



BIRMINGHAM

Farmers Market

RULES AND REGULATIONS

Revised January 27, 2020

HOURS OF OPERATION/LOCATION:

- Sundays only, 9:00 a.m. to 2:00 p.m.
- Located in Municipal Parking Lot #6 on North Old Woodward Avenue.
- Open the first Sunday in May through last Sunday in October.
- Vendors are allowed to set up between 7:00 a.m. and 8:45 a.m. ONLY.
- Vendors must be set up and ready to sell by 8:45 a.m. If vendor is tardy, they will be given a courtesy reminder. If they are tardy more than 3 times they will be subject to the loss of their assigned location and there will be a \$10 fee.
- Vendors are required to stay during the entire time the Market is open unless completely sold out, at which time the vendor may leave with the permission of the Market Manager.
- Market is open rain or shine. In the case of inclement weather, the Market Manager will make the determination regarding closing the entire Market early.
- All sales must be completed by 2:00 p.m. Teardown may not commence until 2:00 p.m. Vehicles will be permitted in and out of the Market beginning at 2:05 p.m. with vendors using extra caution as pedestrians will be present. The Market must be vacated by 3:00 p.m.
- Portable bathrooms are available on Market premises. Bathroom facilities will be unlocked from 7:00 a.m. until 2:30 p.m.

ITEMS TO BE SOLD:

- The Birmingham Farmers Market Committee, under authority of the Birmingham Shopping District and the City of Birmingham, shall have final approval rights over all items sold at the Birmingham Farmers Market.
- It is the intent of this Market to carry locally grown, produced or manufactured items. The Farmers Market Committee will have sole discretion to accept or deny items sold.
- Items for sale will be defined as locally grown goods and produce which include the following: fruit, vegetables, edible grains, plants, trees, shrubs, cut flowers, dried flowers, herbs, apiary products, maple syrup, dried fruits and nuts, baked goods, dressings and sauces, jams and jellies, eggs, meats and cheese.
- The vendor must grow or produce a majority of the products sold.
- Farms are subject to inspection at the discretion of the Birmingham Farmers Market Committee.
- Manufactured or factory made items, craft or art items can be included if a natural extension of traditional farmers market products and approved by the Birmingham Farmers Market Committee.
- Birmingham retailers will have the first right of refusal to sell merchandise, as approved by the Birmingham Farmers Market Committee.

VENDOR SPACES:

- Each vendor space will allow for a 10' x 10' canopy.
- Vendors are limited to their own space and may not use any portion of the walkway for display purposes, as they must be kept clear for the free passage of pedestrians and emergency vehicles.
- Returning vendors may reserve their space for the entire season with the option of renewing their space(s) each year, assuming they have not violated the Rules & Regulations governing the Market.

- The demand for seasonal vending space is high, therefore a waiting list is maintained by the Market Manager.
- Vendors interested in participating for the full season should regularly attend the Market, when space permits, in order to be placed on this waiting list.
- In the interest of the Market as a whole and/or for the best balance at the Market, the Market Manager may pick a vendor who is not necessarily on the top of the list under the advisement of the Farmers Market Committee. Those who grow their own products will have highest priority. The following will be taken into consideration:
 - Regular attendance at the Market as a weekly vendor.
 - The existence or absence of like products sold in the Market.
 - Level of product quality, appearance, and display.
 - Previous violation(s) of the Market Rules & Regulations.

DISPLAY OF GOODS AND PRODUCE:

- Display must be neat and orderly at all times.
- Food items shall be displayed on a table or bench. Any food item placed on the sidewalk or ground must be enclosed in a container, i.e. box, basket, etc.
- Display tables must be clean, freshly painted or covered with a clean cloth and in good repair.
- All products must meet Michigan Department of Agriculture packaging and labeling standards.
- No food and drink samples can be given away at the Market without proper permit from the Michigan Department of Agriculture through the Oakland County Health Department. A copy of the permit must be available upon request of the Market Manager and/or Birmingham Farmers Market Committee.
- Displays shall not block the view of nearby spaces or create hazardous conditions to neighboring vendors. Items shall be contained within the lines of the space rented.
- All vendors must supply their own equipment, i.e. tables, chairs, awnings, brooms.
- Booths are required to have tent canopies or awnings.
- Stakes may not be driven into the pavement, lawn, or dirt areas of the Market premises.
- **Tents must be properly anchored with weights to avoid injury. If they are not, we are required, by the building inspector, to secure your tents with a charge to you at \$10 per weight.**
- Cooking of food items on Market premises without prior approval is prohibited.
- Electrical utilities are available at the Market for an additional fee.

VENDOR REQUIREMENTS:

All vendors must be approved by the Birmingham Farmers Market Committee. In addition, the following items are required for inclusion in the Birmingham Farmers Market:

- A copy of the vendor's **Michigan State Retail Sales Tax License**. State law requires that we must verify the retail sales tax license number of every person selling at the Birmingham Farmers Market.
- A completed **Birmingham Farmers Market Vendor Application**.
- A copy of your **Certificate of Insurance**. Commercial General Liability insurance must be in the amount of \$1,000,000 per occurrence with the **City of Birmingham AND Birmingham Shopping District** listed as additional insureds. **A COPY OF YOUR CERTIFICATE OF INSURANCE IS REQUIRED BY APRIL 3, 2020.**
- A **complete list of products to be sold**.
- All vendors are responsible for their own sales tax license and permits required by the local, state and federal governments and must abide by all Michigan laws.
- The above requirements must be met before an application for permission to sell can be approved.

