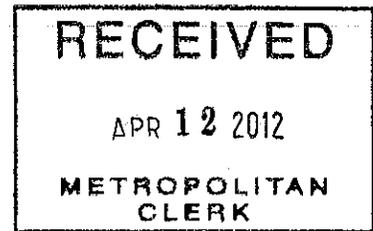


RULES AND REGULATIONS GOVERNING
THE OPERATION OF METROPOLITAN
NASHVILLE-DAVIDSON COUNTY
FARMERS MARKET



I. AUTHORITY

- a) By grant of authority of the Charter of the Metropolitan Government of Nashville and Davidson County, Tennessee, at Chapter 7, Section 11, and other rights and duties imposed by ordinance, the Farmers Market Commission hereby sets forth its rules and regulations governing the operation of the Farmers Market, which the Commission may deem necessary to amend from time to time and upon notice, such amendments shall be part and parcel of the following rules. The Commission emphasizes its commitment to fair, impartial and equal treatment at the Market and within the following groups: (1) Farmers, (2) Retailers, (3) Staff, (4) Customers, and any other classification hereinafter named.
- b) The Market Director or his or her agent is delegated the supervision and general control of the Market premises and operations. The Market Director is responsible for collection of all fees, rents, etc. and shall deliver a receipt to each tenant as fees are collected.
- c) The Market Director or his or her agent will take whatever actions are necessary to deal with problems or emergencies at the Market.
- d) The Market Director or his or her agent shall have the right to revoke any privilege issued to any person under the terms of these Rules and Regulations. Any person who has had such privilege revoked shall be barred from the Market until reinstated by the Market Director or the Farmers Market Commission.
- e) The Market Director, other employees, or Farmers Market Board, shall not receive any tips or gratuities from any vendor on the market, or their representative or agents.
- f) No market employee (hourly or salaried) or Farmers Market Board member may be employed by any market vendor in any capacity during or after normal working hours. They shall also not have any financial or operational interest in any vendor's business.
- g) The NFM may establish such committees as it deems necessary for the conduct of the business of the NFM. These committees may include additional citizens as associate members. The chair of a committee shall be a member of the NFM.
- h) The chair may appoint a sub-committee on an as needed basis to review and make recommendations regarding NFM appointments. The NFM may create such standing or *ad hoc* committees as it may deem necessary to promote the objectives and carry on the work of the NFM. NFM members are encouraged to serve on at least one sub-committee so that they become more knowledgeable about the work of the NFM. There is no cap on the number of members on each

sub-committee. NFM members can attend any sub-committee meeting in which they have an interest whether or not the member is actually on the sub-committee. Each sub-committee shall have at least one member from the NFM and may include additional citizens as associate committee members. The chair of a committee shall be a NFM member. Sub-committee chairs shall be appointed by the chair of the NFM at opportune NFM meetings.

II. RULES VIOLATION

The violation of any of the following Market Rules and Regulations, Metropolitan Ordinances, Health and Building Codes, and State and Federal Laws, will be a Breach of License to operate on the Market, which will subject the offending Vendor to the loss of any or all privileges. The Market Director or his or her agent is hereby granted the authority and directed to immediately evict any Vendor or customer who is in serious violation of health or other standards.

III. REVOCATION PROCESS

- A. **Serious Violations** – A violation that poses an immediate threat or hazard to the health or safety of the Market staff, Vendors or public. Nothing herein shall be construed to restrict the ability of the Market Director to consult with or request the assistance of law enforcement officials in the implementation of the Market Rules and Regulations, as well as all other state and local laws.

In case of a serious violation, the Market Director may immediately expel any person from the Market indefinitely.

- B. **Other Violations** – In case of other violations, the Market Director shall:

For a first offense, serve a written warning to the appropriate person(s) or firm outlining the infractions and indicating the steps necessary to correct the problem and result in compliance with the Market's Rules and Regulations.

In case of a second offense, or failure to comply with a written warning after a first offense, the Market Director may terminate the license to occupy space at the market. Market privileges may be reinstated upon written application to the Market Director stating the reasons for termination of the license and how those actions will be corrected. The violator(s) must indicate they will comply with all provisions of the Market's Rules and Regulations.

In case of a third or subsequent violation, the Market Director may evict such violator(s) from the Market permanently, subject to the same reinstatement procedure presented in the appeal process.

