

2011 Old Monterey Market Place Application Information

Upon receipt of the completed application, and signed By-Laws of the Market. Vendors will be notified of admittance based on space availability and product mix. If a space is not immediately available, eligible Vendors will be placed on our waiting list and notified as soon as an opening becomes available.

Upon Completion of two consecutive Markets, Vendors will be required to pay an annual application processing fee of **\$50.00** in order to become a continuing participant in the Market Place.

Application fees are collected on an annual basis and are non-refundable.

The undersigned acknowledges receipt of the Old Monterey Market Place General Information Sheet and agrees to comply with all rules. Non-compliance may result in the revocation of any position of priority placement, or the revocation of continuing Vendor status without refund of application fee.

The undersigned accepts responsibility for the Vendor space and certifies that they are authorized to execute and accept legal process on behalf of the business.

The undersigned agrees to indemnify and hold harmless the City of Monterey, the Old Monterey Business Association, and the property owners and tenants from all damages, liabilities, costs and expenditures including attorney's fees.

Please remember that payment of your application fee does not guarantee a space or a particular location in the Market Place. Space assignments are based on performance, consecutive markets attended, adherence to Market policies, and the changing demands of the Market.

NOTICE TO ALL VENDORS:

Participation at the Market Place is by invitation only and may be reconsidered without notice.

Please be aware of our prohibition against the use of plastic bags and polystyrene (styrofoam) containers at the Market.

ART/ CRAFT VENDORS:

The Indian Arts & Crafts of 1990 is a truth-in-advertising law. It is illegal to offer or display for sale, or sell any art or craft product in a manner that falsely suggests it is Indian produced, an Indian product of a particular Indian tribe.

CIVIL & CRIMINAL PENALTIES:

For a first time violation of the Act, an individual can face civil penalties or criminal penalties up to a \$25,000 fine or a 5-year prison term, or both. If a business violates the Act, it can be prosecuted and fined up to \$1,000,000. For more information or a free copy of the Indian Arts & Crafts Act of 1990 (P.L. 101-644) and amendment (P.L. 106-497)

- write to Indian Arts & Crafts Board at:
Indian Arts & Crafts Board
U.S. Department of the Interior
1849 C Street, NW, MS 4004-MIB
Washington, DC 20240
- visit web site at www.iacb.doi.gov
- e-mail at iacb@os.doi.gov
- call 202-208-3773

IT IS YOUR RESPONSIBILITY TO KNOW THE INDIAN ARTS AND CRAFTS ACT OF 1990. BY SIGNING BELOW YOU ACKNOWLEDGE AND UNDERSTAND ITS CONTENTS, AND YOU AGREE TO ABIDE BY THE RULES AND REGULATIONS OF THE MARKET AND UNDERSTAND THAT THE USE OF PLASTIC BAGS OR STYROFOAM AT THE MARKET IS PROHIBITED.

SIGNATURE/ TITLE: _____

DATE: _____

Please return this application and all other required documents to:

OLD MONTEREY MARKET PLACE
321 Alvarado Street, Suite G
Monterey, CA 93940 (831) 655-2607

The Old Monterey MarketPlace is produced and sponsored by the Old Monterey Business Association

Old Monterey Market Place 2011

General Information

The Old Monterey Market Place is sponsored by Old Monterey Business Association and takes place every Tuesday on Alvarado Street in Downtown Monterey. The Market Place is a weekly international community event that features local businesses, arts and crafts, clothing, prepared and packaged foods from around the world, along with seasonal varieties of fresh fruits, vegetables, flowers, fish and eggs.

Vendor set-up begins when Alvarado Street is clear, between 3:00pm and 3:15pm. Vendors who arrive at 3:40pm will be considered late. No vehicles will be admitted through the barricades after 3:40pm. Selling hours begin at 4:00pm and end at 7:00pm in winter and 8:00pm in summer.

