Commercial Use Permit Guidelines and Application Process

1. Objective
   1.1. The objective of permitting commercial use privileges on city property is to provide the public with access to products and services while generating revenue to support city programs.

2. Conditions of Permit
   2.1. Any person (“Vendor”) wanting to engage in, conduct or carry on any business, whether or not carried on for profit, within the City of Farmington (“City”) must first register the business and obtain a license through the City Clerk’s office. Visit http://www.fmttn.org/index.aspx?nid=140 for more information on how to register or apply for a business license and any associated fees.
   2.2. The Vendor is responsible for securing all required permits and licenses for vending in the City and such licenses must cover the requested use permit dates.
   2.3. Vendors must apply for a City of Farmington department of Parks, Recreation, & Cultural Affairs (“PRCA”) Commercial Use Permit to hold any Commercial Activity that uses City property for the purpose of generating or fundraising revenue, including but not limited to: selling items, collecting fees for an event, requesting/soliciting donations, holding classes or camps (“Commercial Activity”).
   2.4. An approved Commercial Use Permit will allow Vendors a specific location to operate as indicated on the permit.
   2.5. The City property must remain open for use by the general public.
   2.6. A Commercial Use Agreement (“Agreement”) shall be executed detailing the permit terms upon proof of insurance and a City of Farmington business license.
   2.7. Approved Vendors will be provided a decal that must remain visible to customers during hours of operation.
   2.8. The City reserves the sole and absolute right to deny any request for permission to conduct a Commercial Activity on any City property, or to modify or terminate any prior permission.

3. Fees
   3.1.1. The terms and amount of compensation shall be set forth in the Agreement to be entered into authorizing the Commercial Activity.
   3.1.2. All fees will be due on the day the Agreement is signed by both parties.
3.1.3. The table below lists the approved business activities, how long a Commercial Use Permit will be authorized, and the fees associated.

<table>
<thead>
<tr>
<th>Business Activity</th>
<th>Permit Period</th>
<th>Park Fee</th>
<th>Premium Park Fee(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outdoor special events, concerts, exhibitions and amusements for profit including fundraisers</td>
<td>Per Day</td>
<td>$50.00/per location/per day</td>
<td></td>
</tr>
<tr>
<td>Public classes or camps</td>
<td>Per Day</td>
<td>$20.00/per location/per day</td>
<td></td>
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<tr>
<td>Vending wagons and trucks (including snow cone trucks) means licensed, motorized mobile unit(s) which is temporarily located on a City of Farmington designated vending area where items are sold to the general public.</td>
<td>Per Day</td>
<td></td>
<td>$100.00 permit fee/per location/per year plus $50.00 location fee/per month</td>
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</tbody>
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4. Application Process

4.1. An application for a Commercial Use Permit must be submitted no less than ten (10) working days prior to the event or start of business.

4.2. All required documentation must be approved and on file with the City of Farmington Parks, Recreation, and Cultural Affairs Department before a permit can be issued.

4.2.1. Insurance Requirements

4.2.1.1. A valid certificate of insurance with a minimum limit of One Million Dollars ($1,000,000) Commercial General Liability policy.

4.2.1.2. All insurance policies shall provide for waiver of subrogation in favor of the City, include cross liability provisions, and all policies, except Workers’ Compensation, shall name the City and its directors, officers, officials, managers, representatives, agents and employees as additional insured, to the extent allowable under such policies.

4.2.1.2.1. Certificate holder shall read: City of Farmington, 800 Municipal Drive, Farmington, NM 87401

4.2.1.3. Policy effective dates must cover dates of activity.

4.3. The applicant must comply with all applicable local, state, and federal regulations. The applicant must provide proof of compliance for each event.

4.4. Mobile Vending

4.4.1. Mobile Vendors are permitted on approved City property provided certain standards are met and appropriate permits are obtained.
4.4.2. **Compliance**

4.4.2.1.1. Obtain the proper business license(s) for each vending unit as provided in Sections 8-13-2 and 8-13-6 of the Farmington City Code.

4.4.2.1.2. Food vending units shall be approved by the New Mexico Environment Department and each shall display appropriate evidence of the most current approval.

4.4.3. **Restrictions**

4.4.3.1. Vending units cannot exceed a length of 40 feet and a width of eight feet, not including the cab.

4.4.3.2. Vending units and all associated equipment must be mobile and removed from the location during those hours when not open for business or at the end of each day. Equipment is not permitted on city property overnight at any time.

4.4.3.3. Food vending units shall not be parked within 100 feet of flammable fuels.

4.4.3.4. No unit shall sound or permit the sounding of any device which produces a loud and raucous noise or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public. This section shall not be construed to prohibit bells, chimes or unamplified musical instruments if in compliance with all other applicable provisions of the City Code including, but not limited to Section 12 Article 5 (Noise Control).

4.4.3.5. There will be absolutely NO mobile food vending services/sales allowed along the turf fields located on Fairgrounds Road and 30th Street in Farmington, NM (Soccer Complex, Ricketts Park, Roberto Clemente Fields, Justis Field, and Worley Fields) and Farmington Sports Complex (Baseball and Softball Fields).

4.4.4. **Vending Schedule and Locations**

4.4.4.1. Vendors shall only operate during their permitted schedule.

4.4.4.1.1. The City of Farmington expects Vendors with annual permits to provide consistent and frequent service.

4.4.4.2. Vending sites vary and can be either designated parking spaces or areas that have been chosen for safety and convenience for customers and vendors.

4.4.4.2.1. A map will be included highlighting this space as an exhibit in the Commercial Use Agreement.

4.4.4.2.2. Vendors must remain within their permitted areas.

4.4.4.3. Park Locations

**DEPARTMENT OF PARKS, RECREATION, AND CULTURAL AFFAIRS**

*Updated 12/1/2023*
4.4.3.1. PRCA has identified Brookside Park, Kiwanis Park, Berg Park, Animas Park, and Lake Farmington as the park locations that will be allowed for commercial use permitting.

4.4.5. At its discretion, the PRCA can, at any time, add vending areas, permit Vendors to any location, or terminate any vending location.

4.4.6. Additional Insurance Requirements

4.4.6.1. A certificate of automobile insurance for mobile concessions where concession is not part of vehicle, or where concession remains stationary throughout the event, applicant will provide proof of insurance (as required by state law) on any vehicle used to transport concession stand/supplies/etc. to and from the event.

4.4.6.2. For mobile concessions where concession is part of a vehicle(s), a certificate of automobile insurance with a limit of no less than One Million Dollars ($1,000,000) must be provided for each vehicle.

Questions regarding park use permits should be directed to (505) 599-1197.

Completed applications should be delivered to:
City of Farmington
Parks, Recreation, & Cultural Affairs
600 Reilly Ave.
Farmington, NM 87401
Hours: Mon – Fri, 8:00 a.m. – 5:00 p.m.