

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 31st 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

VENDOR TRUCK SITES

Zone CT, IL, and IH
Staff Review (\$625)



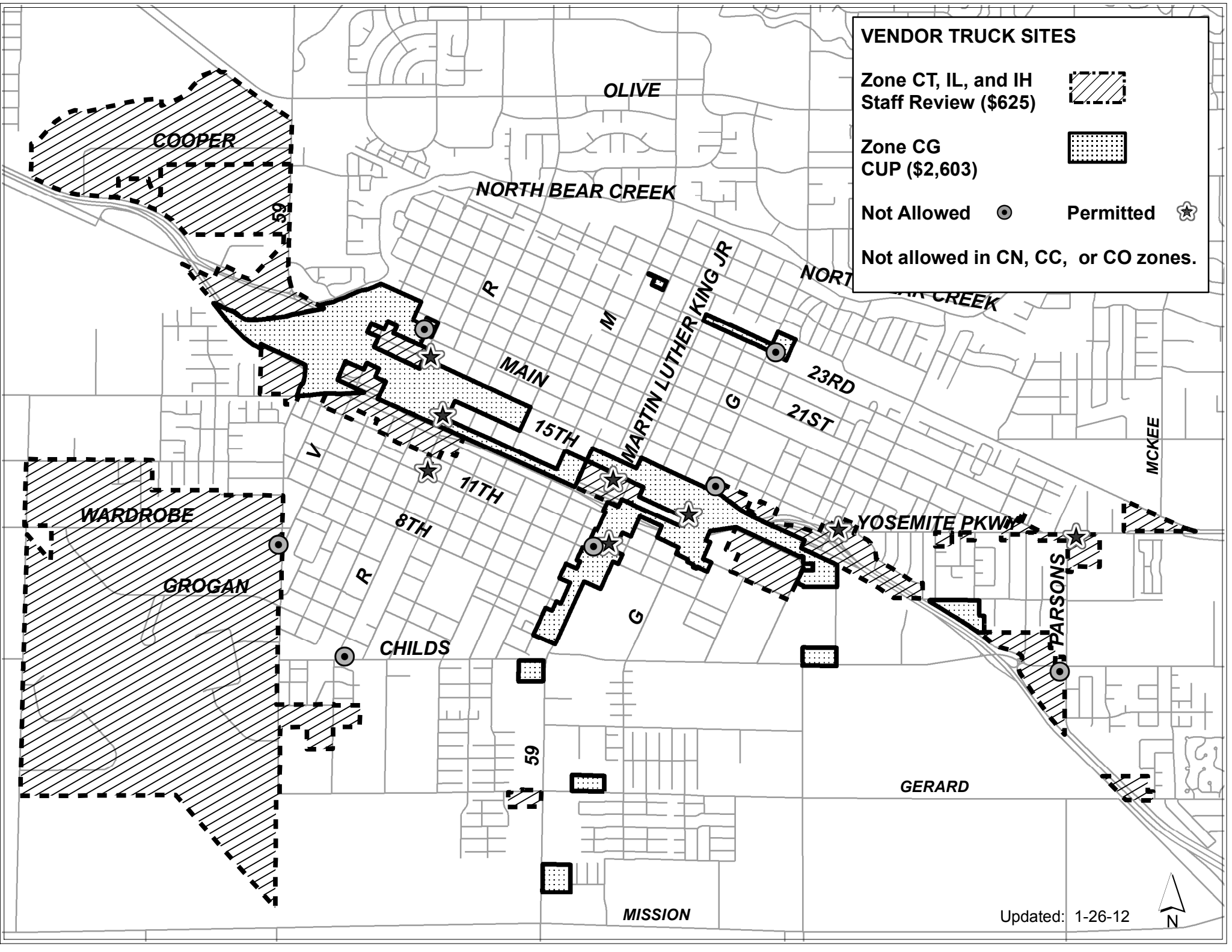
Zone CG
CUP (\$2,603)



Not Allowed ●

Permitted ☆

Not allowed in CN, CC, or CO zones.





