



Nashville Flea Market License Agreement and Rules

Nashville Flea Market rules are in place to ensure the success of the market, employee, dealer, and guest safety, and to protect assets of The Fairgrounds Nashville. These rules are periodically reviewed and updated as necessary. All dealers are required to provide the Flea Market office a signed copy or digital acknowledgment of the License Agreement and Rules to document receipt and understanding. Refusal to provide acknowledgment of the information and Rules may constitute grounds for excluding dealers from participating in the Nashville Flea Market. The dealer's original signed packet or digital acknowledgment will be maintained by the flea market office and will be made available upon request. This document is available on the Fairgrounds' website, www.thefairgrounds.com/fleamarket/info.asp

1.0 GENERAL FLEA MARKET RULES

A. No Partnership with the Nashville Flea Market, The Fairgrounds Nashville, or Metropolitan Government of Nashville and Davidson County

It is specifically agreed and understood that nothing in this agreement shall in any way create a partnership or joint venture between the Nashville Flea Market, The Fairgrounds Nashville, or Metropolitan Government of Nashville and Davidson County and the dealer.

B. Dealers Property and Liability

The Nashville Flea Market and The Fairgrounds Nashville are not responsible for any dealer's property, liability arising out of negligent acts on behalf of dealer or their employees, or for any injuries sustained by dealers or their employees. Dealers should provide adequate insurance to cover property and liability. Dealer agrees to indemnify, defend, and hold harmless The Fairgrounds Nashville, Nashville Flea Market, Metropolitan Government of Nashville and Davidson County, their employees, officers, and agents from any and all claims for damage arising out of, actions of dealer directly or indirectly.

C. Americans with Disabilities Act

People with disabilities represent a significant portion of the population and are equally reflected in the number of guests attending the Nashville Flea Market and The Fairgrounds Nashville. Ensuring equal participation by all guests is important and beneficial to dealers, businesses, and The Fairgrounds Nashville. The Americans with Disabilities Act (ADA) defines an "individual with a disability" as a person who has physical or mental impairment that substantially limits one or more, major life activities, who has a record of such impairment, or who is regarded as



having such impairment. Every effort will be made to give guests with disabilities the opportunity to participate and enjoy all aspects of the flea market.

D. Soliciting

No solicitation is allowed on the grounds of The Fairgrounds Nashville and/or during the Nashville Flea Market without advanced written authorization from The Fairgrounds Nashville Executive Director. A brochure table is provided in the Flea Market Office. See Flea Market manager for permission.

E. Sales Taxes

All Dealers are required to have either a Tennessee Sales Tax Number or a Certificate of Registration. Certificates of Registration may be purchased from the Flea Market for:

- \$5.00 per month (dealers may register a maximum of three (3) times per year per TN state code)
- \$15.00 per quarter (dealers may register a maximum of three (3) times per year per TN state code)
- \$45.00 annually
- Dealers must provide the flea market office proof of registration and must prominently display the certificate within the booth at all times.

F. Business License Requirement and Fee

Dealers who registered for Tennessee sales and use tax purposes and those who register annually have the option of either:

- Obtaining a business tax license and remitting the business tax in accordance with the provisions of Tenn. Code Ann. §67-4-709; or
- Remitting \$2 fee per day per booth.

G. Smoking

Smoking and/or the use of e-cigarettes/vaping are prohibited inside all Fairgrounds buildings. Smoking and use of e-cigarettes are also prohibited in all non-enclosed areas of public spaces where smoke or vapor can infiltrate into Fairgrounds buildings. At the Fairgrounds Nashville, non-enclosed public space includes the canopy overhang surrounding the exposition facilities.

H. Animals and Pets

Nashville Flea Market does not allow the sale of any type of animals on the property. No animals or pets are permitted in Fairgrounds buildings except as an approved exhibit, activity, or performance legitimately requiring the use of animals.

- 1. Service animals** are exempt and are regulated by applicable state and federal law.



- “Service animal” means a dog or miniature horse that has been individually trained to work or perform tasks for an individual with a disability; and
- “Support animal” means an animal selected to accompany an individual with a disability that has been prescribed or recommended by a healthcare provider to work, provide assistance, or perform tasks for the benefit of the individual with a disability, or provide emotional support that alleviates one or more identified symptoms or effects of the individual’s disability.
- Service or support animals must be harnessed, leashed, or tethered, unless devices interfere with the service animal’s work or the individual’s disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.
- An individual with a disability may be asked to remove an animal from the premises if the animal is not a service or support animal, if the animal is out of control and the animal’s handler does not take effective action to control , or the animal is not housebroken.
- The Fairgrounds Nashville is not responsible for the care or supervision of a service animal.

I. Overnight Hours

The Fairgrounds Nashville is not considered a campground and is not designed to accommodate overnight guests. Guests staying at The Fairgrounds Nashville in RV’s with a valid permit issued by the Fairgrounds are an exception. **Dealers electing to stay overnight do so at their own risk.** On Flea Market weekends, indoor facilities will be locked by 11:00 pm and will reopen at 6:00 am Thursday – Sunday.

2.0 BOOTH RENTAL INFORMATION

A. Booth Information and Dimensions

Rental Fees listed in Rate and Fee table

1. Electricity is available in all the buildings, canopies, sheds, arena, and in some lot locations and is included in booth rental fees. An extension cord may be necessary to access an outlet. No more than one extension cord per booth may be used (chaining extension cords is prohibited). Outlets and utility boxes may be shared between the booths. Extension cords must not cross aisles or walkways and must be in good condition with no exposed wires. The Fairgrounds Nashville/Nashville Flea Market does not provide extension cords and reserves the right to remove damaged or inappropriately located cords.
2. All merchandise, chairs, tables, etc., must be inside the booth dimensions.



3. Tents are prohibited in buildings.

B. Booth Cancellation

Booth reservations will be canceled automatically if payment in full is not received by the end date of the reservation period.

C. Payments, Refunds and Forfeitures

Cash, cashier's checks, debit and credit cards, and money orders will be the only forms of payment accepted. Personal checks will not be accepted. Debit and credit card payments can be made over the phone. Cash, cashier's checks, and money orders can be paid in person at the Flea Market office during the reservation period only. Money orders and cashiers' checks can be mailed to the Flea Market office but must be received by the end of the reservation period. Dealers paying in person or by mail with money orders or cashier's checks will be charged a \$5 administration fee to process the payment.

Reservations of unpaid accounts will be canceled due to nonpayment on the business day following the last day of reservation. If a dealer's reservation is canceled due to nonpayment after the end of reservation period, the dealer will have the option to restore market reservation by paying a late fee of \$100 on the following Friday after the reservation period. In the month of December, the follow-up reservation day is the following Monday. Dealers are not guaranteed the same booth spaces reserved prior to cancellation.

On Friday, following the end of the reservation period, phone lines will be opened to allow canceled permanent dealers, waitlisted, and new dealers an opportunity to secure unreserved booths. There will be no add-ons accepted after the reservation and payment periods.

Refunds for cancellation of reservation will only be considered for unforeseen circumstances such as illness, deaths, or acts of God. Otherwise, fees will be forfeited. Refund requests must be submitted in writing to the Flea Market office and the Flea Market Manager will evaluate the request and will issue a refund, if approved. Receipt of refunded fees may take several weeks depending how payment was made.

D. Subletting

Subletting, loaning, renting, or selling of booth space to someone else is strictly prohibited. Dealers that violate this rule will be subject to suspension and will be ineligible to reserve booth space. All rights to booth space belong to The Fairgrounds Nashville/Nashville Flea Market. Booths can be reassigned by flea market management at the discretion of the Director.



E. Permanent Dealer Status and Booth Assignment Procedure

Upon request from a dealer, permanent booth spaces, if available, may be assigned following fulfillment of eight (8) consecutive months of rental. A waiting list is maintained for each building, canopy, shed and lot. When space becomes available, flea market staff will contact the first person on the corresponding waiting list based on seniority. If the dealer declines the space, they are moved to the bottom of the list.

Permanent dealers that have not attended the flea market for five (5) months or more will no longer be considered permanent dealers. Consideration may be given for extenuating circumstances and will be given on a case-by-case basis at the discretion of the Director.

