



FINDLAY **OUTDOOR** POP-UP MARKET

2018 Outdoor Vending **Elder Street, Essen Strasse, Pleasant Street, and Race Street Esplanade** **Rules and Regulations**

Please read these rules carefully before applying online.

Keep a copy for your records, as these rules are part of your stall license agreement. By submitting an application, vendors accept and agree to these rules and regulations. Failure to observe these rules may result in fines, suspension or termination of your license to conduct business at Findlay Market. If you have questions about these rules, please contact the District Manager at 303-725-2461.

Outdoor Vending Seasons (Elder Street, Essen Strasse, Pleasant Street, and the Race Street Esplanade):

- **Summer Season** begins April 1 and ends September 30.
- **Holiday Season** begins October 1 and ends December 31
- **Winter Season** begins January 1 and ends March 31

Outdoor Vending Location, Days, Hours:

Elder Street: located on North Elder Street (north side of markethouse); primary location of craft and cottage producers.

Setup:

Saturday, by 7:45AM
Sunday, by 9:45AM
Friday, by 10:00AM

Hours of operation:

Saturday, 8:00AM to 6:00PM
Sunday, 10:00AM to 4:00PM
Friday arranged

Essen Strasse: located on south Elder Street (south side of markethouse); primary location of prepared food vendors.

Setup:

Saturday, by 10:00AM
Sunday, by 9:45AM
Friday, by 10:00AM

Hours of Operation:

Saturday, 10:00AM to 6:00PM
Sunday, 10:00AM to 4:00PM
Friday arranged

Race Street Esplanade: located on east side of markethouse, between Elder Street and Essen Strasse. Electricity and rooftop covering available.

Setup:

Saturday, by 7:45AM

Sunday, by 9:45AM

Friday, by 10:00AM

Hours of operation:

Saturday, 8:00AM to 6:00PM

Sunday, 10:00AM to 4:00PM

Friday arranged

Pleasant Street: located on south side of markethouse, intersecting with Essen Strasse; location of vendors with truncated hours

Setup:

Saturday, by 9:45AM;

Sunday, by 9:45AM;

Friday, by 10:00AM

Hours of Operation:

Saturday, 10:00AM to 4:00PM

Sunday, 10:00AM to 4:00PM

Friday arranged

Part-Time/Seasonal Vending Categories

Producer/Grower: Growers who cultivate fruits and vegetables, harvest wild fruits etc. from your farm or grow landscaping plants, vegetable and herb plants.

Mobile Food Sales: If you sell potentially hazardous foods such as processed poultry, beef, pork etc. eggs or dairy products such as cheese, you must apply with your local health officials or the state officials where you will do business (if you are out of state), and receive a mobile food license. Contact the appropriate health official for specific regulations and procedures.

Food items are broken down into categories:

- **Items Cooked on Site:** If you are selling food items that are cooked at the market, you must seek approval from the health department first. Once all permits are approved and filed, you may sell at the market. All vendors selling foods cooked on site must have a fully inspected and operational A-B-C or Class K fire extinguisher in their stand at all times; please follow up with the District Manager to confirm your need.
- **Ready-to-Eat:** Cookies, pies, granolas, dried fruits, cakes, pies breads etc. are ready to eat foods. Whether home or commercially produced, all required permits must be filed with the registration.
- **Beverages:** Canned sodas, bottled waters may be sold without health permits. Beverages that are prepared such as coffee, tea, lemonade etc. must be prepared on site in accordance with all health requirements.

Cottage Food Producer: Food items that you prepare in your home are exempted from many state laws concerning their sale. Contact the city health official for further information. You must file the Cincinnati Health Department Environmental Health Unit Food Safety form with the Health Department and with market management. Contact the Health Department at 513-564-1751 for details.

Arts and Crafts: These include soaps, essential oils, jewelry, pottery, carvings, garden accessories, textiles, and hand crafts made by the vendor.

Retail/Reseller: Products that are not made by the vendor but that are sold by the vendor are retail. Used items are also retail but must be marked as used.

Non-Profit Sales: Any non-profit organization with documented 501(c)3 status that may sell their product at the market from an assigned location.

