



Rules and Regulations

Welcome to the Downtown SLO's Thursday Night Farmers' Market Aka The Market. The Market is organized by, administered by, and paid for by the San Luis Obispo Downtown Association (Downtown SLO) under contract with the City of San Luis Obispo. Downtown SLO is proud of the growth and popularity of The Market, one of our most successful promotions and emulated by communities everywhere. The Market has earned a reputation as a well-rounded event featuring a Certified Farmers' Market, food and product vendors, community outreach, as well as offering quality entertainment. Through its success, The Market has and continues to bring national visibility to both the Central Coast and Downtown San Luis Obispo.

This document contains the rules and regulations that apply to all applicants and vendors. The Downtown SLO Farmers' Market Committee (The Committee) governs this weekly event and has developed these rules and regulations to assist you in planning your activity at The Market. As a Market vendor, you and your staff are responsible for reading, understanding and following all applicable rules and regulations as it pertains to your vendor category. If you have questions about any of the following rules and regulations, please don't hesitate to contact us!

We want The Market to be a fun activity for all vendors and patrons, and that includes providing a clean and safe environment for all. Thank you for participating in The Market!

Sincerely,

Whitney Chaney
Thursday Night Downtown SLO Market Manager
farmers@downtownslo.com
805-541-0286 ext. 2

TABLE OF CONTENTS
Click on a line below to jump to section

<u>ABOUT THE DOWNTOWN SLO FARMERS' MARKET</u>	3
<u>OUR MISSION</u>	<u>3</u>
<u>OUR GOALS</u>	<u>3</u>
<u>LOCATION, HOURS, AND CONTACTS</u>	<u>3</u>
<u>OUR STRUCTURE</u>	<u>3</u>
<u>DEFINITIONS</u>	4
<u>VENDOR CATEGORIES</u>	5
<u>GENERAL RULES AND REGULATIONS</u>	5
<u>APPLICATION</u>	<u>5</u>
<u>ACCOUNT AND PERMITS</u>	<u>6</u>
<u>FEES AND PAYMENT</u>	<u>7</u>
<u>REQUIRED DOCUMENTATION</u>	<u>7</u>
<u>SPACE AND EQUIPMENT</u>	<u>8</u>
<u>VENDOR COMPLIANCE W/ THE AMERICANS W/ DISABILITIES ACT (ADA)</u>	<u>9</u>
<u>STREET CLOSURE AND SAFETY</u>	<u>9</u>
<u>SALES AND VENDOR ACTIVITY</u>	<u>10</u>
<u>WORKPLACE VIOLENCE PROHIBITED</u>	<u>11</u>
<u>VENDOR GRIEVANCES</u>	<u>11</u>
<u>CANCELTION POLICY/WEATHER POLICY</u>	<u>11</u>
<u>VIOLATIONS AND PENALTIES</u>	<u>11</u>
<u>ADDITIONAL RULES AND REGULATIONS BY VENDOR TYPE</u>	12
<u>DOWNTOWN SLO BID MEMBER</u>	<u>12</u>
<u>GENERAL VENDOR (FOOD)</u>	<u>12</u>
<u>GENERAL VENDOR (RETAIL)</u>	<u>12</u>
<u>NOT-FOR-PROFIT ORGANIZATION</u>	<u>12</u>
<u>NON-STOREFRONT</u>	<u>13</u>
<u>ENTERTAINMENT</u>	<u>13</u>
<u>BARBECUE VENDOR</u>	<u>14</u>
<u>NOVELTY</u>	<u>14</u>
<u>POLITICAL ORGANIZATION</u>	<u>14</u>
<u>APPEAL PROCESS</u>	15

1. About The Downtown SLO Farmers' Market

- a. **Our Mission** – The mission of The Market is to provide a vibrant and safe weekly gathering that builds community and supports local businesses Downtown.
- b. **Our Goals**
 - i. Create a positive experience in Downtown San Luis Obispo
 - ii. Expose community members to retail stores and services offered Downtown
 - iii. Generate foot traffic on Thursday nights
 - iv. Provide a forum for community activities
 - v. Maintain Downtown as the center of retail, social and civic activities
 - vi. Enhance the community as a whole

All activities of those participating in The Market must be consistent with the above goals and mission.

