

**CITY OF CHARLOTTESVILLE
STANDARD OPERATING PROCEDURE**



Type of Policy: ADMINISTRATIVE	Policy Number: 1
Subject: City Market Regulations	
Circulated for Comment/Approval of Lead Team?	Date:
Authorization: Gary O’Connell, City Manager	
Signature of City Manager:	Effective Date:

I. PURPOSE OF POLICY

The overall objective for the use of the spaces on the Market is to achieve, to the extent reasonably possible, a certain percent of spaces that can be allotted to farmers, food vendors and artisans. Such spaces may vary each market day depending on the circumstances. The space allocations are documented below:

- Farmers – 45%
- Food Vendors – 30%
- Artisans – 25%

II. ENABLING ORDINANCES/LEGISLATION

N/A

III. DEPARTMENTS/DIVISIONS and/or INDIVIDUALS AFFECTED

All Departments / Divisions and the General Public

IV. REGULATIONS AND PROCEDURES

To insure that the program objective is met and all participants are following the required rules and regulations for market participation in an equitable manner, the below guidelines will be in place.

A. Market Participants are required to register with the City Market Manager and complete the following required document:

1. Farmers Contract (Agreement) – Must be completed and signed by the Vendor by the required date.

2. OPTIONAL CERTIFICATION:

Voluntary Farmers Certification may be completed, signed and forwarded to the County Extension Agent for review and approval. Any vendor choosing to be certified will be presented with a certification from the Market Manager.

Upon first day of arrival at the City Market, vendors are required to complete and sign a Producers Certificate (Registration to Sell at City Market) to be forwarded to the Commissioner of Revenue by the City Market Manager. A copy of the Producers Certificate is provided to the vendor for public display at the City Market.

B. Approved Market Vendor Requirements and Fees by Category

Vendors are required to comply with all applicable City, Federal and State laws, ordinances and regulations. Vendors are also required to pay fees based on State and Federal laws and annual and weekly participation, slot spaces and sales tax (sales tax will not apply to a vendor who is exempt by registration of a sales tax number, provided the vendor submits a copy of the exemption certificate to the Market Manager for verification). Fees should be paid directly to the City Market Manager following the close of each Market day. The below vendor fees will be applied accordingly:

1. Vendor's registration fees:

\$25 for any two markets

\$20 for City Market

\$10 for Farmers in the Park

\$10 for Holiday Market

2. A 6% Slot Fee is required of all vendors directly following the close of each City Market day.
3. Sales Taxes – The below tax fee is required of all vendors who have not acquired their own tax ID number based of types of sale items.
- a. Food Vendors are required to pay a 2.5% sales tax
 - b. Non-Food Vendors are required to pay a 5% sales tax

C. City Market Definitions

- 1. Artisan – Anyone who offers arts, crafts, or jewelry for sale on the Market or who performs an artistic service on the market.
- 2. City Market – That body of land owned by, or under the control of, the City.
- 3. Farmer – Anyone who offers produce, including, but not limited to, fruits, vegetables, and cut greenery, live plants, herbs, flowers, meat, poultry, eggs and dairy products for sale on the market.
- 4. Food Vendor – Any vendor selling packaged prepared, baked or canned goods.

5. Home Grown – Produce actually grown by the Farmer
6. Market Handbook – A body of rules and regulations authorized pursuant to the City of Charlottesville’s rules and regulations for the operation and use of market spaces.
7. Market Manager – That person designated by the City or its management to supervise the daily operation and long term management of the Charlottesville City Market. The Market Manager shall have full power to enforce all approved Rules and Regulations within the Market area.
8. Market Vendor – Any person or entity in lawful possession of a license or permit to offer items for sale or to perform services on the Market.

D. Items That May Be Sold On The Market

1. Produce
 - a. Vendors are required to list on the Contract/Agreement the location of property (owned or leased) used to grow produce. If property is leased, Vendor shall state on the Contract/Agreement the name of the landlord or owner and the dates of the lease.
 - b. When the Market is open Farmers may offer fruits, vegetables, live plants, flowers, herbs, meat, poultry, eggs, dairy products and other such produce for sale subject to the provisions set forth herein.
 - c. When a particular vegetable, herb, fruit or other such produce is actually being grown and available, a Farmer may offer for sale on the Market only such grown produce.
 - d. Vendors are responsible for listing the location of the property (owned or leased) used to grow produce.
2. Prepared/Prohibited Food
 - a. Food Vendors may offer for sale homemade baked goods, honey, jams, jellies, and highly acidic canned goods.
 - b. **PROHIBITED PREPARED FOOD** shall apply to the sale of raw, fresh meats, game, poultry or seafood unless the vendor possesses a valid permit from the Department of Agriculture. Each item must be labeled with a USDA sticker describing the item and weight and be maintained at a USDA approved temperature at the Market.
 - c. Arts and Crafts – Only approved Market Vendors are permitted to participate in the sale of homemade arts and crafts on the Market.

E. City Market Hours of Operation (City Market locations are subject to change without notice).

1. The regular annual City Market operation hours are from 7:00 a.m. to 12:00 p.m. (noon), effective the 1st Saturday in April through the last Saturday in October.
2. Farmers in the Park operation hours are from 3:00 p.m. to 7:00 p.m. every Wednesday beginning the last Wednesday in May through September. Farmers in the Park will be held at Meade Park.
3. Holiday City Market operates seasonally from 10:00 a.m. until 5:00 p.m. beginning the 1st Friday and Saturday in November and ending the weekend before Christmas Day. The Holiday Market is held on the East end of the Downtown Mall.

