



2023 Herndon Festival Food Vendor Rules and Regulations

Please retain the 2023 Herndon Festival Food Vendor Rules and Regulations for your records.

Food Vendor Hours & Location

Thursday, June 1 6:00 – 9:30pm
(Must be ready by 5:00pm for health inspection)

Friday, June 2 5:00 – 10:30pm

Saturday, June 3 10:00am – 10:30pm
(Must be ready by 9:00am for health inspection)

Sunday, June 4 10:00am – 6:00pm

Northwest Federal Credit Union Campus
200 Spring Street, Herndon, VA 20170

The Department of Parks and Recreation staff is on duty three hours prior to the start of the Festival each day to allow adequate set-up time. The Event will run rain or shine. If severe weather persists, the Festival may close for a short period of time and then reopen. All vendors are expected to reopen once a decision has been made. If a food vendor leaves the Event and/or does not reopen at the time decided, the Event committee reserves the right to dismiss the vendor without refunding any and all fees, etc.

Booths and Restrictions

A. Space Size: All food vendors are expected to run their entire operation within the space provided. If any vendor exceeds the space provided they will be asked to move within the defined area assigned. NOTE: Only one food vendor per booth will be allowed.

B. Booth: Vendors MUST provide an appropriately decorated booth from which to conduct food and beverage sales. The height of the booth (including banners and displays) should not extend more than 15' from the ground to the top of the booth. A booth may consist of banquet type tables, with side tables to create a horseshoe effect. Tables must have coverings (whether paper or cloth) to the ground all the way around. Table coverings should be decorated and festive, with décor appropriate to the food served.

C. Tents: Both non-cooking booths and cooking booths must have a flame-resistant tent with an NFPA 701 rating. Certificate of flame-resistance must be present at the event. Note Certificate rating CA-85 does not meet this certification. Please send copy of or picture of certificate with application. Vendors who fail to comply with this code may be shut down by the Fairfax County Fire Marshal until such time as the issue has been resolved. No refunds will be given due to failure to comply with fire codes.

D. Power/Electricity: Each vendor is provided with one 20 amp, 110 volt circuit as part of the booth fee. Electrical needs for storage, preparation, and operation must be listed on the 2023 Herndon Festival Food Vendor Application

and Contract. 110 volt, GFI (Ground Fault Interrupters) receptacles are utilized on site. Vendors must be able to use GFI receptacles. Request for additional electrical needs are to be noted in the Electrical Services portion of the 2023 Herndon Festival Food Vendor Application and Contract. Pending availability, each additional 20 amp, 110 volt circuit will cost \$75 each and be invoiced accordingly Extension cords ARE NOT available from the Parks and Recreation Department. Only heavy-duty, outdoor, 10 or 12 gauge UL listed extension cords may be used. NOTE: See Health Department regulations. The Festival will consider generator requests based on the booth location and set-up. Generator requests must be made in writing at the time of application and include need for generator, and specific generator make and model.

E. Propane/Grills: The use of gas/propane is permitted. Food vendors using grills **MUST** provide a means for smoke abatement.

F. Water: Water will be available at a limited number of sites on Festival grounds. Vendors need to provide their own food grade hoses, which meet Fairfax County health code requirements.

G. Souvenir/Branding: Souvenir items or items used for advertisement purposes are not permitted to be distributed or sold (i.e. t-shirts, bumper stickers, balloons, buttons, cups, etc.)

Food, Menu & Pricing

A. Health Department permit: Food vendors must apply for a temporary food permit through the Fairfax County Health Department, using their new online portal at <https://plus.fairfaxcounty.gov/CitizenAccess/Welcome.aspx> Telephone: (703) 246-2444 Fax: (703) 385-9568. Foods prepared in the home other than baked goods are not acceptable. Food vendors will be expected to strictly adhere to all provisions stipulated by the permit. No refunds will be given due to failure to comply with Health Department codes.

B. Menu: Any changes in menu must be provided in writing and approved by the Festival Staff. Due to the potential for duplication, **not all menu items will be selected.** We want to ensure that every food vendor has the highest potential for success. Vendors may only sell items agreed on by the Herndon Festival Staff. Vendors will be limited to a specified menu list, excluding beverages and sides. The sale of **popcorn, cotton candy, snow cones, and funnel cakes** will not be permitted.

C. Prices: Prices are set by the individual vendors, but to ensure a successful and friendly sales atmosphere, the festival staff strongly urges vendors to charge fees that are in line with their event neighbors. Bottled water is sold at a price up to \$2.00 per 12-16 oz bottle, for uniform pricing.

