



Downtown Rochester Farmers' Market

Hosted by the Rochester Downtown Development Authority

Updated 1/2024



I. Designation of Use of Downtown Rochester Farmers' Market

Downtown Rochester Farmers' Market is here to serve Rochester by providing locally grown, fresh, high-quality produce and products, while providing an opportunity for local farmers and producers an economic outlet within Rochester. Downtown Rochester Farmers' Market further strives to enhance the quality of life for local residents by creating a social opportunity to gather, and to bring more foot traffic to the downtown-providing local merchants the opportunity to strengthen their businesses and keep the downtown economically viable.

II. Hours of Operation & Location

- Saturdays only from 8:00 a.m. to 1:00 p.m.
- Located on the southwest corner of East Third and Water Street. The entrance is off Third Street, one block east of Main Street.
- Open the first Saturday of May through the last Saturday in October.
- All sales must be completed by 1:00 p.m. Teardown may not commence until 1:00 p.m. Vehicles will be permitted in and out of the Market beginning at 1:05 p.m. with vendors using extra caution as pedestrians will be present. The market must be vacated by 2:00 p.m.
- Vendors must be set up and ready to sell by 7:45 a.m. If vendor is tardy, they will be given a courtesy reminder. If they are tardy more than three times they will be subject to a \$10 fee.
- Portable bathrooms and water supply are available on Market premises. Bathroom facilities will be unlocked from 7:00 a.m. until 2:00 p.m.

III. Market Manager Responsibility

The Rochester DDA employs and designates a DDA employee as well as the Market Manager to be responsible for all activities at the Market including, but not limited, to the following:

- Allocating and assigning space at the Market
- Collecting Market agreements and fees
- Inspecting vendor space after the close of the Market to ensure that the area is in a neat, clean, and orderly condition.
- Directing the arrangement and parking of all vehicles at or around the Market.
- Maintaining order in and around the Market.
- Determining which vendors should be allowed or denied privilege of selling at the Market. In addition to, monitoring violations of Regulations.
- Informing Vendors of any violations of these Regulations.

- Performing all related duties and maintain and operate an efficient Market in the best interest of the City of Rochester, Vendors and the general public

IV. Items to be Sold

- Goods and produce for sale will be defined as Michigan-grown* which include the following: fruit, vegetables, edible grains, plants, trees, shrubs, cut flowers, dried flowers, herbs, apiary products, maple syrups, dried fruits, nuts, baked goods, dressings, sauces, jams, jellies, eggs, cheese, meat, and poultry.
- Craft or art items which are thematic with the Farmers' Market and demonstrate fine craftsmanship can be included for sale by market vendors if not more than 10% of the vendor's product and by approval of the Rochester Downtown Development Authority.
- All persons or entities advertising organic produce, must display in their stalls a State of Certificate of Registration and provide a copy of the Certificate to Market Staff and Manager.
- The vendor must grow or produce a majority of products sold.
- Applications from vendors selling cannabis products will only be considered if products are limited to hulled hemp seed, hemp seed protein powder, hemp seed oil, topical CBD. Vendors selling marijuana products, CBD edibles, CBD pet treats, smokable hemp flower, and viable hemp seeds, starts, and plants will not be considered. CBD products must be clearly labeled and marketed for topical use only. Vendors selling topical CBD products must possess a valid Processor-Handler License for cannabis products. Please refer to [the Michigan Farmers Market Association's Cannabis Legality Chart](#) for more information on product legality, regulation, and licensing.
- Misrepresenting the quality or condition of goods, giving false information regarding the origin, variety, quality, condition, or value of goods will denied approval or will be dismissed from Market privileges.
- The Downtown Rochester Farmers' Market reserves the right to require any vendor to remove unlawful, unlicensed, or improperly labeled products from sale at the farmers' market. The Downtown Rochester Farmers' Market has the sole discretion to approve or deny any vendor's application.
- All items sold at the Farmers' Market are subject to approval by the Rochester Downtown Development Authority.

V. Vendor Spaces

- Vendor spaces will be the size of two parking spaces, approximately 18 feet by 18 feet in size. If assigned space is not being utilized to its fullest capacity, the space may be reassigned to a new vendor by discretion of the DDA.
- Each vendor is allowed one vehicle. The vehicle must fit within the designated vendor space without obstructing consumer traffic.
- 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.

