



## **DOWNTOWN FORT MYERS FARMERS' MARKET**

### **Rules & Regulations Agreement (Revised March 1, 2008)**

#### **Introduction**

The Fort Myers Redevelopment Agency (FMRA) organized the Farmers' Market to provide convenient, inexpensive, market facilities for area vendors to sell their products directly to consumers at reasonable prices. The Downtown Fort Myers Market is considered a year-round "green" market.

The *Farmers' Market* is open year round every Thursday, in the Centennial Park parking lot, under the U.S. 41 Caloosahatchee Bridge, at the corner of Heitman and West First Streets. The Market hours are 7:00 am to 2:00 pm October through May, and 7:00 am to 1:00 pm June through September. Due to the utility replacement, the Market has been temporarily moved to Edwards Drive between the boat ramp and the City Pier building. The Market is scheduled to relocate back to the Park location the end of August 2008.

#### **Rules & Regulations**

**Start Up Time:** *The Market opens at 7:00 am. Booth setup is to be completed, and vehicles removed, where applicable, by 7:00 am.*

- Vendors arriving before 7:00 am are asked to close the entrance gates before proceeding to their space to unload, to help keep the parking spaces under the Bridge open for customers.

**Closing Time:** During season, October through May, the Market hours are 7:00 am to 2:00 pm. During the months of June through September, the Market hours are 7:00 am to 1:00 pm. Market hours are subject to change.

**Leaving Early:** - Vendors who leave early due to employment or other commitments are to notify the Market Manager ahead of time. A new booth space will be assigned to provide an easy exit that does not create safety and liability issues. No exceptions.

**Applicants:** Applicants will receive a copy of the Rules & Regulations. Vendors are required to sign a *Vendor's Understanding & Acceptance Page*, submit a *Vendor Application*, and copies of all applicable licenses, certifications or permits. The required documents should be mailed to the Market Manager at the Fort Myers Redevelopment Agency (FMRA), located at 1400 Jackson Street, Suite 102, Fort Myers, FL 33901. The above documents may also be faxed to 239.344.5911.

The Market Manager or the FMRA will review the applications, and reserves the right to refuse participation to any applicant. Submitting an application does not automatically guarantee admission into the Market. There are no rights of entitlement or exclusive rights based on when an application was submitted, space assignments, type of product or commodity, or number of years in the Market.

**Licenses/Permits/Certifications:** Vendors are responsible for complying with state and local agency requirements. Vendors are required to provide proof of their current licenses, permits or certifications before participation in the Market begins. Failure to do so will delay the start date.

- Vendors warrant they will not operate without proper licensure, will cease operations, and notify the Market Manager or FMRA immediately in the event a license is expired, revoked or otherwise lost.
- **Vendors closed down for failure to renew their licenses, permits or certifications are considered terminated.**
- Terminated vendors must re-apply, and if accepted, are not guaranteed their formerly assigned space.
- Examples of permits Include:
  - ANNUAL FOOD PERMIT: Home canned or cured products, home baked goods or processed foods **cannot** be sold without prior approval of the County Health Department and/or the Department of Agriculture and Consumer Services.
  - CERTIFIED FOOD MANAGER: a Division of Food Safety requires a Food Manager Certification for the sale of foods not limited to but include eggs, milk, cheese, meats, and seafood.

**Seasonal Applicants:** Seasonal vendors are vendors who work a minimum of three (3) to six (6) months because of growing seasons, type of product or commodity.

- Seasonal vendors will be re-accepted into the Market depending on the number of year-round vendors, number of available spaces, and type of product. Vendors are not guaranteed their former space, and may be assigned to a different location. Seasonal vendors are required to notify the Market Manager or FMRA of their intention and expected date of return.
- Seasonal vendors are subject to all the *Rules & Regulations*, and all revised versions.
- Seasonal vendors will be charged a minimum of six (6) months fees whether or not the vendor chooses to remain for the entire six (6) months or the minimum of three (3). The six (6) month fees will be based on the number of spaces, times six (6) months.
- **The six (6) month fee must be paid in full before participation in the Market begins.**
- Seasonal vendors staying beyond the six (6) months will be required to pay the additional months they are present.

