



# **2011/2012 Daystall Rules & Regulations**

for the

**Pike Place Market  
Preservation and Development Authority**

*Last Amended & Approved April 28<sup>th</sup>, 2011*

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## I. RULES COMMON TO ALL DAYSTALL TENANTS

### A. Mission Statement

The purpose of the Pike Place Market's Daystalls are to uphold the Market's founding tradition of "Meet the Producer" by providing both farmers and craftspeople an opportunity to sell farm-produced or handmade items directly to the consumer; to provide a wide variety of farm products and handmade arts and crafts for shoppers; and to provide direct marketing opportunities for new farmers and craftspeople to pursue their livelihoods. Both farm and craft businesses are an integral part of the Market's overall economic and social communities.

Daystall management policies are intended to provide a framework for achieving these purposes; to foster an environment where individual farmers, artists and craftspeople can succeed economically; to provide equitable business opportunities; and to maintain a diverse mix of products offered for sale by producers.

The Rules and Regulations necessarily refer to the use of Market Master discretion in the interpretation and application of rules and direction of Daystall operations. Under the agreement between the PDA and the City of Seattle for the operation of the Daystalls, the authority for use of this discretion lies with the PDA Executive Director. The Executive Director authorizes the Daystall Manager, Market Master or Market Master Assistant to exercise such discretion in the course of daily administrative duties. Discretion shall be exercised in a manner designed to fulfill the intent of these rules.

Farmers are given the highest priority for use of the Market's Daystalls, providing an opportunity for growers to market directly to the consumer; the sale of food and fresh farm products receives the greatest emphasis. Daystall Rules reflect this use priority, recognize the different needs and nature of farm businesses, and provide guidelines for the continued operation of the Daystalls as a farmers' market.

The PDA acknowledges the rightful and permanent position of handmade arts and crafts as an integral use of the Market's Daystalls. The Daystall Rules seek to encourage successful crafts businesses, promote a unique, diverse mix of handmade products, maintain standards of artistic involvement by the producer, as well as to provide opportunities for incubation of new crafts businesses on the Daystalls.

Performing artists add to the festive character of the Market and contribute to a unique shopping opportunity for Market customers. The PDA's mission with regard to performers is to maintain location limitations within the Market where performing artists may entertain Market shoppers in a fashion consistent with and complimentary to the needs of the Market's commercial business activities and Market residents, while maintaining safety and public access to market businesses.

## **B. Definitions**

These definitions apply to terms used within these Rules and Regulations. For example, when the term “farmer” is used, it refers to a Market farmer who meets the terms of the definition below.

### **1. Daystall**

- a. “Daystall” means any space, booth, stand, table, box, shelf, or other device rented by the day from the Authority for the purpose of selling or offering for sale any article or service in the Market. Two Daystalls assigned to a farmer shall constitute a standard Farm Table; one Daystall assigned to an artist or craftsperson shall constitute a standard Craft Table.
- b. All Daystall space in the Market other than on the Desimone Bridge, the west side of the Market arcade north of the Desimone Bridge and the slabs between the arcade and Virginia Street shall be farm priority tables where farmers selling permitted farm products have first priority. Farmers may also sell supplemental farm products subject to restrictions on the time and the amount established by the rules and regulations of the Authority. In establishing such restrictions, the Authority shall take into consideration traditional practices and the traditional distinction between the growing season and the off-season.
- c. All Daystall space in the Market on the Desimone Bridge, on the west side of the arcade north of the Desimone Bridge and outside slabs between the arcade and Virginia Street shall be craft priority tables where Artists and craftspersons selling permitted merchandise and grandfathered vendors selling the merchandise set forth in Appendix A shall be given first priority for space.
- d. Artists, craftspersons and grandfathered vendors shall have second priority for selection of space on farm priority tables; farmers shall have second priority for selection of space on craft priority tables.
- e. Table Size and Area: Permanently constructed Daystalls shall be of approximately uniform frontage taking account of architectural features. Each Daystall shall have frontage on the Arcade of at least four feet. A Daystall may exceed this size by as much as one and one-half feet if the Market Master determines that this extra space is required because of the placement of columns or other architectural barriers.
- f. The Market Master shall clearly mark the dividing lines between Daystalls. If the Market Master determines that it is in the best interest of the vendors and the public, he or she may create additional, temporary Daystall space on property owned or managed by the PDA or on other overflow locations as designated by the PDA with the prior approval of the MHC. Such temporary space will provide approximately the same amount of selling space to the vendor, but the vendor may be required to provide his or her own structure from which to display and sell permitted merchandise.
- g. “Market Master Discretion” allows that the Market Master may make judgments or issue directives that honor the intents of the Daystall rules on infrequent instances when a situation is either not directly addressed in the rules or the application of a rule is judged to be significantly in conflict with the intent of the rules.

### **2. Fresh Produce**

Fresh Produce means permitted farm products that are edible, freshly harvested, and perishable in a short time period once offered for sale, and sold in raw, not processed, form - especially fruits and/or vegetables.

### **3. Market Master**

The Executive Director and/or his/her designee.

#### 4. Permit Holder

##### a. Farmer

- 1) A farmer is a person who makes or intends to make a substantial portion of his or her income from producing permitted farm products, and whose primary goal is to make a living from farming. A farmer must have ownership or leasehold rights to the land being farmed during the entire growing season (April 19 through October 14), or must have use rights pursuant to the government-sponsored or non-profit training program whose purpose is to aid farmers in full-time farming endeavors. The farmer must also possess all required Permits and/or licenses.
- 2) The “farmer” on a permit may include family members as provided in Section II.A.1.b.7) of these rules. A “farmer” may consist of a corporation, partnership or joint permit, provided that the person holding the largest number of shares in the corporation meets any applicable attendance requirements for farmers.
- 3) *Rule Intent and Application:* The definition of “farmer” is designed to encourage a wide variety of growers/producers to sell directly to the consumer at the Market as a means to support and build his or her farming business. The Market farmer is not a hobbyist or backyard grower who wishes to sell in the Market as a sideline or means of supplementing his or her primary source of income. While no single standard to differentiate qualified Market farmers will apply to all cases, the PDA staff will consider the farmer’s gross income from farming, acreage or appropriate measure of space and equipment for conducting their farm business, and requirement for different types of farm businesses in issuing farmer permits. The Market Master may also request the assistance and advice of existing Market farmer and other farm experts in evaluating permit applications.

##### b. Artist/Craftsperson

- 1) An artist or craftsperson is an arts/crafts permit holder who produces individually handcrafted items in accordance with the definition of and standards for permitted merchandise. An artists/craftsperson is intimately involved in the design and production of the items specified on his or her arts/crafts permit.
- 2) *Permitted Merchandise:* An item of permitted merchandise must be a handmade article which results from the combining of a variety of materials, creative energy and skill. Within each category of handmade articles, the requirements for “handmade” will vary. Accordingly, the requirements for “permitted merchandise” are further set forth below, in the section entitled “Standards for Permitted Merchandise.”
- 3) *Agent:* An agent is an individual employed by an arts/crafts permit holder for the express purpose of selling the permit holder’s permitted merchandise at the Market. Agents are regulated by the specific rules within the section entitled “Use of Agents,” Section I.G.
- 4) *Assistant:* An assistant is an individual employed by the permit holder to assist the permit holder in making permitted merchandise. An assistant must work under the direct supervision of the permit holder. Use of assistants is regulated by the specific rules within the section entitled “Use of Assistant,” III.C.
- 5) *Arts/Crafts Seniority List:* The Arts/Crafts Seniority List defines the order of seniority for arts/crafts permit holders. Those permit holders selling in the Market the longest have the lowest numbered (most desirable) positions on the Seniority List. The Market Master shall revise the Seniority List periodically to reflect changes in the permit holders selling at the Market. The Seniority list will be used in making Daystall assignments to all arts/crafts permit holders, as specified below in the section entitled “Table Assignment Procedures for Arts and Crafts,” III.F.

c. Performer

- 1) Performer means any person or group of persons who plays musical instruments, sings, dances, speaks or otherwise provides entertainment in the Market other than in space leased to merchants, when donations are sought or received for such performances. Commercial vending of products is not considered a “performance” and as such vendors do not qualify as “performers” under these rules and regulations.
- 2) Performers may receive donations and recordings by musicians can be available for sale; however, performers are prohibited from active solicitation of donations and from active sale of any product associated with the performance.

**5. Seniority**

Seniority means the number of years a farmer or craftsperson has maintained a permit to sell in the Market and the frequency of attendance of the permit holder, as further defined in the Daystall Rules and Regulations. Seniority is an administrative tool used in the assignment of Daystall space and the calculation of seniority may differ by priority group. Seniority shall not confer a guarantee of space or specific Daystall location to the permit holder. Seniority shall rest with the permit holder based on compliance with rules and regulations as such, may not be assigned, shared or transferred other than as permitted in the Daystall Rules and Regulations.

**6. Week**

Week for the purpose of determining seniority means the seven-day period that begins with Sundays and ends with Saturdays.

**C. Rates & Fees**

**1. Permits**

- a. Farmers \$35 annual permit- \$25 in 2005; \$35 in 2006.  
*This is paid with permit application.*
- b. Crafts \$35 annual permit-due March 1<sup>st</sup> of each year.  
\$35 off-season permit-due January 2<sup>nd</sup> of each year.
- c. Performer \$30 annual permit.

**2. Rental Rates for Day Tables**

	<u>Monday – Thursday</u>	<u>Friday</u>	<u>Saturday</u>	<u>Sunday</u>
a. <b><u>Off-Peak Rates</u></b> <i>(January-March)</i>	\$ 6.10	\$16.10	\$21.10	\$11.10
b. <b><u>Shoulder Season Rates</u></b> <i>(April-May) &amp; (October-December)</i>	\$11.10	\$21.10	\$31.10	\$21.10
c. <b><u>Peak Season Rates</u></b> <i>(June-September)</i>	\$12.10	\$28.10	\$33.10	\$31.10

**3. Other Fees**

- a. Returned check fee \$25.00 for each instance plus bank charges.

**4. Change in Rates and Fees**

- a. Rental rates are subject to change annually effective April 1<sup>st</sup> of each year.
- b. Permit fees may be adjusted annually effective January 1<sup>st</sup> of each year.
- c. Payment of all rates, fees and permits is required as a condition of operation of permit.

**5. Payments**

- a. Payment of all daily rental fees, monthly locker or cooler rent, and any other incidental fees incurred, will be due by the 20<sup>th</sup> day of the month for the prior month. A statement of charges will be mailed to all permit holders by the 5<sup>th</sup> day of each month, for the prior month's activity. Accordingly, if any installment of rent or any other sum due from permit holder shall not be received by the PDA or PDA's designee by the end of business hours on the 24<sup>th</sup> day of the month, the permit holder shall pay to the PDA a late charge equal to five percent (5%) of such overdue amount or \$25.00, whichever is greater. *(Note that since these are daily charges, the period covered by the bill will be from the 1<sup>st</sup> of the previous month to the 31<sup>st</sup> of the previous month.)*
  - i. The permit holder will not be assigned a table if payment is not received by the 5<sup>th</sup> of the month following the billing. In order to be eligible for table assignment all current charges must be paid. The permit will be considered abandoned if full payment has not been made in 60 days. Appropriate written notification warning of pending abandonment status will be delivered to permit holder(s).
  - ii. Tenants who are past due to the point of being ineligible for set up 3 times in any 12-month period, may be placed on a mandatory structured payment plan at the discretion of the Market Master.

- b. Fee Payment Procedures: Check or money order payments may be made during PDA office hours, 8:00 AM-5:00 PM, Monday - Friday, or via the U.S. Postal Service. Otherwise, cash payments will be accepted Monday - Friday during the hours that the cashier window operates.
- c. *Rule Intent*: This rule is intended to encourage craft business success and independence, and to discourage chronic late payments and business failure. Daystall staff will work with tenants to set up payment plans in cases of extreme hardship.

## D. Operating Rules

### 1. Display Standards

- a. *Visibility*: Table displays must be assembled in a manner which allows clear visible access to adjoining stalls. In general, displays may not exceed a height of twelve inches in front, except where the item being displayed exceeds those dimensions. In all cases, the Market Master may use his or her discretion in allowing higher displays where such displays will not obscure surrounding merchandise or interfere with adjoining stalls.
- b. *Temporary Display*: Daystall users may affix temporary display structures to the lighting superstructure above the Daystalls if the temporary display:
  - 1) Is completely removed at the end of the day;
  - 2) Does not obscure surrounding merchandise; **and**,
  - 3) Does not weigh more than five (5) pounds (total weight of display plus products).
- c. Table signs are permitted so long as they do not obscure adjoining stalls. If a sign is hung from the Daystall superstructure it will be considered a temporary display fixture and will be subject to the restrictions stated above.
- d. Nails, thumb tacks, and screws may not be used to attach displays to Market property.
- e. All tape must be completely removed at the end of the day.
- g. Use of Utilities
  - 1) *Electricity*: Electrical outlets or other sources of electricity near Daystalls may be used only with permission of the Market Master. The Market Master may deny such use if it results in excessive circuit loads and may also require an additional fee for such use. These outlets are intended for lighting fixtures, farmer scales and credit card machines only. Plug-ins may not exceed 300 watts per outlet. Heaters or fans are NOT permitted.
  - 2) *Light fixtures*: Permit holders and their agents may not remove or replace any of the lights from any fixture in the area encompassed by Market Daystall tables (the 2<sup>nd</sup> and 3<sup>rd</sup> sections, the Dry and Wet Sides of the North Arcade, the Desimone Bridge, the Inside Slabs and the Dog Leg).
  - 3) *Phone Outlets*: The phone jacks behind Market day tables are for credit card purchase verifications and 911 emergencies only.
- h. The Market Master may, in his or her discretion, require removal of a display or a temporary display structure.
- j. All vendors erecting canopies or umbrellas must securely anchor each canopy leg or umbrella with no less than 24 pounds.