c. Location, Hours, and Contacts

- i. The Market takes place **EVERY Thursday** (except major holidays or because of severe weather) from 6:00 p.m. to 9:00 p.m. on Higuera Street between Osos and Nipomo Streets; including side streets.
- ii. Downtown SLO Farmers' Market Contact info:
 1. **Address:** 1135 Chorro Street San Luis Obispo, CA 93401 (Hours are Monday-Thursday 9 a.m. - 5 p.m. and Friday 9 a.m.- 4 p.m.)
 2. **Phone:** 805-541-0286 (ext. 2 for the Market Manager)
 3. **Fax:** 805-781-2647
 4. **Website:** www.downtownslo.com
 5. **Email:** farmers@downtownslo.com

d. Our Structure

i. The Committee and Downtown SLO

The Committee works in collaboration with the Board of Directors of Downtown SLO, a 501(c)(6) not-for-profit corporation. All of the Market activities are under the auspices of Downtown SLO, which include review of applications, planning events, coordinating promotions, as well as enforcing all rules and regulations. The Committee meets monthly on the second Wednesday or as directed by the Committee Chair. All rules and regulations submitted by The Committee are subject to final approval by the Downtown SLO Board of Directors.

ii. The Market

Each Thursday from 5:30 p.m. to 9:30 p.m. Higuera street closes between Osos and Nipomo street; including side streets. Under the street closure or other relevant permits issued by the City of San Luis Obispo, Downtown SLO and The Committee have full discretion concerning use of the area designated for The Market. The Committee and Downtown SLO Board aim to schedule activities that promote a wholesome, family atmosphere. The Committee and Board of Directors oversee the eligibility criteria to participate in The Market and reserve the right to deny participation to any applicant. The Committee and Downtown SLO Board of Directors also reserve the right to limit sales of items in direct competition with those items of Downtown merchants. **Downtown BID member businesses have priority over non-BID member businesses in all categories.**

iii. SLO County Farmers' Market Association (FMA)

The FMA leases space at The Market, providing permits for fruit, vegetable, and other farm vendors. The FMA is responsible for approving and scheduling vendors within the certified farmers' section. FMA operates under state regulations and those set by

the FMA Board of Directors. Downtown SLO does not issue permits or space assignments for FMA and does not issue variances or exceptions to FMA's rules. **Call 805-544-9570 for information about the FMA or visit their website at www.slocountyfarmers.org.** Upon approval by FMA to participate in The Market, vendors shall create an online account on FARMSPREAD. All FMA approved applicants are also required to review this document and be familiar with all rules and regulations set forth.

2. Definitions

The following definitions refer to commonly used terms throughout the Rules and Regulations and serve to clarify the meaning of key terms.

- a. **Commercial Business** – A business that occupies and operates an approved commercial space. Products within a larger commercial storefront (ex: grocery store) do not qualify. The commercial business must be branded as the business applying to be considered. The commercial business must operate during regularly established hours as defined in item 2.b (Business Hours). The business must hold all required City of San Luis Obispo, County of San Luis Obispo and State of California permits but does not need to be located within the San Luis Obispo City limits. Vending machines, newspaper/magazine racks, PO boxes, snack boxes and other similar businesses that primarily involve machines or do not encompass personal contact are excluded from this definition and are not eligible to apply.
- b. **Business Hours** – Established hours of operation for consecutive days during a business week. Minimum hours of operation are five consecutive days for five consecutive hours per day. An example of this could be Monday – Friday 10:00 a.m. to 3:00 p.m. and business must be open to the public during the established hours.
- c. **Good Standing** – A vendor is in good standing when they have all the necessary permits to operate within the City of San Luis Obispo, required documentation for The Market, paid the appropriate fees, has no violations, and is actively using their assigned space at The Market.
- d. **Market Representative** – Downtown SLO staff/interns/volunteers, Downtown SLO Board of Directors, The Committee, and City of San Luis Obispo Police or Fire Departments can be designated by the event manager as a Market Representative for enforcing the rules and regulations of The Market.
- e. **Fire Lane** – 20' wide unimpeded path for use by fire, police and medical vehicles. The location of this is determined by the Fire Department and the Market Manager.
- f. **Fundraising** – The sale or offering of merchandise or services to solicit funds for charitable organizations or political campaigns.
- g. **Credit** – This refers to a credit that will be applied to vendors' future invoices. Credits for the purposes of this document **do not** imply a refund to a credit card.
- h. **Roll over Bye** – For Barbecue vendors only, a roll over bye is offered when a barbecue has not used a bye in a given quarter. Roll over byes can be used in the subsequent quarter but cannot be banked for use thereafter.
- i. **Downtown SLO BID Boundaries** – Legally recognized and formally delineated boundaries in which businesses within pay an assessment fee to Downtown SLO. This also includes businesses that are exempt by state or federal mandate from paying the assessment fee but make a voluntary contribution to the organization if they are within said boundaries.