IV. APPEAL PROCESS

Any Tenant whose privilege to conduct business on the Market has been indefinitely revoked by the Market Director may appeal to the Farmers Market Commission. All appeals must be made in writing within seventy-two (72) hours after written notice of revocation, and such appeal shall be a brief statement of the reasons for revocation, and the reason for the appeal. During the appeal, the vendor whose market privileges have been revoked, shall be barred from the market property. Upon receipt of the appeal, a time shall be set for a hearing not less than three days nor more than thirty (30) days after the appeal has been filed. After hearing such an appeal, the Commission may affirm the revocation or reinstate the market privileges of the applicant. The Commission's decision shall be conclusive and final.

V. MARKET RULES

A. Cleanliness

- 1) The appropriate health certificate(s) shall be posted in full view by all persons buying or reselling foods.
- 2) All food must be handled in a sanitary manner and in compliance with existing health laws.
- 3) Vendors are required to be clean and dress in an appropriate manner while handling food items. Shoes and shirts are required.
- 4) Each vendor is responsible for cleaning his/her rental space to the satisfaction of the Market Director. Persistent failure to adhere to this policy will constitute just and sufficient cause for revocation of vendor's license to use space at the market. The Vendor's area of responsibility extends a minimum of 10 feet beyond rented space. All space for which the vendor is responsible must be free of empty cartons, pallets, expired produce, trash, and other types of debris. Non-Market items must be removed immediately.
- 5) Anything left after the license agreement expires will be removed by the market management at the Licensee's expense.
- 6) No licensee shall be allowed to remodel, adjust, renovate or in any way change the licensed premises without the written consent of the Market Director. The Market Director shall give final approval for each vendor's stall, its equipment, contents and appearance.

- 7) All produce and other items offered for sale must be kept at least six (6) inches above the pavement, to facilitate the washing down of the market, as per local Health Department Codes.
- 8) The staging area, that area between the tarp and the white line on the exterior, should be kept clean and presentable.

B. Product Quality

- 1) Vendors must not sell a product that is unwholesome or fails to meet the standards or requirements of federal, state, or local laws and regulations.
- 2) Fresh or cured meats shall not be sold in exterior stalls unless properly packaged and labeled with the proper inspection label.
- 3) The Market Director may personally make, or authorize appropriate inspections believed necessary, to prohibit the sale of any product that does not conform to legal and/or specified market standards.
- 4) Vendors must keep displays stocked with fresh products. The Market Director shall have the right to demand removal of unsalvageable products.

C. Fair Practices

- 1) Vendors or their employees on the Market, must not approach a buyer for the purpose of making a sale while said buyer is in conversation with another vendor.
- 2) Vendors are encouraged to interact with customers and promote their products, however no vendor, or their employees, shall make any public outcry, engage in "hawking", or use any disruptive music or other "entertainment", activities for the purpose of drawing customers or attracting attention.
- 3) No vendor, or their employees shall do any act or use any language, intended thereby to insult another vendor or customer or to intimidate a shopper into purchasing his or her product.
- 4) All platforms, aisles, walkways, and streets must be kept clear at all times, except for immediate loading and unloading. All vendors are required to keep their flowers, produce, displays or anything else for sale within the confines of their stall(s). If vendor's product is not removed from the "public area", after notification, the Market Director may have the items removed and disposed of at vendor's expense. The Market Director also has the option of charging the offending vendor additional rent of up to \$50.00 per day per violation.
- 5) The vendors on the market have a responsibility to satisfy customer's complaints. Upon receipt of repeated complaints concerning the same vendors, the Market Director may follow the procedures prescribed in the Violations Section.

D. Operating Hours

- 1) Operating hours will be published by the Market Director and adjusted seasonally.
- 2) Market vendors are required to be open during advertised hours unless otherwise approved by the Commission.
- 3) Vendors requiring access to the Market after hours must obtain an access pass from the Administrative office. Vendors who do not have after hours access passes will be denied entry.

E. Deceptive Practices

- 1) Unlawful, fraudulent, dishonest, or deceptive practices are punishable as provided by Rules presented in Violations Section.
- 2) Illegal, copied, or contraband items for sale by a tenant will result in revocation of rental privileges.
- 3) No vendor or their employees shall enter into any collusive price agreement or join any organization for the purpose of colluding to raise, lower, or control in any way, the prices of products offered for sale on the Market. No one will be permitted to act in an individual or collusive manner with others, for the purpose of restricting or preventing products from entering the Market.

F. False Reports

- 1) Vendors and/or their employees who circulate false reports tending to upset or destroy the operations of the Market, or that may cause upset or damage to vendors in the form of lost sales shall be subject to expulsion from the Market.