Logistics

A. Set Up: Vendors are responsible for providing their own set-up (i.e. tables, extension cords, chairs and tents). Since the event will be held as scheduled, regardless of weather, vendors should come prepared to protect themselves against the elements (i.e. sun, rain, wind, etc.). Forty pound (minimum) sand bags for each corner or comparable are mandatory to anchor tents, canopies, etc.

B. Motorized vehicles: Motorized vehicles ARE NOT permitted in the Festival area. Non-motorized campers or booths may be used for the sale of food and beverages upon prior approval. The only exception will be approved food truck(s) from which the food is prepared and sold.

C. Parking: Parking will not be allowed in the immediate event area. After unloading, vendors will be given a parking pass and directed to their assigned parking area. Vehicle access to booths during the event will not be available.

D. Trash: Town trash receptacles will be provided at key locations throughout the Festival area. Vendors are asked to provide trash bags or additional trash receptacles in their food vending areas to ensure adequate space for trash disposal. Vendors are responsible for placing their trash in dumpsters located on the Festival grounds. Food vendors are responsible for removing any and all trash from their areas each night and at the conclusion of the Festival. Those that do not adhere to this regulation and leave trash in their respective areas are subject to a **\$250 clean up fee** (deposit sent with initial payment).

E. Grease/Waste Water: *Vendors are not allowed to dump grease or wastewater on the street or in sewer drains at any time.* Vendors should have containers to manage their disposal and removal of grease and wastewater. It is required to have plywood placed underneath all booths using grease to prevent spillage onto the street. Vendors are responsible for the removal and disposal of all their waste water and grease. **Violators risk losing their clean up deposit.**

Taxes

A. Business and Professional Operators License (BPOL):

All participating vendors must have a current Town of Herndon Business and Professional Operators License (BPOL) or complete a Town of Herndon Business License Application at: <https://www.herndon-va.gov/town-services/revenue-services/business-license-2>. Vendors can wait until acceptance into the show if obtaining a temporary license.

Vendors must complete the BPOL application no later than May 1. If accepted after May 1, the application and payment must be completed within three business days of acceptance, but no later than May 26, 2023.

B. Meals Tax: Food vendors are required to collect and pay a meals tax of 3.75% on sales to the Town of Herndon. Information and appropriate forms can be found at: <https://herndon-gov/town/services/taxes-licenses/meals-tax>.

C. Sales Tax: All vendors are required to pay a tax of 6% on all sales made at the Festival to the Commonwealth of Virginia. Information and appropriate forms can be found at the Virginia Department of Taxation website at: <https://tax.virginia.gov/retail-sales-and-use-tax>.

Finances

A. Booth Fees: Refer to the 2023 Herndon Festival Food Vendor Application and Contract

B. Deposits:

- **Booth:** A \$100 deposit is required with the 2023 Herndon Festival Food Vendor Application and Contract. If accepted into the Festival, the deposit is deducted from the total balance, and becomes non-refundable. If not accepted, the deposit will be returned.
- **Cleanup Fee:** A \$250 deposit is due upon Application and Contract approval and is fully refundable based on the state of your booth area upon departure. The Town will refund the deposit within 45 days of the last day of the event. **Please submit a separate check or use credit card for this fee.**

C. Balance of Booth Fees: All fees are due by Friday, May 12 and are to be determined by the food vendor coordinator. Food vendors with balances due will not be allowed to setup until fees are paid.

D. Record Keeping: Food vendors will be required to keep an accurate record of food and beverage sales throughout the Festival. Accurate reporting of gross sales is expected to ensure future participation.

E. Except for the specific items detailed above, the Parks and Recreation Department will not accept the responsibility for any financial commitments and/or obligations undertaken by an individual organization.

F. Failure to adhere to these regulations will jeopardize participation in this event and future Festivals.

H. The vendor will maintain a general liability policy with \$2,000,000 in coverage. Coverage is to be on an occurrence basis with an insurer licensed to conduct business in the Commonwealth of Virginia. The insurer must have an A. M. Best rating of A- or better. The insurer must list the Town of Herndon, 777 Lynn Street, Herndon, VA 20170 as an additional insured. The endorsement must be issued by the insurance company. A notation on the certificate of insurance is not sufficient. **Certificate of Insurance and endorsement must be received no later than May 1, 2023.**

Event Staff Contact

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