



Parkersburg Downtown Winter Marketplace

2012 Rules and Regulations

1. Dates for the Market:

The Winter Market will be open the first Saturday of each month, January thru May. If there is demand for additional hours, the Market Managers will consider increasing the number of Saturdays the Market is open for business.

2. Times for Market Sales:

The Winter Market will open at 10:00 a.m. and close at 2:00 p.m. on the first Saturday of each month. Vendors must arrive in time to be ready to sell at the official opening time. No sales are permitted before the opening time, unless given permission from the Market Manager. The Market Manager will supervise opening and closing of the market.

3. Loading and unloading:

Beginning at 8:30am, vendors are permitted to drive-up and park in front of the Winter Market (707 Market Street) to unload their vehicles. All vehicles must be unloaded and off Market Street by 9:45am. And although there is no designated parking area, vendors are encouraged to park on 6th Street (under the rail bridge) or in another nearby public parking lot. Remember, if you park somewhere on Market Street that is one less space for a potential customer.

4. Location of Market:

The Winter Market is held at West Virginia University at Parkersburg's Downtown Center. The Downtown Center is located in the 700 block of Market Street, across from the Downtown YMCA. Patrons are encouraged to park on Market Street and wherever there is public parking. A map showing potential parking areas will be posted on the Market's website, Facebook page and promotional materials.

5. Producer-Only Rules and Exceptions:

All products displayed for sale must be produced by the vendor¹ who sells them. The only exception is when the Market lacks a product that is needed, in which case a vendor can purchase that product from another producer as a supplement under a provisional agreement with the Market Manager, and proof of purchase must be shown. Such supplemental products must be clearly labeled as to their place of origin (including City and State). For example, a local grower who has winter squash can sale their product at the Winter Market, before similar supplemental products are permitted. The Market Manager will supervise the products being sold at the Market, as well as the supplemental agreements.

¹ **Vendor** is defined as the actual producing individual, immediate family member, representative of the producer, another producer member of the market, or employee of the producing individual's farms or operation.

6. Allowable Products:

Vendors shall submit a product plan with their application at the beginning of each season, indicating the crops/products they plan to grow or produce for sale at the market. This information is displayed on the Market's website and monthly newsletter. The following products and services are permitted for sale:

- Fruits
- Vegetables
- Herbs
- Flowers
- Ornamental produce
- Honey / Maple Syrup
- Eggs
- Poultry
- Red Meat
- Fish
- Cheese
- Dairy products
- Bedding plants
- Potted plants
- Baked goods
- Jams/Preserves
- Wool/Fleeces
- Hay/Straw
- Approved farm-based crafts²
- Homemade Soaps
- Value-Added farm foods³
- Other (check with Market Manager)

Special note for arts, crafts, home-based businesses and artisans

Arts, crafts and home-based businesses will need to submit a sample of their work and/or product to the Marketplace Committee for review. The Committee will schedule a meeting where non-produce items/services can be juried. Items/services deemed not to be in keeping with and/or appropriate for the Marketplace will be turned down. The Marketplace Committee shall be responsible for and have the authority to make a final determination.

Please also note that space is limited, therefore the number of arts and crafts vendors, as well as home-based businesses and artisans permitted to join will be limited. Therefore, only those vendors who add the greatest value to the Marketplace will be admitted. If you want to participate in the Winter Market, please return your application as soon as possible. However, *please do not include a form of payment with your application*. Payment will be due when you are admitted to the Market.

7. Membership: All persons intending to sell at the Downtown Winter Marketplace must, prior to participation in the market, file a vendor application each year with the City of Parkersburg. This document requires the grower/producer/arts-crafts/home-based business/artisan to:

- A. Verify that she/he/they are the actual producers of the specified items which they intend to sell (as defined in Section 6).

² **Approved farm-based crafts** are defined as products created from ingredients from vendor's farm and made with vendor's own hands.

³ **Value-Added farm foods** are defined as products personally cooked, canned, baked, preserved or otherwise produced by the vendor from raw ingredients, of which at least 70% must have been grown by the vendor.

- B. List business/farm name and contact information for farm/home/office.

The Market Managers will be responsible for assigning booth space each month at the Winter Market. Vendors who make a full-time commitment or who sell products on consignment will be given (at all possible) a fixed location in the WVU-P Downtown Center. However, this is subject to change. All applications will be processed in the order in which they are received.

