

APPLICATION FOR A VENDING PERMIT Vendor Person

(Chapter 22, Division - Code of Ames)



Business Name

APPLICATION RECD _____

PROOF OF INSURANCE RECD _____

Questions should be directed to the City Clerk's Office, at 515-239-5105.

APPLICATION FOR VENDING PERSON PERMIT

If the applicant is not a natural person (for example, a partnership, an LLC, or a corporation, or represents another), please complete the addendum.

1. **APPLICANT'S NAME:** _____
FIRST LAST

2. **DATE OF BIRTH:** / /
MONTH DAY YEAR

3. **ADDRESSES (Permanent Address, provide local address if permanent address is outside of the State of Iowa. Business mailing address):**

PERMANENT STREET APT# CITY State ZIP CODE

BUSINESS STREET APT# CITY State ZIP CODE

4. **EMAIL ADDRESS:** _____

5. **PHONE NUMBER(S):** _____

6. Attach a brief description of the activity to be permitted, including the nature of the applicant's business and the goods or services to be offered.

7. Attach copy of applicant's government issued photo identification and or driver license. If driving is required for operating under this permit, then a valid driver's license will be required.

8. Attach a typed description of any and all vehicles, including license plate numbers to be used.

9. **IOWA SALES TAX NO.** (Required if approved, prior to issuance of permit): _____

10. **HAVE YOU HELD A VENDING PERSON PERMIT BEFORE? YES** _____ **NO** _____

11. **REQUESTED LOCATION(S) OF OPERATION AND HOURS:** _____

12. If I am selling food or drinks, I acknowledge that I have contacted the Iowa Department of Inspections and Appeals and met all other applicable State of Iowa requirements.

13. INDEMNIFICATION AGREEMENT

The applicant agrees to:

Each Vendor assumes full responsibility for any injury to persons or property resulting from the display, sale, exchange or use of Vendor's food, drink, merchandise, vehicles, equipment, or other property; or of the assigned ground space occupied by Vendor and/or Vendor's employees or agents. Vendor further agrees to indemnify the City of Ames from all liabilities, claims, and damages, and to hold them free and harmless and to defend them at Vendor's sole expense, against all such liabilities, claims and damages.

14. Provide along with this application a certificate of insurance as required by the Administrative Policy Governing Vendors.

15. Applicant acknowledges that it must compile with all applicable Federal and State laws and City ordinances, including reporting of sales taxes.

16. If the applicant is not an individual, the person signing this application acknowledges that he or she has the authority to act on behalf of the group that is requesting the permit.

Applicant: Return completed application to:
City Clerk's Office
City of Ames
515 Clark Street
Ames, Iowa 50010

Any questions can be directed to the City Clerk's office at 515-239-5105.

Signature of Applicant

Date

APPEAL RIGHTS

Any party aggrieved by the City Manager's or designee's decision to grant or deny a permit under this Chapter may appeal the determination to the City Council if, within twenty (20) working days after the decision, the party files a written notice of appeal with the City Clerk. In such event, a hearing shall be held by the City Council no later than the next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of said appeal in accordance with Chapter 21 of the Iowa Code.

FOR CITY USE ONLY:

NOTICE OF DECISION GRANTING OR DENYING THE APPLICATION

The application is approved. _____

The application is denied because _____

City Manager or Designee

Date

ADDENDUM TO APPLICATION FOR VENDING PERMIT NOT NATURAL PERSON

To be completed only if applicant is not a natural person (for example, a partnership, an LLC, or a corporation).

1. If the applicant is a partnership, list all partners and the share of partnership distribution.

Name of Partner	% share in partnership distribution
Name of Partner	% share in partnership distribution
Name of Partner	% share in partnership distribution

2. If the applicant is a corporation, list all shareholders and their percentage ownership.

Name of Shareholder	% of stock owned
Name of Shareholder	% of stock owned
Name of Shareholder	% of stock owned

3. If applicant is a limited liability company, list all members and their membership interest.

Name of Member	Membership interest
Name of Member	Membership interest
Name of Member	Membership interest

4. If the applicant has had a permit previously, has the information on the Addendum changed, and if so, how (e.g., new partner, change in how much stock a shareholder owns)?

5. In what State was this entity established: _____

ADMINISTRATIVE POLICY GOVERNING VENDOR PERSONS

(2-2015)

Section 22 of the Code of Ordinances of the City of Ames provides that the City Manager may establish an administrative policy for vending. Reference to the "City" in the following administrative policy shall mean the City Manager or his/her appointed designee.

