

PARK DISTRICT OF THE CITY OF FARGO Concession Policy

This policy is established in accordance with Section 12, Permits and Fees in the Ordinances of the Park District of the City of Fargo. This ordinance states: No person shall conduct a business for profit on Park Property nor use Park property or facilities in connection therewith without a permit from the Director. . . .The Park District may charge a fee for such use, which shall take into account additional expense to the Park District, caused by the conduct of such business and may require the person conducting such business to procure public liability and property damage insurance with limits specified by the Director naming the Park District as an additional insured.

The Fargo Park District requires separate applications and will issue separate permits for specific types of vendors. Vendors may be issued more than one type of permit at Fargo Park District facilities and/or events.

The Fargo Park District reserves the right to issue permits on the basis of facility/event needs, deadlines (if applicable), first come first serve and/or menu duplications. The Fargo Park District may choose not to allow outside vendors at an event.

*Definition of Terms: Park District of the City of Fargo (Fargo Park District)
Food or Merchandise Concessionaire (Vendor)*

1. Vendor Definitions

- **Fixed Vendor:** This vendor has a seasonal contract or permit for a fixed location. Fixed vendors are allowed to set up a temporary structure that is removed at the end of each day or season. Size, shape and placement of the structure are negotiable with the Fargo Park District but final approval is within the sole discretion of the Fargo Park District.
- **Mobile Vendor:** This type of vendor has a seasonal contract or permit for a mobile stand that routes through several park facilities. Mobile vendors have a temporary structure that may change locations several times each day. Size, shape and route are negotiable with the Fargo Park District but final approval is within the sole discretion of the Fargo Park District.
- **Special Event Vendor:** This type of vendor has a contract or permit specific to an event sponsored by the Fargo Park District. Hours of operation and sales are specific to that event.

2. Procedures for Approval:

- Vendor applies for a contract or permit on a form established by the Fargo Park District for use of specific park areas and/or special events. Applications may be submitted in person or by mail. Payment of the permit fee is due at the time the application is submitted. A fee is/will be charged for any returned checks. If vendors are part of a special event, the District may request the contact person for the special event to assist with distribution and collection of contracts, fees, insurance certificates, etc. to facilitate the process.
- Completed applications should be submitted to: Fargo Park District, Carolyn Boutain, 701 Main Avenue, Fargo, ND 58103, 701-476-6776, cboutain@fargoparks.com. The Fargo Park District will use its best efforts to notify the applicant of the Fargo Park District decision on or prior to two weeks before a special event deadline or on or prior to three weeks before a specific park area request is granted.

- Once the application has been accepted, the approved application will constitute the agreement or, if required within the sole discretion of the Fargo Park District, a separate written agreement will be signed by each party. Each food vendor must work under a signed permit or separate contract, which contract or permit is non-transferable. Unless otherwise amended in the separate contract or approval, the provisions of this policy shall be applied as part of the contract.
- Vendors must have paid all fees in full, submitted a Certificate of Insurance and provide all other permits or licenses required by law or ordinance, and provide all other information required for the facility/event. Vendors will not be allowed to set up if fees, licensing and/or insurance requirements are not submitted as required.
- Vendors may serve only menu items approved for the event. All food vendors must adhere to site or event hours as stated in the contract.

3. Policies for Stands:

• **Fees:**

Each site or event will have its own permit fee based on facility/event needs, attendance, set up costs and menu diversity. There is a minimum fee of \$25 for a permit to sell concessions at a Fargo Park District event or on park property.

A flat fee or percentage of net sales (gross sales, less taxes) will be charged for the opportunity to sell on park property.

For vendors with seasonal contracts, flat fees are recommended for vendors using multiple venues. Percentages are recommended for permanent locations

The Fargo Park District may require a security/damage deposit depending upon the vendor's intended use of park property. If required, a minimum of \$250 will be charged for the security/damage deposit.

• **Food License:**

Each vendor is responsible to comply with all relevant city and state laws, regulations and ordinances and procure all required licenses. The Health Department will inspect each license and certify the booth. Proof of License and Insurance must be available upon demand of the Health Department as well as staff of the Fargo Park District. To obtain your license, contact the Fargo Environmental Health Department at 701-241-1360, 401 3rd Avenue N. Fargo ND 58102 (located corner of 3rd Avenue and 4th Street, across from the Fargo Police Department).

