

**RESOLUTION NO. 2553**

**RESOLUTION TO ADOPT FEE INCREASES FOR MARKET SQUARE  
FARMER'S MARKET VENDORS FOR FY 2014**

**WHEREAS**, pursuant to Section 2.07 of the City Charter, City Council has the authority to establish fees to be charged for services provided by the City; and

**WHEREAS**, the last increase to stall fees charged for vendors at the Market Square Farmer's Market occurred in 2009; and

**WHEREAS**, the stall fees charged vendors for such use fell within the Baltimore Washington CPI-U fee adjustment guidelines set forth by City Council in Fiscal 2008; and

**WHEREAS**, the stall fees charged to vendors at the Market Square Farmer's Market are significantly below what other jurisdictions charge and what other farmer's markets within the City charge, as well as the costs of providing the Market Square Farmer's Market; and

**WHEREAS**, the costs of providing the Market Square Farmer's Market continue to increase year-by-year and the fees do not cover the entire costs associated therewith; and

**WHEREAS**, City Council has now determined that it is necessary and desirable to increase the rate for the rental of stalls for permanent vendors at the Market Square Farmer's Market to \$45 per month and increase the rate for the rental of stalls for temporary vendors at the Market Square Farmer's Market to \$25 per week.

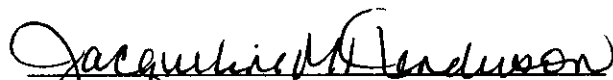
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL  
OF THE CITY OF ALEXANDRIA, VIRGINIA:**

1. That the stall rental fees charged by the City of Alexandria Department of General Services for rental of stalls at the Market Square Farmer's Market shall be and hereby are set at the rate of \$45 per month for permanent vendors; and
2. That the stall rental fees charged by the City of Alexandria Department of General Services for rental of stalls at the Market Square Farmer's Market shall be and hereby are set at the rate of \$25 per week for temporary vendors; and
3. That this Resolution shall be effective July 1, 2013.

ADOPTED: May 6, 2013

  
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**WILLIAM D. EULLE MAYOR**

ATTEST:

  
Jacqueline M. Henderson, MMC City Clerk

**FARMERS MARKET REGULATIONS***(Revised April 2013)***I. DEFINITIONS**

1. **Farmers Market.** The Farmers Market is the City operated market that is located on the Market Square Plaza at 301 King Street. The boundaries are defined by the Market Master depending upon the number of vendors present. In no case, however, will the Market occupy sidewalk or street right-of-way. During winter months the Market Master may move the Farmers Market into the covered parking garage below the Market Square. The Market hours are from 7:00 a.m. until 12:00 p.m. each Saturday. Hours and days are subject to change with notice by the Market Master.
2. **Farm or Domestic Products.** Included are products that are grown or produced on farms or in homes or gardens. These products are further defined as follows:
  - a. **Produce –** Vegetables, fruit, grains, eggs, plants, plant cuttings, flowers, seed, nuts and herbs.
  - b. **Prepared Foods –** Foods that are processed in some way by the vendor and are approved by the Health Department. These items include, but are not limited to, cured meats, baked goods, preserves, pickles, juices, home canned products and cheeses.
  - c. **Handicrafts –** Handcrafted products that are made in the home. The product may be made from manufactured materials provided that most of the products value results from the crafting of the vendor or the vendor's family.
3. **Vendors.** Persons who have paid their stall rent, agreed to comply with the Farmers Market regulations and agreed to sell only "Farm or Domestic Products", defined above.
  - a. **Producer vendors -** Vendors who sell products which are grown or produced by themselves or members of their household at their own farms, homes or gardens.
  - b. **Resale vendors -** Vendors who sell products which have been grown or produced by other than themselves or members of their households.
4. **Rules Committee.** The Rules Committee of the Farmers Market will consist of two vendor representatives who will be selected biennially in July by a vote of the vendors, the Market Master, the Director of the General Services Department, a representative of the Finance Director and a representative of the Health

Department. The Committee will meet to review rule changes, vendor appeals, product eligibility issues, disciplinary actions/suspension and issues that the City Manager wishes to resolve.

## II. ELIGIBLE PRODUCTS

1. Only "Farm or Domestic Products" as defined above may be sold at the Farmers Market. Resale vendors must limit their items to farm and garden produce.
2. Fresh meats, fishery products, shellfish, shell stock and prepared foods (except those approved by the Health Department) are not eligible products for the Farmers Market for reasons of public health. All questions regarding eligibility for reasons of health shall be resolved by the Alexandria Health Department.
3. No foods shall be sold which could be classified as "potentially hazardous food" as defined by Section 11-2-5 (25) of the City Code. Vendors who wish to sell cheese, canned goods (fruits, vegetables, juices, etc.), or baked goods shall first obtain the approval of the Alexandria Health Department, and have evidence of that product approval in their possession, whenever they are selling these products.
4. No products sold can be used or second hand.
5. To qualify a handcrafted product, an item must have acquired a substantial part of its value from the crafting of the vendor or the vendor's family.

## III. MARKET MASTER

1. The Market Master is the person appointed by the Director of General Services to administer the Market and enforce the rules. Examples of the Market Master's authority are as follows:
  - Revoke a vendor's permit.
  - Assign display and selling areas to vendors.
  - Collect rent from vendors.
  - Direct the removal of ineligible products.
  - Direct vendors to comply with health and sanitation rules.
  - Receive vendor appeals of rules and regulations.
2. The Market Master shall make space assignments in a manner that best assures the good safety, management, and operation of the Market. With these facts considered, priority of assignments shall be based upon the length of time vendors have been continuous licensees of the Market, with the highest priority going to the vendor with the longest record of continuous history as a rent paying vendor. Priority also will be given to producer vendors over resale vendors.

