



2023 Vendor Rules, Regulations, and Application Procedures

The Downtown Bloomington Farmers' Market is a year-round, producer-only, farmers market located in the heart of Downtown Bloomington. The outdoor season is held from 7:30 am - 12 pm every Saturday from May 6 through October 28, 2023, around the Downtown Square and the McLean County Museum of History. The indoor season is held at the Grossinger Motors Arena (101 S. Madison Street), the Saturday before Thanksgiving 2023, the Saturday before Christmas 2023, the third Saturday in January through April 2024. Dates, times, and locations are subject to change due to scheduling and venue availability.

Vendor Definitions

Vendor: is an owner/operator of a business entity approved to sell at Market. Vendor type shall be determined by the majority of the products sold. It is at the discretion of the Downtown Bloomington Farmers' Market to adjust vendor type during the application process to reflect the presented product list at the time of application.

1. **Farmer:** is an owner/operator of a business that sells fruits, vegetables, herbs, cut flowers, bedding plants, potted plants, meats, eggs, dairy products, and other agricultural products that may be sold at the market. Farmers can also sell value-added food products (e.g. baked goods, flavored honey, jams, salsa, etc.) if a [cottage food](#) license is obtained and current in the county they reside in.
2. **Artists:** is the owner of a business that sells their original art, the vendor must actively participate in the production or in the production of the raw ingredients used in the finished item. The Market does not limit artists by medium (e.g. painting, photography, sculpture, digital art, etc.) but all art sold must be artist-produced.
3. **Prepared Goods:** is the owner of a business that creates value-added foods, baked goods, or non-edible products that they process and prepare themselves. If selling edible items vendors must obtain a [cottage food](#) license from the county they reside in. All prepared good vendors must follow all State regulations on storage, labeling, ingredient usage, and any product specific regulations set forth.
4. **Community Organization Booth:** is a group that qualifies as a non-profit, charitable, educational, or governmental organization.
 - a. **Non-profit Bake Sale** – Community organizations can raise funds for their groups by selling homemade baked goods made by members of the group. Reselling of pre-made products is not permitted.
 - b. **Community Information Booth** – Community organizations can get the word out about their organization at this booth. No selling of items is allowed but organizations can accept donations for initiatives.
 - c. **Children's Activities** - Groups providing some activity or service for children. These activities must be free or of low cost to participate in. For businesses charging for goods or services, a range of costs will need to be submitted prior to approval.

Vendor Requirements:

1. All items sold at the market must be directly and personally grown, raised, or produced by the person selling the product at the Market. Examples of approved items include fruits/vegetables, flowers/plants, meat, dairy, baked goods, prepared foods, and art. The sale of items not grown or created by the vendor is strictly prohibited.
2. Vendors must register with the City of Bloomington's online vendor registration system to be reimbursed for tokens <https://mss.cityblm.org/MSS/Vendors/default.aspx>. Vendors will not be able to accept tokens until this process is completed and approved by the City of Bloomington's Procurement Division.
 - a. If a vendor fails to register with the City of Bloomington vendor standing with the market may be reevaluated until registration has been completed and token collection withheld until registration has been completed.
3. All vendors must have products approved through Manage My Market prior to sale at the Farmers' Market. Submittal of products must occur at least 2 business days prior to the market date.
4. All new vendors must submit to a simple inspection process with Market Staff. Inspections can be completed virtually or in person depending on the products a vendor is wishing to sell. The Market reserves the right to do a re-inspection on returning vendors.
5. **Vendors must maintain a policy of insurance covering their obligation under this agreement.** A Certificate of Insurance (COI) will be required before the first day of attending the market. This certificate should name the City of Bloomington as an additional insured and have minimum limits of \$1,000,000.
6. **Farmer Vendor Requirements**

The following criteria is used to determine whether a prospective farmer vendor is qualified to sell at the Market. All farmer vendors must continue to follow these standards after they are accepted:

