

2012 Market Rules of the Morgantown Farmers' Market

- 1. Dates of market:** The Morgantown Farmers' Market will open for seasonal operation, dates to be determined each year.
- 2. Times for market sales:** The Market will open at 8:30 a.m. and close at noon (12:00 p.m.). Vendors must arrive in time to be ready to sell at the official opening time. Market Manager approved vendors may set up after 7 a.m. and shall be completed by 8:30 a.m. Vendors must check in with the Market Manager upon arrival and will be directed to an assigned or open available space.

No sales are allowed before the opening time or after the closing time. Orders may be taken prior to market day, but shall not be filled until after the opening bell. For example: if a customer orders a bushel of tomatoes prior to market day, the vendor may set back or reserve the tomatoes, but the vendor may not take money or hand over the tomatoes to the customer until after the opening bell.

- 3. Vendor attendance/Late arrival:** Vendors must notify the Market Manager 24 hours in advance if they are unable to attend the Market for any reason. This is to allow for ease of vendor placement. In emergency situations (such as illness, death, or vehicle problems) vendors should contact the Market Manager via telephone. After the opening bell rings, vendors must be at their tables prepared to sell, so as to prevent disruptive behavior such as carrying of products across the Market or moving vehicles during times customers are present.
- 4. Producer-Only rules and exceptions:** The goal of the Morgantown Farmers' Market is to support local agriculture in Monongalia and surrounding counties. As such, all products displayed must be produced by the producer-vendor who sells them. A producer-vendor may be a sole proprietorship, partnership, or corporation.

The re-sale of agricultural products by producer-vendors is not permitted, unless the product is otherwise unavailable at the Market. In that case, the producer-vendor can purchase that product from another "local" or WV producer as a supplement under a **provisional arrangement**. The Board of Directors will pre-approve each provisional arrangement and proof of purchase of the product must be shown. Should another producer-vendor begin offering that product produced on her/his farm, the vendor selling the supplemental product under a provisional arrangement must stop selling that purchased product.

Requests for approval of sale of a provisional product must be submitted to the BoD at least one month prior to its sale at the market.

"Local" in this case means within a fifty (50) air mile radius of Morgantown, WV, with preference given to producer-vendors closest to Morgantown.

“Vendor” may be the actual producing individual, an immediate family member, another producer member, staff or employee of the producing individual’s farm.

5. **Allowable products:** Producer-vendors shall submit the Product Plan included with their application at the beginning of each season, indicating the crops and products they plan to sell at the Market. Any products not listed on the Product Plan will not be allowed to be sold at the market until such time as a note to the manager is filed and approved by the manager and/or Board of Directors.
 - a. **Vegetables/Fruits/Herbs** grown by the farmer/grower, including mushrooms. Over the course of the market year, no more than 10% of a vendor’s total product mix should come from another “local” farm. The same applies to dried fruits and vegetables.
 - b. **Fresh baked goods** from scratch (not store bought mixes), using “local” seasonal ingredients in at least 25% of the products for sale. Eggs, fruit, herbs, vegetables, or meat used as ingredients in the baked goods must be grown by the producer or purchased from a “local” grower. (Example - if blueberry muffins are sold the blueberries and eggs must be “local” for the muffins to be an allowable item.)
 - c. **Cheeses** or other value-added products from milk produced on the producer-vendor’s farm or purchased from “local” dairy farms. All dairy products must be pasteurized and in accordance with state and county health codes.
 - d. **Cut flowers** which were grown on the grower’s own farm or greenhouse.
 - e. **Eggs** which are from the producer-vendor’s own poultry.
 - f. **Jams, honey, maple syrup, and other value-added products** which are freshly made from scratch by the vendor (not using store-bought mixes), using seasonal ingredients from their farm or another “local” farm. Processing must comply with local and state health codes. (See note at the end of rule number 5.) Sauces, salsas, canned vegetables and fruits must be processed by a licensed processing facility. Cider or other juices must be produced from the producer-vendor’s own fruits or that of other “local” producers, but may be processed off-farm. Vendors should be prepared to provide the Market Manager with the name and contact information of the processing facility when asked.
 - g. **Soaps/Candles/Body Care products** which are handcrafted using seasonal ingredients from their farm or another “local” farm. Any herbs (or their essential oils), milk, honey, or other natural products included in the products should be grown by the producer-vendor or purchased directly from another “local” producer. Candles and soaps should be naturally-based from a product grown in the “local” area (milk, honey, etc., NOT soy or other product of unknown origin).
 - h. **Meat** from livestock raised by the producer-vendor and which has been processed at a federal or state inspected facility as pertains to the producer’s circumstances (refer to state and local regulations regarding the sale of meat or the Farmer’s Market Vendors Guide). Fish/Shellfish which are raised by the vendor may be sold, provided that they are processed and sold according to state and county health guidelines.
 - i. **Woodcrafts** (including birdhouses, arbors, planters, or other garden accessories) that are handcrafted by the vendor from wood grown on her/his farm or that of another “local” producer (preferably from trees native to the region).
 - j. **Wools and pelts/fleeces** which are from the farmer’s own animals. Wool and yarn should be spun by the producer-vendor. No more than 25% of non-“local” fibers may be added to the yarn during spinning. Carding, cleaning, and processing of pelts may be done off-

