
Subject: OPERATION OF THE BANK STREET,
FARMER'S MARKET

No. 80.2

Date: April 6, 1992

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PURPOSE:

To establish rules for the regulation of business at the market.

SCOPE:

The following rules shall govern the conduct of all business at the City Market.

POLICY:

1. The available space shall be divided into stalls. Stalls may be rented for the season, or they may be rented on a daily basis.
2. Sellers who have rented stalls on a seasonal basis shall be given preference in renting the same stall for next season. This preference shall also be given to the husband, wife, son, or daughter of a seller, if the seller does not apply to maintain this preference, an application must be filed with a payment tendered to the City Treasurer before April 16, of the year in which the seller desires to rent the stall.
3.
 - A. Seasonal stalls will be allocated by seniority. Seniority will be based on the number of consecutive years a seller has rented space. For a year to count toward seniority, the seller must have rented said space a minimum of 50% of the scheduled days of operation of the market for the entire season
 - B. If a seller with seniority does not apply for a seasonal stall, the seller's spouse, son, or daughter shall be given preference for renting the same stall. However, the seniority accumulated by the previous seller will not apply toward the seniority of the new seller. The new seller's seniority will begin with the completion of their first term as a seasonal seller on the market.
 - C. When a seller has not maintained his preference, the stall in question shall be offered to the other seasonal sellers in order of their seniority.
 - D. When sellers of equal seniority apply for a seasonal stall, it shall be awarded to the first seller to apply and tender payment of the rent, or if paid on the same day, by the flip of a coin in their presence.
 - E. Sellers who were not seasonal sellers in the previous year shall be awarded seasonal stalls in the order in which they applied and tendered payment of the rent.

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4. Members of a family who reside in the same household shall be limited to a total of two (2) stalls rented on a daily or seasonal basis, or one (1) of each.
5. Daily stalls will be rented to sellers in the order in which they apply and tender payment of the rent to the Market Master, beginning at 7:00 a.m. in May and November, and 6:00 a.m. From June through October on the day for which the stall is rented.
6. Daily stalls will be located, if possible, under the south and west roofs of the market and will be assigned in the order in which the seller applies and tenders payment of the rent to the Market Master. A daily seller may be rented an unoccupied seasonal stall on a basis if the stall is unoccupied after 10:00 a.m., unless prior arrangements have been made by the seasonal renter with the Market Master. Rental shall be to the first person to apply and tender payment. The number of stalls which a seller may rent and the rules governing use shall fully apply.
7. Stalls may be rented on a restricted seasonal basis. A restricted seasonal stall must be rented for a minimum of four (4) consecutive weeks and not more than ten (10) consecutive weeks. The fee for a restricted seasonal stall will be assessed at twice the rate for a daily stall for each selling day within the restricted stall rental period. No seniority rights will be accumulated from rental of a restricted seasonal stall.
8. No seasonal seller shall rent stalls on a daily basis.
9. Under no circumstances may a seller rent more than two (2) stalls.
10. Each stall shall be occupied by only one (1) seller.
11. No stall shall be assigned, sublet, or loaned
12. The hours of Operation of the market shall be:
 - A. Each Saturday in May and November from 7:00 a.m. to 6:00 p.m.
 - B. Each Tuesday, Thursday, and Saturday in June through October from 6:00 a.m. to 6:00 p.m.
 - C. All Sellers shall be loaded and off the market premises no later than one-half (1/2) hour after the posted market closing time.
 - D. The market shall not be open for business when a legal holiday falls on the scheduled market day.

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13. The rental fee per stall shall be:

A. For a day, or any portion thereof:

Tuesdays and Thursdays:	\$10.00
Saturdays:	\$24.00

B. Season \$250.00

C. Those stalls requiring electricity
Shall pay a seasonal fee of: \$275.00

D. Seasonal renter who requires electricity but
have rented a stall which does not have an
electrical outlet, will be assessed a non-refundable
hook-up/installation fee in addition to the regular
seasonal stall with electricity rental fee. \$75.00

14. All items offered for sale on the public market shall be subject to inspection by the Market Master or any duly authorized official. Any item offered for sale that is found to be unwholesome, unusable, inedible, or otherwise misrepresented shall be barred by the Market Master from sale on the public market.