 - a. The farmer must own, lease, rent, or have other authorization to use the land on which the products sold at the market are raised.
 - b. The vendor must produce all products sold at the Market.
 - c. Crops must be planted, maintained, and harvested by the vendor.
 - i. In the case of perennial crops (e.g., trees, vines, bushes, etc.), the requirement is to maintain and harvest only.
 - d. Farmers raising poultry, fowl, sheep, hogs, cattle, fish, or other live animals must have owned and raised them for at least 45 days before offering the meat or other products (dairy, honey, eggs, wool, etc.) for sale at the Market.
 - e. All vendors selling meats, eggs, and/or dairy products must be licensed and approved by the Illinois Department of Agriculture.
 - f. Value-added food products (e.g. baked goods, flavored honey, jams, salsas, syrups, etc.) will be permitted if the following requirements are met:
 - i. A [cottage food](#) license from the health department in the county you reside.
 - ii. Use of ingredients from your farm whenever possible.
 - g. Vendors who sell floral products or potted plants must maintain any purchased plants on their premises for at least 45 days before selling them as potted or cut products; if potted, the plants must be repotted into new containers before offering them for sale at the Market.
 - h. Vegetable Farmers are responsible for ensuring they comply with the requirements outlined in the Food Safety Modernization Act (FSMA) <https://www.fda.gov/food/food-safety-modernization-act-fsma/fsma-final-rule-produce-safety>

7. Prepared Good Vendor Requirements:

The following criteria is used to determine whether a prospective prepared good vendor is qualified to sell at the Market. All prepared good vendors must continue to follow these standards after they are accepted:

- a. A cottage food license from the county in which the kitchen is located or certification by your local health department, if applicable.
- b. Preference will be given to vendors who use ingredients grown in Illinois where possible.
- c. Pet food prepared goods vendors must meet the Illinois Department of Agriculture requirements.
- d. Skincare items, which include lotions and soaps, must label their products with their ingredients.
- e. No CBD, hemp, or cannabis can be in food products. If you have questions, ask the McLean County Health Department for guidance.
- f. Proper storage of all materials used to make prepared good products during inspection Market Staff will look for cross-contamination of ingredients, improper storage, expiration of ingredients, and other potential issues.

8. Artist Vendor Requirements:

The following criteria is used to determine whether a prospective artist is qualified to sell at the Market. All artist vendors must continue to follow these standards after they are accepted:

- a. Buy-sell, kit products, and mass-produced products are not allowed along with castings from commercial molds. All fine arts presented must be the original artwork of the exhibiting artist.
- b. The Farmers' Market reserves the right to exclude any work it deems unsuitable for display, or which it determines not to have been accurately represented during the application process. If the artist wishes to sell items not represented in the original application, an amended application must be submitted before the additional items can be offered for sale.
- c. Printed products featuring the vendor's original work are permitted and may include posters, photographic prints, note cards, t-shirts, Giclee prints, etc. However, such products must constitute less than 25% of the retail value of displayed art and must be identified as reproductions.
- d. If a booth space is to have representation from a variety of artists, each included artist must be approved through the inspection process before their work may be displayed and/or sold at the Farmers' Market.
- e. Artists may sell high-quality reproductions of their original artwork such as prints, stickers, mugs, etc. But all additional items must be approved in Manage My Market prior to being permitted for sale at the Market.

9. Non-Profit Bake Sale and Community Information Booth Requirements:

The following criteria is used to determine whether a prospective community organization is qualified to participate at the Market. All community groups must continue to follow these standards after they are accepted:

- a. Must be a qualified non-profit, charitable, educational, or governmental organization.

- b. Fundraising efforts are not permitted at the market apart from pre-approved bake sales, no other items are permitted to be sold by community organizations at the market.
 - i. Bake sales are only permitted to sell homemade baked goods, no beverages or pre-made items will be allowed to be resold at the Market.
 - ii. Bake sales will not be permitted to provide samples.
 - iii. Bake sale items must include a list of possible allergens on the labels, such as wheat, dairy, nuts, etc.
- c. Community organizations are permitted to accept donations, pass out information, or free promotional items to promote the organization.
- d. As a private event that is open to the public, the Farmers' Market does not allow community groups to petition, publicly protest, and campaign. It is at the discretion of the Downtown Bloomington Farmers' Market to question if a group is engaging in any of these prohibited activities.