farm, but the vendor should be prepared to provide the Market Manager with the name and contact information of the facility when asked.

- k. Potted plants, shrubs, or annual bedding plants** Bedding plants and potted plants may be grown from seed, plug, cutting, bulbs or bare root, and be well established in its current container, by the seller. No resale of pre-finished plants is allowed.
- l. Straw, hay, compost,** or other agricultural products that are produced by the producer-vendor.
- m. Other farm-related products** not listed here: Permission to sell a product that is not included in items a-l should be requested from the Market Manager one week prior to sale at the Market. The Market Manager will refer such requests to the BoD, Verification and/or Jury committees.

NOTE: Please refer to the Farmers Market Vendor Guide for guidance to determine what food items may be sold and the conditions that must be met at the point of sale. This document is available at http://smallfarmcenter.ext.wvu.edu/farmers_markets/vendors_guide. It is also available at the Monongalia County Extension Office, or from the Market Manager.

- 6. Criteria for vendor and/or product selection:** MFM is committed to creating a diverse marketplace with the highest quality, locally produced products available.

MFM will not be bound to apply a particular set of selection criteria in every instance and must reserve unconditional discretion to accept or refuse anyone as a MFM vendor.

In order to offer a variety of products to its customers MFM attempts to maintain a ratio of approximately 85% unprocessed farm products to 15% processed food and farm products. Priority in vendor and /or product selection is given to:

- regional farmers and producers who bring products to market that are 100% grown and harvested on farms they own and/or operate that are within a 50 mile radius of Morgantown WV.
- products made by the farmer (or a co-packer working for the farmer) from raw ingredients, a majority of which are grown and produced by the farmer.
- products not already being sold in the market.
- products that are unique or unusual.

Exclusivity: MFM does not offer exclusive rights to any one vendor to sell any one product. Market customers generally benefit from having a choice. However, if MFM believes the number of vendors offering the same or similar products is excessive, duplicate products may be denied entry.

Unprocessed farm products are fresh fruits, vegetables, herbs, flowers and plants, Christmas trees, meat and fish, eggs, nuts, grains, dried beans, seeds, honey, straw and hay.

Processed food and farm products are fresh baked goods, jams, jellies, sauces, salsas, canned vegetables and/or fruits, cider, fresh and/or canned fruit and/or vegetable juices, maple syrup, dairy products, soaps, candles and body care products, woodcrafts, wools and pelts/fleeces, compost or other agricultural products.

All processed food and farm product applications must be submitted to the Jury Committee, with final decision made by the Market Manager and/or the BoD.

Processed food and farm products ingredient sourcing preferences will be ranked as follows:

- A. Grown by processor.
- B. Sourced from MFM producer-vendor.
- C. Sourced locally from a non-MFM farmer/producer.

