

Thunder Bay Country Market (“TBCM”) Rules and Regulations

Definitions: These definitions apply to terms in these Rules and Regulations, and also to the terms in the Application to Vend and related documents.

“Agri-foods”	Raw agricultural products that require very little alteration to be ready for eating, i.e. fruits & vegetables, herbs, meats, fish, eggs, cheese, honey, syrup & grains.
“Application to Vend”	The Application to Vend is a document approved and amended from time to time by the Board of Directors, which is required to be completed and submitted prior to any person being able to sell wares at a TBCM market, subject to any rules or regulations applicable.
“Board of Directors”	The elected directors of the Thunder Bay Country Market, elected in accordance with the constitution and by-laws of that corporation.
“CLE”	The Canadian Lakehead Exhibition may be referred to as CLE from this point forward.
“Craft”	A product not intended as food, which is made primarily by the vendor i.e. flower arrangements, needlework, jewellery, furniture, sewing, pottery.
“Local”	All areas within the District of Thunder Bay, Ontario
“Market Manager”	An employee of The Thunder Bay Country Market. The Market Manager takes direction from the Board of Directors and reports to the Board of Directors.
“Plants and Flowers”	Greenhouse and garden grown plants and flowers, i.e. potted plants, seedlings or bedding out plants, fresh cut flowers.
“Primary Product”	A vendor’s Primary Product(s), alone or when combined with other Primary Products, is/are the product(s) which amount to more than 50% <i>by value</i> of that vendor’s stock available for sale at a vendor’s booth at each market.
“Processed Foods”	Food products that have been altered or combined with other products before they can be eaten, i.e. preserves, jams, jellies, pickles, imports (coffee, tea, chocolate), breads, baking, salad dressings, dips, prepared meals and entrees.

“Secondary Product” Secondary Product(s) are the stock available for sale which amounts to less than 50% by *value* of the goods available for sale at each vendor’s table on any particular market day.

“TBCM” The Thunder Bay Country Market may be referred to as TBCM from this point forward.

The motto of the TBCM is:

“Make it, bake it, or grow it”, as such, for the purposes of the TBCM:

“Make it” means: A product which is produced by the vendor from ingredients, in whole or in part, which are made, produced or bought by the vendor and altered in some way resulting in a new product. This may include Crafts, salad dressings, health and body care products, etc.

Example: Jam – the vendor either grows the berries or purchases them from another person who grows them, combines the berries with other ingredients, processes them by cooking and makes jam.

Example: Jewellery – The vendor purchases beads and wire and using jeweler’s tools combines the materials to form a piece of jewellery.

“Bake it” means: A product which is produced by the vendor from ingredients, in whole or in part, which are grown or bought and which when combined together and baked results in a processed food.

Example: Bread – The vendor purchases flour, yeast, oil and other ingredients from the supplier. Using a recipe created by them or another, combines those ingredients, bakes them and produces a food product.

“Grow it” means: A product which is raw in nature and requires very little alteration to eat; a product which is garden or greenhouse grown which results in either ***an*** edible or non-edible product.

Example: Eggs, meat, fish, fruits, vegetables, fresh flowers.

“Retail” means: Any product which is not made or altered by the vendor in any significant manner, but which is purchased (from another producer/supplier) or obtained and re-sold, or sold on consignment, by the vendor.

Example: Nikki is a vendor who purchases canned applesauce from “Country Apple Sauce Company”, brings it to market and sells it to the customer.

