

**City of Ann Arbor  
Public Market Operating Rules  
With proposed changes for review - 11.22.2014**

**I. PURPOSE**

The purpose of the Public Market Operating Rules (“Market Rules”) is to govern the operation and management of the City of Ann Arbor Public Market (“Market”).

**II. VENDOR CLASSIFICATIONS / DEFINITIONS**

1. **Vendor Definition:** A vendor is a person or a single business entity that has a complete and approved application on file with the Market Manager.

**2. Vendor Categories**

Based on a vendor’s application, the Market Manager shall assign each vendor a single vendor category of Producer, Artisan or Mobile Food Vendor using the following definitions:

**Producer:** A Producer is a 1) vendor who grows and/or raises and offers for sale one or more of the following items: fresh produce, edible fungi, edible grains, meat, fish, dairy, eggs, live plants, cut flowers, apiary products, maple syrup and sugar, and/or 2) a vendor who makes and offers for sale value-added and prepared foods. A Producer who offers for sale a majority of Artisan products on more than 33% of the Market days that he/she attends in any fiscal year shall be recategorized as an Artisan and shall lose his/her Annual Vendor status, if any, and be placed in the last position of seniority on the Daily Vendor List.

**Artisan:** An Artisan is a vendor who uses creative skills in manufacturing or arranging materials resulting in a finished product, and offering for sale one or more of these created products such as: toys, furniture, jewelry, decorative items, holiday greens, apparel, and pottery, etc. Vendors must use considerable time and effort to produce a finished product, as determined by the Market Manager. An Artisan who offers for sale a majority of Producer products on more than 33% of the Market days that he/she attends in any fiscal year shall be recategorized as a Producer and shall lose his/her Annual Vendor status, if any, and be placed in the last position of seniority on the Daily Vendor List.

**Mobile Food Vendor:** A Mobile Food Vendor is a vendor who sells food items that the vendor produces for immediate consumption which are prepared by the vendor at the Market in a licensed unit or prior to the Market in a licensed kitchen.

**3. Vendor Status**

Based on a vendor’s application, the Market Manager shall assign each vendor a single vendor status of Annual Vendor, Daily Vendor or Daily Mobile Food Vendor using the following definitions:

**Annual Vendors:** Annual Vendors are Producers or Artisans who are assigned a stall or stalls on an annual basis and who pay stall fees annually.

A. An Annual Vendor shall attend Market at least 15 times in any given fiscal year in order to maintain their seniority and Annual Vendor status. B. An Annual Vendor who does not attend Market at least 15 times in any given fiscal year due to extenuating circumstances may petition the Community Services Administrator or his/her

designee for a waiver of this attendance requirement. Petition for waiver of the attendance requirement must be submitted to the Market Manager by the June 30<sup>th</sup> of the fiscal year for which the waiver is requested.

- C. An Annual Vendor who does not attend Market at least 15 times in a fiscal year, and has not received a waiver, shall lose his/her Annual Vendor status and be placed on the Daily Vendor List in the last position of seniority, effective the following fiscal year.

**Daily Vendors:** Daily Vendors are Producers or Artisans who are assigned a stall or stalls on a per Market day basis, and may pay stall fees on each Market day or annually.

- A. A Daily Vendor shall attend Market at least one time in any given fiscal year to remain on the Daily Vendor List and at least 15 times in any given fiscal year in order to maintain their seniority.
- B. A Daily Vendor who does not attend Market the minimum number of times due to extenuating circumstances may petition the Community Services Administrator or his/her designee for a waiver of this attendance requirement. Petition for a waiver of the attendance requirement must be submitted to the Market Manager by the June 30<sup>th</sup> of the fiscal year for which the waiver is requested.
- C. A Daily Vendor who does not attend Market at least 15 times in any given fiscal year, and has not received a waiver, shall be placed in the last position of seniority.
- D. A Daily Vendor who does not attend Market at least one time in any given fiscal year, and has not received a waiver, shall be removed from the Daily Vendor List and must submit a new vendor application the following year.

**Daily Mobile Food Vendors:** Daily Mobile Food Vendors are Mobile Food Vendors who are assigned a designated mobile food stall by the Market Manager on a per Market day basis, and may pay stall fees on each Market day or annually.

- A. A Daily Mobile Food Vendor may only attend market on predetermined dates as assigned by the Market Manager.
- B. At the discretion of the Market Manager, a Daily Mobile Food Vendor who does not attend Market on an assigned date may lose the ability to attend the market for the remainder of the year.