All vendor selections made by the Market Manager and/or BoD are final for the respective season.

- 7. Vendor membership:** All persons intending to sell at the Morgantown Farmers' Market must, prior to participation in the Market, file a vendor application each year with the Market Manager. This document requires the producer-vendor to:
- Become a member of the association by paying the vendor membership fee.
 - Verify that she/he/they are the actual grower or producer of the specified items that they intend to sell. All new applicants will be visited by the Verification committee.
 - List farm name and contact information for farm, home and office.
 - Additional vendors will be added to the Market at the beginning of each season, or as need permits and space allows, if the applying full-time vendor agrees to these rules and regulations.
 - No vendor will have guaranteed return rights to the Market from season to season.

For a new season, previous full-time vendor members in good standing will receive first priority, followed by late joiners in good standing, then by applicants in the chronological order of their application. The Market Manager and/or BoD reserve the right to refuse Market participation to any new applicant if the producer-vendor is proposing to sell products already in abundant supply at the Market. The producer-vendor applicant will be put on a waiting list for possible openings in the future.

- A. Vendor Membership Fees:** Annual membership fee of the MFMGA is \$50 and must be submitted to the Treasurer no later than the opening market day. Membership fees are non-refundable.
- B. Associate Membership Fee:** Annual membership fee of \$50 should be submitted to the Treasurer. Membership fees are non-refundable.
- C. Friends of the Market Membership:** Non-vendor members may join to help support the Morgantown Farmers Market by becoming a member as a Friend of the Market for \$20/year. Membership fees are non-refundable. Friends of the Market shall have no voting privileges.

- 8. Percentage of Gross Sales Fee and Escrow Deposit:** The Morgantown Farmer's Market fee structure is designed not only as an incentive for producers to prosper but also for the Market to support them in their endeavor. Fees pay for market permits and licenses, liability insurance, market staff, market signage and printed materials, weekly market email, market website, market equipment, market educational programs and promotion of the market and many other expenses .

- A. Vendors will be assessed a market fee based on a percentage of weekly gross sales to be paid to the Treasurer by the following market day. The percentage fee for the 2012 market year will be 1.5%. Checks should be made out to MFMGA.
- B. Vendors will be assessed a fee of \$50.00, known as an Escrow Deposit, to be paid to the Treasurer no later than the opening market day. A deduction from the individual member's deposit will be made in the event that the percentage fee is not received by the Treasurer. The \$50.00 Escrow Deposit will be returned to the vendor at the end of the year, less any deductions made. The Treasurer reserves the right to request an additional \$50.00 deposit be made if a vendor's Escrow account is depleted.

9. Gross vendor sales must be reported on a weekly basis. Sales should be reported accurately. Inaccurate or fraudulent reporting jeopardizes the future of the Morgantown Farmer's Market and the individual success of every farmer and producer at the market. Failure to remit accurate, weekly market sales may result in fines to the vendor and a vendor may be suspended from the Morgantown Farmers Market. Fines will be as follows: first offense \$10, second offense \$25, and third offense suspension from the Market for the rest of the season.

10. Vendor space fees: Vendors pay \$50 per *one marked off parking space in the city lot (one painted line to the next painted line)* as designated by the Market Manager. No specific space is guaranteed.

11. External regulations: Vendors are responsible for compliance with applicable city, county, state and federal regulations and supplying the Market Manager with proof of such. Regulations such as (but not limited to):

- Agricultural business license.
- Pesticide licensing and safe use.
- Approval seal on weighing devices granted by the WV Division of Labor.
- State sales tax collected as required.
- Organic certification on claimed products as required.
- Food safety, sanitation, health permits and labeling issues that apply to the item.
- State inspection of nursery stock required for selling whole plants for replanting (packs or pots).

12. Market signage:

- Producer-vendors will display a sign identifying the name and location of their farm or business.
- Producer-vendors must have signs, boards, tags, or labels listing prices of every item for sale.
- Producer-vendors listing "organic" produce, or calling their produce "organic," must display a sign giving their organic grower's certification and their certifier's organization, unless exempt from certification. Proof of exemption from organic certification should be available for the Market Manager's inspection if so requested.

