

CITY OF DE SOTO
APPLICATION FOR FOOD & REFRESHMENT CONCESSION IN CITY PARKS

DATE RECEIVED: _____

NAME OF ORGANIZATION: _____

ORGANIZATION ADDRESS: _____

NAME & ADDRESS OF OFFICERS	<u>Position</u>	<u>Telephone #</u>
1. _____		
2. _____		
3. _____		
4. _____		

LOCATION OF EVENT: _____

TYPE OF EVENT: _____

DATE OF EVENT _____ USE OF PROCEEDS: _____

ITEMS SOLD AT CONCESSION:

1. _____	5. _____
2. _____	6. _____
3. _____	7. _____
4. _____	8. _____

PERSON IN CHARGE OF CONCESSION

Name _____ Address _____

Home Phone _____ Business or Cell Phone _____

The Operator and/or sponsor agrees to the fullest extent permitted by law, agrees to indemnify, defend and hold harmless the City of De Soto , its officers, agents, volunteers, and employees from and against all suits, claims, damages, losses, and expenses, including but not limited to attorneys' fees, court cost, or alternative dispute resolution cost arising out of, or related to the use of City's facilities, building, equipment or infrastructure under this agreement involving an injury to a person or persons, whether bodily injury or other personal injury(including death), or involving an injury or damage to property (including loss of use or diminution in value), but only to the extent that such suits, claims, damages, losses or expenses are caused by the negligence or other wrongdoing of the user(s), its officers, agents and volunteers, or anyone directly or indirectly employed or hired by the user(s) to or anyone for whose acts the user(s) may be liable, regardless of whether caused in part by the negligence or wrongdoing of City and any of its agents or employees.

The Operator and/or sponsor must provide proof of general liability insurance with a combined single limit of not less than \$1,000,000 per occurrence. In those cases when a general liability policy has an annual aggregate limit, the aggregate limit should not be less than 2 times the per occurrence limit, or \$2,000,000. Other types of coverage and/or higher limits might be warranted in certain circumstances. Provide a Certificate of Insurance naming the City as an additional insured along with the endorsement.

No provision of this agreement shall constitute a waiver of the City's right to assert a defense based on the doctrines of sovereign immunity, official immunity or any other immunity available under law.

Applicant's Signature

Date

PLEASE INCLUDE: A COPY OF THE PERMIT ISSUED BY THE JEFFERSON COUNTY HEALTH DEPARTMENT AND CERTIFICATE OF INSURANCE WITH APPLICATION!

REGULATIONS FOR FOOD & REFRESHMENT CONCESSION IN DE SOTO CITY PARKS

- (a) The vending of foods and refreshments for sale to the public in and within 200 feet of City parks is restricted to civic and non-profit organizations that maintain a permanent chapter, club, presence or residence within the city limits of the City of De Soto.
- (b) Every civic or non-profit organization proposing to vend food and refreshments in and within 200 feet of City parks shall apply in writing to the Park Board for a permit on behalf of such organization and shall complete an application form as may be established by the City Manager. The application shall be submitted more than thirty (30) days prior to the special occasion, concert or other event for which the permit is sought. Applicant must provide a copy of the permit issued by the Jefferson County Health Department.
- (c) No permit shall be issued to vend food and refreshments until the application is approved by both the Park Board and the City Manager.
- (d) Any user(s) that wish to utilize city owned property for any reason must be required to provide proof of general liability insurance with a combined single limit of not less than \$1,000,000 per occurrence. In those cases when a general liability policy has an annual aggregate limit, the aggregate limit should not be less than 2 times the per occurrence limit, or \$2,000,000. Other types of coverage and/or higher limits might be warranted in certain circumstances. The certificate should also list the city as an additional insured. The certificated must include an appropriate additional insured endorsement.
- (e) Depending on the requested use of the park, the City Manager may require the applicant to make a deposit and/or pay a fee for the use of the park.
- (f) The City Manager may refuse to issue a permit to any applicant which does not comply with this ordinance or which has in any previous operation in any other city or this city been unsatisfactory.
- (g) Upon determination that a proposed applicant has complied with this ordinance, the City Manager shall issue a permit and shall notify the applicant of same.
- (h) Any permit issued pursuant to this Ordinance may be revoked by the City Manager upon his/her determination that the food and refreshment operation is being operated or conducted in violation of this Ordinance or in violation of rules and regulations established and promulgated pursuant hereto, or is so conducted or operated as to endanger substantially the public peace, health, safety and/or welfare of the citizens of the City.
- (i) Each permit issued shall state the hours and dates of operation.
- (j) The area or premises where such food and refreshment operation is conducted shall be cleaned and policed and all trash, litter and debris shall be removed and properly disposed of.
- (k) The Park Board and the City Manager are hereby given authority to establish and promulgate rules and regulations consistent with the terms of this Ordinance for the purpose of carrying out and enforcing compliance therewith, and a copy of such rules and regulations shall be on file and available for public inspection in the office of the City Clerk. The failure or refusal of any applicant or permit holder to comply with such rules and regulations established and promulgated under this Section shall be deemed a violation of the Ordinance.