City of Arcata: Arcata Plaza Vending Program

1. General Provisions

It is determined that regulation of all types of vending and peddling in the City of Arcata's Plaza Park is consistent with the City's interest in preventing crime and protecting citizen's quiet enjoyment and use of the City of Arcata Plaza. Further, it is the cities business to promote start-up businesses and this program is designed to offer short-term exposure for potentially new businesses to relocate in Arcata.

2. Definitions

The following words and phrases when used in this Chapter shall have the meanings respectively ascribed to them:

a. "Vendor" shall mean any person by foot, wagon, table or other conveyance, who is conveying or transporting goods, ware, merchandise, food, offering and exposing the same for sale or making sales and delivering articles to purchasers, or who takes or attempts to take orders for sale of goods, ware and merchandise, books or magazines, personal property of any nature for future delivery, or for services to be furnished or performed in the future, whether or not such an individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not.
b. "Vending" shall mean the act of conveying or transporting goods, ware, merchandise, food, offering and exposing the same for sale or making sales deliveries of articles to purchasers, or taking or attempting to take order for the sale of goods.
c. "Person" shall mean any individual, firm, co-partnership, corporation, company, association or joint stick association, church, religious sect, religious denomination, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.
d. "City Manager" shall mean the individual employed as the City Manager of the City of Arcata, or his/her authorized designee.
e. "Plaza" shall mean the park space located between G and H, 8th and 9th Streets in Arcata.

3. Application: Contents

Applications for vending permits must be submitted 30 days prior to the requested vending dates. Application must be submitted on City provided forms. The application shall contain the following information:

a. Name, address, phone number of the business applying for permit.
b. Names of the business or organizations owner, principle officers and manager.
c. State resale license number.
d. Name, address, phone number, drivers license number and email address of the individual applying for and who will be in direct charge of conducting the vending.
e. Description of the nature of the business or goods to be sold.
f. Description of the method/stand/cart to be used to sell items or take orders for the sale thereof.
g. A scale drawing of the cart/table/stand or other device that will be used to assist in vending.
h. Copy of Arcata business license.
i. Copy of Humboldt County Food permit if applicable.
j. The proposed days, dates and times of vending.
k. Choice of area on the Plaza for vending.

l. Recent 2x2 photo of all employed by vendor.
m. The Livescan fingerprint clearance for all employed by vendor.

4. **Vending License Fees**

Vending Permit Fees are set annually as part of the City's Fiscal Year Fee Resolution and include:

a. Fair Market value per square foot of commercial space in the allocated vending space. (See stand requirements for more information).
b. Annual Processing Fee: $75
c. Livescan Fee: $52 at Arcata Police Department ($20 administrative fee and $32 for Department of Justice)
d. Arcata Business License Fee: $40 annually

5. **Contents**

a. Permits issued under this policy shall bear the name and address of the person who is approved to vend, the date issued, the dates and times in which the permit holder is approved to vend and a statement that the permit does not constitute an endorsement by the City of Arcata of the purpose of solicitation or of the person or group soliciting. All permits shall be signed by the City Manager.
b. The vendor must carry a copy of the permit.

6. **Expiration**

a. The City Manager or his/her designee shall determine the annual dates that vending is permitted.
b. Permits shall not be valid during days of permitted special events including but not limited to the Farmers Market, Oyster Festival, North Country Fair and the 4th of July Jubilee.
c. The City retains the right to cancel one or more dates of said vending permit with 7 days notice to the vendor.
d. Permits shall grant the right to solicit for no longer than ninety (90) days at a time. After ninety (90) days, vendor must reapply. The vendor reserves the right to renew a permit three (3) times after which time, the area will become available to another vendor after each ninety day renewal.

7. **Nontransferable**

a. Any permit approved and issued under this policy shall be nontransferable.

8. **Misrepresentation of endorsement by City of Arcata**

a. No person shall represent that the granting of a permit or license under this Chapter is an endorsement by the City of the particular organization involved, and any such representation is hereby declared to be a misrepresentation of fact and subject to revocation of the permit.

9. **Revocation**

a. If, upon receipt of written information or upon his/her own investigation, the City Manager or his/her designee believe that any officer, agent or representative of a permittee is misrepresenting the facts or made untrue statements, either with words or by implication, with regard to solicitations or vending or the purposed thereof, or has made untrue statements in the application, or that in any other way the vending has been conducted, including failure to carry a copy of the permit, in violation of any part of this policy and has not abided by any State or Federal Law or Code, then the City Manager shall immediately suspend or revoke such permit.
b. Suspension of a vendor permit shall remain in effect for one (1) year, three-hundred and sixty-five (365) days. The City retains the right to not renew a suspended permit after suspension has occurred.

