

ADDENDUM B. CONCESSIONS

- I. Carteret County Parks and Recreation Department permits various organizations, groups, and agencies to sell concessions on property owned by Carteret County. Permission to use county property and/or county facilities for the sale of concessions and other items shall be restricted to the following:
- A. Organizations, groups, and agencies that are non-profit/charitable and serve a beneficial purpose to a segment of the local community, whether it is children or adults.
 - B. The use of the property and/or facilities shall be on a seasonal basis rather than a permanent one. For example, a baseball organization may be permitted to use the facilities and/or property for concession sales during the baseball/softball season and a soccer organization may be permitted to use the facilities during the soccer season. Schools or school-associated clubs have priority for a concession stand located on school property.
 - C. An application must be completed and approved by the Director of Parks and Recreation or his/her designee prior to any sales by any group, organization or agency.
 - D. The application shall include the name, addresses, and phone numbers of those individuals (Board of Directors) responsible for the sale of concessions.
 - E. Concession operators shall be responsible for keeping the immediate area clean of litter and debris at all times. All contents in the concession stands used by various leagues must be removed within one week of the season's end or post-season tournament. This includes wiping out cabinets, cleaning the refrigerator, and mopping the floor. Failure to comply will result in contents being disposed of by CCPR.
 - F. Organizations, groups, and/or agencies operating concessions should make every effort to open for sales when any activity is scheduled in the park since they have exclusionary rights to provide concessions in that area.
 - G. Organizations, groups, and/or agencies granted permission to operate concession area(s) should fully understand that any permanent improvements made to the concession areas become the property of Carteret County and may not be removed when the organization, groups or agency's temporary use of the concession area has concluded. Refrigerators, popcorn machines, hot dog warmers, freezers and similar items would not be defined as permanent improvements. Shelving, server windows and similar improvements are considered as permanent improvements. Permission to use and place such equipment must be obtained by submitting a ***"Park Facility Improvement Request" form, (Addendum C.)***
 - H. The Carteret County Parks and Recreation Department reserves the right to immediately terminate the use of any concession area by an organization, group, or agency if it is determined that it is in the best interest of the county and its citizens who use the park area. Several reasons for terminating the agreement are listed below:
 - 1. Unsanitary conditions.
 - 2. Failure to open on regular basis.
 - 3. Failure to keep immediate area of concession facility free of litter.
 - 4. Proof of funds generated being used for purposes other than those beneficial to a non-profit group or organization.
 - 5. In violation of the NC Health Laws & Regulations pursuant to the operation of a concession stand.

- I. The department shall have the right to be upon and/or enter its property for the purpose of examining and inspecting the same and determining whether the party named in this Agreement is in compliance with Department policies with respect to care, maintenance, repair and renovations.
- J. It should be clearly understood that the organization providing the activity would be given first priority on operating the concession area. For example, if it is baseball/softball season, the sponsoring agency (Babe Ruth, Little League, Dixie Youth, etc.) will have first priority. If it is soccer season, the soccer sponsoring agency or organization will have first priority. In the case of adult softball, that adult organization would have first priority on operating concessions. In the event, for example, a youth football organization does not want to operate concessions at their games and the Babe Ruth organization wants to do so, that would be permitted. Youth groups will have priority on fields used by youth and adult leagues.
- K. It should be clearly understood that if Carteret County has an exclusive agreement to sell only a certain product (i.e. Pepsi or Coke) on their property the organizations, groups or agencies would have to respect that policy and only sell products distributed by that company.

II. Concession Stand & Storage Area Use

- A. The user agrees to abide by all NC Health Laws and Regulation 15ANCAC18A.2600 pursuant to the operation of a concession stand and is responsible for obtaining any required permit(s) or a written statement that a permit(s) is not needed.
- B. All groups who use the concession stand must obtain a Limited Food Service (LSFE) permit from the Carteret County Health Department **except** in the following cases:
 - 1. The concession stand will only be selling soft drinks, popcorn, candy, and or prepackaged food items from vendors regulated by the NC Department of Agriculture – food items that the patrons open and/or heat themselves.
 - 2. Groups with an event at which they want to set up a temporary food establishment. The group is permitted to set up a temporary food stand outside the concession stand. If the group is incorporated as a non-profit corporation and will be operating **no more frequently than once monthly for two (2) consecutive days or less** the temporary food stand will be exempt from permit requirements. If the group will be operating more than the exempt allowance a temporary food establishment (TFE) permit will be required. As of July 1, 2008, a \$50 fee is required for a TFE permit.
 - 3. LSFE and TFE permits are not mutually exclusive.
- C. If space allows, a storage area(s) may be made available to the user for their use during the season. However, the user may be required by the Department to remove all stored materials following the completion of the season so another user may use the area. The user is responsible for keeping the storage area in good condition and must meet all OSHA regulations for storing materials. Violations of these rules may result in the user losing the use of the storage area.
- D. Application for a limited food stand must be made thirty (30) days in advance.

III. Keys

- A. Keys for all Department facilities will be issued on an as needed basis through CCPR. The user is prohibited from making copies of said issued keys and is also prohibited from

installing locks of any kind on Department facilities except under the conditions as outlined in Section 1.6 of the Department's Policies and Procedures for Facilities.

IV. Indemnification

- A.** It is expressly agreed and understood that the Department will not be liable for any claims damages, losses or expenses of any kind whatsoever, whether to persons or property (including, but not limited to those claims, damages, losses or expenses resulting from or by reasons of the Department's negligent acts or omissions) arising out of, related to or connected with any accident, occurrence or event on or about the County's property, when the accident, occurrence or event takes place while the user is using said property pursuant to this agreement. As a result of this express agreement and understanding, each party will at all times indemnify and hold the other party harmless, and will defend the other at its own expenses whether such claims, damages, losses or expenses are covered by the other's insurance.

Note: Copy of certificate of liability insurance with minimum of \$1,000,000.00, and Carteret County Parks & Recreation Department and the Carteret County Board of Commissioners named as insured parties must be submitted with this paperwork.

