

**DON JONES MEMORIAL PARK
SEASONAL VENDING PERMIT POLICY
Effective April 15, 2023**

The Parks and Recreation Department (the “Department”) is authorized to establish rules and regulations for seasonal vending permits at Don Jones Park pursuant to CPMC 5.44.030.

All applications will be reviewed by the Parks Director or authorized designee. Seasonal vending permits will be issued to applicants who best meet the needs of the public that the Department is trying to serve at those locations deemed appropriate by the Department. It is strongly recommended that an applicant obtain a seasonal vending permit approval before purchasing vending equipment, because only a limited number of permits will be issued.

PERMIT PERIOD

Unless otherwise specified, the seasonal permit period begins on the Friday prior to Memorial Day and ends on the day after Labor Day each year. Please note that this period reflects the planned opening and closing dates for the Don Jones Memorial Spray Park, but these dates may change due to weather conditions, water availability, or other issues. Every attempt will be made to inform vendors of any changes to this schedule that may occur before and during the permit period. City reserves the right to grant the seasonal vending permits on a monthly or seasonal basis in its sole discretion.

HOURS OF OPERATION

- Permitted operation will be Monday through Sunday including holidays.
- Allowed hours of operation will be 10:00 am to 8:00 pm each day.
- Vendors will have flexibility to operate on those days/times of their choosing but must schedule only within the days and hours listed above.

APPROVED LOCATIONS

Vending will only be allowed at Don Jones Memorial Park and only in those areas at the park designated on the attached vending site map and assigned to vendor pursuant to the seasonal vending permit.

REQUIREMENTS:

INSURANCE

During the life of the Permit, Vendor shall maintain the following minimum insurance, proof of such insurance is required as a condition of permit issuance:

Commercial General Liability: Vendor shall maintain a broad form commercial general liability insurance policy with coverage of not less than \$1,000,000 combined single limit per occurrence, and \$2,000,000 as an annual aggregate, for bodily injury, personal injury or property damage. The policy shall have a contractual liability endorsement to cover

Vendor's indemnification obligations under the contract. The policy shall also contain an endorsement naming City as an additional insured, in a form satisfactory to City.

Workers' Compensation Insurance: Unless Vendor is exempt, Vendor shall comply with the Oregon Workers' Compensation law by qualifying as a carrier-insured employer or as a self-insured employer and shall strictly comply with all other applicable provisions of such law. Vendor shall provide City with such assurances as City may require from time to time that Vendor is in compliance with these Workers' Compensation coverage requirements and the Workers' Compensation law.

Comprehensive Automobile Liability: If Vendor will use a motor vehicle on a regular basis in the performance of the Services, Vendor shall maintain automobile liability insurance coverage of not less than \$1,000,000 combined single limit per occurrence for bodily injury, personal injury or property damage for each motor vehicle owned, leased or operated under the control of Vendor for, or in the performance of, the services.

INDEMNITY

Vendor agrees that (s)he will hold the City of Central Point, its officers, employees and agents harmless from any claim, liability, damages or obligation arising from an act or omission by Vendor, its employees or agents, and will indemnify the City of Central Point for any suits or actions brought against the City for or on account of any injury or damages received or sustained by any party(ies) by or from said Vendor, his/her employees or agents, or by or on account of any act or omission of said Vendor.

INDEPENDENT CONTRACTOR STATUS

It is agreed that Vendor shall perform the work as an independent contractor and is not an employee of the City of Central Point. Vendor maintains his or her own place of business, uses his or her own equipment, and shall perform the work specified independent of the City of Central Point's supervision and control, being responsible only for satisfactory performance and completion of the work.

LICENSES

Vendor shall obtain all necessary licenses and permits and pay all fees required to operate such concession and shall comply with all federal, state, and local laws and regulations applicable to such operation. Licenses include but are not necessarily limited to: City of Central Point Business License and Jackson County Environmental Health Permit.

