

NOBLESVILLE FARMERS MARKET 2020 VENDOR AGREEMENT

RULES AND GUIDELINES

***Payment is mandatory in order for application to be considered.**

***Applications are handled on a first come, first served basis.**

MARKET DATES:

The market is organized and governed by Noblesville Main Street (NMS). The market is held **every Saturday from 8:00 a.m. until noon beginning May 2, 2020, through October 10, 2020**, a total of 24 Saturdays. All vendors must vacate the property by 1:00 p.m. The market is held rain or shine. Noblesville Main Street reserves the right to close the market at any time for the safety of vendors and shoppers.

MARKET SITE:

The site for the 2020 Noblesville Farmers Market will be Federal Hill Commons at the corner of Westfield Road (SR 32) and Cicero Road (SR 19). Electricity is not provided. Any vendor requiring electricity is encouraged to purchase a DC/AC converter that can make vehicle battery power usable for cash registers, scales, etc. The converter is available at local electronics stores. Vending space will be assigned as described below in the section titled "SPACE RESERVATIONS."

We cordially ask, out of courtesy for our market patrons, that there be **NO SMOKING** at the Farmers Market.

ON-SITE COORDINATOR:

The Program Manager is the on-site coordinator who oversees the market and, who in addition to the Noblesville Main Street Executive Officer, has the authority to assign vending space, answer questions about permitted goods and other regulations, collect fees and enforce the grievance, code of conduct and/or disciplinary policies as described below. The Program Manager is assisted by the staff and board of directors of Noblesville Main Street. All questions and inquiries should be referred to them.

GOODS PERMITTED FOR SALE:

Only the following goods may be sold at the market. The rule of thumb is they must be homemade or locally made. The following items are permitted: potted, fresh-cut and dried flowers, potpourri, fresh and dried herbs as well as products using natural herb extracts, bedding and foliage plants, trees, bushes, honey, flour, ground grains and local produce, which is defined as that produce grown in Hamilton County or any county bordering Hamilton County. Locally produced wine and spirits are allowed and must be sold in compliance with the rules outlined by the Alcohol and Beverage Commission. Handmade items such as artwork, jewelry, crafts, soap, candles and pottery are also permitted. No items may be sold in violation of copyright laws.

For processed foods, if you have any questions about licensed facilities or other requirements, please call your County Health Department. The Hamilton County Health Department is the ruling body on food processing and selling requirements at the Noblesville Farmers Market. The Health Department phone number is (317) 776-8500.

GOODS NOT PERMITTED FOR SALE:

Potentially hazardous foods may NOT be sold. Products that are not homemade or locally made are NOT permitted. Baskets, other containers, or holders may not be sold, if the vendor fills the basket(s) with store bought items. The Program Manager and Market Chair have final authority over items to be sold.

REGISTRATION TO SELL:

All vendors must submit this signed agreement and registration fees before setting up on the market premises and selling any goods. **Vendor fees are non-refundable with one exception:** If you are NOT accepted as a vendor by the Farmers Market Committee, then you will receive a full refund via check. Otherwise, vendor fees are non-refundable from the moment you submit the application and pay the fees. The registration fees are as follows:

- For returning vendors: One time SEASON registration fee of **\$350 per space** for local produce growers and all non-produce.
- For new vendors: One time SEASON registration fee of **\$400 per space** for local produce growers and all non-produce
- DAILY vendors are NOT being accepted at this time due to the anticipated high volume of season vendor applications.

It is understood that this agreement and the SEASON registration fee will cover the entire 2020 Noblesville Farmers Market season (24 weeks total).