10. Children's Activities

The following criteria is used to determine whether a prospective Children's Group or Activity is qualified to participate at the Market. All community groups must continue to follow these standards after they are accepted:

- a. Priority will be given to qualified non-profit, charitable, educational, or governmental organizations that offer a free service. Businesses that wish to apply need to be aimed at providing children's activities. Market Staff will determine if an organization or business is child-centric to qualify for this type of vendor.
 - i. For businesses charging for goods or services, a range of costs will need to be submitted prior to approval.
- b. Children's groups and activities are permitted to accept donations, pass out information, or free promotional items to promote their organization.
- c. Any children's activities involving food consumption, must adhere to all local and state health guidelines. Organizations or businesses must notify market staff at least 1 month before any activity they wish to host that involves food.
- d. For any activities where a child could be potentially injured, i.e. jumping rope, yoga for kids, etc. A liability waiver must be signed by a legal guardian prior to participation.

Application Procedure:

The Downtown Bloomington Farmers' Market uses the online software called *Manage My Market* to register vendors, track certifications, and assign spaces. All vendors must complete an application form each year in Manage My Market. All vendors must create and update the product registry of items to be sold during the season. There is a \$15 application fee charged for all approved applications. **Only items listed on Manage my Market can be sold at the market.**

Certificates/Licenses/Permits – All products must comply with local, state, and/or federal health ordinances, and all the vendors must supply documentation of such compliance to the Downtown Bloomington Farmers' Market. An application is not considered complete without the inclusion of all applicable permits for listed products. All permits and licenses must have been submitted before attending the Market and must be kept current for the entire Market season. **All permits must be uploaded to Manage my Market as part of the application process.**

Inspection Requirements – All new vendors are subject to an inspection of their production site. The inspection fee is \$20 and is to be paid pending approval.

All vendors must agree to allow inspection of their production site by authorized representatives of the Farmers' Market at any time for any reason. Vendors will be contacted in advance to schedule an appointment for the inspection. If a vendor refuses to allow an inspection or does not fully cooperate with the inspection, the vendor's participation will be terminated without any refund of fees.

If, after the inspection, Market Staff finds that a vendor violated any vendor policy their eligibility will be terminated without any refund of fees. Appeals may be made to the Market Staff who will have the final authority to determine if a vendor is non-compliant and subject to dismissal from the market.

Approval of Vendor Applications:

All Farmers' Market applications will be reviewed using the following criteria:

- Vendor type
- Use of sustainable practices
- Quality and uniqueness of products
- Percentage of locally grown ingredients in value-added/prepared good products
- History of attendance, good conduct, compliance, and customer service

All vendors will receive an e-mail notification of approval or denial. If approved, booth assignment information will follow in a separate e-mail closer to the start of the season.

Noncompliance – The Market reserves the right to refuse acceptance of any vendor or product that is not in accordance with the rules or quality standards of the market and to terminate the participation of a vendor who does not comply with these requirements. Fees will not be refunded if vendors are terminated for noncompliance.

A vendor may file a complaint of noncompliance in writing about other vendors with Market Staff. Further investigation of complaints will be conducted at the discretion of the Market Staff.

If a vendor is found to be non-compliant, the Market Staff will determine the appropriate response, depending on the nature of the violation and any pertinent market rules and regulations. Market Staff has the final authority to make decisions in compliance disputes, based on their discretion and best judgment. In no event shall the approval or disapproval of an application be based upon the applicant's race, sex, color, religion, creed, or national origin, physical or mental disability, age, sexual orientation, marital status, or any other protected status.

Re-inspection- The Market reserves the right to re-inspect any previously approved Farmers' Market vendor based on concerns related to any of the vendor requirements included in the rules and regulations. All complaints and concerns will be addressed in a timely manner by staff.

Complaints and concerns do not directly impact a vendor's standing with the market unless the vendor is found in noncompliance with the rules, at which time staff will determine the appropriate response depending on the violation. Based on re-inspection a vendor is following the rules and regulations no further steps will be taken.

