



Downtown Manitowoc Farmers Market

2015 Participation & License Agreement

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I. **WELCOME**

- a. The Downtown Manitowoc Farmers Market is sponsored by the City of Manitowoc in cooperation with area vendors.
- b. For participation in Downtown Manitowoc Farmers Market in 2015, a non-transferable, revocable license agreement to occupy, use and participate in the Market, subject to the terms and conditions set forth herein this Agreement between the City of Manitowoc (City) and the undersigned Vendor.

II. **2015 MARKET SEASON**

- a. Tuesdays
 - i. June 9, 2015 – October 20, 2015
 - ii. 12:00pm – 6:00pm
- b. Saturdays
 - i. May 9, 2015 – October 31, 2015
 - ii. 8:00am – 2:00pm

III. VENDOR RESPONSIBILITIES

a. License/Permit Information

i. Selling Processed and Ready To Eat Food

1. Licensing requirements vary depending on what type of food product is being produced and sold. Please contact the Manitowoc County Health Department for permit and license information regarding any processed or ready to eat food items.
2. Selling restaurant foods such as hot dogs, egg rolls or brats at a market requires a Temporary Food Stand License. All foods must be prepared onsite or at a pre-approved or licensed location.
3. Baked goods must be prepared in a licensed facility and require a Retail Food License.
4. Sellers of eggs, dairy products, meat, poultry and rabbits are required to be licensed and all products must come from a licensed facility.
5. Maple syrup processing is subject to licensing requirements.
6. Honey sales may require licensing depending on the type of product.
7. Sellers of whole fresh fruits and vegetables and sellers of prepackaged, non-potentially, hazardous foods (produced in a licensed facility) are not required to be licensed as a retail food establishment.
8. Proper labeling is required for all packaged food (e.g. salsa, soup and bakery).
9. Limited sales of home-canned foods are allowed under a Wisconsin law – sometimes called the “pickle bill.” Contact the Manitowoc County Health Department for more information.
10. Manitowoc County Health Department
1028 South 9th Street
Manitowoc, WI 54220
Office: 920.683.4155
Email: healthdepartment@co.manitowoc.wi.us

ii. Seller's Permits

1. A Wisconsin Seller's Permit may be required for all event seller/vendor of taxable merchandise or property in Wisconsin, unless all sales are exempt from sales or use tax.
2. If you are a seller at the market, the seller is responsible to check with the Wisconsin Department of Revenue (DOR) to determine your status and if a Seller's Permit is required or not.

3. Seller's selling only tax exempt items such as raw fresh vegetables or fruits would not need a Seller's Permit.
4. If you sell taxable items such as flowers, clothing, crafts, sandwiches or heated foods or beverages, you must obtain a Seller's Permit.
5. Generally, sellers who have \$1,000 or more in taxable sales during the calendar year may qualify for the occasional sales exemption, and would not be required to have a Seller's Permit.
6. If a seller is required to report and pay sales tax, they are required to have a Seller's Permit and you will need a sales tax number.
7. The seller is responsible to check with the DOR to determine your status and if a sales tax number is required or not. A seller who has questions about either of these topics should contact the DOR.
8. Wisconsin Department of Revenue
Seller's Permit
Office: 608.266.2776
Website: www.revenue.wi.gov

iii. Weights and Measures

1. Wisconsin farmers markets are governed under the same laws as other retail business establishments.
2. Compliance with Wisconsin's Weights and Measures law is an integral part of fair trade among businesses and fair treatment of consumers.
3. If you are a seller using a scale at the MARKET, the seller is responsible to contact the Wisconsin Agriculture, Trade & Consumer Protection (DATCP) to determine if your scale is allowed under the Wisconsin Weights and Measures law (Chapter 98 Wis. Stats.), and operating guidance and rules (Chapter ATCP 92, Wisconsin Administrative Code).
4. The law requires that business that "install, service, test or calibrate weights and measures" are required to be licensed.
5. All scales used at the MARKET must be calibrated on a yearly basis, and verification of calibration must be attached to the scale.
6. Wisconsin Department of Agriculture, Trade and Consumer Protection
Weights & Measures Information: 608.224.4945
General Farmers Market Information: 608.224.5048
Website: www.datcp.wi.gov/consumer/weights_and_measures