3. Vendor Categories

- a. **General Vendor (Food)** – A business not located within the Downtown SLO BID boundaries (2.i) but meets all criteria of a commercial business (2.a). They can attend at the frequency of their choosing unless specified by The Committee.
- b. **General Vendor (Retail)** – A business not located within the Downtown SLO BID boundaries (2.i) but meets all criteria of a commercial business (2.a). This business sells retail or pre-packaged food not designed for consumption at the Market. They can attend at the frequency of their choosing unless specified by The Committee.
- c. **Downtown SLO BID Member** – A business within the legally recognized and formally delineated Downtown SLO BID boundaries that pays an assessment fee; OR a business within the boundaries that is exempt by state or federal mandate from paying an assessment fee, which makes a voluntary contribution to the organization (voluntary member). A map of Downtown SLO boundaries is posted on the City of San Luis Obispo website [HERE](#). They can attend at the frequency of their choosing unless specified by The Committee.
- d. **Not-for-Profit** – A legally recognized organization that does not earn a profit for its members and all money generated is utilized to maintain its objectives. Vendors within this category are allowed to fundraise up to four (4) times a quarter.
- e. **Entertainment** – Includes performers such as musicians, dancers and marching bands.
- f. **Barbecue** – Specific food vendors who utilize an open flame for food preparation onsite. Vendors must apply as this category to be considered. There shall be no more than nine (9) barbecues, each with a reserved space assigned, at the Market at any one time. Barbecue vendors must attend every date of the Market unless it is canceled or using a bye.
- g. **Novelty** – Novelty may include other forms of entertainment such as face painting, balloon artists, caricature artists or other acts that charge a set price for a product or participation. Retail does not fall under this category. They can attend at the frequency of their choosing unless specified by The Committee.
- h. **Political Organization** – Organization that is involved in the political process such as political advocacy groups, institutions, parties and interest groups. They can attend at the frequency of their choosing unless specified by The Committee.
- i. **Legacy Vendor** – A regularly participating vendor at The Market that does not meet the current rules and regulations. This vendor category is **closed to new applicants**. They can attend at the frequency of their choosing unless specified by The Committee.
- j. **Certified Farmer** – Please contact the SLO County Farmers Market Association to be considered for the certified farmers' section of the Market. They can be reached at **805-544-9570 or at www.slocountyfarmers.org**
- k. **Non-Storefront** – This category is reserved for vendors who do not occupy a commercial storefront. There shall be up to five (5), each with a reserved space assigned, at the Market at any one time. Vendors who qualify for this must hold all permits as defined in 2.a but do not have a storefront. Vendors in this category can attend up to four (4) times per quarter in this category unless participating in a Downtown SLO sanctioned special event and invited as a vendor. Food vendors do not qualify for this category.

4. General Rules and Regulations

Any vendor in The Market must comply with all of the rules and regulations outlined in this document. Non-compliance, including offensive conduct, may result in immediate revocation of the permit by a market representative. Market representatives also reserve the right to order the removal of a vendor (this includes all equipment and material) from The Market for any reason deemed necessary to better meet the mission and goals of The Market or for public health, safety

and welfare. If a permit is revoked an [Appeal](#) may be made.

a. Application Process

Applications are reviewed by Downtown SLO staff (Downtown SLO BID Members are exempt) for approval or denial based on their established criteria and it is the applicant's responsibility to contact the Downtown SLO office for this determination. If an application is denied, the basis for denial shall be given. If a denial is appealed, the appeal must be submitted in writing for The Committee to evaluate. The Committee or any market representative will not discriminate on the basis of race, religion, creed, color, sexual orientation, gender, political beliefs, national origin, age, physical disability, or any basis prohibited by law.

- i. All applications require an annual, non-refundable \$15 fee which must be paid for in full before application will be considered.
- ii. By completing an online application through FARMSPREAD and submitting an electronic signature, all applicants are acknowledging vendor's liability for damages (including costs for clean-up and damages to property belonging to merchants or tenants).
- iii. Vendor activities are limited to the items listed on their application. Vendors must indicate all merchandise and food items they hope to distribute/sell at The Market on their application, which are subject to approval by the Market Manager and The Committee. All items sold at The Market must also be available for purchase in their commercial business to be approved.
- iv. All Vendors must include contact information for their authorized agent or representative. The person listed as the contact will be responsible for follow up on any correspondence with Downtown SLO.
- v. Current vendors in are expected to renew their applications through FARMSPREAD each year in order to maintain an active permit. The window to renew an active application opens in mid-spring of the current active year. Active vendors who do not renew their application prior to the new Market year (which begins July 1) may risk losing their space at and will have to reapply as a new applicant.
- vi. Trucks and trailers used as a "booth" are not permitted to participate at this time but may be invited to participate in special events produced by Downtown SLO.

b. Account and Permits

All vendors' accounts are subject to review every six months by The Market Manager or representative to ensure that they are in compliance. However, a vendor/applicant may be subject to removal at any point for non-compliance with The Market Rules and Regulations.

