

North Bay Farmers' Market - Winter Market
Rules and Regulations
Revised Date: September 2017

GENERAL:

1. The North Bay Farmers' Market shall be known as the "Farmers' Market". Future reference to the Farmers' Market below shall be understood as representing the North Bay Farmers' Market, a not-for-profit organization.
 - a. The word "Vendor" shall be understood to represent any approved Farmers' Market member who is selling a product or service and has rented a stall at the North Bay Farmers' Market.
 - b. The word "Board" shall be understood to represent the North Bay Farmers' Market Board of Directors.
 - c. All members are subject to the following rules and regulations as determined by the Board.

MEMBERSHIP:

1. Any person or organization may become a member of this association provided that:
 - a. They are engaged in, associated with, or related to the Farmers' Market industry;
 - b. Their membership application has been accepted and approved by the Board of Directors;
 - c. They pay the appropriate fees and membership dues;
 - d. Their Health Unit approval is obtained and submitted along with the application, when necessary (required by those who grow and/or prepared foods and those who produce consumable honey, maple syrup and meat products).
 - e. They place of business is within 100km of the Farmer Market location.
2. Membership dues are determined by the Board and, subject to approval by the members in attendance at the Fall Annual General Meeting. Members shall be given thirty (30) days' notice prior to any annual meeting at which any proposed change in dues or assessment is to be made.
3. Membership shall be restricted to vendors who are producers, artisans, and prepared food producers, as defined below:
 - a. **PRODUCER:** any person who sells food or products made from their farm, property or/and greenhouse as per MyPick Verification Program.
 - b. **ARTISAN:** any person who produces a product through skillful means that may be considered art, craft or hobby.
 - c. **PREPARED FOODS:** any person who sells food that is prepared either at their home, place of business or at the Farmers' Market.
4. Dealers, who do not make what they sell, but buy to resell, are not accepted at the North Bay Farmers' Market.
5. Local Service Business can attend the market, provided they are not selling any products or items. They will not be charged membership fees, but will be charged the occasional vendor fees.
6. Community Groups are available to attend the market, provided they are not selling products or items. They must be 'not for profit'. If they want to sell items in their booth, they will be charged the occasional vendor fees.
7. Membership is non-transferrable. Transference of membership due to sale of business to family members is subject to approval by the Board.
8. Membership entitles the individual listed on the application to operate a stall; the individual listed on the application MAY NOT transfer those rights or sub-lease their space to another business or person.
9. Membership starts May 1, based on the application approval process for the Summer Market. Membership continues for the year until April 30. Membership paid during the current year of operation, still has an end date of April 30.
10. A Vendor that is not a Producer may provide complimentary products that they do not produce. These complimentary products may not exceed 20% of all goods for sale.

11. For any given year, seasonal membership is awarded as follows, with consideration based on previous history with the market, and based on involvement with the various markets held during that year:

- i. Returning Seasonal Vendors who are Producers (i.e. individuals who grow/raise or collect their own vegetables/fruit/meat/honey/maple syrup/cut flowers/potted plants) and who are in good standing
- ii. Returning Seasonal Vendors who produce Prepared Foods (i.e. baked goods, jams, jellies, preserves, etc.) and who are in good standing
- iii. Returning Seasonal Vendors who are Artisans (i.e. jewellery, wood working, soap making, sewing, knitting, crochet, etc.) and who are in good standing
- iv. New Producers interested in becoming a Seasonal Vendor
- v. Returning Occasional Vendors who are applying to become a Seasonal Vendor, who are in good standing
- vi. New Vendors who produce Prepared Foods interested in becoming a Seasonal Vendor
- vii. New Artisans interested in becoming a Seasonal Vendor

12. Returning Producers **must** be MyPick verified. Documentation of verification for the current year must be provided with application.

13. New producers attending the market will have a one year grace period to become MyPick verified. For more information on the MyPick program visit: <http://www.farmersmarketsontario.com/mypick/index.cfm>

FARMERS' MARKET BOARD and/or MARKET MANAGER RESPONSIBILITIES

1. The Market Manager and Board are charged with the responsibility of enforcing all of our organization's rules and regulations, collecting fees, and governing vendor participation and adherence to the rules and regulations.
2. Complaints registered from the public about a specific vendor's product or conduct will require the Market Manager and/or the Chairpersons to address that complaint to the specific vendor.
3. The Rules and Regulations of the Farmers' Market will be strictly enforced. The Board and/or Market Manager will discipline vendors who do not comply with the rules and regulations as follows:
 - a. **Market Manager will provide the Vendor with a verbal warning for the first offence.**
 - b. **A written notice will be given by the Market Manager and/or a Chairperson for a second offence. The notice will state that, should an offence occur again, the Vendor will be permanently removed as a Market member.**
 - c. **If a third offence occurs, the Vendor shall be informed in writing that they have been removed as a Market member. Prepaid fees will not be refunded.**
4. Farmers' Market advertising will be arranged and executed by the Board. Vendor feedback is always welcome.
5. Promotional and seasonal events are to be arranged and advertised by the Board and its sub-committees. Volunteers to help with special events are always welcome. The more volunteers, the more successful the special events are, which benefits all vendors. Please do your part and volunteer.
6. The Board and/or Market Manager are responsible for ensuring that Vendors are selling what is listed on their approved application form and submitted health unit approval letter
7. Buskers/entertainers will be scheduled by the Busker Co-ordinator.
8. To preserve our status as a Farmers Market Ontario affiliated market, we are required to have a minimum 51% of our vendors as producers, and will ensure our seasonal vendor selection is maintained to this standard.

