

# NOBLESVILLE MAIN STREET FARMERS MARKET

## 2023 VENDOR AGREEMENT

### RULES AND GUIDELINES

#### **MARKET DATES:**

The market is organized and governed by Noblesville Main Street (NMS). The market is held **every Saturday from 8:00 a.m. until noon beginning May 6, 2023, through October 14, 2023**, a total of 24 Saturdays. All vendors must vacate the property by 1:00 p.m. The market is held rain or shine. Noblesville Main Street reserves the right to close the market at any time for the safety of vendors and shoppers.

#### **MARKET SITE:**

The site for the 2023 Noblesville Farmers Market will be Federal Hill Commons at the corner of Westfield Road (SR 32) and Cicero Road (SR 19). *\*Noblesville Main Street will update participating vendors on upcoming construction updates.* **Electricity is not provided.** Any vendor requiring electricity is encouraged to purchase a DC/AC converter that can make vehicle battery power usable for cash registers, scales, etc. The converter is available at local electronics stores. Vending space will be assigned as described below in the section titled "SPACE RESERVATIONS."

#### **ON-SITE COORDINATOR:**

The Market Manager is the on-site coordinator who oversees the market and, who in addition to the Noblesville Main Street Executive Officer, has the authority to assign vending space, answer questions about permitted goods and other regulations, collect fees and enforce the grievance, code of conduct and/or disciplinary policies as described below. The Market Manager is assisted by the staff and board of directors of Noblesville Main Street. All questions and inquiries should be referred to them.

#### **INTEGRITY CONTRACT**

All participating vendors **MUST** sign and submit an Integrity Contract before the first market. Signing the Integrity Contract on behalf of the business will hold the business owner and all employees accountable. Signing the Integrity Contract ensures that the business, all employees, AND products sold are within the rules outlined in the Integrity Contract.

<https://www.noblesvillemainstreet.org/integrity>

#### **GOODS PERMITTED FOR SALE:**

Only the following goods may be sold at the market. The rule of thumb is they must be homemade or locally made. The following items are permitted: potted, fresh-cut and dried flowers, potpourri, fresh and dried herbs as well as products using natural herb extracts, bedding and foliage plants, trees, bushes, honey, flour, ground grains and local

produce, which is defined as that produce grown in the state of Indiana. Locally produced wine and spirits are allowed and must be sold in compliance with the rules outlined by the Alcohol and Beverage Commission. Handmade items such as artwork, jewelry, crafts, soap, candles and pottery are also permitted. No items may be sold in violation of copyright laws.

For processed foods, if you have any questions about licensed facilities or other requirements, please call your County Health Department. The Hamilton County Health Department is the ruling body on food processing and selling requirements at the Noblesville Farmers Market. The Hamilton County Health Department phone number is (317) 776-8500.

The sale of CBD and/or Hemp products MUST adhere to federal and state guidelines. It is the responsibility of the business owner to ensure that they are selling CBD and/or Hemp products legally. The business owner MUST provide proof of an accurate license to sell CBD and/or Hemp products in order to be considered for the Noblesville Farmers Market. For specific questions, please contact the Hamilton County Health Department at (317) 776-8500.

#### **GOODS NOT PERMITTED FOR SALE:**

Potentially hazardous foods may NOT be sold. Products that are not homemade or locally made are NOT permitted. Baskets, other containers, or holders may not be sold, if the vendor fills the basket(s) with store bought items.

The Market Manager and Noblesville Main Street Executive Director have final authority over items to be sold.

#### **REGISTRATION FEES:**

Vendors are encouraged to sign up for the entire duration of the Noblesville Farmers Market season. The full season booth fee is \$600 and \$550 for returning vendors. This fee breaks down to \$25 per Saturday and is 50% less than those reserving on a one-off basis.

If a vendor does not wish to commit to the entire season, but does want to participate, they can be added to the “fill-in” vendor list and pay \$50 per weekend attended. The fill-in list is contingent upon full season vendor absences and spaces are filled on a first come first serve basis.

Payments can be made in the following ways:

[Donation Site](#) (Preferred)

[PayPal](#)

Venmo - @NoblesvilleMainStreet

Mail/Deliver Check – 839 Conner Street, Noblesville, IN 46060

#### **REGISTRATION TO SELL:**

All vendors must submit this signed agreement and registration fees before setting up on the market premises and selling any goods. **Vendor fees are non-refundable with one exception:** If you are NOT accepted as a vendor by the Farmers Market Committee, then you will receive a full refund via check. Otherwise, vendor fees are non-refundable from the moment you submit the application and pay the fees. Please note, you are not accepted as a market vendor until you receive written confirmation from the

Market Manager. Final vendor decisions will be made no later than March 1<sup>st</sup>. Noblesville Main Street reserves the right to decline vendor applications as we see fit.

### **VENDOR VARIATION:**

To ensure a diverse market, Noblesville Main Street reserves the right to accept vendors according to the demand for their product, number of vendors selling the same product, and number of spaces available.