Non-Profit Information: Any non-profit organization with documented 501(c)3 status that may hand out information from an assigned location at the market.

Petition Gatherers: Signature gatherers may petition in most outdoor market areas, at the District Manager's discretion.

Musician/Entertainer: String, keyboard, and some woodwind musicians who wish to play for tips are welcome. Brass horn musicians will typically not be permitted to perform at Findlay Market. All musicians must register and receive an assigned location in a designated space. *(Further musician/busking rules and regulations listed in Appendix I.)*

- At the North Tower Door: in the space south of the breezeway benches, but between vendor stalls, and not in front of the North Tower Door so as to block traffic in and out.
- At the South Tower Door: in the space north of Pleasant Street's intersection with Essen Strasse, but between the vendor stalls, and not in front of the South Tower Door so as to block traffic in and out.
- At the Race St. and Elm St. Esplanades: positioned near Essen Strasse, so as not to be in the way of any vendors, customers entering and/or exiting Findlay Market at the sidewalk, and/or customers sitting at the red tables and chairs located at the Esplanades.
- Performers are required to move to a new assigned location after 60 minutes, and may perform at Findlay Market for no more than three hours per day.

Findlay Market makes concerted efforts to be a "Makers Market." Currently, there are no opportunities for expanding reselling or franchised businesses at this time in the Outdoor, Farmers Market, and Roll Up Door areas of Findlay Market.

General Rules

Management: The District Manager and his or her designees are responsible for space assignments, public health and safety, and the interpretation and enforcement of the market's rules.

Registration: There is a \$25.00 non-refundable registration fee for new part-time and seasonal vendors and \$20.00 for returning vendors. All registrations are handled online at the Manage My Market website (www.managemymarket.com). All vendors must apply to sell at Findlay Market, every year, regardless of application status any previous year.

- Vendors will create a profile for their business, which must include contact information (including phone number and operational email address), attendance dates, a product list, and any social media handles. Returning vendors should take the time to update, revise, and complete the product list and contact information. Vendor applications are for the space to operate a single business; at no point are multiple businesses, vendors or people to operate in a single space.
- Select dates with regard to the attendance policy below.
- Please note if you would like to be considered as an on-call vendor.
- Registration fee payment can be made by mailing a check or money order to The Corporation for Findlay Market (CFFM). Rental fees must be received at least seven days prior to the first day you come to market. Day only vendors must pay their fee in advance of set-up on the day they come to market. Please refer to the manage my market website.
- Completing and submitting an application acknowledges that the vendor is subject to a facility inspection by appointment within 7 days of a request by the market manager. Every effort will be made to inspect each vendor every year.
- Returning vendors must settle all outstanding debts—for rent, utility bills, and/or special event set up fees—before applications will be considered.

Attendance: Accepted outdoor vendors are expected to be at market each Saturday and Sunday of the season that they have applied for; specific days are selected at the market application website.

- Accepted vendors can miss up to 6 market days per season for any reason and maintain their space, as long as the District Manager is told by noon on the Thursday prior to the weekend (at the latest).
 - Vendors who have called off by noon on Thursday may inquire about available space, should their circumstance change. However, they will be considered "On Call" for that market, and may not have access to their typical space if said space has already been reassigned.
 - **This allowance does not apply to Special Events dates. Findlay Market has a zero-tolerance policy for absences on Special Events dates.**
- No Call/No Shows, or notice after noon on Thursdays may result in loss of assigned space for the rest of the season.
- Vendors approved to vend on Special Events dates must attend the market on their approved dates. Hours for some Special Events will differ from traditional market hours; approved vendors are required to operate for the entirety of the Special Event. Failure to meet attendance requirement and/or hours requirement will result in vendor forfeiting right for consideration for inclusion in future Special Events at Findlay Market, and may result in expulsion from Findlay Market for remainder of season. (*See 2019 Special Events dates in Appendix II.*)
- Vendors who plan on taking time off during peak season (for vacation, for example), should give the District Manager at least two weeks' notice, so that on-call space assignments can be made. These days off will be pulled from the pool of 6 market days noted above.
- Penalty for missing more than 6 market days will result in a fee of \$25.