Fees and Discounts

Season	Fee type	Full season	*Drop-in
Outdoor	Single stall-vehicle	\$300	\$25/day
	Single stall – no vehicle	\$275	\$20/day
	Double stall	\$550	\$50/day
	Triple stall	\$800	\$75/day

	Application fee	\$15	\$15
	Inspection fee	\$20	\$20
Indoor	Single stall	\$150	\$50/day
	Double stall	\$200	\$100/day
	Triple stall	\$250	\$150/day

Discounts:

If your full season outdoor fee is paid by May 31, 2023, you will receive a 5% off discount.

If your full year is paid by May 31, 2023, you will receive a 10% off discount.

All full season vendor fees must be paid in full no later than June 30, 2023, unless other arrangements have been made with Market Staff, which could include a payment plan. All drop-in vendors must pay for the booth on the day they attend the market.

Market policies:

Outdoor Season

- **Market Sales** - Sales will not be permitted to the general public before the market opens at 7:30 am and following the close of the market at 12 pm. To allow adequate preparation time, all vendors are required to respect the opening time and refrain from early sales, except to other vendors and volunteers/staff, who may purchase items from each other before the market opens. For the convenience of customers and vendors, a bell will be rung to mark the opening time. Market Staff reserves the right to open the market for sales prior to 7:30 a.m.
- **Restrictions on Driving through the Market** – Due to safety concerns, no vehicles may be driven through the Market between 7:15 am and 12:00 pm. Vendors should arrive no earlier than 6:00 am and no later than 7:00 am for the Outdoor Market. **Vendors who do not arrive by 7:00 am may be reassigned to another space. If space is not available, you forfeit your space for that market.** If a vendor needs to leave early a space at the end of the street must be requested at minimum a week in advance. Other options may be discussed with Market Staff in advance.. If a vendor is found to be exiting from an interior space during operating hours that vendor will be placed on a probationary status for noncompliance. A second violation of this will result in forfeiture of space. Vendor fees will not be reimbursed.
- **Booth Space** – A standard street stall consists of one parking space 20’ x 7’ and is the size of a booth. There are two types of booths, with a vehicle and those without. For vehicle spots, one vehicle is permitted per street stall; all other vehicles must be parked in designated city parking garages (see map below). For those without vehicles, you can pull into the market, unload, and then park your vehicle in one of the designated city parking garages. After the market ends, you can pull your vehicle back into the market to load up and depart.
 - Stalls will be assigned at the beginning of the season and an effort will be made to assign the same stalls throughout the season. However, the market is unable to guarantee that stall assignments will remain the same every week.
 - Due to the many events that are put on downtown, there is no guarantee that full-season vendors may not move on particular weeks to accommodate multiple uses of the downtown square.
 - Vendors with frequent attendance issues, including late arrival, failure to notify of an absence prior to 72 hours in advance, and any other applicable attendance issues will, at the discretion of market staff, be assigned a new booth space on either a temporary or permanent basis.

- All set up items (tents, chairs, tables, drop cords, display boards, etc.) are the responsibility of the vendor. Gas generators are not permitted except in extenuating circumstances at the approval of the Market Staff.

Indoor Season

- Sales will not be permitted before the market opens except for vendor-to-vendor sales. A schedule will be published in advance of the timing of the market.
- Booth space sizes will vary depending on if the market is on the Grossinger Motors Arena Floor or on the Front Street Concourse.

Sales Reporting – The Downtown Bloomington Farmers’ Market tracks the economic impact of the market on the community through the collection of vendors’ sales data. All sales data is reported anonymously either through filling out sales figures on a sheet in the weekly token bags, a form online, or by reporting the previous week’s sales information to Market Staff.

Persons Allowed to Sell at the Market - Persons selling a vendor’s products at the Market are preferred to be members of the vendor’s family or a paid employee who participates in the production of products sold at the market. Persons selling at the Market must be able to accurately answer questions about how products were grown and harvested or, in the case of artists and prepared goods, how they were prepared, processed, and/or created, and the ingredients in the prepared good items.