APPLICATION: Vendors must complete and sign an application as well as provide copies of all documents required by the county and state. Market management reserves the right to admit and locate vendors based on product mix and consumer demand, as well as cancel any vendor based on poor performance, lack of cooperation, misrepresentation of product or failure to follow market policy. Approval is needed to display items not listed on your application. All applications are subject to Old Monterey Business Association approval.

State Board of Equalization (831) 443-3003
Monterey Agricultural Department (831) 759-7325
Monterey County Health Department (831) 755-4500

RESERVATIONS: Vendors must reserve space one week in advance. Reservations for each market are accepted beginning at 4:15pm on Tuesday for the following week. **CANCELLATIONS MUST BE MADE BY 3:30pm MONDAY. IF YOU DO NOT CALL TO CANCEL BY THIS DEADLINE, YOU WILL BE CHARGED THE APPROPRIATE RATE FOR YOUR RESERVED SPACE.**

ARRIVAL: Cars parked illegally are removed from the Alvarado Street beginning at 3:00pm. Vendors who arrive before this time must exit Alvarado and return after the street is clear. **Please do not wait in turn lanes or in the street in front of barricades as this causes severe traffic congestion. Vendors may wait in legal parking spaces on other streets only.**

PLEASE OBSERVE 5 MPH SPEED LIMIT AT ALL TIMES!
The use of cell phones while driving is prohibited.

SET-UP: Vendor booth size must not exceed 10' x 10'. (Assigned spaces are often smaller than 10' x 10'). Vehicle and display height is restricted to 8' maximum from the ground. All tables must be covered with a tablecloth. Playing of music of any kind or burning of incense requires prior approval by Market management. Vendors are not allowed to bring children or pets.

DURATION: All vendors are required to sell for the full scheduled hours of the market. Early departure may result in exclusion from future markets. The Market Place is in operation until 7:00pm in the winter and 8:00pm in the summer. No sales transactions are to be made after scheduled closing time.

FEE: The weekly fee for certified produce, grocery/food, and craft vendors is **\$45.00** (non-parking or drop-off) and \$55.00 with parking, if available. Restaurants pay \$60.00. The annual application processing fee of **\$50.00 (non-refundable)** is collected after the completion of two markets, and annually thereafter.

RETURNED CHECKS ARE SUBJECT TO A \$40.00 FEE.

**VENDORS MUST HAVE PAYMENT READY (MONEY ORDER OR CHECK)
WHEN MARKET STAFF ARRIVE TO COLLECT.**

For further information, please call the Market Place Director at (831) 655-2607.

OLD MONTEREY MARKETPLACE 2011 RULES AND REGULATIONS

HOURS OF OPERATION

MarketPlace Director
(831) 655-2607

ARRIVAL TIME - Tuesdays Year-Round **3:00pm**

The City cannot accommodate early arrivals.
All cars will be towed prior to setup by the Monterey Police Department.

SALES TIME - Summer 4:00-8:00pm First Week of May - First Week of October
Winter 4:00-7:00pm First Week of October - First Week of April

INTENT AND IMPLEMENTATION

The purpose of these rules is to maintain a clean, safe and friendly public event. These rules govern the operation, administration and management of the Old Monterey MarketPlace under the direction and management of the Old Monterey Business Association (OMBA).

The OMBA, its management and its designated agents will implement and enforce all rules and regulations pertaining to the operation of the Old Monterey MarketPlace in a fair and equitable manner.

ADMISSION OF VENDORS TO THE MARKETPLACE

All continuing Vendors must submit an annual application fee after completion of two consecutive Markets; assessed members (Downtown merchants) of the (OMBA) are exempt. The non-refundable MarketPlace application fee of **\$50.00** shall be paid annually by all non-exempt Vendors.