F. Access and Booth Set-Up

Dealers will not be given access to the flea market area before 7:00 am on Thursday. Outdoor dealers may begin booth set-up at 7:00 am on Thursday. Indoor dealers will be admitted to buildings for booth set-up at 9:00 am on Thursday. Dealers must be set-up by 7:30 am Saturday or the booth space may be forfeited and/or reassigned without notification.

1. If buildings are available, indoor dealers with five (5) or more booths are eligible to drop off booth materials and merchandise on Wednesday evenings for a \$100 fee. No set-up will be allowed, and drop-offs will be permitted between 4:30 p.m. and 7:00 p.m. only. Drop-off hours will not be adjusted. Availability of buildings for Wednesday drop-off will be determined by Fairgrounds staff each month.

Dealers that wish to participate in this early drop-off program must notify the Flea Market office by Monday, the week of the market, at 4:30 pm to see if early drop-off will be available and, if so, to register and pay in advance during the reservation and payment period.

2. Dealers must unload merchandise and immediately move vehicles and trailers to a parking area. No set-up is to occur until vehicles are parked in a parking area or a designated spot.
3. Merchandise and equipment must stay within the boundaries of the booth.
4. The Flea Market area will be **closed to ALL vehicles** (dealer and customers) during the following days/times:
 - Friday 9am – 5pm
 - Saturday 8am – 6pm
 - Sunday 8am – 4pm



Vehicles are allowed in the market area during these times (no exceptions):

- Wed: Outdoor 12pm-8pm; Indoor with 5+ booths 4:30pm-7pm (if available for early drop)
- Thurs: Outdoor beginning at 7am; Indoor 9am-9pm
- Fri: 6-9am and 5-8pm only
- Sat: 6-8am and 6-8pm only
- Sun: 6-8am and after 4pm

G. Booth Breakdown and Load-Out

Dealers are expected to remain open for business throughout the duration of the flea market. Early breakdown and/or departure, without prior approval from the flea market manager or designee, is prohibited. Dealers may use the non-dealer workers to assist in setup or teardown of dealer equipment, so long as any such workers have been approved by Fairgrounds Nashville to be on site. Non-dealer workers are not employees of the Fairgrounds Nashville and agree to indemnify, defend, and hold harmless The Fairgrounds Nashville, Nashville Flea Market, Metropolitan Government of Nashville and Davidson County, their employees, officers, and agents from any and all claims for damage arising out of, actions of the worker directly or indirectly. Non-dealer workers are prohibited from assisting dealers until after the flea market has closed for the day.

1. No vehicles are allowed in the flea market area for the purpose of loading-out prior to the daily close times. Exceptions are made for inclement weather and emergencies. Approval by police personnel or the flea market manager or designee must be received prior to moving a vehicle during open hours and will require an escort. When loading out, all merchandise must be packed and ready to load before moving a vehicle from the dealer parking area. Doors, sidewalks and roadways must remain clear at all times.
2. Dealers are responsible for leaving booth spaces neat, clean, and all trash bagged and secured. All boxes and cardboard are to be broken down and stacked neatly in the designated collection areas within each building, canopy, shed, and arena. A clean-up fee may be assessed if dealers leave behind merchandise or excessive trash.
3. Dealers must vacate the premises by 11:00 pm on Sunday. Dealers will be assessed a \$50.00 fee for each 30-minute increment past 11:00 pm. For example, if a dealer leaves the property at 11:15 pm, the \$50.00 fee will be charged. If a dealer leaves at 11:35 pm, a \$100 fee will be charged.



3.0 **MERCHANDISE RULES**

A. Prohibited Items

- No food, drink, or concession items can be sold at the flea market without prior management approval
- Merchandise that is racist, culturally-insensitive, pornographic, or explicitly sexual in nature
- Merchandise that is stolen, counterfeit, or otherwise illegal
- Expired medication
- Drugs or drug paraphernalia

B. Other Prohibited Materials

Fairgrounds management reserves the right at any time to prohibit offensive items that disturb the peace or are potentially disruptive from being displayed, sold, traded, or given away and to revoke the admission any dealer engaging in this activity. Dealer agrees to indemnify, defend, and hold harmless The Fairgrounds Nashville, Nashville Flea Market, Metropolitan Government of Nashville and Davidson County, their employees, officers, agents, from any and all claims for damage arising out of actions of dealer directly or indirectly.