- Vendors will not take vacant spaces without the permission of the Market Master.
- Any space reserved for vendors that are not being utilized, the DDA reserves the right to use that space.
- The demand for seasonal vending space is high, therefore a waiting list is maintained by Rochester DDA Staff.
 - In interest of the Market as whole and/or best balance of the Market, the Rochester DDA Staff may pick vendors who is not at the top of the list under the advisement of the DDA and PSD Board.
 - Those who grow products will have the highest priority and the following will be taken into consideration:
 - Regular attendance
 - Product diversity in the Market
 - Level of product quality, appearance and tent display.
 - Any previous violations of the Market Rules & Regulations.
- **Vendors are NOT guaranteed same space each week.**
- No person or entity shall cause litter or rubbish to accumulate or create unsanitary conditions at the Market. All rubbish must be removed from the allotted space or vendor area and put in trash receptacles as designated by the Market.
- Persons or entities shall not leave the Market until the allotted space or stall has been swept clean. Person or entities are responsible for cleaning up any oil, grease, anti-freeze etc. left or leaking from their vehicle(s).
- Upon closing of the Market each vendor is responsible for leaving spaces clean and swept. *Any space deemed not clean will be charged a \$30 fee.*

Cancellation/ No Show Policy:

To cancel space reserved by agreement with the Market, a person or entity must call the Rochester DDA by 12 pm the day prior to the Market day for which space is reserved. If a call is received after 12 pm on such day or no one shows on the Market day, the lack of timely notice to the Rochester DDA or failure to show will be considered a “no show”:

- a. 1st No Show: Courtesy Reminder; the person or entity will be given an additional copy of the No Show Policy and it will be noted in their given file.
- b. 2nd – 4th No Show: The person or entity must pay the daily vendor fee (\$30) for the day missed before being allowed to return to the Market.
- c. 5th Now Show: The person or entity will be excused from their agreement with the Downtown Rochester Farmers’ Market and will not be asked not to return on Market Days.
- d. In the case of an emergency or unforeseen event which prohibits a vendor from attending the market, will be assessed on a case-by-case basis

VI. Vendor Responsibility

The following requirements must be met before an application for permission to sell can be approved. With submission of a signed and dated copy of the Downtown Rochester Farmers' Market Application the following is required:

- Vendors shall obtain and furnish to the Rochester DDA ***proof of insurance in compliance with the attached Exhibit I Downtown Rochester Farmers' Market Insurance Requirements.*** The Rochester Downtown Development Authority, 431 S. Main Rochester, MI 48307 is to be listed as an additional insured.
- Vendors who sell products which are governed by the Oakland County Health Department and the Michigan Department of Agriculture and Rural Development must comply with all applicable rules and regulations of these two health agencies.
- Vendors are required to hold all applicable licenses and permits necessary for their operation per local health laws, the Michigan Department of Agriculture and Rural Development, and any other government regulatory agency. The Rochester DDA and Market Manager reserves the right to request copies of these license and permits at any time.
 - **License/Permit Examples:**
 - Michigan Sales Tax ID
 - Commercial Kitchen License
 - Apiary License
 - Nursery Dealer License
- Goods offered for sale in closed packages or sealed containers shall bear and approved label stating Vendors name and address, name of product, ingredients, and net weight or measure. All labeling of any packages or containers must comply with the Michigan Department of Agriculture, Food Division.
- The above requirements must be met before an application for permission to sell can be approved.

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| Michigan Department of Agriculture | 800-292-3939 (Food & Dairy Division) 800-292-3939 (Pesticide Division) |
| Oakland County Health Department | 248-858-1280 |
| Department of Treasury | 517-373-3200 |

VII. Display of Goods & Produce

- Displays must be always neat and orderly.
- 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 freshly painted or covered with a clean cloth and in good repair.
- 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.
- Stakes may not be driven into the pavement, lawn, or dirt areas of the Market premises.
- All canopies and tents MUST be firmly weighted. *Each vendor is responsible for damages incurred due to flyaway of their display, canopy, inventory, or covering.*
- Electrical devices or utilities are not provided at the Market. Only those usages of electricity approved by the DDA will be permitted.
- Cooking of food items on Market premises without prior DDA approval is prohibited.
- No food and drink samples can be given away at the Market without proper food sampling precautions outlined from the Michigan Department of Agriculture. All vendors offering food samples are responsible for the safety of the food samples being offered
- Vendors must display signage that clearly identifies the Vendors name and the location of their business/residence/ farms. If at any time a Vendor sells any item that they did not directly produce or grow, then a sign must be displayed for each separate vendor/business/ location, which produced or grew the item.