15. All sales by weight or measure shall be weighed on scales or measured in containers approved by the Inspector of Weights, Scales, and Measures, Michigan Department of Agriculture.

16. A "seller" shall be defined to mean an individual who offers for sale any handicraft items, prepared food that have been prepared in facilities licensed by the State of Michigan, or agricultural products which are grown or produced on lands operated by said individuals and located in any of the following Michigan Counties:

Allegan	Eaton
Barry	Kalamazoo
Berrien	Ottawa
Branch	St. Joseph
Calhoun	Van Buren
Cass	

If said individual lives within the eleven-county area, he or she may also sell produce grown elsewhere. No space shall be rented to anyone who does not fall within this definition of "seller".

17. No selling shall be permitted on the public market except in the stalls or spaces assigned and paid for. No goods offered for sale shall be displayed but on, or in the stalls, or, in an area designated by the Market Master. Each stall will be defined with painted lines. The stall space may be used for the

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displaying of produce or the parking of a transport vehicle, or both, if the defined space permits. No produce may be displayed or any vehicle parked beyond the defined limits of the space. If the seller elects not to park his/her transport vehicle in the defined space, it must be parked at the outer edge of the outer public parking area.

18. Each and every seller shall remove any and all debris caused by the operation of his or her business from the stall table and immediate surround site. Produce and debris shall be placed in containers provided for by the Public Works Department. Each and every seller shall also insure that proper control is exercised to eliminate paper and debris from blowing off their stall table onto market grounds.
19. No goods or produce which has been or have been rejected or condemned by other markets or authorized officials shall be sold on the market. Seller shall bear the sole responsibility and liability for any items sold at the market.
20. No rebates shall be paid for unused time on the public market.
21. Sellers on the public market shall sell in quantities as small as requested by the purchaser.
22. Each seller shall be required to post his or her name conspicuously on the front of his or her stall or stand. Signs for this purpose will be furnished by the Market Master, and they shall be deposited with the Market Master when not in use.
23. All grade markings or classifications required by the laws of the United States or the State of Michigan shall be in force on the market. Container and labeling laws of the United States and the State of Michigan will also apply.
24. No person or persons shall use the public market as a headquarters for conducting general business, and no person or persons shall install or maintain a telephone in the public market.
25. No buildings, sheds, or offices shall be placed on the public market unless owned and maintained by the City of Kalamazoo.
26. No seller shall use the market telephone number in any type of advertising, nor shall any seller encourage anyone to contact the Market Master regarding the seller's goods.
27. "Hawking" or the calling out to market customers for the purpose of selling or promoting a seller's produce or product will not be tolerated under any circumstances.
28. The Market Master shall be charged with the responsibility of enforcing these rules and maintaining order in the market. If any person violates these rules or creates a disturbance which interferes or tends to interfere with the operation of the market or of the sellers' orderly conduct of business, the Market Master may order such person or persons from the premises. Any person who remains after being ordered to leave shall be a trespasser. Additionally, any seller who is ordered to leave and does not do so may be suspended from doing business on the market by the Market Master. A suspended

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seller may request the Director of Public Works, or his designate, to reinstate him, or her. After reviewing the matter, the Director may reinstate the seller of continue the suspension for a period of time up to the remainder of the current season.

29. If the Market Master finds it necessary to take action to enforce these rules, the Market Master shall immediately make a written report to the director of Public Works stating the incident, the action taken, and the reasons for said action.

EFFECTIVE DATE: April 6, 1992

SEE ALSO:

Resolution No. 88-25; 87-46; 86-79.

HISTORY: