

CHAPTER 55-50

**GARAPAN STREET MARKET
RULES AND REGULATIONS**

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Chapter History: Adopted 37 Com. Reg. 36544 (May 28, 2015); Proposed 35 Com. Reg. 34286 (Sept. 28, 2013); Proposed 29 Com. Reg. 27475 (Nov. 19, 2007).

Chapter Comment: In November of 2007, the Department of Community and Cultural Affairs proposed to add a new chapter to Title 55, describing the “purpose, goal and policies for the Garapan Street Market.” 29 Com. Reg. 27475 (Nov. 19, 2007). As of May 28, 2015, no notice of adoption has been published adopting these proposed regulation.

In September of 2013, the Department of Community and Cultural Affairs proposed rules and regulations for the Garapan Street Market, which were adopted in May of 2015 and are, therefore, codified in this chapter. The Commission designated the sections and subsections contained in this chapter pursuant to 1 CMC § 3806(a), as such the section and subsections are different from the designations provided by Department of Community and Cultural Affairs in the proposed regulations.

Part 001 - General Provisions

§ 55-50-001 Purpose

The purpose of the Garapan Street Market in Garapan, Special District on Saipan is to promote a feeling of community pride and enthusiasm for Saipan and its surrounding environment, specifically, the event is designed to:

- (a) Create a positive image for the Garapan Special District;
- (b) Provide a gathering place for residents and tourists of all ages to enjoy the bounty of local talents, produce, and products;
- (c) Provide a forum for community activities;
- (d) Maintain the downtown identity important to a community’s self-image;

- (e) Enhance the community as a whole; and
- (f) Create avenue for local artists to display and market their crafts.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 37 Com. Reg. 36544 (May 28, 2015); Proposed 35 Com. Reg. 34286 (Sept. 28, 2013).

Commission Comment: The Commission corrected the capitalization of the words “local” and “artists” in subsection (f) pursuant to 1 CMC § 3806(f). The Commission struck the word “and” from subsection (d) and changed the ending punctuation from “.” to “;” and added the word “and” to subsection (e) pursuant to 1 CMC § 3806(g).

§ 55-50-005 Goal

It is the goal of the Garapan Street Market to stage an event with activities that promote a wholesome, family atmosphere. The Market seeks activities which, individually or in combination with other activities, appeal to both young and old, and provide a consumer mix that reaches all aspects of the marketplace. All activities must be consistent with these goals.

Modified, 1 CMC § 3806(a).

History: Adopted 37 Com. Reg. 36544 (May 28, 2015); Proposed 35 Com. Reg. 34286 (Sept. 28, 2013).

Commission Comment: This section was originally designated § 55-50-002. The Commission re-designated this section § 55-50-005 pursuant to 1 CMC § 3806(a).

§ 55-50-010 Organization

The Garapan Street Market is organized by the Department of Community and Cultural Affairs (DCCA) and supported through cooperation with the following organizations and agencies: Bureau of Environmental Health and Sanitation under the Department of Public Health, Department of Public Safety Fire and Police Division, Department of Public Works, Marianas Visitors Authority (MVA), Corporate Sponsors, Friends of the Market, and volunteers.

Modified, 1 CMC § 3806(a).

History: Adopted 37 Com. Reg. 36544 (May 28, 2015); Proposed 35 Com. Reg. 34286 (Sept. 28, 2013).

Commission Comment: This section was originally designated § 55-50-003. The Commission re-designated this section § 55-50-010 pursuant to 1 CMC § 3806(a).

§ 55-50-015 Authority

All activities are under the auspices of the Garpan Street Market Coordinator (designated by the Executive Director of the Arts Council) and in consultation with the Secretary of DCCA in whom are given the authority to review applications, plans events with promotions, and enforces all rules and regulations.* The rules and regulations may be revised at the discretion of the Garapan Street Market Coordinator in consultation with the head of the department and/or the

concurrence of the DCCA Secretary.

* So in original.

Modified, 1 CMC § 3806(a).

History: Adopted 37 Com. Reg. 36544 (May 28, 2015); Proposed 35 Com. Reg. 34286 (Sept. 28, 2013).

Commission Comment: This section was originally designated § 55-50-004. The Commission re-designated this section § 55-50-015 pursuant to 1 CMC § 3806(a).