C. Sale of Food and Beverage Items

Dealers may sell both pre-packaged and ready-to-eat food and beverage items; however, the items must be reviewed prior to set-up and have pre-approval from the flea market manager or designee and food and beverage contractor. Additional fees may apply to items considered ready-to-eat. Generally, ready-to-eat items do not include whole pies and cakes greater than 8-inches in diameter, pre-packaged candy, cookies, chips, fudge, and nuts sold in amounts not less than (3) pounds.

D. Food Prepared in Domestic Kitchens

An update to the State of Tennessee's Domestic Kitchen Laws was signed into law on April 17, 2017. These laws address individuals wishing to prepare foods in their domestic (i.e., home) kitchens for sale. Dealers wishing to sell food prepared in a domestic kitchen must comply with any and all applicable permitting and labeling requirements outlined in local, state and federal law.

1. Only foods considered non-potentially hazardous can be made in domestic kitchens and be sold at the Nashville Flea Market. Examples of these foods include, but are not limited to:
 - baked goods that do not require refrigeration
 - jams, jellies and preserves
 - candy
 - dried baking or spice blends



2. Potentially hazardous food products that cannot be made in a domestic kitchen and, therefore, are prohibited for sale at the Nashville Flea Market include:
 - pickled vegetables and eggs
 - sauces and dressings
 - products that contain meat or poultry
 - food that must be refrigerated

E. Sale of Nursery Stock

Nursery stock and live plants must meet special requirements and have a current Plant Certification License prior to setting up. Dealers understand that they may not sell any item, which violates federal, state, or local laws. Dealers agree to indemnify, defend, and hold harmless The Fairgrounds Nashville, Nashville Flea Market, Metropolitan Government of Nashville and Davidson County, their employees, officers, agents, from any and all claims for damage arising out of actions of the dealer directly, or indirectly.

F. Merchandise Pick-up

During the hours the flea market area is closed to vehicles, pick-up points have been established at the edge of the flea market for customers to pick-up and load purchased merchandise. Customers must have pick-up passes to access the pick-up points. It is the dealer's responsibility to provide the customer with a Merchandise Pick-Up Pass and transport the item to the pick-up point. Passes are available in the flea market office.

4.0 VEHICLES AND PARKING

A. General

1. Dealer passes must be displayed prominently in the vehicle's front window at all times. Dealers without a valid dealer pass will be directed to the flea market office prior to entering the flea market area.
2. Vehicles are prohibited from driving inside the buildings.
3. Dealers are prohibited from driving within the flea market area during the following times:
 - Friday: 9:00 am until 5:00 pm
 - Saturday: 8:00 am until 6:00 pm
 - Sunday: 8:00 am until 4:00 pm
4. Vehicles are not allowed to park in the fire lanes, in doorways, or places not designated as loading zones. Dealers parking in reserved spots assigned to



other dealers will be required to move immediately. Vehicles found to be parked or left unattended in a restricted or prohibited area will be towed at owner's expense.

B. Recreational Vehicles (RVs)

The Fairgrounds Nashville has RV parking spots available for both self-contained units and those requiring or desiring electrical, water, and sanitary sewer hook-ups. Flea market dealers are eligible for a discount on RV spots during flea market weekends (i.e., Wednesday – Sunday). Dealers must comply with established RV Rules as posted on The Fairgrounds Nashville website.

5.0 PROTECTION OF FAIRGROUNDS PROPERTY

A. Security and Medical Services

For your safety and security, police personnel, security personnel, and medical staff are contracted to be on-site during certain hours of the Flea Market. Security is hired to enforce rules, regulations, and the law, and assist with traffic control. The Fairgrounds Nashville, Nashville Flea Market, security, nor police assume any responsibility for a dealer's property. In the event of an emergency, dial 911. On-site first aid (non-emergency) and security may be contacted, when on-site, by calling the flea market office or notifying staff directly.