## 2. Sanitation Requirements

- a. *Applicable Laws and Ordinances:* All places where food is stored, sold, or handled in the Market shall be constructed, maintained and operated in a sanitary manner in accordance with the requirements of all applicable state laws, city ordinances, and Rules and Regulations of the Authority.
- b. No smoking is permitted behind Daystalls or in the covered areas of the Market.
- c. *Cleanliness:* Daystall tenants shall keep the premises in a neat, clean and sanitary condition. Daystall tenants shall make repairs necessary to correct damage caused by permit holder or agents use. Minor damage shall be corrected immediately; the Daystall tenant shall coordinate with the PDA with respect to any needed major repairs.

## 3. Conduct of Business

### a. Business Hours

#### 1) Opening Times:

Farmers are required to set up on Market Daystalls by 9:00 am, or they will forfeit their space. If a farmer has reserved space to sell for the day, and will be later than 8:30 am, they are required to contact the Market Master via the Market Master cell phone no later than 8:30 am. Craftspeople are required to set up on Market Daystalls by 11:00 AM or forfeit their space.

#### 2) Closing Times:

Farmers are required to be open for business until at least 4:00 PM or until product is sold out. Craftspeople are required to be open for business at least until 4:00 PM each day.

All vendors are to complete business and clear their area for daily clean up by building staff no later than 6:00 PM.

#### 3) Summer Season Closing Times:

During the months of June, July, August, and September, all vendors are to complete business and clear their area for daily clean up by building staff no later than 7:00 PM. On Thursdays, Fridays and Saturday of these months, craft businesses shall remain open for business until at least 5:00 PM.

### b. Roll call shall be held every day on which the Market is open, at the north end of the North Arcade.

From January 1 through April 30, roll call will be held at:

9:30 AM on weekdays, and  
9:00 AM on Saturdays, and  
10:00 AM on Sundays.

From May 1 through December 31, roll call will be held at:

9:00 AM everyday.

### c. All Daystall tenants must dismantle their displays without interfering with normal lock-up and cleaning procedures (6:00 PM October - May; 7:00 PM June - September).

### d. Standards for Behavior

These standards apply to craftspeople, farmers and agents. Behavior standards for performers are included in Section V. Specific Requirements for Performers.

- 1) No Daystall tenant or his/her agent shall treat any person in a manner that is rough, menacing, vulgar, profane or abusive.
- 2) Babies and children are permitted behind Daystalls while their parents sell as long as they do not create a nuisance or disturbance to others.

- 3) No animals are allowed behind Daystalls.
  - 4) Trading of assigned tables must be approved by the Market Master.
  - 5) No Daystall tenant or his/her agent shall smoke in covered arcades or drink alcoholic beverages behind the Daystalls. Permit holders and their agents may not smoke within 25 feet of an open Daystall business or the roll call board.
  - 6) No Daystall permit holder, agent or performer shall be under the influence of illegal drugs or alcohol while selling or performing at the Market.
  - 7) The Market Master may do all things necessary and proper to enforce and carry out these Rules and Regulations.
  - 8) Permit holders and their representatives are expected to immediately comply with requests of the Market Master and Market Security.
  - 9) *Non-Interference Clause:* Displays, demonstration of goods, marketing techniques, and any other actions or behaviors of the permit holder or their representative(s) must be conducted in such a way as to not interfere with the normal conduct of business at adjoining or nearby stalls, or Market operations. This clause also requires proper storage of belongings and bins (as specified by the Market Master) and the cooperation with Market staff needing access for the conductions of maintenance. If the Market Master determines, in his or her discretion, that any of these behaviors are interfering with the normal conduct of business, the Market Master may require that such behaviors be modified or stopped, either temporarily or permanently. Failure to comply with the Market Master's request to have the behaviors modified or stopped may result in a violation.
    1. Sales practices shall not disrupt neighboring businesses. Examples of situations when the Market Master may require someone to stop a disruptive sales practice:
      - a. Calling aloud to passers-by who have not yet expressed interest in vendor's goods.
      - b. Advertising or attempting to sell goods in the common area rather than from behind the day table.
      - c. Violation of display guidelines.
- e. Customer Service Standards
- 1) All food offered or sold to the public in the Market must be safe, wholesome and from approved sources in accordance with the provisions of Ordinance 117001 and other applicable laws and regulations, as now or hereafter amended. It is not permitted to sell or offer for sale anything that is of a filthy, unwholesome or deleterious nature; or, to resort to trickery, concealment, artifice, or untruth for the purpose of concealing or misrepresenting, or to conceal or misrepresent the true quality, size, weight, number, volume, or value of produce, goods, wares, or merchandise sold or offered for sale; or, to resort to any unfair dealing or to cheat any person in any manner whatsoever.
  - 2) No permit-holder may hold a "going out of business sale" without providing the Market Master with prior notice of his/her intent to leave the Market and abandon his/her permit and accrued seniority within 30 days.
  - 3) All products offered for sale must be safe, have a decent life expectancy and exhibit quality of construction.
  - 4) All customers are to be treated with courtesy and respect.
  - 5) Vendors are encouraged to display prices of products offered for sale.
  - 6) Vendors shall have written refund and exchange policies at their day table.
  - 7) Vendors shall provide a receipt to customers on request.

- 8) Customer complaints that cannot be resolved amicably on-site shall be immediately referred to the Market Master office for handling.
  - 9) Crafts vendors or their agents are required to have the permit holder's business cards or the equivalent, including the permit holder's phone number, posted in a place where the customer can see it.
  - 10) Farmers or their agents are required to have a sign showing their name and/or the name of their farm and their farm's location, specifying city and state, posted in a place where the customer can see it.
  - 11) Farmers must locate their scales in a manner so that the customer not only has a clear view of the scale but can also see the measure and price registered on the scale.
- f. *Violation of Federal, State, and Local Laws and Ordinances:* No Daystall tenant shall conduct Market-related business in violation of any city ordinance or state law, including those related to consumer protection or public health and safety.
  - g. *Non-Transferability:* No Daystall permit or seniority position may be sold, traded, bartered or otherwise exchanged. Daystall permits are not considered to be property and are absolutely non-transferable. A Daystall tenant cannot own or operate a commercial business leasing space within the Market Historical District.

## **E. Permit Holder Attendance Requirements**

### **1. Minimum Permit Holder Attendance Requirements**

- a. *Farmers:* Any farmer employing an agent must sell in person at his or her rented Daystall at least one day in any week in which the agent sells for that farmer at the Market. The person selling as the farmer must be either the permit holder, an immediate family member or anyone actively involved in the cultivation of the farm.
- b. *Crafts:* In order to maintain a position on the seniority list, a permit holder (or his/her designated agent) must sell at the Market a minimum of two days each week. If on a Sunday, Monday, Tuesday or Wednesday a permit holder attends roll call and all permanent Daystall space and outdoor slabs have been assigned, the permit holder has the option of not setting up to sell and that day will count toward the two day attendance requirement, provided that the permit holder receives written verification from the Market Master at the end of roll call.
  - 1) In addition, the permit holder answering roll call in person may not employ an agent on one of these days and must spend his or her time actually selling at the Daystall and meeting the customer.
  - 2) Each member of a joint permit must fulfill these same requirements at least one day every two weeks.
  - 3) In order to sell on a Saturday, a permit holder or off season permit holder (or his/her designated agent), must sell at the Market a minimum of two weekdays preceding the Saturday on which he/she wishes to sell each week.
  - 4) Permit holders receive eight (8) weeks of vacation time per calendar year. During a week of a permit holder vacation, a permit holder may elect to work one weekday to qualify to sell on that Saturday, if he or she is not using an agent to sell for them during that week.

After a permit reaches a tenure of 20 years, and additional week of vacation will be earned each year. After 25 years, a second additional week of vacation will be earned each year.
  - 5) Art/craft permit holders can carry over up to, but no more than, eight (8) weeks of vacation time into the New Year.
  - 6) A crafts permit holder will be designated a Senior Crafts Permit Holder on their 30<sup>th</sup> anniversary date of selling at Pike Place Market. A Senior Crafts Permit Holder will only be required to sell at the Market one (1) day a week to maintain their position on the seniority list. They will still be required to sell at the Market a minimum of two (2) weekdays to sell on a Saturday.
  - 7) A permit holder may generate an additional vacation week by operating their business a consecutive Monday, Tuesday, Wednesday block in a week during the months of January, February, or March. This week must include at least one day of attendance for the permit holder. Up to two such vacation weeks may be created in a given calendar year. (This rule proposal will be reviewed April 2008 for effectiveness.)
- c. *Attendance of Permit Holder:* For the purposes of a) and b) above, attendance requirements for the week will have been met when the permit holder (either farmer or crafts):
  - 1) Is present at the time of table assignment that morning, and
  - 2) Is present and selling at his/her day table for a minimum of five (5) hours, and
  - 3) Is present while the booth/display is closed down at the end of the day.

**OR**, if the permit holder is a farmer,
  - 4) Present and selling at his/her day table for a minimum of eight (8) hours, and is either present at the time of table assignment or when display is closed down at the end of the day.

- d. Any variation from the above operation requirements must be approved in advance by the Market Master.
- e. Sabbatical leave may be granted at the Market Master's discretion. Sabbaticals are typically for twelve (12) months. Sabbaticals require a written request by the permit holder and written approval by the Market Master. The intent of a sabbatical is for further study of the permit holder's art or craft. Permit holders shall not accrue seniority while on a leave of absence. Medical leaves of absence may be granted at the Market Master's discretion for a period of time up to twelve (12) months. Medical leaves may be granted for serious illnesses or injuries which prevent permit holders from fulfilling their attendance requirements and require written documentation by a doctor attesting to the permit holder's injury or illness. Permit holders requiring repeated or frequent excused absence from attendance for medical reasons may be required to review their attendance record with the Market Master and the outcome of this review will influence the Market Master's decision regarding granting further medical leave.

Severe medical conditions requiring extended leave will be addressed on a case-by-case basis. Circumstantial factors will be weighed including severity of documented condition, tenure of the permit, and demonstrated effort of the tenant to meet their attendance requirements. Any person exceeding their approved leave of absence without prior written approval of the Market Master shall be considered to have abandoned their permit. Except in the case of approved extended medical leaves or extenuating circumstances, as determined by the Market Master, no crafts permit holder shall accrue seniority while on a leave of absence.

- f. Failure to meet the above operation requirements without written verification of illness or other reasonable explanation will result in an unfavorable change in position on the seniority list.
- g. If a permit holder is absent from the Market because of prolonged illness, the permit holder must present written verification of that illness within one week of his or her return to the Market.

## **F. Table Assignment Procedures**

The Market Master will assign table spaces each day according to these procedures. Individual farmers, artists, grandfathered vendors and craftspersons may rent one or more adjoining stalls as permitted by the Rules and Regulations of the Authority. When a user rents more than one Daystall, the rental rate for the additional Daystall or stalls may be different from the rental rate for the initial Daystall provided, however, that the rental schedule shall not discriminate between individual farmers, artists, craftspersons, or grandfathered vendors.

### **1. Standard Farm Table Assignment**

- a. Unless otherwise provided by these rules, each farmer is assigned a standard space of two Daystalls. Farmers selling a diversity of fresh produce may be assigned three adjoining Daystalls, if surplus Daystalls for which farmers have first priority are available with all farmers assigned two Daystalls. During the Holiday season, farmers may be limited to less than two tables if, in the estimation of the Market Master, doing so would benefit the seller, community, and consumers without undue hardship on the farmer.

### **2. Assignment of Less Than Two Daystalls to Farmers**

- a. Farmers selling only one type of item or selling products which require a limited amount of display space are encouraged to take only one table during the holiday season from Thanksgiving through December 31 in order to accommodate additional artists and craftspeople during busy times. During this time period the Market Master may require a farmer to take less than two Daystalls, if, in the Market Master's estimation, doing so would benefit the seller community without undue hardship to the individual farmer. Guidelines for such decisions are further identified in Section II.D.
- b. In exercising Market Master discretion, the Market Master will consider the factors below.