Part 100 Market Operation and Policies

§ 55-50-101 Hours of Market Operation

- (a) Length of Season. The Garapan Street Market season will be from August 1st through August 1st of the subsequent year.
- (b) Hours of Operation. The Garapan Street Market hours of operation are 5:00 p.m. to 9:30 p.m.
- (c) Set up Time. Participants may begin set up at any time after 3:00 p.m.
- (d) Information Booth Time. The Market Information Booth will be open at 4:15 p.m. to assist participants and will close at 9:00 p.m.
- (e) Walk-through Inspection Time. All participants shall have their set-up complete at 5:00 p.m. A walk-through inspection will take place each Thursday at approximately 4:55 p.m. to 5:15 p.m.
- (f) Shut Down Time. All booths and equipment must be out of the Market area by 10:15 p.m.
- (g) There are no refunds for rained out markets and/or official cease of operations due to emergency calamities as declared by the CNMI Emergency Management Office.

Modified, 1 CMC § 3806(a), (b),(f), (g).

History: Adopted 37 Com. Reg. 36544 (May 28, 2015); Proposed 35 Com. Reg. 34286 (Sept. 28, 2013).

Commission Comment: The Commission consolidated the sections in the proposed regulations and re-designated the section and subsections under the section heading “Hours of Market Operation” pursuant to 1 CMC § 3806(a), (b). The Commission corrected the capitalization throughout this section of “p.m.” and words that were in all capitals in the original pursuant to 1 CMC § 3806(f). The Commission hyphenated the term “walk-through” in subsection (e) pursuant to 1 CMC § 3806(g).

§ 55-50-105 General Policies and Operation Procedures for all Participants

- (a) All participants must comply with all of the policies, rules, regulations, and operating

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procedures of the Garapan Street Market. Non-compliance including offensive conduct, breach of these rules, regulations, and policies, refusal to cooperate with Garapan Street Market personnel (including volunteers) may result in immediate sanctions, including revocation of the permit, removal from the Market with fees not refunded, and possible permanent exclusion from future participation in the Garapan Street Market's functions or operations.

(b) All booths and activities will be opened and operating during all the hours the Market is open to the public, unless a written request is submitted in advance to the Garapan Street Market management and approved.

(c) All sales, activities and entertainment will commence at opening time and will cease at closing time. Participants who open early or who do not close on time may not be permitted to open the following week, and their fees will not be refunded. Arrangements for disposal of all leftover food should be made prior to closing time.

(d) All selling activities, entertainments and informational activities must take place entirely within the assigned space. It is the responsibility of the participating organizations to keep their staff and volunteers entirely within the space assigned.

(e) It is the responsibility of all participants to promptly notify the Garapan Street Market Coordinator, or the Executive Director of the Arts Council of any changes in leadership within the organization or seek prior approval for changes in proposed activities, items for sale, menus, or prices.

(f) Participants in the Garapan Street Market shall be appropriately dressed (e.g. shirts and shoes), and conduct themselves with proper decorum, with the proper exception to entertainer's attire.

(g) No person shall deface or otherwise abuse public or private property, and shall not use any public or private facilities or structure for electricity, water, or otherwise without prior consent of the Executive Director of the Arts Council or the owner of the facility or structure.

(h) All participants shall set up their area in a safe manner. All electrical cords will be taped securely and completely covered. All barbecue units will be barricaded from the public. Structures, signs, and equipment will be secured against the wind.

(i) All participants shall keep their area clean during the Market and leave the space surrounding their area clean after the Market closes.

(j) Participants shall reimburse the Garapan Street Market or DCCA for any costs they incur relating directly to the participant's activities.

(k) No person participating in the Garapan Street Market shall state, imply, or otherwise suggest that the Garapan Street Market, its officers or employees, or its sponsors endorse or support the views of the his or her organization.

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(l) Alcoholic beverages may not be sold, consumed, or advertised at the Garapan Street Market.

(m) DCCA, the Commonwealth Council for Arts & Culture, and the Garapan Street Market Committee are not responsible for any theft or damage to property belonging to persons participating the Garapan Street Market. The Garapan Street Market assumes no responsibility for items left unattended before, during or at the conclusion of the Market activities.