#### 4. Seniority

The Market Manager shall establish seniority for each vendor based on the following:

- A. Seniority for Annual Vendors shall be based on the date a vendor is assigned an annual stall.
- B. Seniority for Daily Vendors shall be based on the date that a complete vendor application is received and approved by the Market Manager. (Existing seniority numbers shall be used for all Daily Vendors who have established seniority prior to the adoption of these Market Rules).
- C. If a vendor is recategorized to a different vendor category for any reason provided by these Market Rules, that vendor shall lose their Annual Vendor status, if any, and shall be placed in the last position of seniority in his/her new vendor category.
- D. Daily Mobile Food Vendors shall not be eligible for seniority. The Market Manager may give preference for application acceptance and stall assignments to those Daily Mobile Food Vendors who previously operated under the Mobile Food Cart category at the Market.

#### 5. Stalls

A stall is a single numbered or lettered vending space in the Market, as designated by the Market Manager.

- A. A Producer with Annual Vendor status may be assigned a maximum of three stalls annually.

- B. An Artisan with Annual Vendor status may be assigned a maximum of one stall annually.
- C. Annual Vendors who have more than the maximum number of stalls at the time of the adoption of these Market Rules shall continue to be assigned their existing number of stalls until such an Annual Vendor is assigned a lesser number of stalls for any reason provided by these Market Rules.
- D. The total number of stalls available for use by Artisans with Annual Vendor status shall be 12 and the total number of stalls available for use by Producers with Annual Vendor status shall be 132.
- E. Daily Mobile Food Vendors may only use designated stalls as assigned by the Market Manager.
- F. 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. YEARLY PROCEDURES**

#### **1. Vendor Applications**

- A. Annual Vendors and existing Daily Vendors must have submitted a vendor application for the upcoming fiscal year by March 1<sup>st</sup>. 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. Any changes or updates to the yearly application must be submitted on a Vendor Application Update Form and approved by the Market Manager prior to the date on which the changes take effect. Vendors whose application is not received by the Market Manager by March 1st shall forfeit their vendor status effective July 1st of the upcoming fiscal year. Any vendor who has missed the application deadline may reapply at any time as a new Daily Vendor with a new seniority date.
- B. A vendor may petition the Community Services Administrator or his/her designee for a waiver of the application deadline based on extenuating circumstances. A petition for waiver of the application deadline must be received by the Market Manager within 10 days of the application deadline.
- C. New Daily Vendors and Daily Mobile Food Vendors may complete a vendor application at any time.
- D. Daily Mobile Food Vendors must reapply for stalls every year.

#### **2. Fees for Annual and Daily Vendors**

- A. Annual Vendors shall submit payment for annual stalls and parking fees by June 30<sup>th</sup>. Annual Vendors whose stall and parking fees are not received by June 30<sup>th</sup> shall lose their annual seniority and shall be placed in the last position of seniority on the Daily Vendor List.
- B. Annual Vendors may petition the Community Services Administrator or his/her designee for a waiver of the payment deadline based on extenuating circumstances. A petition for waiver of the payment deadline must be received by the Market Manager within 10 days of the payment deadline.
- C. Stall and parking fees for Daily Vendors shall be paid by 10 a.m. on each Market day. Daily Vendors may also pay stall and parking fees annually.
- D. Fees for additional stalls and parking spaces that are assigned to vendors on individual Market days shall be paid by 10 a.m. of the same day.

- E. Fees for Daily Mobile Food Vendors shall be paid when they arrive on each Market day. Daily Mobile Food Vendors may also pay stall and parking fees annually.

### **3. Assignment of Annual Stalls and Parking**

If additional Annual Vendor stalls and parking spaces become available at the beginning of each fiscal year due to vendors leaving the Market or vacating stalls, the Market Manager shall assign the additional stalls in the following progression:

- A. The Market Manager shall select the Annual Vendor Move Up Day and shall inform all existing and new Annual Vendors of the selected date. The Move Up Day shall be a Saturday.
- B. Annual Vendors shall be assigned their existing stalls and parking, unless they wish to relocate.
  - 1. All Annual Vendors wishing to move to another stall location must be present during the move up process on the Annual Stall Move Up Day.
  - 2. Vendors may also send a representative on their behalf if they are unable to attend the Move Up Day. The name of the representative shall be communicated to the Market Manager prior to the Move Up Day.
- C. Annual Vendors who wish to relocate their stalls and parking shall be reassigned stalls and parking based upon availability and order of seniority.
  - 1. At 3:30 p.m. on the Move Up Day, all Annual Vendors shall have 10 minutes to walk through the market to view all available stalls.
  - 2. At 3:45 p.m. the Market Manager shall begin with the first Annual Vendor with highest seniority according to the Annual Vendor Move-Up Sheet. When it is a vendor's turn to select stalls, the vendor may either relocate or wait until new stalls become available.
  - 3. Following a vendor relocation, the Market Manager will resume the Move Up process beginning with the Annual Vendor with highest seniority who has not yet relocated.
  - 4. Each Annual Vendor shall be permitted to relocate only once during the Move Up Day.
- D. One half of the additional stalls shall be assigned to existing Annual Vendors, and one half shall be assigned to new Annual Vendors. If there are an odd number of stalls available, the one additional stall shall be assigned to a new Annual Vendor. Daily Vendors shall have the option to become new Annual Vendors based on seniority. New Annual Vendors shall be assigned one stall each in order of seniority as established by the Daily Vendor List, until all available stalls are assigned.
  - 1. Once all existing Annual Vendors have finished moving, the new Annual Vendors shall have 10 minutes to review the available stalls. Each Annual Vendor shall choose their one permanent stall in order of their seniority on the Daily Vendor Sign-In Sheet.
- E. Existing Annual Vendors with less than the maximum number of stalls, who wish to add an additional stall, shall be assigned one additional stall in order of seniority up to the maximum number of stalls allowable until all available stalls are assigned.
  - 1. Once all new Annual Vendors have chosen their permanent stall, any existing Annual Vendors wanting additional stalls shall have 10 minutes to review the available stalls. Existing Annual Vendors in this category shall then choose from the remaining available stalls.

### **4. 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 60



Sign-In Sheets at the Market office. Vendors may sign in person, or by calling the Market office if they are unable to be present by 6:00 a.m. Any vendor failing to call or sign in by 6:00 a.m. shall be placed in the last position on the Daily Vendor Move-Up Sheet for purposes of stall assignment.

**6:00 a.m. to 6:15 a.m.** If there are vacant stalls due to vendors that have not signed in, Annual Vendors who have signed in may elect additional or different stalls in the order provided on the Annual Vendor Move-Up Sheet. If an Annual Vendor who has signed in by phone has not arrived, the Market Manager shall assign them stalls.

**6:15 a.m. to 6:30 a.m.** Daily Vendors who have signed in shall be assigned any remaining stalls in the order provided on the Daily Vendor Move-Up Sheet.

**After 6:30 a.m.** Annual or Daily Vendors who missed the sign-in deadline shall be assigned stalls at this time based on order of arrival. Any remaining available stalls and parking shall be assigned based on seniority starting with Annual Vendors and then Daily Vendors. Producers wishing additional stalls may be assigned one additional stall at a time.

During stall assignment, Producers may be assigned a maximum of three stalls, Artisans a maximum of two stalls, except for vendors who shall have a greater maximum based on the number of stalls assigned to them prior to the adoption of these Market Rules.

Once stall and parking assignments have been made, a vendor shall not move to other stalls or parking spaces without the Market Manager's prior approval in accordance with the move-in procedure.

Daily Mobile Food Vendors shall arrive at the time determined by the Market Manager and shall set up only in their designated stall, which shall be assigned by the Market Manager upon their arrival.

#### **4. Move-In Procedure**

The Market Manager shall create a move-in sheet on each Market day listing those vendors who are in temporary, lettered stalls. If a stall is vacant, or becomes vacant after the Market opens, the following move-in procedures shall determine which vendors may move into vacant stalls:

- A. The vendor with the highest seniority that is in a temporary, lettered stall shall have the first right of move-in or refusal, then the vendor with the second highest seniority, and so on.
- B. Each vendor is responsible for inquiring of those higher in seniority of their desire to move to a vacant stall.
- C. If a vendor refuses the option to move into a certain stall, the vendor may move into another stall later in the day, if a stall becomes available.
- D. The Market Manager must approve each move-in prior to a vendor changing stalls or parking spaces
- E. The Market Manager may assess additional stall or parking fees where required.

#### **5. Parking**

- A. Parking spaces assigned to Annual Vendors shall be allotted at the same time annual stalls are assigned.

- B. Daily Vendors and Daily Mobile Food Vendors shall be assigned parking spaces as available on any given Market day.
- C. Daily Vendor and Daily Mobile Food Vendor vehicles must remain outside the Market parking lot until they have been assigned a stall and/or parking.
- D. Any time that there are parking space vacancies, the Market Manager may reassign those spaces at his/her discretion. Vendors may be assigned these spaces on a daily basis and may be required to pay a daily parking fee.
- E. 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.