Force majeure: In the unlikely event of a market cancellation (due to severe weather, including but not limited to tornado, hail, flash flood, or severe blizzard, etc), all market vendors will be notified in advance, and will not incur any penalty for non-attendance. (*See Snow Emergency Protocol in Appendix III.*)

On Call Attendance: When space is available, on-call vendors will be given the opportunity to sell at market on a day by day basis.

- The on-call vendor list will be created at the discretion of the District Manager based on market product need/mix, vendor availability, vendor behavior and responsiveness. Acceptance as an on-call vendor does not imply anything else with regards to status as a full time or indoor vendor.
- On-call vendors will be notified by call or text about coming weekend space availability Thursday afternoon through Friday morning.
- If vendor is not available to take a call or respond to a text, the District Manager reserves the right to move through the list and assign spaces.
- On-call vendors will need to pay for space the day of the market.

- All other rules will apply, regarding setup and tear down timeliness, liability insurance certificates, etc.

Setup/Teardown: The District Manager will be on the Market Square to be sure each vendor is here on time and in the right location. Setup times are on the first page. If you are running late, take the time to call or text the District Manager to let them know. If you are repeatedly late, you may lose your space. Late vendors will receive a verbal reminder, then a written reminder, then penalized a fee of \$25, and could then lose their space. Vendors who teardown their stands early will receive a verbal reminder, then a written reminder, then penalized a fee of \$25, and could then lose their space.

Payment: All reserved spaces at the market must be paid for at least seven days prior to the first day you come to market. Please note that your space reservation is not effective until your deposit or rent payment is received. All fees are non-refundable. Returning vendors must settle all outstanding debts—for rent, and/or utilities—before applications will be considered.

- Monthly rent will be paid in advance by the first weekend of the month. Beginning on 1 April 2018, CFFM will issue invoices via Manage My Market on or before the 1st of the month for that month’s advance rent payment. At the discretion of the District Manager, late payments may incur an additional \$20 fee per month.
- Vendors must pay for a space prior to set-up.
- Vendors who have not paid will not be allowed to set up; **there are no exceptions.**
- Vendors may pay by credit card/PayPal account, check, electronic bill pay, or money order (order of preference). Payments are payable to The Corporation for Findlay Market (CFFM). Returned checks will result in additional charges and/or the reduction, suspension, or revocation of your market space.
- **Cash will not be accepted.**

Assigned Location: You may conduct business only at your assigned location. Stall assignments and license agreements are not transferable. Vendors may not sublet their space at the market. Stall assignments are made, and are subject to change, at the sole discretion of the District Manager or his/her designees. Vendors are permitted to conduct business at their assigned location only during market operating hours. All part-time and seasonal vending space assignments are temporary. Therefore, there is no right or expectation of renewal of any space assignment.

Products for Sale: Vendors list specific products they intend to sell when completing the online market application. Application acceptance locks in that product list for the season. Changes must be discussed with the District Manager and are subject to the sole discretion of the District Manager; at no point will vendors be allowed to sell additional products without approval. *When in doubt, stick with your core business.* Sales of a product the previous year, whether within the rules or not, does not constitute permission to sell that product in the current year. Failure to adhere to this rule, may result in fines or immediate suspension of assigned space.

Insurance: Vendors are required to carry \$1 million in general liability insurance. Vendors who sell food (including fruits and vegetables) or body care products must carry at least \$1 million in product liability insurance, in addition to general liability insurance. The Corporation for Findlay Market must be named as a Certificate Holder on a **Certificate of Insurance (COI)** and stated as an “Additional Insured” in the description box of the COI. A COI is the only proof of insurance that will be accepted and the COI must be on hand before the first day of set-up. The COI can be emailed to the District Manager, mailed, faxed, delivered by hand or uploaded at the Manage My Market site. Please do not submit your entire policy document and please do not submit a COI that has been filled out by hand.

Licenses and Certifications: Vendors are required to provide copies of all licenses and certifications pertaining to the operation of their business at Findlay Market (e.g. Health Department License, Certified Organic) for our records. The documents can also be uploaded on Manage My Market. **Prepared food vendors must obtain a ServSafe Level 2 certification to vend at Findlay Market.**

Occupancy During Hours of Operation: You must be open, fully merchandised and ready for business at the *starting time* for your area of the market. This includes having all products *visibly labeled and priced*. Late set-up is not permitted; persistent tardiness--defined as not being open and ready to sell at the opening time three times in one month--will result in a fine of \$25 in lieu of or in addition to removal from the market. You must be present and actively selling during the required hours for your area of the market. Early departure or chronic selling out before the end of the market day will result in a fine of \$25 in lieu of or in addition to removal from the market.