SPACE RESERVATIONS AND SITE SETUP:

Vendor space is considered a 10 ft. x 10 ft. space. Vendors may register for up to three spaces. Spaces are assigned by the Program Manager. Vendors who sign a seasonal contract will be assigned permanent spaces. The market will be filled first by seasonal vendors who commit to be there every Saturday, and any spaces still available will be offered to daily or intermittent vendors. Vendors who sign up on a daily basis will be assigned space as it is available. Noblesville Main Street asks that all vendors be set up and ready for customers by 8:00 a.m. every Saturday. Vendors are not allowed to disassemble their booths before the market is closed at noon without prior permission of the Program Manager. The market must be vacated by 1:00 p.m. and **all personal items, equipment and debris must be removed before leaving. Produce vendor are not allowed to dump over-ripe produce during or after market hours in the trashcans provided for customers of the market.** Tables or displays may be used, as long as all items for sale, used for display or owned by the vendor are contained within his/her designated space(s). Tables or displays must not be a hazard to the public or other vendors. The Program Manager reserves the right to remove any table or display that is a potentially dangerous hazard to the public or another vendor. All tents, canopies and the like must be weighted for safety. **Any vehicles owned by a vendor or someone working for a vendor, are to be parked as far away from the selling area as possible.** Noblesville Main Street has allocated 8 designated parking spaces adjacent to vendor space, which may be reserved for an additional cost. Adjacent parking spaces will be available upon a first come, first served basis. We **MUST** have parking as close as possible for our customers. Vendors may not sublet spaces to other vendors without the approval of Noblesville Main Street. Any vendor who sublets the space without prior approval is subject to forfeiture of space and fee.

ATTENDANCE POLICY:

Due to an extensive waitlist we will enact an attendance policy in 2020. If you know that you will miss a week of the market you **MUST** notify the market manager two (2) weeks in advance. Upon failing to do so the vendor will incur a fine of one hundred dollars (\$100) to be paid to Noblesville Main Street within two weeks of absence.

Each vendor will be permitted two unexcused absences in which the vendor may not give the two week notice and will **not** incur the fine.

If a vendor misses two (2) weeks in a row without cause, the vendor will forfeit his/her space(s).

FAIR AND HONORABLE MARKETING PRACTICES:

Vendors are not permitted to use the following techniques while at the market: hawking, calling attention to products in a loud, repetitive public manner, and selling products in an aggressive way. Vendors are discouraged from giving produce or other items away for free or at below-cost pricing, thus undercutting potential sales of other vendors. This, however, does not include sampling. If vendors wish to offer samples of their products, or to try to get customers to their booth, vendors must solicit within their booth space. Vendors will **NOT** be permitted to go outside of their booth space to solicit customers, i.e. the main aisle of the market.

COMPLIANCE WITH HEALTH, SAFETY AND RELATED LAWS:

Vendors and their employees are responsible for informing themselves about and complying with federal, state and local health regulations and licensing requirements governing the production, display, distribution, sampling and sale of their products. If vendors offer samples of processed or non-processed items from their booth, all Health Department rules and regulations apply. The sale of food items requires proper labeling, which must contain: product name, preparation site, ingredients, net weight and price. If selling goods by weight, the producer must have a legal produce scale, which is subject to inspection by the County Department of Weights and Measures. Any vendor selling wine and spirits must follow rules outlined by the Alcohol and Beverage Commission. Noblesville Main Street is not responsible for non-compliance fines, seizure or other penalties imposed by a regulating body.

SALES TAX:

All plants, flowers and other non-food items sold in Indiana are subject to sales tax. It is the responsibility of each vendor to obtain a Registered Retail Merchants Certificate.

INDEMNIFICATION:

Food and produce vendors must have their own general liability insurance. Certificates of Insurance are due when the application is submitted. The policy must be for a minimum of \$1,000,000 coverage, which is the basic policy. Certificates of Insurance must be emailed to info@noblesvillemainstreet.org or mailed to Noblesville Main Street, 839 Conner Street, Noblesville, IN 46060, prior to the first setup. The producer or vendor is solely responsible for damages resulting from the sale of unsafe or unsound goods, in addition to any accidents occurred while at the market. He/she agrees to indemnify and hold harmless Noblesville Main Street, City of Noblesville, its employees, agents, Board of Directors and membership from all liability, loss or damages which may be incurred because of all claims, demands, costs, judgments or expenses, including attorney's fees, arising from the producer's participation in the market.

GRIEVANCES:

If a vendor has a problem at the market, the vendor should first discuss the problem with the Program Manager or designee. After talking to the Program Manager if the vendor is not satisfied with a solution, any vendor may put in writing his/her grievance and mail it to Noblesville Main Street, attn: Farmers Market Committee. The grievance will be reviewed by the committee, and the committee shall issue a written response to the vendor of its decision within thirty (30) days of receipt of the written grievance.

