

Asheville City Market Rules and Regulations

Governance and Operational Management

Appalachian Sustainable Agriculture Project

The Asheville City Market is a community initiative of A.S.A.P. and is governed by its Board and By-Laws.

Asheville City Market Oversight Committee

The ACM Oversight Committee, comprised of vendor and community representatives, is charged with management oversight for the Market. All votes require the participation of not less than 75% of Committee members. Decisions require a simple majority vote. Changes to the Rules and Regulations require a two-thirds majority.

The Committee includes not more than two vendors and two non-vendors nominated by the Market Manager, and approved by the Committee, and not more than eight vendor representatives elected by the Market membership. Committee members serve for two year terms, but may not serve for more than four consecutive years. Any member with three monthly meeting absences without prior notification per year will be removed from the Committee.

Vendor representative elections

- Only members may vote for or serve as vendor representatives.
- An annual Oversight Committee election to replace members whose terms have ended and to fill vacancies will be completed by May 1st of each year. The newly formed Oversight Committee serves from May 1st through April 30th of the following year.
- Market Members who have indicated a willingness to serve on their vendor application, or who have submitted a written notice of interest to the Market Manager, will be contacted to confirm an annual listing of “candidates” on the election ballot. Service is limited to members with a least one market year (minimum of ten attendance dates) as a vendor in good standing.
- Elected vendor representatives shall include five farm vendors, two value added/prepared food vendor, and one art/craft vendor.
- The two candidates receiving the next highest vote totals after those elected will be designated as committee alternates. Alternates will serve for two year terms and will be expected to participate as members of the committee but will not have a vote.
- Vendor representative vacancies that occur during the year will be filled by alternates.

The responsibilities of the Oversight Committee include:

1. Set targets for vendor category mix
2. Appoint a Vendor Sub-committee (three OC members) to review Market Manager decisions regarding vendor applications
3. Evaluate site use management and provide guidance to the Market Manager
4. Conduct random annual farm and production site visits or as needed
5. Receive, review and resolve formal complaints
6. Review annual budget and quarterly financial reports
7. Oversee the Market Manager

Market Manager

The Market Manager is an employee of Appalachian Sustainable Agriculture Project. A.S.A.P. retains employer responsibility for the Market Manager position. Operationally, the Market Manager is responsive to the direction of the Oversight Committee.

The responsibilities of the Market Manager include:

1. Recruit vendors
2. Receive and review vendor applications
3. Approve/reject vendor applications with review by the Vendor Sub-committee
4. Complete farm and production site checklists for new vendors
5. Maintain site use plan including assignment of vendor spaces
6. Promote effective communication within the Market community
7. Oversee daily operations and resolve operational issues
8. Enforce Market rules and regulations
9. Receive formal grievances and forward recommendations to the Oversight Committee
10. Collect fees
11. Establish budgets, maintain financial records, and issue reports
12. Implement advertising, promotion, and marketing plans

Membership, Vendor Categories, and Fees

Applications for membership or day vendor status are submitted to the Market Manager for review and evaluation.

Membership provides:

- Space available on reserved market dates
- Participation in election of vendor representative
- Eligibility to serve on the Oversight Committee (after first year requirement)

Day vendor status provides:

- Space allotted for available dates at the discretion of the Market Manager

Vendor categories and fees:

Member vendors pay a non-refundable annual membership fee of \$100 to participate at one market location or \$150 to participate at two market locations. Note: weekly fees include a \$3 market token program fee.

- **Members** **\$ 23 / wk.** **Double-wide spaces – double weekly fee**
- **Day vendors** **\$ 33 / wk.** **Electrical access – \$ 5 / wk.**

Vendor and Product Policies

Vendor Eligibility and Restrictions

ACM was established as a program of ASAP to improve direct sales opportunities for farms including those unable to find market access options. The market's product mix management efforts aim to assure product quality, variety, and supply that appeals to customers and that ensure a sustainable market mix.

Membership preference is given to farms and vendors a) that are supportive of product mix priorities, b) have limited access to comparable direct markets, and c) who are represented at market primarily (over 50%) by the owner (business co-owner or family member) listed on the vendor application. Preference is also given to products and foods produced, prepared, or processed locally and to prepared foods made with locally produced ingredients or featuring local farm products.

ACM's vendor mix is 100% producer only for farm vendors. Non-farm applicants with products produced by others will be considered based on product appeal and contribution to the overall market's product mix (e.g. seafood, coffee, etc.).

Producer only vendors must be the producer of items being sold or their listed representative (e.g. family member, employee or intern involved in production, or farm coop partner.) Refer to vendor representative guidelines provided on the vendor application.