1. Requirements:

- 1.1 Each person selling at the TBCM agrees to abide by the Rules and Regulations through the signing of his or her "Application to Vend". Persons in the company of those individuals at their market stalls must also abide by the Rules and Regulations.
- 1.2 The TBCM is primarily designed to sell locally produced food, garden products and Crafts.
- 1.3 The market will be held on a Saturday from 8 a.m. to 1 p.m. and other times as set by the Board of Directors. The Board of Directors will announce start dates on an annual basis. The market will end each year on the last market day before Christmas.
- 1.4 The sale of all items grown or produced outside the District of Thunder Bay shall be permitted when sufficient quantities of Local product, as a Primary or Secondary Product, are not available. All non-Local products shall be clearly marked as such.
- 1.5 It is the vendor's responsibility to contact the City's Licensing and Enforcement Department, to determine if a license is needed to vend at the TBCM. Vendors are required to meet all applicable requirements for the products they intend to sell. Information to establish compliance with all applicable requirements must be made available to the Market Manager.
- 1.6 The TBCM carries Public Liability Insurance on the market operation and on the market area. Additional insurance will be the responsibility of the individual vendors.
- 1.7 All vendors wishing to sell at the TBCM must submit an Application to Vend prior to the application deadline as set by the Board of Directors. No person is allowed to vend at the TBCM until his or her application has been approved. All approved vendors are subject to a 4-week probationary period. All Applications to Vend that are not approved will receive written notice outlining the reason for the denial, following the next regular meeting of the Board of Directors.
- 1.8 Applications to Vend shall be reviewed by the Board of Directors. The decision to allow or refuse an application shall be at the Board of Directors' discretion. The Board of Directors will strive to maintain a balance of the types of vendors that are approved.

2. Operations, Site Allocation and Fees:

- 2.1 Each indoor site will consist of a table frontage. Tables will be provided. Outdoor locations will have space for one table, with the dimensions of a 10' x 10' tent.
- 2.2 The Allocation of sites at the TBCM will be at the discretion of the Market Manager. Priority will be given to approved vendors, based on attendance and current available space.
- 2.3 A maximum of 25% retail vendors and 25% Craft vendors will be allowed per market day.
- 2.4 A registration fee of \$30.00 is due and payable with each Application to Vend that is submitted. This registration fee will be refunded in the event that the Board of Directors does not approve the Application to Vend. The registration fee is non-refundable in the event that the approval of an Application to Vend is revoked by the Board of Directors at a later date.
- 2.5 Any required site fees will be collected by the Market Manager on each market day. Table daily rental fees are reviewed and set annually by the Board of Directors. Vendors are to contact the Market Manager with any inquiries regarding fees.
- 2.6 The registration fee under Section 2.4 of these Rules, and applicable daily site fees under Section 2.5 of these rules may be waived by the Board of Directors in special circumstances. It must be understood that any organization selling any product at the TBCM will be charged (at a minimum) the daily site fee. The availability of tables for organizations for whom fees are waived will be determined on availability on that particular market day. All organizations wishing to have a presence at the TBCM will be required to fill out an information sheet and will be required to abide by these Rules and Regulations while on site.
- 2.7 Vendors shall be set-up and ready for market sales 15 minutes prior to the start time. Failure to be set-up in advance will result in a \$10 fine. No sales shall be made before start time. Vendors are required to remain at their stalls from the opening until the closing time, and are encouraged to bring a sufficient supply of product to last for the full duration. Vendors that do not attend all market days are required to remove their equipment and products from the site in order to free space for other vendors.
- 2.8 Vendors are to have a suitable display of their product. Their display and product must be tidy and in keeping with a country market atmosphere. All Vendors must display a sign that, at a minimum, shows their business name, and must have a price list available for all products being offered for sale.

- 2.9 Vendors shall ensure that at least one person remains at each market space throughout the duration of the market day. Sales from each site shall be conducted in an orderly business manner. No shouting or other objectionable means of soliciting trade shall be tolerated. Disorderly conduct may result in the person displaying the conduct being required to leave the TBCM.
- 2.10 Any items left by vendors, whether inside or outside the buildings at the TBCM are left at the owner's risk. Neither the TBCM nor the CLE will be held responsible for items destroyed or damaged by fire, vandalism, theft or any other cause.
- 2.11 Vendors shall keep their market sites free from refuse during market hours. Empty containers and equipment shall be kept in an orderly manner and confined to the vendor's site. This rule includes meeting the requirements of the Thunder Bay District Health Unit or any other organization with applicable rules. Each vendor must clean his or her own site and remove any refuse from the TBCM premises after each market day.
- 2.12 No physical alteration of a market site is permitted without prior approval by the Board of Directors.
- 2.13 All vendors are required to provide 'gross sales figures' to the Market Manager at the end of each market day. All information is for statistical purposes only and all figures remain confidential.