APPLICATION AND REFUND POLICY:

This is an application form. Filling out the form on the last page does not guarantee you will be able to participate at the Noblesville Farmers Market. Each application is reviewed by the Farmers Market Committee. Spaces and participation are based on a vendor being in good standing from prior participation in the market. New vendors are selected by type of products sold. Our goal is to offer a variety of goods and not to duplicate them. **If you are NOT accepted as a vendor by the Farmers Market Committee, then you will receive a full refund via check. Otherwise, vendor fees are non-refundable from the moment you submit the application and pay the fees.** Once an application is filled out listing the products that will be sold, vendors can **NOT** arbitrarily add products to be sold, after the season begins and during the season, without submitting a written request for approval at least one week prior to the date the vendor wishes to begin selling it. The Program Manager and committee reserve the right to allow or deny any request.

CODE OF CONDUCT:

The primary goal is to promote a sense of community and inclusiveness among all of the vendors as participants of the Noblesville Farmers Market. Noblesville Main Street reserves the right to terminate this agreement with any vendor or participant whose conduct works against this goal. Examples include: threats or profanity directed at staff or community members; using foul language in the presence of visitors or directing foul language at staff; deliberately undermining the success of programs or exhibits; efforts to mar the reputation of Noblesville Main Street or designated representatives through words or actions; or stealing, purposefully damaging, or knowingly misusing property of Noblesville Main Street. The Noblesville Main Street Chief Executive Officer or his designee may immediately remove any vendor from the Noblesville Farmers Market whose conduct proves detrimental to the Noblesville Farmers Market or offends notions of public decency. Any vendor removed by the Chief Executive Officer shall be permanently barred from the Noblesville Farmers Market and forfeits the application fee.

All Noblesville Farmers Market vendors, their representatives, and their families, while in the market must follow the Code of Conduct.

1. Treat market staff, volunteers, other vendors and customers with respect and understanding.
2. Notify Program Manager immediately of any unsafe conditions.
3. Resolve conflicts in an unobtrusive manner.
4. Rough, menacing, vulgar, profane or abusive language and/or sexual harassment will not be tolerated.
5. Practice safe behaviors always, including while driving on and off site, loading and unloading.
6. No vendor may be under the influence of illegal drugs or alcohol while participating at the market.
7. No vendor may smoke within the vending area.

8. All vendors will leave their spaces clean, trash removed and in a condition suitable to the Program Manager and the property owner.
9. No political or religious campaigning.
10. No music shall be permitted that is not part of the weekly music or entertainment vendor or host designated by Noblesville Main Street.
11. Vendors may not publicly disparage other vendors, products or markets.
12. Customer questions regarding product should be answered factually and knowledgeably.

FAILURE TO COMPLY WITH THESE RULES OR ANY TERMS SET FORTH IN THIS AGREEMENT WILL RESULT IN THE “3 STRIKE RULE” BEING ENFORCED.

THREE STRIKES RULE

Vendors who fail to comply with this agreement will be subject to the following:

First offense - A verbal warning from the Program Manager.

Second offense - A verbal warning from the Program Manager followed by a letter in writing from the Program Manager to the vendor stating the violation. The Program Manager will advise the Noblesville Main Street CEO of the offense.

Third offense - Vendor will be asked to leave the market immediately by the Program Manager. The Program Manager will be assisted by the presence of a board member. Any vendor who has been dismissed from the market for violating these rules will not be allowed to participate in future markets. A removed vendor will be allowed to grieve the removal at the next Noblesville Main Street Board of Directors meeting. The board will make the final decision as to the temporary or permanent removal of the vendor. Noblesville Main Street shall NOT refund fees already paid following a vendor's permanent removal.

FILL OUT THE APPLICATION GOOGLE FORM
Phone: 317-776-0205, Email: news@noblesvillemainstreet.org

CHECKLIST OF ITEMS TO INCLUDE WITH APPLICATION:

- **Google form application**
- **Payment**
- **Certificates of Insurance**
- **Any supporting documentation necessary for the products you want to sell.**