Parking: Preferably, vendors will only bring one vehicle to the market district on Saturdays and Sundays. Vendors and their employees are prohibited from parking in the north parking lot.

Unloading: Vendors must make all reasonable effort to keep Elder Street and Essen Strasse clear for through traffic by other vendors during set-up and tear down, by unloading their vehicles and immediately moving them to allow access by other vendors. Do not leave vehicle unattended on Elder Street or stop to set up tables, tents, etc. until your vehicle has been moved from the street.

- All vendors on Elder Street will receive an Access Pass that must be shown to facilities staff manning the Race Street gate for the first 30 minutes after Market ends—from 6:00 – 6:30PM on Saturdays, and 4:00 – 4:30PM on Sundays.

Equipment: You must provide all of your own chairs, tables, tents, and display equipment. Market-owned furniture is reserved for customers and may not be used by vendors. All cooking equipment must be situated so that it fits within the 10’x10’ footprint of the tent. In the interest of safety, tents, tables, and displays **must** be secured against wind and severe weather.

Signage: A sign identifying the name and location of the business must be prominently displayed. Prior to commencing sales, prices for all items must be visibly posted. Per mobile food license requirements, prepared food vendors must display the name of the operation, the city of origin, and the area code and telephone number must be conspicuously displayed on the exterior of the mobile unit. The name and city of origin of the food service operation shall be displayed with individual lettering measuring at least three inches high and one inch wide.

Sanitation: Bring and use a broom and dust pan at the end of business day and ensure your space is left clean. Operate your stand in a safe and sanitary manner. If you sell readily consumable items, you must provide a waste receptacle for used wrappers, napkins, and utensils. Keep the sales area clear of debris. Edible products may not be stored or displayed on the ground.

Clean-Up, Trash and Recycling: Clean your stall and remove all refuse from it at the end of the sales day. Recyclables and trash may be disposed in the market’s recycling and trash facilities. Failure to clean your stall or remove debris will result in a cleaning fee of \$50, and will be charged at the District Manager’s discretion.

Honest Trade: Vendors must at all times conduct business fairly, honestly, and legally. All products sold must be legal, truthfully identified, and properly labeled. Products may not be misrepresented. Fraudulent, dishonest, or deceptive practices are prohibited and may result in suspension or expulsion. Vendors must accurately weigh and measure all products sold by weight or measure using certified scales (for all sell-by-weight transactions) inspected and sealed by the Ohio Department of Consumer Affairs and approved by the Hamilton County Office of Weights and Measures. The use of false packs, or the concealment of poor product beneath a topping or facing of better product, is prohibited.

Legal Operation: Vendors are individually responsible for conforming to all city, state and federal laws, including the securing of any licenses required, paying any taxes due in connection with the operation of their businesses and compensating employees in a timely manner. All products sold at Findlay Market must be legal for retail sale. No stolen, pirated, bootleg, or counterfeit goods may be sold. Products in violation of Findlay Market rules, or city, state or federal law, may be removed by the District Manager.

Respectful Operation: Signs, displays, equipment, and noise levels must be managed so as not to interfere with the conduct of business by nearby vendors. Keep your setup within the space assigned to you; at no times should your operation or equipment extend into adjoining spaces.

Courteous Behavior: Findlay Market is a family friendly environment. Vendors must be courteous at all times. Vendors may not operate under the influence of drugs or alcohol. Profanity is prohibited by municipal code. Disagreements with other vendors, managers, and customers must be handled in a civil manner. If you threaten or engage in a loud confrontation with a customer, vendor, or member of the market staff, the police will be called, and you will risk removal from the market.

Hawking: Hawking is not permitted. It is a violation of municipal code to “utter loud cries for the purpose of soliciting trade, or to solicit business from other city market tenants by making public statements in the city market about the quality or value of the products or goods of the city market tenants.”

