



CITY OF EVERETT

Parks & Facilities

802 E. Mukilteo Blvd. | Everett, WA 98203 | 425.257.8300 ext. 2

Park Vendor Guidelines

Objective

The objective of permitting concession privileges in parks is to provide the public with access to complementary products and services while generating revenue to support ongoing park programs. These guidelines will be used to determine the specific parks where concessions will be permitted and the types of concessions allowed. Except for these designated parks, concessions are approved and placed where the products or services provided are otherwise not conveniently available. Concession privileges will be granted only when the Director of Everett Parks & Community Services (EP&CS) or his/her designee has determined that the products or services offered will provide an enhancement to the park and the community.

Description

Concessions are considered to be the privilege permitted to an individual or organization to provide business activity on park premises.

Application Submission Process

1. Complete an application form available online or at the Recreation Office at Forest Park: 802 E Mukilteo Blvd., Everett, WA 98203 / 425-257-8300 ext. 2
2. The application will be reviewed within 5 business days.
3. If approved, the vendor will need to provide:
 - Copy of a current City of Everett (COE) business license
 - Liability insurance
 - Fire department permit (if required)
 - Insurance certificate naming COE as additional insured.Full payment is required at this time. No vending is permitted until a contract is fully executed.
4. Once an application is approved and all requirements are met, a License to Use City Property contract will be executed, which may take up to 10 business days to complete.

Approved Concession Products and Services

All concessions are subject to Everett Municipal Code and are subject to control and conditions of operation as set forth by EP&CS. Pre-approved concession products and services may include, but are not limited to:

- Food and beverages for immediate consumption
- Fresh cut flowers, maps, umbrellas, sundries
- Fitness & training classes
- Athletic equipment and supplies
- Education & instruction classes, products or services

Requests to have a different item or service considered for approval shall be submitted, in writing, to the Recreation Office Supervisor who shall determine whether the item or service conforms to the criteria listed in the paragraph below. When choosing which item or service to sell, keep in mind that consideration for approval will be based on the following criteria. All items or services to be sold shall:

- Be vended from a regulation size vending cart (if not a service) unless otherwise approved by EP&CS.
- Not lead to or cause congestion or blocking of pedestrian traffic on the sidewalk.

- Involve a short transaction period to complete the sale or render the service.
- Not cause undue noise or offensive odors.
- Be easily carried by pedestrians.
- Not directly compete with a like product or service either sold within or directly adjacent to the park.
- Not harm or encumber park structures, vegetation or permitted programs, activities or events.

If the item or service does not conform, it shall be listed as prohibited for sale in parks.

Park Categories & Fees

EP&CS maintains a list of approved parks and locations for product and/or service sales. Each park has been designated within one of the following categories:

Category	Description	Fee
1	Parks that have significant water features, large hard surface area, frequent community gatherings, play equipment, high visibility and/or proximity to a large customer base. (Forest Park, Kasch Park, Thornton Sullivan Park, Legion Park, & Phil Johnson Ballfields)	\$ 25/Day
2	Parks that have significant hard surface, open space and or moderate visibility and proximity to customers. (Harborview Park, Grand Ave Park, Walter Hall Park)	\$20/Day
3	Designated concession parks. You may request a Type C concession for any City of Everett park not currently listed as Category 1 or 2	\$15/Day
4	Education and Fitness. <i>(See Additional Concession Types on page 4)</i> 1-15 participants 15-30 participants 30+ participants	\$20/Day \$25/Day to be negotiated with EPRD

Each park may have multiple concession sites within the park. Each concession site within each park may have specific limitations unique to its location. All fees will be reviewed on an annual basis.

Concession Vending Apparatus and Facilities

The following are the approved concession apparatus that are allowed. All applications must include 3-5 photos of apparatus.

Type	Description
1 – Push Carts	<p>A wheeled cart capable of being moved by one or two operators by hand.</p> <ul style="list-style-type: none"> • Limited in size to no more than 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. Carts must be removed daily and can be no larger than 24 square feet in area (4' x 6'). • Carts larger than 24 square feet must be approved by EP&CS. The vendor is permitted to vend during park hours of operation. • Concessions approved under a Mobile Concession permit are subject to availability. • Mobile concessions are allowed in parks where non-mobile concessions exist as long as the products sold are demonstrably different, as determined by EPRD, from the other vendors already permitted in the park.