MEMBERS:

1. Members must adhere to the rules and regulations that follow. Failure to do so will result in disciplinary action.

- a. All Vendors must stay in attendance during the Farmers' Market's operational hours. Packing up is not permitted until after regular market hours. If a Vendor sells out of product, they are required to display a "Sold Out" sign.
 - b. It is each Vendor's responsibility to seek out and follow any and all regulations enforced by the North Bay Parry Sound District Health Unit directly pertaining to their business. The North Bay Parry Sound District Health Unit can be contacted at (705) 474-1400.
 - c. Each Vendor shall keep their market space free from refuse during Farmers' Market hours and must meet the refuse management requirements of the City of North Bay.
 - i. Vendors are required to clean up their Market space after each Market day.
 - ii. Vendors are responsible for the disposal of garbage generated by their business operations.
 - d. Smoking is not permitted in the Farmers' Market during hours of operation by either customers or Vendors. Vendors who wish to smoke must leave the designated Farmers' Market area.
 - e. Vendors shall conduct their business in an orderly manner. Shouting or any objectionable means of soliciting trade shall not be tolerated.
 - f. All Producers must have prices posted as per the Ministry of Agriculture Food and Rural Affairs, Ontario Regulation Act.
 - g. Distress pricing is not permitted.
 - h. No member shall sell anything other than what is listed on their approved application form. Vendors who wish to add additional items to their approved product list must make the Market Manager aware, in writing, at least two weeks prior to the required market date. This allows time for any approval process that may be required.
 - i. Occasional Vendors will pay their fees each market day. On their first market day they will be required to pay a one-time yearly membership fee in addition to their stall fee. Payments will be collected by either the Board Treasurer or the Market Manager.
2. The Farmers' Market does not restrict the "gifting" of products to consumers as a means of promotion.
 3. Vendors who violate the rules and regulations of the Farmers' Market will face disciplinary action as indicated above in section 3 of the Farmers' Market Board and/or Market Manager Responsibilities Section. Repeat offenders will no longer be considered Members "in good standing" and their applications will not be given priority.
 4. Producers and Vendors, who sell food of any type, must include a detailed list of all items they wish to sell at the Farmers' Market. As an example, name each type of cookie, cake, pie, bread, pasta etc. This detailed list must match the item list submitted to the North Bay Parry Sound District Health Unit.
 5. If a Vendor has a complaint about the actions of another Vendor the following protocol must be followed:
 - a. Ask the Market Manager or a member of the Board for a Formal Complaint Form;
 - b. The Formal Complaint Form must be filled out in its entirety and submitted to the Market Manager or a member of the Board at the end of the market day;
 - c. The Formal Complaint Form will be considered by the Board and, if a rule or regulation is proven to have been broken, consequences may follow.

INSURANCE/PERMITS/LICENSES:

1. All vendors shall be responsible for obtaining and retaining all necessary governmental, and /or other regulatory permits, licenses or approvals as may be necessary for the operation of their business.
2. The Farmers' Market shall carry public liability insurance. This does not cover individual Vendor liabilities. It serves only to protect the Farmers' Market and its Board Members from liabilities resulting from the use of the Farmers' Market by the public and/or claims as a result of injury caused by an individual Vendor operating in the Farmers' Market.

3. All Vendors shall obtain third party liability insurance to cover their business operations and will provide a certificate to the Farmers' Market as additional insurance, or vendors have the option to sign the "Hold Harmless Agreement" on the Vendors' application.

4. All vendors dealing with food products must contact the North Bay Parry Sound District Health Unit. Approval from them (signed Special Event Application and Approval Letter) must be submitted to the Market Manger with your application for proof of approval. Vendor must adhere to the rules in their approval or face disciplinary actions.

5. MyPick Producers must supply proof of either paid renewed membership with the MyPick Verified program each year (usually with the Summer Market Application form), or their application to the Verified program.

6. Producers must adhere to the OMAFRA Regulations regarding signage and wording of products selling. More details on these regulations can be found on their website at <http://www.omafra.gov.on.ca/english/food/inspection/fruitveg/sellingfruitsvegs.htm>

SPECIFIC MARKET RULES:

Winter Market

1. The Board will provide 1 (one) winter market:

- A. To be held on Saturdays from 10:00 am to 2:00 pm from the first Saturday in November to the last Saturday in April, inside the North Bay Mall at 300 Lakeshore Drive. This date could change depending on when Thanksgiving weekend is in October.

2. Vendors should arrive early enough to the Market to find their spot, restock, and be set up ready by 9:30 am.

3. Washroom facilities are available to Vendors inside the North Bay Mall, as they are the public washrooms located beside the food court.

4. Parking for vendors is located at either the side lot (which is first come first serve with other mall employees) or at the front of the mall in the main parking lot.

5. Vendor Categories are utilized to determine the number of vendors accepted at the market. The current capacity is limited to the following:

- A. Maximum of 2 vendors in each category for the Winter Market
- B. MyPick Producers are not included in these values due to the 51% rule determined by Farmers Market Ontario and the North Bay Parry Sound District Health Unit

6. Seasonal members are asked to notify the Market Manager of their intended absence at least one (1) week before hand, so occasional vendor can be notified of attendance. Vendors are subject to a \$50.00 fine if they fail to inform the Market Manager within the stated time frame.

7. Occasional vendors will be contacted about attending the market starting Monday afternoon. Advance notice could be presented, depending on availability.

8. Vendor signage is allowed. If hanging from the ceiling, the signed must be secured safely and be contained in their allotted space. Floor signs are allowed, but must also be inside the rented space. No signage can block another vendor's space. No signs are allowed in the common walkway or mall space.

NOTE:

For the general benefit and welfare of the Farmers' Market and the Vendors therein, the Board may amend this policy of Rules and Regulations at any time without written notice, and such amended policy shall be binding on the Vendors.

By signing the application form, the Vendor agrees to abide by the above Rules and Regulations.