### **3. Allocation of farm priority tables during the holiday season (Thanksgiving – New Years)**

On those days when combined demand for farm and craft Daystalls is expected to exceed capacity of interior spaces some farmers may be assigned less than two table spaces for the purpose of accommodating as many vendors inside as possible, while allowing as many farmers as possible to have standard two table selling space. The Market Master and his/her designee shall have the sole discretion in final table assignments, but shall seek to apply the following principles in addition to the farmer's preference of table location:

- a. Larger spaces will generally be assigned to growers with multiple varieties of fresh fruits and vegetables.
- b. The Market Master will consider the functional facilities provided at each table in deciding where farmers can be best accommodated with reduced table space, (i.e. table depth, back area, back bench space in addition to table frontage).
- c. Farmers selling multiple varieties of fresh products will generally receive more space than those selling only one crop.
- d. If there is an abundance of a particular farm product at any given time, growers at that time may be required to take less space to ensure that a variety of foods are available for sale.
- e. Processed food farmers selling on the dry side may be reduced to accommodate the maximum number of growers not needing tables with water.
- f. Growers selling only non-edible items will receive the least consideration for allocation of a second table.
- g. When practical, farmers will be asked if they wish to share space (i.e. 3 Daystalls for 2 farmers).

#### 4. Assignment of Additional Farm Tables

- a. The Market Master may assign three four-foot tables to some farmers (at the Market Master's discretion) for the purpose of displaying bedding plants in the spring months (March 1 through Memorial Day) and bulky crops in the fall (September 1 through Thanksgiving).
- b. The Market Master may allow for farmers who sell a diversity of fresh produce (and nothing else) the assignment of a third table inside the arcade. Farmers who wish to sell a diversity of fresh produce in combination with other products will be able to sell from larger overflow spaces, separate from those provided for Organic Wednesdays, provided outside of the arcade. The Market Master shall use his/her discretion in determining if a farmer is providing adequate diversity of product to qualify for this extra space.
- c. Any farmer may be assigned a third table, restricted to sale of a diversity of fresh produce. First preference will go to strictly fresh food, second preference to farmers selling fresh edible produce with other edible products, and third preference to farmers selling food and non-edible farm products. In any event, qualification for a third table assignment will require that the farmer offer for sale and maintain throughout the day a minimum of one Daystall space exclusively for the sale of a diversity of fresh produce.
- d. Prior to the Market Master's assignment of a third table inside the arcades to farmers selling a variety of fresh produce in combination with other farm products, the Market Master shall estimate whether adverse weather conditions will make uncovered outside selling spaces unsuitable for Daystall operations. On days when this appears to be the case, the Market Master, in his/her discretion, may first limit the number of third tables allocated to farmers inside the arcade to those selling only a diversity of fresh produce; and, thereafter, may limit the number of third tables assigned inside the arcade, if necessary to provide selling space undercover for expected craft permit holders who are subject to attendance requirements.
- e. *Rule Intent:* Table assignment procedures are designed to accommodate as many craftspeople and farmers as possible on any given day. In offering the farmers the potential to use a third table, the PDA seeks to maintain the historic availability of fresh produce on the Market farm tables. The Market Master is encouraged to offer as often as possible the use of a third table for the express purpose of continuing this tradition of fresh, edible produce. This opportunity is inclusive of those farmers selling two tables of fresh and/or dried flowers and who would like another table for the purpose of selling a diversity of fresh, edible produce.
- f. After the farmer table assignments, arts/crafts permit holders shall have the opportunity to choose an additional Daystall from those which remain unassigned, according to procedures established by the Market Master, depending on the number of permit holders seeking additional tables, which remain unassigned at the end of roll call.

**G. Use of Agents**

**1. Farmer**

- a. The Authority may require any permit holder desiring to have a representative agent at a Market stall to file with the Market Master a copy of the contractual agreement between the farmer and the agent.
- b. An agent may sell for only one permit holder on any given day, with the exception that a single agent may represent two farmers on one table for a single period not to exceed two weeks per year.
- c. Any farmer employing an agent must sell in person at his or her rented Daystall at least one day in any week in which the agent sells for that farmer at the Market.

**2. Craftsperson**

- a. An arts/crafts permit holder may employ an agent in order to sell his or her products.
- b. The permit holder may file in writing with the Market Master the name of any designated agent authorized to represent the permit holder.
- c. An agent may work for a permit holder during the permit holder's absence, provided that the permit holder meets the requirements for selling a minimum number of weeks at the market as specified above.
- d. An agent may represent only one or two permit holders on any given day. If an agent represents two permit holders, the agent may choose two Daystalls when the second number is called.
- e. An agent may be allowed to work for a permit holder while the permit holder is on a documented medical leave of absence not to exceed nine weeks, provided that the Market Master receives documentation from a doctor stating the permit holder is able to continue to make his/her product but unable to work in the Market.
- f. A craft permit holder may serve simultaneously as his or her own vendor and as a sales agent for another permit holder year-round. In choosing table space, the seniority of the less senior permit holder shall be recognized. This rule shall have no effect on attendance rules for permit holders.
- g. During the off-season (January through April) off-season vendors may employ agents under the following conditions:
  - 1) The permitted off-season permit holder must sell in person one day of any given week that the off-season permit is operated. Any week this condition is not met, all points accrued for that week will be lost, and is a violation of the rules.

## H. **Administrative Guidelines Regarding Enforcement of Rules**

### 1. **Enforcement and Sanctions**

In cases where a rule violation has occurred or is occurring, it is the goal of PDA staff in enforcing Daystall Rules to achieve voluntary compliance by the tenant(s) upon request by the Market Master. In general, sanctions will be imposed only in cases where the tenant has not complied or the violation is recurring. Sanctions may be imposed by the Market Master, including remedial sanctions consisting of required reimbursement of the additional cost incurred by the PDA as a result of the violation, suspension or revocation of Daystall or performer permit, reflecting the severity of the violation, and record of past incidents. In the event that sanction would result in loss of permit holder's ability to sell at the Market, decision is subject to appeal according to the following procedures.

### 2. **Suspension and Revocation of Daystall or Performance Permit**

a. *Procedure:* In making a finding that a permit holder has violated the terms of these rules and regulations, the Market Master shall comply with the following procedure:

#### 1) Notice of Grounds for Belief that Violation Has Occurred:

When the Market Master has reasonable grounds to believe that a violation has occurred; he/she shall notify the permit holder in writing of the suspected violation. Such Notice shall specify the nature of the violation, the section of these Rules and Regulations that applies to the violation and the date or dates of the violation. To the extent that the Market Master is relying upon witnesses to the violation other than the Market Master, the Notice shall identify those witnesses.

a) The Notice shall inform the permit holder that a finding of violation may result in suspension of the permit for a period of time as specified under Section I.H.2.b) or, if the violation is of a nature that may result in revocation of that permit, that a finding of violation is of a nature that may result in revocation of that permit. If the Market Master intends to consider prior findings of violation in setting the appropriate penalty, the Notice shall specify those prior findings of violation. The Notice shall inform the permit holder of the permit holder's right to a hearing before the Market Master in which the permit holder may present explanations, objections, or defenses.

b) Notice shall be delivered to the permit holder or his/her agent if either is present at the Market. If deliver is to an agent, the Market Master shall also mail a copy to the permit holder at the address on file with the Market Master. If neither the permit holder nor his/her agent is at the market, the Market Master shall mail a copy of the Notice to the permit holder at the address on file with the Market Master.

#### 2) Hearing on Violation

The permit holder shall have the right, within five (5) working days of delivery of the Notice to the permit holder, or within seven (7) working days of mailing if the Notice is mailed to the permit holder, to request a hearing before the Market Master. The hearing shall be held within three working days of the day the Market Master receives the request, and, to the extent practicable, shall be at a time agreed to between the Market Master and the permit holder.

a) At the hearing, the Market Master shall set forth the basis for his/her belief that a violation has occurred. The Market Master is not required to present witnesses, but, rather, may relate what the Market Master has been told by witnesses and the Market Master's understanding as to the basis for the witnesses' statements. The permit holder shall be entitled to give explanations, objections, and defenses and, within the reasonable time limits set by the Market Master, shall be entitled to present witnesses.

### 3) Decision

Within two (2) working days of the hearing, or within ten (10) business days of mailing of the Notice of Violation if no hearing is requested, the Market Master shall make a written decision finding that a violation has or has not occurred and, if he/she finds that a violation has occurred, setting forth the penalty. The decision shall be personally delivered to the permit holder or his/her agent if either is present at the Market, and shall be mailed to the permit holder at the address on file with the PDA. On appeal, the Market Master's findings of fact will not be overturned unless they are unsupported by substantial evidence.

#### a) Penalties

- 1] *Warning:* The Market Master may issue a warning specifying the violation and the steps that should be taken to ensure that it does not reoccur. The warning may include a requirement of certain special reporting requirements to allow the Market Master to ensure that the violation is not reoccurring.
- 2] Monetary sanctions may be assessed in cases where the nature of the violation results in increased costs of operation of the Daystalls. Such sanctions may initially be low (under \$25.00) but can escalate in the case of frequent recurrence.
- 3] *Suspension:* For any violation of these Rules and Regulations, the Market Master may suspend the permit for a period of time. During the period of suspension, the permit holder may not work as a permit holder or as an agent for another permit holder. The suspension period shall not be considered an absence in determining the permit holders seniority and compliance with attendance requirements. Suspension shall be applied immediately in cases of non-payment.
- 4] *Revocation of Permit Improperly Obtained:* The Market Master may revoke any permit secured by fraud, concealment or misrepresentation of fact.
- 5] *Other Ground for Revocation:* For any violation involving deceptive marketing, or for any violation of city ordinances or state law, or for any two violations of any type within a 12 month period (which two violations need not be of the same rule or regulation), the Market Master may revoke the permit. If the permit is revoked, the permit holder may not reapply for a permit for twelve (12) months after the revocation. A prior revocation or abandonment of permit may be taken into consideration when reviewing an application for return to the Market.
- 6] *Rule Intent and Application:* The sale and/or display of non-permitted merchandise is a deceptive marketing practice. The Market Master may assess a penalty of permit revocation if any Daystall tenant is found to be in violation of these rules due to sale of non-permitted merchandise.
- 7] The Market Master may require that suspected non-permitted merchandise be removed from displays pending re-inspection of the farm or studio. This will assist in making sure that all farmers sell only what he or she grows or produces on his or her land, and will insure that all craftspeople strictly adhere to Section VI. *Standards for Permitted Arts and Crafts Merchandise.*
- 8] *Effective Date of Decision:* Except as provided in Section I.H.3. *Suspension Pending Decision*, the decision of the Market Master shall be effective five working days after it is mailed to the permit holder.

### 3. Suspension Pending Decision

- a. Where the Market Master determines, in his/her discretion, that the interests of the PDA or the public require suspension of a permit pending the decision set forth in Section 1.H.2.b) above, the Market Master may so require in the Notice of Violation. In such cases, however, the Market Master must attempt to telephone the permit holder if personal delivery of the Notice is not possible, and must make a hearing time available within one working day of the time requested by the permit holder.
- b. In cases of suspension pending decision, the permit holder shall notify the Market Master where the permit holder can be reached by telephone and shall check with the Market Master each day following the hearing in order to determine the time and nature of the Market Master's decision. In such cases, the decision (and any penalty) shall be effective as soon as the permit holder is verbally told of the Market Master's decision. The Market Master's decision shall be confirmed by a written notice mailed to the permit holder at the address on file with the Market Master.

### 4. Appeals Procedure

- a. Any merchant or applicant for merchant space denied the opportunity to lease space or whose lease is canceled or revoked, and any person denied a Daystall or performance permit or whose Daystall or performance permit is suspended or revoked, and any person aggrieved by the Market Master's allocation of spaces and times for performances or Daystall use may appeal such decision under the procedure set forth below. Each step in the appeal process must be taken in order for the appealing party (the "appellant") to be entitled to go further in the process. Decisions suspending or limiting performance permits are stayed pending any appeal.

- 1) Appeal on Infractions:

In cases involving a factual dispute (other than infractions related to non-payment of fees or NSF checks), the tenant may appeal the finding of the Market Master if he or she feels that the factual decision of the Market Master was not supported by substantial evidence or because the Market Master misinterpreted the meaning of the Rules and Regulations. In order to make such an appeal, the tenant must first pay any and all fee(s) currently due. Within two days after receiving written notification from the Market Master and after any fine(s) assessed have been paid in full, the tenant must submit a written statement to the Executive Director setting forth the facts in the dispute and any evidence to support his or her position. In all such cases, it is the sole responsibility of the tenant to prove that an erroneous determination has been made. The decision of the Executive Director in response to any appeal of this kind is final.

- 2) Appeal to the Executive Director:

- a) Within fourteen (14) days of the action from which the appellant wants to appeal, the appellant shall submit to the Executive Director a Statement of Appeal. The Statement of Appeal shall set forth:

- 1] The action complained of;
- 2] The reasons why the appellant believes the action should be changed, either because the factual decision of the Market Master was not supported by substantial evidence or because the Market Master misinterpreted the meaning of the Rules and Regulations;
- 3] The facts supporting the appellant's belief that the action should be changed, together with the names of any persons whom the appellant believes should be consulted in reviewing the action;
- 4] The action that the appellant believes should be taken;
- 5] Any request for action pending the hearing of the appeal; and
- 6] The appellant's address to which decisions on the appeal should be mailed.