Type	Description
2 - Trailers	<p>A non-motorized vehicle licensed for towing on streets and highways being no greater than 60 square feet (e.g. 10' x 6') in size and no greater than 10 feet tall exclusive of canopy or umbrella.</p> <ul style="list-style-type: none"> • The 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. • Placement of trailers may be limited in some parks due to the lack of vehicle access or prohibition of vehicles in the park. • Trailers approved for these specific locations may be required to be placed without the use of a vehicle. • Trailers must be removed daily and can be no larger than 60 square feet in area.
3 - Motorized Mobile Vending	<p>A motorized vehicle such as a truck, van, or mobile home licensed for use on streets and highways that is equipped for preparing and vending foods, or for vending approved items or services.</p> <ul style="list-style-type: none"> • Concession is 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. • Concessions must be removed daily. Concessions must use designated parking or secure approval of EPRD for an alternate location.
4 - Education and Fitness	<p>Provides the Concessionaire the ability to provide education and training classes and or instruction in parks. The services may include programs and services such as educational instruction, fitness training, tours, daycare, tai chi, etc.</p> <ul style="list-style-type: none"> • The Concessionaire is charged a daily fee determined by the average number of students or participants. <i>(See Park Categories & Fees)</i> • These concessions cannot conflict with any similar, on-going EPRD programs or classes. • The concession is required to vacate any location previously permitted to someone else. • Amplified music with use of amplifier and speakers is not permitted. • A Washington State Patrol Criminal background check is required at the vendor's expense. • All activities shall not interfere with the regular use of the park by the public unless concessionaire has been granted exclusive use of a specific area of the park.

General Concession Requirements

Liability Insurance

The Concessionaire is required to maintain liability insurance as specified by the City in the following paragraphs. The Concessionaire shall maintain public liability, products liability, and property damage insurance that protects the Concessionaire and the City and the City's officers, agents, and employees from any of the Concessionaire's operations under this Agreement. The insurance shall provide coverage in an amount not less than \$1,000,000 for personal injury to each person; \$1,000,000 for each occurrence involving property damages; or a single limit policy of not less than \$1,000,000 covering all claims per occurrence. The insurance shall be without prejudice to coverage otherwise existing, and shall be primary, and shall name as additional insured the City and the City's officers, agents, and employees. The insurance shall provide that the insurance shall not terminate or be

canceled without 30-day written notice first being given to the City Attorney and EP&CS. The Concessionaire shall maintain on file with EPRD a certificate of insurance certifying the coverage required. The adequacy of the insurance shall be subject to the approval of the City Attorney. Failure to maintain liability insurance shall be cause for immediate termination of this Agreement by the City.

Independent Contractor Status

- The Concessionaire and its employees will not be employees of the City of Everett and are not eligible for any benefits through the City, including without limitation federal social security, health benefits, and workers' compensation, unemployment compensation, and retirement benefits.
- The Concessionaire is engaged as an independent contractor and will be responsible for any federal, state, and local taxes and fees applicable to Concessionaire's activities.

Indemnification

The Concessionaire shall hold harmless, defend, and indemnify the City and the City's officers, agents, and employees against all claims, demands, actions, liabilities and suits (including all attorney fees and costs) arising from the Concessionaire's.

Fire Bureau Inspection and Permit

All concession units using a propane appliance-fuel system are required to obtain the appropriate permit before use under the terms of the concession permit. A permit shall be obtained from the Fire Marshal prior to the use of the cooking propane system. Fire Marshal's Office is located at 2930 Wetmore Avenue Suite 7-A Everett, WA 98201. Go to everettfire.gov to apply for a commercial propane permit online. There is no fee for the permit, and approval from Everett Fire takes 2-3 business days.

Licenses, Fees, and Compliance with Laws and Regulations

The Concessionaire 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. Concessionaire must have a current City of Everett Business License, and other applicable licenses such as a health department permit.

General Conditions of Use

- Concessionaires shall not vend or offer glass containers.
- Concessionaire accepts full and complete responsibility for any and all loss of or damage to any item of Concessionaire's property from any cause whatsoever and expressly releases the City of Everett, its officers, agents, and employees, from any liability therefore.
- No concession shall sell a product that directly competes with a like product either sold by a business within or directly adjacent to the park unless by written approval by EP&CS.
- A "like" product is one that a reasonable person would consider within the same family of products. (Parks would not allow a vendor to sell a menu of Mexican food that included enchiladas while another sold only enchiladas. An example of other products in conflict: hotdogs/kielbasa and snow cones/slushies.) EP&CS would not allow these items to be sold in competition with another adjacent business.
- Beverages are not considered to be in competition unless it is the primary product sold.
- A competing "business" would be considered "adjacent to the park" only if its business facade overlooks the park or if the main entrance opens onto a street directly across from the park. Exceptions may be considered for especially large Type A or B parks.
- The Concession permit or privilege therein provided may not be assigned or transferred. Failure to comply with this provision will result in termination of the permit.
- The Concessionaire shall not subcontract work, in whole or in part.