Vendors may only sell products listed on their application. Requests to list a new product must be submitted in writing or by email at least one week prior to sale and are approved at the discretion of the Market Manager.

Market Operations

Market schedule

Downtown – Saturdays from April through October, 8am to Noon, and from November through the 3rd Saturday in December, 9am to Noon. Indoor market, 10am to Noon, from second Saturday in January through March. South - Wednesdays, April to October, Noon to 4pm.

Site Use Plan

The purpose of the site use plan is to ensure a positive experience for customers and a successful market for vendors.

1. Vendors
 - Reserved dates do not entitle a vendor to a reserved location (vendor locations for both members and day vendors are assigned by the Market Manager each week)
 - Member vendors will, in most cases, be assigned the same location week-to-week
 - Weekly modifications to the site use plan, including vendor placement, are made at the discretion of the Market Manager
2. Promotion, Entertainment, and Education (including cooking demos, music, non-profits, etc.)
3. Amenities and Parking

Note: Vendor pets are not allowed at market.

Vending requirements

- All market vendors participate in the market's token program
- Clearly displayed prices
- Arrival by 7:30am (members) and complete space set-up by market opening (all vendors)
- Clean-up and close space by one hour after market close
- Vendors may not set up after the market opens nor close before the market ends
- Vendors who have a vehicle parked in the customer parking area after 8am will lose their next scheduled market date after one warning (e.g. in the lot at 8am, lose your next date)
- Members are allowed to miss 20% of their reserved dates. The weekly vendor fee will be due for dates missed over the limit (based on the application schedule submitted and updated in June). Scheduled dates are in effect as of the first market attended (late starts do not count against the limit). Long term absences due to exceptional circumstances may be reviewed by the Oversight Committee.
- A member may petition the Oversight Committee for an excused absence by written request submitted within thirty days of the missed market date.
- Vendors must provide advance notice for a market absence. The weekly vendor fee is due for absences with no prior notification.

Appeals due to circumstances beyond the vendor's control will be reviewed by the Manager and must be presented in writing or by email no later than two weeks from the missed market.

- Asheville City Market requires that all vendors comply with standards of professionalism that promote open communication, mutual respect, and the best interests of the market. Disruptive actions or remarks that undermine the shared success of any or all of our community of vendors are unprofessional and unacceptable. Failure to comply with these standards could result in suspension or removal from the market.

Liability and Legalities

- Risk Management, Insurance, and Hold Harmless Provisions
- License, Permit, Certification, and Inspection Requirements

Risk Management, Insurance and Hold Harmless Provisions

Asheville City Market's risk management efforts include best practices, education, and enforcement to promote a safe and healthy environment. Vendors must participate actively in these efforts and take all steps necessary to assure health and safety.

Vendors, as a condition of participation in the Market, agree to the following hold harmless provisions:

Each vendor participating in the Asheville City Market shall be responsible for any loss, personal injury, deaths, and/or other damage that may occur as a result of the vendor's negligence or that of its servants, agents, and employees, and hereby agrees to exonerate, hold harmless, indemnify and defend Asheville City Market and A.S.A.P., its successors and assigns, from and against any and all losses, damages, claims, suits or actions, judgments and costs, and attorneys fees which may arise or grow out of any injury or death of persons or damage to property in any manner connected with the vendor's products, operations, or vending at the Market.

A.S.A.P. holds general liability insurance for Asheville City Market. This insurance DOES NOT cover vendor spaces or products. Vendors must have insurance covering participation in the Market. As it is not practical for the Market to manage each individual vendor's insurance coverage, this is a self-enforced requirement.

License, Permit, Certification, and Inspection Requirements

The Market Manager will coordinate completion of farm or production site checklists as a condition for vendor approval. Vendors are required to comply with all applicable Federal, state, and local laws and must retain valid and current documentation of required licenses, permits, or certifications. Examples of applicable documentation as required include:

North Carolina Department of Agriculture (NCDA) kitchen inspection (processed foods including baked goods, jams, vinegars, juices, coffee, etc.)

NCDA Division of Meat and Poultry - meat handler's license

FDA Short Course Certification for acidified foods (e.g. pickles relishes, etc.)

USDA Organic Certification (for use of "certified organic" description in all cases and for use of "organic" description by farms with more than \$5000 in annual organic sales)

City of Asheville Privilege License, Sales Tax ID Number

Materials regarding regulations, guidelines, practices, and procedures will be provided to vendors as a part of an ongoing informational and educational effort.