- Producer-vendors should clearly separate and label organic and non-organic produce in the same display.
- Signs must be posted before sales begin.

13. Clean up: Producer-vendors must clean up the area around their vehicles and sales area before leaving. Producer-vendors must remove containers, waste and trimmings before leaving the market site and take any trash or garbage they have generated at the market back to the farm. The Market Manager will be responsible for ensuring that any trash from public traffic at the market sites is properly removed and disposed of at the close of each market day.

14. Public safety: Shade structures must be secured to prevent wind damage or injury.

15. Market behavior: Vendors are independent entrepreneurs with a common stake in creating a vibrant marketplace. Activities that seem to violate normal sales practices and these market rules can be questioned by other vendors. The Market Manager will assist in finding a resolution. If this fails, the BoD will conduct a vote if requested. When a vote on an alleged “abnormal activity” favors a change in a vendor’s practice, the vendor in question must comply. See Market Rules Enforcement and Grievance Policy for the process to be followed.

“**Abnormal activities**” include but are not limited to:

- Unsafe conditions or hazards at sales area.
- A stand that impedes access to other vendors.
- Condition of sales area, products, or vendor behavior that detracts from the market’s appearance, overall quality or reputation.

16. Market Rules Enforcement and Grievance Policy:

The Market Manager ensures compliance with the market rules, however, the Market Manager has the authority to grant exceptions to the market rules on an individual basis for reasons of dire need.

- The Market Manager has the authority to impose disciplinary action at the market site when needed.
- In the event of customer dissatisfaction with a particular vendor or some aspect of market operations, the dispute must be resolved to the satisfaction of the customer, vendor and Market Manager in a timely manner.
- All violations of the market rules as well as customer complaints should be reported by the Market Manager to the BoD at monthly BoD meetings.

Failure by a vendor to comply with the market rules or comply with the Market Manger’s resolution of a complaint of “abnormal market behavior” can result in the temporary removal of the vendor from market participation. The procedure regarding violations of the market rules or a complaint of “abnormal market behavior” is as follows:

- *First violation:* Vendor receives written notification of violation and must cease action cited in violation.

- *Second violation:* If vendor is found committing the same violation or any other violation, then vendor can stay for that market day but will lose the right to sell the following 2 weeks;
- *Third violation:* If vendor is found committing the same violation or any other violation then, vendor can stay for that market day but loses the right to sell for the rest of the market season.

Failure to immediately comply as requested shall be cause for the revocation of right to sell and expulsion from the market. Upon revocation vendor shall promptly vacate premises. Upon failure to vacate, the Market Manager shall remove the vendor's property from the premises at the vendor's expense. The market is relieved and discharged from any and all losses or damages caused by such removal. The MFMGA shall not be responsible for storage or safekeeping of property so removed.

Grievance Policy:

Any vendor has the right to a hearing before the Board of Directors. A request for such a hearing should be submitted in writing and signed by the complainant to the Market Manager and/or President of the BoD. The BoD has one (1) week to respond to the vendor's request for a hearing. A hearing should occur no later than two (2) weeks from submission of the written request for a hearing. The hearing shall be conducted by the BOD and open to any MFMGA members who want to observe.

- A majority vote by the BOD shall determine the final resolution of the grievance by the vendor.

17. Educational and community activities: One space will be made available free of charge for educational activities relating to sustainable agriculture and for non-profit community groups. This space will be made available on a first-come, first-served basis, but must be approved and booked by the Market Manager in advance or by calling the Monongalia County Extension Office at 291-7201.

18. One space will be held by the Morgantown Farmers Market to use for promotional or educational purposes of the Morgantown Farmers Market.

19. Vendor Member Sabbatical: Any full-time member in good standing (all past fees paid) and a member for at least three years may request that the BoD grant a sabbatical leave for as long as one full season.