RULES AND REGULATIONS:

1. Vendor accepts full and complete responsibility for any and all loss of or damage to any item of Vendor's property from any cause whatsoever and expressly releases the City of Central Point, its officers, agents, and employees, from any liability therefore.
2. Vendor shall limit its operations to the areas assigned by City. Such areas may vary from time to time and may be extended or restricted as the need appears.

3. The City shall be under no obligation to furnish shelter, equipment, furniture, lighting, refuse containers or fixtures.
4. Park vendors shall provide at their own expense all equipment necessary to provide the items for sale in the conduct of the business. All equipment used shall be in a self-contained unit. No storage area, water, or other utilities will be supplied by the Parks and Recreation Department. Notwithstanding the foregoing, pushcarts and trailer spaces B and C will be provided an electrical outlet.
5. Vendor shall eliminate any unsafe condition or public hazard resulting from or associated with Vendor activities without delay as directed by the City.
6. Vendor shall be responsible for cost of repair or replacement for any damage to park property from Vendor's activities.
7. Vendor shall not place any signage in the park or adjacent right-of-way except which is directly affixed to the vending unit.
8. Prices of items sold or offered shall be visibly posted.
9. The items to be offered for sale at park locations shall include food and non-alcoholic beverages only. Alcoholic beverages and/or any marijuana based products are prohibited. Park vendors are not authorized to sell services, merchandise or souvenirs.
10. Park vendors shall dispense all beverages and liquids in cans or paper/plastic cups. No glass bottles or containers shall be served to customers in the park.
11. Vendor shall not use any amplified device to attract customer's attention.
12. Only built in, onboard generators will be allowed for use in motorized food trucks.
13. A park vending permit does not grant exclusive use of the area assigned. Special events permitted in adjacent areas are allowed to provide vendors during the course of such an event. Further, the Parks and Recreation Director reserves the right to exclude dates from the vending permit if special event, festival, fair or parade permits are issued within 300' of the park vending permit location.
14. Pushcarts or other vehicles and equipment related to the vending operation shall not be parked, stored or left overnight in any park location.
15. Park vendors shall not block the passage of the public through a public area or interfere with access to ramps, curb cuts or other conveniences for individuals with disabilities.
16. Park vendors shall not leave their pushcart or other vehicle or equipment unattended at any time.

17. Park vendors shall provide refuse containers suitable for placement of litter generated by customers and other persons and shall collect all litter and garbage generated in the operation of the business at the end of each business day and remove same from the park. In addition, vendors shall retrieve any containers or food or litter that may be carried away and left on the park grounds. Vendors may not put refuse from the operation of their business in or beside any public trash container or in any drain along or in the streets or sidewalks. The City shall charge Vendor for the costs of special cleanup necessary should the Vendor fail to reasonably perform as provided herein. The charge will be the actual costs incurred by the City including employee wages (including benefits), equipment costs and costs of refuse disposal.

18. Permits shall be issued on a first come basis. The Vending Permit Section will file and maintain a list of permit requests in chronological order. Requests will remain on file for two years.

19. No person, partnership or corporation will be issued more than one seasonal park vending permit at any one time.

20. Park vending permits shall not be assigned by vendors in whole or part, nor any portion of the premises sublet.

21. Vendor shall at all times observe and comply with all federal and state laws and local ordinances and regulations, in any manner affecting the conduct of the work.

22. Each vending unit shall be kept in a clean and sanitary condition at all times

23. A park vending permit may be revoked at any time by the Parks and Recreation Director upon seven days-notice by mail to the permit holder's business address of record. No refund of permit fees will be granted.

SELECTION CRITERIA:

Central Point Parks and Recreation Staff will use the following criteria when reviewing vending permit applications:

- Suitability of the vending unit to the site i.e. size restrictions.
- Proof of Jackson County Health Permit and City of Central Point Business License.
- Certification of Liability Insurance for coverage described above, including additional insured endorsement.
- Proof of readiness to be operational by the Friday before Memorial day.
- Type of menu items and how they complement other existing park vendor food offerings and overall appeal and quality of menu items.
- Overall condition of the vending unit. Applicants must provide measurements of the unit, current photos of vending unit including photos of the unit when set up for serving food/beverages.

