

# **ISLAND FARMERS MARKET VENDOR AGREEMENT AND INDEMNIFICATION**

(2021)

This Vendor Agreement and Indemnification (this "Agreement") is made as of the date set forth herein below, by and between the undersigned vendor ("Vendor") and Saint Thomas Lutheran Church ("Church"). In consideration for the limited right to use an allocated space (the "Space") in the Church Parking Lot for the sale of goods at the Island Farmers Market ("Market") and the market manager services provided by the Church, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Vendor agrees as follows:

1. Rules of Operation. Vendor has received a copy of the Island Farmers Market Rules of Operation (the "Rules") and hereby agrees to comply with the Rules.
2. "As Is" Condition. Vendor has inspected the Space and agrees to use the Space in its "as is" condition;
3. Allowed Goods. Vendor will use the Space solely for the purposes of the Market to sell fresh fruits, vegetables, flowers, sauces, meats, cheeses, other food products and/or craft items. The Space shall not be used for any other purposes without the Church's prior written permission. No alcohol shall be sold.
4. Market Days. The Market will operate only on Fridays from June 11th to September 3rd, 2021 between the Hours of 4 and 7 p.m.
5. Set-Up and Teardown. By 3:30 p.m. on each Market Day, Vendor shall cause its stands to be erected in the Space. Vendor shall only erect stands for the purpose of selling goods to be erected on paved portions of the Space. By 7:30 p.m. on each Market Day, Vendor shall cause its stands to be disassembled and its Space to be cleaned of all debris. Vendor shall cause its Space to be restored to the condition it was in before the Market Day.
6. Refuse. The Church will supply garbage cans for public use. Vendors must provide their own waste receptacles. Bagged waste may be deposited in the Church dumpster after 7pm.
7. Insurance. In the case of some products (some meat, seafood, or dairy and all food cooked on premises) the Church may require the Vendor to have liability insurance. Prior to the first Market Day, Vendors with an insurance requirement shall provide a general liability insurance policy in an amount not less than \$1,000,000 naming the Church as an additional insured. Vendor shall maintain and provide all necessary proof of insurance required by the Church.
8. Indemnification. Vendor shall indemnify, defend, and hold and save the Church, and its respective officers, directors, agents and employees (together, the "Indemnified Parties"), harmless from any and all claims, suits, demands, debts, undertakings or proceedings of any kind or nature, whether meritorious or frivolous, in any way arising out of the Vendor's use of the Space, including liability caused in whole or in part by the

Indemnified Parties. Vendor shall, at its own expense, appear, defend, and pay all attorneys' fees and all costs and other expenses arising therefrom or incurred in connection therewith; and, if any judgment shall be rendered against the Indemnified Parties in any such action, Vendor shall, at its own expense, satisfy and discharge the same.

In Witness Whereof, the parties have executed this Agreement as of this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

VENDOR:

\_\_\_\_\_  
Vendor's Name

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

CHURCH:

St Thomas Lutheran Church

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Send Signed Forms to:

St Thomas Lutheran Church  
9393 Church Rd.  
Grosse Ile, MI 48138

Or scan and email to [office@stthomasgi.com](mailto:office@stthomasgi.com)  
Or call the church office at (734) 675-0005 for office hours.

## **Island Farmers Market Rules of Operation**

The Island Farmers Market is a public market where Vendors sell their products directly to consumers. St Thomas Lutheran Church manages the Market.

### **Location of the Market:**

The Farmers Market is located in the parking lot immediately West of the church building which is at the southwest corner of the intersection of Church and Meridian Roads on Grosse Ile. The Church is located at 9393 Church Rd, Grosse Ile.

### **Hours of Operation:**

The 2021 Island Farmers Market will operate every Friday from June 11th through September 3rd. Farmers Market hours are 4 to 7 pm.

### **Definition of “Vendor”**

A Vendor is a producer/grower who is offering for sale, products that have been raised or prepared by the Vendor, members of their family or employees:

- Products for human consumption, such as fruits, vegetables, edible grains, nuts, berries, apiary products, maple sugars, syrups, poultry, fish, meat, eggs and products for pet consumption.
- Non-edible products such as cut or potted flowers or plants, garden or kitchen items, food related products, or natural beauty items, and other items as approved by the Market Manager.