G. Prohibited Items or Acts

- 1) No vendor may sell or offer for sale any lethal weapons as defined under Tennessee T.C.A. 39-11-106.
- 2) No alcoholic beverages or any controlled substance in any form shall be consumed, kept, bought, or sold in any kind of container at any stall, or location on the Farmers Market premises.
- 3) The use of profane, discourteous, harassing, or abusive language on the Market is prohibited, and violators are subject to disciplinary action up to being removed from the premises.
- 4) Children shall not be permitted to roam or wander around the Market unsupervised.
- 5) Vendors or their employees are not permitted to keep or sell any animals on the Market.
- 6) Fireworks may not be sold or discharged on Market premises.

- 7) No illegal action of any kind, including gambling, is allowed on the Market premises.
- 8) Vendor's equipment that is used within the main building must have soft tires, no metal wheels allowed. In addition, pallet jacks cannot enter the building through the customer doors. They must enter the building through the loading docks.

H. Vehicles/Parking

- 1) Vehicle parking under sheds is prohibited. (Excluding day farmers).
- 2) Storage of vehicles, trailers, etc. on Market premises, requires prior written approval of the Market Director.
- 3) Any vehicle left abandoned or parked without permission, or parked in a manner considered disruptive or blocking traffic flow on the Market, will be towed to Metropolitan Tow-in-Lot with costs assigned to owner.
- 4) Overnight parking in secured Market area is not allowed without Market Director's written approval. Requests must be submitted in writing with vehicle ID, license number, and justification.
- 5) Market Licensees and their employees must park their vehicles in the "Employee Parking Area" designated by management. Failure of the vendor or their employees to park in the designated area will result in an increase in the rental fee of \$25.00 per day per vehicle.
- 6) Every person operating a vehicle on the Market premises shall drive said vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or do physical harm to any person. All parking signs, directional signage, and speed limit signs must be observed.
- 7) Tenants and their employees must remove their vehicles from the aisle ways immediately after unloading.
- 8) Vehicles must be moved from loading dock area immediately after loading/unloading.
- 9) The Market Director or his or her agent, shall have the authority to direct the arrangements and movement of all vehicles on the market.

I. Trash Disposal

- 1) All trash must be placed in the appropriate trash containers provided by the Market. The Market Director may change the manner in which trash is picked-up with a 30 day notice.
- 2) All cardboard (except wax-coated) must be broken down flat and placed in the "Brown" recyclable container. (Wax-coated should be placed in compactor).
- 3) Any vendor found placing "contaminated/toxic" waste in compactor will be charged for removal and disposal costs.

- 4) At the sole discretion of the Market Director a surcharge may be charged on trash if it is determined that a vendor is depositing an excessive amount in the Market's receptacles.
- 5) All vendors are required to furnish garbage cans with lids (minimum 30 gallon) for their stalls, and empty them each day into disposals provided by the Market (excludes day farmers). Market furnished receptacles are for customer use only.

J. Abandonment

- 1) Any food products, articles, or equipment left unattended on the market premises longer than 24 hours after the expiration of the license agreement shall be considered abandoned. The Market Director may remove from the Market, at the owner's expense, all such items. The Market Director may donate this abandoned property to a person or agency for removal. In the case of vehicles and other equipment, the procedures of Tennessee law regarding abandonment will apply.

K. Utilities

- 1) Only those usages of electricity approved by the Market Management will be permitted.
- 2) Excessive use of any utility provided by the Farmers Market may result in a surcharge.
- 3) All accent lighting must be turned off at close of a business day. Any vendor leaving lighting on during non-operating hours may be charged a surcharge.
- 4) All utilities will be charged at the same rate they would receive from the utility supplying that particular utility.
- 5) Any additional electrical equipment must be pre-approved in writing by the Market Manager.

L. Damage of Market Property

- 1) Persons causing damage to Market property shall be held financially responsible for the cost of repairs or replacements. Such property includes, but is not limited to, buildings, grounds, fences, gates, vehicles, and any other property owned/or operated by the Market.

M. Advertising/Signage

- 1) All vendor signage must be professional and pre-approved in writing by the Market Director. All product signage must be neatly done on

suitable material. Cardboard boxes, Styrofoam, or other packaging material is not suitable for product signage.