VIII. Parking, Arrival & Departure

- Vendors are strongly encouraged to park off-site whenever possible.
- Vendor vehicles should only be parked in the designated Vendor parking lot at (321 E. Second St.)
- Vendors are allotted one vehicle per assigned space.
- Unloading of goods and produce must be completed and vehicles removed by 7:30 a.m.
- Vendor not in place by 7:45 a.m. may forfeit the reserved space for the day.
- Public parking lots are available nearby for customers.
- Customers are **NOT** allowed to drive into the Market to pick up items.
- During Market hours, any merchandise brought in/out of the Market must be hand carried or transported on carts or in a safe manner.
- Vendors shall not vacate the Market before the posted closing time. Vendors are required to stay during the entire time the Market.
- You may not escort yourself out during Market Hours, you must be walked out by the Market Master or market staff. If you are found not to be compliant with this policy a warning will be issued. If this problem continues, you may be excused from this Market agreement.
- In the case of inclement weather, the Market Master will make the determination regarding closing the entire Market early.

IX. Miscellaneous

- Portable bathroom and water supply available on Market premises.
- Solicitations are not permitted on Market property or walkways. If you observe any personnel doing so, please report to Market Manager or Market Staff.

- No alcoholic beverages shall be consumed in the public streets or Farmers' Market public lot according to City of Rochester ordinance.
- Bicycles are not permitted on Market walkways. Bike racks are located at the Market for the customer's convenience.
- Dogs at the Market need to be leashed, licensed and have up-to-date shots. The Market Master has the authority to ask the pet owner to remove their dog from the Market if problems arise.

X. Weather Policy

- Downtown Rochester Farmers' Market is a 'Rain or Shine Market', which means we will always be open during regular operating hours, regardless of predicted weather.
- The Market Manager or staff on-site can call off the market in extreme circumstances at their discretion.
- In the event of winds 20 – 25 mph tents and other projectiles need to be removed.
- In the event of lightning and/or severe winds market operations will suspend. The Market Manager will sound the air horn and assist vendors and customers to find cover. Once everyone has reached shelter, the Market Manger will assess the duration of the storm and how to proceed.
- 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, it will be considered a strike – *see Cancellation/No Show Policy*.

XI. Enforcement of Rules:

- Market vendors must always conform to the Market rules.
- The Market Manager has authority to enforce all rules. Any vendors failing to comply with the rules will be denied the opportunity to sell at the Market at the discretion of the Market Master and the Downtown Development Authority. The Market rules supplement the City of Rochester code provisions.
- Vendors are expected to always act in a professional and courteous manner. Disagreements with other vendors, managers, and customers must be handled in a respectful manner. Failure to adhere to these principles may result in suspension or termination of the vendor's privilege to sell at the Market.
- Any grievance that cannot be resolved between the Market Manager and the vendor may be submitted in writing to the Market Manager for settlement. Vendors who have concerns regarding other vendor compliance, market staff, safety or policies should submit the complaint needs to be submitted within a week of the market during which the alleged grievance occurred. The Market Manager will review each concern form and the concerned vendor will receive a response within two weeks. If the above fails to resolve the issue, the matter will be brought to the PSD Board whose decisions are final.
- 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 situation.

- Failure to follow policies, regulations, rules and decisions of the Downtown Rochester Farmers' Market and Market Master will result in immediate and permanent removal from the Market with no refund.
- The Rochester Downtown Development Authority reserves the right to void contracts at any time for any reason. All decisions by the Rochester Downtown Development Authority are final.

XII. Causes for Denial of Privileges

- a. The Rochester DDA reserves the right to reject a vendor application, if, in the Rochester DDA's judgement, the goods and produce are not compatible with the overall concept of the Market if there is not available space at this time to accommodate product line.
- b. Submission of a vendor application does not guarantee acceptance. The Rochester DDA reserves the right to assess applications submitted and choose vendors and dates scheduled based on several criteria.
- c. Selling privileges will be revoked or banned if Vendor evades or refuses to pay stall fees for use of space, fails to submit proper licensing or act in a manner that demonstrates a deliberate attempt to cause poor morale or disrespect among Vendors or the public.

EXHIBIT I

2023 Downtown Rochester Farmers' Market Insurance Requirements

During any period in which an individual or entity is using property owned by the Rochester DDA and comprising the Downtown Rochester Farmers' Market, the individual or entity shall provide and maintain, at its own expense, all insurance set forth and marked below, protecting the Rochester DDA against any Claims, as defined in this Exhibit. The insurance shall be written for not less than any minimum coverage herein specified.

Insurance document must list the Rochester DDA, 431 S. Main, Rochester, MI as additional insured. For purposed of the following insurance requirements.

INSURANCE REQUIREMENTS: The Vendor shall not commence work under this Agreement until it has at its sole expense, obtained the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverages shall be with carriers acceptable to the CITY OF ROCHESTER.

Commercial General Liability Insurance: Vendor shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than **\$1,000,000** per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability

Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.