• **Insurance:**

Each vendor is required to provide the Fargo Park District with a Certificate of Insurance for general liability coverage listing the Fargo Park District as additional insured. Food vendors are required to carry at least \$1,000,000 General Liability and Product Liability coverage. Non-food vendors are required to carry at least \$500,000. The Fargo Park District reserves the right to require more coverage.

The vendor agrees that all personal property left on park property shall be kept at the risk of the vendor only and that the Fargo Park District shall not be liable for any damages to the

personal property. The Fargo Park District shall not have any responsibility to protect or secure such property. The vendor agrees to hold the Fargo Park District harmless from and against all claims arising out of loss or damage to any of the vendor's property.

- **Sales Tax:**

Each vendor is responsible for collecting North Dakota Sales tax on all sales made. Vendors may find forms and information at <http://www.nd.gov/tax/salesanduse/forms/> or call 1-701-328-3470. Following the event, all vendor names will be submitted, as required, to the State of ND Tax Commissioner.

- **Menus/Vending Lists:**

Menus/Vending lists must be provided with each application. The District may request additional information about menu/items in order to approve application. The Fargo Park District reserves the right to ask the vendor to remove an item if it was not originally listed on the requested menu/list. Vendors selling soda, water and lemonade are required to sell Pepsi products.

- **Booth Size and Storage Vehicle:**

With its application, the vendor must submit accurate measurements of the size of its structure or trailer and note if storage vehicle parking is needed. Storage vehicle size should also be noted on the application along with any power needs for the storage vehicle. Not all events or park sites will have room for all sizes of trailers or room for storage vehicles. Parking for storage vehicles is particular to each facility and/or event.

- **Utilities:**

Electricity is available at most park properties. It is not guaranteed to be available at each event. Vendor will be responsible for additional costs needed to provide electrical hook up. Vendor is not allowed to schedule permanent upgrades without the written permission of the Fargo Park District. Generators may be used in some areas as long as they do not create safety hazards, or noise. Vendor must provide barrier to minimize noise. If space allows, a generator needs to be placed 50-100 feet away from the public area.

Most event sites do not have direct access to water. Vendor is responsible to provide adequate water for hand washing and food preparation.

Vendors will be responsible for additional fees for resources that are outside the scope of the contract or permit including, but not limited to, construction, electricians, keys, storage, water, garbage, portable toilets, picnic tables, and ice.

- **Garbage:**

The vendor shall not permit garbage to accumulate around its structure or trailer except in garbage receptacles provided by the vendor. The vendor shall be responsible for regular removal of garbage and trash generated as a result of vendor operations and sales, not less often than weekly. The site and the amount of garbage may require more frequent removal, even daily, within the reasonable discretion of the Fargo Park District. The vendor is also responsible for picking up litter/debris in the area adjacent to vendor operations.

- **General Policies:**

No alcohol or illegal drugs are allowed in vendor stands or storage vehicles.

Vendor equipment and/or activities cannot block or interfere with the event, park maintenance, public use or other vendors' activities.

No vendor shall play, cause or allow noise or music to be made on any park property that would cause a public inconvenience. The Fargo Park District, in its sole discretion, may curtail or prohibit such noise or music. Failure of the vendor to comply with Fargo Park District instructions may result in immediate cancellation of the contract or permit.

- **Forfeitures and Cancellations:**

Vendor must be ready for business at the opening times and not close until the closing time as stated in each contract or permit. The vendor may not operate on dates/hours not specified in the contract or permit.

The vendor may cancel the contract or permit agreement with 30 days written notice to the Fargo Park District.

The Fargo Park District has a no refund policy if the vendor cancels. The Fargo Park District reserves the right to cancel an event due to acts of God, weather, or other unforeseen events. If the event is cancelled by the Fargo Park District, refunds may be given.

The Fargo Park District may revoke a vendor's permit if vendor violates this policy or any of the conditions contained in the permit, including, but not limited to the following: the dates and hours of operations; the types of merchandise, food or service provided; the misuse of Fargo Park District property or utilities, or the commission of any violation of federal, state, or local laws or regulations relating to the vendor's operations. If the violation can be corrected within a reasonable time frame, as determined within the sole discretion of the Fargo Park District, vendor will be given such time to correct the violation. During the cure period, the vendor will suspend operations until the violation is corrected to the reasonable satisfaction of the Fargo Park District.

Any such violations will result in forfeiture of the vendor's booth fee, security/damage deposits and participation on Fargo Park District property in future events.