Admission to sell any Market shall be at the discretion of the Market Director. In making any determination in this regard, Market management shall consider and document the following:

1. Vendor's history of compliance with state, local government and MarketPlace rules and regulations.
2. Vendor's history of reliable Market participation. While "no space is permanent or guaranteed", preference will be given to year-round vendors and returning seasonal produce vendors.
3. The type and relative quality of the product intended to be offered for sale by the Vendor.
4. The number of sellers of the Vendor's product currently in the Market.
5. The number of available spaces and current status of waiting list.
6. Inclusion of any particular product to be sold by Vendor is at the discretion of the OMBA.
7. Vendors are required to dress in good taste and in a professional manner. Specifically shirts and shoes must be worn at all times.
8. Children and pets are to be left at home to ensure their safety and the safety of the MarketPlace.
9. Vendor booths must be staffed at all times during MarketPlace hours.
10. It is the responsibility of the vendor to inform all staff of MarketPlace rules, regulations, and procedures prior to MarketPlace participation.
11. It is the vendor's responsibility to leave their assigned area free of debris.

Any Vendor in disagreement with a decision by the Market Director may appeal for review to the OMBA Executive Director. The OMBA Executive Director may uphold or modify the Market Director's decision. Call (831) 655-8070.

ADMISSION: CERTIFIED PRODUCT VENDORS

ALL fresh fruits, nuts, vegetables, shell eggs, honey, flowers and nursery stock listed on a Vendor's certificate and approved by the MarketPlace Director, may be sold in the MarketPlace. Admission of any processed agricultural product to the Market or non-agricultural product to an area adjacent to the Market shall be at the discretion of the Market Director. In accordance with applicable state and county regulations.

1. At the time of application, all certifiable Product Vendors **will submit a current copy of their Certified Vendor's Certificate issued by the Agricultural Commissioner's Office in their county of origin** with a listing of all product to be sold.
2. Those Vendors selling second Certificate Products must submit a current copy of that document at the time of application, or when they sell for a second certificate holder and have prior written approval from the Market Coordinator before displaying the product(s).
3. The weekly Market fee per Certified Produce Vendor is **\$45.00**. An additional \$10.00 will be charged weekly for a parking space. Fee must be ready (check or money order) at the beginning of each Market.
4. Certified Produce Vendors selling "organically grown" produce must display signs, no smaller than 8" x 11", stipulating so, and comply with all State regulations related to such sales. Regulations include registration with the Agricultural Commissioner in their principal county of operation. Each Vendor must submit a copy of their own county registration to the OMBA prior to acceptance in the MarketPlace.
5. All such products must have been produced by the Vendor by the practice of the agricultural arts upon land which the producer farms and owns, rents, leases or sharecrops.
6. Seller must be able to show location and capability of processing or, if processing is done by a second party, the method used to insure that the processed product returned is the original product submitted by the producer for the processing. Receipts, volume data and letters verifying methodology may be requested or required. Seller must show that all processing was accomplished in compliance with Board of Health and, if applicable, obtain, furnish, and display any and all health permits necessary. **Field run produce shall be discouraged and may be prohibited.**
7. Each Vendor who provides samples must supply a receptacle for waste.
8. A \$40.00 fee will be assessed for each returned check. Each check reprocessed NSF will be assessed a fee of \$15.

ADMISSION: PREPARED FOODS AND CRAFTS

Only handmade crafts, unique crafts, specialty items and collectibles of high quality may be sold in the Market Place. Food Booths will be selected for variety, cleanliness and international theme with priority to Downtown Businesses who intend to be regular Vendors. Admission of a Vendor to the MarketPlace shall be at the discretion of the Market management.

