

# 2011 SANTA ROSA DOWNTOWN MARKET RULES & REGULATIONS

## Purpose, Goals and Structure

- 1.1 The purpose of the Santa Rosa Downtown Market in downtown Santa Rosa is to promote a feeling of community pride and enthusiasm for Santa Rosa and its surrounding environment. Specifically, the event is designed to:
  - create a positive image for Santa Rosa
  - provide a gathering place for residents and tourists of all ages to enjoy the bounty of local talent, produce and products
  - provide a forum for community activities
  - maintain the downtown identity important to a community's self-image
  - enhance the community as a whole
- 1.2 It is the goal of the Santa Rosa Downtown Market to stage an event with activities that promote a wholesome, family atmosphere. The Market seeks activities which, individually or in combination with other activities, appeal to both young and old, and provide a consumer mix that reaches all aspects of the marketplace. **All activities must be consistent with these goals.**
- 1.3 The Santa Rosa Downtown Market is organized by and paid for by the Santa Rosa Thursday Night Market Association, Inc., and supported through cooperation with the following organizations and agencies: the City of Santa Rosa, the County of Sonoma, Corporate Sponsors, Friends of the Market, and Volunteers.
- 1.4 All activities are under the auspices of the Santa Rosa Downtown Market which reviews applications, plans events and promotions, and enforces all rules and regulations. The rules and regulations may be revised at the discretion of the Santa Rosa Downtown Market Board of Directors.

## 2011 HOURS OF MARKET OPERATION

- 2.1 The Santa Rosa Downtown Market Season will be **17 weeks from May 11 through August 31, 2011.**
- 2.2 The Santa Rosa Downtown Market hours of operation are **5:00 p.m. to 8:30 p.m.**
- 2.3 The street will be barricaded at approximately **3:30 p.m.**
- 2.4 Participants may begin set-up at any time after their segment of the street is fully closed to traffic.
- 2.5 The Market Information Booth will be open by **4:00 p.m.** to assist participants and will close at **8:30 p.m.**
- 2.6 **ALL VEHICLES MUST BE OUT OF THE BARRICADED MARKET AREA BY 4:45 P.M.**
- 2.7 All participants shall have their set-up complete at 5:00 p.m. A walk-through inspection will take place each week at approximately **5:15 p.m.**
- 2.8 Vehicles may re-enter the street to take down booths and activities **NO EARLIER THAN 8:40 p.m.**
- 2.9 All booths and equipment must be out of the street by **9:15 p.m.**, so the police can open the street for traffic.
- 2.10 **THERE ARE NO REFUNDS FOR RAINED OUT MARKETS.**

## General Policies and Operating Procedures for All Participants

- 3.1 **ALL PARTICIPANTS MUST COMPLY WITH ALL OF THE POLICIES, RULES, REGULATIONS AND OPERATING PROCEDURES OF THE SANTA ROSA DOWNTOWN MARKET. NON-COMPLIANCE INCLUDING OFFENSIVE CONDUCT, BREACH OF THESE RULES, REGULATIONS AND POLICIES, REFUSAL TO COOPERATE WITH MARKET PERSONNEL (INCLUDING VOLUNTEERS) MAY RESULT IN IMMEDIATE SANCTIONS, INCLUDING REVOCATION OF THE PERMIT, REMOVAL FROM THE MARKET WITH FEES NOT REFUNDED, AND POSSIBLE PERMANENT EXCLUSION FROM FUTURE MARKETS.**
- 3.2 All booths and activities will be open and operating during all the hours the Market is open to the public, unless a written request is submitted in advance to Market management and approved.
- 3.3 All sales, activities & entertainment will commence at opening time & will cease at closing time. Participants who open early or who do not close on time may not be permitted to open the following week, & their fees will not be refunded. Arrangements for disposal of all leftover food should be made prior to closing time.
- 3.4 All selling activities, entertainment and informational activities must take place entirely within the assigned space and outside of the required fire lane area. **It is the responsibility of participating organizations to keep their staff and volunteers entirely within the space assigned.**
- 3.5 It is the responsibility of all participants to notify the Market of any changes in leadership within the organization or seek prior approval for changes in proposed activities, items for sale, menus or prices.
- 3.6 Participants in Santa Rosa Downtown Market shall be appropriately dressed (e.g. shirts and shoes), and conduct themselves with proper decorum. **No alcohol or smoking is allowed in vendor booths!**

