



Marysville Business Improvement District

# FRIDAY NIGHT MARKET

in historic downtown Marysville

## 2011 INFORMATION, RULES & GUIDELINES

The Friday Night Market is an event sponsored by the Marysville Business Improvement District, an organization dedicated to enriching and maintaining Downtown Marysville as a vital, thriving retail and cultural center. The market is designed to encourage community members, and visitors alike, to experience Downtown Marysville's wide variety of specialty shops & restaurants, enjoy local entertainment & arts, and purchase farm-fresh produce and local products in an exciting, safe, family-friendly atmosphere. The guidelines that follow were approved by the Marysville BID Board of Directors. All vendors are responsible for adhering to the guidelines presented in this document.

### EVENT DETAILS

**Dates:** Every Friday, May 27th - August 26th  
**Location:** D Street between 1st & 3rd Streets  
**Market Hours:** 4:00pm - 7:30pm  
**Vendor Set-up:** 3:00pm - 3:45pm  
**Vendor Tear-down:** 7:30pm - 8:00pm

### CONTACT INFORMATION

Marysville Business Improvement District  
PO Box 2049, Marysville, CA 95901  
Phone/Fax: 530.740.1213  
www.visitmarysville.com marysvillebid@gmail.com  
Kathy Becker (Market Manager): 530.218.8619

### VENDOR FEES

**Application Fee:** \$35 per season (this fee is non-refundable and is waived for BID members only)

**Space Fee:** Farmers-\$20 per week; Arts/Crafts (handmade by vendor), Commercial, Corporate, Non-Profit/Political, Food Service (food prepared on site), Performer/Entertainment-\$25 per week; BID Members-Free

**Space Size:** Space size is 20' x 15' in the Certified Market area & 10' x 10' in the Non-Farmer area. Prices are based on a single booth space. Two spaces=double price (some exceptions may apply)

*Marysville BID Members are those businesses, located in Downtown Marysville within the Business Improvement District, with a current business license and is in good standing with the BID. For BID member rate to apply, the vendor booth space must represent the Downtown business listed on the license.*

### PAYMENT PROCEDURES

Payment must be made on Market night at time of check-in. A discount is available for advance Full Season payment received by May 6, 2011. Full Season payment for Farmers-\$260; Full Season payment for all other vendors-\$325

Cash or checks (made payable to Marysville BID/FNM) are acceptable

### TYPE OF MARKET

This is a Certified Growers' Market, operating in accordance with the relation for the California Administrative Code, Title III, Division 3, Chapter 1, Sub-Chapter 4, Article 6.5, Direct Marketing. The Marysville Friday Night Market is a diversified market offering for sale to the general public certifiable agricultural products and non-certifiable agricultural products, as well as non-agricultural products and services in an area adjacent to the Market.

### GOVERNANCE

The Marysville Business Improvement District, Board of Directors, develops the policies which regulate the Friday Night Market operations. The Marysville BID Board of Directors, and its designated agents, establish, implement and enforce all rules and procedures pertaining to the operation of the Certified Farmers Market in a fair, nondiscriminatory, and equitable manner. The following rules clarify and supplement the California Direct Marketing Regulations.

## **PERMISSION TO SELL/ADMISSION OF A PRODUCER & ADMISSION OF PRODUCTS TO THE MARKET**

A. Anyone holding an embossed Certified Producer's Certificate may apply to sell at the Market. The Friday Night Market Manager will be responsible for balancing the array of produce and products available.

1. Copies of all appropriate certificates and permits must be posted so as to be seen readily by consumers and Market Management.
2. Growers/producers may be represented by immediate family as defined in the Direct Marketing Code of Regulations.
3. Proof of employment for employees representing producers must be available to Market management.

B. A Certified Producer may sell for no more than two (2) other Certified Producers on any Market day provided that:

1. Both current certificates are prominently displayed and products being sold are separated so as to be identifiable by the appropriate certificate.
2. Over 50% of the products displayed for sale must belong to the primary Certificate Producer.

C. Non-certifiable agricultural products, i.e. minimally processed fruits, vegetables, nuts and their products, olive oils, honey, processed herbs and flowers, poultry and poultry products, and livestock products are permitted to be sold at the Friday Night Market Certified Farmers Market providing one or more of the following criteria are met:

1. The grower contracts with a processor to make an exclusive run of only the grower's crop.
2. A single producer controls the entire process from growing the crop through minimal process. The product must be listed on the grower's Producer's Certificate issued by the county agricultural commissioner.
3. Minimal processing shall be construed to follow those guidelines set forth by the Department of Food and Agriculture. Bakery goods and confections are specifically excluded by these rules.
4. Sellers of processed goods (pre-packaged, non-potentially hazardous or processed foods, i.e., candy, jam, baked goods) shall have all necessary County or State Health Department and/or USDA inspection certificates on file with the Market management, and shall comply with all standard packaging regulations.

