

## Overview:

- a) Mission: To create a strong sense of community by connecting community members, supporting, and helping to grow local businesses, artisans, crafters, musicians, food trucks, entertainers, non-profit organizations, etc.
  - a. One of the ways we do that is by providing the following marketing for you:
    - a. Your business name, offerings, and business story may be posted on our website and social media.
    - b. The market is listed in the Parks & Recreation Guide and in the City of Portage newsletter "The Portager" that goes out to 24,000 households.
- b) The definition of "local" is a product that is grown, raised, gathered and/or processed in Michigan or in the immediate adjacent counties in Indiana or Ohio.
- c) Franchises will be considered on a case-by-case basis by Portage Parks and Recreation.
- d) No dogs, pets, or animals, except service animals with proper identification are permitted anywhere near where food is sold, served or consumed.
- e) Portage Parks and Recreation reserves the right to update these Rules & Guidelines at any time. All vendors will be made aware of any changes in writing within 7 business days.

## Vendor Spaces:

- a) Space size (approximate):
  - a. Enough space for a 10' x 10' canopy (vendor provides their own canopy and furniture)
  - b. Indoor markets: an 8' x 2.5' table (tables provided by Portage Parks & Recreation)
- b) Spaces are assigned based on several factors, including participation and attendance in the previous year; variety and diversity of products; proximity to the City of Portage; adherence to Vendor Rules & Guidelines; meeting the theme / mission of the market.
- c) Space sharing must be pre-approved by Portage Parks and Recreation.
- d) There shall be no refunds for seasonal or daily participation payments.
- e) Fees per space (space is limited):
  - a. Farmers Market vendors can apply to have space on a Seasonal or Daily basis:
    - i. Daily vendors reserve space only for specific days during the market season, and they only pay for those days at \$25 per day per space. Once you are scheduled for specific dates, an invoice will be generated for each date. Full payment of the invoice is due 30 days before your first scheduled market of each month. No refunds will be given if you cancel, so please be sure you can attend before you confirm dates.
    - ii. Seasonal vendors have space reserved for the entire season, and they are expected to attend the market consistently (see fees and deadlines below). A seasonal deposit of \$75.00 is due for Seasonal applicants upon acceptance and will be applied toward your seasonal fee. The remaining seasonal balance is due 14 days before attending the market.  
For each payment due, an invoice will be generated and sent to you.
      - \$360 / Market Season
      - \$180 / additional space. Vendors can request up to 2 additional spaces (for a total of 3).

## General Vendor Rules & Regulations:

- a) All vendors, including those on the waitlist, must have an up-to-date application on file with Portage Parks and Recreation.
  - a. Vendors must fill out the application relevant to them (Artisan, Community, Food Vendor, Mobile Food Vendor, Musician/Performer, Local Business)
  - b. Submitting an application does not guarantee placement. Portage Parks & Recreation will select vendors based on the needs of the market.
- b) All products sold at the market must meet all Federal, State and local preparation, licensing, labeling and storage regulations. Vendors and their employees are responsible for knowing and adhering to these rules / laws.
- c) Portage Parks & Recreation offers opportunities that are family friendly. As a result, vendors are expected to:
  - a. Refrain from obscene or suggestive language, discriminatory language, and/or politically fueled language or content.
  - b. Wear family-friendly attire, free of offensive or suggestive language.
- d) No raffles are allowed, unless the organization has obtained a raffle license and submitted a copy of the license at least 30 days prior to the implementation.
- e) Waste receptacles in the market area are for shopper use; dumping of excess product or waste is prohibited.
- f) All new products not listed on the vendor's original application must be pre-approved by Portage Parks and Recreation.
- g) Product sampling may only be done with pre-approval from Portage Parks and Recreation and must be sampled in accordance with Michigan Department of Agriculture and Rural Development (MDARD) Guidelines for Providing Safe Food Samples. Vendors must provide waste receptacles for the disposal of sample packaging and are responsible

for removing their waste at the end of the market.

- h) No vendor shall refuse to permit the purchase of any produce, goods or participation based on race, religion, color, creed, gender, political affiliation, sexual orientation, national origin, sex, age, marital status, gender-identity, height, weight or mental or physical ability.
- i) Hawking (the calling out to market customers) for the purpose of selling or promoting a vendor's product or luring customers away from another vendor are prohibited.
- j) All canopies or pop-up tents must be weighted down with at least 25 pounds per tent post (no stakes allowed). Portage Parks & Recreation does not have supplies available for rent.
- k) All vendors are expected to complete a vendor profile, provide anonymous monthly sales data for the months that they participate at the market, and complete a year-end survey. This information enables the Farmers Market to participate in food assistance programs and provides valuable data and feedback for all the markets run by Parks & Recreation.

