

16-0182



Downtown Manitowoc Farmers Market

2016 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 2016, 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. 2016 MARKET SEASON

- a. Tuesdays
 - i. June 7, 2016 – October 25, 2016
 - ii. 12:00pm – 6:00pm
- b. Saturdays
 - i. May 7, 2016 – October 29, 2016
 - 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 Department of 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: http://datcp.wi.gov/Consumer/Weights_and_Measures

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

Approved cooking equipment used in fixed, mobile, or temporary concessions, (such as but not limited to trucks, buses, trailers, pavilions, tents, or any form of roofed enclosure), shall comply with these guidelines in addition to other local or state requirements. The authority having jurisdiction (AHJ) reserves the right to modify or be more restrictive than these guidelines.

- i. Approved cooking equipment – any device heating grease or oil for the purpose of cooking must be UL approved and in good operating condition. Open pans or other unapproved devices used to heat grease or oil shall be prohibited.
- ii. The location of the cooking equipment, (unless those contained within a vehicle, trailer or other roofed enclosure), shall be maintained at a *minimum 10 foot clearance* from any display, tent, building, combustible material, or device which could cause damage. **Exception: cooking equipment may be utilized in a tent provided a copy of the “Certificate of Flame Resistance” from the tent manufacturer is presented to the AHJ upon inspection.**
- iii. **NEW FOR 2016:** The tent for which cooking is taking place can only be used for cooking and must be separated by at least 10 feet from the tent in which food is served, kept warm or paid for. This includes the tent used for customers to sit and dine. There will not be a variance allowed for this step.
- iv. Any person using and/or operating approved cooking equipment shall be properly trained in its use and operation. The cooking equipment must be attended at all times.
- v. All cooking areas shall be secured to prevent the general public from entering and shall be protected from physical damage.
- vi. All LP tanks, whether full or empty, shall be secured to prevent from falling and be protected from damage due to a vehicle or other device.
- vii. Fire extinguisher requirements:
 - Class K fire extinguisher shall be provided for the protection of all cooking equipment that uses combustible cooking media (rendered animal fat, vegetable shortening, or other oily matter).
 - Class ABC fire extinguisher (minimum 40 BC rating) shall be provided for propane fuel sources.
 - All other uses shall require a minimum 2A 10BC rated fire extinguisher.
 - All fire extinguishers required for cooking equipment and propane fuel sources shall be located within 30 feet of the cooking area. All other extinguishers require a maximum 75 foot travel distance.
 - All fire extinguishers shall be accessible and maintained in good operating condition.

- All extinguishers must have a current tag showing that they have been inspected in the last 12 months.
 - viii. All electrical cords shall be 2 wire with ground capable of safely carrying the demanded current. Any electrical cord with damaged wires or plugs or using multi-tap adaptors is prohibited. The AHJ reserves the right to require any unsafe electrical situation to be corrected immediately upon inspection.
 - ix. All outdoor cooking events in the City of Manitowoc are subject to a fire safety inspection by the AHJ. If a vendor, business, or other individual is found to be in violation of these guidelines or any other local or state code, the AHJ will assist those persons involved to make the event a success.
 - x. The Manitowoc Fire Rescue Department has the authority by local ordinance and state code to have the operator to cease operations if there is a life safety and fire hazard or if the operator fails to correct any deficiencies that may exist.
 - xi. Manitowoc Fire Department
900 Quay 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 2016 Market shall not be more than 20 percent of the total number of vendors. While every effort will be made to provide 2015 artisan/crafters with the same number of display area spaces in the 2016 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 2015 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 April 15, 2016 = ~~\$110.00~~100.00 per display area
 - ii. After April 15, 2016 = ~~\$160.00~~150.00 per display area
 - iii. New or first time Vendors = \$80 per display area (maximum of 2)
 - iv. Flex Space = ~~\$50.00~~25.00 per display area for two market days
- d. Requests by Vendors to occupy and use the same display area(s) as in the 2015 Market will be approved as long as the Vendor files all required documents, including fees, on or before Friday, April 15, 2016, and if the City determines request is logistically feasible.
- e. Vendor applications and fees received after April 15, 2016 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 April 15, 2016. The City will contact Vendors in April with their official display area(s) designation for the 2016 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 7, 2016 and

September 27, 2016. Between May 7, 2016 and June 4, 2016, and between October 1, 2016 through October 29, 2016, 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 2016 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

2016 Participation & License Agreement Acknowledgment Form

In consideration for the right to participate in the 2016 Downtown Manitowoc Farmers Market, the undersigned Vendor has read, understands and agrees to all terms and conditions in the "2016 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 2016 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

2016 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

2016 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 – 2016

1. Did you sell at the Downtown Manitowoc Farmers Market in 2015? Yes No

- If yes to Question 1, how many days did you sell in the 2015 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)? Yes No
(Please mark the enclosed map to assist in identifying the display area(s) you occupied in 2015.)

2. Please choose four locations (each location can range from one to four display areas) in the Market (see attached map) that you would prefer to be assigned in the 2016 Market.

Preference #1:	Preference #3:
Preference #2:	Preference #4:

3. What will you sell at the 2016 Downtown Manitowoc Farmers Market? **(Check all that apply)**

<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? **(Check all that apply)**

<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 2016? (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 2016 Market?							
7. What date will you end selling at the 2016 Market?							
8. Will you participate in the FoodShare Program (<i>vouchers for income qualified persons</i>) at the 2016 Market?						<input type="checkbox"/> Yes	<input type="checkbox"/> No
9. Do you plan to participate in the Market?			<input type="checkbox"/> Sat- Only	<input type="checkbox"/> Tues – Only	<input type="checkbox"/> Both Days		
10. Will you utilize a scale?						<input type="checkbox"/> Yes	<input type="checkbox"/> No
• If yes to Question 9, please provide the following information:							
Scale Brand:			Model No:				
Serial No:			Date Last Calibrated:				
Calibrated By: <i>(Company) – Attach Copy of Calibration Certificate</i>							
11. Are you planning to use a generator at the 2016 Market?						<input type="checkbox"/> Yes	<input type="checkbox"/> No
• If yes to Question 10, attach a copy of the generator specifications that include noise levels in decibels (dBA).							
SELLER INFORMATION <i>(Complete and sign either "A" or "B" but NOT both)</i>							
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 2016 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 2016 Downtown Manitowoc Farmers Market may result in my being removed from the Market for the duration of the 2016 Market season.							
Signature: _____ Date: _____.							
Return this Application along with the signed 2016 Participation & License Agreement Acknowledgment Form, full payment (<i>checks payable to City of Manitowoc</i>) and copies of required certifications, licenses, permits, specifications, etc. to to:							
City of Manitowoc Community Development Department 900 Quay Street * Manitowoc, WI 54220 Phone: 920.686.6930							