- b) Within ten (10) working days of receiving the Statement of Appeal, the Executive Director shall make a decision in writing responding to the appeal and setting forth the decision of the Executive Director in response to the appeal.
- c) The Executive Director may consult with persons other than the appellant, and may, in his/her discretion, allow the appellant to present witnesses at an informal hearing under rules and time limits to be set by the Executive Director.
- d) At any time during the appeal process, the Executive Director may take any action otherwise within his/her authority to suspend or modify for the appeal period the decision being appealed. The determination whether to suspend or modify a decision pending appeal shall be in the sole discretion of the Executive Director.

3) Appeal to Committee of the Council

If the appellant is not satisfied with the decision of the Executive Director the appellant may appeal to the ad hoc "Appeals Committee" of the PDA Council within fourteen (14) days from the date of the Executive Director's finding on the initial appeal. The composition of the Appeals Committee shall be as established from time to time by resolution of the PDA Council, but at all times shall consist of at least one member of the PDA Council.

- a) At the discretion of the PDA Council, the Appeals Committee may include the Executive Director.
- b) If the appellant appeals to the Appeals Committee, the appellant shall submit a Statement of Appeal in the form set forth in Section I.H.4.a.)(2), and the Executive Director or his/her designee may submit a written response.
- c) Within fourteen (14) days of receiving a Statement of Appeal, the Appeals Committee shall set a time for hearing of the appeal, which hearing date shall be within thirty (30) days of the time of receipt of the Statement of Appeal. The hearing will be open to the public.
- d) At the public hearing, the appellant and the relevant PDA staff member shall present their positions and any witnesses they believe relevant. Unless otherwise ordered by the Appeals Committee, the appeal hearing shall be limited to one-half hour, with the appellant to take no more than twenty (20) minutes and the relevant PDA staff member to take no more than ten (10) minutes.
- e) Within fourteen (14) days of the public hearing, the Appeals Committee shall issue a decision setting fourth:
  - 1] The issue in the appeal;
  - 2] The positions of the parties; and
  - 3] The findings and recommendations of the Appeals Committee.
- f) The findings and recommendations of the Appeals Committee shall be transmitted to the full PDA Council, and shall be considered by the PDA Council at its next regularly scheduled Council meeting occurring not less than fourteen (14) days after issuance of the Appeals Committee decision. If the appellant or the Executive Director wishes to submit comment on the Appeals Committee findings and recommendations to the full Council, he/she shall do so in writing not less than seven (7) days prior to the date of the council meeting at which the matter is to be considered.
- g) The PDA Council will consider the appeal on the basis of the written submissions. No testimony will be allowed at the PDA Council meeting unless specifically requested by the PDA Council. The PDA Council members may, however, have questions concerning the appeal and, accordingly, the appellant is encouraged to attend the Council meeting. In responding to the appeal, the PDA Council may accept, reject, or modify the recommendations of the Appeals Committee or may defer a decision pending further developments, further inquiry, or further discussion. The PDA Council will defer to the Appeals Committee unless the decision of the Appeals Committee is clearly erroneous.

- b. All decisions of the PDA Council shall be final and un-appealable.

## II. SPECIFIC REQUIREMENTS FOR FARMERS

### A. Permit Holder Qualifications

#### 1. Application Requirements and Procedures

- a) In order to obtain a Pike Place Market Farmer Permit, a farmer must file an application with the Pike Place Market Preservation and Development Authority (PDA).
- b) On the permit application, the applicant must specify the following:
  - 1) Location of acreage to be farmed.
  - 2) Permitted and supplemental farm products which the applicant wishes to sell at the Market.
  - 3) The permit shall also identify the parcel(s) of property owned or leased for farm production and from which all permitted farm products are produced, grown or raised for sale at the Market.
  - 4) No parcel of farmland may be listed on more than one farm permit.
  - 5) The Market Master may require applicants for farm permits to identify the property tax parcel numbers of property farmed (if owned) or by other documents sufficient to identify a leasehold interest physically separate from other property.
  - 6) The permit shall identify the person/permit holder who is leasing the land for farming purposes, if the farm is leased. The lease period should extend beyond the season for harvesting, and should establish that the land and crop has been maintained by the permitted farmer.
  - 7) Also listed on the permit will be specifics about the permit holders "farm family household." "Farm family households" will be defined as "all the members of the immediate family involved in farm production." These family members involved in farm production and operation may sell in the Market on behalf of the permit holder. They will all be listed on the permit application. There will be no more than one permit issued to any farm family household. No person may be named as the permit holder or family member on more than one permit.
  - 8) The name of any agent, other than a family member, the farmer intends to employ.
- c) Only one farmer permit will be granted per family unless separate plots are owned or leased by separate family members. The farming units must operate under separate business licenses and each permit holder must represent a truly separate family economic unit. The Market Master shall exercise his/her discretion in interpreting rules regarding issuance of a farm permit to a farm family household in order to ensure that the intent is maintained, namely that a family economic unit will hold only one farm permit.
- d) The Market Master, Farm Program Manager, or a designee will perform a farm inspection to determine if the farmer is involved with production of permitted farm products as listed on the permit application. A new farmer will not be allowed to sell in the Market until an inspection has been completed. Under special circumstances a conditional permit may be issued at the discretion of the Market Master.
- e) A Pike Place Market Farmer permit will be granted following completion of the farm inspection, review of the application and proof that the applicant meets the criteria of the farmer definition. This proof must include a legal document which verifies the applicant's ownership of or leasehold or use rights to the land being farmed during the growing season. The Market Master will issue a permit and specify which products have been approved for sale as permitted or supplemental products under these rules.
- f) The Market Master may grant a one-day Provisional Farmer permit if warranted, in his or her discretion, under extenuating circumstances.
- g) Farmer permits shall be valid for one calendar year.

- h) The PDA reserves the right to re-inspect any farm at any time during the time the farmer has a permit to ensure that all products sold may be permitted for that farmer.
- i) The PDA reserves the right to assess a fee for travel expenses incurred to conduct the farm inspection or re-inspection.
- j) A farmer may renew his or her permit by filing a new application with the PDA. A farm inspection may be required for permit renewal.
- k) If a farmer wishes to add to the list of permitted or supplemental farm products as specified on the permit application, change the location of acreage being farmed, change his or her designated agent, or make any change in the list of persons sharing farmer status on the permit, that farmer must amend his or her permit by filing an amended application with the Market Master.
- l) Vendors of fresh fruits, vegetables and other eligible farm products agree to accept Market Fresh Coupons as condition of selling such products on the Daystalls. Farmers are encouraged to accept WIC (Women, Infants, and Children) and SFMNP (Senior Farmer Market Nutritional Program) checks.
- m) Farmers or their agents are required to have their name and/or the name of their farm posted in a place where the customer can see it.

## **2. Group Selling Permits**

- a) Group selling permits are available to farmers residing within a farm community who wish to cooperatively market farm products with other farmers residing within that farm community.
- b) Up to four farmers may apply for a Pike Place Market Farmer Group Selling Permit for the purpose of selling permitted and supplemental farm products at the Market. Any farmer named on a Group Selling Permit may represent any or all of the holders of that Group Selling Permit at a Daystall. In order to qualify for a group selling permit, each of the individual farmers must meet the following requirements:
  - 1) Each individual works land on which one or more products to be sold under the Group Permit are grown or produced.
  - 2) Each individual applying on a group permit is actively involved in the production of one or more products intended for sale at the Pike Place Market.
  - 3) Each individual named on the group selling permit is required to meet all applicable attendance requirements for farm permit holders. Permit holders will rotate meeting weekly attendance requirements; i.e., if two permit holders are named on a group permit, each personally sells once every two weeks; if three, each personally sells once every three weeks; and if four permit holders are named on a group permit, each personally sells once per month.
- c) Each farmer named on a Group Selling Permit must meet all the qualifications for a Pike Place Market Farmer Permit.
- d) Farmers holding a Group Selling Permit may employ an agent provided they meet the same attendance requirements as other permit holders.
- e) A farmer may be named on only one type of permit at any given time. Farmers with a Group Selling Permit shall have a status of a single permit holder, and shall be entitled to stall assignment as a single permit holder only.
- f) *Rule Intent and Application:* Group selling permits are designed to encourage small farmers whose lands are in close proximity to one another, but may be some distance from the Market, to cooperatively sell their products at the Market. By combining their efforts and products, and spreading the responsibility for Market attendance among up to four farmers, group selling permits can provide an economical opportunity for farmers to use the Market in cooperative marketing of their products, while still upholding the tradition of "Meet the Producer." Group selling permits are not designed to provide one farmer a means of wholesaling products of different farm. The only exception that the Market Master will

consider for attendance requirements of each farmer on the group selling permit may occur in circumstances where family members of the participating farmers are retired farmers and wish to substitute their attendance for that of an active farmer.

## **B. Farm Products**

### **1. Intent:**

Many types of products may be sold at the Pike Place Market on the Daystalls. A primary objective of the PDA in the operation of the Daystalls is to promote the continued sale of farm fresh produce in the Market and to promote the sale of food sold directly to the consumer. In addition, the PDA recognizes that other types of products have traditionally been sold by farmers as a supplement to farms, especially during seasons when fresh product is not available for harvest. There has traditionally been a distinction between permitted and supplemental farm products. In addition, certain types of supplemental products have been allowed as seasonal supplements, traditionally associated with the holiday period of Thanksgiving to Christmas. It is the intent of these rules to ensure that the presence of edible crops and similar food products grown and produced by the farmer remain the primary emphasis for Daystalls used by farmers and that supplemental products permitted for sale on the Daystalls relate to these traditions.

### **2. Permitted Farm Products**

- a) The following items are permitted for sale at the Pike Place Market on farm priority tables, when grown or produced by the farmer and specified in the individual permit granted to that farmer:
  - 1) Cultivated fresh cut flowers, rooted nursery or bedding plants, fresh fruits and vegetables, nuts, berries, cultivated mushrooms, eggs, honey and edible bee products, herbs, sprouts, food seeds, grains, dairy products (including dairy products processed for a specific farmer from that farmer's own ingredients by a producers cooperative) and processed foods (foods processed by the farmer in which the main ingredient is a permitted farm product produced by the farmer).
  - 2) Determination of what constitutes that main ingredient in a specific processed food shall be made by the Market Master.
- b) The Market Master may allow the sale of farm-raised meat, cultured shellfish, and fish subject to display and department of health regulations.
- c) Cultured Shellfish: The practice of managing from seed to harvest the production of shellfish on a body of water actively managed by the farmer from which the primary purpose is the production and sale of shellfish. Producers of cultured shellfish must meet the same attendance requirements as other farm permit holders.
- d) Appropriate labels must be applied to all value added products, including name and place of business, a contact number, an accurate statement of quantity, and an ingredients list of each ingredient in descending order of predominance.
- e) In all cases where processing of food occurs, the PDA must be in receipt of the farmer's food processor license as well as the annual inspection report of the facility they process in. This report may come from the county, the state, or the USDA.

### **3. Supplemental Farm Products**

- a) *Intent:* Farmers may sell certain products to supplement the sale of permitted products from their farming operation. The sale of supplemental products is intended to be secondary to the sale of permitted products and therefore certain restrictions apply. It remains the intent of the PDA to maintain preference in the allocation of selling space for all fresh produce and other edible farm products. Supplemental products must be produced by the farmer as specified in these rules and regulations. The materials creating the product's significant value must be grown on land owned or leased by the farmer. Any processing to the product must be done by the farmer.
- b) The following farm products are considered supplemental farm products and are permitted for sale at Market Daystalls subject to certain restrictions:
  - 1) Edible, non cultivated foods gathered by the farmer on his/her property (i.e. berries, mushrooms and other plant products).

- 2) Wild harvest products – non cultivated mushrooms, roots, fruits, vegetables, berries, etc... gathered by a permitted farmer on any piece of land on which s/he has verifiable permission to harvest. These products shall be limited to 50% of the farmer's table space at all times of the year.
- 3) Non-food seeds gathered or grown by the farmer on his or her land.
- 4) Beeswax and other non-edible bee products produced by bees tended by the farmer.
- 5) Dried flowers (effective April 1, 1992 for any new permits or approved addition of dried flowers to previous permit).
- 6) Literature written by the farmer relating directly to PERMITTED products sold by that farmer.
- 7) Additional products produced by the farmer subject to approval of the Market Master such as inedible processed items (i.e. soaps, oils, cosmetics, herbal pet products, lavender sticks, and similar products), candy (including caramel apples, chocolate covered fruits) and baked goods.
- 8) *Modified farm products:* Any permitted farm product which has been artificially modified by the addition of color or other accessories but without significant handiwork. Examples of such products include but are not limited to the following: dried flowers which have been spray-painted or dyed, straw flower bouquets which utilize artificial stems, beeswax candles which have been colored.
- 9) *Hand-crafted farm products:* Arrangements of non-edible and edible farm products in which the primary value of the product is as a decorative, hand-crafted item. Examples of such products include, but are not limited to: dried floral arrangements fabricated entirely by the farmer and sold as wreaths or table centerpieces, braids or wreaths produced by the farmer and composed of edible farm products and which are intended for use solely as decorative items.