D. Non-agricultural products, i.e. bakery products, crafts and ocean fish, may be sold adjacent to but not in the Certified Market.

## **STALL SET-UP AND SELLING PRACTICES**

A. The Friday Night Market Certified Farmers Market will operate at the locations, dates and hours stated in these 2011 Information, Rules & Guidelines.

1. Prices must be clearly posted before any sales are made.
2. All fruits and vegetables must meet State of California standards for maturity and quality. Second quality produce are to be marked as: "#2", "Cosmetically challenged", etc.
3. All scales used in the Market must have a current, valid inspection seals from the seller's county agent in charge of weights and measures.
4. Pre-packaged products sold by weight in any type of container must be labeled with the name, address, city & zip code of the producer and a declaration of identity and net quantity of the commodity of the package.
5. WIC FMNP: The Market is authorized to accept WIC coupons for fresh fruit, fresh vegetables, fresh herbs and vegetable plants. No change can be returned to WIC FMNP participants. When the amount of the sale is less than the value of the two (\$2-Senior) dollar coupon or four (\$4-general)dollar coupon, additional fruits, vegetables or herbs must be added by the participant to the purchase to bring the sale as close as possible to the coupon value. The Market will provide eligible foods to WIC FMNP participants at the current price, or less than the current price, charged to regular market customers. Vendors may not accept WIC FMNP coupons in exchange for cash or any unauthorized items.
6. Load lists must be filled out and turned into the Market Manager each night at stall breakdown. Load lists are to be kept on file for 18 months.

## **STALL SPACES**

1. Each regular space in the Certified Farmers Market area will be approximately 20' x 15' and 10' x 10' in the Non-Farmer area.
2. The Market Manager will be responsible for all stall space assignments.
3. BID Members may reserve stall space 72 hours in advance by calling the Market Manager. Any unreserved spaces will be allocated on a first come, first serve basis.
4. Cancellations must be made by calling the Market Manager no later than 5:00pm, the Wednesday before the market. Failure to call or appear without a valid reason will result in a penalty being assessed in an amount equal to the regular stall fee. No show/no call bills must be paid prior to the next appearance at the Market.
5. Non-agricultural vendors must off-load their products at the market.
6. Pop-ups, sun cloths, umbrellas and shades must be placed so as not to block the line of vision from one stall to any other stall, must be contained within a vendor's space and **are required to be securely anchored at all times.**
7. Set-up time is from 3:00-3:45pm. Vendors must be in their stall space at least 1/2 hour before Market opening time. Vendors arriving after this time will be required to off load and will pay a 50% penalty in addition to the regular stall fee for the day. **No selling is allowed prior to 4:00PM!**
8. There will be no vehicle movement within the Market from 1/2 hour prior to Market opening time to 1/2 hour after Market closing time.

9. Vendors are required to remain in their space for the 3 1/2 hour time frame of the Market and will not break down their stall space until directed to do so by the Market Manager. Vendors are required to have their space broken down and cleaned no later than 8:00pm.

10. Vendors are responsible for the cleanliness of their stall space during and after the Market. This includes having trash bags/receptacles, a broom & dust pan on hand for clean-up after the Market closes. Vendors must take all trash with them when leaving the Market. Failure to comply with this policy may result in expulsion from the Market.

11. Vendors are responsible for their own sales tax.

## **GENERAL RULES**

1. Tables must be stable so as not to collapse.
2. Vendors whose signs claim "Organic" produce must have a copy of their current Organic Registration of Certification posted for customers to view. Use of signs stating "no chemicals" or "no spray" are prohibited.
3. Product promotion may occur within the vendors stall only and not in the aisle or elsewhere in the Market.
4. All products must be at least 6" off the ground. A Vendor may sell from a bin or field box only if the contents of that bin meet USDA standard of a maximum of 5% spoilage per container.
5. Samples must be prepared and presented in accordance with State and County Health Department, State Certified Farmers Market & Yuba County Agricultural Department rules.
6. Open flames are prohibited. Battery operated lighting can be used. Power/electricity is not available, however vendors are allowed to utilize their own generators if they are "**Whisper Quiet**" units emitting no more than 51 decibels of sound.

