

Chapter 31

PUBLIC MARKET

2:91. Market continued.

The Ann Arbor Public Market as heretofore located and established is hereby continued, subject to the right of the City of Ann Arbor, to relocate or discontinue the same.

2:92. Market manager.

The Public Market of the City of Ann Arbor shall be under the supervision and control of the Market Manager. The Public Market Advisory Commission shall have such powers and duties with respect to the Public Market as are specified in Chapter 8 of this Code. The Market Manager shall be responsible for the cleanliness of the Market and for the enforcement of the provision of this Chapter, the Market operating rules, and other provisions of this Code pertaining to the operation of the Market. The Market Manager shall attend the Market during all hours during which the same is open; shall see that no imposition is practiced by buyers or sellers; shall have authority to direct the arrangement of stalls and vehicles. The Market Manager shall be under the supervision of the Community Services Administrator or his/her designee.

(Ord. No. 42-98, § 2, 10-5-98; Ord. No. 27-04, § 1, 8-16-04)

2:93. Market days.

The Public Market shall be open at such times as prescribed by the Market operating rules, which shall be approved by the Community Services Administrator or his/her designee. Said rules may specify that any of the activities permitted on the grounds of the Market shall be restricted to a certain portion of the time during with the Market is open.

(Ord. No. 42-98, § 3, 10-5-98; Ord. No. 27-04, § 1, 8-16-04)

2:94. Persons who may use.

The Public Market may be occupied by persons who are offering for sale articles of their own raising or production. Any persons deemed qualified to be vendors at the Market may offer for sale and sell articles of their own production or raising and may do so either personally or by or through any member or members of their families, regular employees, or a member or members of the vendor's business corporation or partnership, so long as the family member, employee or business member is an active participant in the vendor's business. The qualifications of any person offering any article for sale shall be determined by the Market Manager in accordance with the Market operating rules. Vendors or vendor applicants may appeal the decision of the Market Manager to the Community Services Administrator or his/her designee as provided in the Market operating rules.

The Market may also be occupied by charitable, educational, or community service organizations. Any such organization desiring to use the Market shall first make application to the Market Manager specifying the name of the organization, the purpose of the organization, the proposed activity at the Market, and such other information as required by the Market operating rules. Any organization desiring to use the Market for charitable purposes shall, in addition to complying with the Chapter, comply with all other city requirements concerning charitable solicitations.

The Market may also be occupied by other organizations' use and private use through the permit application process in the Parks and Recreation Service Unit. Any uses must comply with any applicable Public Market Operating Rules and the Parks and Recreation Service Unit's Rules and Regulations.
(Ord. No. 42-98, § 4, 10-5-98; Ord. No. 27-04, § 1, 8-16-04)

2:95. Restrictions.

(1) No vendor shall sell or offer for sale any article according to weight except in accordance with the established standards for weight of the State of Michigan, and except by weighing the same with scales or weights in accordance with the laws of the State of Michigan, respecting weights and measures.

(2) No vendor shall sell, order or expose for sale any unwholesome or spoiled product or provision of any kind in said Market.

(3) No vendor shall attract attention to their articles, goods, wares, or merchandise, or to any other service or activity, by outcry in a loud and annoying manner.

(4) No vendor shall occupy any stall in which goods are to be sold without first obtaining a Michigan Sales Tax License or any other licenses required by law or the Market operating rules for the current year. No vendors shall fail to display prominently the number of such sales tax license in any location or stall on said Market occupied by them.

(5) No vendor shall permit any refuse, garbage, or trash of any kind to remain on or near their stall or location after the closing hour of any market day.
(Ord. No. 42-98, § 5, 10-5-98; Ord. No. 27-04, § 1, 8-16-04)

2:96. Stall assignments.

A season fee shall be charged for stall on said Market, the amount thereof to be determined by the Community Services Administrator or his/her designee upon the recommendation of the Public Market Advisory Commission, subject to approval by City Council after a public hearing. Stall space of no greater than a total of 3 numbered stalls may be leased for any season by any 1 vendor or business, except that 4 numbered stalls

may be leased by a vendor or business which was assigned for stalls on July 1, 1998. Vacant stalls shall be assigned on a daily basis according to the Market operating rules. Only 1 individual vendor or business entity, including but not limited to a business partnership, corporation, association, or combination acting as a unit shall be assigned a stall or stalls for the sales of articles raised or produced by that vendor or business entity. Stall assignments shall be made in accordance with the Market operating rules and shall be limited to locations on the Market and to sidewalk extensions bordering the Market proper. In the case of stalls to be used for charitable, educational or community service purposes, such assignments shall not be made until all assignments have been made for commercial vendors.

Fees for regular assignment of stalls shall be paid in full on or before July 1, or by an earlier date if so designated by the Market operating rules. Application for stall assignment must be made on or before June 1, or by an earlier date if so designated by the Market operating rules. Failure to pay the amount due for any stall when due shall constitute a forfeiture of previous payments and of all rights to the stall assigned and such stall may be reassigned to another applicant.

(Ord. No. 42-98, § 6, 10-5-98; Ord. No. 27-04, § 1, 8-16-04)

2:97. Responsibility of stallholders.

Each vendor or business assigned to any stall or location at the City Market shall be responsible for the same and no such stallholder shall permit any violation of this Chapter at such stalls or locations, nor shall they sublet their location or stall to any other vendor or business. No vendor or business shall transfer seniority rights for a stall or stalls except as permitted under the market operating rules.

(Ord. No. 42-98, § 7, 10-5-98; Ord. No. 27-04, § 1, 8-16-04)

2:98. Market operating rules.

The Community Services Administrator or his/her designee may promulgate Market operating rules relating to the operation and management of the Market to facilitate the administration of this chapter, not inconsistent with any laws, the City Charter, and this Code. The operating rules shall take effect in 30 days after they are filed with the City Clerk, unless City Council acts by resolution to change the operating rules.

(Ord. No. 42-98, § 8, 10-5-98; Ord. No. 27-04, § 1, 8-16-04)