1. The standard booth space is 10' x 10'. Larger spaces may be available for additional fees to accommodate vehicles which do not fit into the standard space.
2. All Vendors must comply with the rules and regulations of the State Board of Equalization and County Health Departments, and all other State and County governmental agencies that regulate the sales of the Vendor's products.
3. At the time of the application, each Vendor will submit to the OMBA copies of all documents applicable to the sales of their product including California Seller's Permit and Health Permit, if applicable.
4. The weekly Market fee for all Non-Certified Produce Vendors (crafts and gourmet foods) is **\$45.00**, and must be paid during each Market. Fees must be ready (check or money order) at the beginning of each Market. A **\$10.00** fee will be charged in addition for a parking location.
5. The weekly Market fee for all prepared food Vendors (restaurants) is **\$60.00**, to be paid during each Market.
6. Food booths must be entirely enclosed with four (4) complete sides and a top or as approved by the Health Department.
7. **Each Food Vendor must provide a 33-gallon container for customer garbage.**

8. A \$40.00 fee will be assessed for each returned check. Each check reprocessed NSF will be assessed a fee of \$15.

ARRIVAL/SET-UP/DEPARTURE

- Entry permit/placard must be prominently displayed on the driver's side of the windshield/dash.
- Vendors may enter Alvarado Street once the street has been cleared of vehicles after 3:15pm. (This includes participating Alvarado Street merchants).
- The speed limit on Alvarado Street during setup is **a maximum of 5 MPH and will be enforced. Cell Phone usage while driving in the MarketPlace is prohibited.**
- **Only one vehicle per Vendor** will be allowed on Alvarado Street during setup time. Additional support or delivery vehicles will be permitted only with prior approval by the MarketPlace Director and must be removed upon request of MarketPlace staff or no later than 3:45pm, whichever comes first.
- **All drop-off vehicles must exit Alvarado St. & Bonifacio by 3:45pm**
- **No vehicles will be allowed to enter the MarketPlace after 3:40pm.**
- **Alvarado & Bonifacio St. are one way streets that remain in affect during the Market.**
- **ABSOLUTELY NO EARLY DEPARTURES.** All Vendors must stay for the duration of the Market.
- In accordance with Monterey Fire Department regulations, all vendor booths must be situated **BEHIND** the green/black lines painted on Alvarado and Bonifacio Street. Vendors who fail to comply may be cited by the Monterey Fire Department and their participation in the MarketPlace may be terminated.
- Vendors are responsible for removing their entire display and vehicle from Alvarado and Bonifacio immediately after the conclusion of the Market. All sales transactions must stop at the designated closing time. Alvarado and Bonifacio Streets must be completely clean
As soon as possible, not to exceed one hour after the conclusion of each Market.

DISPLAY AND PROMOTION OF PRODUCTS IN THE MARKET

1. All products/items for sale must be listed on the Vendor application and approved by the MarketPlace Management prior to display for sale.
2. All signage is subject to management approval and will be limited to the size of the Vendors space, not to exceed 8 feet tall and not to protrude into customer areas, nor to exceed the 10 foot street line. No advertising of personal property.
3. **All Vendors' tables must be covered with a tablecloth** (fabric or plastic), and hang a minimum of 6 inches from the ground, and be long enough to hide stored packages and boxes.
4. No storage of boxes or produce is allowed on the sidewalks.

VENDOR RESERVATIONS

1. A reservation for the next week's Market is made beginning at 4:15pm Tuesday (during collections). If you are not physically present to make a reservation, a call to (831) 655-2607 after 5:00pm Tuesday will be required before you will be included in plans for the following week's Market. **A fee will be collected for a 'no show' or late cancellation.**
2. **DUE TO THE LIMITED AVAILABILITY OF VENDOR SPACES, TIMELY RESERVATIONS MADE AFTER 5:00PM TUESDAY FOR THE NEXT WEEK'S MARKET ARE ESSENTIAL TO ENSURE CONTINUING PARTICIPATION.**

VENDOR CANCELLATIONS

1. **Every Vendor is responsible for notifying the Market Director before 11:00am Monday if they cannot attend a Market in which they have reserved space.** Without such notice, the Vendor must pay

their booth fee for their reserved space. Fees for missed markets must be paid before further participation in the Market.

2. Markets are held RAIN or SHINE. If it is raining at 2:00pm on Tuesday on Alvarado Street, Vendors can cancel without incurring Market fees. If it is raining at 4:00pm, no fees will be collected from participating Vendors.

