

City of Seward
Mobile Vendor and Roving Vendor Policy
Originally Approved by City Council Resolution 2014-048
Updated by Resolution 2018-039

PURPOSE

The purpose of this policy is to provide rules and regulations for the allowance of mobile vending and roving vending on city-owned property. This policy is developed in accordance with Seward City Code Section 15.10.140 (*Definitions*) and Section 15.10.225 (*Land Uses Allowed* and *Land Uses Allowed Table*) and will be provided to prospective vendors as part of the application packet.

Vending Permit Applications

Applications for a vending permit will be accepted by the City Clerk beginning ~~October 1st~~ ***March 1st*** each year for the following ***current*** year. Vending permits are non-transferrable and are not eligible for subleasing.

Vendors may surrender their permit at any time by submitting a written statement to the City Clerk.

Insurance

Each vendor shall be required to provide a Certificate of Insurance with the City of Seward as an Additional Named Insured for a Commercial General Liability policy with coverage for \$2 million aggregate/\$1 million per occurrence, Commercial Auto, and Workers Compensation (if business has employees).

If the business has employees, state law requires Workers Compensation insurance. Subsequently, the City of Seward will additionally require the vendor provide a Waiver of Subrogation.

A review of the permit application will be conducted by the city's Risk Manager (in cooperation with the city's insurance provider) to determine if Product Liability insurance will also be necessary. If this additional insurance coverage is required, the City Clerk's office will notify the permittee in writing of this requirement.

Food vendors agree to comply with all state and federal regulations necessary for proper food handling requirements.

Indemnification

Additionally, prior to acceptance of their permit, each vendor shall execute an instrument under the terms of which the permittee shall agree to indemnify, defend, and hold harmless the City of Seward from any and all claims for injury or damage to persons or property suffered in connection with vendor activities.

General Standards of Operation

In addition to the requirements outlined in the Seward City Code:

- Vendors shall keep their site free of litter at all times. Trash may not be deposited in any trash bin or receptacle without express permission from its owner.
- Vendors must park their vehicles and equipment within the traffic patterns recommended by staff and in accordance with all traffic laws.

Renewals

The city shall treat applications for renewal of permits in the same manner as an original application.

Suspension Or Revocation Of Permit And Appeals

In addition to the requirements of a mobile and or roving vendor listed in this policy and in Seward City Code Section 15.10.225, the City Clerk may revoke, suspend or otherwise restrict a permit for the same reasons listed for business licensing in Seward City Code Section 8.30.035.

Additionally, the permittee will have the same hearing and appeal rights as outlined for a city business license in SCC 8.30.035 and 8.30.040.

For all vendors in locations other than SMIC, if the insurance policy expires between May 1 and October 31 of the current year, then the vendor shall provide the clerk's office with an updated policy before the expiration date of the current policy. Failure to do so shall result in the permit being revoked.

MOBILE VENDING

Applications

Permits shall be issued on a first-come, first-served basis. Applications will be date- and time-stamped as they are received, and will be maintained by City Clerk's office in the order in which they were received.

A \$50 non-refundable filing fee is required to submit a permit application. Only one mobile vending permit per person or business will be issued at any given time. A vendor may submit applications for multiple permits in order to be put on the waitlist for different locations. If an applicant receives a mobile vendor permit, they may remain on other waitlists for any other locations and have the option of changing locations provided they surrender their current location upon written notification to the City Clerk.

Permit applications must be processed and issued within a ~~thirty (30)~~ **sixty (60)** calendar day period. This period begins with a written notice from the City Clerk's office to the applicant notifying them that their application is being processed. From the date of that written notice, the applicant has ~~thirty (30)~~ **sixty (60)** days in which to satisfy the application requirements, including providing Certificate(s) of Insurance, photos, proof of a current City of Seward business license, a waste management plan, and \$250 permit fee made payable to the City of Seward. If these criteria are not satisfied within the ~~thirty (30)~~ **sixty (60)** day processing period, the permit application becomes null and void and the next application on the waitlist will be taken up and processed. In addition, a mobile vending permit which has been issued for a certain location and which has been revoked or suspended or which has been voluntarily vacated by the permittee shall also cause the next application on the waitlist to be taken up and processed for that location.