- i. Vendors are responsible for notifying Downtown SLO of a change to their contact person or information by contacting the Market Manager or Downtown SLO office directly.
- ii. Vendors in The Market must notify the Market Manager directly if there is a closure, sale, or transfer of their business (including change in management). Closure or transfer of a business will result in the vendor needing to re-apply for the permit (exceptions may be made for a business undergoing renovations that do not exceed 60 days).
- iii. No entity will be allowed to participate in The Market without a valid permit. An approved vendor's placement on the Market Map acts as their permit once payment is received for vendor fees owed. Each permit is only valid for one event and is officially recognized by the placement of that vendor on The Market Map.
- iv. Vendors must have a valid permit for each date of attendance. Once a permit has been issued to participate in The Market and spaces/dates have been reserved, vendors must show up on time in order to maintain validity of their permit. No-shows may result in that

space being reassigned and revocation of permits to participate with The Market in the future.

c. Fees and Payment

Participation in The Market is a privilege for all vendors. Since there are substantial costs involved with sponsoring these weekly events, Downtown SLO has established fees that are reviewed annually. Permit fees are based on vendor type and are as follows:

All fees are based on a 10' x 10 space (excluding BBQ, entertainment, and side street rentals) and are PER MARKET DATE.

- Downtown BID Member - \$50
- General Vendor (Food/Retail) - \$100
- Entertainment (Oct – Mar) - \$30
- Entertainment (Apr – Sept) - \$40
- BBQ - \$0.75 per square foot
- Not for Profit - \$40
- Novelty - \$35
- Political - \$100
- Side Street Rental (Oct – Mar) - \$150
- Side Street Rental (April – Sept) - \$250
- Legacy Vendor -Dependent on category approved as
- Electricity (if available) - \$5 per Market

- i. Fees must be paid in full before participating in The Market. Fees can be pre-paid based on advanced billing cycle noted on vendor's application. Permits for The Market may not be reassigned or sold under any circumstances.
- ii. Any returned check will be subject to collection for the amount of the check plus a twenty-dollar return check fee. A permit issued to a vendor whose check has been returned will be canceled until the full amount plus associated fees are paid. Payment for returned checks can be made in cash, cashier's check or by credit card. Future checks will not be accepted if there is any history of returned checks.
- iii. If a credit card is charged for a permit and it is declined, an additional fee of \$5 will be charged to the vendor.
- iv. Vendor activity requiring additional maintenance or assistance not covered in the initial fee will be required to reimburse Downtown SLO for those costs.
- v. Refunds are not issued for future Markets regardless of circumstance.

d. Required Documentation

The following are required to participate in The Market and vary based on vendor type; which is determined with application approval by The Committee based on information provided by the applicant on their application. The documents outlined below will be requested once an application has been approved and are not needed to submit an application. Once approved, it is expected vendors will keep all documents active and current or they will be subject to removal from The Market.

- i. Market Permit – Placement on Market Map serves as a digital permit. The Market Manager will issue this.
- ii. City of San Luis Obispo Business Tax License. can be obtained at 990 Palm Street, San Luis Obispo 93401. You can review the process and obtain forms [HERE](#).

- iii. Seller's Permit – If selling taxable items, vendors must hold a seller's permit. More information can be found [HERE](#).
- iv. County of San Luis Obispo Temporary Health Permit for Multiple Events (different from permanent restaurant permit. Cottage Home do not qualify.) – Find out more [HERE](#).
- v. Certificate of Insurance – All vendors, except for entertainment and novelty, must have this. Minimum coverage of \$1,000,000 (one million dollars) is required. Downtown SLO and City of San Luis Obispo are to be named "additional Insured". A sample copy is located [HERE](#). All wording in RED must be included to be valid.
- vi. Workers Compensation – Can be included on the Certificate of Insurance or submitted separately. Any vendor having persons working at The Market who are not a direct owner or an immediate relative of a direct owner must provide this.
- vii. IRS Tax Exempt status notification or EIN number – Organizations participating as a non-profit shall provide reasonable proof of their non-profit status.
- viii. Fire Safety Checklist – All vendors are required to comply with the fire safety checklist available for review on the application. The Market Manager will work with approved vendors to schedule a check with the SLO Fire Department onsite.

e. **Space and Equipment**

Upon approval, the Market Manager will assign a specific space or location. Approved vendors will be given space on a first-come, first-served basis according to space availability. Vendors are not guaranteed space in the location of their choice.

