



Parks Food Truck Program Rules and Regulations

APPLICABILITY

Any individual and/or business who is interested in using a park as a location for the delivery of a Mobile Food Vending Service is required to obtain a Parks Food Truck Program Permit.

POLICY

It is the policy of the Parks Department to issue permits which grant permission to operate concessions in Bargersville parks. Permits shall be classified as Single Day Use, Rental Add-ons, or Parks Events and shall be issued in accordance with the procedure defined. Priorities for these concession permits shall be given to Parks operations and affiliate groups who partner with the Department. Permits shall be awarded in a fair and impartial manner based upon meeting procedure and application guidelines. All qualified applicants are eligible to apply.

CONDITIONS

1. Permit requests shall be submitted no later than the deadlines listed below:
 - Park and Town Events** – Minimum 30 days prior to date of service
 - Rental Add-on** – Minimum 14 days prior to rental date
2. Permits are non-transferable and non-refundable. Weather-related changes or refunds must be coordinated and approved by Bargersville Parks and Recreation
3. The Permit shall be posted and visible to the public during the entirety of the permitted service.
4. Services must be held during regular park operating hours unless otherwise permitted. One hour of set-up and one hour of take-down time is included with each permit.
5. Use of equipment that could damage park grounds, park amenities or pose a hazard to the general public is prohibited.
6. Assigned use of park areas are non-exclusive and in an “as-is” condition. No additional services such as electricity, water, portable restrooms, etc., will be provided. No tents, canopies, stakes, posts, signs or any other items may be used without prior permission from the Bargersville Parks Department.
7. Violations of the Permit conditions or any Town of Bargersville codes or ordinances may result in revocation of the Permit on a temporary or permanent basis.
8. Any requested changes to the permitted service shall be approved in advance by the Bargersville Parks Department.
9. Bargersville Parks & Recreation reserves the right to limit the number of Parks Food Truck Program Permits issued.

10. Permits are not renewable. Applicants must reapply for a new Permit at the end of the Permit period.

CLASSIFICATION

- A. Single Day Use Permit.** Under this classification, a permit represents a formal agreement whereby the Department allows a food truck to operate for a single day, usually as part of the Parks Food Truck Program. 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.
- B. Rental Add-On.** Under this classification, a permit represents a formal agreement whereby the Department allows an individual renting a shelter or dedicated space at one of the Parks to add-on a food truck permit during the time of the rental. Service must be open to the general public in addition to the renter. 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.
- C. Parks Event Permit.** Under this classification, a permit represents a formal agreement whereby the Department allows a food truck to operate a concession at a designated Park and/or Town event. 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.

APPLICATION PROCESS

1. Registrations Process:

***Programs and Events** – Registration is done through the Park registration system at bargersvillin.myrec.com. This includes Tasty Tuesdays and Park and Town Special Events.

***Rental Add-ons** – Download an application at Bargersvillein.myrec.com under “General Info-Forms” or email the Parks Department at parks@bargersville.in.gov to request a Parks Food Truck Program Application packet.

2. A completed application must be submitted prior to the specified deadline. The following items are also required to be submitted with the application:
- A Certificate of Insurance indemnifying the Town of Bargersville, Indiana in the amount of \$1,000,000 against liability in case of injury.
 - Current Johnson County Food Permit
3. Once the review by appropriate Parks & Recreation staff is completed, the application will be approved, denied or, if required, will be sent back to the applicant for additional information.

4. Once the application is approved the applicant will be added to the Park Department's Current Approved Food Vendor List.

APPLICATION FEES AND DEADLINES.

- A. Park and Town Events** All supporting documents must be submitted to Parks Administration no later than 30 days prior to the event.

Fees*: \$10 - \$50

*Some events may have a fee of a % of sales or some other fee associated with a separate contract or agreement.

- B. Rental Add-On** The Parks Food Truck Permit Application and supporting documents must be submitted to Parks Administration no later than 14 days prior to the rental date.

Fees: \$50 per reservation, to be paid by renter.

RULES AND REGULATIONS GOVERNING FOOD TRUCKS

- A.** Compliance with all Bargersville park property and facility rules and regulations.
- B.** Compliance with all provisions stated in the permit.
- C.** The concessionaire shall be considered an independent contractor and neither the concessionaire nor the volunteers shall, under any circumstances, be considered employees of the Town of Bargersville, and the concessionaire shall execute a form provided by the Department indemnifying and holding the Town of Bargersville harmless from any and all claims, suits, damages, costs and expenses arising out of, or in any way relating to, Concessionaire's operation.
- D.** The Town of Bargersville shall not be liable for any damage caused by power failure, flood, fire, explosion, theft or vandalism to persons or properties in the space used by the concessionaire. The concessionaire shall agree that all personal property upon the premises shall be at the risk of the concessionaire and that the Town of Bargersville shall not be liable for any damages, losses or theft thereof.
- E.** The concessionaire shall furnish all labor, services, materials, supplies and equipment necessary to maintain the operation of concession. All workers will be neatly and cleanly dressed.
- F.** All concessionaires must obtain and post in a prominent location all applicable permits and licenses required by government agencies to prepare and sell the merchandise approved herein.
- G.** Any non-approved concessionaire not displaying an approved Park Food Truck Permit will be excluded from park property and subject to trespassing charges.
- H.** Secure and keep in force adequate insurance coverage, insurance naming the Town of Bargersville as additional insured's in amounts specified in the application process.