b. Fire Safety - Rules for Outdoor/Indoor Events Involving Cooking

- i. Any type of cooking under tents or awnings is prohibited.
- ii. Anyone doing any cooking needs a minimum of one portable fire extinguisher with a rating of not less than 2-A:10-B:C. Extinguishers must be checked yearly by a licensed extinguisher company or have a receipt attached to it showing it is less than a year old. *NFPA 1:10.15.5*
- iii. Anyone using LP gas for fuel must have the full and empty containers secured so they cannot tip over. They also must be protected from vehicle traffic. *NFPA 55:7.1.4.3.2 & 7.1.4.4*
- iv. Concession stands utilized for cooking shall have a minimum of 10 ft. (3 m) of clearance on two sides and shall not be located within 10 ft. (3 m) of amusement rides or devices. *NFPA 1:10.15.6*
- v. Class K fire extinguishers shall be provided for hazards where there is a potential for fires involving combustible cooking media (vegetable or animal oils and fats). Deep frying falls under this rule. *NFPA 1:13.6.7.4.5*
- vi. All solid fuel (oils) cooking appliances shall at least have a listed 2-A rated water-type fire extinguisher or 1.6 gal (6 L) wet chemical fire extinguisher listed for Class K fires. *NFPA 1:13.6.8.6.3*
- vii. Combustibles cannot be used near areas of deep frying. Examples include using cardboard or paper products to make wind breaks.
- viii. Deep frying must be done with the appropriate containers. Disposable containers cannot be used to do deep frying. Deep fryers must be used on a level surface and secured so they cannot roll.
- ix. Effective April 10, 2008. If a mobile kitchen is larger than 365 square feet, the Manitowoc Fire Department will require an automatic suppression system or an exhaust hood. Mobile kitchens include vehicles such as busses, trailers, or trucks. Tents are NOT considered mobile kitchens.
- x. All cooking areas will be secured or roped off so the general public cannot walk through the cooking area. *SPS 314.50*
- xi. All outdoor or indoor events involving cooking in the city limits of Manitowoc are subject to inspection by the Manitowoc Fire Department. If a concession stand or vendor is in violation of State and Local Codes, the Manitowoc Fire Department will work with those involved to be within the rules and to have a successful outing or event. *SPS 314*
- xii. All tent fabric shall meet the flame propagation performance criteria of Test Method 2, as required in NFPA 701, Standard Methods of Fire Tests for Flame Propagation of Textiles and Films. *NFPA 102:8.3.1*

xiii. Manitowoc Fire Department

911 Franklin Street

Office: 920.686.6540

c. Hours of Operation

i. On Saturday Market days:

1. The Vendor agrees not to enter the Market before 7:00am and agrees to be set up and open for business in their assigned display area(s) no later than 8:00am.
2. Vendor agrees to make no sales before 8:00am.
3. Vendor will clean their assigned display area(s), remove any garbage and leave the Market property no later than 3:00pm.

ii. On Tuesday Market days:

1. The Vendor agrees not to enter the Market before 11:00am and agrees to be set up and open for business in their assigned display area(s) no later than 12:00pm.
2. Vendor agrees to make no sales before 12:00pm.
3. Vendor will clean their assigned display area(s), remove any garbage and leave the Market property no later than 7:00pm.

d. All Vendors shall support the City designated Market representative in sharing the responsibility of maintaining traffic barricades to keep vehicle traffic out of the Market during Market hours, and to advise all drivers who evade the barricades to leave slowly and immediately. All Vendors share the responsibility of asking all customers with dogs or other pets to leave the Market immediately.

e. If you are a vendor that is not utilizing your personal vehicle in your display area space, please park your personal vehicle(s) in a City-owned parking lot such as City Hall, and not at the customer parking area of the Market, as it will again be used to house additional vendors.

IV. CITY RESPONSIBILITIES

- a. City will support the general marketing and promotion of the Market which shall be led and coordinated by the City designated Market Representative.
- b. All Market related expenditures will be funded by Vendor fees paid to and collected by the City, which shall be placed in a fund retained by the City for marketing, maintenance and enhancement of the Market property.
- c. The City shall not be responsible for organizing or coordinating any activities related to special Market day programs or events.
- d. City does not assume responsibility for Vendor compliance with any local, State and Federal licensing requirements or regulations.
- e. City will arrange for logistical support for the Market, which may include providing portable bathroom facilities, barricades and signs.
- f. City will establish Vendor display area rental fees and shall enforce Market policies and procedures.
- g. The City reserves the right to refuse participation to Vendors in the Market who do not comply with Market rules and regulations and who fail to meet Market standards which include acceptable Market conduct and dress, and adhering to all local, State and Federal licensing requirements and regulations.
- h. The City shall have the right to terminate this Agreement for cause.
- i. The maximum number of artisans/crafters to be permitted in the 2015 Market shall not be more than 20 percent of the total number of vendors. While every effort will be made to provide 2014 artisan/crafters with the same number of display area spaces in the 2015 Market, we reserve the right to reduce the number of spaces requested by a particular vendor based on overall vendor demand for space in the Market.

