

# MERCHANT HANDBOOK

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THE ORCHARD TOWN CENTER



Vestar

**THE ORCHARD  
MANAGEMENT STAFF**

**Mark Peterson, *General Manager***

**Ilima Lua-Lokan, *Assistant Property Manager***

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Management Office	303.450.8610
Management Office, Fax	303.450.8615
Guest Services	303.450.8600
Security Non-Emergency Line	720.926.5062
Operations	303-450-8631

**EMERGENCY NUMBERS**

EMERGENCY: Police, Fire, Ambulance, Rescue	911
Non-emergency Police & Fire Dispatch	303.658.4360
Rocky Mountain Poison & Drug Center	800.222.1222

# Preface

## *Welcome to The Orchard Town Center!*

This merchant handbook has been prepared for the convenience of the Merchants of The Orchard. This book should serve as a quick and easy reference for general rules governing the operation of your store at The Orchard and is considered part of your store's lease.

Please read the handbook carefully and ask your employees to do the same. A thorough knowledge of the points covered will eliminate confusion and will assist in avoiding any misunderstandings.

In the event a situation arises not covered by the Merchant Handbook, or if you have any questions, please contact the **Management Office of The Orchard at 303.450.8610**. We will be happy to assist in answering your questions or in finding solutions to potential problems.

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# Operational Guidelines

## 1. GENERAL INFORMATION

The Orchard management office is located on the first floor of Building B at 14697 Delaware St., Suite 850; the entrance is located between Bitto Bistro and 3 Margaritas.

Management office hours are as follows

### **Summer Hours** (Memorial Day – Labor Day)

Monday – Thursday	8:00 A.M. – 5:00 P.M.
Friday	8:00 A.M. – 1:00 P.M.
Saturday & Sunday	CLOSED

### **Regular Hours** (Labor Day – Memorial Day)

Monday – Friday	8:00 A.M – 5:00 P.M.
Saturday & Sunday	CLOSED

## 2. STORE HOURS\*

Merchants shall maintain the following minimum business hours:

### **Summer Hours** (Memorial Day – September 30th)

Monday – Saturday	10:00 A.M. – 9:00 P.M.
Sunday	11:00 A.M. – 6:00 P.M.

### **Winter Hours** (October 1st – Memorial Day)

Monday – Thursday	10:00 A.M – 8:00 P.M.
Friday – Saturday	10:00 A.M. – 9:00 P.M.
Sunday	11:00 A.M. – 6:00 P.M.

Each stores' operation shall open for business no later than the published center hours of operation unless otherwise governed by lease. No store operator shall close earlier than the published center hours of operation without written permission or if otherwise governed by lease.

Stores planning to open additional hours should contact the Management Office in writing at least one (1) week in advance to avoid conflict with Maintenance or Security schedules.

### **Minimum Holiday Hours**

New Year's Day	11:00 A.M – 6:00 P.M.
Easter	CLOSED (open optional)
Memorial Day	10:00 A.M. – 6:00 P.M.
Independence Day	10:00 A.M. – 6:00 P.M.
Labor Day	10:00 A.M. – 6:00 P.M.
Thanksgiving	CLOSED (open optional)
Christmas	CLOSED (open optional)
New Year's Eve	10:00 A.M. – 6:00 P.M.

If, **for any reason**, it is necessary to close your store during normal business hours, the Security Office must be notified prior to closing. Inventory shall only be taken before or after regular store business hours and you must notify the Management Office at least 48 hours in advance, in writing. Special security passes are available for personnel required to be in the Center during hours other than normal business hours. Please contact The Orchard Security Office to obtain these passes.

*\*Individual store hours may vary, please refer to the terms of your Lease Agreement*

### **3. THE ORCHARD GUEST SERVICES**

Guest Services is located on Town Square in the outdoor kiosk next to the splash pad.

The following services are available at the Guest Services Kiosk:

1. Faxing and Copying Services
2. Strollers/Wheelchairs
3. The Orchard Directories
4. The Orchard Restaurant Menus
5. Employment Opportunities
6. Taxi Services
7. Lottery Tickets
8. Lost & Found
9. Stamps
10. The Orchard and Westminster Area Information

### **4. LOST AND FOUND**

All items found on the premises will be taken directly to Guest Services where each item will be logged in the Lost and Found logbook. In the event Guest Services is closed, lost or left items should be delivered to Security for safe keeping until Guest Services is available. Unclaimed items will be picked up by security on a weekly basis.

### **5. ROOF HATCH ACCESS**

If at any time a contractor for your store needs access to the roof of any building, please have the contractor follow these procedures:

- A. Ensure certificate of liability is on file. Call the management office prior to service date to ensure valid COI is on file.
- B. Person(s) needing access must first go to security, produce an ID and fill out the rooftop access form. A driver's license will be left as a deposit.
- C. When work is finished the contractor must return to security to inform them all roof work is finished. Security will return the ID after inspection of the rooftop work area.

## 6. STOREFRONTS, STOREFRONT SIGNS, AND DISPLAY WINDOWS

### Signage Best Practices:

- The interior and exterior of the merchant's storefront, including glass, doors, signs, base molding and any other surface of the storefront, will always be kept clean.
- Merchant display windows will be professionally merchandised. Trimming of windows should be completed during non-operational hours.
- All mannequins will be properly and completely attired, including shoes, and in a good state of repair at all times.
- All props and displays should always be kept clean and in a good state of repair.

### The following signage is **NOT** allowed:

- Hand-lettered, non-professional signs or newspaper advertisements within (or attached to) the storefront
- Signage that is taped on the surface of the merchant's storefront display windows or doors
- Decals or other signage indicating product lines or credit card acceptability
- Strobes, flashing lights, or video monitors

Any illuminated, mechanical signing, displays or decals within view of the public must have the prior written consent of The Orchard Management. To gain approval for signage please email a mock-up of the graphic (professional rendering or photo) along with placement. Copy all three email addresses below on your request.

Ilima Lua-Lokan, Assistant Property Manager

[ilua-lokan@vestar.com](mailto:ilua-lokan@vestar.com)

Janet Jerde, Marketing Director

[jjerde@vestar.com](mailto:jjerde@vestar.com)

Paige Jeschke, Marketing Coordinator

[pjeschke@vestar.com](mailto:pjeschke@vestar.com)

### **Signage that has not been approved could be subject to immediate removal.**

The Orchard Management requires that merchant will, at its sole cost and expense, maintain, repair, and replace any broken, damaged, cracked or vandalized materials of the signs or display windows within a reasonable period or time. Work must be completed no later than seven (7) days after notification by The Orchard management.

## 7. STORE INTERIORS

Merchant will maintain the premises, at its sole cost and expense, in a clean, orderly and sanitary condition and free of insects and vermin.

Pennants, banners or any other advertising shall not be suspended from the ceiling or interior walls within four (4) feet of the store closure line. The store closure line is defined by your door frame.

The use of helium balloons as a promotional aid is permitted only with the prior **written** consent of The Orchard Management and will be permitted for a limited time only.

Any damage to storefront and interior will be the sole responsibility of the Merchant and will be repaired within a reasonable time, but not later than seven (7) days after notification.

Management reserves the right to inspect the premises without prior notification.

No tables or other obstructions are to be placed at storefront entrances or beyond the store closure line without prior **written** consent of The Orchard Management.

Merchants shall not maintain within the Premises any vending machines or video games of any nature except those permitted by the Merchant's lease.

Pertaining to the Merchant's initial or future construction or installations with the Premises and the Merchant's use and occupancy of the Premises, Merchant will, at its sole cost and expense, comply with all laws and ordinances, applicable rules, regulations, and requirements. These requirements are set forth by the city, county, municipal, state, federal, and other governmental authorities now in force or which may be hereafter.

Merchants will comply with all recommendations of any public or private agency, including The Orchard Management and Security personnel, having authority over insurance rates, with respect to the use or occupancy of the Premises by Merchant.

Merchant will, at its sole cost, install and maintain fire extinguishing and smoke detecting apparatuses as required by local regulations or the insurance underwriters. Merchants agree to inspect such equipment monthly and have all fire extinguishers professionally tested annually. Merchants shall not place any items in front of fire extinguishers and smoke detectors that would otherwise impede or block access.

## **8. SOUND AND ODORS**

Sounds and/or odors shall not emanate from the Merchant's Premises at any time.

## **9. TRASH REMOVAL**

Trash should not be visible during business hours. **DO NOT** use receptacles in the common areas within The Orchard. Dispose of trash only in designated compactor locations. Trash must remain in the store until it is ready to be disposed of in the compactor.

Merchant trash **MAY NOT** be placed outside the Merchant's premises at any time. The common areas and passes are to be kept clear of all materials at all times. The Westminster Fire Department has very costly fines and patrols the Center regularly. All fines are the responsibility of the Merchant.

