

CITY OF HERMOSA BEACH
PUBLIC WORKS DEPARTMENT
SIDEWALK VENDING APPLICATION*

SECTION ONE – INFORMATION

PERMIT # _____

Complete all of the following. Attach additional pages as needed.

Application Date: _____

Existing PW-Sidewalk Vending Permit # (if any): _____

Applicant's Legal Name: _____

Applicant's Mailing Address: _____

Point of Contact (if other than the above applicant): _____

California Driver's License/Identification Card No.: _____ Expiration Date: _____

YOUR Individual Taxpayer Identification Number: _____

Principal Business Name & Address: _____

Description of the Food and/or Merchandise to be Offered for Sale:

Description of Proposed Days and Hours of Operation:

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SECTION 2 – QUESTIONS

For each of the following, circle only **ONE** option. Options are in ALL CAPS and separated using two forward slashes (/).

<u>QUESTION</u>	<u>YOUR ANSWER (CIRCLE ONE)</u>
2A. Will you act as a <u>Stationary Vendor</u> (remaining in one place) or a <u>Roaming Vendor</u> (moving continuously and only stopping to complete a sale)?	STATIONARY VENDOR // ROAMING VENDOR
2B. Will you be serving food and/or drink as part of your sidewalk vending activity?	YES // NO

SECTION 3 – ATTACHMENTS

Attach each of the following documents to your application packet in the order listed. Failure to attach one or more documents will result in the delayed processing or rejection of your sidewalk vending application. All references to “the applicant” are references to YOU as an individual.

ATTACHMENTS	CHECKLIST
Attachment A: One (1) City business license in applicant’s name for sidewalk vending activity issued pursuant to Chapter 5.04 of the Hermosa Beach Municipal Code. (Note: This is a separate license from the sidewalk vending permit for which you are now applying, and it must be obtained first.)	
Attachment B: A copy of: (1) the applicant’s <u>California</u> driver’s license; (2) <u>California</u> identification number; or (3) the applicant’s <u>individual</u> taxpayer identification number.	
Attachment C: A copy of the applicant’s California seller’s permit issued by the California Department of Tax and Fee Administration.	
Attachment D: If you are a food or drink vendor (i.e. you answered “YES” to question 2B in Section 2, above), attach proof of all required approvals from the Los Angeles County Department of Public Health, including a current Mobile Food Facility permit.	

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Attachment E:	A description, map, or drawing of the location(s) in which the applicant proposes to operate. <i>(Note: See attached map for permitted vending locations. Check Sidewalk Vending map for approved areas)</i>	
Attachment F:	A copy of the dimensions of the vending cart. <i>(Note: Check that it fits in the approved areas for ADA clearance)</i>	
Attachment G:	Proof of comprehensive general liability insurance with minimum policy limits of one million dollars (\$1,000,000) per occurrence, combined single limit coverage, and two million dollars (\$2,000,000) in the aggregate against any injury, death, loss of damage as a result of wrongful or negligent acts or omissions by the permittee, with an endorsement naming the City as an additional insured.	
Attachment H:	A check in the amount of \$409.81. <i>(Note: This is the Permit Payment (\$383.00 PLUS 7% TECH FEE))</i>	
Attachment I:	A signed agreement to indemnify and hold harmless the City, its officers, and employees, for any damage or injury caused to the City as a result of the sidewalk vending conduct or activity. <i>(Note: See attached)</i>	

SECTION 4 – CERTIFICATIONS

Certification:	I certify, under penalty of perjury, that I have not had a permit issued pursuant to Hermosa Beach Municipal Code Chapter 12.38 revoked in the previous twelve (12) months prior to the date of this application.

	Name (Please Print)

	Signature
Certification:	I certify, under penalty of perjury, that I am not required to register as a sex offender pursuant to California Penal Code Section 290.

	Name (Please Print)

	Signature

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Certification: I certify, under penalty of perjury, that I have not in the past three (3) years of the date of this application been convicted in a court of competent jurisdiction of any felony offenses involving the sale of a controlled substance as specified in California Health and Safety Code Sections 11054, 11055, 11056, 11057, or 11058.

