

## **Niagara Falls City Market RULES & REGULATIONS**

### **Market Governance**

1. The market property is owned by the City of Niagara Falls, NY, who has the ability to contract with an independent entity for the purpose of Market Management.

The entity contracted as Market Manager, as of distribution of these Rules and Regulations, is Field & Fork Network, and the contact person is Tom Lowe, Project Director.

2. The market manager is responsible for the orderly and efficient conduct of the market and for implementing and enforcing the Rule and Regulations. The market manager will represent the market during market days and in community activities. The scope of the market manager includes the following:

- Vendor Recruitment and Management
- Market Promotion and Marketing
- Market Operations
- Coordination of SNAP and SNAP Incentive Programs
- Coordination of Staff and Volunteers
- Conflict Resolution
- Market Event Planning and Management
- Market Evaluation

### **General Operations**

3. The market will be located at 779 E Market Street, within the City Market plaza. The market will operate every Monday, Wednesday, and Friday, 8am – 3pm.

4. Vendors may arrive as early as 6:30 am to begin setup and must stay through the end of the market day to provide a full market to shoppers arriving throughout market hours.

5. Vendors may leave early only under extenuating circumstances and with the permission of the market manager.

6. Vendors must notify the market manager no later than 4 hours before market time if they will be absent for that market day.

7. No selling is permitted before the official opening time, as announced by the market manager.

### **Who may sell at the market:**

8. The use of the market is restricted to those who are bona-fide growers, craft persons, producers of homemade products or other vendors approved by the market manager. Vendors may, on a limited basis, supplement their product line with additional New York State only products, as long as that product is otherwise missing from the market and the market manager has given permission for the supplement. This permission is valid for one season only and must be re-applied for each new season.

9. All agricultural products may be sold at the market, including but not limited to locally grown fruits and vegetables, dairy products, meats, flowers, plants, honey products, maple products, NYS wines sold by a farm winery, eggs, herbs and related products.

**Niagara Falls City Market  
RULES & REGULATIONS**

10. Craft vendors may sell products that they have hand produced themselves.
11. Bakers who have baked the products themselves and who possess the proper licensing from either the NYS Dept. of Agriculture and Markets or their County Dept. of Health.
12. Prepared food vendors with a current mobile food service license.
13. Products not specifically identified must be pre-approved by the market management.
14. All applicable food safety regulations, both state and local, must be adhered to at all times.
15. All applicable licenses and permits for products sold must be obtained and kept current. Copies of applicable permits and licenses will be kept on file with the market management.
16. To ensure compliance to market rules, the market manager may appoint a committee to inspect any vendor's farm or establishment with advance notice. Inspections will be made only with the farmer/owner or their representative present unless written permission is given. Vendors must provide any help necessary to thoroughly document products and conditions recorded at the inspection. The vendor will be notified in writing of the results of the inspection within seven days of the inspection.
17. All new vendors will be subject to a ninety (90) day at-will probationary period commencing on the first day of selling in the market.

**Guidelines for Selling**

18. All stall spaces must be swept clean and any refuse removed at the end of each market day.
19. All vendors must have a sign clearly showing their name and location.
20. Each vendor will be responsible for all equipment and supplies for the setup of a booth. Displays should be constructed in such a way that they do not block customer walkways nor pose any other hazard to customers.
21. Vendors who provide samples and/or products that will result in waste material, such as cups, rinds, and corn cobs, must provide containers for waste disposal.
22. Vendors are required to keep their market space neat and clear of obstacles, litter and debris.
23. All produce displayed for sale must be at least 12" off the ground with the exception of heavy or large items such as pumpkins.
24. Sellers must post prices. While it is expected that prices will be fair to consumers, the seller and fellow sellers, collusion among sellers to attempt to influence prices is strictly prohibited.
25. No smoking, alcoholic beverages or firearms are permitted at the market. Exception is wine tasting.
26. No hawking or proselytizing is permitted at the market.
27. All products offered for sale must be of good quality and condition. The Market manager reserves the right to direct any inferior goods be removed from display. Failure to remove products deemed inferior may result in loss of market privileges.

**Niagara Falls City Market  
RULES & REGULATIONS**

28. Each vendor in the market must be directly involved with or knowledgeable about the production of the produce or products being sold at the market.

29. Vendors must provide a certificate of insurance listing both the City of Niagara Falls and Field & Fork Network as certificate holders, via the following information:

City of Niagara Falls  
745 Main St.  
Niagara Falls, NY 14302

Field & Fork Network  
2495 Main St. – Suite 311  
Buffalo, NY 14214

The general liability section of the certificate shall include \$1,000,000 for each occurrence and products and comp/ops.

If you are operating out of a truck or other vehicle, you will also need automobile liability which shall include coverage for scheduled vehicles at \$300,000 combined single limit or \$100,000 BI / \$300,000 BI / \$100,000 PD.

30. Vendors are responsible for the actions of their representatives, employees or agents.

**Stall fees and assignment**

31. Stalls will be assigned by the market manager on a first come first serve basis.

32. There will be a three stall limit for all market vendors.

33. The stall fees and payment schedule will be assessed annually by the City of Niagara Falls, who may consult the market manager. Stalls may be rented on a yearly, seasonal, or daily basis. Daily fees will be due and payable to the market manager prior to setting up for the day.

34. Farmers with a seasonal lease will be assigned a permanent spot for the duration of the season. These spaces will be reserved each year for the seasonal vendor, provided that all stall fees are kept current.

35. Reserved market spaces must be occupied at least 30 minutes prior to opening of the market day. After that time, daily vendors will be permitted to set up in those spaces, as assigned by the market manager.

Seasonal leaseholders, arriving after that time, will be re-assigned to another space for the day.

36. Daily vendors will be assigned space by the market manager on a first come first serve basis, as space is available. Space in the market is not guaranteed, nor is it guaranteed that daily vendors will be assigned the same space each week that they are in the market.

37. No subletting of a seasonal booth is permitted and rents are not reimbursable, either in whole or in part.

38. To ensure the safety of market patrons, any vendor arriving after market opening may be required to set up on the periphery of the market.

**Compliance**

**Niagara Falls City Market  
RULES & REGULATIONS**

39. All complaints must be addressed in writing to the Market Manager.

40. All complaints will be reviewed by the market manager in an attempt to resolve the issue. If the manager is unable to resolve the complaint, then a written follow up may be made to the City of Niagara Falls, who will address the complaint, as necessary.

41. The submission of application for admission to the market serves as the vendor's agreement to abide by the rules of the market, as established and enforced by the market manager. Violations of the rules of the market may be grounds for warnings, dismissal from the market, or both.

- The first violation of the rules will result in a verbal warning by the market manager. Documentation of the warning will be kept on file by the market manager.
- The second violation of the rules will result in a written warning, given by the market manager. A copy of the letter will be kept on file by the market manager, along with any documentation of the violation.
- The third violation of the rules will result in a one-week suspension of selling privileges.
- The fourth violation of the rules will result in a two-week suspension of selling privileges.
- The fifth violation of the rules will result in dismissal from the market.

42. At the discretion of the market manager, when a violation occurs that jeopardizes the health of a customer, another vendor, market management or the overall health of the market, the manager may, in consultation with the City of Niagara Falls, request a suspension of the compliance procedure and call for immediate dismissal from the market. The dismissal will require documented proof of an egregious violation. The vendor will be given an opportunity to review the documentation, prepare a defense and submit documentation to the market manager and City representatives.