BUSINESS LICENSE APPLICATION

Finance Department
(209) 385-6843

City of Merced
678 W. 18th 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 Home Occupation (please complete a Home Occupation Certificate)
- 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 #:
City:	State:	Zip Code:	Telephone: ()

Mailing Address: Same as Business Address?

Address:			Suite/Apt. No.:
City:	State:	Zip Code:	E-Mail Address:

Business Activity (Provide a detailed description of all proposed business activities):

Business Start Date:

Licensed Contractor?	Y	N	License #:	Classification:	Expiration:
Contractor's License Verified By (<i>official use</i>):					

Check Cashing Business?	Y	N	Permit #:
Number of Employees/Professionals:		Number of Rental Units:	

Tax Identification Numbers:

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

Owner's Information

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

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

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

Corporate Information (If Applicable)

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

Emergency Contact Information (Provide two names):

Emergency Contact:	Telephone Number: ()
Emergency Contact:	Telephone Number: ()

Please answer ALL of the following questions:

What was the building last used for?		
Was the space vacant prior to you occupying it? If so, for how long?	Y	N
Is the building or space you are occupying newly constructed? If so, are you the first tenant to occupy this building or space?	Y	N
Is the space you are occupying on the second floor or higher?	Y	N
Are there other businesses or tenants in the building you are occupying?	Y	N
Will you be making any changes to the building or space you are occupying (i.e. plumbing, electrical, mechanical or structural changes, including new walls, doors, windows, etc.)?	Y	N
Does your business involve the rental of residential units? If so, how many units?	Y	N
Will you require a sign for your business?	Y	N
Are you planning to install any temporary signs or banners?	Y	N
Are you working from your home? If yes, please complete a Home Occupation Certificate (available at the Planning Dept. or on-line at www.cityofmerced.org).	Y	N

Please answer ALL of the following questions:

Will your business involve the use of any hazardous materials including aerosols, combustibles, compressed gases, or other hazardous materials?	Y	N
Is your business a carnival, circus, or other similar type of amusement activity?	Y	N
Will your business involve cutting metals or welding?	Y	N
Will your business involve the use of explosives?	Y	N
Is your business a dry cleaning operation?	Y	N
Will your business involve the use of any type of open flame?	Y	N
Will your business involve any auto repair, dismantling, or storage of autos, tires, batteries, or other auto parts?	Y	N
Will your business involve the use of temporary tents or canopies?	Y	N
Will your business require the use of a spray booth or dipping booth?	Y	N
Will your business involve the use or storage of wood products such as wood chips, lumber, plywood, etc.?	Y	N

If you answered “yes” to any of the above questions, you may be required to obtain a Construction and/or a Fire Permit. These Permits may be obtained at the Inspection Services Department. 209-385-6861

Will your business involve any of the following (please answer All questions):

Firearms or Gunpowder (if gunpowder is used a fire permit may be required)	Y	N
Dancing open to the general public	Y	N
Pool Tables or Billiards	If yes, how many tables?	Y
Taxi Cab Services *Requires City Council Approval		N
Card Room	If yes, how many tables?	Y
Alcohol Sales	On-Sale <input type="checkbox"/> Off-Sale <input type="checkbox"/>	N
Private Security Guard/Company *Requires City Council Approval		Y
Bingo or other games open to the general public		N
Daycare	If yes, how many children?	Y
Renting or Selling Adult Videos?		N
Tattooing		Y
Door to door soliciting of goods or services		N

If you answered “yes” to any of the above questions, your license may be subject to Police Department review.

Please read the information below before signing on the following page.

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.

Please read

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:

The Division of the State Architect at www.dgs.ca.gov/dsa/Home.aspx.

The Department of Rehabilitation at www.rehab.cahwnet.gov.

The California Commission on Disability Access at www.cdda.ca.gov.

I declare under penalty of perjury that the above information is true and correct to the best of my knowledge. 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 Code and California Building Code. I also certify that I am aware that a physical inspection may be performed of my business and I am required to correct any violations found during this inspection. I further understand that any false statements made herein are grounds for denial or revocation of my business license.