Michigan Department of Agriculture: 800-292-3939 (Food & Dairy Division) or
800-292-3939 (Pesticide Division)

Oakland County Health Department: 248-858-1280

Department of Treasury: 517-373-3200 or www.michigan.gov/treasury

VENDOR PAYMENTS:

- Vendors will be invoiced monthly, one month in advance.
- Vendors will be required to pay for their space(s) one month in advance throughout the season. Failure to comply with this rule may result in loss of vendor location and/or admittance to the Market. Payments are to be made payable to the Birmingham Shopping District. Payments can be mailed to City of Birmingham, Treasury PO Box 3001, Birmingham, MI 48012-3001 or made in person at the City of Birmingham Treasury Office, Monday – Friday between 8 a.m. and 5 p.m. *You can now pay online at www.ALLINBirmingham.com/paymybill or by phone 1-855-780-5989, option 6. There is a convenience charge of \$3 per \$100.*
- Vendors may choose to pay for all of their selected dates for the 2020 season in advance in order to receive a 10% discount on fees. Advanced payment must be received by the Birmingham Shopping District by Friday, April 3, 2020, in order for the discount to apply.
- **Payment is due one month in advance throughout the season. Vendors are required to pay for their committed weeks whether they attend or not. Alternate dates may be selected when vendor notifies the Birmingham Shopping District via phone or email by noon on Friday before their scheduled Market Day. No refunds will be issued at any time for any reason. Contact the BSD office at 248-530-1200 or info@ALLINBirmingham.com**
- **No** refunds will be issued at any time, for any reason.
- **No** money will be collected at the Market.

PARKING:

- Each vendor is strongly encouraged to park off-site whenever possible. Vehicles, including those with trailers, should only be parked in the North Old Woodward Parking Deck, north of Willits. Vendor parking is prohibited at metered spaces along North Old Woodward Avenue.
- Unloading of goods and produce in the Market must be completed and all vehicles removed by 8:30 a.m.
- Parking on side streets adjacent to the Market location is prohibited.
- Public parking is available nearby for customers at on-street meters and in the North Old Woodward Parking Deck.

VENDOR NAME AND SIGNAGE:

- The vendor **must provide a Farmers Market display sign**. The vendor name sign must be clean, legible and appropriately displayed.
- The vendor name sign must include business name and city location. Other information on the sign may include address, telephone, and product descriptions.
- Preferred vendor sign size is 24" x 18".
- Handwritten and day glow signs are not permitted.
- If a vendor is carrying produce or items produced by another farm, the vendor must post a table-top sign indicating from where the products came.

REFUSE:

- Upon closing of the Market day, each vendor is responsible for leaving spaces cleaned and swept. Any space deemed not cleaned will be charged a \$50 fee.
- Each vendor must remove all waste and refuse from their Market booth space before leaving the Market. All boxes, bags, containers and other refuse shall not be left on site at the close of the day.
- Vendors are prohibited from using the trash and recycle boxes provided at the Market. These are for Market customers' use only.
- A dumpster is available for vendors' use at the back northeast corner of the Market, marked "City of Birmingham" or "Birmingham Farmers Market."

MISCELLANEOUS:

- Birmingham merchants will be offered 1 free space for 2 weekends, for promotional purposes. If a Birmingham merchant wishes to sell items, all items for sale must meet the rules and regulations for the Market.
- Solicitations are not permitted on Market walkways or on city streets.
- No “hawking” of products or pressured sales tactics are allowed.
- Bicycles, skateboards and rollerblades are not permitted on Market walkways.
- Customers are **NOT** allowed to drive into the Market to pick up items.

WEATHER POLICY:

- Birmingham Farmers Market is a ‘Rain or Shine Market’, which means we will be officially OPEN during our regular hours, even in inclement weather conditions.
- The market manager or designee on site has the ability to call off the market in extreme circumstances at their discretion.
- If severe weather is imminent (usually signified by sirens and/or alerts from the national weather service) or lightning occurs, vendors have the option of leaving the market to find safety. You must notify the market manager if you choose to leave.
- We are unable to reimburse you for your fee. You are not allowed to drive vehicles in or out of the market during hours or when patrons are present. You must cart your items to your vehicles.
- If your car is in the market, your car must remain inside the market during business hours.
- Vendors are expected to appear on their scheduled days, regardless of the weather forecast. If a vendor does not appear and does not give proper advance notice, the vendor will forfeit their daily fee.

ENFORCEMENT OF RULES:

- Market vendors must conform to the Market rules at all times.
- The Market Manager has authority to enforce all rules. Any vendor failing to comply with the rules will be denied the opportunity to sell at the Market at the discretion of the Market Manager and the Birmingham Farmers Market Committee, under authority of the Birmingham Shopping District and the City of Birmingham. The Market rules supplement the City of Birmingham code provisions.
- Vendors who have spaces will not take vacant spaces without the permission of the Market Manager. The BSD reserves the right to use any space reserved for vendors that are not being utilized.
- The Market Manager and the Birmingham Farmers Market Committee reserve the right to reject a vendor application if, in the Market Manager’s and/or Committee’s judgment, the goods and produce are not compatible with the overall concept of the Market.
- Vendors will be expected to act in a professional and courteous manner with customers, other vendors, the Market Manager, Birmingham Shopping District and City of Birmingham staff, etc. Unprofessional behavior is grounds for removal from the Market.
- All fees are non-refundable even if the vendor does not attend on a scheduled Market day. **This includes any early closing of the Market due to inclement weather or any other unforeseen emergency.**
- The Birmingham Farmers Market Committee, reserves the right to void contracts at any time for any reason. All decisions are final.
- If a problem arises with Market policies, the Market Manager and affected vendor(s) are to resolve the issue. If the issue remains unresolved, the matter will be brought to the Birmingham Farmers Market Committee, whose decisions are final.

These rules and regulations are subject to change at the discretion of the Birmingham Farmers Market Committee.

***For more information or clarification, contact the Birmingham Shopping District
248-530-1200***