I. APPLICATION

Applications for Vending Permits must be submitted on the form provided by the City that can be obtained from the Office of the City Clerk or on the City website at www.cityofames.org. Applications for vending permits must be submitted to the office of the City Manager. The City will notify each applicant as soon as possible whether the application has been approved. The City will limit the number of vendor permits for carts in the Downtown Service Center and Campustown Service Center and Village Zoning Districts based on ability to meet the requirements for pedestrian and vehicular traffic flow as well as any other factors deemed necessary as delineated in these Administrative Policy Governing Vendors. Additionally, the City has the right to deny permits for all types of vending permits that do not meet the requirements for pedestrian and vehicular traffic flow.

Applicants must contact the Iowa Department of Inspections and Appeals prior to submission of the City application to review health code compliance requirements, related to sale of food and beverages. Visit <http://dia.iowa.gov/> for information and contact numbers for the department.

II. REQUIREMENTS

The City Manager or designee shall issue a permit if the following conditions have been met:

- 1) Application for a vendor person permit shall include at a minimum:
 - a) The applicant's name, business information, date of birth, address, email address, home and business address, and phone numbers
 - b) A description vending activity and description goods or merchandise to be sold.
 - c) A copy of the applicant's government issued photo identification and or drivers license, if driving is required for the operation.
 - d) A list of any and all vehicles to be used, including permit plate numbers.
 - e) A copy of the Iowa Sales Tax Permit to be used for this business.
 - f) A description of the location and hours of operations.
 - g) A statement acknowledging that the vending business will meet all requirements by the Iowa Department of Inspections and Appeals and will compile with all applicable Federal and State laws and City Ordinances.
 - h) A signed indemnification agreement and certificate of insurance as required.
- 2) Administrative Policies shall be established by the City Manager to effectively carry out this section of the City Code, including:
 - a) A vendor person will not interfere with free movement within the emergency/service lane.
 - b) The vendor person will not interfere with an existing outdoor service area.
 - c) The vendor person shall not to obstruct visibility at street intersections or to obstruct driveway entrances or to unreasonably obstruct the view of merchandising displays of other businesses abutting the sidewalk.
 - d) The applicant's proposed mode of operation will not impede the free flow of pedestrian traffic along the public right of way or in or out of adjacent properties. It must meet a minimum four foot clearance (4') to the sides and front of the vendor area and provide safe flow of movement for pedestrians.
 - e) The applicant agrees to operate the applicant's business only at the assigned vending area(s) as stated in the application. The applicant also agrees to only operate during assigned hours.
 - f) Vending items should only be those stated in the application.
 - g) No tobacco or alcoholic beverages shall be offered for sale.
 - h) All vending shall be conducted in such a way as not to restrict or interfere with the ingress or egress of the abutting property, create a public nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life, property, or be an obstruction to adequate access to fire, police or sanitation vehicles.
 - i) Noise making devises and non-task specific illumination are prohibited. Signage can only be affixed to the vendor person No other signage is allowed to be place on the public right-of-way.
 - j) Has 'financial standing' and 'good reputation' to indicate that the applicant will comply with all laws and rules governing the permit. **Note:** *In evaluating the applicant's 'financial standing,' the City of Ames may consider verified sources of financial support and adequate operating capital for the permittee's business,*

record of prompt payment of state and local taxes, fees and charges for municipal utilities and municipal services, etc. In evaluating the applicant's 'good reputation,' the City of Ames may consider pattern and practice of disregard for the law including convictions for prohibited sales practices, zoning violations, or other similar disregard for municipal or state regulations. All permittees and their employees are expected to fully comply with sales tax collection and reporting requirements.

- k) All requirements apply to all officers, directors and shareholders of a corporation, all general partners in a partnership, or the individual owner if the business is operated as a sole proprietorship.
- l) The applicant has signed the Vending Permit Application and agreed to the Indemnification Agreement.
- m) Each Vendor shall provide The City of Ames with an original certificate of insurance, lawfully transacted, which sets forth the following information:
 - i) That the City of Ames is named an additional insured.
 - ii) The dates of inception and expiration of the insurance. Applicant agrees to provide the certificate of insurance to the City by the last working day prior to the first day of vending operation.
 - iii) The named insured must be either the Vendor to whom the space is issued, or if the named insured is a company, the Vendor must also be listed as an additional insured.
 - iv) The amounts of liability coverage of not less than \$500,000 per occurrence/\$1,000,000 general aggregate annually (where an aggregate limit is applicable to the policy), for all hazards (including contractual liability and completed operations), for all damages caused by personal injury, bodily injury, and property damage.
 - v) A statement by the insurance company that it will not cancel said policy or policies without giving thirty (30) days prior notice to the insured and to the City of Ames.
 - vi) THE CITY OF AMES, AT ITS SOLE DISCRETION, MAY REQUIRE HIGHER LIMITS AND/OR ADDITIONAL COVERAGE FOR SUCH ACTIVITIES OR PRODUCTS AS IT MAY DEEM NECESSARY.
- n) The applicant is responsible for keeping the information provided in the Application for Vending Permit current with the City of Ames.