Generators: Generators are not permitted.

Children: Children are not permitted in prepared foods tents.

Pets: Vendors must not bring pets into their selling area for health and safety reasons.

Amplified Sound: Amplified music is permitted at vendor stalls during market hours, provided that music played is at an appropriate volume as agreed to by the District Manager, and does not generate customer or vendor complaints. The District Manager reserves the right to restrict amplified music along Elder Street, Essen Strasse, and the rest of Findlay Market.

Smoking: Smoking, and/or the use of e-cigarettes/vaping is not permitted in the Farmshed, on the esplanades, in the roll-up doors, or within 25' of any entryways to the market house and surrounding stores. This is a state health ordinance. Vendors who sell food are not permitted to smoke in their sales or prep areas. Violations will result in a \$50 fine, and may result in expulsion from the market.

Product and Sales Rules Specific to N Elder Street Vendors

Loading and Unloading – Commercial Trucks:

- Gates on Elder Street will be closed
Weekdays from 10:30AM - 5:00PM
Saturdays from 8:00AM - 6:00PM
Sundays from 9:00AM - 4:00PM
- Commercial trucks will be permitted to unload during market hours only from the Vendor Parking Lot, or Pleasant Street (on weekdays only).
- Trucks may not block fire hydrants at any time.
- Commercial trucks may not re-enter the Market Square until 6:00PM on Saturdays and 4:00PM on Sundays.

Loading and Unloading – Autos, Vans, and Pickup Trucks: Vehicles are permitted on N Elder Street during limited time periods. Make sure that you unload quickly and remove your vehicle, then return and set-up your space. Loading times are as follows:

- Saturdays: Unload before 7:30AM Load and leave after 6:00PM
- Sundays: Unload before 9:30AM Load and leave after 4:00PM

Non-profit space: Non-profit spaces will be assigned on a first come-first served basis. They may not register for space more than six weeks in one year. Nonprofits must present a valid 501(c)3 letter from the IRS at least one week prior to setting up.

What Products May Be Sold: Vendors may sell a wide variety of items at the market. All items must be produced or crafted by the seller. Products can be baked goods, jams, jellies, sauces, ready to eat foods, arts and crafts, retail items such as jewelry, cosmetics, soaps, etc. There are currently no re-selling or franchise opportunities at Findlay Market.

Product and Sales Rules Specific to Outdoor Cooking and Essen Strasse Vendors

Minimum Hours of Operation: Vendors must open for business on select Fridays and every Saturday and Sunday during the Summer Season, to be eligible to operate a pop-up mobile food operation at Findlay Market.

Fire Code: The Fire Department requires all vendors cooking food to have a fully inspected and operational A-B-C fire extinguisher, or Class K fire extinguisher at their location at all times, a barrier to prevent shoppers from contacting the cooking equipment, and a fire-retardant tent. No exceptions will be made. In the event of a fire in a building surrounding Findlay Market, Essen Strasse is reserved as an access street for fire fighters, and will need to be made clear immediately; CFFM Operations staff will be made available to assist with break down and movement of tents and equipment. *(See Fire Code Requirements in Appendix IV.)*

Health Code: Prepared food vendors must follow all relevant health codes. For example, the Health Department requires all vendors cooking out-of-doors to provide a shelter above their food preparation and serving area. **You must have a ground tarp (if you spill grease, etc, you must clean it up, completely).** A barrier must prevent shoppers from entering the cooking area. You must have or rent a four-compartment hand washing sink with hot running water. You must visibly post your Health Department Permit. Findlay Market requires mechanical refrigeration for volatile packaged and prepared foods. If you are actively cooking, a minimum of 10'x10'

space must be rented to assure public health and safety around the cooking equipment. Each tent must maintain two forms of open egress to escape the tent, in the event of a fire.

Sanitation: Vendors must provide approved waste receptacles for shoppers to deposit wrappers, utensils, and other waste in. At least one receptacle should be for trash and another for compostable utensils and items. Prepared food vendors must have sanitation buckets and test strips, and store wiping cloths in a solution of approved sanitizer at the concentration recommended by the manufacturer.

