



## 2<sup>nd</sup> Sundays on Mill October 2022 – March 2023 Food and Beverage Vendor Rules & Regulations

Thank you for your interest in being a food vendor at 2<sup>nd</sup> Sundays on Mill. Please take time to read the details below about the process, event details and vendor requirements.

On the 2<sup>nd</sup> Sunday of each month (October - March) Downtown Tempe produces an outdoor market on Mill Ave, with live music and entertainment, snack vendors, and plenty of fun for the whole family. The outdoor market lines Mill Avenue between 3rd St. and University, and features homemade goods and gifts from Arizona local artisans, crafters, and makers. The event is FREE admission, family-friendly, and dog friendly.

### EVENT DETAILS

DATES: October 9, November 13, December 11, January 8, February 12 & March 12

EVENT HOURS: 10AM – 3PM

FEE: \$50 Per Event

BEVERAGE RULES: Food Vendors MUST have water in stock for sale at all times during the event.

ICE: Ice will not be provided or available.

POWER: Food Vendors MUST provide their own power needs. Generators must be whisper quiet.

LOAD-IN & SET-UP: Food Vendors load-in information will be provided via email the week of the event. Load-In will take place between approximately 7:30AM – 9:00AM the day of the event. Food Vendors must be present and open for business during ALL event hours.

### WHO SHOULD APPLY

Only Snack and Drink Vendors that operate out of a tent or cart will be accepted. No food vendors will be accepted that offer full entrees and very limited dessert type vendors will be accepted. Also, no trucks or trailers will be accepted for this event.

Approximately 3 – 5 vendors will be selected for this event.

**Downtown Tempe Foundation does not accept vendors whose menu directly competes with Downtown restaurants.**

### IMPORTANT DATES

July 15, 2022: Food Vendor Application Opens

August 5, 2022: Food Vendor Application Closes

August 31, 2022: Food Vendors Notified of Application Status

September 23, 2022: Payment in Full Due, Certificate of Insurance and Health Permit due for Markets in October, November and December

December 15, 2022: Payment in Full Due, Certificate of Insurance and Health Permit due for Markets in January, February and March

## **PAYMENTS & FEES (after acceptance)**

APPLICATION FEE: \$ 10

EVENT FEE: \$50 (after acceptance)

\$25 will be assessed for any checks with insufficient funds or returned for any reason.

\$100 fee may be assessed for late payments.

Failure to submit payments on time may forfeit your space in the event and future events.

Payment by credit card online is preferred. A secure link for payment will be sent to you upon acceptance. Money orders and checks should be payable to Downtown Tempe Foundation.

## **CANCELLATION POLICY**

If you cancel your participation two week prior to the event date, your event fee is refundable, minus a \$25 processing fee. Cancellations less than two weeks prior to the event date will not receive a refund. In the event Downtown Tempe must cancel an event due to unforeseen circumstances, Downtown Tempe will refund the cost of participation, minus a \$25 processing fee. Downtown Tempe does not assume responsibility for any additional costs, charges, or expenses.

## **FOOD AND BEVERAGE VENDOR ASSETS AND BENEFITS**

Food and beverage vendor space will include the following:

- On-site space measuring and marking of the vendor space

Event amenities include:

- Inclusion on the event website
- Event promotion through multiple social media accounts, websites and paid media marketing
- Security and restrooms

In addition to the food and beverage vendor fee, accepted vendors will be required to:

- Remain open the entire duration of the event
- Provide all necessary equipment, food, supplies, labor, tables and related materials to operate their space
- Provide for own power needs. Generators must be whisper quiet.
- Display menu and pricing of food items
- Obtain a health permit from Maricopa County Health Department
- Possess a charged and maintained fire-extinguishing unit with staff trained to operation of the unit
- Certificate of insurance naming Downtown Tempe Foundation as an additional insure
- Be in full compliance with all stated rules of participation and City of Tempe food vending requirements

## **COMMUNITY HEALTH**

All Food and Beverage Vendors must follow all CDC, Maricopa County Health Department, and City of Tempe regulations and guidelines in relation to public health. In addition to following these guidelines,

we may institute additional health safety protocols to not only ensure safety, but also give the consumers extra confidence that we are taking every precaution necessary. A determination will be made closer to the event date.

All food and beverage vendors must have hand sanitizer at their point of sale for the customer's use.

### **CREDIT CARDS**

All Food and Beverage Vendors must accept Master Card and Visa credit cards (AMEX is optional) and are strongly encouraged to go cashless for the event.

### **ELECTRICITY**

Electricity will not be provided for this event. All snack and beverage vendors must bring a whisper quiet generator, if power is needed. All electrical cords must be taped down and maintain their secure taping during the event.

### **FIRE EXTINGUISHERS**

**Food Concessions:** all vendors deep frying must have CURRENT K-Type fire extinguishers with current service tags.

**Snack and Beverage Vendors:** must have current 2A10BC minimum-rating fire extinguishers.

### **MENU**

Food and Beverage Vendors are only allowed to sell menu items that were submitted during the event application process and approved during the selection process. Additional menu items not approved during the selection process need prior written approval from the Downtown Tempe Foundation before they are eligible for sale.

Prices of menu items are approved during the selection process. Changes to menu pricing are not allowed without prior written approval by the Selection Committee.

### **PHOTOGRAPHY & PROMOTION**

Event participants agrees to allow use of video and photography taken by event organizers at the event for promotional purposes.

Any photos taken by the event are the property of Downtown Tempe Foundation.

### **PROPANE TANKS**

All vendors with propane tanks are required to bring all necessary equipment to properly secure them. Parking meters, street signs, and trees are not usually available to secure propane tanks. **Tempe Fire Department will be on special look out for propane tanks.**

### **SAFETY**

Applicants shall sell and serve food at their own risk.