- I. Concessionaires must adhere to all local, county, state and federal laws and regulations.
- J. The concessionaire must place one sign identifying themselves as the operator. No other signs or advertisements will be allowed upon park property or upon any vehicle operated by the concessionaire under the provision hereof except as shall be approved in writing by the Director or designee.
- K. The concessionaire shall remove garbage or other refuse accumulated from the preparation or service of products. The Department will be responsible for the removal of trash and garbage from patrons of the food truck.
- L. The Department will not furnish electricity, water, sewer or phone service.
- M. The agreement or contract on any of the rights and privileges provided for herein shall not be transferred, subcontracted or assigned by the concessionaire unless approved by the Director. Names, addresses and telephone numbers of all individuals being assigned to operate the concession must be provided on the Park Food Truck Program Application form or otherwise made known to the Director. Ultimate responsibility for the conduct of said designees rests with the approved concessionaire.
- N. The Director or designee shall approve all merchandise to be sold, and all items offered for sale shall meet or exceed the requirements of the Johnson County Health Department. If items being sold are determined to be undesirable or unwholesome to the public by the Director of Parks & Recreation, the concessionaire must refrain from offering the item to the public.
- O. Once vehicles have been used to unload or load, they must be returned to a designated parking spot.
- P. Vendors are not allowed to tape, tack, nail, etc., any items to walls, poles, etc. Vendors must come prepared with standalone signage.

GENERAL TERMS & CONDITIONS

- A. **APPLICABLE LAWS AND COURTS:** This permit shall be governed in all respects by the laws of the State of Indiana and any litigation with respect thereto shall be brought in the courts of the State. The contractor shall comply with all applicable federal, state and local laws, rules and regulations.
- B. **CHANGES TO THE PERMIT:** The parties may agree in writing to modify the scope of the permit.
- C. **INDEMNITY:** Concessionaire hereby binds itself and its successors to indemnify, defend and save harmless the Town of Bargersville, its officers, agents or employees, from all suits and actions of every name and description brought against it of them, all costs or damages to which it or they may be put, on account of, or by reason of any injury or alleged injury to the person or property of another, resulting from or on account of the negligent acts, errors or omissions of the concessionaire or its agents; and that the whole or so much of the moneys due to the concessionaire, under and by virtue of this contract, as such or may be considered necessary by the

Town, shall and may be retained until all such suits and claims for damages as aforesaid shall have been settled, and evidence to that effect furnished to the satisfaction of the Town. The said concessionaire further agrees to indemnify and save harmless the Town against any and all claims, suits or demands that may accrue to, be suffered by, or adjudicated against it by reason of any injury sustained by any of its employees in and about the said work, under and pursuant to the provisions of the Workman's Compensation Law or any amendments thereto, and concessionaire shall produce certificates or other satisfactory evidence of ample protection against such liability.

- D. **SITE DAMAGES:** Any damage to existing utilities, equipment or finished surfaces resulting from the performance of this permit shall be repaired to the Town's satisfaction at the concessionaire's expense.
- E. **USE OF PREMISES:** The concessionaire shall perform their services in such a manner as not to interrupt or interfere with the operation of any existing activity on the premises or with Park operations.
- F. **LAWS AND REGULATIONS:** The concessionaire shall comply with all laws, ordinances, rules, regulations and lawful orders of any public authority bearing on the performance of the work and shall give all notices required thereby.

TERMINATION OF PERMIT

The Bargersville Parks & Recreation Director or designee may terminate in writing the concession permit that is in violation of the permit agreement or in violation of any local, state or federal laws, regulations or ordinances.

PERMIT FEES

A fee will be charged for the operation of concession within Bargersville parks and facilities.

Fees may be waived for events conducted/sponsored by Bargersville Parks & Recreation or Town of Bargersville. All concessionaires are required to complete and submit an application.

HEALTH PERMIT

Organizations who wish to sell food or beverages are required to contact the **Johnson County Health Department to verify permitting requirements for intended concessions.** For more information, please consult the **Johnson County Health Department** at 460 N Morton St, Suite A, Franklin, IN 46131, (317) 346-4365.