

City of Ann Arbor
Wednesday Evening Pilot Market Operating Rules

I. PURPOSE

The Wednesday Evening Pilot Market of the City of Ann Arbor Public Market is dedicated to supporting small-scale growers and producers through the creation of a vibrant marketplace that is welcoming to all members of our community. The market aims to preserve both the region's rich agricultural history and foster innovation, while meeting the demands of area residents for additional opportunities to purchase local, fresh food.

II. DEFINITIONS

1. Vendor: A Vendor is a person or business entity that has a complete and approved application on file with the Market Manager. Vendors can grow and offer for sale one or more of the following items: edible grains, fruits, vegetables; live plants, trees, shrubs, cut flowers; apiary products; maple syrup and sugar; general farm products such as eggs and poultry; and, food prepared from such produce, including baked goods, jams, and jellies. A vendor can also sell food items for immediate consumption that are made or prepared at the Market or prior to the Market by the vendor and offered for sale at the Market from a licensed cart.

2. Stalls: A stall is a single numbered or lettered vending space in the Market, as designated by the Market Manager. In the event that all numbered stalls are filled on a given Market day, the Market Manager may create additional temporary lettered stalls on the Market extensions, as he/she deems appropriate.

III. ANNUAL PROCEDURES

1. Vendor Applications

- A. Vendors must have completed a vendor application for the upcoming Wednesday Evening Pilot Market season by May 1. Applications shall include a list of all products that will be offered for sale at the Market, copies of all current licenses and inspections pertaining to the business and operations of the vendor, a signed and notarized affidavit, and other relevant information as determined by the Market Manager.
- B. Following the May 1 application submittal deadline, the Market Manager may accept additional vendor applications if space is available.

2. Fees for Vendors

- A. Stall fees shall be paid by 6 p.m. on each Market day.
- B. If a vendor does not notify the Market Manager at least 48 hours prior to an absence, he/she is responsible for a cancellation fee for each stall equal to the daily stall fee, and cannot return to market as a vendor until the cancellation fee has been paid.

3. Inspection of Vendors

- A. Any new vendor who submits a vendor application shall have an inspection of his/her place of making, growth, or production of food or products offered for sale at Market within 90 days of the Market Manager's receipt of the application, or within 90 days of when products offered for sale are in production.
- B. All vendors shall be inspected at least once every two years to ensure compliance with the Wednesday Evening Pilot Market Operating Rules and Chapter 31 of Ann Arbor City Code.
- C. Inspections shall be conducted at times that are reasonable for the various products listed on the vendor application by a Market Inspector who is knowledgeable about the various products and the means of producing them, or by the Market Manager.
- D. Vendors must pay the designated inspection fee at the time of inspection, and an inspected vendor shall be provided with a copy of the inspection report within 30 days of its completion.
- E. A vendor who has been found to offer for sale articles that are not made, grown, or produced by the vendor shall be immediately expelled from the market and shall forfeit all fees.
- F. If a vendor refuses to be inspected, that vendor shall be expelled immediately from the Market and shall forfeit all fees.

IV. MARKET DAY PROCEDURES

1. Market Hours

The market shall be open June 1-September 31 Dates:
Wednesday
Hours: 4:30 p.m. – 8:30 p.m.

(The market hours and schedule may be altered at the discretion of the Community Services Administrator or his/her designee)

2. Stall/ Parking Assignment

- A. Vendors will be notified of their stall assignments at least one week prior to the market date.
- B. Stall assignments shall be made at the discretion of the Market Manager.
- C. Each vendor may have no more than 3 stalls on a daily basis.

- B. Vendors will be assigned parking spaces as available on any given Market day.
- C. Any disputes over parking shall be resolved by the Market Manager and may result in the immediate loss of parking for the day or for up to a 12 month period at the discretion of the Market Manager.

3. Community Services Organizations

- A. Charitable, educational, or other community service organizations that wish to apply for a stall must submit a complete application for approval by the Market Manager or his/her designee five business days prior to the applicable Market day. If an approved charitable, educational, or

other community service organization is assigned a stall, the organization shall pay any required fees before it shall be allowed to operate the assigned stall.

B. Charitable, educational, or other community service organizations shall comply with all applicable provisions of the Wednesday Evening Pilot Market Operating Rules, and shall be considered vendors under Vendor Operations (Section V.1).

C. City-sponsored groups and events shall be assigned space at the discretion of the Market Manager.

V. Market Operations

1. Vendor Operations

A. Vendors shall use the Market in strict accordance with the Wednesday Night Pilot Market Operating Rules, and Chapter 31 of the Ann Arbor City Code.

B. All food and products offered for sale at the Market must be grown or made by the vendor who offers the product for sale.

C. All food and food products offered for sale shall be fresh, clean, wholesome and safe for human consumption and shall be handled, stored, transported and offered for sale in a sanitary manner.