(n) The Garapan Street Market and/or DCCA reserves the right to revoke the permit and/or order the removal of all equipment and material belonging to participant from the Market boundaries for any reason deemed necessary to better meet the goals and purposes of the Garapan Street Market or for reasons of public health, safety and welfare, and fees shall not be refunded.

Modified, 1 CMC § 3806(a), (b),(f), (g).

History: Adopted 37 Com. Reg. 36544 (May 28, 2015); Proposed 35 Com. Reg. 34286 (Sept. 28, 2013).

Commission Comment: The Commission consolidated the sections in the proposed regulations and re-designated the section and subsections under the section heading “General Policies and Operation Procedures for all Participants” pursuant to 1 CMC § 3806(a), (b). The Commission corrected the capitalization of the words that were in all capitals pursuant to 1 CMC § 3806(f) and corrected the spelling of ”personnel” in subsection (a) pursuant to 1 CMC § 3806(g). The Commission inserted commas after the words “regulations” in subsection (a), “menus” in subsection (e), “signs” in subsection (h), “imply” in subsection (k), “consumed” in subsection (l), and “culture” in subsection (m) pursuant to 1 CMC § 3806(g).

§ 55-50-110 Participation and Application

(a) Participation in the Garapan Street Market is limited to:

(1) Established food service businesses that wish to sell barbecue, prepared, or pre-packaged food for consumption at the Market.

(2) Artists and craftspeople who wish to sell their own locally handmade art or handicraft. No one will be allowed to sell mass produced imported art or handicraft brought in from outside of Micronesia.

(3) Community service organizations who wish to tell their story, showcase and/or exhibit their services to Market attendees.

(4) Local growers who wish to sell their agricultural produce.

(5) Entertainers whose talents are deemed by the selection committee to be attractive to families, youngsters, and/or senior citizens.

(6) Processed food vendors, who locally produce, manufacture, and package products for sale that are not ready to eat.

(7) Corporate sponsors who contract directly with the Garapan Street Market.

(b) All participants must apply in writing to the Garapan Street Market on the application form it provides.

(c) Application for participation in any Market activity is an offer to contract with the Garapan Street Market subject to the provisions stated on the application form and subject to the

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Market's rules and regulations.

- (d) Applications are reviewed to determine space availability and the extent to which they meet the Market's objectives and selection priorities.
- (e) Approved applicants must provide to the Market the following no less than one month before initial participation:
 - (1) Necessary fees (non-refundable) as applicable.
 - (2) Copies of necessary licenses and permits from regulatory agencies.
 - (3) Insurance Certificate, if required.
 - (4) All other documentation required on each specific application.
- (f) When all documents and fees are received, Market management assigns space.
- (g) Selection to participate is for one Market season only, or the period applied for, whichever is less.
- (h) Participation privileges may not be assigned, transferred, or sold.
- (i) Once space is allocated, participation is required. Otherwise future applications may be denied and no prepaid fees will be refunded.
- (j) Participants will be assigned space locations at the discretion of the Garapan Street Market Coordinator in conformity to the Garapan Street Market/DCCA approved site designation.
- (k) The number of spaces to be allotted to each vendor or other participants will be determined by the Garapan Street Market Coordinator.
- (l) Participants shall limit their sales and activities to that which is specified on their application, unless prior written consent of the Market is obtained.
- (m) The person in charge of any activity must be in possession of a valid Market permit at all times during set-up, operation, and dismantling. The permit is to be clearly displayed during operation. Additionally, if the activity involves food sales, the participant must also be in possession of all relevant documents and permits demonstrating compliance with all applicable government regulations and statutes.
- (n) It is the responsibility of approved applicants to have their Market permit. Permits not received in the mail may be picked up at the Market Information Booth after 4:15 p.m., but before 4:45 p.m. on Thursday.
- (o) The Garapan Street Market permit may be revoked for any one of the following reasons which are not all-inclusive:
 - (1) Non-compliance with these or any other provisions of the Garapan Street Market Rules and Regulations.