3. No selling area will be permitted to use any fuel burning or electric devices to heat products, except for coffee/hot water urns when approved by the Market Master.
4. All eligible products except fresh produce, handicrafts, flowers, plants, and canned goods shall be wrapped.
5. No vendor shall be permitted to be licensed for more than one stall space at a time with the exception of permanent vendors who indicated the desire to rent more than one stall space prior to February 25, 2013.

#### V. RESPONSIBILITIES OF VENDORS

1. Comply with these regulations as well as all other regulations, codes, and statutes that govern the growing, preparation, and sale of products defined in this regulation.
2. Cooperate with the Market Master regarding the assignment of space, use of City property, use of parking spaces, etc.
3. Maintain a clean vending area, dispose of all refuse and trash at the direction of the Market Master, and take care not to deface or damage City property.
4. Pay the rent timely and in advance to the Market Master.
5. Vendors who wish to register as "Producer Vendors" and be exempt from the City business tax must complete the attached certification, have it notarized, and submit it to the Market Master prior to selling as a Producer Vendor.
6. Vendors are responsible for the safety of the products being sold, and shall hold the City of Alexandria harmless from any liability whatsoever that results from their activities on Market Square.
7. Payment of Taxes. All vendors are responsible to the State of Virginia for collecting and reporting Virginia Sales Tax. In addition, resale vendors are responsible for obtaining business licenses from the City of Alexandria and submitting reports of revenue as required of City of Alexandria businesses.

#### VI. SUGGESTIONS/APPEALS OF VENDORS

1. Vendors may appeal the interpretations of these regulations or the decisions of the Market Master by submitting a written appeal to the Market Master. The appeal will be considered within three days by the Director of General Services and a written response returned to the appealing vendor.

2. In the event that the appealing vendor wishes to appeal the decision of the Director of General Services, he/she may ask for a meeting with the Rules Committee of the Farmer's Market. The Rules Committee will hear the appeal and render a decision within one week. Decisions and recommendations of the Rules Committee must obtain the final review of the City Manager.

#### VII. DISCIPLINARY ACTION

1. In an emergency and in the interest of maintaining health and order, the Market Master may have a vendor or customer removed from the Market. In exercising this authority, the Market Master is to invite the assistance of the Police Department and will notify the Director General Services or his/her representative as soon as possible.
2. In the event that a vendor violates the rules of the Market and disregards the verbal warnings of the Market Master, the vendor may be suspended for a length of time that is dependent upon the severity of the offense. All suspensions will be reviewed by the Rules Committee which will consider the suspension prior to it being implemented, if possible.

#### VIII. ALLOCATION OF VENDOR SPACES

1. Vendor spaces shall be allocated based upon three determining factors:
  - Position on the waiting list.
  - Priority of the vendor category.
  - Maximum numbers of vendors allowed by vendor category.
2. Each vendor space shall be 8'x10'. Each vendor shall not be allocated more than one space with the exception of permanent vendors who indicated the desire to rent more than one space prior to February 25, 2013.
3. The Waiting List – To get onto the waiting list, a prospective vendor must submit a Vendor's License application and a notarized Producer Vendor Certificate (except for resale producer vendors) to the Market Master. The position on the waiting list is determined by the date that the Market Master receives these documents.
4. Priority of Vendor Category – Because of the scarcity of home grown produce vendors and the desire to preserve their traditional place in the Market, these vendors will be selected first from the waiting list regardless of the position of other vendors in other categories.
5. Maximum Allowances of Certain Vendor Categories – Certain vendor categories will be subject to maximum allowances in their number or percent. When the names of these vendors come to the top of the waiting list, they will be allocated a

space at the Market only if the allowance for that vendor type has not already been reached. The following maximum allowances are established:

- The total number of vendors in the handicraft category shall not exceed 45% of the total number of Market vendors, or 52 vendors, whichever is greater.
  - The total number of vendors selling jewelry shall not exceed 5% of the total number of Market vendors, or 7 vendors, whichever is greater.
  - The total number of vendors selling framed art shall not exceed 5 vendors.
  - The total number of vendors selling wearable art shall not exceed 5 vendors
6. In addition to the above allocations, there shall be fifteen temporary (one calendar month at time) spaces that are to be reserved solely for produce vendors who have raised or grown the produce.

#### IX. RENT

1. The rental rate is established by the City Council.
2. Monthly rent is due no later than the first day of the month for each month of the Market season (January 1 through December 31).
3. Monthly rent is due for each month of the Market season (January 1 through December 31).
4. Vendors may not sublet or “loan” their assigned space to another person, regardless of whether that person is already a Market vendor.
6. Vendors that are 30 days, or more, in arrears will have their licenses terminated.

#### X. VENDOR ATTENDANCE

1. It is expected that vendors attend most of the Saturday Market dates. If a vendor is absent for four consecutive Saturdays between January 1 and December 3, the Market Master will send a letter by certified mail to advise the vendor to resume attendance within two weeks. If the vendor does not comply within that time, or does not respond with valid reasons such as illness or other extenuating circumstances, then that vendor’s license will be terminated.

2. If a vendor receives two warnings during the nine month period of January 1 through December 31, the vendor's license will not be renewed for the following season.
3. If vendors are in arrears on their rent, they will be terminated after fourth Saturday of non-attendance.