With prior approval from the Market Master, farmers may sell dried flowers in low-cost baskets based upon certain conditions. The value of the basket must be negligible and not create the focal point or value of the whole product. Farmers must receive approval of each different basket design prior to selling.

#### **4. Holiday Supplemental Farm Products**

Non-edible holiday items gathered or grown by the farmer on his or her land including fresh evergreen wreaths, cut Christmas trees, pine cone wreaths, fresh holly and pine boughs, offered for sale during the holiday season (defined below).

#### **5. Market Master Discretion**

The Market Master shall have sole and final discretion in determination of whether a product is Permitted, Supplemental or not permitted by these definitions.

### **C. Seasonal Limitations on the Sale of Farm Products**

#### **1. Growing Season (April 16 - October 14)**

During the growing seasons supplemental products except hand-crafted farm products may be sold by farmers, provided such products constitute no more than 25% of table space (no more than 25% of total table space and display area and no more 25% of table frontage) on any given day. Hand-crafted farm products may not be sold during the growing season.

#### **2. Non-Growing Season (October 15 - April 15)**

During the non-growing season more than 25% of the table space used by a farmer may be used for the display and sale of supplemental products IF the farmer has sold at least one day in five separate months and at least 25 days during the previous growing season. The beginning and end dates of each year's growing season may be adjusted at the discretion of the Market Master to reflect local growing conditions.

### 3. Holiday Season (November 1 - December 31)

A farmer may not use more than four feet of table space and display frontage for the display and sale of supplemental and holiday supplemental items during the holiday season unless the farmer has sold a minimum of 50 days of that year's growing season.

#### D. Table Assignment Procedures for Farmers

Daystalls shall be rented under this section only to persons holding valid farmer permits as defined above.

##### 1. Use of Seniority and other considerations:

- a) Senior farmers will be defined as those farmers who began selling at the Pike Place Market prior to July 1, 1974, the date on which the PDA took over management of the Daystalls from the City of Seattle. Senior farmers shall have priority on the Daystalls at all times, with the farmer selling the longest at the market having first choice, and so forth.
- b) All non-senior farmers will be assigned a number of "base points," according to the length of time they have sold in the Market:

9 or more years	5 base points
7 or 8 years	4 base points
5 or 6 years	3 base points
3 or 4 years	2 base points
1 or 2 years	1 base point

- c) One additional point may be earned for every day a farmer sells at the Pike Place Market during any given week, up to a maximum of 6 points.
- d) For the first week of each permit year, farmers will be assigned stalls according to seniority, with Senior Farmers having first choice of stalls according to their length of service in the Market. After Senior Farmers, all farmers having 5 base points at the start of the permit year shall have their choice of stalls, followed by farmers with fewer base points in each category.
- e) After the first week of the permit year, a weekly seniority list shall be maintained, according to the number of base points plus the number of points earned for attendance by each farmer, up to a maximum of 7 total points. A farmer's position on the weekly seniority list shall be determined by the number of base points that farmer is entitled to, plus one point for each day of attendance during the previous week. The seniority list shall remain constant for an entire week. Point ties will be broken by giving preference to the farmer who has sold at the Market longest.
- f) All farmers are to notify the Market Master of what days they plan to sell in the Market at least one day ahead of time (no later than 12:00 PM the day before the Farmer plans to sell). Farmers may request a specific space reservation from the Market Master, but final table assignments in all cases shall be at the discretion of the Market Master. The Market Master will not reserve selling space more than a week in advance nor reserve space for more farmers than there is available space. Farmers must arrive and check in with the Market Master to receive their table assignment no later than 8:00 AM June – December, 8:30 AM January – May.

All farmers are to notify the Market Master by 12:00 PM (noon) the day before Thanksgiving, Christmas, or New Year's Day of intended attendance the day after Thanksgiving, Christmas or New Year's Day.

- g) A farmer who has not previously notified the Market Master and who shows up by the check in time will be assigned a space after all other farmers have been assigned a space, except on Fridays and Saturdays during the peak season, when a farmer who has not previously notified the Market Master and who shows up to sell will not be assigned table space. Farmers must be set up at their tables by 9:00 AM. At this time the Market Master may re-assign any empty tables. Any farmer who reserves a space and fails to appear may be charged twice the daily rental for that space.

- h) In making table assignments during peak selling periods, the Market Master shall give priority for wet side tables to those growers selling products which require water, including but not limited to fresh fruit, produce, berries and flowers, and shall give priority for dry side tables to those farmers whose products do not require water, including but not limited to processed food items and dried flowers.
- i) In all disputes over space allocation, the decision of the Market Master shall be final.
- j) On their 30<sup>th</sup> anniversary date of selling at Pike Place Market, a farmer will be exempt from the weekly seniority point system.
- k) *Continuous Family Permits:* Where a permit has been consistently maintained by a family the seniority of that permit is based on the date on which the family started farming under that permit.
- l) *Continuity of Permits:* If a Senior Farmer fails to obtain a farmer permit for one year, no penalty for total years of service will result. After two years of absence a Senior Farmer will drop to the bottom of the list of Senior Farmers. If a farmer goes for three or more years without a permit, however, that farmer's descendants will not be allowed to assume that farmer's place on the seniority list.
- m) The PDA reserves the right to require farmers who are part of a government-sponsored or non-profit training program to share table space or receive table assignments under the rules for Group Selling Permits.
- n) The Market Master may restrict or place special conditions on a vendor's choice of day tables if, in the Market Master's estimation, so doing will promote more harmonious relations within the vendor community.

### III. SPECIFIC REQUIREMENTS FOR ARTISTS AND CRAFTSPEOPLE

#### A. Permit Holder Qualifications

1. Arts/Crafts permits are available to individuals or Joint Permit Holders made up of two individuals, or up to four individuals in the case of Family Joint permits. These numbers may be extended upon special need based on Market Master discretion. No individual may be named on more than one Market permit. Arts/crafts permits may not be transferred traded or named on more than one Market permit. Arts/crafts permits may not be transferred, traded or sold, nor may arts/crafts permits be shared, except as provided for Joint permits.
2. Individual family members or spouses are eligible for separate permits, so long as they meet all the following qualifications:
  - a. Separate Daystalls are maintained and staffed;
  - b. Each member creates his or her product as his or her own permitted merchandise (i.e. he or she personally does the design and production) and,
  - c. The products intended for sale by each member are substantially different.
  - d. A permit holder must have a current Seattle business license and a state tax number.
3. In order to maintain an arts/crafts permit, the permit holder must maintain the standards for permitted merchandise as outlined in these Rules and Regulations. Changes of address or Joint Permit Agreement changes must be filed with the PDA.

#### B. Application Requirements and Procedures

##### 1. New Permit Holder

- a. *Applications:* In order to obtain a Pike Place Market Arts/Crafts Permit an individual, or individuals if seeking a Joint Permit, must file an application with the Pike Place Market Preservation and Development Authority (PDA).
- b. On the permit application, the applicant must specify the following:
  - 1) Location of the studio(s) or workshop(s) where the applicants will be producing the permitted merchandise.
  - 2) The name, location and duties of any other person participating in the production of the permitted merchandise (e.g. casting shop).
  - 3) The permitted merchandise which the applicant intends to sell at the Market.

##### 2. Verification Requirements and Studio Inspections

- a. An artist or craftsperson may be required to provide verification that his or her work meets or is continuing to meet the specified standards for permitted merchandise, and/or that other requirements of the permit are being met. This verification may be required before a permit is granted, or at any time during the permit year, or both, at the discretion of the Market Master. When the actual language specifying product category standards for qualifying permitted merchandise is changed or updated, existing permit holders whose products do not meet the revised standards will be granted a one-year compliance period. Revised standards will be immediately applied to all new permit holders adding or changing products from one distinct product category to another.
- b. All artists and craftspeople must keep a record of receipts and purchases of raw materials and supplies. The Market Master may request copies of such records as part of the permit holder's qualification and as part of studio inspections.
- c. Verification may take the form of receipts for raw materials, demonstration of specific skill, or some other form of proof that the artist or craftsperson is, in fact, meeting the standards for permitted merchandise.

- d. A studio or workshop inspection may be required before a permit is issued, or at any time during the permit year, or both, upon four (4) hours advance notice from the Market Master.
- e. If the Market Master determines that the craftsperson does not demonstrate an adequate use and knowledge of both the tools and the equipment in the studio, thereby failing to show aptitude for making product for which they are being screened and inspected, then the Market Master may decline to allow sale of that product for a period of time up to six (6) months. After six (6) months has passed, the craftsperson will be given another opportunity to demonstrate their ability to produce the product for which they are being screened and inspected again, at a follow up inspection. If the craftsperson fails the second inspection, they will be required to wait at least six (6) months before re-inspection.
- f. If the Market Master determines that the permit holder has failed to provide adequate verification or has unreasonably refused to accommodate a studio inspection as specified above, the Market Master may, in his or her discretion, revoke the permit.
- g. The PDA reserves the right to assess a fee for travel expenses incurred to conduct studio inspections.
- h. Permit holders may be required, at the discretion of the Market Master, to maintain individual studio facilities.
- i. Each permit holder may be required to go through a re-screening process once every four years to assure that his or her products continue to meet the standards for permitted merchandise.

### **3. Permit Renewal:**

- a. The permit year will commence each March 1<sup>st</sup>.
- b. The non-refundable permit fee shall be payable upon filing of the application.
- c. An artist or craftsperson may renew his or her permit by filing a new application with the PDA and paying the permit fee. At that time, a re-screening or studio inspection may be waived, at the discretion of the Market Master.
- d. Failure to renew permit by March 30<sup>th</sup> will result in permit abandonment. Appropriate written notification warning of pending abandonment status will be delivered to the permit holder(s).

### **C. Use of Assistants**

A permit holder may employ one assistant to help with the production of his or her permitted merchandise. An assistant must be under the direct supervision of the permit holder. An assistant may not be a market permit holder.

### **D. Joint Permits**

#### **1. Requirements**

- a. Two persons may operate under a Joint Permit, or up to four in the case of a Family Joint Permit (as provided for in Section III.A), provided that all of the following requirements are met. Circumstances may arise which have special needs outside of these Rules and Regulations. These special circumstances are subject to Market Master discretion. When exercising discretion regarding other circumstances, the Market Master will seek advisory from the screening committee regarding decisions pertaining to permitted merchandise.
- b. Joint Permits are available only where each permit holder is able to handcraft all of the permitted merchandise. Thus in all cases when a Joint Permit is formed, both individuals sharing the permit must show ability to produce all of the permitted merchandise. Any situation requiring special consideration will be subject to Market Master discretion.
- c. The purpose of the exception is to allow products composed of multiple elements and standing alone as a recognizable single item, where each of the components would, if sold separately, be a permitted item involving significant artistic effort, and where you would not expect the producers of the various components to be able to produce the other components. An

example is an embroidered wood footstool where the embroidery and footstool would each be a permitted item and you would not expect the craftspeople to be able to make each other's items. The exception is not created to allow a bead stringer to ally with a pendant maker (each should be able to make the full piece of jewelry) or a frame maker to have a joint permit with a painter (these are really separate items, not a single new item).

- d. A Joint Permit shall have the same status as a single permit holder with respect to operation requirements and other permit holder privileges, with one exception. Each permit holder on a Joint Permit is required to sell at the Market at least once every two weeks, unless on vacation. The Market Master may grant exceptions to this requirement for reasons of ill health or other extenuating circumstances.
- e. In addition to all other permit requirements, Joint Permit holders holding arts/crafts permits must file a copy of their Joint Permit Agreement with the PDA. A Joint Permit Agreement shall include the following information: the name under which the Joint Permit shall operate; the names and addresses of the individuals forming the Joint Permit; and the method by which the permit holders will divide design/production functions.

## 2. Formation and Dissolution of Joint Permits

### a. Formation of new Joint Permits among existing permit holders

When both permit holders already have an arts/crafts permit, they must apply for Joint Permit status with the Market Master. Upon approval of the Joint Permit, the Joint Permit shall assume the position on the seniority list which is halfway between their two pre-existing seniority list numbers.

- 1) **Dissolution:** If the Joint Permit relationship dissolves, the permit holders shall revert to their original seniority numbers, as adjusted to reflect intervening changes in the seniority list.

### b. Formation of new Joint Permit between an existing permit holder and a new permit holder

If only one of the permit holders is on the seniority list, the new permit holder (after otherwise qualifying as a permit holder) shall assume the least senior seniority list number for the purpose of this calculation (re.2.a. above)

- 1) **Dissolution:** In the event the Joint Permit relationship dissolves before it has been in existence for five (5) years, the senior member will return to his/her position as adjusted to reflect intervening changes in the seniority list, and the junior member shall return to the general applicant pool for permits (i.e. the person will not hold a permit, and will return to the general applicant pool.)
- 2) **Dissolution:** In the event the Joint Permit relationship dissolves after it has been in existence for five (5) years, the permit holders shall revert to their original seniority numbers, as adjusted to reflect intervening changes in the seniority list.