- 3.7 No person shall deface or otherwise abuse public or private property, and shall not use any public or private facilities or structure for electricity, water, or otherwise without the prior consent of the Market, City of Santa Rosa, or owner of the facility or structure.
- 3.8 All participants shall set up their area in a safe manner. All electrical cords on the ground will be taped securely and completely covered. All barbecue units will be barricaded from the public. Structures, signs and equipment will be secured against wind. **There are no a-frame sandwich board signs allowed outside of your designated area.**
- 3.9 All participants shall keep their area clean during the Market and leave the space surrounding their area clean after the Market.
- 3.10 Participants shall reimburse the Santa Rosa Downtown Market for any costs incurred relating directly to their activity.
- 3.11 No person participating in the Santa Rosa Downtown Market shall state, imply or otherwise suggest that the Santa Rosa Downtown Market, its Board, or its sponsors endorse or support the views of his or her organization.
- 3.12 Alcoholic beverages may not be sold, consumed, or advertised at the Santa Rosa Downtown Market.
- 3.13 **Merchant's show windows may not be obscured at any time by boards, banners, or other large displays.**
- 3.14 The Santa Rosa Downtown Market is not responsible for theft or damages to property belonging to persons participating in the Santa Rosa Downtown Market. The Santa Rosa Downtown Market assumes no responsibility for items left unattended before, during, or at the conclusion of Market activities.
- 3.15 The Santa Rosa Downtown Market reserves the right to revoke the permit and/or order the removal of all equipment and material belonging to a participant from the Market boundaries for any reason deemed necessary to better meet the goals and purposes of the Santa Rosa Downtown Market or for public health, safety and welfare, and fees shall not be refunded.
- 3.16 Every seller **must notify the Market Manager no later than 48 hours before the Market** if he/she will not be selling at a given Market. **You WILL be charged for the space if you do not call 707-524-2123.**

### Participation and Application

#### **Participation is limited to:**

- 4.1 Established food service businesses that wish to sell barbecued, pre-prepared or pre-packaged foods for consumption at the Market.
- 4.2 Artists and Craftspeople who wish to sell their own **handmade** Arts and/or Crafts.
- 4.3 Community Service Agencies who wish to tell their story to Market attendees.
- 4.4 Certified growers who wish to sell their agricultural produce.
- 4.5 Entertainers whose talents are deemed by the selection committee to be attractive to families, youngsters and/or senior citizens.
- 4.6 Processed Food Vendors, who wholly produce, manufacture & package products for sale that aren't ready-to-eat.
- 4.7 Corporate Sponsors who contract directly with the Santa Rosa Downtown Market.

#### **The Selection Process**

- 4.8 All participants must apply in writing to the Santa Rosa Downtown Market on a Market Application.
- 4.9 Application for participation in any Market activity is an offer to contract with the Santa Rosa Downtown Market subject to the provisions stated on the Application Form and the Market Rules and Regulations. Acceptance by the Santa Rosa Downtown Market of an application constitutes acceptance of that offer to contract.
- 4.10 Applications are reviewed to determine space availability and the extent to which they meet Market objectives and selection priorities.
- 4.11 Approved applicants are offered an invitation to participate.
- 4.12 Approved applicants must provide to the Market the following (no less than one (1) month before initial participation):
  - \* Necessary fees (non-refundable) as applicable (see application and fee section)
  - \* Copies of necessary licenses and permits from regulatory agencies
  - \* Insurance Certificate, if required (see application)
  - \* All other documentation required on each specific application (see application for details)
- 4.13 When all documents and fees are received, Market management assigns space.
- 4.14 Selection to participate is for one Market Season only, or for period applied for, whichever is less.
- 4.15 Failure to be recommended by the selection committee (even after recommendation in previous years) is not necessarily a reflection on any group's past performance or current potential. Space requirements, need for change, mix of activities/products at the Market, operational needs, and scheduling are factors evaluated by the Selection Committee that do not reflect on any individual's or group's abilities but which must be considered when inviting participants.