APPENDIX I

Guidelines for Street Entertainment at Findlay Market

Musicians/buskers are welcome to perform at Findlay Market in assigned spaces at assigned times, in accordance with the following rules. Other street entertainment may be considered upon request after audition.

1. Beginning at 8:00AM on Saturday and 10:00AM on Sunday (within reason, depending on the schedule of the Market Center employee), musicians may sign up for one-hour timeslots in the registry in the Market Center. Buskers may perform in approved locations, only, and—depending on programming at Findlay Market—not all locations will be available every time.
2. Musicians are limited to performing for one hour at a time at a particular location at Findlay Market. Musicians will not be permitted to play in the same space consecutively (ie: for over one hour), regardless of whether or not another musician is scheduled for the same space the succeeding hour. However, musicians are permitted to sign up for one hour in one space and the following hour in a different location.
3. All musicians must register and receive an assigned location in a designated space.
 - At the North Tower Door: in the space south of the breezeway benches, but between vendor stalls, and not in front of the North Tower Door so as to block traffic in and out.
 - At the South Tower Door: in the space north of Pleasant Street's intersection with Essen Strasse, but between the vendor stalls, and not in front of the South Tower Door so as to block traffic in and out.
 - At the Race St. and Elm St. Esplanades: positioned near Essen Strasse, so as not to be in the way of any vendors, customers entering and/or exiting Findlay Market at the sidewalk, and/or customers sitting at the red tables and chairs located at the Esplanades.
 - Performers are required to move to a new assigned location after 60 minutes, and may perform at Findlay Market for no more than three hours per day.
4. Amplification will not be permitted, with the exception of keyboards, provided the volume is set at a volume deemed appropriate by the District Manager. Due to their natural amplification properties, horns—brass, woodwind, or otherwise—are required to receive express approval from the District Manager before being permitted to perform.
5. Musicians are required to have enough material for a whole hour of performance. Playing the same song or songs in repetition will result in the musician being asked to stop playing short of a complete one-hour set, and will likely lead to the musician being banned from performing at Findlay Market for the remainder of the season.
6. While musicians are permitted to busk for tips, musicians will not be permitted to panhandle or request payment for playing.
7. No signs other than those identifying the musician or group will be allowed.
8. Musicians will respect other musicians while they are performing. While musicians are performing, they will respect surrounding vendors and merchants. If asked to create more space between the musician and a vendor's stall space, the musician will comply.

Musical performances at Findlay Market occur at the discretion of the District Manager, or their designee. By signing up for a time and place to perform at Findlay Market, musicians agree to abide by any decision made by the District Manager or their designee. Musicians—or their representative(s), when underage—who are disrespectful or rude to Findlay Market staff, vendors, or the public may be banned from Findlay Market.

APPENDIX II

Findlay Market Special Events Dates, 2019

January

Sunday, January 27: Chili Cook-Off

February

Sunday, February 17: Valentine's Day Sweet Stroll

March

March 5-10: Customer Appreciation Week

Thursday, March 28: Opening Day Parade

Thursday, March 28: Biergarten Opening Weekend

April

Sunday, April 14: Art & Poetry

June

Saturday, June 1: German American Day

August

August 4-10: National Farmers Market Week

September

Thursday, September 12: Flavor of Findlay Fundraiser

October

Sunday, October 20: Fall Food Fest

Thursday, October 31: Trick or Treat at the Market

December

December 7-8: Holiday Market

APPENDIX III

Snow Emergency Protocol

Snow Emergencies are declared at the county level, by the Sheriff. There are three levels of Snow Emergency that may be declared, with each level having a different impact on operations at Findlay Market.

