RESOLUTION NO. 247 of 2014

A RESOLUTION ADOPTING RULES AND REGULATIONS FOR BEACH VENDING, ADOPTING TERMS AND CONDITIONS OF LICENSURE AND GIVING NOTICE FOR THE AUCTION SALE OF A BEACH VENDING LICENSE

WHEREAS, it is in the interest of the City of Margate to award ONE (1) beach vending license for the 2014 summer season pursuant to the terms and conditions of the Margate City Beach Vending Ordinance and the rules and regulations promulgated there under.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the City of Margate City, County of Atlantic and State of New Jersey as follows:

1. The City of Margate shall conduct an open public bid auction on **December 23, 2014** at **11:00 a.m.** or as soon thereafter as the auction is commenced in City Hall Multi-Purpose Room located at 9001 Winchester Avenue, Margate, New Jersey for the award of ONE EXCLUSIVE LICENSE to sell water, ice cream and ice cream related products on City of Margate Beaches between Coolidge Avenue and Fredricksburg Avenue for the 2015 summer season commencing May 1, 2015 and terminating October 12, 2015. *This license is not applicable to street vending*. **THE MINIMUM BID IS $50,000.00. The successful bidder is required to make full payment of the difference between the final bid amount and the $20,000 deposit no later than April 1, 2015.** The City of Margate reserves the right to adjourn or cancel the auction without prior notice and to reject any and all bids.

NOTICE IS HEREBY GIVEN THAT VETERANS ARE PERMITTED, IN ACCORDANCE WITH NEW JERSEY STATE LAW, TO VEND ICE CREAM AND ICE CREAM PRODUCTS, IN NON MOTORIZED VEHICLES, AT THE BEACH BLOCK STREET ENDS OF THE CITY OF MARGATE.

2. In order to be eligible to bid, each bidder must post a deposit in the form of a certified check in the amount of $20,000.00 made payable to the City of Margate. The deposits of the unsuccessful bidders shall be returned within ten days. Under no circumstances shall interest be due or payable to any bidder.

3. The issuance of a license shall be subject to completion of a license application on a form supplied by the City Clerk and confirmation by Resolution of the Governing Body of the successful bid. The Board of Commissioners reserves the right at its sole discretion to accept and issue a license, or reject any or all bids and issue or not issue a license accordingly.

4. The successful bidder is subject to the following terms, conditions, rules and regulations:

(a) Submission to a background investigation conducted by the Margate City Police Department. The successful bidder's helpers/employees are also required to submit to a background investigation. The successful bidder shall pay the cost of submission of fingerprints to the State Police for the background investigation. It is estimated that the cost for fingerprinting is approximately $55.00.

(b) The successful bidder and the helpers/employees shall wear clean, neat and tidy white clothing at all times while vending on the beach in Margate, free of commercial advertising, except for promoting products being sold.

(c) The successful bidder may hire vending helpers. No more than fourteen (14) vendors/helpers including licensee may vend on the beach at any one time. Every effort shall be made to employ residents of the City of Margate as helpers.

(d) A PRICE AND PRODUCT SCHEDULE IS ANNEXED HERETO AND MADE A PART HEREOF. LICENSEE EXPRESSLY AGREES THAT THE MAXIMUM PRICES FOR PRODUCTS SHALL NOT EXCEED THE PRICES FOR SPECIFIED PRODUCTS AS SHOWN ON THE SAID SCHEDULE. THE CITY OF

MARGATE RESERVES THE RIGHT TO AMEND THE SCHEDULE OF PRICES AND/OR PRODUCTS AT ANY TIME.

The provisions of Margate ordinances relating to vending on Margate beaches are incorporated herein as if set forth at length herein. To the extent that any of the terms of this resolution expressly conflict with the provisions of said ordinances, the provisions of the ordinances shall prevail, and the remaining terms of this resolution and the rules and regulations shall remain in full force and effect.

(e) Licensee shall comply with all State, County and Local laws, rules and regulations. Licensee shall register with the Atlantic County Board of Health and provide proof of registration to the City of Margate by May 1, 2015. Licensee and vendors shall allow inspection of their products and equipment by State, County and Local Officials at any time to insure compliance with the terms of their license.

(f) Licensee shall maintain general liability insurance coverage in the minimum amount of $1,000,000.00 single occurrence naming the City of Margate as additional insured. Proof of insurance shall be provided to the City by April 15, 2015.

