to, tables, chairs, benches, and umbrellas except that one (1) chair and one (1) umbrella may be provided for the purpose of allowing the vendor or an employee to be seated in shade.
- M. Sidewalk vendors shall maintain a minimum four (4) foot clear accessible path free from obstructions, including sidewalk vending carts, and customer queuing area.
- N. Sidewalk vendors shall not approach persons to sell food or merchandise and shall not interfere in any way with anyone engaged in an activity to sell food or merchandise.
- O. Sidewalk vendors shall comply with the Vehicle Code and Health and Safety Code.
- P. Sidewalk vendors shall not operate in an unsafe manner, including but not limited to impeding on or off-site vehicle circulation and obstructing the view of pedestrians by motorists.
- Q. Sidewalk vendors shall provide adequate lighting to ensure customer safety either on the vehicle or at the location of the vehicle during business hours.
- R. If operating in parking lots on private property, sidewalk vendors shall not use or permit use of parking spaces on the property (e.g. for customer queuing, tables, portable restrooms, signs, and any other ancillary equipment) if doing so will adversely affect the required off-site parking available for primary uses(s) of the property during peak periods as determined by the Director.
- S. Sidewalk vendors shall not stop or stand in any clear vision triangle or no parking zone.

T. Sidewalk vendors shall comply with all applicable City and government requirements, including without limitation, the Americans with Disabilities Act, health and safety regulations and local zoning regulations.

□ **Per Ceres Municipal Code Section 5.17.070 Prohibited Activities**, all sidewalk vendors are subject to the following operating conditions:

A. Sidewalk vendors shall comply with all operating conditions, including those conditions set forth in Section 5.17.080 and Section 5.17.090.

B. Sidewalk vendors and roaming sidewalk vendors shall not engage in any of the following activities:

1. Renting merchandise to customers;
2. Displaying merchandise or food that is not available for immediate sale;
3. Selling of adult-oriented material, cannabis, alcohol, tobacco, or electronic cigarette products;
4. In areas not zoned exclusively for residential use, all sidewalk vendors are prohibited from conducting sidewalk vending activities between the hours of 10:00 p.m. and 7:00 a.m. daily, except that the hours of operation shall not be more restrictive than the hours of operation imposed on other businesses or uses on the same street;
5. In areas zoned exclusively for residential use, roaming sidewalk vendors are prohibited from conducting sidewalk vending activities between the hours of 6:00 p.m. and 9:00 a.m. daily;
6. Knowingly making false statements or misrepresentations during the course of offering food or merchandise for sale;
7. Impeding or obstructing ingress to or egress from any private property or any structure, parking space or loading facility;
8. Selling or otherwise conducting transactions with persons in moving vehicles or vehicles illegally parked or stopped;
9. Causing vehicles to stop in traffic lanes or causing persons to stand in traffic lanes or parking spaces;
10. Vending in a manner that blocks or obstructs the free movement of vehicles, including parked vehicles;

11. Damaging public or private property, including trees, shrubs, grass, flowers, plants, or vegetation.
12. Use of sound, singing, vocalization, verbalization, and noise generating devices to draw attention to the vending location.
13. Use of off-premise signs to advertise the vending location.
14. Placement of any signage that is not attached or directly affixed to the vending cart. In no circumstance shall attached or affixed signage exceed four (4) square feet.

□ **Per Ceres Municipal Code Section 5.17.080 Vending Locations**, all sidewalk vendors are subject to the following operating conditions:

A. Stationary sidewalk vending is prohibited in the following areas:

1. Any residential zone in the City.
2. Within three hundred fifty (350) feet of a public or private school in which children at or below the twelfth (12th) grade level are enrolled and which is in session.

B. Sidewalk vendors and roaming sidewalk vendors shall not engage in sidewalk vending activities at the following locations:

1. On any private property without the express written consent of the owner or lessee of the property.
2. On any designated emergency vehicle accessway.
3. Within twelve (12) inches of any curb face on all roads.
4. Within fifteen (15) feet of any entrance or exit to a building, structure or facility.
5. Within fifty (50) feet of another sidewalk vendor.
6. Within twenty-five (25) feet of a:
 - a. Fire hydrant;
 - b. Curb which has been designated as yellow or red zone, or a bus zone;
 - c. Trash or recycling containers, bike racks, benches, bus stops, or similar public use items.
7. On any sidewalk where vending equipment and queuing patrons would restrict access requirements under the Americans with Disabilities Act.
8. Within one-thousand (1,000) feet of a permitted certified farmers' market or swap meet during the limited operating hours of that certified farmers' market or swap meet.

9. Within one-thousand (1,000) feet of an area designated for a special event permit issued by the City, during the limited duration of the special permit. If the City provides any notice, business interruption mitigation, or other rights to affected businesses or property owners under the City's special permit, such notice will also be provided to any sidewalk vendors specifically permitted to operate in the area, if applicable.

C. Locations for vending shall be approved by the Director. In addition to any restrictions provided by this Section, vending locations may be further limited by the Director only if the limitation is directly related to objective health, safety or welfare concerns, including but not limited to:

1. The ability of the site to safely accommodate the use;
2. Pedestrian safety.

D. Vending locations may change only upon written request by an applicant and written approval by the Director.

□ **Per Ceres Municipal Code Section 5.17.090 Public Parks,** In addition to the conditions, restrictions, and prohibited activities provided in Sections 5.17.060 through 5.17.080 of this Code, sidewalk vendors operating in a public park shall not:

A. Operate outside the park's hours of operation;

B. Operate on, or within twenty-five (25) feet of, any sports field or playground equipment area;

C. Utilize any bench, table, barbeque pit, covered gathering area, or other publicly-owned structure or amenity in the park in any way as part of the sidewalk vending operation;

D. Operate within twenty-five (25) feet of any bench, table, barbeque pit, covered gathering area, or other publicly-owned structure or amenity in the park;

E. A stationary sidewalk vendor shall not sell food or merchandise or engage in any sidewalk vending activities at any park where the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire. Said parks include Smyrna Park and River Bluff Regional Park. Stationary Sidewalk vending is not permitted within 1,000 feet of either of these two parks.

I have read and understand the Sidewalk Vendor Standard Conditions of Approval and Performance Standards and agree to operate in accordance with these conditions and standards.

Owner/Operator/Vendor

Date

City of Ceres Staff

Date

AGREEMENT TO DEFEND AND INDEMNIFY
The City of Ceres

I (We), _____, the applicant(s), associated with this permit application, do hereby agree to defend, indemnify, and hold harmless the City, its agents, officers, employees and volunteers from and against all claims, lawsuits, or causes of action (whether brought solely against the City or jointly against both City, applicant(s), or others), damages, losses, and expenses, including attorney fees, arising in any manner out of the approval or the permit application approved herein, including, without limitation, all actions or proceedings to attack, set aside, void or annul the permit granted pursuant to the City's approval of the permit application referenced herein, provided the City notifies the applicant(s) of said permit within a reasonable time of any such claim, action or proceeding, and cooperates in the defense of such claims, actions or proceedings.

Date: _____ Signed: _____
Applicant(s)