- Be a person in good standing with City (e.g. no pending code violations or pending issues with enforcement of mobile food business ordinance or this policy; City may take into account a history of prior violations of mobile food business ordinance or this seasonal vending permit).

The City reserves the right to reject any or all vender permit applications requests in whole or in part based on the criteria above.

RIGHTS RESERVED:

The Parks and Recreation Department reserves the right to revoke a permit:

- Should park vendors fail to abide related City ordinances, and the Parks and Recreation Department policy on vending. No refund will be issued and the permit will be forfeited by the park vendor.
- In cases where excessive (as determined by Parks and Recreation) litter, grease, and/or other debris results from the vending activity.
- Should the park vendor become involved in misconduct, misbehavior, and/or illegal activity. Examples of this type of behavior might include, but not be limited to, the use of profanity or discriminatory practices.

The Parks and Recreation Department reserves the right to determine the exact location and/or route within each park or right-of-way area adjacent to each park where the Vendor may conduct operations under the terms of the vendor agreement.

The Parks and Recreation Department reserves the right to exclude the Vendor from the agreed location for up to five (5) days per month for any reason. The vendor may be excluded at additional times specified.

The Parks and Recreation Department reserves the right to review for approval all items offered and all prices of items and services provided to the public.

The Parks and Recreation Department reserves the right to add or withdraw park locations from the list of approved locations without notice and to limit the number of vendors in a park.

PERMIT PROCESS AND INSTRUCTIONS TO VENDORS

1. Fill out permit application.

2. Submit completed permit application along with a \$25.00 nonrefundable application fee to the Central Point Parks and Recreation Department with copies of the required insurance, business license, health permit attached, menu and photos of mobile vending unit.

3. Approved permits will be issued within ten working days from the time the application is approved by the Parks Director or their representative.

4. Upon approval, a fee of \$100 per month or \$300 for the season will be charged to vendors using carts or trailers. \$150 per month or \$450 for the season will be charged to vendors using motorized food trucks. Such amounts shall be payable in advance.

5. Payments may be paid by cash, check, Visa/MasterCard at the Central Point Parks & Recreation Office located at the 235 S. Haskell Street.

Don Jones Memorial Park – Vendor Site Map



Seasonal Vending Permit Application for Don Jones Memorial Park

Name of Business: _____

Owner Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____

Email: _____

Type of Vending

Push Cart Trailer Motorized A Motorized B

Push Carts:

A wheeled cart capable of being moved by one or two operators by hand. Limited in size to 6 feet in length, 4 feet in width, and 5 feet in height exclusive of canopy or umbrella. Canopy is limited to 40 square feet with a minimum clearance above the sidewalk or pathway of 7 feet and a maximum height of 10 feet.

Trailer:

A non-motorized vehicle licensed for towing on streets and highways being no greater than 36 square feet in size. No greater than 10 feet tall exclusive of canopy or umbrella. Canopy is limited to 60 square feet with a minimum clearance above sidewalk or pathway of 7 feet and a maximum height of 11 feet.

Motorized A:

A motorized vehicle such as a truck or van licensed for use on streets and highways that is equipped for preparing and vending foods, or for vending park-related items or services. Limited in size to a length no greater than 20 feet and to a height no greater than 12 feet. Canopy is limited to 80 square feet with a minimum clearance above sidewalk or pathway of 7 feet.

Motorized B:

A motorized vehicle such as a truck or van licensed for use on streets and highways that is equipped for preparing and vending foods, or for vending park-related items or services. Limited in size to a length no greater than 30 feet and to a height no greater than 12 feet. Canopy is limited to 80 square feet with a minimum clearance above sidewalk or pathway of 7 feet.