V. DISPLAY AREA(S)

- a. Display areas are defined as parking stalls that are leased by the City to Vendors.
- b. The maximum number of display areas that may be available to any Vendor that participated in the 2014 Market is four. All new or first time Vendors are limited to a maximum of two display areas.
- c. Lease Fees (*with completed application and payment*)
 - i. On or before March 20, 2015 = \$110.00 per display area
 - ii. After March 20, 2015 = \$160.00 per display area
 - iii. Flex Space = \$50.00 per display area for two market days
- d. Requests by Vendors to occupy and use the same display area(s) as in the 2014 Market will be approved as long as the Vendor files all required documents, including fees, on or before Friday, March 20, 2015, and if the City determines request is logistically feasible.
- e. Vendor applications and fees received after March 20, 2015 will be placed on a waiting list and allocated display area(s) based on availability.
- f. City will identify and assign all Vendor display area(s) after items in VI(a) through VI(e) have been completed, and all information required is provided to the City and to the satisfaction of the City.
- g. All display area(s) assignments will be made after March 20, 2015. The City will contact Vendors in April with their official display area(s) designation for the 2015 Market.
- h. City will settle disputes involving Vendors and between Vendors, and will be responsible for terminating Vendor participation in the Market as a result of improper Market conduct including racially discriminatory actions, or for a violation of any local, State or Federal licensing requirement or regulation.
- i. At any time during the Market season the City designated Market Representative is authorized to direct Vendors to locate in display area(s) to accommodate overall Market appearance and customer flow.
- j. A flex space will be available for unregistered vendors who want to participate in either the Tuesday or Saturday Market for a total of two days. An unregistered vendor must be preapproved by the City. The flex space shall only be available to growers/sellers of produce, food sale and preparation vendors but not artisans/crafters.
- k. The attached map identifies display areas available at the Market. For both Tuesday and Saturday Market days, assigned display areas can only be occupied by the Vendor to which the area is assigned, except as follows:

Unless authorized otherwise by the City designated Market Representative, Vendors shall be required to only occupy and use their designated display area between June 9, 2015 and September 19, 2015. Between May 16, 2015 and June 9, 2015, and between September 19, 2015

through October 24, 2015, Vendors may elect to relocate to other available areas in the Market, as long as Vendors first contact the official Vendor occupant(s) of those areas to make sure they are available and not committed to usage.

VI. AGREEMENT EFFECTIVE UPON:

- a. Vendor delivery to the City the Agreement Acknowledgment Form signed by the participating Vendor, plus a completed 2015 Vendor (Seller) Application.
- b. City receipt of the required Vendor fee payment.
- c. City receipt of a copy of all Vendor certifications and licenses.
- d. Artisans/crafters are required to submit photographs of the type of items they intend to sell at the Market.
- e. The authorized signature of the City obtained.



Downtown Manitowoc Farmers Market

2015 Participation & License Agreement Acknowledgment Form

In consideration for the right to participate in the 2015 Downtown Manitowoc Farmers Market, the undersigned Vendor has read, understands and agrees to all terms and conditions in the "2015 Participation & License Agreement," which are all incorporated herein by reference and are made part of this Agreement. Only the individuals named as a Vendor in the "Vendor Information" section below may sell at the Market.

Vendor agrees to abide by all applicable local, State and Federal licensing and regulations, and agrees that a violation by Vendor of such requirements or regulations, or improper Market conduct, may be deemed by the City to be a material breach of this Agreement and the City may, at its sole discretion, immediately remove Vendor from the Market property for the remainder of the 2015 Market season.

Vendor, by its signature below, further authorizes the City to enter the Vendor's homestead property in the event a determination is needed regarding whether or not Vendor product featured at the Market is home grown.

VENDOR INFORMATION

Vendor Name (Printed)

Name of Business (Printed)

