

2160 OUTDOOR VENDORS

1. General

Street-side sales of specialty and hand-crafted items are an integral aspect of southwest culture and can contribute to the social and cultural environment of the campus. However, the presence of unregulated outdoor vendors on Northern campus impinges on and degrades the educational environment and the process of higher education. In addition, such unregulated vending mars the beauty and tranquillity of the campus and contributes to unnecessary congestion, noise, and trash. Commercial vendors do not have the right to use College property free of charge.

1.1. Purpose

The purposes of this policy are to allow for outdoor vending, but in a controlled manner that:

- protects and preserves the academic environment of the College from unnecessary disturbance;
- protects and preserves the beauty and tranquility of the College environment;
- promotes health and safety of the College community;
- prevents commercial exploitation of students; and
- protects and preserves the College's proprietary interests in its property.

2. Application

2.1. Unauthorized Vending Prohibited

No person shall sell food, goods, or services or carry on a trade or business on College property without the expressed consent of the College.

2.1.1. Outdoor vending is governed by the provisions of this policy.

2.1.2. Vending within College facilities is prohibited unless authorized and approved in advance by the facility custodian such as the dean or director of the School, College, or Department.

2.2. Property Subject to Policy

This policy applies to Northern's Main Campus, and El Rito Campus.

2.3. Private and Non-Profit Vendors

This policy applies to all private commercial and non-profit vendors not associated with the College who seek to sell goods or services on College property as described in **Section 2.2.** herein. This policy does not apply to vending or distribution by mechanical device which may be regulated by the College through a bid or procurement process.

Food and beverage vendors are not covered by this policy. Experienced food and beverage vendors who wish to provide services on campus must contact the College Purchasing Department.

2.4. College Organizations

This policy also applies to vending by College organizations (e.g., departments, chartered student organizations).

2.5. Commercial Advertising or Speech

This policy does not apply to commercial advertising or speech.

2.6. Vendors to the College

This policy does not apply to vendors or owners or operators of commercial vehicles who are selling goods or services directly to the College or any officers, employees, or agents of the College for the conduct of College business or to other vendors conducting business on the College campus as authorized through the College procurement process. Refer to campus parking and traffic regulations for vendor parking permit information.

3. Authorized Vending Locations

3.1. Main Campus

Outdoor vending is allowed by private commercial and non-profit vendors or College organizations only as provided for in this policy and only in the areas designated by the permit. Permits and procedures will be issued by the Dean of Students. College organizations and all commercial and non-profit vendors not associated with the College will be assigned a location on campus by the Dean of Students. In some instances, specific vending site permits will be issued in accordance with the procurement process used to select food and beverage vendors.

3.2. Vending in Residence Halls

Outdoor vending is allowed by private commercial and non-profit vendors or College organizations only under the provisions of this policy and only in the areas determined by the Dean of Students. Permits will be issued by the Dean of Students.

4. Vending Permits

4.1. Vending Without Permit Prohibited

Every private commercial and non-profit vendor must obtain a permit from the College and must also pay a fee in advance to cover the term of the permit. College organizations must obtain a permit for vending activities but are exempt from paying any fees for these activities.

4.2. Food and Beverage Vending

No permits shall be issued, under the scope of this policy, to vendors other than College organizations to sell food, beverages, or other ingestibles. Private commercial or non-profit food, beverage, or ingestible vending may be authorized by the College through its procurement process for specific site locations.

4.3. Special Events

The College reserves the right to close the campus or a portion thereof to regular vending on any particular day for special occasions and/or allow special vending opportunities. If permits have already been issued for that day, the College will refund the permit fee and provide the vendor as much notice as possible to the address and/or phone number indicated on the application form.

4.4. Permit Application

Permit applications for vending other than food and beverage vending on College property will be filed with and considered by the:

- Dean of Students

All applications shall include:

- 4.4.1.** The applicant's name, address, and telephone number.
- 4.4.2.** The name, address, and telephone number of the company or organization represented by the applicant.
- 4.4.3.** A statement as to whether the applicant is a College organization.
- 4.4.4.** The type of vending activity proposed.
- 4.4.5.** The date, time, and duration as well as the location of the vending activity proposed.
- 4.4.6.** The applicant's New Mexico Gross Receipts Tax Number; (non-College organizations);
- 4.4.7.** The applicant's TIN/EIN - Tax Identification Number/Employer Identification Number (non-College organizations);
- 4.4.8.** The applicant's SSN - Social Security Number.

4.5. Issuance of Permits

The Dean of Students shall determine the method for the issuance of permits and provide that such use does not interfere with or interrupt educational uses or other uses directly related to the operation of the College and subject to the provisions of this policy.

- 4.5.1.** The College must determine that space is available at the time and location stated in the application.
- 4.5.2.** The applicant must pay the required fee at the time of application. College organizations will not be required to pay these fees. The fees will be returned if the permit is not issued.
- 4.5.3.** The applicant must furnish proof of a New Mexico Taxation and Revenue Department Tax Identification Number (non-College organization).
- 4.5.4.** By signing an application for a permit, the applicant shall agree to defend, indemnify, and hold harmless the College from and against all claims, costs, liabilities, charges, damages, and the like, arising out of the vendor's use and occupancy of College property.

4.6. Permit Fees

All fees are payable in advance. Fees will not be charged for College organizations. A fee schedule is published and subject to change with proper authorization and approval of the Dean of Students. The College may use an alternate fee schedule or make special fee arrangements for special events. Revenues returned to the College by food and beverage vendors are determined through the procurement process.

4.6.1. The proceeds from the permit fees will primarily be used to support student publications. Fees from credit card marketers will fund educational programming on credit and debt issues for students.

4.7. Vending Location

The exact vending location will be designated in the permit. The vending will be confined to the location assigned by the College in the permit.

4.8. Duration of Permit

The maximum period for which a vending permit will be issued at one (1) time is for an academic semester period or four (4) months.

5. Administration

5.1. Processing of Permits Permit applications for vending on College property shall be filed and approved pursuant to [Section 4](#) herein.

5.2. Requirements and Limits of Operation

In addition to the conditions stated in [Section 4.5](#) herein, vendors and College organizations who have been issued permits shall observe the following rules:

5.2.1. Vending must be confined to the location designated on the permit and staffed at all times.

5.2.2. No vendor shall, by operating on College property, restrict access to College buildings or other facilities.

5.2.3. The vendor shall display its permit at all times while operating on College property.

5.2.4. The vendor shall keep the designated area free of trash and safety hazards.

5.2.5. The vendor will be held responsible for any damage or cleaning that is incurred as a result of the vending.

5.2.6. The use of sound amplification equipment or devices is not approved under this policy.

5.2.7. No vendor shall sell, display, or offer for sale any product or services which are prohibited by law, or inconsistent with College policy.

5.2.8. Permits are not transferable.

5.2.9. No vendor shall bring motorized vehicles into its assigned location.

5.2.10. No vendor shall use trees, bushes, benches, walls and other College property to display and/or hang merchandise. Vendors may not

use College utilities, except for special events with the approval of the Dean of Students.

5.3. Revocation of Permits

The permit issuer shall have authority to revoke any permit if the vendor fails to comply with the terms of the permit or the provisions of this policy. In the event of revocation, no fees will be refunded to the vendor. Private commercial and non-profit vendors whose permits are revoked shall be prohibited from vending on College property for a period of not more than one (1) year.