### c. Formation of Joint Permits where new permit holders are entering the Market as a Joint Permit

A Joint Permit which consists of two individuals neither of whom is a permit holder may apply for an arts/crafts permit under the same rules as an individual applicant, provided that their Joint Permit Agreement is submitted as specified above in Section III.D.1.d). Two such new permit holders shall receive the two least seniority positions. Their Joint Permit Agreement must specify which permit holder receives the more senior of these two numbers.

- 1) **Dissolution:** In the event the Joint Permit relationship dissolves, the seniority will be considered split in half so that each person will be assigned a number halfway between the position of the joint permit and the end of the list.

### d. Formation of Family Joint Permits

When the Joint Permit is with a primary family member (parent, child, or spouse), and both family members are existing permit holders, then the joint permit will operate under the

seniority number of the senior permit holder. If one of the family members is not a permit holder, then he/she shall (after otherwise qualifying as a permit holder) be deemed to have received the least senior seniority list number then available on the seniority list. Notwithstanding this deemed seniority number, the Family Joint Permit shall be entitled to sell under the seniority number of the most senior member. On a showing of special need, the Market Master may extend the definition of primary family member to include siblings, uncles, aunts, nephews, nieces or cousins.

1) Dissolution if both family members were existing permit holders:

If the Family Joint Permit is thereafter dissolved, each permit holder shall revert to his/her original seniority number, as adjusted to reflect intervening change in the seniority list.

2) Dissolution if one of the family members was not a permit holder at the time the Joint Permit was formed:

Upon dissolution of a Family Joint Permit, the seniority will be considered split in half so that each person will be assigned a number halfway between the position of the joint permit and the end of the list.

3) Reversion to Seniority Position:

As used in this Section III.D., when it is said that a permit holder “reverts” to his/her seniority number, it means to take the place on the seniority list that such permit holder would have occupied had he/she been selling in the Market individually rather than under the Joint Permit (i.e. the spot will be adjusted to reflect intervening changes in the seniority list.)

**4. Status of Existing Partnerships:**

With respect to seniority, the status of the seniority of existing partnerships (which will be transitioned to Joint Permits) will be assessed on a case-by-case basis, by the Market Master. The purpose of transition decisions will be to mitigate the disruption to persons who have been working for a long time in the Market in reliance on the prior rules, while at the same time moving steadily toward full applicability of the new rules for all Joint Permit Holders. In making his/her decision, the Market Master shall take into account fairness to the Joint Permit Holder, fairness to other crafts persons, and how consumers will best be served. In each decision under this paragraph, the Market Master shall set forth his/her decision in writing, and shall explain how the decision takes into account the preceding standards and is consistent with any prior decisions by the Market Master under this paragraph.

## **E. Screening Procedures for Arts/Crafts**

### **1. New Permits**

- a. Before an arts/crafts permit is granted, the applicant must appear before the Market Master and a screening committee, with representative samples of the permitted merchandise which he or she intends to sell at the Market. At that time, the applicant may be asked to demonstrate or explain how his or her work meets the standards for permitted merchandise as defined above.
- b. Screenings for new artists and craftspeople shall be held at the discretion of the Market Master based upon the projected availability of space rather than a set number. The Market Master shall seek the advice from at least one farmer and at least one craftspeople in the projecting space availability.
- c. Up to 50 new artists and craftspeople will be screened in at each screening. A waiting list will be established, composed of the names of those individuals who desire to participate in a screening. Once a date for a screening has been established, individuals who have expressed interest in being screened will be notified and screened in an order established by the Market Master after seeking the comments and advice of the screening committee regarding product mix. The Market Master shall establish this order by taking into consideration the Market's standards for permitted merchandise, the balance of the existing product mix, the unique, handmade aspects and the amount of artistic involvement in the products intended to be sold and displayed.
- d. *Rule Intent and Application:* While this rule necessarily entails the exercise of judgment by the Market Master, it is not intended to set quotas for products or impose creative standards or limits. Rather, it is designed to enable the Market Master to balance several considerations in screening in new permit holders that will serve the overall economic interest of the crafts community; that will aid the interest and viability of new craftspeople; that will uphold the PDA's management responsibilities for preserving the traditions and character of the Market; and, that will provide the consumer with a broad variety of quality hand-made products. An informal evaluation of product categories to screen in new artists and craftspeople results will be conducted among the screening committee members prior to holding a screening, which will assist the Market Master in informing consideration and expertise that will add in the process of future screenings.
- e. The screening committee shall be made up of five people who represent a variety of arts and crafts present in the Market. The Market Master may specify which arts and crafts the committee shall be chosen from. The Market Master shall choose the committee from a pool of volunteers each January.
- f. The Market Master will determine the set of permitted merchandise standards by which each applicant's work will be evaluated.
- g. The screening committee will evaluate each applicant's work according to the specific Standards for Permitted Merchandise which applies to that applicant's work. Each screening committee member will then make a recommendation as to whether or not the work falls within the standards for permitted merchandise for that medium. These recommendations are advisory, however, and the decision of the Market Master shall prevail.

After the Market Master has made a decision, the applicant will receive written notification of whether or not his or her merchandise meets the standards for permitted merchandise. If the applicant's work fails to pass screening, the written notification will state the reason(s) for permit denial.

When screening for new permits and new product add-ons, the Market Master will anticipate the logistics of selling at the Market in relation to the Non-Interference Clause. Proposals that may be denied on these grounds include, but are not limited to, those that require demonstration or behind-the-table production that would impinge on neighboring businesses, heavily scented products, or products requiring live models (i.e. portraits).

## 2. Change of Existing Use (Add-On)

- a. Permit holders may add or change product lines WITHIN an approved product category at any time contingent upon his or her ability to demonstrate to the Market Master the ability to design and product the item. Prior approval and review of new items within the approved product category by the Market Master is required before display or sale of the new items.
- b. Permit holders wishing to add or change products OUTSIDE of their existing product category must attend an add-on screening. All permit holders must file an application with the Market Master indicating the type of product they wish to add or change. Add-on screenings for permit holders who wish to add or change products OUTSIDE of their existing product category will be held four times each year, and the status (i.e. open or closed) of categories shall be publicly posted with screening dates. When permit holders submit requests to add or change products OUTSIDE of their existing product category, the Market Master will provide a written response within 30 days, to the permit holder announcing the date for the next scheduled add-on screening.
- c. A standing screening committee may be established as needed for the purpose of evaluation of a permit holder's work in any new category according to the specific Standards for Permitted Merchandise, Appendix I.
- d. The PDA may restrict add-on screenings to exclude certain product categories.
  - 1) When screening for new permits and new product add-ons, the Market Master will anticipate the logistics of selling at the Market in relation to the Non-Interference Clause. Proposals that may be denied on these grounds include, but are not limited to, those that require demonstration or behind-the-table production that would impinge on neighboring businesses, heavily scented products, or products requiring live models (i.e. portraits).
- e. *Rule Intent and Application:* In an effort to foster ongoing artistic development and to further the pursuit of creative ideals among existing permit holders, the PDA will provide screening opportunities to those tenants wishing to add new products outside of the original category into which he or she originally screened in. In holding add-on screenings, the PDA will take into consideration the balance of the existing product mix in determining which product categories should not have additional vendors added, and may restrict changes of use in these particular categories.

## F. Table Assignment Procedures for Arts and Crafts

### 1. Roll Call Procedures

- a. Arts/crafts permit holders have first priority for use of all Daystall space on the Desimone Bridge and of the Daystall space on the west side of the Market arcade north of the Desimone Bridge, including the slabs between the arcade and Virginia Street. Farmers have first priority on all other Market Daystall space. Arts/Crafts have second priority for unassigned farm tables.

Within the above stated priorities, first preference of location is given to those permit holders with the lowest numbers on the seniority list.
- b. In order to maintain a position on the seniority list and to sell on Saturday, a permit holder (or his/her designated agent) must sell at the Market a minimum of two weekdays each week.
- c. When a permit holder's name is called from the seniority list, he or she, or his/her designated agent, may choose a stall from those available. If the permit holder, or his/her designated agent, is not present at the time his or her name is called then when that permit holder, or his/her designated agent arrives, the Market Master will allow that person to choose a stall from those available, if doing so would not disrupt the roll call in the estimation of the Market Master.
- d. All permit holders must be set up at their tables by 11:00 AM. At that time, unused space reverts back to the PDA and can be reassigned by the Market Master.

- e. In case of emergency, when a permit holder or his or her designated agent is not able to make it to roll call on time, he/she may reserve a selling space without attending roll call, by calling in late on the Market Master cell phone line, (206) 618-7117, at least 10 minutes prior to the start of roll call. The permit holder may then request that a space be reserved when his or her name is called for roll. Responsibility to contact the Market Master ahead of time remains solely with the permit holder in this instance. If a permit holder is unable to contact the Market Master in person, a space will not be reserved. If the Market Master reserves a space and the permit holder fails to appear at the Market to sell, the permit holder may be charged for the space.
- f. Anyone who arrives at the Market after roll call is complete must check in with the Market Master and sign the attendance sheet before setting up a table.
- g. No table fees are refundable except to renters of exposed tables where, in the opinion of the Market Master, a change of weather before 11:00 AM makes the tables unusable.
- h. Recognized holidays for the Daystall Community will be Thanksgiving Day, Christmas Day, New Year's Day, Memorial Day, the 4<sup>th</sup> of July, and Labor Day. Those weeks will constitute a one (1) day attendance week for the permit holder and also will only require one (1) day to be allowed Saturday set up.
- i. Permit holders and their agents may not push carts through the roll call area while roll call is in progress.
- h. Roll call will be over when the time is written on the board. After roll call, any assignments made will be for emergencies only and based upon Market Master discretion.

## 2. Holiday Procedures

The Market Master will announce in November the procedure for holiday table assignment. A letter regarding the procedure for holiday table assignment will go out no later than the week before Thanksgiving. The procedure shall require advance sign up or reservation of space. If advance sign up is required and the vendor fails to show they may be charged double rent for the day.

## 3. Off-Season Crafts List

- a. During the "Off-Season" time period from January 1 to April 30 (or later at the discretion of the Market Master if space demands warrant), an off-season list of eligible artists and craftspeople may be created. New off-season craftspeople may be screened in at any time outside of the off-season during the calendar year, based on the Market Master's assessment of table availability. Off-Season permit holders must sell 24 days during the following off-season in order to sell during the remaining months of that year; new off-season craftspeople screened in prior to an off-season may work in the market in advance of the off-season if space allows. In order to be eligible for the off-season list, an artist or craftsperson must produce permitted merchandise according to the standards specified above. This merchandise will be screened by the Market Master, using criteria consistent with those of the regular permit list. People on the off-season list will be granted an off-season arts/crafts permit, but must have current applicable business licenses. Off-season permit holders are subject to all rules and regulations that apply to regular permit holders, with the exception of their different attendance requirements.
- b. *Rule intent:* It is the intent of the Market Master to exercise his/her discretion to extend the off-season in order to provide expanded opportunities for second-list vendors to sell and to enhance overall use of the Market day tables but especially craft priority table spaces that may be otherwise unused. Accordingly, extensions of the off-season could be limited to certain months, weeks or days of the week during which the Market Master can reasonably expect excess space to be available.
- c. Staff shall announce upcoming screenings onto the regular permit list in a timely manner. Eligible craftspeople wishing to screen onto the regular permit list must make a written request

to the Market Master. Off-season craftspeople are not guaranteed a place on the regular permit list; however, the Market Master will consider time spent on the off-season list, including compliance with Daystall Rules and Daystall account status, when inviting craftspeople to screen to the regular list.

#### **4. Off-Season Permit Holder Table Assignment**

- a. Daystall space will be allocated to people on this list after all regular permit holders have had an opportunity to select space. Off-season permit holders will be assigned space according to a point system that assigns points based on the following criteria:
  - 1) 1 point (up to 5) for every year a vendor sells during the off-season multiplied by
  - 2) 1 point for each week that the vendor sold in person during the previous off-season (January through April)

**PLUS**

  - 3) 1 point for each Monday, Tuesday, and Wednesday off-season permit holder sold January through April,
- b. Thus, **(# of years) X (# of weeks) + (#M, T, W)** = vendor's position on the roll-call sheet during the off-season.
- c. During the first year, new off-season vendors will be placed on the list according to a lottery.
- d. Off-season permit holders are subject to certain attendance requirements. Vendors on the off-season list must have sold at least 24 days during the immediately preceding off-season (January through April) to be eligible to sell after April 30, in years the Market Master extends the season for such vendors.

#### **5. For All Vendors**

- a. While every reasonable effort will be made to accommodate permit holders, permission of an arts/crafts permit does not guarantee the permit holder a selling space at the Market.
- b. The Market Master may restrict or place special conditions on a vendor's choice of Daystall tables if, in the Market Master's estimation, so doing will promote more harmonious relations within the vendor community.