Signature:

Date:

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

****OFFICIAL USE****

PLANNING DEPARTMENT

678 W. 18TH St., 2ND Floor (209) 385-6858

APN:

ZONING:

CUP REQUIRED?

Y

N

SIGN PERMIT REQUIRED?

Y

N

PARKING REQUIREMENTS MET?

Y

N

HOME OCCUPATION?

H. O. NUMBER:

Y

N

OTHER REQUIREMENTS:

The business listed on this application is approved for this location.

Approved by:

Date:

INSPECTION SERVICES DEPARTMENT 678 W 18TH St., 2ND Floor – (209) 385-6861

APPROVAL REQUIRED:

Y

N

An on-site inspection to review actual conditions is required prior to final approvals.

Y

N

The business listed on this application is approved for this location.

Approved by:

Date:

FIRE DEPARTMENT

99 E. 16th St. – (209) 385-6830

APPROVAL REQUIRED:	Y	N
An on-site inspection to review actual conditions is required prior to final approvals.	Y	N
The business listed on this application is approved for this location.		
Approved by:	Date:	

POLICE DEPARTMENT

611 W. 22nd St – (209) 385-6912

APPROVAL REQUIRED:	Y	N
The business listed on this application is approved for this location.		
Approved by:	Date:	

MERCED COUNTY ENVIRONMENTAL HEALTH DEPT.

260 E. 15th St. – (209) 381-1100

APPROVAL REQUIRED:	Y	N
The business listed on this application is approved for this location.		
Approved by:	Date:	

*****MASSAGE LICENSES ONLY*****

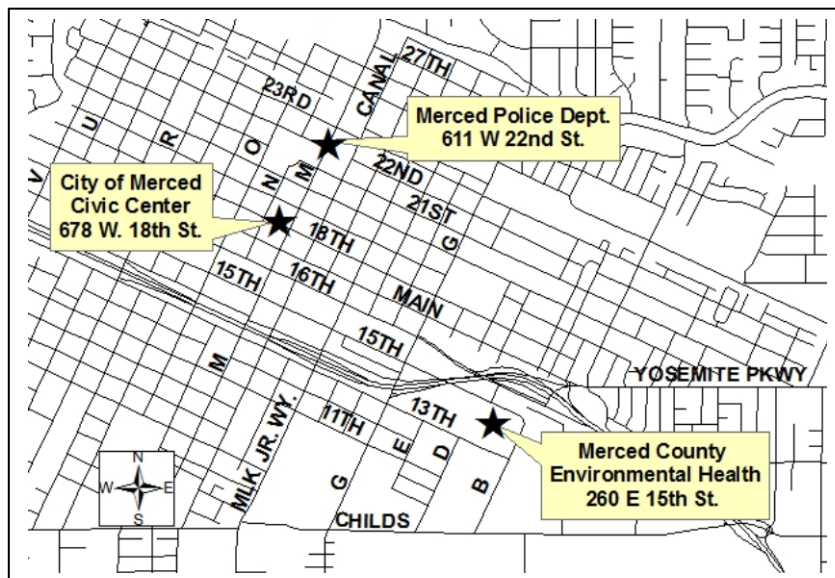
MERCED COUNTY PUBLIC HEALTH DEPT.

260 E. 15th St. – (209) 381- 1023

APPROVAL REQUIRED:	Y	N
The business listed on this application is approved for this location.		
Approved By:	Date:	

FOR FINANCE USE ONLY

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



**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: _____

ENTER EACH: 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)___ # _____	/ /

VEHICLE TYPE: push cart, bicycle cart, van, food wagon, trailer, etc.	VEHICLE DESCRIPTION: License Plate #, Make & Model, Color, etc.). Please list all vehicles used for your business.	STREET VENDORS: ENTER "MOBILE" or specific area SIDEWALK VENDORS: 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:

<u>Policy Limits</u>			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: _____ Permit Expiration Date: _____
City Manager or designee

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

Chapter 5.54 - STREET AND SIDEWALK VENDORS

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).