8. Market Manager:

The Market Manager is a volunteer position. The duties of this position are as follows:

- A. Record attendance and keep a brief log of Market events.
- B. Submit a written report to the Marketplace Committee at the end of the season regarding market attendance, profitability, etc.
- C. Reserve assigned space for vendors and reassign space in the event of absences or late arrivals.
- D. Monitor the customer parking situation and resolve conflicts that may arise.
- E. Announce the opening and closing of the Winter Market.
- F. Resolve minor disputes between vendors and between customers.
- G. Enforce market rules and report alleged violations, in writing, to the Marketplace Committee.
- H. Act as a liaison between Market vendors and the Marketplace Committee.
- I. Convene producers/vendors at the market for brief meetings as necessary.
- J. Store items sold on consignment.

9. Fees:

The following chart describes how fees will be assessed at the Winter Market:

Membership Opportunities

	Fee	Includes:
Season 5 Saturdays	\$40	<ul style="list-style-type: none"> ▪ A 10' X 10' booth space ▪ Business information posted on Market website ▪ Opportunity to participate in special promotions/sales
Daily	\$10	<ul style="list-style-type: none"> ▪ 10' X 10 booth space for one day (location determined by Market Manager)
Consignment	N/A	<ul style="list-style-type: none"> ▪ There are no upfront costs associated with selling products on consignment ▪ Items sold on consignment will be set by the vendor ▪ When items are sold on consignment, vendors can expect to receive a check in the mail in 5 to 10 business days.

- The Market will collect 20% of the proceeds from sales on consignment items. This percentage will be assessed on the total gross sales per vendor per Market day.

* Fees are non-refundable, regardless of the type of membership purchased or the number of days the vendor is present at the Market. Checks are to be made payable to the *Parkersburg Public Market*.

10. External Regulations:

Vendors are responsible for compliance with applicable city, county, state and federal regulations, such as (but not limited to):

- A. Agricultural business license;
- B. Pesticide licensing and safe use;
- C. Approval of seal of Weights and Measures on all scales;
- D. State sales tax collected and reported as required;
- E. Organic certification on claimed products as required;
- F. Food safety, sanitation, health permits, and labeling requirements pertaining to Items for sale;
- G. State inspection of nursery stock required for selling whole plants for replanting (packs/pots).

11. Signage:

- A. Signs identifying the name and location of the vendor's business must be posted before sales begin.
- B. Signs, boards, tags, or labels listing prices of all products for sale must be posted prior to the beginning of sales.
- C. Producers selling products they refer to as 'organic' must display a sign giving their organic grower's certification and their certifying body, unless exempt from certification due to small scale of operation.
- D. Producers should clearly separate and label organic and non-organic products in the same display.
- E. Supplemental produce (produce not locally grown by a vendor) must be clearly labeled as to their place of origin (including City and State).

12. Space:

While the Market Manager will try to designate booth space the first day of the Winter Market, the Market Managers may reassign spaces in the event of absences or late arrivals. Vendors' tables, chairs and products shall not protrude more than 1 foot from their designated area, unless given permission by the Market Manager.

In the event a vendor is going to be absent, please notify the Market Manager before 8:00am that business day. In the event a vendor is going to be late, meaning they will not be set up and ready to sell at the Market by 9:45am, and the Market Manager has not been notified by 8:00am that business day, the Manager may reassign a vendor's space for that day only.

13. Clean-up:

Vendors must clean-up the area around their sales area and vehicles before leaving the site each market day.

14. Market Behavior:

Vendors are independent entrepreneurs with a common stake in creating a vibrant marketplace. Activities which appear outside the range of normal sales practices can be respectfully questioned by other vendors. The Market Manager will assist in finding a resolution. If this fails, the Marketplace Committee will conduct a vote if requested. When a vote on an alleged 'abnormal activity' favors a change in a vendor's practices, the vendor in question must comply. 'Abnormal activities' include, but are not limited to:

- A. Unsafe conditions or hazards in and around sales area.
- B. A stand or display which impedes access to other vendors
- C. Radical price cutting of top quality products. Poor quality, or over-ripe, or canning quality products must be labeled as such and can then be sold at a discounted price.
- D. Condition of sales area, products, or vendor behavior that detracts from the Market's appearance, overall quality, or reputation.
- E. Proselytizing.

15. Inspection:

By submitting an application, vendors agree that the Farmers Market Manager or designee may inspect their farm or facilities to insure compliance.

16. Product Liability Insurance:

The Market does not cover vendor product liability. Product liability is the sole responsibility of the vendor selling the product. As such, product liability insurance is required for vendors.