**Vendor Appointed Agents and Employees:** Vendors may appoint an agent or employee to run their booth or sell their products. Vendors are responsible for their agent or employees knowing and abiding by the Rules.

**Green Market:** The Downtown Fort Myers Farmers' Market is considered a "green market."

Agricultural items such as fruits, vegetables, flowers, plants, baked goods, meats, cheeses, seafood, dried flowers, and wreaths are considered "green market" items. Due to the climate and growing seasons, vendors in this category may purchase their produce and commodities from other sources and re-sell them.

Non-edible items, such as, but not limited to, soaps, creams, lotions, and candles may be sold at the "green market" but must be made from agricultural products. The vendors in this category must be involved in one of the processes of either growing the agricultural product, the manufacturing, or packaging of the non-edible item.

- Vendor criteria include, but are not limited to: the number of vendors with similar products, the number of available space(s), year-round availability, the type of product or commodity, and method of display.

**Green Market (Cont'd)**

- Hydroponics and organics plus other specialty items or growing methods may be given priority over the same type items traditionally grown or produced.
- Vendors will be notified in writing or by phone if accepted, provided a space assignment, and issued a vendor-parking pass.

**Commodity Restrictions: The FMRA or the Market Manager cannot grant exclusive rights to the selling of a particular product or commodity. Every effort is made to assure diversification among same-type vendors.**

- Loose items sold by weight such as, but not limited to seeds, nuts, pasta, and candy must be packaged or displayed in covered containers.
- Vendors are required to inform the Market Manager or FMRA when adding new products in order to ensure the products meet the “green market” designation.
- Scales, used to sell by weight, must be inspected and approved by the Department of Agriculture, Bureau of Weights and Measures. Vendors are responsible for maintaining properly calibrated scales.
- No organic material such as mushroom compost, crab waste or any other animal manure can be sold at the market. Violation of this provision will result in automatic probation or expulsion from the Market.
- **The Market Manager or FRMA reserves the right to ask that unsuitable or unapproved products be removed from sale.**

**Space Fees: The cost for a 10 ft x 10 ft tent-size space is \$25 per space per month. Vendors may purchase up to four (4) spaces, if available, at the \$25 per space charge. No refunds will be given for missed market days nor prorated for middle of the month start-ups or endings.**

- **The first month’s rent is due before participation begins.**
- Vendors will be invoiced monthly, thereafter. Monthly fees may also be paid in advance. Fees should be received at the FMRA office on or before the first of each month.
- Vendors may mail or hand-deliver the space charge. Fees paid in cash should be hand delivered to the following address:  
Fort Myers Redevelopment Agency  
1400 Jackson Street, Suite, 102  
Fort Myers, FL 33901
- Checks or money orders should be made payable to the Fort Myers Redevelopment Agency and mailed to the above address.
- The Market Manager or designee will not collect the fees when on site.
- **Vendor payments are late when one month’s payment is past due. Vendor fees that are two months late are subject to suspension until all past-due amounts are paid in full and late fees may apply.**
- **Vendors who do not pay their space fee charge will be sent to collections.**
- Space fee charges are subject to change.

**Booth Space: Vendors may purchase up to four (4) spaces, if available.**

- Water and electric are not available.
- The Market Manager or FMRA reserves the right to relocate vendors.
- Vendors will be assigned a space(s), and are expected to stay within the confines of the assigned space(s). While some space encroaching may occur during certain times, vendors will be required to move back into their assigned space(s) when asked to do so.

**Booth Space: (Cont'd)**

- Vendors are not allowed to re-locate into an absent vendor's space(s) or other available space(s) of their choosing without the permission from the Market Manager or FMRA.
- Vendors selling bulk items such as, but not limited to watermelons, cantaloupes or pumpkins may be directed to an unmarked designated area.
- Vendors selling out of carts or large trucks may be directed to unmarked areas.