Applicants must obey all pertinent safety codes and laws, including, but not limited to fire, safety and parking regulations.

For Food Vendors operating out of a canopy tent, it must be fire retardant; open flames must be located a minimum of 10' away from all canopy materials.

All canopies, tents and other temporary structures must be weighted before you are permitted to open, with the equivalent of 40 pounds per pole minimum. Booths may not open until properly weighted. Downtown Tempe Foundation may shut you down for not having proper weights.

## **SPACE**

Food and Beverage Vendors will abide by event staff requirements regarding location(s). The Event Managers reserve the right to change a vendor location at any time.

Food and Beverage Vendors must arrive on time and stay the entire event. Food Vendors who arrive late or break down early will not attend future Downtown Tempe Events.

Food and Beverage Vendors will provide all required equipment for operations and sales.

Signs placed on the sidewalk or streets are not allowed to extend further than 3 feet from façade of food vendor space. Food Vendors are liable for any injury or damage caused by signs. Due to needing to maintain fire lanes, food vendors may not set-up tents, tables or chairs outside of their food booth. If you want to set-up anything beyond a sign or register stand, you must get approval from the Event Manager.

Any Food and Beverage Vendors that fry must be a truck or trailer. No tented snack vendors are permitted to fry.

## **TENT WEIGHTS**

All tents must be weighted with 40lbs per tent leg from set-up to tear down.

## **WATER AND WASTE**

No grease or gray water disposal is available.

No water is provided by the event.

Food Vendors are responsible for removing debris and ensuring the general cleanliness of the area.

Cardboard recycling is required and dumpsters will be provided.

**No Glass and No Styrofoam food containers** including cups, plates, etc. will be allowed.

Downtown Tempe Foundation reserves the right to shut down any vendors not meeting cleanliness and food storage.

## **WEATHER**

All events will take place rain or shine. Applicants agree to be present despite weather conditions.

Though rain is not common in the Desert Southwest, each participant is responsible to prepare their displays to withstand weather fluctuations including rain and wind.

## **CERTIFICATE OF INSURANCE**

Please provide a certificate of liability insurance for \$1,000,000.

Description of Operations (please use this exact wording)

The Downtown Tempe Authority, Inc. dba The Downtown Tempe Foundation it's agents, employees, volunteers and sponsors and The City of Tempe in association with 2<sup>nd</sup> Sundays on Mill event. (EVENT DATE)

Certificate Holder (please use this exact wording)

Downtown Tempe Foundation  
1 West Rio Salado Parkway  
Tempe, AZ 85281

## **HEALTH PERMIT**

All Food & Beverage Vendors must have a health permit through Maricopa County Health Department. If you do not currently have a health permit, you must apply and be approved for a special event health permit through the county. You will not be allowed to vend without this permit.

For more information and questions on the permit, please visit <http://www.maricopa.gov/3977/Mobile-Food-Establishments>, call (602) 506-6872 or email [SpecialEvents@mail.maricopa.gov](mailto:SpecialEvents@mail.maricopa.gov) for the Maricopa County Environmental Services Department.

## **ARIZONA TRANSACTION PRIVILEGE TAX LICENSE (TPT NUMBER)**

All Food & Beverage Vendors must provide their TPT License Number at the time of applying for the event.

## **LEGAL**

### **FOOD AND BEVERAGE VENDORS ARE INDEPENDENT CONTRACTORS**

Vendors execute this Agreement as independent contractors and shall at all times have complete supervision, direction and control over the services to fulfill requirements. Vendors execute this agreement as independent contractors, not as an employee of Downtown Tempe Authority or the event. Vendors will assume responsibility for appropriate payment of payroll taxes and charges under applicable federal and local law. Vendors agree to take complete responsibility for paying the appropriate federal and state taxes as independent contractors.

### **MUNICIPAL CODES, LICENSING & TAXES**

Applications will obey all pertinent codes, laws, ordinances and regulations.

State of Arizona and Tempe Transaction Privilege Taxes (Sales Tax) are reported and paid directly to the Arizona Department of Revenue (AZDOR). You must register and apply with AZDOR directly at [www.AZTaxes.gov](http://www.AZTaxes.gov) or <http://www.tempe.gov/city-hall/internal-services/finance/sales-tax-business-licenses>.

Installation and operation of any *exhibits not meeting event approval* are prohibited.

## LIABILITY DISCLAIMER

Applicants must comply with all Festival, municipal and state rules, regulations and policies listed in this application, or policies included in the applicant acceptance notification. Any noncompliance will cause elimination and applicant may be immediately removed from the event with no refund of fees or compensation for expenditures. Applicants also may be barred from acceptance to future Downtown Tempe Foundation, Inc. events.

Downtown Tempe Foundation, Inc., in their sole discretion, may reserve the right to refuse participation by any applicant, entertainer, food vendor or any other such participant for any reason.

Downtown Tempe Foundation, Inc., is not liable for refunds of any other liabilities whatsoever for applicant's failure to obey the rules and regulations or due to the unstable condition of the area in which the event is produced, caused by, but not limited to, weather, fire or other calamity, any act of nature, public enemy, strikes, statues, ordinances of any legal authority or any other cause beyond DTF's control.

By fulfilling application and engaging in participation, all applicants release and hold harmless Downtown Tempe Foundation, Inc., the City of Tempe, Maricopa County, the State of Arizona, and all event sponsors from any and all liability, as outlined in the rules and regulations.

Applicant will initiate any legal proceedings arising from violations of these terms and conditions in Maricopa County, Arizona.

Applications and/or acceptance notifications are not contracts.

*By submitting an application to Downtown Tempe Foundation, the vendor agrees to the rules, regulations and legal information below. The Rules and Regulations are subject to change based on City, Fire and Health Codes.*