LEVEL 1: Roadways are hazardous with blowing and drifting snow. Roads may also be icy. Motorists are urged to drive very cautiously. **Market is fully open.**

LEVEL 2: Roadways are hazardous with blowing and drifting snow. Roads may also be very icy. Only those who feel it is necessary to drive should be out on the roads. Contact your employer to see if you should report to work. Motorists should use extreme caution. **Market is open, but individual businesses open at their discretion.**

LEVEL 3: All roadways are closed to non-emergency personnel. No one should be driving during these conditions unless it is absolutely necessary to travel or a personal emergency exists. All employees should contact their employer to see if they should report to work. Those traveling on the roads may subject themselves to arrest. **Market is closed.**

APPENDIX IV

Fire Code Requirements for Tents with Cooking Operations

OFC 3103.9

Anchorage required. Tents or membrane structures and their appurtenances shall be adequately roped, braced and anchored to withstand the elements of weather and prevent against collapsing. Documentation of structural stability shall be furnished to the fire code official on request

OFC 3104.2

Flame propagation performance treatment. Before a permit is granted, the owner or agent shall file with the fire code official a certificate executed by an approved testing laboratory certifying that the tents and membrane structures and their appurtenances; sidewalls, drops and tarpaulins; floor coverings, bunting and combustible decorative materials and effects, including sawdust where used on floors or passageways, are composed of material meeting the flame propagation performance criteria of Test Method 1 or Test Method 2, as appropriate, of NFPA 701 *as listed in rule 1301:7-7-80 of the Administrative Code* or shall be treated with a flame retardant in an approved manner and meet the flame propagation performance criteria of Test Method 1 or Test Method 2, as appropriate, of NFPA 701 *as listed in rule 1301:7-7-80 of the Administrative Code*, and that such flame propagation performance criteria are effective for the period specified by the permit.

OFC 3104.3

Label. Membrane structures or tents shall have a permanently affixed label bearing the identification of size and fabric or material type.

OFC 3104.4

Certification. An affidavit or affirmation shall be submitted to the fire code official and a copy retained on the premises on which the tent or air-supported structure is located. The affidavit shall attest to all of the following information relative to the flame propagation performance criteria of the fabric:

- (a) Names and address of the owners of the tent or air-supported structure.
- (b) Date the fabric was last treated with flame-retardant solution.
- (c) Trade name or kind of chemical used in treatment.
- (d) Name of person or firm treating the material.
- (e) Name of testing agency and test standard by which the fabric was tested.

OFC 3104.6

Smoking. Smoking shall not be permitted in tents or membrane structures. Approved “No Smoking” signs shall be conspicuously posted in accordance with *paragraph (J)(310) of rule 1301:7-7-03 of the Administrative Code*.

OFC 3104.12

Portable fire extinguishers. Portable fire extinguishers shall be provided as required by *paragraph (F)(906) of rule 1301:7-7-09 of the Administrative Code*.

1. *All tents and awnings with heating or cooking operations shall have a minimum of one 5lb. A-B-C portable fire extinguisher located within the unit and readily accessible by the operator of the unit.*
2. **904.12.5.2 Class K portable fire extinguishers for deep fat fryers.** When hazard areas include deep fat fryers, listed Class K portable fire extinguishers shall be provided as follows:
 - (a) For up to four fryers having a maximum cooking medium capacity of 80 pounds (36.3 kg) each: One Class K portable fire extinguisher of a minimum 1.5-gallon (6 L) capacity.
 - (b) For every additional group of four fryers having a maximum cooking medium capacity of 80 pounds (36.3 kg) each: one additional Class K portable fire extinguisher of a minimum 1.5-gallon (6 L) capacity shall be provided.
 - (c) For individual fryers exceeding 6 square feet (0.55 m²) in surface area: Class K portable fire extinguishers shall be installed in accordance with the extinguisher manufacturer’s recommendations.

Authority of the District Manager

1. All space assignments are made at the sole discretion of the District Manager. Space assignments may be changed from time to time by the District Manager.
2. The District Manager has sole authority for determining which products may and may not be sold at Findlay Market.
3. The District Manager is the final authority for settling disputes with and between vendors.
4. The District Manager may remove a vendor for violating market rules.
5. The Market Rules and Regulations can be amended at any time. Existing vendors will be given a 30-day notice of any changes. If a change is required to protect public health and safety, notice of the change will be given immediately and vendors will be expected to comply immediately.

Acknowledgement and Signatures

I have read the rules above and I agree to abide by them.