F. License and Permits

1. No Vendor shall be allowed to sell from any space in the Market, either Reserved or Non-Reserved, without having obtained the proper registration and certifications.
2. The sale of cooked meats, game, poultry or seafood is prohibited unless vendor possesses a valid permit from the Department of Health. Each item must be labeled with a USDA sticker describing the item and weight and be maintained at an appropriate temperature at the market.
3. The sale of raw, fresh or frozen meats, game, poultry, or seafood is prohibited unless vendor possesses a valid permit from the Department of Agriculture. Each item must be labeled with a USDA sticker describing the item and weight and be maintained at an approved temperature at the market.
4. A valid permit must be submitted to the Market Manager before sale of above items will be permitted at the City Market. Sale of these items must comply with all other market rules.
5. Use of Scales: All sales for weighing items sold on the Market must display a current, valid certification sticker signed by an inspector from the Virginia Department of Weights and Measures.

G. Vendor Space, Placement & Responsibilities

The minimum space permitted per vendor will be 8' x 21' and/or shall not exceed 14' x 21'. No more than one space is permitted per family/farm vendor(s). Vendors will keep all items within the designated single space.

The Market Manager may designate vending locations for all vendors with or without vehicles and, if he/she judges it necessary, may request a vendor to relocate at any time.

The Market Manager or his/her designee will be on the Market no later than 5:45 a.m. at a designated space each day the Market is open.

No Vendor is permitted to enter the Market until all vehicles have been removed from the area.

Reserved Vendors are required to notify the Market Manager by telephone by 5:00 p.m. the Friday before the day of the Market of no show of any scheduled market date. Reserved Vendors will only be permitted 2 unexcused absences without prior notice before losing the "Reserved" status and assigned space. The Market Manager may waive this requirement when a Vendor has experienced an emergency or an extenuating circumstance. Such waivers must be documented in writing and signed by the Market Manager.

Unreserved Vendors are assigned spaces by the Market Manager based on space availability.

Vendor relocation shall be at the discretion of the Market Manager and shall be based on reasons regarding feasible and practical distribution of Vendors and/or products.

The City and its agents reserve the right to refuse to offer or renew a Market Registration to any Vendor, or to relocate or revoke any permit without cause for a Market space previously issued, when it is considered to be in the best interests of the Market. The City and its agent(s) further reserve the right to revoke at any time or not renew any permit without cause. If the Vendor's permit is revoked or not renewed, the Vendor is entitled to receive a written notice of such action at least 30 days prior to the effective date of such action unless such termination or non-renewal is for cause or for an emergency. The following shall be grounds for immediate cancellation of any permit, for cause, without prior notification:

- a) Failure to meet the terms of the agreement
- b) Failure to pay fees within 10 days after the due date
- c) Failure to comply with the City's regulations and or laws.

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

Each 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 24 inches from the ground, with the exception of those items approved by the Market Manager. All baked goods must be covered.

H. Vendor Grievance Procedure

Any Vendor aggrieved by the Market Manager's decision may appeal in writing for review to the Parks & Recreation Director. Should the aggrieved Vendor wish to appeal the Parks & Recreation Director's decision, he/she shall then appeal in writing to the

City Manager. All such appeals must be received by the entity hearing the appeal within 10 calendar days after the Vendor receives notice of the decision or matter being appealed.

I. Parking

The City of Charlottesville does not provide parking privileges to Market Vendors. Vendors are required to secure parking in accordance with City Ordinances. No parking fee reimbursement will be provided to Market Vendors or participants.

J. Health, Sanitation and Safety

The City of Charlottesville will provide and empty all public litter containers in the Market.

Vendors are responsible for collection and proper disposal of all refuse, grease, and trash generated from their space(s).

Vendors are responsible to see that their areas are left clean and orderly when they leave the Market for the day and must assure that all overhead protective coverings used to protect goods are removed from the Market site. Failure to comply with this section may result in the imposition of the actual cost of any cleanup and will be passed on to the Vendor. All such payments should be made to the City of Charlottesville and collected by the City Market Manager.

The City of Charlottesville is not responsible for damage to or loss of any personal or other items in any of the Market spaces.

No animals are permitted on the City Market areas. The only exemption to this requirement will be the legal use of a “seeing eye” dog accompanying an approved vendor or market participant.

K. Structural

Vendors must provide their own equipment and any additional materials for display of items. Vendors may not use nails or other set up materials which permanently damage the space.

V. CONSEQUENCES OF VIOLATION OF POLICY

Rude, abusive, or other disruptive or offensive conduct is not permitted on the Market. Profanity or otherwise offensive language, including gestures, is prohibited.

Any unresolved disputes with the Market Manager are to be resolved according to the appeals process as outlined in the City Market Regulations/Market Handbook.

Vendors who violate any of the regulations contained in the Market Handbook will be given a verbal warning. A second violation for the same, or for a different violation, will result in a written warning. A third violation will result in the termination of the Market Agreement/Permit without refund of any monies paid therefore.

Wild plants or flowers sold at the Market must not be on the list of Rare Virginia Wild Plants published by the Division of Natural Heritage, Virginia Division of Conservation and Resources.

Plants and flowers for sale at the Market gathered from private property should be done only with the property owner's permission. No plants may be removed from public parks or interstate highways.

Plant vendors are encouraged to practice established wildflower conservation practices to increase future supplies. To obtain a copy of the recommendations from the Virginia Native Plant Society contact the Market Manager for this information.

City Market/Holiday 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.

Pursuant to City Code Section 8-4, conviction for violation of the approved City Market Regulations shall be treated as a Class III Misdemeanor and as such is punishable with a fine up to \$500.00.

If you have any questions and or desire additional information about the City Market you may contact the Parks & Recreation Department at (434) 970-3260 for assistance.

VI. RELATED FORMS AND SCHEDULES