### **SPACE RESERVATIONS AND SITE SETUP:**

Vendor space is considered a 10 ft. x 10 ft. space. Spaces are assigned by the Program Manager. Please note that specific or requested booth locations are not guaranteed. The Program Manager has the final say on booth locations. The market will be filled first by seasonal vendors who commit to be there every Saturday, and any spaces still available will be open to public sign up and then daily or intermittent vendors. Vendors who sign up on a daily basis will be assigned space as it is available.

All vendors must be set up and ready for customers by 8:00 a.m. every Saturday. Vendors are not allowed to disassemble their booths before the market is closed at noon without prior permission of the Market Manager. The park must be vacated by 1:00 p.m. and **all personal items, equipment and debris must be removed before leaving. Produce vendors are not allowed to dump over-ripe produce during or after market hours in the trashcans provided for customers of the market.** Tables or displays may be used, as long as all items for sale, used for display or owned by the vendor are contained within his/her designated space(s). Tables or displays must not be a hazard to the public or other vendors. The Program Manager reserves the right to remove any table or display that is a potentially dangerous hazard to the public or another vendor. **All tents, canopies and the like must be weighted for safety. Tents should not be staked into the ground, no exceptions.**

**Any vehicles owned by a vendor or someone working for a vendor, are to be parked as far away from the selling area as possible. If a vendor's car is left in the main parking lot after 8:00 AM, Noblesville Main Street reserves the right to fine the vehicle owner \$50.** At this time, for 2023, there NO VENDOR PARKING SPACES AVAILABLE. *\*Noblesville Main Street will adjust parking regulations as needed should construction changes occur.*

*Noblesville Main Street is not responsible for items left behind.*

### **ATTENDANCE POLICY:**

Due to an extensive waitlist, we will adhere to the following policy:

If you know that you will miss a week of the market you **MUST** notify the Program Manager at least two (2) weeks in advance. Upon failing to do so the vendor will incur a fine of one hundred dollars (\$100) to be paid to Noblesville Main Street within two weeks of absence. The market manager has the right to move or fine vendors with excessive absences.

Each vendor will be permitted two unexcused absences in which the vendor may not give the two week notice and will **not** incur the fine.

If a vendor misses two (2) weeks in a row without cause or notification, the vendor will forfeit his/her space(s).

### **FAIR AND HONORABLE MARKETING PRACTICES:**

Vendors are not permitted to use the following techniques while at the market: hawking, calling attention to products in a loud, repetitive public manner, and selling products in an aggressive way. Vendors are discouraged from giving produce or other items away for free or at below-cost pricing, thus undercutting potential sales of other vendors. This, however, does not include sampling. If vendors wish to offer samples of their products, or to try to get customers to their booth, vendors must solicit within their booth space. Vendors will NOT be permitted to go outside of their booth space to solicit customers, i.e. the main aisle of the market.

### **COMPLIANCE WITH HEALTH, SAFETY AND RELATED LAWS:**

Vendors and their employees are responsible for informing themselves about and complying with federal, state and local health regulations and licensing requirements governing the production, display, distribution, sampling and sale of their products. If vendors offer samples of processed or non-processed items from their booth, all Health Department rules and regulations apply. The sale of food items requires proper labeling, which must contain: product name, preparation site, ingredients, net weight and price. If selling goods by weight, the producer must have a legal produce scale, which is subject to inspection by the County Department of Weights and Measures. Any vendor selling wine and spirits must follow rules outlined by the Alcohol and Beverage Commission. Noblesville Main Street is not responsible for non-compliance fines, seizure or other penalties imposed by a regulating body.

### **SALES TAX:**

All plants, flowers and other non-food items sold in Indiana are subject to sales tax. It is the responsibility of each vendor to obtain a Registered Retail Merchants Certificate.

### **INDEMNIFICATION:**

**ALL vendors** must have their own general liability insurance. Certificates of Insurance are due when the application is submitted. The policy must be for a minimum of \$1,000,000 coverage, which is the basic policy. Certificates of Insurance must be emailed to [maggie@noblesvillemainstreet.org](mailto:maggie@noblesvillemainstreet.org) or mailed to Noblesville Main Street, 839 Conner Street, Noblesville, IN 46060, prior to the first setup. The producer or vendor is solely responsible for damages resulting from the sale of unsafe or unsound goods, in addition to any accidents occurred while at the market. He/she agrees to indemnify and hold harmless Noblesville Main Street, City of Noblesville, its employees, agents, Board of Directors and membership from all liability, loss or damages which may be incurred because of all claims, demands, costs, judgments or expenses, including attorney's fees, arising from the producer's participation in the market.

### **GRIEVANCES:**

If a vendor has a problem at the market, the vendor should first discuss the problem with the Market Manager or designee. After talking to the Market Manager if the vendor is not satisfied with a solution, any vendor may put in writing his/her grievance and mail it to Noblesville Main Street, attn: Farmers Market Committee. The grievance will be reviewed by the committee, and the committee shall issue a written response to the vendor of its decision within thirty (30) days of receipt of the written grievance.