See **Appendix A1** for Trash Removal Diagram.

NOTE: Direct questions and/or problems regarding the operation of the trash compactors to The Orchard Operations Office at 303.450.8610. Merchants will be charged \$50 per hour for maintenance staff time and materials used in cleaning trash compactors and service units caused by Merchants' employees.

## 10. MERCHANT DELIVERIES

Deliveries of any kind must be made to the rear door, if applicable, of the Merchant's space.

Service areas are to be used only for the active loading and unloading of merchandise or other materials. Service areas are not to be used for parking. Violators will be subject to towing at vehicle owner's expense.

Deliveries requiring access through any plaza area must use a dolly with rubber tires to avoid damage to the hardscape. Steel wheeled dollies are **never** permitted.

It is the responsibility of the store manager to inform all delivery drivers of the proper procedures.

All deliveries must be started and completed before or after shopping center operating hours. Deliveries must be completed between the hours of 5:00 am and 9:00 am or 9:00 pm to midnight.

## 11. MOLD REMEDIATION

Merchants must take immediate action to remove mold as soon as it is identified within the Merchant's Premises and notify Management and Operations of mold issues immediately for inspection.

## 12. PEST CONTROL

Merchants must take immediate action to remove any infestation as soon as it is identified within the Merchant's Premises. It is the Merchant's responsibility to perform pest control maintenance within its premises. The Orchard's Management will contract for pest control in the Common Area.

## 13. MERCHANT MAINTENANCE AND REPAIRS

Each Merchant, at its company's expense, must repair and maintain every part of its premises. This includes storefronts, utility meter, pipes and conduits, plumbing fixtures, lighting fixtures, light bulbs, interior air duct system and HVAC systems, including quarterly filters changes, storefront signs, locks, window frames, doors, floor coverings, and any other fixtures or items within the store.

Should the Center's electrical, air conditioning, or fire protection staff be called in to troubleshoot a problem, the Merchant must sign a work order to pay for labor and expenses if the repair or non-functioning item(s) are the Merchant's responsibility.

**Please Note: Unless otherwise specified, Merchants will be charged for maintenance staff time and materials used in correcting or attempting to correct a problem that is the Merchant's responsibility. Current rates are \$50.00 per hour or any fraction thereof. Material charges may incur a surcharge.**

## 14. EMPLOYEE CONDUCT

Store employees shall conduct themselves in a professional and business-like manner at all times while on the premises of The Orchard. Merchants shall not be permitted, nor shall they permit solicitations, demonstrations, vending, distribution of handbills or any other matter to customers within the common

areas of The Orchard nor will Merchants place or cause to be placed any materials on or in automobiles within the parking areas of The Orchard. Solicitors will be asked to leave the premise immediately.

#### 15. EMERGENCY PHONE LISTING

The Orchard requires a listing of the store manager and the assistant store manager complete cell phone numbers and email addresses. All changes of management personnel and/or phone numbers shall be provided to The Orchard Management. Please email [khazelwood@vestar.com](mailto:khazelwood@vestar.com) with changes to emergency phone numbers.

#### 16. MAIL SERVICE

Mailboxes are situated in Building B for all Merchants in the center and surrounding areas. Mail service for the exterior pad sites will be assigned a box at one of the remote mailbox locations noted in Appendix A-3. There is no door-to-door delivery of mail. Merchants are solely responsible for the collection of their own mail.

All boxes are assigned by the U. S. Post Office, which may be contacted at 303.438.0035, physical address 280 East 1<sup>st</sup> Avenue, Broomfield, CO 80020

If, at anytime during the term of you lease or time at The Orchard, you happen to lose your mailbox key, please contact the US Post Office for replacement keys. Merchant is responsible for the replacement costs.

#### 17. CUSTOMER PARKING

Customers of The Orchard should enjoy the best parking spaces available. Customers are welcome to park anywhere on Property, free or paid.

#### 18. EMPLOYEE PARKING

Employee parking is designated as the spaces located on the outskirts of the parking area. Employee parking will be enforced by The Orchard Security. Your cooperation and consideration in this matter is expected and appreciated. Management will notify Merchants if there are any changes in parking.

Parking spaces are directly linked to shopping center sales. Employees found habitually parking in customer parking zones **will have their vehicles towed at owner's expense.**

See **Appendix A2** for Employee Parking Diagram.

#### 20. MEDIA INQUIRIES

All media inquiries are to be directed to The Orchard Management Office. The Marketing Department will ensure that these inquiries are handled appropriately.