Name (Please Print)

Signature

Certification: I certify, under penalty of perjury, that I have not in the past three (3) years of the date of this application pled “no contest” or “nolo contendere” to any felony offenses involving the sale of a controlled substance as specified in California Health and Safety Code Sections 11054, 11055, 11056, 11057, or 11058.

Name (Please Print)

Signature

Certification: I certify, under penalty of perjury, that all the information contained in the application is true and correct to the best of my knowledge and belief.

Name (Please Print)

Signature

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AGREEMENT TO INDEMNIFY AND HOLD HARMLESS

By this liability waiver and release agreement (hereinafter, "Agreement") it is my intention to relieve the City OF HERMOSA BEACH, its officers, agents, employees, and volunteers (hereinafter, "City") of any duty to me. By this Agreement, and by virtue of my application for a City Sidewalk Vending Permit (hereinafter, "Permit") under Hermosa Beach Municipal Code Chapter 12.38, I do assume the entire risk of any and all injuries that might occur during or as a result of my use of my Permit. By this Agreement I also intend to release, discharge, and forever absolve City from any and all liability for any active or passive negligence whatsoever by City or any third parties, and to waive and relinquish any claim or cause of action against City for any loss, claim, damage, personal injury, disability, death, medical expense, and any other type of expense, property damage, or loss caused by any negligence of City or any third parties. I promise not to sue or exercise any legal right to seek damages from City in connection with any injuries I may sustain during my use of my Permit and associated activities, and in connection with my business activity as authorized by my Permit.

In consideration of my receipt of a Permit to operate a sidewalk vending service within the City, I agree as follows:

1. As to my use of the Permit and associated activities, I hereby agree:
 - a. To waive ANY AND ALL CLAIMS for injuries that I may have against City, its managers, employees, officers, directors, agents, contractors, volunteers, sponsors, vendors, or exhibitors or any other person, company, or entity in any way associated with it;
 - b. To release and discharge City from ANY AND ALL LIABILITY for injuries that I may suffer or incur, or that my next of kin may suffer as a result of my participation in any activity immediately before, during, and after my use of my Permit.
 - c. To hold harmless and indemnify City from ANY AND ALL LIABILITY for injuries to any third party resulting from my use of my Permit. This includes but is not limited to any injuries to or caused by one or more individuals for whom I am providing street vendor services, any passers-by (whether pedestrian or on or in a vehicle), and any third party intellectual property claims related to my street vendor services and/or the materials I offer for, or in association with, any sale and/or rental.

This waiver and release of liability and indemnification (collectively, referred to hereafter as "Waiver and Release") shall be effective and binding upon my heirs, next of kin, family, relatives, guardians, conservators, executors, administrators, trustees, and assigns in the event of my injury, disability, or death.

My obligation to waive all claims, release and discharge the City of liability, and indemnify the City under this Waiver and Release shall continue in perpetuity even after my Permit's expiration or revocation.

I, THE UNDERSIGNED, HAVE READ, UNDERSTAND, AND AGREE that this instrument is intended to be as broad and inclusive as is permitted by the law of the State of California and that if any portion thereof is held invalid or unenforceable by a court of competent jurisdiction, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.

THE UNDERSIGNED CERTIFIES that he/she is at least eighteen (18) years old and is capable of entering into a binding agreement.

THE UNDERSIGNED HAS READ AND KNOWINGLY AND VOLUNTARILY SIGNS THIS Waiver and Release, and further agrees that no oral representations, statements, or inducements apart from the contents of this instrument have been made by City or anyone else with regard to the subject matter hereof.

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I have completely read and understand this Waiver and Release and its terms. Prior to signing this instrument, I have had the opportunity to ask any questions about its contents and meaning. I am aware that, by signing this instrument, I assume all risks and waive and release certain rights that I and my heirs, next of kin, family, relatives, guardians, executors, administrators, trustees, and assigns may have against City.

THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS WAIVER AND RELEASE IS INTENDED TO AND DOES IN FACT LEAVE HIM/HER NO LEGAL RECOURSE AGAINST City FOR ANY INJURIES SUFFERED.

Applicant Name (Please Print): _____ Date: _____

Applicant Signature: _____

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<u>TO BE FILLED OUT BY PUBLIC WORKS</u>	
PUBLIC WORKS PROJECT MANAGER: _____ Date: _____	
PUBLIC WORKS DIRECTOR _____ Date: _____	

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