Vendor Signature: _____

Date: _____

District Manager: _____

Date: _____

TEMPORARY USE AGREEMENT

In consideration for and as a pre-condition to the undersigned (“Licensee”) obtaining from The Corporation For Findlay Market of Cincinnati (“CFFM”), the Ohio non-profit corporation responsible for managing historic Findlay Market (the “Market”), the temporary right to use space: in the Farmer’s Market shed, on north or south Elder Streets, on the Race Street Esplanade, on the Elm Street Esplanade, on Pleasant Street, on Elder Street between Race and Vine, in the market’s parking lots, or in the roll-up doors along north Elder Street (collectively “Part-time/Seasonal Vending Areas”) in the Market, Licensee agrees to the following terms and conditions:

1. Term: Depending on the specific location, the term of Licensee’s right to occupy space within the Part-time/Seasonal Vending Areas will be on a monthly basis. Licensee agrees that it has

- a. no expectation that the term will be extended or renewed, and
- b. no right to a specific location, regardless of how many times or for how long it has occupied a given space. All space assignments are in the sole and absolute discretion of CFFM.

2. Fee: Licensee agrees to pay the fee listed in the License Fee Schedule published by CFFM from time-to-time for the specific space to be occupied by Licensee. Licensee may, with CFFM’s permission, pay fees in advance, but doing so does not establish any right of occupancy longer than one month. If Licensee’s right to use the space is terminated prior to exhausting any fees paid in advance, the excess amount will be refunded to Licensee.

3. Use of Premises: Licensee will use space allocated to it only for commercial retail purposes, and to sell only the specific products for which it obtains pre-approval from CFFM. Licensee acknowledges that all spaces within the Part-time/Seasonal Vending Areas are open to the public and are not climate controlled. Licensee agrees that use of any space in the Part-time/Seasonal Vending Areas is at the sole risk of Licensee. Licensee is solely responsible for taking precautions against theft, damage or other loss of its products, equipment and other personal property, and for personal injury to Licensee, its employees, representatives and customers. Licensee agrees to save, hold harmless and indemnify CFFM and the City of Cincinnati, their employees, directors, officers, representatives and agents, from any and all claims by any person or persons for damages, injuries or otherwise arising out of or in connection with Licensee’s operations at the Market. Licensee agrees not to leave any personal property in its space at any time when Licensee is not physically present, without CFFM’s consent.

4. Rules and Regulations: Licensee agrees to abide by the rules and regulations that CFFM from time-to-time promulgates pertaining to the Part-time/Seasonal Vending Areas. Licensee acknowledges that it is familiar with the current rules and regulations, and that it is Licensee’s responsibility to remain familiar with the rules and regulations promulgated by CFFM from time-to-time.

5. Termination: Licensee’s right to use any space assigned to it may be terminated by CFFM at any time. If the usage is on a day-to-day basis, CFFM may simply assign the space to someone else or request that Licensee vacate without further notice. Where the usage is on a week-to-week basis, Licensee agrees to vacate the space upon receipt of five days advance written notice from CFFM. Upon receipt of such notice, Licensee will vacate the space entirely on or before the end of the fifth calendar day after receipt of notice. In the event that Licensee fails to timely vacate, CFFM has the right to remove all Licensee’s property from the space and either put such property in storage and charge reasonable expenses to Licensee or otherwise dispose of such property without further obligation to Licensee, all in CFFM’s sole and absolute discretion. Licensee acknowledges that the rights created under this Agreement do not constitute a lease of any kind, and that no formal eviction proceedings are necessary to remove Licensee from any space within the Part-time/Seasonal Vending Areas.

6. Limitation of Liability: CFFM will in no event ever be liable to Licensee for any incidental or consequential damages, including but not limited to loss of business or damage to Licensee’s business reputation.

7. Notices: Notices shall be effectively made when hand-delivered, posted within the Premises, or delivered by electronic mail, fax or postal mail at the following addresses:

Licensee: Primary Contact and address listed in market application

CFFM: Andrew Pytlik, District Manager

Address: PO Box 14727, Cincinnati, OH, 45250-0727

Email: apytlik@findlaymarket.org

Or at such address as either party may prescribe.

In submitting online application and or signing application above, Licensee acknowledges that this Agreement will remain in full force and effect, and binding upon Licensee and its affiliates, for any time and from time-to-time whenever Licensee undertakes to occupy space in the Part-time/Seasonal Vending Areas at the Market.

Licensee

Date

Findlay Market District Manager