- i. Vendors may begin set up at 5:30 p.m. in their assigned location and must be completed by 6 p.m. Late arrivals could forfeit their opportunity to participate in future Markets.
- ii. Vendors must maintain their setup and remain open and accessible in the assigned space until 9:00 p.m. **Absolutely no early takedowns are allowed.**
- iii. Vendors wishing to maintain the same location continuously must be on a monthly or quarterly billing cycle and submit payment by the first market of that month or quarter. The Market Manager will attempt to accommodate specific space requests, but do not guarantee a specific space assignment under any circumstance.
- iv. Vendors are limited to one assigned 10' x 10' space (this excludes Barbecues) per event unless authorized by The Committee. The Market Manager has the authority to assign or to reassign spaces. Additional spaces may be temporarily provided for special events.
- v. Vendors' activity at The Market must be kept within their assigned booth space. City property (trees, parking meters, etc.) may not be used to hang signage or any other materials for their activity.
- vi. Food vendors are required to list all equipment they would like to bring out to The Market in their application. If vendors wish to bring additional equipment after the approval of their application, they must make a request by email or phone to the Market Manager. The Market Manager will present it to the Fire Department who may approve or deny at their discretion.
- vii. Downtown SLO is under no obligation to provide power, water, or any equipment to vendors and is only under obligation to provide a space on the street for approved vendors.
- viii. It is the vendor's responsibility to provide all necessary equipment for operation of his/her booth. Power cords must conform to safety standards as described below. **Generators or power packs may be used only if pre-approved by the Market Manager prior to the event.**

- ix. Vendors using electricity will comply with standard procedures for accessing and connecting to electrical sources. All power cords must be securely fastened to the ground by tape, carpet or cord protectors. Vendors are responsible for removing all tape from the street and sidewalk at the completion of the event.
- x. Lighting on booths should be used for illumination of the booth and display purposes only. Strobing, flashing, and/or rotating lights are not permitted. All lighting must be electrical, battery, or solar powered only.
- xi. All vendors must conspicuously display the name and location of their business or organization on a sign with the minimum size being approximately 400 sq. inches (14" x 30"). Vendors may not block surrounding businesses' display windows at any time with boards, banners, or other large displays.
- xii. Vendors are responsible for keeping their space clean and attractive during market hours.
- xiii. Vendors are required to clean up their space after The Market closes, including sweeping up any debris and removing all trash to be dumped off site. **Trashcans onsite are for customers only.**

f. **Vendor compliance with the Americans with Disabilities Act (ADA)**

- i. ADA regulations require customer service counters to be a maximum of 36" high from the ground, a minimum of 27" clear underneath and a minimum of 36" long. Food and beverage service counters must be a maximum of 34" high from the ground.

g. **Street Closure and Safety**

The Market is a special experience for people of all ages – residents, tourists and vendors alike. Your cooperation is greatly appreciated in helping maintain the family and community-oriented atmosphere. It is important the rules as set forth below be strictly observed throughout the entire Market. All traffic laws shall be obeyed regardless of street closure throughout The Market as well as during set up and break down.

- i. Under no circumstance are vehicles allowed to move within the barricaded area during The Market hours of 6:00 p.m. – 9:00 p.m. even in the circumstance of rain, unless approved by the Market Manager or market representative.
- ii. Maximum speed within The Market is 5 miles per hour.
- iii. No stopping vehicles or setting up in booth space until after 5:30 p.m.
- iv. No blocking the center lane of Higuera Street at any time; pull to the side lane and unload your vehicle (Barbecue Vendors see Section 5F for special instructions).
- v. Support vehicles must be unloaded and off the street by 6:00 p.m. Vendor's vehicles left inside the barricaded area after 6:00 p.m. are subject to towing at the owner's expense. If vendor is running late all equipment must be carried in/out.
- vi. All activities end at 9:00 p.m. and vendors must clear their area entirely before 9:30 p.m. at which time barricades are removed and traffic flow resumes.
- vii. Drivers must exercise extreme caution and drive slowly during the 5:30 p.m. – 6:00 p.m. set up and 9:00 p.m. – 9:30 p.m. take down. Drivers must heed all directions issued by any Market Representative regarding safety.
- viii. While Downtown SLO is not an enforcement body for the Health, Fire, or Police Departments, cooperation with these agencies is essential. Vendors shall be aware of and comply with code requirements. Specific questions regarding the codes shall be directed to the appropriate department.
- ix. The Market Manager will review both configuration at the time of application for compliance with the fire lane regulations. No tables, risers, or any other equipment will be allowed in designated fire lanes. All booths must conform to this requirement.