Locations

The City of Seward shall designate eight (8) mobile vending locations and boundaries within city limits as follows:

1. Washington Street – 10 x 20 feet
2. Waterfront Park Campground – 10 x 20 feet
3. Waterfront Park Campground – 10 x 20 feet
4. South Harbor Uplands – 10 x 20 feet
5. ~~South Harbor Uplands~~ **Permit-Only Parking Lot on Fourth Avenue** – 10 x 20 feet
6. Seward Marine Industrial Center – 20 x 20 feet
7. Seward Marine Industrial Center – 20 x 20 feet

8. Ballaine at Wellington Park

Please refer to Maps attached to this policy for specific site locations.

Each site's boundaries will be clearly marked, and will be signed as a designated mobile vending location with the hours of allowable operation. Vendors are required to operate within their designated areas only.

The Washington Street site is designated in the downtown business district and will be permitted to operate between 10:00 p.m. and 6:00 a.m. Mobile vending in this location will not be permitted during the Annual Fourth of July Festival conducted by the Seward Chamber of Commerce and Visitors' Bureau.

The hours of operation for all other sites will be 6:00 a.m. to 10:00 p.m.

Permit Term

The term of a mobile vendor permit shall be from May 1 to October 31, with the exception of the two Seward Marine Industrial Center spaces, which shall be valid from date of issuance or January 1, whichever is later, through December 31.

ROVING VENDING

Applications

Permits shall be issued on a first-come, first-served basis. Applications will be date- and time-stamped as they are received, and will be maintained by City Clerk's office in the order in which they were received.

A \$50 non-refundable filing fee is required to submit a permit application. Multiple roving vendor permits are allowable. Permit applications must be processed and issued within ~~thirty (30)~~ **sixty (60)** calendar day period. This period begins with a written notice from the City Clerk's office to the applicant notifying them that their application is being processed. From the date of that written notice, the applicant has ~~thirty (30)~~ **sixty (60)** days in which to satisfy the application requirements, including providing Certificate(s) of Insurance, photos, proof of a current City of Seward business license, a waste management plan, and \$250 permit fee made payable to the City of Seward. If these criteria are not satisfied within the ~~thirty (30)~~ **sixty (60)** day processing period, the permit application becomes null and void and the next application on the waitlist will be taken up and processed. In addition, a roving vending permit which has been

issued and which has been revoked or suspended or which has been voluntarily vacated by the permittee shall also cause the next application on the waitlist to be taken up and processed.

Locations

The City of Seward shall limit the number of roving vendors to four (4). Seward City Code 15.10.225(d)(1) designates roving vendors shall not vend on any public street where the legal speed limit exceed 25 miles per hour, or on Fourth Avenue between Port Avenue and Van Buren Street, and also excluding that portion of Fourth and Fifth Avenues between Jefferson Street and Railway Avenue.

Please refer to Maps attached to this policy for specific route exclusions.

Permit Term

The term of a roving vendor permit shall be valid from May 1 to October 31.



Washington Street Mobile Vendor Locations

Due to different data sources property lines and aerial imagery do not overlay correctly. Map is to be used for orientation and reference purposes only.



Map
1

Attachment to Reso. 2014-

vendor space size 10 x 20 feet

0 110 220 Feet

Mapping Assistance by Alaska Map Company, LLC



Madison Street

Ballaine Blvd.

Jefferson Street

Location 3

Location 2

Waterfront Park Mobile Vendor Locations

Due to different data sources property lines and aerial imagery do not overlay correctly. Map is to be used for orientation and reference purposes only.



Map
2

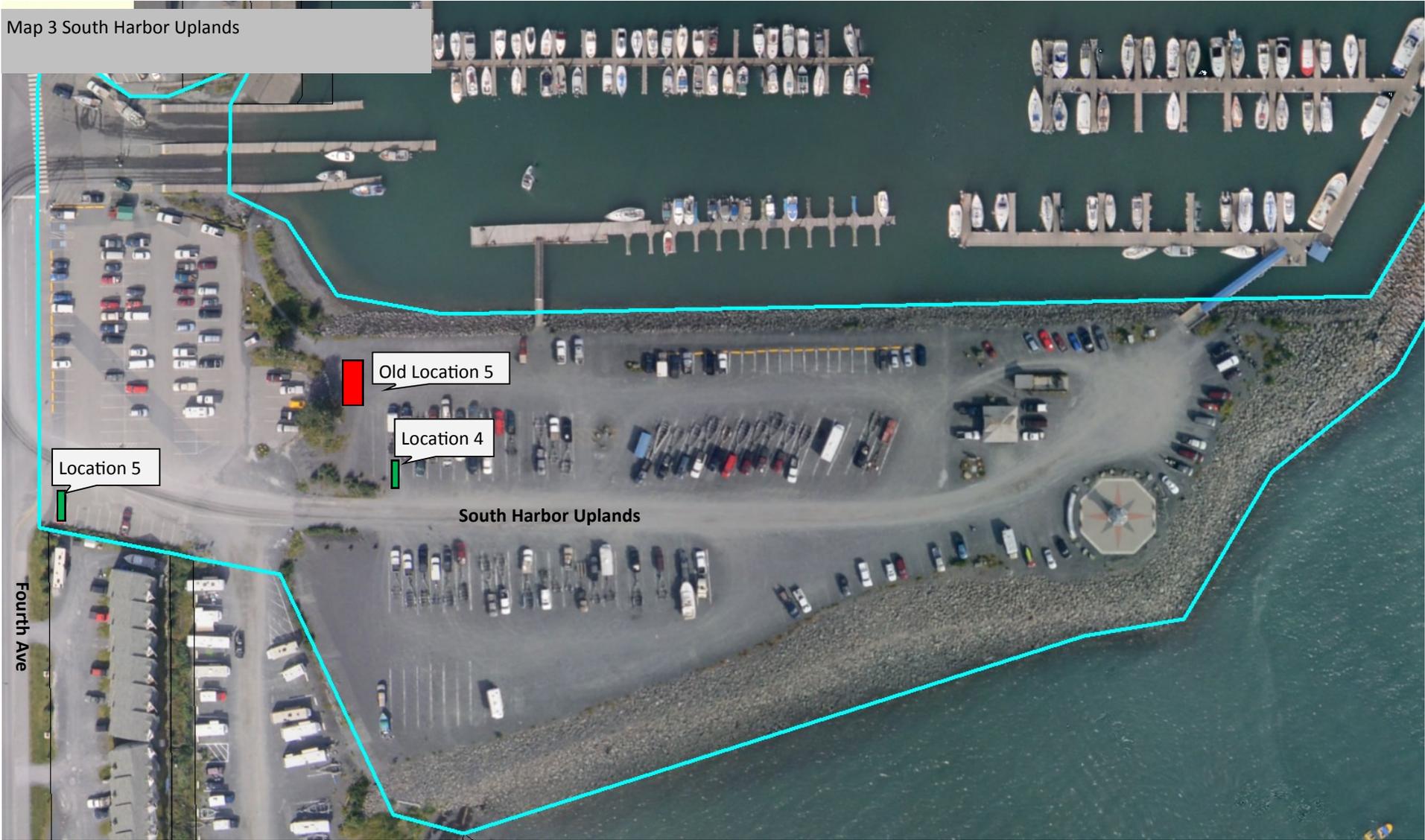
Attachment to Reso. 2014-

vendor space size 10 x 20 feet

0 110 220 Feet

Mapping Assistance by Alaska Map Company, LLC

Map 3 South Harbor Uplands



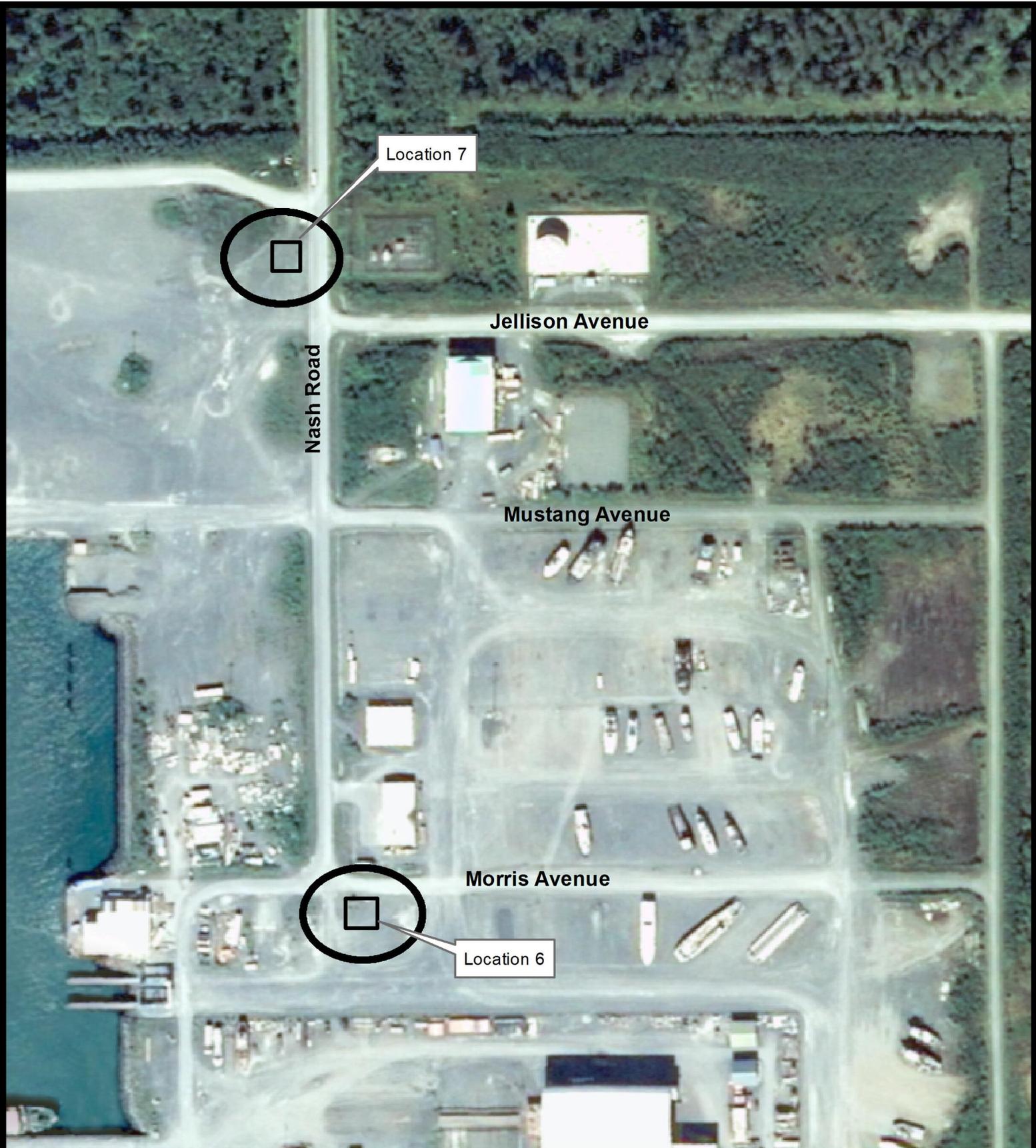
Location 5

Old Location 5

Location 4

South Harbor Uplands

Fourth Ave



**Seward Marine Industrial Center
Mobile Vendor Locations**

Due to different data sources property lines and aerial imagery do not overlay correctly. Map is to be used for orientation and reference purposes only.



Map
4

Attachment to Reso. 2014-

vendor space size 20 x 20 feet

0 240 480 Feet

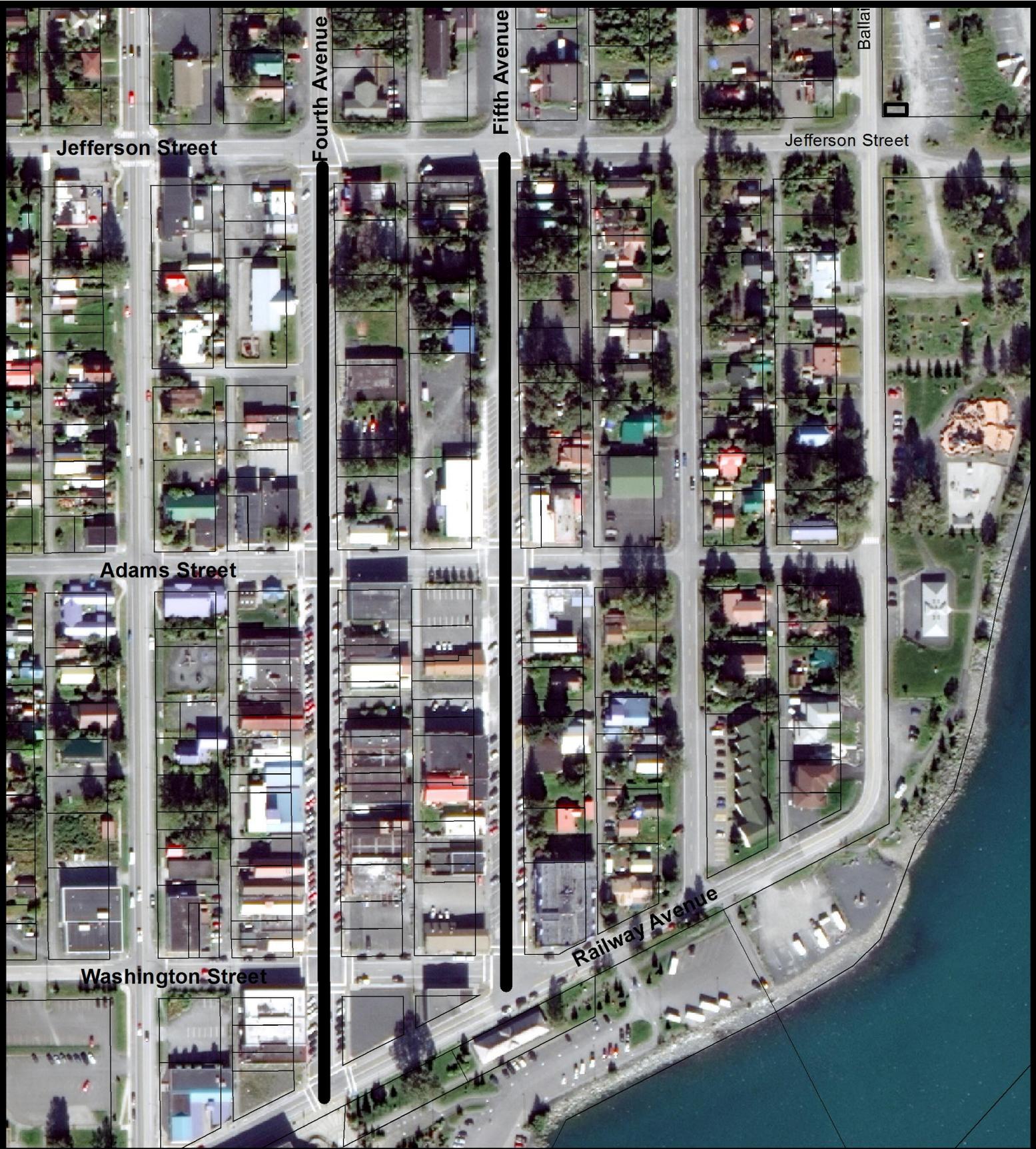
Mapping Assistance by Alaska Map Company, LLC



Location 8

BALLAINE

FIFTH



**Roving Vendor's Not Allowed
on Fourth & Fifth between Railway & Jefferson**

Due to different data sources property lines and aerial imagery do not overlay correctly. Map is to be used for orientation and reference purposes only.



Map
5

Attachment to Reso. 2014-

or on streets where speed limit exceeds 25 mph

0 240 480 Feet

Mapping Assistance by Alaska Map Company, LLC



**Roving Vendor's Not Allowed
on Fourth between Van Buren & Port Ave.**

Due to different data sources property lines and aerial imagery do not overlay correctly. Map is to be used for orientation and reference purposes only.



Map
6

Attachment to Reso. 2014-

or on streets where speed limit exceeds 25 mph

0 385 770 Feet

Mapping Assistance by Alaska Map Company, LLC