10. Stand Requirements

a. Food vending stands and carts shall be approved and permitted by Humboldt County Department of Environmental Health prior to submitting an application.
   Contact them at (707) 268-2216 100 H Street Eureka, Ca.
b. All stands/carts shall be ADA accessible.
c. The City of Arcata building inspector shall inspect/approve all stands.
d. Blankets and tarps spread on the ground shall not be permitted.
e. **Space #1:** 120 square Feet (10 x 12). Flag Pole area of park. Fee is $18.00 per day 10:00am - 1:30am. This area can accommodate a vending cart/table/stand and any other amenities no larger than 120 square feet.
f. **Space #2:** 120 Square Feet (10 x 12). Fee is $18.00 per day 10:00am - 1:30am. This area can accommodate a vending cart/table/stand and any other amenities no larger than 120 square feet.
g. **Space #3:** 120 Square feet (10 x 12). Fee is $18.00 per day 10:00am - 1:30am. This area can accommodate a vending cart/table/stand and any other amenities no larger than 120 square feet.

11. Insurance Requirements

a. All Vendors must maintain current liability insurance for no less than two million dollars.
b. An Endorsement naming the "**City of Arcata, its officers, employees and volunteers -** 736 F Street, Arcata, CA 95521." as additional insured.
c. The insurance certificate and endorsement must be executed, **by the vendor's insurance carrier**. *Insurance must be in place prior to receiving the approved permit.*
d. The endorsement must also provide a statement that the insurance will be **primary** and that the insurance will not be cancelled without prior written notice given to the City of Arcata.
e. Description of Operations/Premises: Provide a description of the operations, location and dates. "Operations" includes the named insured's products.
f. Primary Language on Endorsement: This insurance shall be primary as respects to the insured shown in the schedule, or if excess, shall stand in an unbroken chain of coverage excess of the Named Insured's schedule underlying primary coverage. In either event, any other insurance maintained by the Insured's schedule above shall be in excess of this insurance and shall not be called upon to contribute with it.
g. Cancellation Language: The insurance afforded by this policy shall not be cancelled except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the entity.

For insurance quotes &/or to purchase insurance:
- *www.galescreek.com*
- *www.eventinsure.com*

12. Business License Requirements

a. Separate business licenses must be obtained for each location of vending within the City of Arcata.
b. A copy of the business license must be submitted with the Arcata Plaza Vending Application.

13. <u>Practices Prohibited</u>

a. No vendor shall shout or cry out his/her goods or merchandise, nor blow any horns, ring any bell or use any other similar device to attract attention of the public.
b. No vendor shall block any public right of way while doing business.
c. No vendor may maintain a public walkway of less than 48 inches at any time too allow for universal access.
d. No vendor shall violate any state or federal law at any time.
e. Vendor vehicles shall not be waived from parking restrictions.
f. No vendor person shall be permitted to use the streets, alleys, lanes or parking spaces for the service of customers or for the transaction of business.
g. No rinsing, washing or discharges to the City's storm or ground water system is permitted.
h. Polystyrene cups and containers shall not be permitted.

14. **<u>Hours of Vending</u>**

a. Vending on the Arcata Plaza shall be limited to between the hours of 10:00am and 1:30am with seating for customers being removed by 1:15am.
b. Vendors may not sell items before 10:00am nor after 1:30am.
c. Set up of said cart/table/stand or other device may occur only 30 minutes prior to 10:00am and must be disassembled and removed by 1:30am.

15. **<u>Waste Management Requirements</u>**

a. Vendors shall provide a minimum of 1(one), 30-gallon trash receptacle during times of operation and 1(one) recyclable materials receptacle.
b. Vendors shall recycle all recyclable materials.
c. Trash shall be removed to an off-site, non City of Arcata disposal site on a daily basis.
d. If trash is left to accumulate on City property and is found to be caused by said vendor, a disposal fee shall be assessed at a minimum of $50 per occurrence. Failure to pay disposal fee could result in suspension of the vending permit.
e. Polystyrene cups and containers shall not be permitted.

16. <u>Restroom Availability</u>

a. Per Humboldt County Environmental Health, those vendors selling food must have a restroom available for staff/vendors within 200 feet of the vending site.
b. Mobile eating and drinking vendors located at a site for more than four hours per day must have a restroom available for customers.
c. Vendors, be advised that public restrooms in the vicinity of the Arcata Plaza are located at Arcata City Hall, 736 F Street, Monday-Friday 9am-5pm.