h. Sales and Vendor Conduct

- i. Vendors are discouraged from giving away items for free or at below-cost pricing, thus undercutting potential sales for other vendors. This does not include sampling.
- ii. All items for sale must be clearly marked with the retail price. Prices may be posted on the individual product or on a list of prices visible on the customer facing side of the booth.
- iii. Merchandise sales at The Market are limited to those items sold from an established inventory within the normal scope of each vendor's daily business. Food items must be the same type as are sold on the daily menu at the business unless otherwise authorized by The Committee. In regard to both merchandise and food, all items distributed at The Market must be indicated on the application and pre-approved by the Market Manager and The Committee.
- iv. No product legally prohibited to use by individuals under the age of 18 shall be sold, distributed or promoted at The Market unless in a designated area or with prior written approval of The Committee.
- v. Tattooing, permanent cosmetics, and body piercing may not be performed or administered during The Market.
- vi. Vendors are not permitted to use the following techniques while at The Market: hawking, calling attention to products in a loud, repetitive public manner or selling products in an aggressive way.
- vii. Activity that impedes the flow of pedestrian traffic is not allowed in any circumstance and vendors in The Market must stay within their assigned space.
- viii. Vendors are not to serve beverages and food items in Expanded Polystyrene (EPS or white plastic foam) containers as per city ordinance: [San Luis Obispo Municipal Code Section 08.06.010](#).
- ix. Vendors are not to serve in or distribute single-use containers as per city ordinance: [San Luis Obispo Municipal Code Section 8.07](#)
- x. Vendors are not allowed to sell products before 6 p.m.
- xi. During The Market, vendors are expected to conduct themselves professionally at all times, behaving courteously toward Market staff, customers, and other vendors.
- xii. Amplified sound (i.e. radios, wireless speakers) is not allowed within the vendor booth.
- xiii. Vendors are not permitted to negatively comment on other vendors, products, or The Market.
- xiv. Vendors are not permitted to smoke, vape, or use tobacco products within The Market boundaries at any time.
- xv. No person may harass, follow or intimidate visitors, vendors, or market representatives.
- xvi. No person shall deface or otherwise abuse Downtown property including, but not limited to, buildings, signs, parking meters, trashcans, or plants with any material. Any give-away or promotional material distributed at The Market must be pre-approved by the Market Manager or representative. **No stickers or adhesive materials of any kind can be sold, distributed, given away or offered at The Market.**
- xvii. No vendor in The Market shall state, imply or otherwise suggest that Downtown SLO, its Market Representatives or any of its member businesses endorses, sponsors or supports the views of vendors' business or organization. Vendors in The Market shall be appropriately dressed (e.g. shirts and shoes) and conduct themselves with proper decorum.

- xviii. No pets/animals are allowed at The Market without pre-approved authorization and are only permitted in limited and controlled circumstances. Animals certified to assist and/or support any person at The Market are permitted.
- xix. Downtown SLO is not responsible for theft or damage to property belonging to persons participating in The Market or items left unattended during or at the conclusion of the event.
- xx. Entertainers who have not been approved to perform at The Market are not allowed to play music within boundaries of the event.

i. Workplace Violence Prohibited

- i. The safety and wellbeing of our vendors, our Market staff, and our visitors is a top priority for us. Threatening behavior, both verbal and physical, acts of violence (or the implication of them) at The Market, through external communications (phone/email/text etc.) will not be tolerated and will result in immediate eviction from The Market and all future dates. If you experience workplace violence at The Market, please alert the Market Manager as quickly as possible (or dial 911 if a true emergency) and it will be addressed.

j. Vendor Grievances

The Market wants to make sure vendors and visitors have a safe and enjoyable experience. Beyond that, we want to make sure everyone is complying with the same set standards. To allow for this, we have created a vendor grievance form. If a vendor wishes to file a form, they can email the Market Manager at farmers@downtownslo.com to obtain one. All identifying information will remain confidential.

k. Cancellation Policy / Weather Policy

The Market is a weekly outdoor event that visitors and vendors depend on for produce and profit. It is our policy to not close The Market due to weather unless we have determined it will be unsafe for attendees and vendors.

- i. The Market Manager and/or appointed market representative reserves the right to cancel The Market at any time, including during the event.
- ii. In the instance of rain or inclement weather, The Market Manager or representative will decide whether or not to cancel The Market by 1:00 p.m. of that event day. If the event is canceled by a Market Representative, a message will be sent through FARMSPREAD to the email address on file for the vendor. It is the vendors' responsibility to check that inbox for updates. Vendors may also call 805-541-0286 ext. 1 for updates.
- iii. If The Market is canceled by a Market Representative, a rain credit will be given to vendors signed up for that night. No rain credits will be given unless a Market Representative has officially canceled (Barbecue vendors, see Section 5F for special instructions on cancellations).
- iv. Credit may be issued if approved vendor cancels by end of business day on the Wednesday prior to The Market by contacting Downtown SLO Office and requesting a credit. No credits will be issued for no-shows or late cancellations. No refunds will be issued in any case.

l. Violations and Penalties

Compliance with the rules and regulations is of the utmost importance for Downtown SLO staff and as such, The Committee has established a violation tier with associated penalty fees to ensure The Market remains safe, clean, and enjoyable for all.

