

**CITY OF CHARLOTTESVILLE
STANDARD OPERATING PROCEDURE**



Type of Policy: ADMINISTRATIVE	Policy Number: 100-06
Subject: City Market Regulations	
Circulated for Comment/Approval of LeadTeam? NO	Date: 01 / 31 / 2011
Authorization: Maurice Jones, City Manager	
Signature of City Manager: <i>Maurice Jones</i>	Effective Date: 2/1/2011

1.0 PURPOSE

To establish policies, guidelines and procedures for the management of the City Market(s) and to ensure that the Market(s) are operated for the accommodation of any person(s) desiring to make retail sales of farm produce, foodstuffs, art work or handicrafts grown or produced by said person(s), members of the person(s) family, or farm laborers employed by said person on property owned or leased by the Market Vendor. The resale of any item that is commercially manufactured or other farm produce not grown by the Market Vendor is expressly prohibited.

2.0 CITY DEPARTMENTS AND ORGANIZATIONS AFFECTED

The Department of Parks and Recreation is the City Department responsible for management of the City Market(s). Chapter 8 of the Charlottesville City Code provides the enabling legislation for the conduct of the market(s).

3.0 POLICY

To ensure that the Market(s) are administered in an effective and consistent manner, the following policies, rules and regulations shall be in effect and govern all aspects of the operation of the market(s).

3.0.1 AUTHORIZATION TO SELL & DEFINITIONS

3.0.1.0 Authorization to Sell

Only "Market Vendors" as defined herein, shall be allowed to sell from any space in the Market(s); whether such space is 'reserved', or 'unreserved'.

3.0.1.1 Artisan

Anyone desiring to make retail sales of art work and/or handmade crafts produced solely by the artisan or members of their family.

3.0.1.2 Market(s)

That body of land owned by, or under the control, of the City of Charlottesville where the market(s) are conducted.

3.0.1.3 Farmer/Agricultural Vendor

Anyone desiring to make retail sales of farm produce, plants and flowers grown or produced by the seller, members of their family or farm laborers employed by the seller; strictly upon land owned or leased by the seller.

3.0.1.4 Food Vendor

Anyone desiring to make retail sales of foodstuffs grown or produced by the seller, members of their family or farm laborers employed by the seller; strictly upon land owned or leased by the seller. Food Vendors are permitted to sell homemade baked goods, honey, jams, jellies, breads, and prepared foods. Food Vendors who actually prepare and/or cook food at the market(s) are required to have a fire extinguisher present at all times they are present at the market(s).

3.0.1.5 Market Master

That person designated by the City of Charlottesville Department of Parks and Recreation to manage the annual operations of the market(s). The Market Master shall have full authority to enforce all approved Rules and Regulations promulgated herein within the designated area of the Market.

3.0.1.6 Market Vendor

Any Artisan, Farmer or Food Vendor as defined herein who has completed the documentation required in Section 3.0.9 and who has paid the annual and weekly participation fee(s) as outlined in Section 3.0.6. All individuals who are employed by a Market Vendor or represent a Market Vendor at the market(s), shall be considered a Market Vendor, and subject to these Rules and Regulations.

3.0.1.7 Reserved Market Vendor

A market vendor who has a market slot that is guaranteed each week at the specific market, unless the vendor is absent.

3.0.1.8 Unreserved Market Vendor

A market vendor who does not have a guaranteed market slot and must contact the Market Master or their designee at the appropriate time to request admittance into the next occurrence of the market(s).

3.0.1.9 Non-Profit Organization

An incorporated organization which exists for educational or charitable reasons, and from which its shareholders or trustees do not benefit financially. Any money earned must be retained by the organization and used for its own expenses, operations and programs. This also includes all other State and Local Government offices. Non-Profit Organizations must provide proof of non-profit status to the Market Master prior to participating at a market.

3.0.1.10 Produce

Fruits, vegetables, live plants, flowers, herbs, cut flowers and other such produce that is grown by the seller, members of the seller(s) family, or farm laborers employed by seller person on property owned or leased by the seller.