Illinois Business Tax number (IBT) – All vendors are required to have an Illinois Business Tax number before the first day of the market. All vendors are required to collect and pay all sales tax related to items sold at the Market. These taxes must be reported to the Illinois Department of Revenue as collected in Bloomington. For business registration forms, contact 217-785-3707 or visit www.revenue.state.il.us. The IBT number must be listed on the Market application, or you must be in the process of applying for one. An IBT number must be acquired by the first day of selling at the market.

Attendance - As part of the application process, vendors should try to select the dates they are going to attend. If the vendor is unable to meet the agreed-upon schedule, Market Staff should be notified at least 72 hours in advance.

- Vendors missing two or more weeks without providing at least a 72-hour notice will be subject to forfeiture of booth space and vendor fees for the remainder of the season.
- No refunds will be made for full-season vendors for the dates the vendor is unable to attend. Drop-in vendors will not be charged for dates they are unable to attend.
- Exceptions may be requested for emergencies and for dates where inclement weather poses a risk to the vendor’s work.
- Market Staff has the final authority to approve requests for exceptions. Partial-season vendors are considered drop-in and receive space on a first come, first serve basis each week.

Vendor Stall Assignments - Stalls are valid only for the vendor who submitted the original application and may not be assigned or sublet to another party. All prospective vendors must go through the application and approval process to receive their stall assignment from Market Staff.

Legal Compliance – Vendors are expected to familiarize themselves with local and state laws and mitigations related to their business and are responsible for the compliance, including but not limited to laws and mitigations related to health regulations, weights and measures (Illinois Department of Agriculture), sales taxes and insurance. Government officials may visit the market to assure compliance with their agency’s regulations.

Required Signage – The State of Illinois requires that all vendors must display signage with their business name and farm location/product origin. Signs identifying the name and location of the vendor’s business must be posted before sales begin and near the check-out area. The sign must be at least 11”x17”, which is also a requirement for farmers under the Food Safety Modernization Act. Signs, boards, tags, or labels listing prices of all products for sale must be posted before the beginning of sales.

Sales Practices– No crying out, “hawking,” or other aggressive sales techniques are allowed. Market Staff will make the final determination as to whether a particular sales practice falls within this provision. Vendors must agree to follow the direction of Market Staff regarding these practices. Circulating the market to hand out free items and/or sell items is also prohibited.

Code of Conduct

Downtown Bloomington Farmers’ Market is a public market, and as such, is a special event. A vendor may be prohibited from participating in the Market if the Market Staff determines that a vendor is ineligible or fails to meet the requirements set forth in this document. In no event shall the approval or denial of an application be based upon the applicant’s race, sex, color, religion, creed, or national origin, physical or mental disability, age, sexual orientation, marital status, or any other protected status. Any behavior deemed by the Market Staff to be disruptive in any way shall be cause for eviction of the vendor and possible legal action. Common courtesy and mutual respect are essential for a successful Market. No vendor shall use any action or language to insult another vendor, shopper, Market Staff, or to intimidate a shopper into purchasing the product being sold. Any complaints regarding a vendor should be directed to the Market Staff, who will investigate the complaint.

- 1st Offense/Complaint: Verbal Warning issued by the Market Staff
- 2nd Offense/Complaint: Written Warning issued by the Market Staff
- 3rd Offense/Complaint: Suspension of Market vendor privileges/cancellation of the lease with the vendor

It is the policy of the City of Bloomington’s Downtown Bloomington Farmers’ Market to afford a marketplace that is free from harassment of a sexual or provocative nature. All vendors and staff shall project the necessary attitudes and behaviors to ensure that sexual harassment does not occur. The following acts are deemed to constitute sexual harassment:

- Unwanted physical contact, or conduct of any kind, including sexual flirtations, touches, advances or propositions
- Verbal harassment of a sexual nature such as lewd comments, sexual jokes or references, offensive personal references, and/or false and malicious statements
- Demeaning, insulting, intimidating, or sexually suggestive comments to or about an individual.
- The display in the Market or vendor stall of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs
- Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages
- Any other conduct or words that are deemed to effectively create a hostile work or shopping environment for any employees or patrons