**Booth Space Care: Vendors are responsible for maintaining their space(s) in a clean and sanitary condition.**

- Vendors are responsible for providing their own trash bags or containers; removing their own trash, equipment, fruit, and vegetable trimmings, wrappings, containers, and any other debris resulting from their day at the Market.
- Failure to do so will result in probation and/or expulsion from the Market.

**Booth-Space Relocation: Relocation requests must be submitted in writing to the Market Manager or FMRA Office. There are no rights of entitlement to any space, and the Market Manager or FMRA reserves the right to re-locate vendors.**

- If a relocation request is granted, vendors will be notified in writing, given a start date, and the new space location.
- Failure to accept the new location, cancels the request.

**Absences: Vendors are expected to be present on days the Market is open. Vendors are to contact the Market Manager at 239.321-7098 or the FMRA main number 239.321-7100 when absent.**

- Vendors absent two consecutive weeks, without notifying the Market Manager or the FMRA, are considered expelled from the market. The Market Manager or FMRA reserves the right to refuse re-admittance into the Market.

**Missed Time/ Reserving Space: Vendors, who expect to be absent from the Market for extended periods of time for, but not limited to vacations, family issues, or end-of season, are expected to inform the Market Manager of the missed-time period and expected date of return.**

- Vendors in the "missed-time" category, who would like to reserve their return to the Market, will be required to pay their space-fee charges in advance.
- **Paying the space fee charges grants return to the Market only, but does not grant return to the formerly held space(s).**
- **A lump-sum payment only will be accepted.**
- The Market Manager or FMRA reserves the right to re-locate a vendor who falls under the "missed-time" category.

**Vendor Conduct: Vendors, agents, and employees are expected to conduct themselves in an appropriate manner, and make every effort to ensure fair, and honest trade with customers. Vendors participating in or instigating any of the following are subject to immediate probation, and/or expulsion.**

- Collusion among vendors to raise prices or exert any influence, pressure or persuasion to cause a vendor to increase prices is prohibited.

**Vendor Conduct (Cont'd):**

- Fighting, swearing, cursing, hitting, punching, or any other form of verbal or physical abuse to another vendor or consumer will not be tolerated, and are cause for probation, or expulsion.
- Complaints against vendors will be researched and documented. A complaint may or may not create cause for probation and/or expulsion.

**Vehicle Parking:** Vendors will be given a parking pass identifying them as a Market vendor, and expected to move their vehicles off-site.

- **Vendor vehicles are not allowed in the customer parking area, unless permission was granted by the Market Manager or FMRA.**
- The Market Manager or FMRA reserves the right to have vendor trucks or personal vehicles removed from the Market area.
- Vehicle parking locations are subject to change.

**Market Closing:**

- The Market may be closed for national holidays when such holidays fall on the Market day.
- The Market may also be closed at the request of the City of Fort Myers or the State of Florida for roadwork, utility repairs, bridge maintenance or other work required within or adjacent to the Market location.
- The Market Manager or FMRA, at their discretion, may move the Market to another location.

**Fire Extinguisher:** Although not a requirement, vendors with a vehicle or truck should have a certified, 2A10BC fire extinguisher on hand.

**Market Manager:** The FMRA may, at its discretion, appoint a Market Manager. The Manager and FMRA are interchangeable. The Market Manager will oversee the Market, the vendors, and enforce the *Rules & Regulations*.

**Revised Rules:** The *Rules & Regulations* may be revised from time-to-time at the sole discretion of the Market Manager or FMRA. Vendors will be provided a copy of the revised *Rules & Regulations*, asked to sign a *Vendor's Understanding and Acceptance Page*, and return the signed Page within the time period specified.

**Solicitation:** Vendors are prohibited from soliciting through advertising, business cards, talking to enlist customers or other vendors to join a sales network or pyramid-type group while on site. Vendors, agents or employees who participate in this behavior will be terminated immediately.