3.0.1.11 Meat and Poultry Products

Meat, poultry, eggs and dairy products that is grown by the seller, members of the seller(s) family, or farm laborers employed by seller person on property owned or leased by the seller.

The slaughter, processing, storage, sale and labeling of most meat products (from cattle, swine, sheep, horses, goats, poultry and ratites) are subject to the regulations of the United States Department of Agriculture and/or the Virginia Department of Agriculture and consumer services. Vendors of meat and poultry products must comply with all applicable federal and state food safety regulations pertaining to their products prior to offering them for sale at the City Market(s).

3.0.1.12 Plants and Flowers

Plants or flowers offered for sale at the Market(s) must not be included on the list of Rare Virginia Wild Plants published by the Division of Natural Heritage, Virginia Department of Conservation and Recreation. Plants or flowers offered for sale at the Market(s) gathered from private property may only be gathered with permission from the property owner. No plants may be removed from public parks, interstate highways or other public property and then offered for sale at the market(s).

3.0.1.13 Organic Products

All products described in any manner as "organic" must meet federal and state regulations for such labeling. All Market Vendors offering such items for sale are required to file a copy of all relevant certificates and licenses with the Market Master prior to offering such products for sale at the market(s).

3.0.1.14 Arts and Crafts

Handmade items that are produced by the vendor, vendor's family or vendor's staff; and are intended for functional use or decoration.

3.0.1.15 Foodstuffs

Edible items prepared by the vendor, vendor's family or vendor's staff that can be consumed with little no further preparation. Examples are baked goods, honey, jellies or hot food served at the market.

3.0.2 MARKET DAYS, HOURS OF OPERATION & PROHIBITIONS

3.0.2.1 Time and Place of Markets

At the time of the execution of these City Market Regulations, the days and hours of operation of the Charlottesville City Market(s) are as follows:

City Market

Days: Saturdays, beginning the 1st Saturday in April through the Saturday in November immediately prior to Thanksgiving.
Hours 7am – 12 Noon April through October
8am – 2 PM November

The Market at Pen Park

Days: Tuesdays, beginning the 1st Saturday in May through the last Tuesday in September
Hours 3pm – 7pm

Farmers in the Park at Meade Park

Days: Wednesdays, beginning the 1st Saturday in May through the last Tuesday in September
Hours 3pm – 7pm

Holiday Market

Days: Saturdays, beginning the Saturday immediately following Thanksgiving through the Saturday immediately preceding Christmas Day.
Hours 8am – 2pm

The Department of Parks and Recreation reserves the right to adjust days and hours of market(s), with thirty (30) days prior written notice to all affected Market Vendors. The Market Master reserves the right to cancel any market day due to inclement weather to ensure vendor and patron safety.

3.0.2.2 Prohibitions

Animals are not permitted in the Market area(s), except dogs trained and serving as guide animals for those individuals with vision, hearing or mobility impairments.

3.0.3 ITEMS THAT MAY BE SOLD AT MARKET(S)

The following items, as defined in Section 3.0.1 above, may be offered for sale at each of the City Market(s) as outlined herein.

3.0.3.1 CITY MARKET

Produce
Meat and Poultry Products
Plants and Flowers
Arts and Crafts
Foodstuffs

3.0.3.2 FARMERS IN THE PARK at Meade Park

Produce
Meat and Poultry Products
Foodstuffs

3.0.3.3 THE MARKET AT PEN PARK

Produce
Meat and Poultry Products
Foodstuffs
Arts and Crafts

3.0.3.4 HOLIDAY MARKET

Produce
Meat and Poultry Products
Plants and Flowers
Arts and Crafts
Foodstuffs

3.0.4 DISTRIBUTION OF VENDORS AT MARKETS

To ensure a wide variety of offerings to market patrons, and to offer fair and reasonable access to all markets to a variety of vendors, the following distribution of vendors will be applied to each market:

3.0.4.1 CITY MARKET

Artisans	20 %
Farmer/Agricultural Vendors	50 %
Food Vendors	30 %
Non-Profit Organizations	No More than ten (10) per market day

