



## **PARKS & RECREATION DEPARTMENT**

### **POLICY AND PROCEDURES**

### **PR-0404 PUBLIC SPACE MERCHANT**

#### **INFORMATION & CONDITIONS OF THE PUBLIC SPACE MERCHANT PERMIT**

1. It is unlawful for any person or business to sell or offer for sale any food, beverages, services, or merchandise in any City-owned park or recreation facility without first obtaining a permit for each vending location. Permits shall be issued only after approval of a Public Space Merchant Permit application by the City of Port Angeles and after payment of a permit fee. Short term, single season merchants shall be completed through the Public Space Merchant Permit application process described below. City provided permanent or semi-permanent merchant structures or areas shall be awarded on a competitive basis through an RFP process completed as openings become available in selected City owned properties.
2. The fees shall be sufficient to cover all direct and indirect costs and expenses of the City and shall be reviewed annually by the Parks & Recreation Department and approved by City Council.
3. As per Port Angeles Municipal Code Chapter 12.12.010, the following are considered waterfront park locations:
  - a. City Pier - Located at the foot of Lincoln Street in the City of Port Angeles, including Hollywood Beach.
  - b. West End Park - Located at the foot of Railroad Avenue and Oak Street in the City of Port Angeles.
  - c. Esplanade - Located east of West End Park, from Oak Street to Laurel Street.
  - d. Valley Creek Estuary - Located at Cherry Street and Marine Drive.
4. For the purposes of this policy, the Public Space Merchant Permit applies to small, moveable carts or stands that are operated from a fixed location and designed to be readily moved under the control of one person but not under its own power. If wheels are used, a minimum of two functional rubber-tired wheels and positive wheel-locking devices are required.
5. Merchants interested in selling in public parks and facilities are required to apply for a Public Space Merchant Permit. The City of Port Angeles will have the right to review the dates and location where the merchant will be selling, prices being charged, and products and services being sold to ensure that the concessions are appropriate.
  - a. Products being sold must complement the needs of park users.
  - b. The City reserves the right to allow more than one merchant per park and limit the number of merchants at a facility.
  - c. Proposals will be reviewed for conformity with the shoreline master program, comprehensive plan, and zoning code.
  - d. Permitted merchants will not be allowed to sell their products and services at permitted special events and events used as fundraisers for non-profit organizations, unless authorized to do so by the event organizers.
6. The application for a Public Space Merchant Permit to operate in a public park or recreation facility shall include, on a form prescribed by the City, the following information:
  - a. The name, home, and business address of the applicant, and the name and address of the owner, if other than the applicant, of the concession, business, or organization.
  - b. A description of the type of food, beverage, or merchandise to be sold or service provided.
  - c. A description and photograph of the proposed specific location of the vending business.
  - d. A description and photograph or drawing with dimensions, materials, and specifications of any stand, booth, cart, or equipment to be used in the operation of the business, and the number of persons who will be continually attending the stand. Please indicate if an open flame device will be used.
  - e. Provide a copy of County Health Department permit (if applicable) and State of Washington license to do business.
  - f. Proof of an insurance policy, issued by an insurance company licensed to do business in the state, in the amount of \$1,000,000 per claim and \$2,000,000 per occurrence, conditioned to hold the City harmless from any damage or injury whatsoever to any person or property of any description, however owned, by reason of the merchant's failure or neglect to conform with any provision of this article or other ordinance of the City and further protecting the merchant and the City from all claims for damages to property and bodily injury, including death, which may arise from products liability and operations under or in connection with the permit. Such insurance policy shall name the City as an additional insured and shall provide that the policy shall not terminate or be cancelled prior to the expiration date without 30 days advance written notice to the City. In addition, the merchant shall indemnify the City against any and all liability, loss, or damage that the City may suffer as a result of claims, demands, costs, or judgements resulting from the merchant's vending in City parks or recreation facilities.
7. Not later than 15 business days after the filing of a completed application for a Public Space Merchant Permit, the applicant shall be notified by the City of the decision on the issuance or denial of the permit. The City shall consider fire hazards, traffic and vision obstructions, park uses, other permitted uses and events, availability of utilities, pedestrian movement, and other safety hazards, in determining whether to grant a permit. If the issuance of the permit is approved, a City designee shall issue the permit. If the permit is denied, the applicant shall be provided with a statement of the reasons therefore, which reasons shall be entered in writing on the application. The permit shall specify the location from which vending is permitted and shall only be valid for vending at that location.
8. Merchants must be self-contained. Water and electricity are not available.



**PARKS & RECREATION DEPARTMENT**  
**POLICY AND PROCEDURES**  
**PR-0404 PUBLIC SPACE MERCHANT**

9. Merchant shall not:
- Leave any stand unattended;
  - Block public rights-of-ways, roads, trails, public access places, or alleys. Each stand shall be placed so it does not obstruct or impede pedestrian or vehicular traffic;
  - Drive any stakes into the ground for any purpose or secure tents or other temporary structures to cables, drain spouts, fire suppressant systems, electrical equipment, street furniture, trees, or similar structures;
  - Store, park, or leave any stand beyond established park hours in any park, facility, or public land;
  - Sell food or beverages for immediate consumption unless he or she has available for public use their own or a public litter receptacle which is available for their patrons' use. Beverages must not be dispensed in glass containers, but in cans or paper or plastic cups. Recycling receptacles must be provided by the merchant and removed each day;
  - Leave any location without picking up, removing, and disposing of trash remaining from sales made by the merchant;
  - Allow items related to operating the vending business to be placed anywhere other than in, on, or under the stand;
  - Set up, maintain, or permit the use of any table, crate, cart, rack, or any other device to increase the selling or display capacity of his or her stand, where such items have not been described in his or her application;
  - Sound or permit the sounding of any device which produces a loud and raucous noise, or use of operate any loud speaker, public address system, radio, sound amplifier, or similar device to attract the attention of the public;
  - Vend without the insurance coverage specified;
  - Provide or sell anything that requires a Washington State Liquor and Cannabis Board license;
  - Use all or any portion of a City park or recreational facility before 7 a.m., and shall not terminate later than 11 p.m.;
  - Discriminate against any person because of his or her race, national origin, ancestry, color, sex, religious creed, physical disability, mental disability, medical condition, or mental status;
  - Sell, assign, or transfer the permit without the prior written consent of the City;
10. Merchant shall comply with and perform the services in accordance with all applicable Federal, State of Washington, Clallam County, and City of Port Angeles laws including, without limitation, all City codes, ordinances, resolutions, standards, and policies, as now existing or hereafter adopted or amended, including but not limited to the following:
- Federal, State, and local health, safety, and licensing laws relating to the sale of concession goods;
  - City code provisions requiring any person or entity doing business in the City to obtain a business registration; and
  - Merchants will not be allowed to compete with existing non-profit concessionaires, such as Cal Ripken and Olympic Junior Babe Ruth concession stands at Lincoln Park and Volunteer Field.
11. Advertising signs may only be placed on the stand. Any other signs shall not be permitted on sidewalks, parking lots, or street areas. No signs or sandwich boards shall be permitted at any vending location except for non-illuminated signs attached to the stand and not exceeding nine square feet in size. Only signs posting prices or identifying the name of the product or the name of the merchant are allowed.
12. The City may deny any application and may suspend or revoke a permit for any of the following causes:
- Fraud or misrepresentation contained in the application for the permit;
  - Fraud or misrepresentation made in the course of carrying on the business of vending;
  - Required licenses have been suspended, revoked, or canceled;
  - Conduct of the licensed merchant in such a manner as to create public nuisance, or constitute a danger to the public welfare, morals, health, and safety, including but not limited to fire hazards, safety hazards, and obstructions to vision, traffic, or pedestrian movement;
  - Failure to comply with all conditions of the permit.
13. The applicant, as a condition subsequent to the granting of an application for use, expressly covenants and agrees to indemnify, hold harmless, and defend the City, its officers, employees, agents, and volunteers from any and all liability and claims for damages or loss of whatever nature and kind in any way connected with applicant's use other than that caused by the negligence or other legal fault of the City, its officers, officials, employees, agents, and volunteers.
14. If approved, the Public Space Merchant Permit and all required state and county permits must be displayed in a prominent, visible manner throughout the duration of merchant's approved date(s) of operation.
15. If approved, this permit replaces the need for a City of Port Angeles business license and certificate of occupancy.

**Effective:** June 1, 2017

**Approved:** Corey Delik

**Phone:** 360-417-4523 | **Fax:** 360-417-4559

[www.cityofpa.us](http://www.cityofpa.us) | [rmerritt@cityofpa.us](mailto:rmerritt@cityofpa.us) | [facebook.com/portangelesparksandrec](https://www.facebook.com/portangelesparksandrec)

308 East Fourth Street | Port Angeles, WA 98362-0217



**PARKS & RECREATION DEPARTMENT**  
**POLICY AND PROCEDURES**  
**PR-0404 PUBLIC SPACE MERCHANT**

**PUBLIC SPACE MERCHANT PERMIT APPLICATION**

**APPLICANT MUST READ INFORMATION & CONDITIONS OF THE PERMIT BEFORE COMPLETING THIS FORM**

Name: \_\_\_\_\_ Today's Date: \_\_\_\_\_

Organization/Business: \_\_\_\_\_ Non-Profit?  Y  N

Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

Past Experience with Merchant Operation or Similar Business: \_\_\_\_\_

Type of Stand, Booth, Cart, or Equipment To Be Used (Attach Photo or Drawing Including Dimensions): \_\_\_\_\_

Detailed List of Items To Be Sold or Service Provided and Pricing (Please Specify): \_\_\_\_\_

City Facility/Park Requested: \_\_\_\_\_

Specific Location in City Park/Facility (Include Photo, Site Sketch, or Drawing): \_\_\_\_\_

Specific Date(s) of Operation: \_\_\_\_\_ Hour(s) of Operation: \_\_\_\_\_

Plan of Action to Address Recycling Requirements and Reduce Impact of Garbage and Trash Collection: \_\_\_\_\_

**Public Space Merchant Permit Fees:**

- Non-Waterfront Parks & Facilities: \$25/day, \$250/month
- Waterfront Parks & Facilities: \$75/day, \$400/month

*By signing below, I agree that I have read and understand the requirements and conditions of the Public Space Merchant Policy.*

Signature \_\_\_\_\_

| <b>FOR CITY OF PORT ANGELES USE ONLY</b>   |  |   |  |   |  |
|--|--|---|--|---|--|
| <b>Permit Granted:</b> <input type="checkbox"/>  | <b>Permit Denied:</b> <input type="checkbox"/> | <b>Permit Granted:</b> <input type="checkbox"/> | <b>Permit Denied:</b> <input type="checkbox"/> | <b>Permit Granted:</b> <input type="checkbox"/> | <b>Permit Denied:</b> <input type="checkbox"/> |
| <b>Parks &amp; Recreation Director:</b>  |  | <b>City Clerk:</b>                              |  | <b>Economic Development:</b>                    |  |
| <b>Requested Documents Received:</b>   |  |   |  |   |  |
| <input type="checkbox"/> Clallam County Health Dept. Permit (if applicable) <input type="checkbox"/> Proof of Insurance <input type="checkbox"/> WA State Business License |  |   |  |   |  |