D. All food and food products offered for sale shall be from sources approved or considered satisfactory by the Washtenaw County Health Department and the Michigan Department of Agriculture.

E. Each vendor must provide the Market Manager with a current and valid copy of any and all licenses, registrations, certifications and permits required for operation by any local, state, and federal law.

F. Vendors shall not misrepresent the quantity, quality, type or origin of food or products in any way.

G. All food and products offered for sale at the Market must be grown by the vendor, or made by the vendor in Michigan, Ohio, or Indiana.

H. All vendors shall post a sign with their name and location of their business at their stall. All signs are subject to the approval of the Market Manager.

I. Vendors shall keep their stall areas neat, orderly, and in good repair.

J. Vendors shall keep vending activities within each vendor's designated stall space.

K. Vendors shall only use assigned parking spaces for parking vehicles and for storage of products.

L. Vendors shall not attract attention to their items for sale by outcries in a loud, annoying, or offensive manner, or by standing outside of the stall area.

M. Vendors shall attend market from open to close (4:30 p.m. until 8:30 p.m.) on a Market day that they are in attendance. Leaving early from Market without providing the Market Manager with a reasonable explanation may result in loss of attendance for that day. Reasonable explanations for leaving early include, but are not limited to, selling out of food or products, extreme weather, and schedule conflicts.

N. Upon vacating each Market day, stalls and parking spaces are to be cleaned and swept by the vendor, and all trash must be removed by the vendor and properly disposed of or placed in an area designated by the Market Manager.

O. Vendors shall not engage in disruptive conduct. Any disagreement between vendors shall be handled in a respectful and professional manner away from stalls and customers.

P. No person at the Market shall refuse to comply with a direction of the Market Manager, or interfere with the administration of the Wednesday Evening Pilot Market Operating Rules as interpreted by the Market Manager or his/her designee.

Q. Vendors may not sell products that are grown on leased land, unless the vendor has significant risk and financial investment in the leased land and its operation, as well as active participation in the production of the product. All leases must be approved annually by the Market Manager.

R. If a vendor markets product as being organic, a copy of the current organic certification must be submitted each year and must be prominently displayed in the vendor's stall each Market day, unless the vendor is exempt from such certification requirements by state or federal law.

S. Although the use of the word "organic" in a legal company name or farm name are not tied to the requirements for organic certification, Wednesday Evening Pilot Market vendors cannot display a business entity or farm name using the word "organic" unless the business entity or farm is certified organic.

2. General Operations

A. Bicycles, skateboards, and in-line skates are not permitted within Market sheds and Market extensions.

B. Animals are not permitted at the Market (except for guide dogs).

C. Smoking is prohibited at the Market.

D. No soliciting or distributing of literature is permitted on Market walkways.

VI. RULE ENFORCEMENT

1. Interpretation and Enforcement

A. The Market Manager shall have the authority to interpret and enforce the Wednesday Evening Pilot Market Operating Rules.

B. The Market Manager shall resolve any disputes that arise regarding Market operation and may require that descriptions of disputes be submitted in writing.

C. The Market Manager may deny a vendor the privilege of selling at the Market on any given Market day for misrepresentation of products, poor quality of products or produce, nonpayment of fees, failure to comply with a direction of the Market Manager, disrupting the operations of the Market, or any other violation of Chapter 31 of Ann Arbor City Code, the Public Market Operating Rules or the Wednesday Evening Pilot Market Operating Rules.

D. The Market Manager reserves the right to reject a vendor application if, in the Market Manager's judgment, the produce, goods, or food items are not compatible with the overall concept of the Market, or the product mix currently offered at the Market.

E. At the discretion of the Community Services Administrator, any vendor who has been denied the privilege of selling at the Market on any given Market day, or who has violated the Public Market Operating Rules or the Wednesday Evening Pilot Market Operating Rules three or more times in the previous twelve months may have their vendor status revoked.

2. Appeal Procedure

A vendor, vendor applicant, or market customer aggrieved by a decision of the Market Manager interpreting or enforcing the Wednesday Evening Pilot Market Operating Rules, may appeal to the Community Services Administrator or his/her designee using the following procedure:

- A. The aggrieved party shall submit in writing the Community Services Administrator or his/her designee a written description of the decision of the Market Manager being appealed and the facts and circumstances resulting in the Market Manager's decision.
- B. The appeal must be filed with the Community Services Administrator or his/her designee within 14 days of the date of the Market Manager's decision.
- C. The Community Services Administrator or his/her designee shall review the information submitted and shall provide a written decision within 45 days.
- D. The decision of the Community Services Administrator or his/her designee shall be final.
- E. During appeals, vendors may continue to sell at the Market at the discretion of the Market Manager.