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- (2) Non-compliance with any applicable government regulations, statutes, or rules, including those of DPS Fire Department and the Department of Public Health. 3 CMC §§ 2121-2147, 2701-2798.
- (3) Violations of 4 CMC §§ 1201-1713 or the requirements of 4 CMC §§ 5611-5614, 5701-5703.
- (4) Non-payment of proscribed feed within the designated time period.
- (5) Poor attendance. Vendors who are assigned space and do not attend are subject to loss of their participation privileges for the Market season, and fees shall not be refunded.

Modified, 1 CMC § 3806(a), (b), (e), (f), (g).

History: Adopted 37 Com. Reg. 36544 (May 28, 2015); Proposed 35 Com. Reg. 34286 (Sept. 28, 2013).

Commission Comment: The Commission consolidated the sections in the proposed regulations and re-designated the section and subsections under the section heading “Participation and Application” pursuant to 1 CMC § 3806(a), (b). The Commission corrected the capitalization of “service” and “organizations” in subsection (a)(3), “food” and “vendors” in subsection (a)(6), “sponsors” in (a)(7), “rules” and “regulations” in subsection (c), “not” in subsection (h), and “p.m.” in subsection (n) pursuant to 1 CMC § 3806(f). The Commission corrected the spelling of “prepared” in subsection (a)(1) pursuant to 1 CMC § 3806(g). The Commission inserted commas after the words “prepared” in subsection (a)(1), “youngsters” in subsection ((a)(5), “manufacture” in subsection (a)(6), “transferred” in subsection (h), “operation” in subsection (m), and “statutes” in subsection (o)(2) pursuant to 1 CMC § 3806(g). The Commission struck the figure “(1)” in subsection (e) pursuant to 1 CMC § 3806(e) and removed the parenthesis in subsection (o)(5) pursuant to 1 CMC § 3806(g). The Commission removed the “&” and corrected the citations in (o)(2), (5) pursuant to 1 CMC § 3806(g).

§ 55-50-115 Regulatory Agencies and Market Participants

- (a) Where applicable, regulations of all government agencies must be adhered to by all the Garapan Street Market participants and vendors.
- (b) It is the responsibility of the participant to obtain all permits and license applicable to participants at the Garapan Street Market, including but not limited to the Department of Finance Business License and any necessary permits required for food preparation issued by the Department of Public Health.
- (c) Fees for all necessary permits, licenses, and taxes are the responsibility of the participant.

Modified, 1 CMC § 3806(a), (g).

History: Adopted 37 Com. Reg. 36544 (May 28, 2015); Proposed 35 Com. Reg. 34286 (Sept. 28, 2013).

Commission Comment: The Commission consolidated the sections in the proposed regulations and re-designated the section and subsections under the section heading “Regulatory Agencies and Market Participants” pursuant to 1 CMC § 3806(a), (b). The Commission inserted a comma after the word “licenses” in subsection (c) pursuant to 1 CMC § 3806(g).

§ 55-50-120 Equipment and Services

- (a) The Garapan Street Market/DCCA is under no obligation to provide more than two 110 volt electrical power outlets. Furthermore, the Garapan Street Market/DCCA is under no

obligation to provide water, tables, or any equipment to participants.

(b) Participants must provide or make arrangements for services and equipment themselves, and no fees will be refunded for participant's failure to obtain services or make such arrangements for themselves.

Modified, 1 CMC § 3806(a), (b), (g).

History: Adopted 37 Com. Reg. 36544 (May 28, 2015); Proposed 35 Com. Reg. 34286 (Sept. 28, 2013).

Commission Comment: The Commission consolidated the sections in the proposed regulations and re-designated the section and subsections under the section heading "Equipment and Services" pursuant to 1 CMC § 3806(a), (b). The Commission inserted a comma after the word "tables" in subsection (a) pursuant to 1 CMC § 3806(g).

§ 55-50-125 Fees for the Garapan Street Market Season

(a) Participation in the Garapan Street Market is a privilege for all. There are substantial costs in operation for the weekly events. Vendor fees are set to cover the cost of operating the Market. Fees are not refundable, except as provided herein. Partial spaces or double spaces may be available at varying fees.

(b) Fees for food sales are \$45 per night.

(c) Fees for arts and crafts sales are \$20 per night. All spaces for this type of activity are approximately 10' x 10'.

(d) Fees for non-profit/community service agencies are \$10 per night. Spaces for this type of activity are usually 8' x 8'. These groups pay on a weekly basis with fees to be paid no less than three weeks prior to participation.

