

COUNTY OF CHESTERFIELD
DEPARTMENT OF PARKS AND RECREATION
CHESTERFIELD, VIRGINIA
ADMINISTRATIVE POLICY

POLICY NUMBER
211

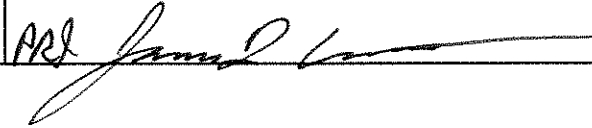
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3/10/17

AUTHORIZATION

SUBJECT: CONCESSION AND VENDOR OPERATIONS



POLICY:

It shall be the policy of the Chesterfield County Parks and Recreation Department to issue leases and permits that grant permission to Vendors and Concessionaires (collectively and individually Permittee(s)) that desire to operate concessions and sell wares in county parks or other county facilities as part of tournaments, special events, or co-sponsored group activities. This policy applies to all park facilities, excluding River City Sportsplex which operates under a separate concession agreement. Long term agreements conveying occupancy rights to a county facility to sell wares and concessions shall be accomplished through a long term lease. Agreements granting permission to sell wares or operate concessions shall be accomplished through the issuance of permits. Permits for selling wares and concessions shall be classified as Seasonal, Short Term, and Concession Trailer. Permits shall be issued in accordance with the procedures defined herein. Long-term leases will only be granted after holding a public hearing and official action by the Parks and Recreation Advisory Commission and Board of Supervisors. Leases and/or permits shall be required of vendors and concessionaires operating on a for profit basis as well as league/athletic associations or affiliates that are non-profit in nature and co-sponsored by the Parks and Recreation Department. Co-sponsorship status will be conveyed to only non-profit groups that comply with all applicable requirements.

PERMITTEE DESIGNATION

All permit applicants, regardless of the type of permit requested, must be in good standing with Chesterfield County and the Department of Parks and Recreation. Vendor and Commercial Concession applications will only be accepted when submitted by an event or tournament organizer as part of the overall event planning process. Co-sponsored Concession permit applications will be accepted from league/athletic associations or affiliates that are non-profit in nature and co-sponsored by the Parks and Recreation Department.

PERMIT CLASSIFICATIONS

Leases or permits for concessions or the sale of goods shall be issued under one of the following classifications:

1. **Long-Term Lease** – Under this classification, a lease represents a formal agreement whereby Chesterfield County Parks and Recreation Department agrees to give possession of a county owned concession facility to a lessee (i.e., vendor/concessionaire, cosponsored organization or association) for a specific period of time. Formal provisions may include, but are not limited to, user fees, insurance, repairs, maintenance, hours of operation and improvements.
2. **Seasonal Contract** - Under this classification, a permit represents a formal agreement whereby Chesterfield County Parks and Recreation Department allows an approved Permittee to operate a concession or sell wares for a specific period of time, usually a recreation activity season. Formal provisions may include, but are not limited to, user fees, hours of operation, location, type of concession, items to be sold, purpose of concession and insurance coverage.

3. **Short-Term Permit** – Under this classification, a permit represents a formal agreement whereby Chesterfield County Parks and Recreation Department allows a Permittee to operate a concession or sell wares for a specific period of time. Formal provisions may include, but not limited to, user fees, hours of operation location, type of concession, items to be sold, purpose of concession and insurance coverage.
4. **Concession Trailer Permit** - Under this classification, a permit represents a formal Agreement whereby Chesterfield County Parks and Recreation Department allows a Permittee to operate a county owned concession trailer for a specific period of time. Formal provisions may include, but not limited to, user fees, hours of operation, location, items to be sold, purpose of concession and insurance coverage.

APPLICATION PROCEDURE

Application for a lease or permit to sell wares or operate a concession shall be submitted on the appropriate form to the Director or Director's designee. (See Concession Permit Application, Commercial Concession Permit Application, or Vendor Permit Application as appropriate. The Application procedure for each vendor/concessionaire classification is as follows:

- A. **Long-Term Lease** – A Long-Term Lease application letter must be submitted to the Director or designee no later than two months prior to the public hearing process. This letter will constitute a preliminary application and must provide the details of the proposed long term lease. After department review, the application will be sent to the Parks and Recreation Advisory Commission for recommendation to the Board of Supervisors. All Long-Term lease Agreements must obtain final approval from the Board of Supervisors after holding a public hearing.
- B. **Seasonal Permit** - The appropriate Permit Application form must be submitted to the Director or designee no later than two weeks prior to the desired time of operation. A decision will be forwarded to the applicant as soon as possible. All required paperwork and documentation needed for this permit must be completed before approval.
- C. **Short-Term Permit** – The appropriate Permit Application form must be submitted to the Director or designee no later than one week prior to the desired time of operation. A departmental decision will be forwarded to the applicant as soon as possible. All required paperwork and documentation needed for this permit must be completed before approval.
- D. **Concession Trailer Permit** – The appropriate Permit Application form must be submitted to the Director or designee no later than two months prior to the desired time of operation. A departmental decision will be forwarded to the applicant as soon as possible. If multiple organizations are involved in the rental, a public hearing process may be required.