### **Farmers Market Rules**

Vendors and their employees must conform to the Market rules or will forfeit their space. The Market Manager has full authority to enforce the rules:

- Vehicles must be in place by 3:30 pm. After 3:30 pm, barricades are put in place and the lot will be open to pedestrian traffic only. Failure to arrive by 3:30 will forfeit the space for the day.
- Vendors must only sell products produced by them, their family or their employees.
- Vendors and their employees must, at all times, conduct themselves in a pleasant, courteous and respectful manner and must avoid unduly loud or vulgar language, drinking alcohol, being intoxicated or engaging in any behavior that is argumentative or belligerent. Attracting attention by hawking or calling out is prohibited.
- Vendors must obtain a current year Michigan State Sales Tax License<sup>2</sup> and/or Wayne County Temporary Food Establishment License<sup>3</sup>, as applicable, and prominently display the number of such license. (Produce and other foods may be tax exempt and not require a license. Vendors are responsible for verifying.)

- Sale of any type of meat, poultry, fish, refrigerated dairy product/baked goods must be approved by the Wayne County Health Department and must be kept refrigerated/frozen at all times, except for products covered by Michigan's Cottage Food Law.<sup>1</sup> Sale of spoiled or unwholesome products is prohibited.
- Vendors must weigh products in accordance with the established standards for weights in the State of Michigan. All scales must be in full view of the customer. The market committee recommends selling in a manner as to not need weights – such as “3 for \$1, or \$1 a bunch, etc.”
- All apiary products, maple sugars, syrups or any processed product must be labeled in accordance with Michigan State label standards.
- All items must be clearly marked showing prices in full view of customers. Signage should be limited to the allotted space.
- Vendors must furnish their own tables, chairs, refrigeration, display equipment and tents or shelter (in case of rain). Vehicles are not permitted in the sales area from 3:30pm until 7pm.
- Vendors are responsible for transporting and displaying food with adequate protection against contamination. All trucks, equipment and displays must be kept clean at all times.
- Vendors are responsible for and must remove all waste, garbage or refuse from their space after the market closes.
- Vendors shall not bring any pets or animals into the Market.

**Liability:**

St Thomas Lutheran Church is not responsible for theft or damage of property or equipment on Market premises

**Space Permits:**

Each 18' by 18' (approx.) permanent space (two lined parking spots) will be assigned for the entire season. Display may not extend beyond the allotted space. Season permits are not transferrable.

1 [https://www.michigan.gov/mdard/0,4610,7-125-50772\\_45851-240577--,00.html](https://www.michigan.gov/mdard/0,4610,7-125-50772_45851-240577--,00.html)

2 [https://www.michigan.gov/taxes/0,4676,7-238-43519\\_43529---,00.html](https://www.michigan.gov/taxes/0,4676,7-238-43519_43529---,00.html)

3 <https://www.waynecounty.com/departments/hhvs/wellness/food-service-licensing.aspx>

**ISLAND FARMERS MARKET  
APPLICATION TO SELL AND CONTACT INFORMATION.**

Date \_\_\_\_\_  
 Michigan Sales Tax License No. \_\_\_\_\_  
 [If license has not been received, give date of application for license:]

Business name \_\_\_\_\_

Contact \_\_\_\_\_

Address \_\_\_\_\_

Town \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

County \_\_\_\_\_

Email \_\_\_\_\_

Phone No. \_\_\_\_\_ Cell Phone \_\_\_\_\_

Website: \_\_\_\_\_

List products to be sold:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Market Dates: (Circle Dates Attending, 10 weeks counts as Full Season)

June	11	18	25		
July	2	9	16	23	30
August	6	13	20	27	
September	3				

**AFFIDAVIT**

I, \_\_\_\_\_, hereby agree to sell or offer for sale on the Island Farmer’s Market, only such items as listed above, as are my own production. Further, I acknowledge full responsibility for all activities conducted throughout the term of this permit and agree to hold St Thomas Lutheran Church harmless and to indemnify it from any and all claims arising under this permit.

\_\_\_\_\_  
Vendor’s Name Date

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Office Use Only:

\_\_\_\_ Application

\_\_\_\_ Certificate of Insurance

\_\_\_\_ Agreement and Indemnification

**VENDOR SPACE ASSIGNMENT**

Assignment will be done as fairly as possible. Often, vendors with similar products want to be separated and sometimes, particularly with ready-to-eat food, being together is beneficial. With a small number of vendors, that can be difficult to guarantee.

Season Space Assignments will go as follows:

1. Full Season Vendors (10 or more days), by number of seasons with the market (not a factor this year), by order of application received.
2. Part Time Vendors, by number of days vending, by seasons with the market (not a factor this year), by order of application received.

Priority will be to maintain a "full" vendor area while alternating product types. Full rows attract more customers which attract more vendors which attract more customers.

**MARKET ATTRACTIONS**

The Church is applying for grants for funding for live music at the market. We are also investigating the possibility of having a food and/or beverage truck on site for the market. Developments will be communicated to vendors as early as possible by email.