**Termination:** The Market Manager or FMRA reserves the right to terminate any vendor without cause at any time with a 10-day written notice.



## Downtown Fort Myers Farmers' Market

### Vendor's Understanding & Acceptance of the Rules & Regulations

I have read, understand, and agree to abide by the Rules & Regulations for the Downtown Fort Myers Farmers' Market, revised on March 1, 2008. I have met all local, state, and federal health, inspection, and licensing requirements prior to selling products at the Market.

I do not hold the City of Fort Myers, the Fort Myers Redevelopment Agency, or the Market Manager liable for any property damage or personal injury that either my representatives or I may incur while selling at the Market. I accept full financial liability for my actions, and all products that either I or my representatives sell at the Fort Myers Downtown Farmers Market.

I further agree to indemnify, defend, and hold harmless the City of Fort Myers, the Fort Myers Redevelopment Agency, or the Market Manager from and against any and all claims, and actions for injury, damage or loss to persons or property or other liabilities or expenses whatsoever, including court costs, and attorney's fees, related or arising out of my or my agent's actions, omissions, and operations with the Downtown Fort Myers Farmers' Market.

Vendor's Name: (Print) \_\_\_\_\_

Name of Business \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State & Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Authorized Vendor Representatives: \_\_\_\_\_  
(Names of People Working for You)

#### Market Manager Use Only:

Documents Received: Application \_\_\_\_\_ Fee Space Charge \_\_\_\_\_

Permits/Licenses \_\_\_\_\_ Amount \_\_\_\_\_

Photos \_\_\_\_\_

Start Date: \_\_\_\_\_

Space(s) Assignment \_\_\_\_\_

#### Sign and Return this page, application, and all required licenses, permits, and fee space charge to:

Michaelene Beaudin  
Fort Myers Redevelopment Agency  
1400 Jackson Street, Suite 102  
Fort Myers, FL 33901  
239-321-7098; fax 239-344-5911



**DOWNTOWN FORT MYERS FARMERS' MARKET  
VENDOR APPLICATION**

**Open Year - Round every Thursday under the Caloosahatchee Bridge at the Corner of Heitman & West First Streets. Hours are 7:00 am to 2:00m October through May, and 7:00 am to 1:00 pm, June through September.**

**Review the Rules & Regulations before submitting the application.**

1) Name: \_\_\_\_\_

2) Street Address: \_\_\_\_\_

3) City, State, Zip Code: \_\_\_\_\_

4) Telephone: \_\_\_\_\_

5) Describe or list the products, commodities, produce or other items to be sold: Add pages if necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6) Describe the method of display: size of tables or tent to be used. Include a photo of the display. (Photos will NOT be returned.)

\_\_\_\_\_  
\_\_\_\_\_

7) Provide names and locations of other markets where participated.

\_\_\_\_\_  
\_\_\_\_\_

**8) Vendors must unload their product and move their vehicles outside the Market area to a location designated by the Market Manager or the FMRA prior to the Market's 7:00 am start time.** Vendors requiring their vehicle to sell their product should use the spaces below to make the request, and give an explanation as to the importance of using their vehicle. A request does not grant entitlement. This requirement is subject to change due to liability issues.

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**Application packets will be reviewed by the Market Manager or the FMRA. The Market Manager or FMRA reserves the right to refuse any participant. Priority may go to specialties, such as, hydroponics or organic items, even if an application in a similar category was submitted first. If selected, vendors will be notified, and provided a space assignment.**

**Submitting an application does not automatically grant acceptance, or entitlement into the market. Vendors accepted are responsible for reading the Rules and Regulations, for signing and returning the Vendor's Understanding & Acceptance of the Rules & Regulations. Vendors and their agents or employees are responsible for abiding by the Rules contents.**

**The Market Manager or the FMRA reserves the right to terminate any vendor without cause at any time with a 10-day notice.**