- i. Violations that do not pose immediate risk or safety concern to anyone participating in/around The Market, will be classified as a LEVEL ONE (1) Offense. Vendors will be given notice via electronic letter regarding this violation and it will remain on their vendor account for the duration of The Market year. The first offense at this level will lead to a

warning. The second offense will lead to a suspension from one Market, including payment of Market fees, and the third offense will be removal from The Market until the following Market year. If a vendor violates for a third time, their renewal application will be reviewed by The Committee for approval.

- ii. Violations that are considered gross violations relating to safety at The Market, will be classified as a LEVEL TWO (2) Offense. Vendors will be given notice via email regarding this violation and it will remain on their account for the duration of The Market year. The first offense is a suspension from one Market, including payment of Market fees, and the second offense leads to the removal from The Market indefinitely.
- iii. Violation decisions may be appealed to the committee.

5. Additional Rules and Regulations by Vendor Type

The following rules and regulations are specific to vendor types in The Market. If you are uncertain about the vendor type that applies to you, please review definitions below and/or contact the Downtown SLO office. Each vendor must also be in compliance with the rules and regulations in Section 4 or risk revocation of their permit and denial of future participation in The Market.

a. Downtown SLO BID Members

Downtown SLO BID members are prioritized over other applicants in any category. Downtown SLO BID Members must comply with the following as well as the rules and regulations in Section 5G if the business meets the criteria of a barbecue vendor.

- i. All food vendors must have a commercial storefront and full-service commercial kitchen.
- ii. Upon request and space permitting, the Market Manager will attempt to place Downtown SLO BID vendors in close proximity to their places of business. BID vendors are not guaranteed space in the location of their choice.
- iii. A BID member cannot act as a sales agent for any other entity. This includes selling inventory or conducting activities not part of that member's business.
- iv. Participating Downtown SLO BID members must be current on membership payments to Downtown SLO.

b. General Vendor (Food)

General Vendor (Food) are subject to approval by The Committee. At the discretion of The Committee, General Vendor (Food) **may** be permitted to participate in The Market if determined that their participation will provide a public service or will serve to promote the goals and purposes outlined in this document. General Vendor (Food) must comply with the following conditions and the rules and regulations in Section 5G if the business meets the criteria of a barbecue vendor.

- i. Must meet criteria of a commercial business, operate a full-service commercial kitchen, and be in good standing.

c. General Vendor (Retail)

General Vendor (Retail) are subject to approval by The Committee. At the discretion of The Committee, General Vendor (Retail) **may** be permitted to participate in The Market if determined that their participation will provide a public service or will serve to promote the goals and purposes outlined in this document. General Vendor (Retail) must comply with the following conditions.

- i. Must meet criteria of a commercial business and be in good standing.

d. Not-for-profit Organization

Please see section 2 to determine if criteria are met to apply as a not-for-profit vendor. Applicants whose format is determined to be entertainment shall not be eligible for a space allocation under this section but shall be regulated by section 5E. All not-for-profit

organizations are expected to comply with the following conditions and the rules and regulations outlined in section 5I if the organization meets the criteria of a political organization.

- i. Organizations wishing to participate with a not-for-profit status shall provide reasonable proof in the form of documentation such as their organizations' IRS Tax Exempt Status notification. If status is pending meeting minutes, bylaws, articles of incorporation, communication from the Secretary of State, taxpayer documentation or other indication of not-for-profit status will be accepted as verification.
- ii. Note: Student clubs and organizations must provide written authorization from their institution in order to participate. Please contact the Market Manager with instructions on how to obtain this.
- iii. If fundraising, group must get approval of goods being sold or efforts used to fundraise by Market Manager prior to activation.
- iv. Vendors shall limit sales to items specified on the approved application. Merchandise or related fundraising items can be at the vendor's booth on approved fundraising dates only and may not be displayed at any other time.
- v. All monies generated by sales or solicitations, excluding direct material costs, must go to the not-for-profit group, not individuals within the group. The Committee reserves the right to request review of full accounting records.
- vi. Not-for-profit organizations can fundraise up to four (4) times a quarter.

e. Non-storefront

Non-storefronts are subject to approval by The Committee. At the discretion of The Committee, Non-storefronts **may** be permitted to participate in The Market if determined that their participation will provide a public service or will serve to promote the goals and purposes outlined in this document. Non-storefronts must comply with the following conditions.