#### **IV. SPECIFIC REQUIREMENTS FOR GRANDFATHERED VENDORS**

##### **A. Permit Application Procedure**

1. Each grandfathered vendor will be asked to sign an agreement which confirms his or her adherence to and agreement with the standards established in the 1974, and 1999 PDA/City Agreements. Each vendor will submit a specific list of items currently sold. PDA staff will perform an initial review of compliance with the PDA/City Agreement.
2. Grandfathered vendors may not sell items which are specific duplicates of merchandise sold by Daystall vendors who produce handmade articles in compliance with the standards for permitted merchandise as set forth in the Daystall Rules and Regulations. This policy shall be enforced on a complaint-received basis, i.e. if a Daystall vendor submits a specific complaint regarding a specific item that item will then be reviewed by PDA staff. If staff determines that the item is indeed a duplicate, the grandfathered vendor will be asked to remove the item from his or her Daystall.
3. Grandfathered vendors may not enter into joint permits with other permit holders or individuals, except through marriage.

##### **B. Adding on Products**

1. Before adding new items to his or her inventory, the vendor will submit the items to the PDA staff for review and approval.
2. Grandfathered vendors may continue to add new items to their inventory by using the screening process open to other non-grandfathered Daystall vendors. In reviewing new items, PDA staff will take the following factors into consideration:
  - a. Does the item fit within the general description?
  - b. Does the item help to provide a healthy environment for permanent merchants through insuring a beneficial tenant mix? (Duplication of products sold elsewhere in permanent shops shall not automatically be grounds for denial.)
  - c. Is the item currently being produced by hand by other Daystall vendors?

##### **C. Seniority**

1. Those vendors defined in the PDA – City of Seattle Agreement as “grandfathered vendors” may maintain their present positions on the seniority list as long as they continue to meet all requirements for artists and craftspeople not related to standards for permitted merchandise.
2. If a grandfathered vendor is dropped from the seniority list for violation of the rules or excessive absence, the permit shall be withdrawn and shall not be reinstated.

##### **D. Signage**

Grandfathered vendors are required to display at their stalls a sign containing the following wording: “Some of this merchandise is not hand crafted by the seller.” The PDA will provide such signs to grandfathered vendors, or the vendor may provide his or her own sign. The vendor may vary the wording of this sign if desired, with the permission of the Market Master.

## V. SPECIFIC REQUIREMENTS FOR PERFORMERS

### A. **Mission Statement** *(Excerpted from Section I. Rules Common to All Daystall Tenants)*

Performing artists add to the festive character of the Market and contribute to a unique shopping opportunity for Market customers. The PDA's mission with regard to performers is to maintain locations within the Market where performing artists, as an integral part of the Market Community, are encouraged to entertain Market shoppers in a fashion that supports public safety and is consistent with and complimentary to the market's historic use as a shopping destination.

### B. **Definition** *(Excerpted from Section I. Rules Common to All Daystall Tenants)*

#### **Performer**

1. Performer means any person or group of persons who plays musical instruments, sings, dances, speaks, or otherwise provides entertainment in the Market other than in space leased to merchants, when tips or donations are sought or received for such performances. Commercial vending of products is not considered a "performance" and as such vendors do not qualify as "performers" under these Rules and Regulations.
2. Performers may receive donations and recordings by musicians can be available for sale; however, performers are prohibited from active solicitation of donations and from active sale of any product associated with the performance.

### C. **Application Requirements and Procedures**

1. Performing is permitted subject to regulation of the Market Historical Commission.
2. The permit application will be processed by the Market Master.
3. The Market Master shall issue permits to performers for performances in the Market subject to the following requirements:
  - a. Applications shall be made in writing upon a form prescribed by the Market. The Market Master will inform the applicant of locations and times for performances in the Market, and orient the performer to the performer guidelines.
  - b. If the Market Master is satisfied that the facts set forth in the application are true, and if the applicant executes a statement stating that he or she will comply with the applicable provisions of this agreement, a permit shall be issued subject to suspension or revocation for material change in the matters set forth in the application, for violation of this agreement or Authority Rules and Regulations, or for violation of city ordinances or state law. A reasonable permit fee may be charged.
  - c. When issued a permit, performers will be given a badge that shall be worn or displayed by the performer in plain view at all times during a performance. The badge, which will bear a number, may have a nickname or no name at all.
  - d. New performer permits will be issued starting the first Tuesday in April each year. Performer permits shall be paid by April 15 each year, or by the first performance date of each year, and will remain valid through April 14 of the following year unless revoked by the Market Master as provided below. A performer shall be entitled to only one permit, which shall not be transferable.
  - f. Specific performance times will not be assigned by the PDA, nor are there actually specific performance times at any performance locations. There are only positions in line (in the queue). Positions in line at a performance location are established on an honor system in which performers line up (queue) in person to establish and maintain their position in the line (queue)
  - g. Performances are limited to one hour when another performer is in line (and present in line) at the time the previous performer finishes their performance. A performer may not play longer than one hour when another performer is in line and present at the time at which that hour ends.

- h. If you are next in queue to perform and are not present when the play spot becomes available you will be allowed a five (5) minute grace period before you forfeit your place in line to perform.
- i. A performer may play less than one hour, or someone else in the queue may forfeit his or her spot in the queue. For this reason, it is imperative for performers to monitor their place in the line (queue), in order to avoid forfeiting their position in the line (queue). If a performer is next in line to perform, and for any reason that performer is not present when the performer spot becomes available, that performer then forfeits their place in line and must go to the end of the line. In this instance, the next performer in the line (queue) assumes the next position in line. If no performers are present in the line (queue), any permitted performer may perform at that location and all positions in the former line (queue) are forfeited.
- j. Performers may not mark a place in queue for more than one location at a time; this is termed “double marking” and is not permitted. One performer may not play in the same location for more than one (1) hour, even if they are part of two separate “groups,” if any other performer is in queue.
- k. Performers are expected to comply with these rules as a condition of their permit.

**D. General Provisions**

**1. Standards for Behavior**

- a. Donations for performances may be accepted passively in an instrument case or other receptacle provided for that purpose by the performer. The receptacle may include a written sign, which informs the public that such donations are sought. In line with City of Seattle Ordinance 117104 no performer shall solicit donations in a manner that is aggressive or confrontational.
- b. No performer shall treat any person in a manner that is rough, menacing, vulgar, profane or abusive.
- c. Children are permitted to accompany performers as long as they do not create a nuisance or disturbance to others.
- d. No animals are allowed inside buildings or covered arcades.
- e. Trading or selling of performer permits is not allowed.
- f. Drinking of alcoholic beverages or performing while intoxicated is prohibited. Smoking in covered arcades and at designated performance locations is prohibited.
- g. Performers are responsible for moderating the volume of their performance to a level appropriate to the designated activities of the market. Performers are responsible for respecting reasonable requests of nearby merchants regarding performance volume and crowd control.
- h. Performers are responsible for ensuring that their audience does not block vehicle traffic, access to Market buildings or to merchant businesses, or cause a safety hazard.
- i. Performers are responsible for respecting spaces provided for performance by keeping them free from unnecessary clutter.
- j. Performers shall immediately comply with requests of the Market Master and Market Security.
- k. Animals used in performances must be treated in a manner which is not exploiting, demeaning, or harmful. All performances which include an animal will be limited to the East side of the street.

**2. Applicable Laws and Ordinances**

The Market Master may suspend or revoke any performance permit secured by fraud, concealment or misrepresentation of fact. No street performer shall act in relation to his/her Market performance in violation of city ordinance or state law.

**E. Performance Times**

1. Performers may perform in the Market only between the hours of 9:00 AM to 9:00 PM EXCEPT at the locations on Pike Place between Starbuck's and the Stewart House, the Post Alley spot, the south tip of the Triangle stairs, and the walkway on the First Lower Level of the Pike Street Hillclimb Corridor. Performances at these spots must end at 7:00 PM. Street performing is permitted every day that the Market is open. Sunday performing is permitted between the hours of 10:00 AM to 7:00 PM.
2. Performances in any one location shall be limited to one (1) hour, unless no other performer is in the queue, except for as provided for elsewhere in these rules. A performer may be required to end a performance sooner, however, if, in the estimation of the Market Master, a continuing performance violates these Rules and Regulations or constitutes a hazard to public safety due to crowding, non-compliance of the Fire Code or blocking of access to merchant stalls or store fronts.
3. Specific performance times will not be assigned to a performer by the PDA.

**F. Performance Locations**

1. Performers may perform only at permitted locations on PDA – and City – owned property, as specified in this section.
2. The maximum number of performers in any location is limited to the corresponding number stenciled within the red location circle, as described in this section. The Market Master may require a reduction in the number of performers if, in the determination of the Market Master, the volume of music or performance significantly interferes with verbal communication at the nearest place of business and/or if doing so would alleviate foot traffic congestions in common areas at or near a performance location.
3. Likewise, upon special written request by a performer, the Market Master may allow an increase by one performer above the number designated at a specific location if s/he determines that doing so would not lead to increased interference with verbal communications at the nearest place of business and or significantly impede the flow of foot traffic in common areas at or near the performance location.

Such approval will be granted under special conditions that place specific limits on the times(s) of performances and/or location of performances by extraordinary group sizes or other considerations. Performers operating under such special conditions must have the written authorization on their person when performing.

4. All performance locations will be marked by a colored stencil with a number inside, unless otherwise noted below, designating the maximum number of performers who may perform at that location. Locations with a pink colored stencil are designated locations where performances must end at 7:00 PM.
5. As stated above, the Market Master may require a reduction in the number of performers at any given location. A map of the following locations is maintained by the PDA.
6. Locations at which no more than one or two performers are permitted:
  - a. Under the clock at the main Market entrance. The exact location is curbside, just north of the first pillar and south of the first Daystall. Restrictions relating to facing in or not playing at this spot will be suspended for a one-year trial period. The following sign will be posted at this spot and enforced:

“This indoor performer location requires extra attention from performers to work with neighboring merchants due to their direct proximity and the potential for blocking pedestrian traffic. The Market Master may, at their discretion, place limits relating to this spot on individuals who have demonstrated a pattern of not managing these factors.”

Success of this one year trial will be evaluated and results of this evaluation will shape recommendations for the 2012 Rule Review process.

Three or four performers may play at this spot, so long as they face out to the street.

- b. The southeast corner of Pine Street and Pike Place.
- c. At the North Arcade entrance (at the foot of Stewart Street), on the Desimone Bridge. No performing is allowed at this location on Saturday. At this location, the Market Master will post and enforce the following statement:

“This performer location requires extra attention from performers to work with neighboring businesses due to the proximity of so many merchants with no physical barriers to sound. The Market Master may, at their discretion, place limits relating to this spot on individuals who have demonstrated a pattern of not managing this requirement.”
- d. Outside the flower shop on the sidewalk at the corner of First Avenue and Pike Street.
- e. On the sidewalk at the southeast corner of First Avenue and Pine Street.
- f. In the First Avenue Courtyard adjacent to the main entrance to the Livingston-Baker Apartments.

7. Quiet Performance Locations:

- a. These spots will be for quiet performances—low level of vocals and instrumentation, no percussion instruments or sounds (including clapping) and non-instrumental/non-vocal performances.
  - 1) In the center of the courtyard of the Post Alley Building between that building and the Sanitary Market Building. This is an instrumental only spot Sunday-Friday.
  - 2) At the south tip of the Triangle Building near the metal stairs.
- b. At these locations performers will:
  - 1) Play no longer than one hour, whether or not another performer is in line.
  - 2) Take a break of at least one hour after performing in either of these before they can perform at either spot again.
  - 3) Not repeat any of her/his repertoires more than once.
- c. *Rule Intent and Application:* It is the PDA’s intent that these rules be self-enforcing and that musicians police each other to achieve compliance and that musicians respect the requests of residents when residents ask for compliance.
- d. A silent location (non-instrumental / non-vocal performances only) is located on the walkway on the Second Lower Level, between the Pike Street Hillclimb Corridor and the bridge over Western Ave.

8. Group Locations:

More than two performers are permitted at these locations, up to the maximum indicated within the red location circle. One or two performers may also use these locations:

- a. In the middle of the sidewalk which runs along the south side of Pike Street separating Pike Street and Lower Pike Street.
- b. On the walkway on the First Lower Level, along the Pike Street Hillclimb Corridor (The Cave)
- c. At the southeast corner of Stewart Street and Pike Place intersection.
- d. On Pike Place sidewalk between Starbuck’s and Stewart House.
- e. On Pike Place sidewalk in front of Pike Place Grocery.
- f. On Pike Place sidewalk along Western Ave just north of the Hillclimb stairs.

9. Indoor Locations:

- a. The Market Master may grant performance privileges to specific individual performers or duos in certain indoor locations, including but not limited to the Economy Market Atrium, the Soames-Dunn Interior, the Soames-Dunn Courtyard and the First Lower Level near the stairway to the Second Lower Level.
- b. These performance privileges may be granted to single performers or duos that perform on quiet musical instruments or otherwise perform at low volume.
- c. Indoor locations will be established if a significant majority of the tenants in that area are in favor of their establishment.
- d. The Market Master may designate from time-to-time the specific method by which performance privileges in indoor locations may be granted or rescinded. These methods may include jurying by peers or merchants, but final authority in these decisions remains with the Market Master.
- e. In order to play at a designated indoor location, a performer must have the expressed written permission of the Market Master. A form for this purpose is available at the PDA office.

