

POLICY GOVERNING VENDING IN THE PARKS

The following policy is for the Parks and Recreation Advisory Board (hereinafter referred to as the “Board”) to use in the approval or denial process when considering a vendor’s request to vend within the City of Northglenn’s public park system. Rules governing vending in the park will be applied consistently unless such circumstances, such as a one-time use or other special circumstance dictate to the contrary. All recommended rules and regulations are intended for control purposes only and shall be applied consistently and without prejudice to any and all individuals desirous of vending a product or products within the City’s park system, pending proper approval and the successful completion and submission of all requirements.

1. **Application Period:** Requests for consideration of vending within one or more city parks shall be made between January 1st and March 31st with the Board reviewing all requests and rendering decisions at their April meeting, held at 6:00pm the second Monday of the month unless otherwise changed and accepted by the Board. Requests for consideration submitted after this date will be received, reviewed and acted on at the discretion of the Board.
2. **Length of Term:** Unless otherwise specified, all permits will be valid for the calendar year in which they are issued.
3. **First Rights of Refusal:** If a vendor successfully and complies with all terms and conditions agreed to with respects to the issuance of a permit, and City staff nor the Board, nor any other pertinent agency, receives complaints regarding the service, quality of product or related matters as applied to the vendor throughout the term and duration of the permit, vendor will be granted first rights of refusal to vend the following year unless, at the discretion of the Board, extenuating circumstances require the revocation of said right.
4. **Termination or Revocation of Permit:** City staff, through direction and approval given by the Board or on its own initiative if deemed appropriate, can terminate any and all permits for rights of use if, before, during or after the issuance of said permit the vendor proved to misrepresent or falsify information pertaining to the issuance of a permit or does not comply with all of the agreed-upon terms of the agreement once issued.
5. **Terms of Use:** ****EXCLUDES VENDING AT THE JULY 4TH FESTIVAL**** Unless otherwise specified, all permits are intended for specified and agreed upon normal times and occurrences of park use and do not entitle the vendor to have rights to or a presence in any of the City’s or publicly or privately scheduled special events or other non-routine uses of the park without special and mutual consent. Specific days and/or times, location and other operating conditions may be applied or imposed as conditions of use and must be adhered to throughout the duration of the permit period unless otherwise and mutually agreed to by both parties. Unless otherwise approved, vending shall occur between the hours of 10am and 8pm only.

6. **Product and Pricing Approval:** All vended products shall be suitable and approved for public sale at the sole discretion of the Board. Additionally, the pricing associated with the purchase of any approved goods and/or services must be set at those presented to and approved by the Board. The Board does not have the authority to set or otherwise govern vendor's pricing, but it does retain, out of public welfare, the ability to approve or deny fees associated with vended products so as to assure the good and public welfare of its patrons as a condition of use.
7. **Assigned Location:** Unless otherwise agreed to, vendors shall be assigned a designated area in which to vend.
8. **No Solicitation:** Vendors are not allowed to "bark" or otherwise impose themselves on park patrons beyond the presence of their cart or other approved device and any signage as may also be approved. Under no circumstances are vendors to approach or otherwise impose themselves onto park visitors and guests.
9. **Total Number of Vendors:** At the discretion of the Board, the total number of vendors allowed in any one park, under normal operating conditions, shall not exceed five.
10. **No Duplication of Vended Product:** So as to allow a fair opportunity for any approved vendor to make the amount of sales necessary to justify operation and not to significantly dilute sales opportunities, there will be no duplication of vended products between vendors, with the exception of beverages, unless otherwise deemed appropriate and non-competitive at the discretion of the Board.
11. **Sales and Use Tax License Required:** All vendors are responsible, in advance of the approval and issuance of a vending permit, for obtaining a City of Northglenn Sales and Use Tax License which is issued by and obtainable through the City Clerk's office, located within Northglenn City Hall. Vendors are required to properly collect, report and remit all sales taxes as required and governed by this license. Additional information on or questions regarding this license can be directed to the City Clerk's office or the City's Finance Department.
12. **Additional Permit Requirements:** As required, all additional permits such as those associated with the Tri-County Health Department may be required for food preparation and disbursement and will need to be obtained and presented prior to the issuance of a vending permit. Any and all other permits as may apply or be required from time to time by any governing body or jurisdiction shall be the sole responsibility of the vendor and obtained at vendor's sole expense.
13. **Use or Sale of Alcohol:** Alcohol is expressly forbidden for consumption within the park without the issuance of a special permit and is not intended for sale by vendor or any other source without the approval of the Liquor Licensing Authority. As it applies to this permitting process, the sale of alcoholic beverages within the park is expressly forbidden.
14. **Litter Control:** It is understood that vended products will likely generate the potential for additional litter within the park, for which the vendor may have no direct control of other than to encourage his or her patrons to properly dispose of litter that is clearly identified with and

connected to the vendor. Consistent and continuous litter problems that may arise, as the result of a vendor, may be grounds for revocation of the vendor's permit.

15. Compliance With All Posted Rules: As a user of the park, vendors are required to be compliant with all posted rules of the park or be subjected to removal from the park for not observing the same.
16. Evidence of Insurance: So as to protect its financial interests, the City of Northglenn may require proper liability or other insurance coverage the limits of which shall be established and imposed by its Attorney.
17. Profit Sharing: At present, the City imposes no direct fee in the issuance of a permit however, due to the additional work imposed on its maintenance staff, the administrative tasks involved in the issuance and monitoring of licenses and permits, and the provision of an environment in which to profit, the City shall assess a \$200 to \$500 annual fee, at the discretion of the Board, for the right to vend within City parks and properties.
18. Vehicles in the Park: For public safety and the prevention of potential damage to public property no vehicles will be allowed in public parks or on public grounds unless otherwise given permission to do so. Permission is only anticipated as being given where special circumstances apply such as the item or items being off-loaded are simply too large to otherwise be manually transferred into the park. The presence of city vehicles or equipment is exempted and, when appropriate and available, city vehicles and staff may provide assistance in the transport of items into the park.
19. Methods of Contact: For purposes of communication, the designated city contact for any and all inquiries about vending shall be the Parks Foreman position, currently occupied by Jim Umland, and reachable at 303-280-7810.

*Approved by the Northglenn Parks and Recreation Advisory Board on **September 12, 2005.***