### **Attendance and No-Show Policy:**

- a) Attendance is vital for the success of the market, and for your business. Customers and the Market Manager count on you to be present. Missing without notice has a negative effect on all.
- b) Cancellations are expected to be made 48 hours before the market opens. Unless alternative arrangements have been made ahead of time, you must call or text the Market Manager at 269-548-9481.
- c) The Portage Farmers Market is held "rain or shine". Despite rain, attendance will be expected unless the market is cancelled by the Market Manager.
  - a. Vendors who do not show will be given a written notice.
  - b. Upon the third no show, Portage Parks and Recreation will send a written letter excluding the vendor from further participation in the Portage Farmers Market.

### **Liability Insurance:**

Liability insurance may be required for certain vendors. If liability insurance is required:

Liability insurance must be in the amount no less than \$1,000,000. The vendor must name the City of Portage as additional insured on their farm/business liability insurance policy and provide proof of that coverage.

All coverage shall be endorsed to reflect the following as Additional Insured: "*City of Portage, its elected and appointed officials, agents, employees, volunteers, boards, commissions, and representatives.*"

It is understood and agreed by naming the City of Portage as additional insured, coverage afforded is considered primary and any other insurance the City of Portage may have in effect shall be considered secondary and or excess.

### **Setup / Teardown:**

- a) Vendors must be fully set up 15 minutes before the start of the market.
  - a. The vendor will inform the Market Manager of delays or cancellations by cell phone or text message (269-548-9481) in emergency situations.
- b) Vendors must not leave or start tearing down until the market is closed. Tearing down early makes customers feel uncomfortable and gives the impression that the market is already closed, which has a negative impact on other vendors. Tearing down or leaving early also results in added safety concerns due to the presence of crowds, including children.
  - a. If a vendor has a need to leave early, they must discuss it with the Market Manager ahead of time.
  - b. Selling out of your products is not a valid reason to leave early. If you sell out, you may put up a sign to let customers know that you are sold out, and then you are free to leave your space/truck, but you may not start tearing down or leave/pull out.
- c) Vendors are expected to drive slowly and carefully on designated paths when setting up and tearing down. 4-way hazard flashers must be on.
- d) Vendors who leave early or who are not set up on time may forfeit future markets.

### **Enforcement and Disputes:**

- a) Portage Parks and Recreation shall be charged with the responsibility of interpreting and enforcing these rules and maintaining order at the market.
- b) Any issues should be directed to the Market Manager and Portage Parks and Recreation.

### **Signage Requirements:**

As a family-friendly market that serves people of all ages, Portage Parks & Recreation has put in place standards to ensure <sup>2</sup>

that all signs display the minimum information necessary to create a clean and more user-friendly environment. Signs will be limited to printed words and numerals, and will not display any symbols, images, or logos that have not been pre-approved. These standards will assist in providing visual equality among vendors and accurate information for visitors to the market.

- a) All signage must be approved by the Parks and Recreation Department Director before being placed in use.
- b) No signage may display any non-pre-approved images, logos or symbols.
- c) Vendors must display a sign identifying the name and location of the business.
- d) Vendors must have signs with prices or price tags clearly posted for each product in a place visible to patrons.
  - a. All prices must be in full view of the consuming public with lettering clearly legible.
  - b. Signs listing prices for products will display the price and the name of the product only, and may not display any images, logos, or symbols.
- e) Other than the above-mentioned name/location/pricing signs, additional signage can be requested but must adhere to the above stated signage requirements and approval.
- f) The term "organic" may only be used (in written or verbal marketing) by vendors who are Certified Organic, in accordance with the USDA National Organic Program. Vendors must display their certificate at the market.
- g) When participating in various food assistance programs including SNAP/EBT, Double Up Food Bucks, WIC and Senior Project Fresh, each vendor shall display in their space the recommended sign indicating they accept the specific program as stated in the program's Vendor Agreement.
- h) Any Vendor displaying a sign in violation of these rules shall immediately remove the noncomplying sign upon request. Failure to do so may result in removal from the market.