**G. Conditions of Performance**

**1. Prohibition on Commercial Activity**

- a. Use of performance space to vend is expressly prohibited. Commercial vending of products or services is not considered a “performance” and, as such, vendors do not qualify as “performers” under these Rules and Regulations.
- b. *Rule Intent Statement:* Performers may receive donations, and recordings by musicians can be available for sale; however, performers are prohibited from aggressive or confrontational solicitation of donations and from active sale of any product associated with the performance.

**2. Display and Sale of Recordings**

- a. Performers with permits to perform in the Pike Place Market may accept donations for recordings of their performances.
- b. Performers must be in the act of performing at a designated performer spot while recordings are displayed.
- c. Recordings shall be displayed in an instrument case or other receptacle provided for that purpose by the performer. Displays of recordings shall be limited to one or two examples per recording, not to exceed five items. Displays must be set up in the area reserved for the street performer. Performers may distribute recordings through other commercial business locations in the Market Historical District.
- d. Performers are prohibited from displaying recordings of any other artist.
- e. Performers may display signs noting that recordings are available. These signs may not exceed 8”x 11” and must be displayed with the recordings in an instrument case or other receptacle provided for that purpose by the performer.

**3. Other Conditions**

- a. Children under the age of 16 who purchase a Market permit must be accompanied by an adult during performances.
- b. No devices for the electronic amplification of any sound are allowed. No brass instruments or drums are allowed. All performances at permitted locations must be played at levels that do not significantly interfere with normal verbal communication at the nearest place of business.
- c. The Market Master may do all things necessary and proper to enforce and carry out these Rules and Regulations.

## **VI. APPENDIX: STANDARDS FOR PERMITTED ARTS AND CRAFTS MERCHANDISE**

### **A. Statement of Intent**

The Market's Standards for Permitted Merchandise operate as guidelines in determining whether or not a crafts item qualifies as "handmade." In order to qualify as "handmade," an article must be produced using a variety of raw materials, creative energy and skill.

1. The artist/craftsperson must be closely and thoroughly involved with the design of each article.
2. The artist/craftsperson must be closely and thoroughly involved with the production of each article.
3. Design and production standards should relate to the specific materials and processes used to produce a specific craft.
4. The standards should not permit the production of products by the use of technologies or other mechanized means in which the hands-on involvement of the artist/craftsperson with production is non-existent or minimal.
5. Food items or other items intended to be eaten or ingested are not considered permitted products for artists/craftspeople.

### **B. Terminology**

1. Within each medium, the terminology of that medium is used. For example, "jeweler," "woodcrafter," etc., are used where appropriate. In each case, terminology which refers to an artist or craftsperson means the permit holder or his or her assistant.
2. Raw Materials—In interpreting the definition of permitted merchandise, "raw materials" means the basic material with which or upon which an artist or craftsperson creates an image or design.

### **C. Standards**

Standards for each medium are based on a pass/fail system that reflects the degree of artistic involvement in design and production. To qualify as permitted merchandise, any article must pass both design and production requirements when evaluated by the Market Master (described below).

### **D. Requirements**

The Market Master will strictly enforce the requirement that the significant value of the product is constituted by the artwork and/or handcrafted aspect of the product.

#### **1. General Standards**

- a. Permit holders are expected to exhibit originality in design of the products they sell. In categories where partial design by maker is allowed, that partial design aspect must, in the judgment of the Market Master, be significant and substantive.
  1. Print Reproduction of original art may be used as elements of products only when the artists' additional handwork comprises the significant value of the product. Craft products may not consist of print reproduction simply attached as decoration to a purchased or pre-existing item that is not made by the permit holder.
  2. Original digitally generated designs and print reproduction may be used as additional elements on products that are already allowed under product guidelines, (example: an iron-on print on a tied-dyed pre-made cloth item.)
- b. Found, Recycled and Pre-Existing objects as elements of products:
  1. The artists' design and handwork must create the significant value and focal point of the end product.
  2. The artist must expend significant time and energy transforming the appearance and function of the original object(s).
  3. Fabrication of product must involve more than mere assembly, and should utilize techniques such as fusing, resurfacing, or alteration of shape or size
  4. Elements that are purchased must be worth 25% or less the value of the final product.

## **E. Category Guidelines**

### **1. Bath and Body Products**

- a. Design
  - 1) Development of product line
  - 2) Original recipes/blends
- b. Production
  - 1) Makes 70% of the base foundation, **and**
  - 2) Controls formula of aromatherapy, **and**
  - 3) Significant effort in packaging of product.

### **2. Candles/Wax Products**

- a. Design
  - 1) Design of focal point by artist/craftsperson
  - 2) Focal point worth 60% of the value of the piece.
- b. Production
  - 1) Makes own molds (if the design is the focal point), **and**
  - 2) Pours/dips candle by hand, **and**
  - 3) Significant effort in assembly of product

### **3. Glass Art**

- a. **Heat-worked Glass (Fused, Cast, Flame-Worked, Blown, Kiln-Worked)**
  - 1) Design
    - a) Creation of original design involving significant time and energy.
  - 2) Production
    - a) Production of focal point, constituting the article's significant value by artists, **and**
    - b) Assembly of all components by artist.
- b. **Stained and/or Beveled Glass Design**
  - 1) Design
    - a) Total design of piece by artist
  - 2) Production
    - a) Component parts (other than glass) assembled by artist, **and**
    - b) Component glass parts cut by artists, **or**
    - c) Component parts (other than glass) which constitutes the significant value and focal point of piece produced by artist.

### **4. Handmade Clothing and Other Fabrics, Leather, Yarn or Woven Articles**

- a. Design
  - 1) Total design by maker, **or**
  - 2) Partial design by maker, including use of commercially available pattern.
- b. Production
  - 1) Article sewn or laced by maker, **or**
  - 2) Article knitted, crocheted, woven or knotted by maker, **and**
  - 3) Use of hand-dyeing techniques by maker, **or**
  - 4) Application of original design (fabric appliqué, paint, dye or other material) to handmade clothing, handbag, etc. **or**
  - 5) Individual variation of each item.

## 5. Hand-Done Print Reproduction

- a. Design
  - 1) Creation of original image for reproduction
- b. Production
  - 1) Reproduction produced by artist
  - 2) Individual variation by artist of each item

## 6. Handmade Stationary and Paper Products

- a. Design
  - 1) Design of focal point by artist/craftsperson
  - 2) Focal point worth 60% of the value of the piece
- b. Production
  - 1) Adds original artwork to each piece, **and**
  - 2) Production of focal point, **and**
  - 3) Significant effort in assembly of product

## 7. Jewelry

### a. Fabricated Jewelry

- 1) Design
  - a) Design of all visible elements, exclusive of manufactured fastening devices, jump rings, **or**
  - b) Design of the focal point worth at least 60 percent of retail value of the entire piece.
- 2) Production
  - a) Production by jeweler of entire article or all component parts, exclusive of findings, gem or stone, **and**
  - b) Final production (i.e. polishing or other finishing technique) of entire article.

### b. Cast Jewelry

- 1) Design
  - a) Creation of original image which constitutes the focal point and/or significant value of entire piece.
- 2) Production
  - a) Production of mold used for casting, **and**
  - b) Production of article by artist using casting method, **and**
  - c) Final production (i.e. polishing or other finishing technique) of entire article exclusive of component parts.

### c. Lapidary Jewelry

- 1) Design
  - a) Design of the focal point work at least 60 percent of the retail value of the entire piece.
- 2) Production
  - a) Production of article by jeweler, exclusive of findings, **and**
  - b) Final production (i.e. polishing or other finishing technique) of entire article.

**d. Jewelry - Combination of Production Methods (Cast, Fabricated, or Lapidary)**

- 1) Design
  - a) Design of all visible elements exclusive of findings (manufactured fastening devices, jump rings, or heads of faceted stones), **or**
  - b) Design of the focal point worth at least 60 percent of the entire piece.
- 2) Production
  - a) Production by jeweler of entire article or all component parts, exclusive of gem or stone provided that stone is less than 40 percent retail value of entire piece, **or**
  - b) Production or reproduction by jeweler, exclusive of casting, of focal point worth at least 60 percent of the retail value of the entire piece, **and**
  - c) Final production (i.e. polishing or other finishing technique) of entire article by jeweler.

**e. Multi-Media Jewelry**

- 1) Design
  - a) Design of all visible elements, exclusive of findings, **or**
  - b) Design of focal point worth at least 60 percent of the value of the entire piece.
- 2) Production
  - a) Production by jeweler of article, exclusive of findings, **or**
  - b) Production of entire piece.

**f. Ceramic Jewelry**

- 1) Design
  - a) Design of all visible elements exclusive of findings, **or**
  - b) Design of focal point worth at least 60 percent of the retail value of the entire piece.
- 2) Production
  - a) Production by jeweler of entire article exclusive of findings, **and**
  - b) Production (i.e. kiln-firing and glazing or other finishing technique) of entire article.

**g. Other Jewelry (Paper, Acrylic, etc.)**

- 1) Design
  - a) Design of all visible elements exclusive of findings, **or**
  - b) Design of focal point worth at least 60 percent of the value of the entire piece
- 2) Production
  - a) Production by jeweler of article, exclusive of findings, **and**
  - b) Final production of entire piece.

**8. Metalwork (other than Jewelry) including Sculptures, Boxes, and Candleholders**

- a. Design
  - 1) Total design by artist, **or**
  - 2) Partial design by artist, including use of commercially available plans
- b. Production
  - 1) Crafting of entire article or all component parts by artists, **or**
  - 2) Crafting of focal point constituting the significant value of the piece, **and**
  - 3) Assembling of entire article or all component parts by artist, **and**
  - 4) Finishing of article by artist.

## 9. Miscellaneous Art or Craft

- a. Design
  - 1) Creation of original design involving significant time and energy.
- b. Production
  - 1) Production of focal point, constituting the article's significant value, by artist, **and**
  - 2) Assembly of all components by artist.

## 10. Painting, Sculpture and Other Original Artwork

- a. Design
  - 1) Creation of original image involving significant energy and time on or with any medium.
- b. Production
  - 1) Control of Production by artist.
  - 2) Artists may request to table 25% of their display space as Print Reproductions: such products will be subject to the same guidelines as the Print Reproduction Category.

## 11. Photography – Partially Controlled

- a. Design
  - 1) Photographing of original image for reproduction
- b. Production
  - 1) Reproduction process partially controlled by artist
  - 2) Individual variation by artist of each reproduced item or article, **or**
  - 3) Matting and framing done by artist.

## 12. Photography (new permit holders)

- a. Design
  - 1) Photographing of original image for reproduction
- b. Production
  - 1) Reproduction process controlled by artist
  - 2) Individual variation by artist of each reproduced item or article, **or**
  - 3) Matting and framing done by artist.

## 13. Pottery and Ceramics

- a. Design
  - 1) Wheel-thrown or hand-built by ceramicist, **or**
  - 2) Molded from mold made by ceramicist
- a. Production
  - 1) Glazed or painted by ceramicist, **and**
  - 2) Kiln-fired or other heat process by artists/ceramicist, **or**
  - 3) Other finishing process by artist

## 14. Premade Fabric, with Handpainted, Airbrushed, Tie-Dyed or Appliquéd Surface Design

- a. Design
  - 1) Original design of graphic image which **constitutes** the focal point creates the significant value.
- b. Production
  - 1) Final hand painted or other process by artist.

## **15. Premade Fabric, with Screen Printed Surface Design**

- a. Design
  - 1) Original design of graphic image by artist which is the focal point and creates the significant value
- b. Production
  - 1) Preparation or execution of final production, artwork by artists, **and**
  - 2) Transfer by artist of final production artwork to the screen and final screen printing process by the artist.

## **16. Print Reproduction (closed to new additions as stand-alone category 4/01/2006)**

- a. Design
  - 1) Creation of original image, involving significant energy and time, for reproduction.
- b. Production
  - 1) Production partially controlled by artist
  - 2) Individual variation by artist of each reproduced item or article, **or**
  - 3) Matting and framing done by artist.
  - 4) Artists selling images using print reproduction must use conspicuous and legible signage or labeling on their tables that accurately identifies the method of print reproduction (including both reproduction technology and type of paper used.)
- c. The artist who creates the Market Festival or Busker's Festival poster may sell signed copies of these mass-produced posters from his/her Daystall, depending on the agreement that is made between the festival organizers and the artist.

## **17. Strands of Beads**

- a. Design
  - 1) Design of the strand pattern exclusive of findings
- b. Production
  - 1) Production of all bead components by jeweler, **or**
  - 2) Production of at least 60 percent, by retail value, of all beads components by jeweler, **and**
  - 3) Assembly of all parts by jeweler.

## **18. Wooden Articles (including boxes, sculptures and furniture)**

- a. Design
  - 1) Total design by woodcrafter, **or**
  - 2) Partial design by woodcrafter, including use of commercially available plans.
- b. Production
  - 1) Crafting of entire article or all component parts by woodcrafter, **and**
  - 2) Sanding of entire article or all component parts by woodcrafter, **and**
  - 3) Finishing of article by woodcrafter, including sanding, oiling, varnishing, and/or other finishing process.
  - 4) When using purchased, non-wooden components, woodwork must comprise the focal point and the significant majority of the item's value.