(g) Site Plan approval is required for a storage/distribution location in the City of Margate. Licensee shall comply with the Margate City Zoning Ordinance, all Motor Vehicle Laws and regulations and Margate City Parking Ordinances with regard to receiving, storing or delivering water and ice cream products. No water or ice cream products shall be received, stored or delivered in a Margate City residential zone unless specifically permitted by the Margate City Zoning Ordinance.

(h) Vendors shall display their licenses at all times while vending on the City of Margate beaches. Vendors shall conduct themselves in a manner that is not offensive, annoying or intimidating. Vendors are prohibited from using loud bells, whistles or horns to sell their products. Vendors may employ verbal means to sell their products.

(i) The successful bidder/Licensee shall indemnify and hold harmless the City of Margate against any and all losses, claims, suits, expenses, actions, liabilities, damages or judgments whatsoever occurring in connection with the issuance of this license to sell water and ice cream products on Margate City Beaches.

(j) Licensee's license may be revoked for violation of any of the laws, rules or regulations of the City of Margate or violation of any Federal or New Jersey State Statutes or Administrative Code.

(k) Licensee shall not assign, pledge, lease, rent, sub-lease or sell his/her right, title or interest in the vending license or any portion thereof during the term of the license, without the prior written approval of the City of Margate

(l) The price of all products for sale shall be prominently posted on the box or container used for the sale of products.

DATE: 12/4/14

I, THOMAS D. HILTNER, Clerk of Margate City, Atlantic County, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Commissioners of the City of Margate City at a meeting of said Commission held on 12/4/14 and said resolution was adopted by not less than a two-thirds vote of the members of the Commission.

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Thomas D. Hiltner, RMC, City Clerk

SCHEDULE OF PRODUCTS AND MAXIMUM PRICES
FOR VENDING ON MARGATE BEACHES

Product	Maximum Price
1. Water – small	$1.50
2. Water – large sport top	$3.00
3. Single Bar Popsicle	$2.00
4. Flavored Ice, Double Bar Popsicle, Fudgesicle	$2.25
5. Italian Water Ice	$2.25
6. Ice Cream Sandwich	$2.25
7. Frozen Fruit Bar	$2.50
7. Specialty premium items such as chipwich, space bar, etc.	$3.00

THE CITY OF MARGATE RESERVES THE RIGHT TO AMEND THE SCHEDULE OF PRODUCTS AND PRICES AT ANY TIME.

CITY OF MARGATE

NOTICE OF PUBLIC AUCTION FOR THE SALE OF A BEACH VENDING LICENSE 2015 SEASON

PLEASE TAKE NOTICE that the City of Margate shall conduct an open public bid auction on **December 23, 2014 at 11:00 a.m**. or as soon thereafter as the auction is commenced in City Hall, 9001 Winchester Avenue, Margate, New Jersey for the award of ONE EXCLUSIVE LICENSE to sell water, ice cream and ice cream related products on City of Margate Beaches between Coolidge Avenue and Fredricksburg Avenue for a term of one year commencing May 1, 2015 and terminating October 12, 2015. **THE MINIMUM BID IS $50,000.00** which shall be applied on account of the winning bid. The successful bidder must make full payment (if successful bid is more than the minimum bid) of the difference between the final bid amount and the $20,000.00 deposit no later than April 1, 2015. The City of Margate reserves the right to adjourn or cancel the auction without prior notice and to reject any and all bids.

NOTICE IS HEREBY GIVEN THAT VETERANS ARE PERMITTED, IN ACCORDANCE WITH NEW JERSEY STATE LAW, TO VEND ICE CREAM AND ICE CREAM PRODUCTS, IN NON-MOTORIZED VEHICLES, AT THE BEACH BLOCK STREET ENDS OF THE CITY OF MARGATE.

PLEASE TAKE FURTHER NOTICE that in order to be eligible to bid, each bidder must post a deposit in the form of a certified check in the amount of $20,000.00 made payable to the City of Margate. The deposits of the unsuccessful bidders shall be returned within ten days. Under no circumstances shall interest be due or payable to any bidder. The Resolution authorizing the auction contains additional terms and conditions which are incorporated herein and made a part hereof.

Thomas D. Hiltner, RMC, City Clerk
By Order of the Board of Commissioners