III. SELECTION CRITERIA

Criteria for the selection of vendors shall include, but not be limited to, the following:

There are limited sites available for vendor carts in the Downtown Service Center, Campustown Service Center, and Village Zoning Districts and therefore there will be a limited number of available spaces for this type of permits. All Permits are granted on a first come first serve basis. If the applicant is not a natural person (for example, a partnership, an LLC, or a corporation) and if the applicant has had a vendor permit previously, the applicant will not retain its seniority if there has been a substantial change, as determined by the City, in the stock ownership, membership interest, or partnership distribution.

IV. FEES AND CHARGES

Fees for all permits are established by resolution of the City Council and must be paid promptly and prior to the deadlines specified. No permit holder shall be allowed to operate until the appropriate fee has been paid to the City.

Any vendor who operates his/her vending business before all required fees and charges have been received by the City, or who operates while under order from the City to cease operation for lack of payment or any other valid reason, shall have his/her permit revoked for the remainder of the current vending season and will not be considered for a permit for the following year's vending season.

V. OPERATING POLICIES ON PUBLIC RIGHTS OF WAY FOR VENDING

1) Vendor Persons

- a) Permittees must take proper care to ensure that no grease or other substances are spilled or allowed to drip on the ground; and, if this accidentally occurs, ensure prompt and complete clean-up.
- b) Operators must privately dispose of all wastepaper and other waste materials in a legal manner. All vendors must supply a waste receptacle for patrons, in addition to their own waste.
- c) Specific locations have been designated for the vending permit. It is required to be displayed at all times in visible and plain sight.
- d) Cannot stand in one location and never move. Must be able to carry all items at one time that are for sale or distribution.
- e) The applicant shall obtain and display all necessary permits required by the Iowa Department of Inspections and Appeals. (A copy must be supplied to the office of the City Manager prior to operation).
- f) The sale, transfer, or assignment of a vending permit is expressly prohibited.

VI. CONSIDERATION OF APPLICATIONS FOR VENDING:

- a. All permits are granted on a first come, first served basis.
- b. In the event that two or more applications are received for the same location, the earliest application, if approved, shall be awarded the location if otherwise qualified and acceptable.

VII. VENDING PERMIT TERM:

- 1) A vendor person permit no more than seven business days.
- 2) A permit for vending during a special event or celebration shall be limited to no longer than the stated duration of such event or celebration.
- 3) Permits may be temporally suspended for a special event or celebration that compasses the permit location.
- 4) The sale, transfer, or assignment of a permit is prohibited.

VIII. RENEWAL. All permits are valid for the entire period as stated in the application, as approved, unless revoked or suspended prior to expiration.

IX. REVOCATION OR DENIAL OF A PERMIT

- 1) The City Manager or designee may revoke or deny a Vending Permit if:
 - a) It is determined by the Chief of Police or Fire Chief that public safety requires such revocation or denial.
 - b) The application is incomplete;
 - c) The application is determined to be fraudulent, to include a misrepresentation, or to contain a false statement;
 - d) The applicant has had a permit revoked by the City for any reason within the preceding two (2) years;
 - e) The permittee is operating a vending operation in violation of the terms of the Permit.
 - f) The permittee's insurance has been canceled.
 - g) The permittee violates any Requirements or Operating Policies of the Vendor Permit Administrative Policies.
- 2) A Vending Permit may be revoked by the City Manager, or designee, at any time, without advanced notice, for any violation of this ordinance, other City of Ames ordinances, or State or federal laws or to evaluate or ensure the safety of the community.

TEMPORARY SUSPENSION

- 1) A permit may be temporarily suspended, if it is determined by the Chief of Police or Fire Chief that, by reason of disaster, public calamity, riot, or other emergency, the public safety requires such suspension. A temporary suspension may also be issued due to any of the items noted in Division III, 9.
- 2) As stated elsewhere, a temporary suspension may be issued due to a special event or celebration on public right-of-way.

CONSTRUCTION RELATED TO THE PUBLIC RIGHT-OF-WAY

- 1) Permittees may be required to accommodate construction on or adjacent to the public right-of-way, including construction on private property that requires use of the public right-of-way. Construction on public right-of-way might also require suspension or revocation of the permit.

APPEAL PROCESS: Any party aggrieved by the City Manager's or designee's decision to deny, revoke, or issue a permit may appeal the determination to the City Council if, within twenty (20) working days after the decision, the party files a written notice of appeal with the City Clerk. In such event, a hearing shall be held by the City Council no later than its next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of said appeal in accordance with Chapter 21 of the Iowa Code. Upon such hearing, the City Council may, based upon the standards enumerated herein, reverse, affirm or modify in any regard the City Manager's or designee's decision. The City Council's decision is the final decision.

DISPLAY OF PERMIT. All permits shall be displayed at all times during the operation of the vending business.