(e) Fees for farm product sales are \$40 per night. Spaces for this type of activity are 10' x 10'.

(f) Fees for processed food vendors are \$45 per night.

Modified, 1 CMC § 3806(a), (b), (f), (g).

History: Adopted 37 Com. Reg. 36544 (May 28, 2015); Proposed 35 Com. Reg. 34286 (Sept. 28, 2013).

Commission Comment: The Commission consolidated the sections in the proposed regulations and re-designated the section and subsections under the section heading "Fees for the Garapan Street Market Season" pursuant to 1 CMC § 3806(a), (b). The Commission corrected the capitalization of "food sales" in subsection (b), "arts" and "crafts" in subsection (c), "non-profit" and "community service agencies" in (d), "farm product sales" in subsection (e), and "processed food vendors" in subsection (f), and "x" in subsections (c), (d), and (e) pursuant to 1 CMC § 3806(f). The Commission corrected the spelling of "basis" in subsection (d) and changed the "&" to "and" in subsection (c) pursuant to 1 CMC § 3806(g).

§ 55-50-130 Record Submission

All Garapan Street Market participants agree to submit to Garapan Street Market Coordinator the record of their gross sales generated at the Thursday Garapan Street Market on the following Monday.

Modified, 1 CMC § 3806(a).

History: Adopted 37 Com. Reg. 36544 (May 28, 2015); Proposed 35 Com. Reg. 34286 (Sept. 28, 2013).

Commission Comment: The Commission provided the title and renumbered this section pursuant to 1 CMC § 3806(a).

§ 55-50-135 Penalties for Violation of Rules and Regulation

A warning letter will be issued for the first violation of the Garapan Street Market Rules and Regulations. The second violation will result in a fine equal to one night's fee. The third violation will result in a suspension for the entire Garapan Street Market season.

Modified, 1 CMC § 3806(a).

History: Adopted 37 Com. Reg. 36544 (May 28, 2015); Proposed 35 Com. Reg. 34286 (Sept. 28, 2013).

Commission Comment: The Commission provided the title and renumbered this section pursuant to 1 CMC § 3806(a).

§ 55-50-140 Liability Insurance

Participants should be aware that the Garapan Street Market's liability insurance does not cover them. They are encouraged to obtain their own liability insurance. (It is recommended, but not required, that all applicants provide a certificate of insurance insuring them as follows: \$1,000,000 Product & Comprehensive General Liability Insurance which names the Garapan Street Market/DCCA as an additional insured.)

Modified, 1 CMC § 3806(a), (f), (g).

History: Adopted 37 Com. Reg. 36544 (May 28, 2015); Proposed 35 Com. Reg. 34286 (Sept. 28, 2013).

Commission Comment: The Commission provided the title and renumbered this section pursuant to 1 CMC § 3806(a).

The Commission corrected the spelling of the word "liability" pursuant to 1 CMC § 3806(g). The Commission corrected the capitalization of "not" pursuant to 1 CMC § 3806(f).

§ 55-50-145 Agreement

All applicants and participants in the Garapan Street Market shall sign the following agreement.

AGREEMENT

Applicant/Participant agrees to defend, hold harmless, and indemnify the Garapan Street Market/Department of Community and Cultural Affairs (DCCA), its officers and employees, from and against any and all claims for damages and any or all loss, provide such claim, liability

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or loss that arises in whole or in part by any act or omission of applicant/participant or that of any employee or agent of applicant/participant, and so applicant/participant agrees, irrespective of whether such claim, damages or loss arose from or were caused by a negligent act or omission on the part of the DCCA, the Garapan Street Market, or any of its officers or employees. Applicant/participant has read the foregoing Garapan Street Market Rules and Regulations and agrees to conform to these regulations.

Garapan Street Market Participant: _____
Date: _____ (Print and Sign)

Garapan Street Market Coordinator: _____
Date: _____ (Print and Sign)

Modified, 1 CMC § 3806(a).

History: Adopted 37 Com. Reg. 36544 (May 28, 2015); Proposed 35 Com. Reg. 34286 (Sept. 28, 2013).

Commission Comment: The Commission provided the title and renumbered this section pursuant to 1 CMC § 3806(a).