### **APPLICATION AND REFUND POLICY:**

Filling out the Google form application does not guarantee you will be able to participate at the Noblesville Farmers Market. Each application is reviewed by the Farmers Market Committee. Spaces and participation are based on a vendor being in good standing from prior participation in the market. New vendors are selected by type of products sold.

Our goal is to offer a variety of goods and not to duplicate them. **If you are NOT accepted as a vendor by the Farmers Market Committee, then you will receive a full refund via check. Otherwise, vendor fees are non-refundable from the moment you submit the application and pay the fees.** Once an application is filled out listing the products that will be sold, vendors **CANNOT** arbitrarily add products to be sold, after the season begins and during the season, without submitting a written request for approval at least one week prior to the date the vendor wishes to begin selling it. The Program Manager and committee reserve the right to allow or deny any request.

### **ADDITIONAL RULES**

- No selling of anything in the Market except by contract with NMS
- Pets are permitted anywhere in Federal Hill Commons as long as they are on a leash
- Smoking and vaping are not permitted within Federal Hill Commons during the Noblesville Farmers Market
- Protesting is not permitted within Federal Hill Commons during the Noblesville Farmers Market. Market staff will ask any persons violating these prohibitions to relocate.
  - Market staff will ask any persons violating these prohibitions to relocate to a free speech area. The following are free speech areas where protesting is permitted:
    - Kroger parking lot
    - Federal Hill Commons parking lot
    - Anywhere outside the parks' grounds

### **CODE OF CONDUCT:**

**The primary goal of the Noblesville Farmers Market is to promote a sense of community and inclusiveness among all of the vendors as participants of the Noblesville Farmers Market. Noblesville Main Street reserves the right to terminate this agreement with any vendor or participant whose conduct works against this goal. Examples include: threats or profanity directed at staff or community members; using foul language in the presence of visitors or directing foul language at staff; deliberately undermining the success of programs or exhibits; efforts to mar the reputation of Noblesville Main Street or designated representatives through words or actions; or stealing, purposefully damaging, or knowingly misusing property of Noblesville Main Street. The Noblesville Main Street Executive Director, Program Manager, or a designee may immediately remove any vendor from the Noblesville Farmers Market whose conduct proves detrimental to the Noblesville Farmers Market or offends notions of public decency. Any vendor removed by the Chief Executive Officer may be permanently barred from the Noblesville Farmers Market and forfeits the application fee.**

**All Noblesville Farmers Market vendors, their representatives, and their families, while in the market must follow the Code of Conduct.**

1. Treat market staff, volunteers, other vendors and customers with respect and understanding.
2. Notify Program Manager immediately of any unsafe conditions.
3. Resolve conflicts in an unobtrusive manner.
4. Rough, menacing, vulgar, profane or abusive language and/or sexual harassment will not be tolerated.
5. Practice safe behaviors always, including while driving on and off site, loading and unloading.
6. No vendor may be under the influence of illegal drugs or alcohol while participating at the market.
7. No vendor may smoke within the vending area.
8. All vendors will leave their spaces clean, trash removed and in a condition suitable to the Market Manager and the property owner.
9. No political or religious campaigning.
10. No music shall be permitted that is not part of the weekly music or entertainment vendor or host designated by Noblesville Main Street.
11. Vendors may not publicly disparage other vendors, products, or markets.
12. Customer questions regarding product should be answered factually and knowledgeably.

**FAILURE TO COMPLY WITH THESE RULES OR ANY TERMS SET FORTH IN THIS AGREEMENT WILL RESULT IN THE “3 STRIKE RULE” BEING ENFORCED.**

**THREE STRIKES RULE**

Vendors who fail to comply with this agreement will be subject to the following:

**First offense** - A verbal warning from the Market Manager.

**Second offense** - A verbal warning from the Market Manager followed by a letter in writing from the Program Manager to the vendor stating the violation. The Market Manager will advise the Noblesville Main Street Executive Director of the offense.

**Third offense** - Vendor will be asked to leave the market immediately by the Market Manager. The Market Manager will be assisted by the presence of a board member. Any vendor who has been dismissed from the market for violating these rules will not be allowed to participate in future markets. A removed vendor will be allowed to grieve the removal by submitting a written appeal to the Noblesville Main Street Board of Directors. The board will make the final decision as to the temporary or permanent removal of the vendor. Noblesville Main Street shall NOT refund fees already paid following a vendor's permanent removal.

**Note, however, that the Market Manager may skip any or all of the above progressive steps if warranted by the vendor's conduct.**

**FILL OUT THE [APPLICATION GOOGLE FORM](#)**

**Contact Noblesville Main Street with any questions:  
Phone: 317-776-0205, Email: [maggie@noblesvillemainstreet.org](mailto:maggie@noblesvillemainstreet.org)**