3.0.4.2 FARMERS IN THE PARK at Meade Park

Farmer/Agricultural Vendors	65 %
Food Vendors	35 %
Non-Profit Organizations	No More than five (5) per market day

3.0.4.3 THE MARKET AT PEN PARK

Artisans	20 %
Farmer/Agricultural Vendors	55 %
Food Vendors	25 %
Non-Profit Organizations	No More than five (5) per market day

3.0.4.4 HOLIDAY MARKET

Artisans	60 %
Farmer/Agricultural Vendors	25 %
Food Vendors	15 %
Non-Profit Organizations	No More than ten (10) per market day

3.0.5 METHOD OF VENDOR SELECTION

3.0.5.1 Reserved Market Vendors

Reserved Market Vendors are selected based upon:

- 1 - Completion of Reserved Vendor Application and payment of Annual Fee prior to Application Deadline
- 2 - Tenure of the Vendor at the Market(s)
- 3 - Quotas concerning the distribution of vendors at the market(s)
- 4 - Diversity of products to be offered at the market(s)

3.0.5.2 Unreserved Market Vendors

Unreserved Market Vendors are selected based upon:

- 1 - Diversity of products to be offered at the market(s)
- 2 - Availability of slots at the market(s)
- 3 - Order in which requests for admittance to the market(s) are received

Reserved Market Vendors must have completed an application and submitted that application prior to the initial annual deadline and have submitted their annual fee payment with that application to be considered Reserved Market Vendors.

3.0.5.3 Non-Profit Organizations

Non-Profit Organizations must contact the Market Master two (2) business days prior to the market day for which they desire to be present. Placement at the market(s) will be on a first-come, first served basis. Organizations will be provided with a 6' space at the City Market and Holiday Market. Space allocation at the other Markets will be determined on a case by case basis.

Non-Profit Organizations are responsible for providing any and all tables, chairs and other equipment.

3.0.6 VENDOR FEES & TAXES

3.0.6.1 Annual Market Registration Fees for Reserved Vendors

Reserved Market Vendors are required to pay, for each market for which they participate, the following annual fee. Market Vendors who pay the annual registration fee shall be considered Reserved Vendors. These fees are due twenty-one (21) days prior to the first day of each market in which a Market Vendor participates; and are non-refundable.

City Market	\$ 35.00
Farmers in the Park at Meade Park	\$ 20.00
The Market at Pen Park	\$ 20.00
Holiday Market	\$ 15.00

3.0.6.2 Unreserved Vendor Fees

Vendors who have not paid the Annual Market Registration Fee may participate in any Market on a space available basis only. The Market Master is responsible for notifying Unreserved Vendors of available spaces at the market(s).

Unreserved Vendor Fee	\$ 5.00 per each market day, not to exceed annual market registration fees for that particular market.
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3.0.6.3 Slot Fees & Sales Taxes

All Market Vendors, both Reserved and Unreserved, are required, upon the close of business of each market day, to provide payment to the Market Master the following slot fees and sales taxes:

Slot Fees

A slot fee of \$10.00 or six (6) % of daily gross revenues, whichever is greater.

Sales Taxes are required of all vendors who have not acquired a Tax ID number and is based upon the type of items offered for sale

Food Vendors	2.5 % Sales Tax
Non Food Vendors	5.0 % Sales Tax

3.0.6.4 Optional Fees and Charges

Electricity

Electricity is only available at the City Market and Holiday Market and only on a space available basis, and limit of a maximum of three (3) receptacles. Any Market Vendor requiring the use of electricity shall be charged a one-time fee on the first day of their participation in the market(s).

Vendor status and their assigned vendor space for the remainder of the year. The Market Master may waive this requirement when a Market Vendor has experienced an emergency or an extenuating circumstance. Such waivers will be documented in writing by the Market Master and provided to the Vendor.

3.0.8 VENDOR RESPONSIBILITIES

3.0.8.1 Agreement to Abide by Rules and Regulations

Market Vendors **including employees and/or other representatives**, as a condition of application to become a Vendor, agree to abide by all Market Rules, Regulations and the Market Vendor Standards of Conduct. Violations of the Rules, Regulations and Standards of Conduct will be addressed as outlined in paragraph 3.0.10.

3.0.8.2 Registration to Sell at City Markets

Market Vendors are required to complete a Registration to Sell at City Market(s) form that will be forwarded to the Commissioner of Revenue by the Market Master. A copy of this Certificate will be provided to the vendor and must be available at all times for inspection upon request of the Market Master.

3.0.8.3 Timeliness

All Market Vendors are required to have their space prepared and ready for customers no more than fifteen (15) minutes prior to the advertised start of the market(s).

3.0.8.3 Cleanliness and Appearance

Each Market Vendor is responsible for setting up his/her stand in an attractive manner and keeping boxes and supplies stored out of sight. All displays and food items must be raised at least twenty-four (24) inches from the ground, with the exception of those items approved by the Market Master. All baked goods must be covered. Vendors are responsible for all equipment and materials required for the display of items. Additionally, vendors may not use nails or other methods of adhesion or any other action which permanently damages the space.

Each Market Vendor shall be solely responsible at all times for the cleanliness around and their vending area regardless of the origin of the debris in that location. The vendor is responsible for leaving the space in a clean condition at the end of the market day.

Market Vendors are responsible to ensure that their vending space is left in a clean and orderly manner at the end of each market day, including the removal of all overhead protective coverings.

Failure to comply will result in the Market Vendor bearing the cost of any and all clean up that is required.

3.0.8.4 Compliance

It is the Market Vendor's responsibility to know and comply with all applicable Federal and State laws and regulations for the products they sell at the City Market, including any required licenses. The City of Charlottesville makes no warranty or endorsement of any Market Vendor's product, and assumes no responsibility for any consequences resulting from a Market Vendor's failure to comply with the laws or regulations applicable to the sale of their products. As a condition to participating in the City Market, Market Vendors shall agree to indemnify and hold harmless the City of Charlottesville from any damage or injury resulting from their use of the approved Market area.

3.0.8.5 Parking

The City of Charlottesville does not provide parking privileges to Market Vendors. Vendors are required to secure parking in accordance with City Ordinances. Parking fee reimbursements will not be provided to Market Vendors or visitors to the market(s).

3.0.8.6 Conduct of Market Business

All Market related business must be resolved on market premises or in the Parks and Recreation offices in the City Hall Annex, or via Telephone, email or fax. Market Vendors are not to attempt to communicate with Market Staff at their personal residences. Such attempts will be considered trespassing, and violators will be prosecuted. Additionally, such Market Vendors will be immediately and permanently barred from participation in any City Market.

3.0.8 CITY RESPONSIBILITIES

3.0.8.1 Market Management

The City of Charlottesville shall be responsible for the management of the day-to-day operations of the market(s), including administrative, management and oversight of the market(s).

3.0.8.2 Marketing and Advertising

Charlottesville Parks & Recreation is committed to make all of the markets successful and will advertise as effectively as possible within the adopted budget. Charlottesville Parks & Recreation is responsible for the creation, selection and purchasing of all advertisements for the Market(s). This includes both paid and non-paid advertisements in print publications as well as electronic media.

Market Vendors may, at their own expense, advertise their products and presence at the market(s). However, such advertising must be specific to the Market Vendor and their products, not to the market(s) at-large.

3.0.9 VENDOR APPLICATION PROCEDURE

3.0.9.1 Reserved Vendor Application

In order to obtain reserved space, a Reserved Market Vendor must have participated in a minimum of fifty (50) percent of the Market days during the previous year at the market the Vendor participated. A completed Reserved Vendor Application and signed Market Vendor Standards of Conduct must be submitted by deadline set by the Market Master for receipt of Applications.

3.0.9.1 Unreserved and New Vendor Application

All unreserved vendors and all new vendors must submit an Unreserved Vendor Application form annually.

3.0.10 VIOLATIONS OF RULES AND REGULATIONS

3.0.10.1 Violations

The following procedures shall be in place to address violations of the Market Rules and Regulations and the Market Vendor Standards of Conduct. Violations may result in the suspension and/or revocation of a Market Vendor's right to participate in any market.

3.0.10.2 Violations of the Market Rules and Regulations

Market Vendor(s) will receive a written notification of Rules and Regulations violations via the Market's system of the color-coded enforcement postcards. These cards are meant to provide Vendors with a notice of violation and to allow Market Vendors and Market Masters an opportunity for discussion in a busy marketplace.

Yellow Cards

Yellow cards will address infractions recognized by Market Masters: E.G., not conforming to food handling guidelines, sanitation requirements, cooking without a fire extinguisher; not wearing gloves while preparing food, etc.

Green Cards

Green cards will address queries raised by market customers regarding Market Vendors: E.G. produce that is not in season, authenticity of products, other violations of the Market Rules and Regulations, etc.

Pink Cards

Pink Cards address unexcused absences of Market Vendors who fail to appear on Market days they are expected to be in attendance.

Market Vendors who do not respond to the color-coded enforcement postcard from Market Management or continue to disregard the Market rules may have their right to participate at the Market(s) suspended and/or revoked.

It is within the sole discretion of the Market Master to determine if a Market Vendor has violated the Market Rules and Regulations. If a violation has occurred, the Market Master will contact the name(s) or company listed on the vendor application for resolution of the violation.

Vendors with a confirmed violation of any of the stipulations in the City Market Rules and Regulations will be given a written warning. A second confirmed violation for the same, or for a different confirmed violation, will result in suspension from the Market for a period of thirty (30) days. A third confirmed violation will result in the termination of the Authorization to Sell without refund of any monies paid therefore; and immediate and permanent expulsion from all market(s).

3.0.10.3 Violations of the Market Vendor Standards of Conduct

Market Vendors with a confirmed violation of any of the Market Vendor Standards of Conduct will be given a written warning. A second confirmed violation for the same, or for a different confirmed violation, will result in suspension from the Market for a period of thirty (30) days. A third confirmed violation will result in the termination of the Authorization to Sell without refund of any monies paid therefore; and immediate and permanent expulsion from all market(s).

It is within the sole discretion of the Market Master to determine if a Market Vendor has violated the Market Vendor Standards of Conduct. The Market Master(s) retains the right, if necessary, to revoke the vendor's right to participate in any Market(s) without prior warning for any violations of the Market Vendor Standards of Conduct.

3.0.10.4 Customer Complaints

Specific complaints from a customer against any Market Vendor regarding the origination of their produce or goods, or any other matter, must be directed by the customer in writing to the attention of the Market Master(s).

Resolution of customer complaints is the responsibility of the Market Master(s). The Market Master(s) shall determine, at their sole discretion, what type of investigation, if any, shall be conducted to determine the validity of the complaint. The Market Master will respond in writing to the complainant, no later than ten (10) business days from the receipt of the written complaint.

3.0.10.5 Vendor Appeal Procedure

Vendors who have had their right to participate at the Market(s) suspended or revoked may appeal in writing to have their right to participate reinstated. All appeals must be made in writing and must be submitted to the Market Master within five (5) business days of the notice of suspension or expulsion. The Market Master will make a determination on the appeal request and notify the appellant in writing within five (5) business days of receipt of the appeal if the appeal has been granted or denied.

If the appeal is denied by the Market Master, the Market Vendor may make a secondary appeal of the decision to the Director of Parks & Recreation. An appeal to the Director of Parks and Recreation must be made in writing and within (5) business days of receipt of the Market Master's appeal ruling. The Parks and Recreation Director will then make a determination on the appeal request and notify the appellant in writing within five (5) business days of receipt if the appeal has been granted or denied.

If the appeal is denied by the Director of Parks and Recreation, the Market Vendor may make a final appeal of the decision to the City Manager. An appeal to the City Manager must be made in writing and within (5) business days of receipt of the Director of Parks and Recreation's appeal ruling. The City Manager will then make a determination on the appeal request and notify the appellant in writing within fifteen (15) business days of receipt if the appeal has been granted or denied.

APPENDICES

Appendix 1 – Vendor Standards of Conduct

Appendix 2 – Sample Vendor Application