- i. Must hold all relevant permits as they relate to a commercial storefront.
- ii. Can attend up to four (4) times per quarter.
- iii. Food vendors do not qualify under this category

f. Entertainment

All applicants applying to participate in The Market as an entertainer are subject to approval by The Committee. Entertainers who are approved to perform at The Market must comply with the following conditions:

- i. A 20-foot fire lane must be observed down the middle of the street or on one side or the other. Permission may be granted by a Market representative to allow entertainment that does not require any equipment or solid objects in the fire lanes.
- ii. Links to recordings, demo tapes/CDs and/or auditions at the request of the Market Manager are required at the time of application.
- iii. Entertainers requiring electrical power for the night of The Market must indicate their specific needs on their application, which are subject to approval by the Market Manager. Any changes to the electrical power needs indicated on the application must be pre-approved by the Market Manager prior to the night of the performance at The Market.
- iv. The night of The Market entertainers must perform the type and style of entertainment exhibited during the application process.
- v. Entertainers must keep sound levels within 80 decibels. Entertainers may not use generators without approval. Violation of decibel level guidelines will result in a warning followed by electrical disconnect and/or removal from The Market.
- vi. Power supply is coordinated by the Market Manager with surrounding businesses. However, entertainers are responsible for all necessary electrical hook-ups for their equipment and these are subject to Fire Department regulations.

- vii. Entertainers may actively solicit donations at The Market during their performance.
- viii. Entertainers must stop performing at 8:45 p.m. to begin break down, ensuring that the road will be cleared by 9:30 p.m. (exception to rule in Section 4E regarding early take down).
- ix. Entertainers may obtain parking passes from the Market Manager for the night of their performance at The Market. Parking passes are non-transferable and not available for reuse.

g. Barbecue Vendor

Barbecue vendors are expected to comply with all of the following rules and regulations as well as those listed under either Member or General Vendor (Food) depending on the location of the business.

- i. Barbecues are not to be pulled onto the street or started in an assigned street space until after 3:30 p.m. and are not to extend into the street past the parking place marker until after 5:30 p.m. All barbecues must be set up in their assigned space prior to lighting the barbecue. No “live” or lit barbecues can be transported into or out of The Market area. During the lighting, the barbecue is to be surrounded by barriers set five feet away to protect pedestrians from flames and must be easily removable for emergency vehicle access (this may require temporary placement of barriers on sidewalk areas). Standard starter fluid or propane wands can be used to start barbecues.
- ii. All vendors using open flame must operate in accordance with all fire code regulations set forth by San Luis Obispo County Fire Department and have an approved fire extinguisher on site. A safety inspection will take place to ensure compliance and will be coordinated by the Market Manager.
- iii. Barbecue vendors that are assigned to areas that include designated metered street parking spaces must post Downtown SLO issued signage on each meter stating “No Parking after 3:30 p.m.” 24 hours in advance of the restricted time per [City of San Luis Obispo regulations](#).
- iv. Each barbecue vendor must provide at least one 50-gallon container for refuse.
- v. Barbecue vendors are required to participate every Thursday, unless The Market is officially canceled by a Market Representative. Failure to participate will result in the barbecue vendor’s permit being up for review and possibly revoked at the discretion of The Committee.
- vi. Barbecue vendors have one “bye” each quarter. If in good standing, they are eligible to receive a “roll over bye”. To receive a “roll over bye” barbecue vendors must have 100% attendance during previous quarter. Roll over byes must be used in the quarter they are assigned and cannot be banked. An additional “bye”, due to inclement weather, may be granted to barbecue vendors by the Market Manager’s discretion but does not roll over.
- vii. Barbecue byes are not credits and cannot be used to deduct payment from a future invoice.

h. Novelty

All applicants who apply as a novelty vendor will be reviewed by The Committee and, upon approval, will be assigned a space at The Market. There are no additional rules or regulations that apply to this category, but all novelty vendors are expected to comply with the general rules and regulations outlined in section 4.

i. Political Organization

All applicants who apply under the vendor type of political organizations will be reviewed by The Committee and, upon approval, will be assigned a space at The Market. Political

organizations must comply with the following as well as the general rules and regulations and Section 5D.

- i. Political organizations must provide proof of being an approved campaigning organization.

6. Appeal Process

Any vendor or applicant denied a permit or whose permit is revoked may appeal the decision by following the steps outlined below in the order listed:

- a. Obtain an appeal form from the Market Manager by emailing farmers@downtownslo.com
- b. State the nature of their appeal and request that the appeal be added to the agenda at the earliest or desired meeting date of The Committee (the Market Manager will inform appellant of next meeting date upon submission of appeal). The appellant will be advised of the date, time and place of their meeting with The Committee.
- c. Appellants who are unable to attend a meeting must contact the Market Manager prior to the meeting to request another meeting date. If the appellant does not show up for their designated hearing, the appeal will be removed from the agenda and disregarded.
- d. If the appellant disagrees with the determination of The Committee, the appellant may then repeat the procedure outlined above to appeal that decision to the Downtown SLO Board of Directors. The decision of the Downtown SLO Board of Directors is final.

*These rules and regulations are subject to review and change upon approval by The Committee and The Downtown SLO Board of Directors at any time. Any change made to these rules will be made public and all current vendors will be notified prior to implementation.

Rules and Regulations updated 4/30/19

Approved by The Committee 5/08/19

Approved by The Downtown SLO Board of Directors 5/14/19