**If contacted by the media, it is the policy of The Orchard that Merchants inform the Marketing Department and/or Management office immediately.**

## **21. MARKETING**

The Director of Marketing at The Orchard administers the marketing budget for the property. The department's responsibilities include public relations, community relations, advertising, market research, the center's website, special events, merchant relations and sales promotions. Often times, your store will be contacted for participation in important programs designed to increase your sales. For a more comprehensive outline of the mall's marketing strategy, activity calendar, and other marketing opportunities please refer to the marketing handbook provided to your store annually or feel free to schedule a meeting with the Marketing Coordinator, Paige Jeschke.

The Orchard's advertising buy is comprised of a strategic, multi-medium mix of social media, magazine, radio and direct mail. Special events and sales promotions are conducted to maximize traffic, sales and buyer conversion. Community partnerships are extensive and may at times include store solicitation of merchandise for silent auctions of area non-profit organizations (though we try to streamline these requests to two or three times a year). Public relations are constant and managed in conjunction with the Landlord's corporate office in Phoenix, Arizona.

Please be advised: If at any time you wish to use The Orchard Logo you must receive prior approval from the Director of Marketing.

## **22. USE AND CARE OF PREMISES**

Merchant will conduct its business in the premises in a dignified manner and in accordance with high standards of store operations.

Merchant shall not use, nor permit the premises to be used, for any purpose other than as specified within the Merchant's lease. Also, Merchant shall not use nor permit the premises to be used in any way that will injure the reputation of The Orchard. Nor shall the Merchant permit the premises to be occupied in whole or in part by any other person, except as permitted under the Merchant's lease.

## **23. THE ORCHARD EQUIPMENT**

Due to insurance restrictions, only The Orchard maintenance staff is permitted to use center maintenance equipment to cover the scope of any work at the center. Equipment will not be lent out to merchants at any time.

## **24. SECURITY**

**For all emergencies call 911.**

The Orchard Security Office is on duty 24/7, 365 days of the year. The Security Office is located on Delaware Street in building B.

Security can be reached at:  
720.926.5062 non-emergency line  
303.450.8635 emergency line

## 25. AFTER HOURS PERMIT

It is the responsibility of each Merchant to inform The Orchard Management of any employee(s) working after normal closing hours. This includes the employees of the business, as well as any contractors or others doing work for the business.

It is also the responsibility of each Merchant to determine if any security or additional security officers are needed to provide security or escorts for employees from their store to their vehicles.

If additional security is needed, the Merchant should contract with The Orchard Security or with an outside agency for this service. Seven-day advance notice is necessary to provide extra Security Officer(s). All costs involved in extra security will be the Merchant's responsibility.

Anyone found in a business after hours without having obtained a signed permit may be asked to leave the center. Anyone attempting to enter the center after hours without having obtained a permit may be denied access.

Please contact the Director of Security at 303.450.8612, for information related to obtaining additional security officers.

## MERCHANT RESPONSIBILITIES

Merchants are responsible for their own interior security, including shoplifting. Security within the store's premises is the responsibility of each Merchant. The Orchard Security personnel will assist stores with incidents involving minimal bodily injury, store damage, etc.

The Orchard Security is provided to maintain peace and order in the common areas of the Shopping Center. Merchant agrees that it will not keep anything in, upon, or about the premises which will violate Landlord's policies. This insures against loss or damage by fire or other hazards and will assist in insuring that the rate of fire or other insurance will not be increased beyond the minimum rate that would be applicable to the premises for the use or the purposes permitted under the lease.

## THE ORCHARD SECURITY STAFF RESPONSIBILITIES

Security Department's responsibilities are:

1. To patrol all common areas, enforce Center regulations, visible presence, and keep a constant watch for persons committing or preparing to commit a crime.
2. To assist all customers and visitors at The Orchard with directions and information.
3. To administer minor first aid. Incidents requiring Emergency Medical Aid will be handled by the City of Westminster Fire Department (911).
4. To conduct evening checks of all front doors. Managers will be notified of unsecured doors.
5. To report all occurrences of maintenance operational failures, hazards, or vandalism to The Orchard Management Office.
6. Store managers/employees can request security escort to their vehicles at any time.

Security officers responding to calls regarding shoplifters inside a store will inform the Store Manager to call the Westminster Police Department if an arrest is to be made. (*911 is for emergency use only; dial the **Westminster Police Department at 303.658.4360** for non-emergency matters.*) The Orchard Security

Officer will remain in the store as an observer and keep the peace until the police arrive, leaving the investigation to the police officers and store personnel.