## **6. 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. If vacant stalls remain available after all Annual Vendors and Daily Vendors in attendance have been assigned stalls, the Market Manager may assign those remaining stalls to charitable, educational, or other community service organizations. A maximum of five charitable, educational or other community service organizations shall be assigned stalls on any given Market day.
- C. Charitable, educational or other community service organizations shall comply with all applicable provisions of these Market Rules, and shall be considered vendors under Vendor Operations (Section V.1).
- D. 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 Market Rules, and Chapter 31 of 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 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 (7 a.m. or 8 a.m. until 3 p.m.) or for a different time period designated by the Market Rules or by the Market Manager 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 Market Rules as interpreted by the Market Manager or his/her designee.

## **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 distribution 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 Market 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 operation of the Market, or any other violation of Chapter 31 of Ann Arbor City Code or the Market 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 has violated the Market Rules three or more times in the previous twelve months may have their vendor status and seniority revoked.

### **2. Appeal Procedure**

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



- A. The aggrieved party shall submit in writing to 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.

## **VII. TRANSFER OF SENIORITY**

### **1. Eligibility**

- A. Seniority may be transferred upon the death of an Annual Vendor to an immediate family member (spouse, domestic partner (to the extent allowed by law), parent, sibling, child) of the vendor if:
  - 1. A complete transfer of seniority application is submitted to the Market Manager within 60 days of the death of the vendor.
- B. Seniority may be transferred upon the retirement of an Annual Vendor from the Market to an immediate family member (spouse, domestic partner (to the extent allowed by law), parent, sibling, child) if:
  - 1. The immediate family member has been listed on the vendor application for a minimum of three years, and has either actively participated with the vendor at the Market for a minimum of three years or has actively participated in the vendor's business for three years.
  - 2. A complete transfer of seniority application is submitted to the Market Manager within 30 days of the date of retirement of the vendor.
- C. Seniority may be transferred upon the sale or transfer of a vendor business if all of the following apply:
  - 1. The new owner of the vendor business has a minimum of 51% management, control, and ownership of the vendor business.
  - 2. The new owner of the vendor business is in the same vendor category as the original vendor, and shall offer substantially similar products for the first five years at the Market.
  - 3. The new owner of the vendor business has actively participated with the original vendor at Market for a minimum of three years, and has been listed on the vendor application for a minimum of three years.
  - 4. The new owner of the vendor business provides evidence of sufficient capacity to maintain the same attendance record of the original vendor business.
  - 5. The new owner of the vendor business provides evidence that there is sufficient continuity between the original and the new business. Factors to be considered include, but are not limited to: use of the same name, offering similar products for sale, holding the business out to the public as a continuation of the same business.
  - 6. A complete transfer application is submitted to the Market Manager within 30 days of the date of sale or transfer of a vendor business.
- D. Producers may transfer seniority for up to three stalls and Artisans may transfer the seniority rights to one stall.
- E. No vendor who has been the recipient of a transfer of seniority may transfer that seniority for a minimum of five years after the transfer, except when one of the transfers is due to the death on an Annual Vendor, under Section VII.1.A. above.

## **2. Procedure**

The following procedure shall be used when an applicant requests transfer of seniority:

- A. A completed transfer of seniority application must be submitted to the Market Manager, who may request additional information, if necessary.
- B. Once the Market Manager determines that the application is complete, the application and any supporting documentation shall be transmitted to the Market Commission to review at the next regularly scheduled meeting that is at least 10 days from the date the Market Manager determines that the application is complete.
- C. The Market Commission shall schedule and hold a public hearing. Notice of the public hearing shall be provided to the applicant at least seven days prior to the date of the hearing.
- D. Either at the Market Commission meeting on the date of the public hearing or at the next Market Commission meeting, the Market Commission shall make a recommendation regarding the transfer of seniority to the Community Services Administrator or his/her designee.
- E. After receiving the Market Commission's recommendation, the Community Services Administrator or his/her designee shall approve or deny the transfer of seniority application, and shall provide a written decision to the applicant and the Market Commission of the decision.
- F. The applicant may appeal the decision of the Community Services Administrator or his/her designee to approve or deny a transfer of seniority application to the City Administrator, by providing the City Administrator with a letter providing written reasons for the appeal within 30 days of the decision.
- G. The City Administrator or his/her designee shall review the information submitted, and shall provide a written decision to the applicant and the Market Commission within 60 days.
- H. The decision of the City Administrator shall be final.