3. Product and Product Quality:

- 3.1 No product may be offered for sale if it contravenes any provincial or federal regulation.
- 3.2 Vendors selling consumable products such as meat, fish, eggs, Processed Foods, etc. must comply with current regulations and licensing.
- 3.3 Vendors shall sell only products listed on their 'Application to Vend' as approved by the Board of Directors. Other products may be offered for sale subject to receipt and approval of a secondary application.
- 3.4 Each vendor is expected to sell quality merchandise. If complaints are received or returned goods presented, each vendor is responsible to prove satisfaction. The Market Manager may request that goods of obviously low quality be withdrawn from sales. Repeat infractions will result in the vendor's "Application to Vend" being revoked.

4. Role of the Market Manager:

- 4.1 The Market Manager shall collect daily fees, assign market sites and, in general, supervise the operation of the TBCM. This person shall be responsible to the TBCM Board of Directors and shall report in writing any violation to these Rules and Regulations to the Board of Directors.
- 4.2 In any on-site dispute, the Market Manager's decision shall be considered as the overriding authority. A vendor who is not in agreement with a decision of the Market Manager may appeal to the Board of Directors, in writing. The Board of Directors will make a final decision in the matter. (See Section 6.)
- 4.3 These Rules and Regulations are enforced by the Market Manager and the Board of Directors. Formal enforcement procedures are:
- i. As a first step, a verbal warning will be issued by the Market Manager, who will be accompanied by a member of the Board of Directors.
 - ii. As a second step, a written warning will be issued. It will be created in duplicate, and signed by the Market Manager and a member of the Board of Directors. One copy will be retained by the Market Manager and the other provided to the vendor.
 - iii. If compliance is not met after the first two steps have been followed, the matter will be brought before the Board of Directors for consideration of further action, including, but not limited to revocation of the approval of the Application to Vend.
- 4.4 Despite the formal enforcement procedures set out above, the Market Manager is empowered to immediately evict from the TBCM anyone consistently breaking the rules, or acting in such a fashion that could be construed as detrimental to the TBCM on a day-to-day basis. In those circumstances, the Market Manager shall report to the Board of Directors in writing as to the action taken and the reasons for that action. The Board of Directors will consider the matter and may take further action, including, but not limited to revocation of the approval of a related Application to Vend and/or extending the time period during which the eviction from the premises will remain in place (or making it permanent) through the issuance of a trespass notice.
- 4.5 The Market Manager shall coordinate promotional activities for the TBCM. Vendors who sell a highlighted product may be approached by the Market Manager to assist in this promotion if they wish. Alternatively, vendors may approach the Market Manager with suggestions for promotion.

5. The TBCM Board of Directors:

5.1 The TBCM Board of Directors reserves the right to revoke the approval of any vendor's Application to Vend, without refund of the paid registration fee or site fees, if the vendor (and/or persons affiliated with the vendor in the market process), in the opinion of the Board of Directors, has or have willfully violated the Rules and Regulations governing the TBCM.

5.2 Other items of business, not specifically covered by these Rules and Regulations, shall be dealt with by the TBCM Board of Directors on a case-by-case basis. Persons wishing the Board of Directors to consider any matter may introduce the item to the Board of Directors in writing for consideration at a regular meeting of the Board of Directors.

5.3 Matters can be introduced to the Board of Directors by providing any member of the Board of Directors with a copy of the written outline of the issue and requesting that the member have it placed on an agenda for an upcoming meeting.

6. Conflict Resolution:

6.1 Should a vendor encounter a problem, he or she should first discuss it with the Market Manager in a confidential location, not in front of customers, and at an appropriate time. If the Market Manager is unable to resolve the problem to the vendor's satisfaction, the vendor may introduce the issue to the Board of Directors, in writing, for consideration at a regular meeting of the Board of Directors.

6.2 If the nature of the issue is such that a vendor is uncomfortable discussing it with the Market Manager, a vendor may request the Board of Directors to consider it. Section 5.3 applies.