



SIDEWALK VENDOR PERMIT

111 Civic Drive, Hercules, CA 94547
510-799-8200
info@ci.hercules.ca.us

(Office Use Only) Permit No: _____

Both a Sidewalk Vendor Permit and Business License are required for all sidewalk vending businesses operating within the City of Hercules. Sidewalk vendors must first obtain from the City an approved sidewalk vendor permit before the City will issue a business license.

1. SUBMITTAL REQUIREMENTS

Please carefully read and complete each section of this application and submit all required information as listed below.

- | | |
|---|--|
| <input type="checkbox"/> Fee | A one-time fee (as set annually through City's Master Fee Schedule).

<i>Fee is payable by check made out to the "City of Hercules" or by credit/debit card. (VISA & MASTERCARD only)</i> |
| <input type="checkbox"/> Health permit | Attach hereto a copy of valid health permit issued by the Contra Costa County Department of Health (applicable if selling food and beverages) |
| <input type="checkbox"/> Seller's permit | A valid California Department of Tax and Fee Administration seller's permit and additional licenses from state or local agencies to the extent required by law |
| <input type="checkbox"/> Proof of insurance | Attach hereto a copy of insurance policy with minimum liability/property damage. Every permittee shall maintain in full force and effect commercial and general liability insurances during the term of the vendor permit: <ul style="list-style-type: none">• In an amount not less than \$1,000,000.00 single limit per occurrence.• The city, its officers, employees, and agents are named as additional insureds under the policy. The additional insured endorsement for the General Liability policy is a separate document and should accompany the certificate of General Liability insurance. Please list the City as: "The City of Hercules, its officials, agents, employees & volunteers." |
| <input type="checkbox"/> Valid identification | Valid forms of identification include a State of California driver's license or identification number, an individual taxpayer identification number, or a municipal identification number, or any other government-issued identification card. |
| <input type="checkbox"/> Background check | If required by Police Department |

2. MUNICIPAL CODE REGULATIONS (SECTION 6-4)

Sidewalk vendors are subject to the following regulations:

1. Every cart used to vend food must be approved by the health department. A cart may only vend the types of food that are listed and approved by the health department under the health department permit.
2. A cart used for sidewalk vending must obtain, possess, and prominently display a valid cart permit and all other required permits that are issued by other public agencies such as a health department permit.
3. A cart used for sidewalk vending must be placed and used at all times in compliance with the terms and conditions of the vending license and all other applicable laws and regulations, including the California Retail Food Code if food is sold.
4. No cart that is used for sidewalk vending may exceed a length of one hundred-eight inches, a width of fifty-four inches, or a height, including roof or awning, of seventy-eight inches.
5. A vending cart must operate according to its approved hours of operation. The Public Works Director may impose reasonable hours of operation for sidewalk vendors. For sidewalk vending in nonresidential areas, the Director may limit the hours of operation in a manner consistent with other businesses or uses on the same street(s) in those nonresidential areas.
6. No vending cart or trash receptacle may be left on the sidewalk after the sidewalk vendor's stated closing time.
7. A sidewalk vendor must maintain a clean and trash-free ten-foot radius from a stationary cart during hours of operation and must leave the area clean by the approved closing time.
8. Sidewalk vendors that vend food items must provide a trash receptacle for customers and must ensure proper disposal of customer trash. The trash receptacle must be large enough to accommodate customer trash without resorting to existing trash receptacles located on any block for use by the general public. Sidewalk vendors shall not leave any location without first picking up, removing, and disposing of all trash or refuse from their operation.
9. Vendors must comply with all applicable federal, state, and local laws, regulations, and ordinances.
10. No signs that are not attached to the vending cart may be used or displayed.
11. Vending carts must be self-contained, including any power, cooking and heating equipment. Sidewalk vendors may not set up tables, chairs, tents, or other structures, unless otherwise approved by the city. One chair and one umbrella per vendor may be provided for the purpose of allowing the vendors to be seated in shade. Sidewalk vendors may not access a city or private power source without authorization from the city or such private property owner or agent.