Vendor Signature

Date

TO BE COMPLETED BY CITY OF MANITOWOC PERSONNEL

2015 City of Manitowoc Downtown Farmers Market Display Area Assignment(s)

_____ Space 1 _____ Space 2 _____ Space 3 _____ Space 4

Returning Vendor

New Vendor

2-Day Flex Space



Downtown Manitowoc Farmers Market

2015 Application

Amount Paid \$ _____

Check Cash

Date: _____

PERSONAL INFORMATION				
Name	Home Address	City	State	ZIP
Home Phone:	Mobile Phone	Email		
BUSINESS INFORMATION				
Name	Business Address	City	State	ZIP
Business Phone	Business Fax	Website		
FARMERS MARKET – 2015				
1. Did you sell at the Downtown Manitowoc Farmers Market in 2014?			<input type="checkbox"/> Yes	<input type="checkbox"/> No
• If yes to Question 1, how many days did you sell in the 2014 season?				
• If yes to Question 1, how many 10' x 20' display areas did you occupy?				
• If yes to Question 1, do you want to occupy the same display area(s)? <i>(Please mark the enclosed map to assist in identifying the display area(s) you occupied in 2014.)</i>			<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Please choose four locations <i>(each location can range from one to four display areas)</i> in the Market <i>(see attached map)</i> that you would prefer to be assigned in the 2015 Market.				
Preference #1:		Preference #3:		
Preference #2:		Preference #4:		
3. What will you sell at the 2015 Downtown Manitowoc Farmers Market? <i>(Check all that apply)</i>				
<input type="checkbox"/> Vegetables	<input type="checkbox"/> Poultry/Meat*	<input type="checkbox"/> Food for Immediate Consumption* (Egg Rolls, Etc)		
<input type="checkbox"/> Herbs	<input type="checkbox"/> Fruits	<input type="checkbox"/> Processed Foods* (Canned Jams, Jellies, Sauces, Etc)		
<input type="checkbox"/> Bakery*	<input type="checkbox"/> Crafts*	<input type="checkbox"/> Processed Meats* (Sausages, Etc)		
<input type="checkbox"/> Cheese*	<input type="checkbox"/> Eggs*	<input type="checkbox"/> Refreshments* (Soda, Chips, Etc)		
<input type="checkbox"/> Juice* (Apple Cider, Etc)		<input type="checkbox"/> Plants/Perennials/Shrubs/Trees*		
<input type="checkbox"/> Other:				
* Indicates a license or permit is required! You must provide a copy of the license/permit along with your application. Vendor display areas will not be assigned if a copy of a required license or permit is not submitted with the application.				
4. Indicate the origin of the items you sell? <i>(Check all that apply)</i>				
<input type="checkbox"/> Vegetables/Herbs/Fruits I Grow		<input type="checkbox"/> Processed Food Items I Make		
<input type="checkbox"/> Vegetables/Herbs/Fruits Bought Directly From Grower**		<input type="checkbox"/> Processed Food Items Bought Directly From Processor**		
<input type="checkbox"/> Vegetables/Herbs/Fruits Bought From Another Other Than Grower**		<input type="checkbox"/> Processed Foods Bought From Another Other Than Processor**		
<input type="checkbox"/> Crafts I Make		<input type="checkbox"/> Eggs/Poultry/Meat I Produced		
<input type="checkbox"/> Crafts Bought From Maker** <i>(If you check this box, this activity is not permitted at the Market)</i>		<input type="checkbox"/> Eggs/Poultry/Meat Purchased From Grower**		
** Indicates items which must be labeled with a sign indicating you did not grow/raise/process this item. Processed food items include any processed items listed above, which require a license or permit.				

5. Indicate which days of the week and which months of the year you will be at the Downtown Manitowoc Farmers Market in 2015? **(Check all that apply)**

• Tuesdays:	<input type="checkbox"/> Jun	<input type="checkbox"/> Jul	<input type="checkbox"/> Aug	<input type="checkbox"/> Sept	<input type="checkbox"/> Oct	
• Saturdays:	<input type="checkbox"/> May	<input type="checkbox"/> Jun	<input type="checkbox"/> Jul	<input type="checkbox"/> Aug	<input type="checkbox"/> Sept	<input type="checkbox"/> Oct

6. What date will you begin selling at the 2015 Market?

7. What date will you end selling at the 2015 Market?

8. Will you participate in the FoodShare Program (*vouchers for income qualified persons*) at the 2015 Market?

Yes No

9. Do you plan to participate in the Market?

Sat- Only Tues – Only Both Days

10. Will you utilize a scale?

Yes No

• If yes to Question 9, please provide the following information:

Scale Brand: _____ Model No: _____

Serial No: _____ Date Last Calibrated: _____

Calibrated By: _____ (Company) – Attach Copy of Calibration Certificate

11. Are you planning to use a generator at the 2015 Market?

Yes No

• If yes to Question 10, attach a copy of the generator specifications that include noise levels in decibels (dBA).

SELLER INFORMATION (Complete and sign either "A" or "B" but NOT both)

A. I do not sell more than \$1,000 of taxable items in a calendar year, and I am not required to hold a Seller's Permit.

Signature: _____.

B. I plan to sell more than \$1,000 of taxable items at the 2015 Market.

My Seller's Permit number is: _____.

Signature: _____.

COMMENTS/ADDITIONAL INFORMATION

COMPLETION

All information listed on this form is true and accurate. I understand that misrepresenting myself or what I sell at the 2015 Downtown Manitowoc Farmers Market may result in my being removed from the Market for the duration of the 2015 Market season.

Signature: _____ Date: _____.

Return this Application along with the signed 2015 Participation & License Agreement Acknowledgment Form, full payment (*checks payable to City of Manitowoc*) and copies of required certifications, licenses, permits, specifications, etc. to to:

City of Manitowoc Planning Department
900 Quay Street * Manitowoc, WI 54220
Phone: 920.686.6930