17. Product Calendar:

Vendors must complete the Product Calendar stating what the vendor wishes to sell at Market and when those products are expected to be available. This must be submitted with your application. The Market may limit the products a vendor may bring in order to support stronger sales for all vendors.

18. Record Keeping

Vendors are required to submit a form to the Market Manager each day the Market is open for business, reporting on the previous day's profits. The Market is required to track this information for grant reporting purposes from the State of West Virginia. Information reported to the Market Manager will be kept confidential.

- Should you have any questions or concerns, please contact Rickie Yeager, Planning Administrator for the City of Parkersburg at (304) 424-8558 or by email at rmyeager@parkersburg-wv.com.
 - To contact the Mid-Ohio Valley Health Department, please call 1-888-550-6797.
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Parkersburg Downtown Winter Marketplace

2012 Vendor Application

VENDOR INFORMATION

Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Telephone/Cell Number: _____

Email: _____

LIABILITY INSURANCE INFORMATION

Carrier Name: _____

Policy Number: _____

City: _____ State: _____ Zip Code: _____

Telephone/Cell Number: _____

Please include a copy of your insurance policy with this application for our records

PRODUCTS TO SELL AT MARKET

Please circle Yes or No

Fruits	Yes or No	Dairy Productions	Yes or No
Vegetables	Yes or No	Bedding plants	Yes or No
Herbs	Yes or No	Potted plants	Yes or No
Flowers	Yes or No	Baked goods	Yes or No
Ornamental produce	Yes or No	Jams/Preserves	Yes or No
Honey/Maple Syrup	Yes or No	Wood/Fleeces	Yes or No
Eggs	Yes or No	Hay/Straw	Yes or No
Poultry	Yes or No	Approved farm-based crafts	Yes or No
Red Meat	Yes or No	Homemade Soaps	Yes or No
Fish	Yes or No	Value -Added farm foods	Yes or No
		Other _____	

FARM DESCRIPTION

Acres: _____ Full Time or Part Time: _____ Years as a producer: _____

City: _____ State: _____ Zip Code: _____

Directions to farm: _____

ELECTRONIC BENEFIT TRANSFER (EBT) CARDS

Through the Federal Government’s Supplemental Nutrition Assistance Program (SNAP), the Winter Market, through the Parkersburg Downtown Farmers’ Marketplace, will be accepting Electronic Benefit Transfer (EBT) Cards for the Winter Market. These cards can be used to purchase fruits, vegetables, breads, cereals, meats, fish, poultry and dairy products. Vendors who sell the items mentioned above will be able to participate in the program at no expense. Vendors who sign up for the Market will be provided with more detailed information.

CREDIT CARDS

Please indicate whether or not you would like to learn more about accepting Debit/Credit transactions at the Marketplace. If the Market is able to facilitate Debit/Credit sales, the Market would collect \$0.05 on every dollar.

YES

NO

VENDOR AGREEMENT

Your signature below indicates that you have read the 2012 Market Rules and Regulations for the Parkersburg Downtown Winter Marketplace and agree to follow those regulations for the market season.

Signature: _____

Print Name: _____

Date: _____

Please mail your application and supplemental materials, including the Liability Waiver Form and Product Calendar to:

Attn: Rickie Yeager
Downtown Farmers’ Marketplace
One Government Square
Parkesburg, WV 26102

NOTE:

While potential vendors are encouraged to submit their applications as soon as possible, as space is limited at the WVU-P Downtown Center, the Winter Market will be accepting applications throughout the season (January-May)

Parkersburg Downtown Winter Marketplace

2012 Liability Waiver Form

Agreement made this _____ day of _____, 2011, between _____
Name of farm/business/owner

and the Parkersburg Downtown Farmers' Marketplace, which is facilitating the Winter Market.

I, _____, shall indemnify and agree to hold harmless the City of Parkersburg and the West Virginia University at from and against any and all liability, damage, expense, cause or action, suits, claims, penalties, or judgments arising from injury to person(s) sustained by anyone as a result of consuming food acquired from me and/or resulting in any way from the operation of my business establishment, stall/stand and or vehicle.

I shall, at my own cost and expense, defend any and all suits against myself or the City of Parkersburg or the West Virginia University at Parkersburg resulting through my participation as a vendor. My failure in defending against any and all suits can result in the Parkersburg Downtown Farmers' Marketplace, on behalf of the Winter Market, defending such suits at the vendor's expense.

Signature: _____

Print Name: _____

Date: _____

Address: _____