#### **Event Operational Policies**

- 4.16 Participation privileges may NOT be assigned, transferred, or sold.
- 4.17 **Once space is allocated, participation is required or future application may be denied, and no prepaid fees will be refunded.**
- 4.18 Participants will be assigned space locations at the discretion of the Santa Rosa Downtown Market.
- 4.19 The number of spaces to be allotted to each type of vendor or other participants will be determined by the Santa Rosa Downtown Market.
- 4.20 Participants shall limit sales and activities to items specified on the application, unless prior consent of the Market is obtained.
- 4.21 Under the street closure or other relevant permits issued by the City of Santa Rosa, the Santa Rosa Downtown Market has full discretion concerning the use of the area designated for the Santa Rosa Downtown Market.
- 4.22 The person in charge of any activity must be in possession of a valid Market permit at all times during set-up, operation and dismantling. The permit is to be clearly displayed during operation. Additionally, if the activity involves food sales, the participants must also have all relevant documents or permits demonstrating compliance with all applicable governmental regulations, statutes and ordinances.
- 4.23 It is the responsibility of approved applicants to have their Market permit. Permits not received in the mail may be picked up at the Market Information Booth after 4:15 p.m., but before 4:45 p.m., on Wednesday.
- 4.24 The Santa Rosa Downtown Market permit may be revoked for any one of the following reasons (which are not all-inclusive):
  - a. Non-compliance with these or any other of the Santa Rosa Downtown Market Rules and Regulations or any applicable governmental regulations, statues and ordinances, including City Fire Department, and County Health Department Rules and Regulations. Fees will not be refunded.
  - b. Non-payment of prescribed fees within the designated time period.
  - c. **Poor attendance.** (Vendors who are assigned space and do not attend are subject to loss of participation privileges for the 2011 Market Season, and fees shall not be refunded.)

#### **Regulatory Agencies and Market Participants**

(Sonoma County Health Department, Sonoma County Agriculture Department, Santa Rosa Fire Department, City of Santa Rosa, State Board of Equalization, State Department of Alcoholic Beverage Control)

- 5.1 Where applicable, regulations of the Sonoma County Health Department, Sonoma County Agriculture Department, Santa Rosa Fire Department, City of Santa Rosa, State Board of Equalization and State Department of Alcoholic Beverage Control must be adhered to by all Market Participants.
- 5.2 It is the responsibility of the Participant to obtain all permits and licenses applicable to participation at the Market, including, but not limited to, City of Santa Rosa Business License, Special Event Food Service Permit, Certified Producer's Certificate, Seller's Permit, and any necessary permits required for food preparation equipment.
- 5.3 Fees for all necessary permits and licenses are the responsibility of the Participant.
- 5.4 The laws regarding sales tax are complex. It is the responsibility of the Participants, not the Santa Rosa Downtown Market, to determine their tax status with regard to local, state and federal statutes and regulations, in particular state sales tax on all items, foods, and drinks sold at the Market.
- 5.5 The laws regarding special event food sales are complex. It is the responsibility of the Participants, not the Santa Rosa Downtown Market, to determine the Health and Safety Code Requirements and ordinances applicable to any food preparation, presentation and sales.
- 5.6 The laws regarding certified produce sales are complex. It is the responsibility of the Participants, not the Santa Rosa Downtown Market, to determine the Agriculture Department Requirements and certification applicable to any produce preparation, presentation and sales.
- 5.7 The Sonoma County Health Department, Sonoma County Agriculture Department, Santa Rosa Fire Department and State Department of Alcoholic Beverage Control representatives are in attendance at the Santa Rosa Downtown Market on a regular basis.
- 5.8 Violation of Health Department, Agriculture Department, Fire Department and/or State Department of Alcoholic Beverage Control regulations is grounds for immediate booth closure.