MARKETPLACE SPACE ASSIGNMENTS

1. All assignments are made at the discretion of Market Management.
2. Assignments depend on Vendor's reliability and weekly reservation.
3. Booth space may be changed according to MarketPlace layout. (Vendor will be notified as soon as possible).
4. **SPACE ASSIGNMENTS ARE NOT GUARANTEED....NOT EVER.**
5. Most Vendor spaces do not include a car parking place. If a parking space is utilized, a \$10 per week addition will be added to your weekly charge. Vendor space and booth size are at the Director's discretion. The standard booth size is 10' x 10'. Fee adjustments will be made for other size allotments.

DISCIPLINE OR REMOVAL OF A VENDOR FROM THE MARKET

A Vendor may be removed or suspended from the Market or have selling privileges in the Market modified or limited by the Market Director for any of the following reasons:

1. Failure to obey and conform to state, local government or MarketPlace rules and regulations.
2. Causing or maintaining an unsafe or unsanitary condition at the Market.
3. Uncooperative or inappropriate conduct or language considered detrimental to the welfare of the Market.
4. Failure to occupy assigned Market space without adequate prior notification.
5. Failure to comply with Monterey Fire Department regulations.
6. Disregard for any condition or limitation placed on the Vendor or the Vendor's product at the time of admission to any Market.
7. Misrepresentation of products to be sold.
8. Failure to pay MarketPlace fees.
9. Failure to obey the Market's prohibition against the use of plastic bags and polystyrene (styrofoam) containers.

GENERAL REGULATIONS

1. **NO GUARANTEES OF LOCATION WILL BE MADE...DON'T ASK.**
2. **OMBA prohibits the use of plastic bags and polystyrene (styrofoam) containers from Market vendors. Vendors who do not comply with this regulation will not be allowed to sell at the Market.**
3. No electric power will be made available.
3. Exclusivity of vendor product will not be made under any circumstances.
4. All sales areas must be maintained in a clean, safe condition. Each Vendor is responsible for cleaning all food preparation, cooking and display areas at the conclusion of each weekly Market. A garbage dumpster is located behind Wells Fargo Bank and marked for use by the OMBA. City waste receptacles on Alvarado Street cannot be used for product, food or produce disposal.
5. Grease or cooking oils **cannot** be disposed in trash receptacles, storm drains, or the OMBA garbage dumpster.
6. Vendors using scales for weighing products must use California approved scales and all such equipment must bear a current seal. Scales must face the customer.
7. All food products must be displayed at least 6 inches above ground level, as regulated by the Health

Department.

8. Produce certification must be visibly displayed.
9. Vendors must notify the Market Director of new products they want to sell and have them approved by the Market Director **prior** to displaying and selling them. Notification must be in writing. Noncompliance may result in dismissal.
10. Any Vendor whose certificates, permits or licenses are revoked or suspended can no longer sell at the Market.
11. The Market Director's decisions are to be adhered to during any weekly Market and are final. Complaints should be submitted in writing to the Market Director for review and possible action or submit to: OMBA Executive Director/Market Director, 321 Alvarado Street, Suite G, Monterey, CA 93940. Call (831) 655-8070
12. The OMBA reserves the right to refuse the participation of any Vendor for any reason at any time.
13. Due to limited space availability, non-profit groups are not accommodated in the Old Monterey MarketPlace with the exception of OMBA Board sponsored and scheduled events.
14. Consumption or abuse of alcohol or drugs will result in immediate expulsion from Market.
15. No sharing of booths spaces will be permitted without prior approval of the MarketPlace Director.
16. Vehicle, display or signage size will be limited to 8 feet maximum height from the ground.

The Old Monterey MarketPlace is produced by the: Old Monterey Business Association
321 Alvarado Street, Suite G
Monterey, CA 93940
(831) 655-2607

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