12. No sidewalk vendor or vending cart may use any device that produces a loud noise, nor may the vendor use or operate any loudspeaker, public address system, radio, sound amplifier, or other similar device.
13. Before non-electric generators or auxiliary power may be used to power a vending cart, the sidewalk vendor must obtain permission, as applicable, from the Contra Costa County Air Pollution Control District.
14. Vending of services is prohibited.
15. No stationary vending cart may be used to vend within a residential zoned area. However, a roaming sidewalk vendor may use a roaming vending cart within a residential zone as defined in Chapter 13-6 of the Hercules Municipal Code, and must move continuously except when necessary to complete a sale.
16. No sidewalk vendor or vending cart may be used to vend within 300 feet of any school property before 4:00 p.m. during weekdays (Monday through Friday) except on days when school facilities are closed and schools are not in session.
17. No sidewalk vendor may place or leave any vending cart:
 - a. Within fifteen feet of a marked crosswalk.
 - b. Within fifteen feet of the curb return of an unmarked crosswalk.
 - c. Within fifteen feet of any fire hydrant.
 - d. Within fifteen feet ahead and forty-five feet to the rear of a sign designating a bus stop.
 - e. Within a marked bus zone.
 - f. Within ten feet of a bench or shelter used for public transit.
 - g. Within fifteen feet of a driveway or driveway apron.
 - h. Within twenty feet of an outdoor dining or patio dining area.
 - i. Where placement impedes the flow of vehicular traffic such as on public streets or public highways.
18. No vending cart may be chained or fastened to any utility pole, sign, tree, or other object in the public right-of-way or left unattended.
19. No vending cart may impede the flow of pedestrian traffic by reducing the path of travel to less than four feet, or impede access to or restrict the use of abutting property, including, but not limited to, residences and places of business, in accordance with the Americans with Disabilities Act (ADA).
20. Notwithstanding any specific regulations in this Chapter, no sidewalk vendor may install, use or maintain a vending cart where placement endangers the safety of persons or property.
21. No sidewalk vending is allowed within three hundred feet of a city-permitted event within the time period commencing two hours before until one hour after the event except as expressly allowed by the event's permit. Permitted events include certified farmers markets, and any event that requires an encroachment permit or special event permit, or any other permit or authorization required by the city.

Removal of Cart: The city may request a sidewalk vendor remove any cart that is in violation of this Chapter. If the sidewalk vendor refuses to remove the cart, or if a cart has been abandoned, the city may cause the cart to be removed and may subsequently dispose of the cart (including any associated merchandise and food) if not claimed by the vendor within thirty days of removal by the city, or if an administrative appeal is filed related to the cart removal, then thirty days after a final decision in the administrative appeal (including the payment of any outstanding administrative fine).

3. APPLICANT/BUSINESS OWNER ACKNOWLEDGEMENT

By signing below, applicant hereby certifies that failure to comply with the above requirements for sidewalk vendors, approved exceptions, or any other conditions of approval may result in revocation of this application and business license.

Applicant Signature

Date

4. BUSINESS INFORMATION

Please print clearly

Business address _____

Name of business _____

Business description (merchandise) _____

Proposed location(s) of operation (indicate whether stationary or roaming; indicate major cross streets and provide a photo or detailed sketch of the location) _____

Proposed days & hours of operation _____

5. APPLICANT INFORMATION

Applicant name _____

Applicant address _____

Phone _____ **Email** _____

Valid Identification _____

How many people will operate the mobile food business? _____

Attach hereto the name, address, and phone number for any individuals employed or contracted by the business.

5. APPLICANT CERTIFICATIONS

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the City is not responsible for inaccuracies in information presented, and that inaccuracies may result in the revocation of permits as determined by the City Manager or his/her designee. I further certify that I am the owner of the business involved in this application, or the representative fully authorized by the owner to make this submission. I understand that submission of this application does not constitute approval for any permit or license.

I certify that statements made to me about the time it takes to review and process this application are general. The City has attempted to request everything necessary for an accurate and complete review of this proposal; however, after the City has received and further reviewed the application, additional information and clarification may be required.

Applicant Signature

Date

7. OFFICE USE ONLY

Permit No: _____

Application taken in by:	Project discussed with:	Date application received:
Approval Reviews		
<input type="checkbox"/> Police Dept. _____ Signature	<input type="checkbox"/> Comments or Conditions _____ _____ _____ _____	
<input type="checkbox"/> Public Works Dept. _____ Signature	<input type="checkbox"/> Comments or Conditions _____ _____ _____ _____	
<input type="checkbox"/> Community Development Dept. _____ Signature	<input type="checkbox"/> Comments or Conditions _____ _____ _____ _____	

THIS SHEET FOR ADDITIONAL INFORMATION AS REQUIRED ABOVE