## **INSURANCE REQUIREMENTS**

1. Liability insurance is required: \$1,000,000 liability coverage per occurrence, \$2,000,000 aggregate coverage.
2. **Insurance certificate must show "City of Marysville" and "Marysville Business Improvement District" as additionally insured.**
3. Insurance quotes and coverage are available from the following:

### **Deatsch Insurance**

320 1st Street  
743.7331

### **Fletcher & Associates**

300 4th Street  
741.0441

### **Ken Frisbee Insurance Services**

610 C Street, Ste. D  
742.3968

### **Robert Galligan & Associates**

419 6th Street  
742.3243

### **Shop Smart Insurance Services**

201 D Street  
749.2929

### **Stirnaman Insurance Agency**

311 5th Street  
742.8234

## **RESPECT AND DECORUM**

**A.** Vendors may promote their product only within the confines of their individual stall and shall not make comparative or negative judgments about another producer's product to customers. Such promotion must not infringe on customers or other vendors.

**B.** When the Market Manager determines, in his/her own discretion, that a vendor has violated any provision that undermines the smooth operation of the Market, a vendor will receive the following penalties:

First Violation: vendor receives written notification

Second Violation: vendor receives written notification

Third Violation: vendor receives written notification

Fourth Violation: vendor can stay for that Market day but will not be allowed to return for the remainder of the season

***VENDORS NOT COMPLYING WITH STATE, LOCAL OR MARKET REGULATIONS WILL BE SUSPENDED FROM SELLING AT THE MARKET!***

**C.** Vendors are expected to maintain high standards of honesty and to conduct themselves at all times in a courteous and businesslike manner. Offensive, rude, abrasive or other disruptive conduct will not be tolerated. Customers are expected to maintain like standards. Vendors having problems with rude customers should refer the matter to the Market Manager.

**D.** The Market Manager will have the final say on stall assignments, Friday Night Market Certified Farmer's Market rules and will have the right to issue warnings and/or suspend a vendor from the Market. If suspended, the vendor has the right to appeal the suspension to the Marysville Business Improvement District Board of Directors.

**E.** The Friday Night Market Certified Farmer's Market reserves the right to refuse any vendor for any reason. Anyone denied the right to sell may file a written appeal with the Marysville Business Improvement District Board of Directors within 30 days.

## **WEATHER CANCELLATION POLICY**

The Marysville BID will declare a weather cancellation (i.e. rain or unhealthy air quality) by 12:00pm on the day of the Market. Vendors are responsible for calling the Marysville BID office after 12:00pm on the day of the Market to hear the recorded message. In the event of a Market cancellation, booth fees will be rolled over to the next Market. If vendor is unable to participate on any Market night, it is the vendors responsibility to contact the Marysville BID office by Tuesday to cancel for that week. The Marysville BID is not responsible for loss of anticipated revenue due to market cancellation. Fees will not be refunded or rolled over if the Market is not cancelled and vendor chooses not to attend.

## **DEFINITIONS**

**Carrying:** Allowing farmers to sell products raised by other farmers.

**Crafts:** Non-food items made by vendors, if allowed, may be subject to special procedures for selection and approval.

**Hold Harmless & Indemnification Clause:** Agreement by vendor to financially protect market organizers from liability arising at the market.

**Market Manager:** Person designated to oversee the weekly market.

**Proof of Insurance:** A form a vendor obtains from an insurance carrier indicating the type of insurance coverage and listing the market as a covered party.

**Product List:** List of products the farmer plans to sell which may be used to allocate spaces and limit vendors from adding unapproved products.

**Prepared Food:** Ready-to-eat food, such as take-away meals and snacks.

**Processed Food:** Products such as jam, cider, vinegar and baked goods.

**Sponsor:** A group or organization that donates money or in-kind services to the market.

**Vendor:** A farmer or other person designated by the management as having the right to participate in the market.

**HOLD HARMLESS & INDEMNIFICATION CLAUSE**

The undersigned certifies that he/she understands and will adhere to all rules and guidelines. The undersigned also certifies the he/she is authorized to 1) execute on behalf of the group and 2) accept legal process on behalf of the group. The undersigned agrees to indemnify and hold harmless the Friday Night Market Certified Farmers Market, market manager and site manager, volunteers, tenants, Marysville Downtown Business Improvement District, the County of Yuba, the City of Marysville, members of the Marysville City Council or other boards or commissions and all sponsors from all damages, liabilities, costs and expenditures, including attorney's fees and costs of defense, which may occur by reason of the undersigned use of the street and park during the Friday Night Market Certified Farmers Market.

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**Name as it appears on Business License/Producer's Certificate/Health Department Certificate**

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**Signature**

**Print name**

**Date**

**This page must be signed, dated and included with the Friday Night Market Certified Farmers Market Application**