- 2) In order to present the best possible image of the Market, any activity not related to the everyday direct selling of products must be approved in writing and in advance by the Market Director. This includes, but is not limited to, special events, demonstrations, meetings, etc.
- 3) No person shall distribute, or post on the Market, any unauthorized promotional material, such as advertising signs, cards, pamphlets, or other printed material except on Market bulletin board.
- 4) No person may alter or remove authorized market signage.
- 5) No solicitation of any form is allowed without permission of Market Director.
- 6) Any advertisement by a tenant that is related to the Market must be reviewed and approved by the Market Director prior to placement. This includes, but is not limited to, the Market Logo and any use of the Market name.
- 7) Signage will not be permitted on windows, doors, columns or any other property controlled by the Market. All banners must be approved in writing by the Market Director.
- 8) **Any agricultural product for sale must have an identifying sign that indicates the state or origin.**

N. Insurance Requirements

- 1) All vendors and their employees must comply with Tennessee law requiring adequate liability coverage on all vehicles on Market premises **and if requested provide the Market Director with proof of said insurance.**
- 2) All vendors using tow-motors on the Market premises must furnish proof of liability insurance coverage on said tow motor to the Market office prior to operation.

VI. Additional Rules- Where applicable

1. Licensee's may not under any circumstances allow another person or entity to operate within their licensed space without prior written approval from the Market Director.
2. All Licensees or lessees must maintain any and all of their equipment in good and working order. All equipment, including coolers, must be painted and colors must be approved in writing by the Market Director.
3. All exhaust hoods and vents, grease traps and plumbing must not be abused and kept in good, clean, and working order. Failure to properly maintain grease traps will result in the Lessee paying for any backups caused by said grease.

4. All empty boxes, crates, baskets, tarpaulins, sacks and containers of every kind not being actively used must be removed from the stalls the same day they are emptied. Storage of boxes, crates, and other types of containers on the market is prohibited. There is no allowance for the storage of anything within the "public areas" of the Market.
5. The Licensee of each and every stall shall be responsible for the conduct and actions of anyone working at his or her stall(s).
6. No person shall sell or offer for sale on the market any item until the required fee or rent has been paid. Late charges of 10% of the outstanding balance shall be levied on all rents or other charges not paid by the stated due date.
7. All vendors and their employees shall follow all orders from the Market Director or his representative concerning leasing procedures and Market Rules and Regulations.
8. Contact names and addresses with emergency telephone numbers shall be provided to the Market management by any person renting stall(s) at the Market.
9. Each vendor must safeguard his property and belongings as Licensor assumes no responsibility for lost, stolen or damaged property of Licensee or Licensee's invitees.
10. "Public areas" are defined as any area that is not licensed to a vendor.
11. Any changes to a vendor's stall, including the addition of any new equipment, must be approved in writing by the Market Director.
12. The maximum allowable height of produce, and/or partitions between booths or equipment is 5 feet .
13. Vendor agrees to comply with any design standards that are instituted by the Director for the entire Market.

VII. SMOKING

- A. **Smoking is not permitted anyplace on the Market property except in those areas designated by the Market Director. The Market Director may change the designated smoking areas with a 30 day notice.**
- B. **Vendors or their employees found smoking in areas not designated as smoking areas will receive one verbal warning and one written warning and on the third offense will receive a fine of \$25.00, to be paid by the vendor. Failure to pay any fines will result in the loss of vendor space at the market.**
- C. **Warnings can be issued by any member of the Board of Commissioners or anyone designated by the Market Director.**

VIII. FLEA MARKET TENANTS – ADDITIONAL RULES

- A. Vendor vehicles may be parked in 10'x10' rented space outside of shed only. No vehicles allowed under sheds. No vehicles shall be parked in the

- fire lane. In addition, there shall be at least a 20 foot lane between the vehicles parked next to the sheds and the vehicles parked next to the fence.
- B. Vendor must roll tarps up before leaving stall on last day of rental. Failure to do so will result in an increase of the rental fee by \$50.00 per incident.
 - C. Market trash receptacles for customer use only.
 - D. All trash and cardboard must be removed from stalls by vendor. Failure to clean up after closing will result in an additional rental fee of \$50.00. Anyone found leaving cardboard anywhere on the property is subject to an increase in their rental fee of \$100.00 per incident.
 - E. Director must approve the placement of hanging racks, lights, etc.
 - F. All hanging racks and **or light fixtures** must be secured with chains and retracted upon final weekend departure to a minimum height of **8'**. Racks left lower **than 8'** will be removed and disposed of.
 - G. No merchandise may be displayed at a height of over 5 feet within the first 5 feet of the stall, measured from the white line at the central aisle. This will allow customers a view of vendors further down the aisle.
 - H. All Flea Market vendors must abide by the additional Rules and Regulations written specifically for the Flea Market.
 - I. **Any music a vendor may play is to be played at a volume that will not disturb any adjacent neighbor. Once a complaint is verified, then the music will have to be removed from the stall.**
 - J. **Filing false claims against other vendors will result in the Market Director pursuing the remedies as stated in paragraph D 1.**

Approved by Farmers Market Commission, as amended, on February 23, 2012.