RULES AND REGULATIONS GOVERNING CONCESSIONS

All Permittees are subject to the following provisions, including additional regulations specified in the lease or permit agreement.

- A. Compliance with all park property and facility rules and regulations presently in effect, which shall be incorporated by reference into the terms of the lease or permit.
- B. Compliance with all terms stated in the lease or permit as well as any applicable county or state requirements regarding taxation and the sale of wares or provision of concessions.
- C. Permittee shall be legally considered as an independent contractor and that neither he nor his employees shall, under any circumstances, be considered employees of the county, and Permittee shall indemnify and hold County harmless from any and all claims, suits, damages, costs and expenses arising out of, or in any way relating to, concessionaires conduct and operation of the concession facility and from any damages, claims or suits based on personal injury or property damage caused by concessionaires negligence.
- D. The County shall not be liable for any damages to persons or properties in the space leased or permitted to the Permittee. Permittee shall agree that all personal property upon the demised premises shall be at the risk of the Permittee only and that the county shall not be liable for any damages or loss or theft thereof.
- E. Permittee shall furnish all labor, services, materials, supplies and equipment necessary to maintain the operation of the concession unless specified in the permit or lease. This shall also include the area immediately surrounding same as offered by said operation.
- F. Permittee must obtain and post in a prominent location all permits and licenses (which may include health permits, an itinerant license, a retail license and an approved copy of the appropriate Permit Application form) required by government agencies to sell the merchandise approved herein.
- G. A separate permit application and associated payment of applicable fees is required for each operating location.
- H. Compliance with all appropriate Chesterfield County Health Department Guidelines that are applicable to the Permittee's operation.
- I. During non-scheduled hours of operation, Chesterfield County Parks and Recreation reserves the right to grant seasonal and short-term Permittees permission to operate a portable concession.
- J. Secure and keep in force adequate Public Liability Insurance naming the county as co-insured in amounts not less than \$1,000,000 or as otherwise specified by the County Risk Manager or in the permit or lease.
- K. All Permittees must adhere to county fire regulations.
- L. Permittee shall place no signs or advertisements upon property of the Parks and Recreation Department or upon any vehicle operated by the concessionaire under the provision hereof except such as shall first be approved in writing by the Director or his designee. The department, through its agents, shall have the right, without notifying the Permittee, to remove at the cost and expense of the Permittee, any sign or signs that are erected without consent.

- M. Permittee shall only be allowed to locate within the area specified in the lease or permit.
- N. Permittee shall not permit garbage and other refuse to accumulate or to gather in or about any of the buildings or structures occupied by the concessionaire, except in suitable covered garbage receptacles.
- O. The department will be responsible for the removal of rubbish, trash and garbage from co-sponsored group concessions operations provided that the Permittee accumulated such trash at given points under the direction of an authorized representative of the department. Disposal of refuse resulting from the operation of a for profit Permittee's operations is the sole responsibility of that Permittee.
- P. All used cooking oil and hazardous wastes generated as a result of Permittee's activities must be disposed of in a manner consistent with local, state, and federal guidelines.
- Q. All portable concession units must be removed from park premises within ten days after the permit term has ended.
- R. Any changes in a building or trailer must be approved by the Director of Parks and Recreation or designee and meet the proper building code. The cost involved in any changes will be the responsibility of the Permittee.
- S. The Department will furnish electricity, water and sewer in such locations where these utilities exist. All requests for use of these facilities and /or additional installations or any special needs must be made in writing to the Director or designee listing specific needs.
- T. The Director of Parks and Recreation or designee may periodically review the Permittee's compliance with the criteria needed for the issuance and continuance of the lease or permit.
- U. Any non-approved Permittee not displaying an approved Vendor/Concession Permit Application Form may be excluded from park property and subject to trespassing charges.
- V. Permittee who is awarded a concession trailer permit must complete a pre-inspection work sheet as well as a post-inspection work sheet (see concession trailer worksheet under forms) prior to receiving and turning in their trailer after the season.
- W. The agreement or contract on any of the rights and privileges provide for herein shall not be transferred or assigned by the Permittee unless so specified and approved in the Permit Application. Ultimate responsibility of the conduct of said designees rests with the approved Permittee.
- X. Upon the termination of the lease/permit or because of lapse of time or upon termination for any other reason, the Permittee shall remove all goods, chattels and fixtures belonging to the Permittee and shall leave the premises in the condition in which they were received, reasonable wear and tear is expected. In the event said goods, chattels and fixtures are not removed within ten days of the expiration of this agreement or its termination for any other reason, the Permittee shall be deemed to have abandoned to the county and facilities, equipment or other property within the aforesaid period at termination of this agreement.

TERMINATION OF LEASE OR PERMIT

Long-Term Lease or Permit – The Director of Parks and Recreation or designee may recommend termination of any lease or permit upon cause shown. Permittees in violation of a lease or permit agreement will be notified of the offense and given appropriate time to comply or appeal. Continued violations by the Permittee may result in the termination of the lease or permit and in the denial of subsequent applications.

FEEES FOR LEASE AND PERMITS

A fee will be charged for the sale of wares or operation of concessions within county facilities. These fees shall be used to offset operation costs incurred by the Parks and Recreation Department, which relate to the particular concession. (See Current Fiscal Year Fee Schedule for applicable fees.)