AEDs (Automatic External Defibrillators) are available onsite. Due to training restrictions, they must be kept in the security vehicles and in a box located in the public restrooms of buildings B and K at all times. Please contact the Security office if you need assistance.

## EMERGENCY PROCEDURES

If you need the Police Department, Fire Department or Emergency Medical Services, call 911 immediately.

If you immediate need assistance from The Orchard Security Officers, use the following procedure:

1. Call 303.450.8635
2. Be prepared to provide the following information:
  - Name
  - Store Name and Phone Number
  - Type of Incident
  - Brief Explanation

### 1. ONE CALL EMERGENCY SYSTEM

In the case of a center-wide emergency or closure due to weather, threats, or other emergent situations a text or phone call will be sent out via our one-call system. **Store managers and owners must submit emergency contact information to the management office.** Stores are also required to continually update the information with changes in staff. Please email [khazlewood@vestar.com](mailto:khazlewood@vestar.com) to receive the emergency contact form.

### 2. BOMB THREATS

A **bomb threat** is generally defined as a threat, usually verbal or written, to detonate an explosive or incendiary device to cause property damage, death, or injuries, whether or not such a device actually exists. Bomb threats received by telephone or mail should be immediately reported to The Orchard Management Office and the Security Office. Every effort should be made not to alarm customers or employees unnecessarily. The Security Office and/or the Westminster Fire Department will issue instructions for the proper procedure to follow.

In the event your store receives a bomb threat by telephone, remain calm and make every effort to obtain as much information from the call as possible, such as:

1. Exact location of the bomb.
2. Time set for detonation.
3. Description of explosive or container.
4. Type of explosive.
5. Reason for call or threat

The person receiving the call should also note such details as:

1. Date and time of call.
2. Exact language used.
3. Peculiar or identifiable accent.
4. Estimated age of caller.

5. Background noise such as vehicles, conversation, music, etc.

Every effort shall be made to keep the caller on the telephone as long as possible to obtain maximum information.

### **IF THE ORCHARD NOTIFIES YOU OF A BOMB THREAT:**

- Follow the instructions of the police, The Orchard's staff and your store's policies.
- Depending on the circumstances a detailed search of the store may be requested. Because you and your staff know your store better than the police, you may be asked to assist in the search.
- If any suspicious items are found do not touch them. Notify the police and security.
- Be ready to evacuate if necessary.

### **3. ACCIDENTS, INJURIES AND ILLNESSES**

Incidents occurring within the store's premises should be handled in accordance with the procedures established by the store. Incidents occurring within the Common Areas (including The Orchard service areas and parking areas) should be reported to the Security Office **immediately**. Appropriate action will be taken. As a rule, do not attempt to move an injured person.

### **4. LOST PERSONS**

In case a person is reported to you as being lost, notify the Security Office **immediately** at 303.450.8635.

### **5. FIRE PROTECTION AND PRECAUTIONS**

Fire protection and precautions are a joint responsibility of Merchant and Landlord. General rules regarding fire protection and some of the precautions to follow are:

- Merchants will install and maintain any fire extinguishers, apparatus and signs required by Local, State, and Federal regulations and/or the requirements of insurance underwriter.
- Each Merchant must have at least one fire extinguisher that is accessible, and on the premises at all times. **It is to be tested and recharged annually.**
- Sprinkler systems are required by NFP (National Fire Protection) 25 - 5.2.1 to be inspected annually. Alarm devices are to be inspected quarterly per 5.2.6 **Please forward a copy of the test results to the management office.**
- Merchants will comply with all recommendations of any public or private agency having authority over insurance rates with respect to the use or occupancy of the premises.
- Building displays and stocking of merchandise will be done in a manner that will allow at least 18" of clearance from the sprinkler heads, 3' from all electrical panels, and nothing stacked on top of the electrical transformer within the premises according to Fire Codes.
- Housekeeping will be performed in such a way as to promote maximum fire protection.
- Many doors are controlled electronically and may not be blocked or held open.

### **General Rules to follow in case of fire or smoke:**

1. Call 911
2. Call Security at 303.450.8635.
3. Taking the proper safety precautions, utilize all available fire fighting equipment to extinguish the blaze.
4. Direct all customers to immediately leave the premises.
5. Merchants should close their doors before leaving if possible, to prevent smoke or fire from spreading into the center.