### **Food Access Programs:**

- a) Participation in applicable food assistance programs is strongly encouraged for all vendors.
- b) Each season, all vendors who are eligible and wish to accept tokens for food assistance benefits, including Supplemental Nutrition Assistance Program (SNAP), and Double Up Food Bucks, must sign a contract for each program and post signage at their spaces for programs in which they participate.
- c) Vendors may not accept any currency or benefits for which their business is not eligible or currency from other farmers markets and will not receive reimbursement for that currency.
- d) Vendors are responsible for knowing each program, its currency and edible items. Information materials will be provided by Portage Parks and Recreation and are available on the Portage Farmers Market website at [FarmersMarket.portagemi.gov](http://FarmersMarket.portagemi.gov).
- e) Vendors who wish to be reimbursed for food assistance programs must submit an up-to-date W-9.
- f) Vendors will be reimbursed by check at least monthly.
- g) All reimbursements must be submitted by the last day of the Farmers Market season, before leaving the market.

### **Fruits and Vegetables:**

- a) 75% or more of all products offered for sale must be grown on the vendor's farm (homegrown).
- b) Resale of another local grower's produce is allowed, provided that the vendor is knowledgeable about the growing practices of that farm on which that produce is grown.
  - a. Produce resold in this manner must be labeled with the farm name and location where it was sourced and may not exceed 25% of product offered.
  - b. Refer to Market Overview (b) for the market's definition of local.

### **Meats and Poultry:**

- a) All meats and poultry to be sold at the market must be owned and raised by the farmer selling the product.
- b) All meats and poultry to be sold at the market must meet Federal, State and local preparation, licensing, labeling and storage regulations.
  - a. All meats must be processed in a USDA-inspected slaughter facility. A USDA seal of inspection must appear on all packages of meat originating at such a plant.
  - b. Small poultry producers raising fewer than 20,000 birds may have their birds processed either at a USDA or MDARD inspected facility. Product must be labeled appropriately, and producers must have a copy of MDARD license if processing at an MDARD inspected facility.
  - c. Vendors selling and storing meats and poultry must have a MDARD Food Warehouse License or Retail Food Establishment License. The license must be provided to Portage Parks and Recreation within 7 business days of approval.
  - d. All meats and poultry must be sold packaged and frozen and must be stored at 41°F or below.
  - e. All meats and poultry must be labeled with the farm's name and address.

### Fish:

- a) All fish products to be sold at the market must meet Federal, State and local preparation, licensing, labeling and storage regulations.
- b) All fish must come from a commercial fisherman or a licensed distributor; the license must be provided to Portage Parks and Recreation with the application.
- c) Fish must be sold frozen and stored at 41°F or below.

### Eggs:

- a) All eggs to be sold at the market must come from birds owned and raised by the farmer selling them.
- b) All eggs to be sold at the market must meet Federal, State and local preparation, licensing, labeling and storage regulations.
  - a. Processed eggs must be clean, packaged in clean cartons and stored at 41°F or below.
  - b. Unprocessed eggs do not need to be cleaned or stored at 41°F or below. However, they do need to be packaged in clean cartons and labeled as "uncleaned" and "unrefrigerated" eggs.
  - c. Each carton must be labeled with the farm name, address, phone number and a "best by" date (within 30 days of the packing date).

### Dairy Products:

- a) All dairy products, including cheese, yogurt, cream, ice cream/gelato, etc., to be sold at the market must meet Federal, State and local preparation, licensing, labeling and storage regulations.
- b) All dairy products must come from a licensed dairy; the license must be provided to the Parks Department prior to the start of the market.
- c) All dairy products must be stored at 41°F or below.

### Baked Goods and Value-Added Products:

- a) All baked goods must be "made from scratch" (pre-made items or those made from pre-made doughs or box mixes are not permitted).
- b) All baked goods and value-added goods must be prepared using as many local ingredients as possible.
  - a. Preference will be given to vendors who showcase Michigan ingredients.
  - b. Vendors may be asked to provide a list of locally-sourced ingredients, as well as receipts if requested, with their application.
- c) Vendors are encouraged to display signage at the market listing locally-sourced ingredients and the farm or business from which they were sourced.
- d) All baked goods and value-added products must be prepared in a licensed kitchen unless such items meet the criteria identified in the Michigan Cottage Food Law. The license must be provided to Portage Parks and Recreation within 7 business days of approval.
- e) All products prepared under Michigan Cottage Food Law:
  - a. Must be non-potentially hazardous that do not require time and/or temperature control for safety, as defined under the Law. For more information see <http://www.michigan.gov/cottagefood>.
  - b. Must be properly packaged and labeled with all information specified by the Law (see link above).
  - c. Must be pre-approved by Portage Parks and Recreation.
  - d. Must be sold directly to the consumer only by producer who prepared the goods.