**NOTE: NO ALCOHOLIC BEVERAGES ARE PERMITTED WITHIN THE BOUNDARIES OF THE MARKET.**

#### **Equipment and Services**

- 6.1 **THE SANTA ROSA DOWNTOWN MARKET IS UNDER NO OBLIGATION TO PROVIDE ELECTRICAL POWER, WATER, TABLES OR ANY EQUIPMENT TO PARTICIPANTS. PARTICIPANTS MUST PROVIDE OR ARRANGE FOR SERVICES AND EQUIPMENT THEMSELVES. NO FEES WILL BE REFUNDED FOR PARTICIPANT'S FAILURE TO MAKE SUCH ARRANGEMENTS**

#### **Fees for the 2011 Santa Rosa Downtown Market Season**

- 7.1 Participation in the Santa Rosa Downtown Market is a privilege for all. There are substantial costs in operating the weekly events. Vendor fees are set to cover the costs of operating the Market. Fees are not refundable, except as provided herein. Partial spaces or double spaces may be available at varying fees. Please inquire with the Market office.
- 7.2 **Food Sales: \$105 per week per space along the street. Food vendor fees are paid three times, with the first trimester's fees due prior to the vendors opening at the Market.** Subsequent months will be due and payable according to the payment schedule on the Food Vendor Application.
- 7.3 **Arts & Crafts Sales: Arts and Crafts vendor's fees are due and payable in accordance with the payment schedule listed on the 2011 Arts & Crafts Application. All spaces are approximately 10'x 10' along the street. The trimester's fees are payable two weeks in advance.**
- 7.4 **Non-Profit/Community Service Agencies: \$32 per week per space along the street (approximately 8' x 8').** Community Service Agencies pay on a weekly basis with fees to be paid no less than three weeks prior to initial participation at the Market.
- 7.5 **Entertainment: There are no fees paid by entertainers, except as noted below.** Entertainers may sell their own recordings, subject to conditions in the Entertainment application. Entertainers may display a container for tips. **Entertainers who charge a fee for their service must pay the Market a fee of \$58 per week, payable in advance of the day of their performance at the Market.**
- 7.6 **Farm Market: \$32 per week per 10-foot unit of space on the street.** Fees must be paid one week in advance of the Market.
- 7.7 **Processed Food Vendors: \$32 per week for one space.** Fees must be paid one week in advance of the Market.
- 7.8 **Refund Policy: Vendors, who want to withdraw from the Market, must do so in WRITING. No monies will be refunded for withdrawals or reduction in space size until the following requirements have been met:** 1) a letter of intent to withdraw is received by the Market office from the vendor; 2) payment has been received from a replacing vendor and; 3) the refund will only be for the time actually filled by the replacing vendor. Furthermore, all refunds will be based on the full weekly charge for the time the space is unused.
- 7.9 **Warning, Fine and/or Expulsion Policy:** A warning letter will be issued for the first violation of the Santa Rosa Downtown Market's Rules and Regulations; the second violation will result in a fine equal to one week's fee; the third violation will result in a two week suspension from the Market with no refund; and the fourth violation will result in suspension from the entire 2011 Season.
- 7.10 **LIABILITY INSURANCE:** Vendors should be aware that the Market's liability insurance does NOT cover sellers. You are encouraged to obtain your own liability insurance. (It is recommended, but not required, that all applicants provide a certificate of insurance insuring them as follows: \$1,000,000 Product & Comprehensive General Liability Insurance naming the Santa Rosa Downtown Market, City of Santa Rosa, and the Santa Rosa Chamber of Commerce as additionally insured.)

#### AGREEMENT

Applicant agrees to defend, hold harmless, and indemnify the City of Santa Rosa, its officers and employees, the Santa Rosa Downtown Market, its officers and its directors, and the Santa Rosa Chamber of Commerce, its officers and its employees, from and against any and all claims for damages and any or all loss, provided such claim, liability or loss arises in whole or in part by any act or omission of applicant or that of any employee or agent of applicant, and so applicant agrees, irrespective of whether such claim, damages or loss also arose from or were caused by a negligent omission on the part of the City of Santa Rosa, the Santa Rosa Downtown Market, the Santa Rosa Chamber of Commerce or any of its officers or employees. Applicant has read the foregoing Santa Rosa Downtown Market's Rules and Regulations regarding the Purpose, Goals and Structure; General Policies and Operating Procedures for All Participants; Participation & Application; Hours of Market Operation; Regulatory Agencies; Equipment and Services; Fees for the 2011 Market Season, and the Section herein regarding applicant's specific area of participation and applicant agrees to conform to the regulations contained therein.