If the Market Staff believes that any violations of any criminal statute have occurred, the police shall be notified immediately. Upon a determination by the Market Staff that a vendor has committed a violation of the sexual harassment policy articulated above, the Market Staff shall have the authority to eject immediately said vendor from the Market for the remainder of the day, without refund for the day’s vendor fees. If multiple incidents have occurred or in the event that the nature of the violation was either deemed egregious or one that could present a threat of safety to either other vendors or patrons of the Market, a suspension from the Market for the remainder of the season or a permanent ban, with no

refunding of vendor fees may be imposed by Market Staff. After such a determination, letters of appeal may be submitted to the Market Staff for review.

Vendor behavior, personal appearance, and maintenance of their sales area should reflect positively on the Market's overall appearance, quality, and reputation. To support this obligation, vendors are expected to:

- Maintain safe, clean conditions in and around the sales area
- Maintain a professional and tidy personal appearance
- Maintain cordial relations with customers, Market staff, and other vendors
- Refrain from smoking in and around the sales area
- Maintain clear access for pedestrian traffic

Clean up – Vendors are responsible for cleaning all trash and waste within and around their allotted space before leaving the Market each week. Due to the many events that occur downtown if the trash has been left in vendor spaces prior to the market, vendors are not responsible for cleaning it up and should notify Market Staff as soon as possible.

- For the outdoor season, tear-down must be completed and the street cleared for re-opening by 12:45 pm.

Vendor Parking – Adequate, convenient parking continues to be a concern for our customers. Consequently, vendors parking vehicles outside the market are not allowed to park on the streets surrounding the market unless previously discussed with Market Staff. Instead, vendors and their employees must park in one of the city parking garages. The attached map indicates the location of these parking options. Failure to comply with this requirement may result in the forfeiture of stall space for the remainder of the season.

Sampling – Samples are allowed and encouraged, unless otherwise stated by Market Staff due to current health and safety conditions. However, before sampling please be sure that you are familiar with and abide by all Illinois Department of Public Health regulations regarding food sampling. Vendors must maintain their temporary handwashing station if they plan to slice, cut, or prepare food onsite (as required by IDPH). Please call the Illinois Department of Public Health at 217-785-2439 for details on sampling and handwashing station regulations. Learn more at <http://www.dph.illinois.gov/topics-services/food-safety/farmers-markets>

Vendor Participation in Electronic Benefit Transfer (EBT) and Credit/Debit Card Service Program

To ensure consistency and clarity for customers, the market requires that all vendors participate in the EBT and Debit/Credit service program. The Downtown Bloomington Farmers' Market operates a point-of-sale machine to run LINK (SNAP/EBT), Credit and Debit card transactions, and in exchange customers receive wooden tokens. LINK tokens can only be used to purchase eligible food items, under the USDA's Supplemental Nutrition Assistance Program (SNAP) – formerly known as Food Stamps. A guide on the eligible food items will be included in each vendor's token bag. Token bags are handed out at the beginning of every market and collected at the end of every market. Credit/Debit tokens can be used to pay for any items at the market—food and non-edible.

Hold Harmless Clause and Insurance

All vendors participating in the Farmers' Market shall be individually and severally responsible for any loss, bodily or personal injury, death, and/or property damage that may occur as a result of the vendor's negligence or that of its servants, agents, and employees. By signing the 2023 Downtown Bloomington Farmers' Market Agreement, each vendor agrees to indemnify and save the City of Bloomington and their officers, agents, and employees harmless from any loss, cost, damages, and other expenses, including attorneys' fees, suffered or incurred by reason of the vendor's negligence or that of its servants, agents, and employees; provided that the vendor shall not be responsible nor required to indemnify the City of Bloomington for their negligence or that of their officers, agents, or employees. No insurance is provided

by the City of Bloomington for the benefit of participants in the Farmers' Market. **Vendors must maintain a policy of insurance covering their obligation under this agreement.** A Certificate of Insurance will be required before the first day of attending the market. This certificate should name the City of Bloomington as an additional insured and have minimum limits of \$1,000,000.

Vendor Parking Map