### Prepared Foods:

- a) All prepared, ready-to-eat foods to be sold at the market must meet Federal, State and local preparation, licensing, labeling and storage regulations. A license must be provided to Portage Parks and Recreation within 7 business days of approval.
- b) It is recommended that All foods be prepared using as many local ingredients as possible.
  - a. Preference will be given to vendors who showcase Michigan ingredients.
  - b. Vendors are encouraged to display signage at the market listing locally-sourced ingredients and the farm or business from which they were sourced.
- c) All products must comply with Federal, State and local labeling requirements, including allergen safety during the market.
- d) All vendors preparing food on-site must adhere to local fire codes for personal and fire safety during the market.
- e) A Mobile Food Service License (MCL 289.6135) is required for hot dog stands, ice cream trucks, push carts, etc.
- f) A food cart must be licensed by a County Department of Health and Community Services, with copies of license/permits submitted with the application.
- g) Liability insurance is required. See the **Liability Insurance** section above.
- h) Mobile Food Vendors – there are additional rules and guidelines that apply to food trucks. Please see the "Mobile Food Vendor Rules and Guidelines" located at <https://portagemi.gov/941/Vendor-Rules-Guidelines>

### Plants and Flowers:

- a) All potted plants, herbs, bedding plants, nursery stock or cut flowers sold at the market must be grown by the vendor selling them.
- b) All potted plants, herbs, bedding plants, nursery stock or cut flowers sold at the market must meet Federal, State, and local regulations.
  - a. Vendors selling winter-hardy perennial plants must be licensed by the State of Michigan. A copy of the vendor's nursery license must be provided to Parks & Recreation.

### Small Wine Vendors:

- a) In order to be eligible, wineries must:
  - a. Make fewer than 5,000 gallons of wine per year at all locations.
  - b. Grow their own fruit or source Michigan fruit; if sourcing from other farms or vineyards, the winery must provide a detailed list of those sources contact information.
- b) Liability insurance is required within 7 business days of receiving approval of your application. See the **Liability Insurance** section above.
- c) Wineries shall submit copies of server training certification for each server who will be present for sampling wines at the market.
  - a. If there are any staff substitutions, Portage Parks and Recreation must be notified and be provided with certifications for new servers.
- d) Wineries will check photo identification of all customers sampling or purchasing wine and will not serve wine to anyone under the age of 21 years old, in accordance with Federal Law.
- e) Tasting samples provided to a customer shall not exceed three (3) servings of not more than two (2) ounces of wine in a 24-hour period.
- f) An 8-foot table, 10'x10' pop-up tent and signage for the designated tasting area that is well-defined and clearly marked and under the control of the permit holder will be required. Wineries are responsible for bringing all items needed for their tasting, and are responsible for trash collection of those materials.
- g) Before attending markets, wineries must complete the Michigan Liquor Control Commission (MLCC) Application for Farmers Market Permit at [http://www.michigan.gov/documents/lara/Farmerss\\_Market\\_Permit\\_application\\_LLC-250\\_514980\\_7.pdf](http://www.michigan.gov/documents/lara/Farmerss_Market_Permit_application_LLC-250_514980_7.pdf).
  - a. A map of the Farmers Market location will be provided upon acceptance of your Farmers Market Application for submission with your Permit Application.
  - b. Portage Parks and Recreation will sign the Application upon acceptance for submission to the MLCC.

### Marijuana and Industrial Hemp:

- a) Portage Parks & Recreation prohibits the sale of all marijuana and industrial hemp plants, edibles, or any part of the marijuana or industrial hemp plant including seeds, flowers, oils and extracts.
- b) Non-edible products containing industrial hemp CBD oil (with less than .3% THC) such as soaps, lotions, creams, lip balms, and other items **pre-approved** by the Market Manager are allowed.
- c) Product images of each item are required, including labels for each product.
- d) A copy of lab results for each product using industrial hemp-based CBD oil as an ingredient may be requested to verify that the item contains less than .3% THC.

*Failure to adhere to any of the above rules may result in forfeiture of your space or removal from the markets without a refund.*

*For questions or clarification, please contact Portage Parks and Recreation at 269-329-4522 or email [FarmMkt@portagemi.gov](mailto:FarmMkt@portagemi.gov)*