B. General

1. Cart, rack, or hand truck use is restricted to the overhead doors only to protect pedestrian doors from damage.
2. No signs, banners, or advertising material may be placed on the buildings, walls, windows or doors.
3. Use of tape, adhesive, nails, screws, or similar items may not be used on walls, doors, windows, floors, or any other building, canopy, shed or arena surface.
4. Hanging of merchandise or other items from fencing, downspouts, gutters, columns, cross bracing, ceilings, beams, or metal wall panels is strictly prohibited.
5. Staking of tents or other structures is prohibited. Tents may be secured with sandbags, water barrels, concrete blocks, or by another similar method.
6. Free-standing tents and canopies for use in outdoor, uncovered areas are allowed provided they have a flame spread certificate NFPA 701.



7. Open-flame heaters are strictly prohibited. Use of space heaters within the buildings is prohibited. Outdoor heaters must be kept at least three feet away from other heaters and from any combustible or flammable materials. Heaters may only be located on the ground to minimize instability and the potential of being knocked over. Heaters must be unplugged when not in use and must be monitored while in operation.
8. Dealers utilizing water or liquids in displays or merchandise (e.g., fountains) in indoor booths must have pre-approval from the flea market manager or designee and may be required to take extra precautions to protect in-floor electrical boxes from damage.
9. Dealers are responsible for reporting to Fairgrounds staff immediately any damage to Fairgrounds property they themselves cause or damage caused by another person.
10. The cost to repair damage (including, but not limited to, labor and materials) to Fairgrounds property will be invoiced to and the responsibility of the dealer that caused the damage.

C. Weekend Equipment Rental

Tables, chairs, and pipe & drape are available for rent. Dealers must reserve and pay for furniture rentals at the time of reservation. No day-of rentals will be permitted. Reserved equipment will be placed within the dealer's booth space(s). Rental Fees are listed in Rate and Fee table.

1. Rented items are to remain in the booths after the Flea Market. Staff will check-in the items upon collection to verify quantity and condition.
2. Dealers will be assessed a fee at full-replacement cost for any unreturned or damaged furniture.
3. Fees for unreturned or damaged items will be charged to the dealer's account and payment is due upon invoice or prior to the following month's flea market. Unpaid fees may result in a suspension from the flea market until fees are paid in full.



Nashville Flea Market Rate and Fee Table

BOOTHS

Indoor standard	\$115.00	10'x10'
Indoor corner or end (prime)	\$135.00	10'x10'
Sheds	\$ 75.00	10'x10'
Canopies	\$ 75.00	10'x10'
Arena	\$ 75.00	10'x10'
Lots/Perimeter	\$ 75.00	9'x18'

RENTAL EQUIPMENT

6-foot table	\$10.00 + tax	3'x6'
8-foot table	\$10.00 + tax	3'x8'
Chair	\$ 5.00 + tax	Metal folding
Pipe & Drape	\$30 + tax	Per panel
	\$40+ tax	Per booth
Unreturned or damaged	Full cost of replacement or repair	

RECREATIONAL VEHICLE (RV) SPOT RENTAL

Full-service (water, electricity, sewer)	\$30.00/night + tax with dealer discount
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LICENSES AND TAX

City Business License	\$4.00
Certificate of Registration	\$5.00 (monthly)
	\$15.00 (quarterly)
	\$45.00 (annually)

MISCELLANEOUS

Late move-out on Sunday	\$50.00 for each 30-minute increment (full or partial) past 11:00 pm
Property damage	Full cost of repair or replacement
Excessive clean-up	Full cost of clean-up and/or removal of waste/merchandise
In-person, cash, cashier's check and money order payments	\$5.00
Technology fee	1% of booth rental total
Rebooking fee after cancellation	\$100
No-show 1 st offense	Forfeiture of rental fees plus \$50
No-show 2 nd offense	Forfeiture of rental fees plus \$100



Revision History

<u>Date</u>	<u>Changes</u>	<u>Approval</u>
September 1, 2019	Document origination	Fair Board
March 10, 2020	Clarification on service animals and prohibited items, hold harmless language updated	Administrative/Legal
September 14, 2021	Fee updates; rollover discontinued; credit, refund and payment procedural updates; equipment rental update; business licensing clarification	Fair Board