- The Concessionaire shall be responsible for cleanup of all park areas within 100 feet from each concession operating area.
- The Concessionaire is confined to the areas specified in its permit or subsequently determined to be satisfactory by EP&CS. Such areas may vary from time to time and may be extended or restricted by EP&CS.
- The City shall be under no obligation to furnish shelter, utilities, equipment, furniture, or fixtures.
- Utilities used by or for the benefit of the Concessionaire shall be paid for by the Concessionaire on a rate to be determined by EP&CS.
- The Concessionaire shall not place any signage in the park or adjacent right-of-way except which is directly affixed to the vending unit without EP&CS approval.
- Pushcarts, trailers and mobile units must be removed from Park property on days and hours when not open for business and at times other than the season and hours of operation as specified.
- Improvements to the park location for the Concessionaire's benefit shall not be made without EP&CS's written approval and shall be made at the Concessionaire's expense. Such improvements shall meet EP&CS specifications and shall be in compliance with all federal, state and local laws and regulations. Such improvements, unless designated temporary, shall become property of EP&CS, or, at EP&CS's request, be removed by the Concessionaire, at its sole cost, upon termination of the permit. If removed, area must be returned to a like condition before the improvement at the vendor's expense.
- Prices of items and/or services sold or offered shall be visibly posted.
- Concessionaire shall not sell or distribute alcoholic beverages or tobacco products under the privileges provided herein.
- Concessionaires shall eliminate any unsafe condition or public hazard resulting from or associated with Concessionaire's activities without delay as directed by EP&CS.
- Concessionaires shall be responsible for cost of repair or replacement for any damage to park property from Concessionaire's activities.
- Notwithstanding the conditions of operation included herein, the Concessionaire shall abide by all park rules and regulations.
- Parks may revoke or suspend a vending cart permit or may deny the renewal of said permit if it finds any of the following:
 - Any required permit, license or document has been suspended, revoked or canceled.
 - The Permittee no longer has current and effective insurance that meet permit requirements.
 - The Permittee has violated or failed to meet any of the provisions of the Everett Municipal Code.
- Concessionaire vends any product or services that are police regulated (e.g. guns, alcohol, adult dance club.)
- Generators used must be powered by electricity and meet approval by EP&CS.

Rights Reserved

- a. The city reserves the right to reject any and/or all applications, in whole or in part.
- b. In the event that Concessionaire fails to comply with any of the requirements or conditions of the permit, including these specifications, the City reserves the right to immediately suspend or terminate the permit by mail or hand delivery of written notice of the breach to Concessionaire, addressed to Concessionaire's last address on file with the EP&CS.
- c. EP&CS reserves the right to terminate a concession permit or portion thereof should the service prove unsatisfactory in the opinion of the EP&CS.
- d. EP&CS reserves the right to determine the exact location within each park where the Concessionaire may conduct operations under the terms of the concession permit.
- e. The City may terminate a concession permit for any reason deemed appropriate in its sole discretion.
- f. If a Concessionaire voluntarily terminates its permit, or if the City for any cause terminates the permit, Concessionaire shall forfeit all amounts paid to the City.

- g. EP&CS reserves the right to exclude the Concessionaire from a permitted location for any reason.
- h. EP&CS reserves the right to review and approve all items and services offered and all prices of items and services provided to the public.
- i. EP&CS reserves the right to add or withdraw park locations from the list of approved locations without notice.
- j. EP&CS reserves the right to issue permits for any park for any use deemed appropriate by EP&CS. Such permitted use may include distribution and/or sale of items and services similar or identical to items and services provided by Concessionaire. Such permitted use may result in the temporary exclusion of the Concessionaire from privileges described herein or may result in a temporary change of Concessionaire's location and/or times of operation.

Payment

- Total fee is due at the time of vending approval.
- Accepted forms of payment: VISA or MasterCard, cash or check payable to City of Everett.
- Payments are processed at the Forest Park Recreation Office:
802 E. Mukilteo Blvd. Everett, WA 98203 / 425-257-8300 ext. 2

Commencement of Work

Concessionaire agrees that operations conducted pursuant to the permit will not be commenced until after all applicable requirements have been met, including but not limited to:

- Adequate proof of liability insurance.
- The permit is fully executed by all parties.
- City of Everett Business License shall be obtained and a copy provided to EP&CS.
- Snohomish County Mobile Unit Food Service License shall be obtained and a copy provided to EP&CS.
- Concessionaire is required to meet onsite with park staff or ranger prior to first business day.
- Concessionaire will obtain a proof of vending tag from the Recreation office. The tag must be prominently displayed on the vending apparatus.
- Each concessionaire employee must obtain and wear a vending tag while on duty. Tags are available at the Recreation office upon approval of a vending permit.

Important Links

City of Everett Business License <https://everettwa.gov/175/Business-License>

Snohomish County Health District <http://www.snohd.org/>