

## 2010 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 Market Manager will 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 provisional arrangement must stop selling that purchased product.

Exceptions can be made to the local producer rule on a case by case basis for products that are not available within the local area. These cases must be brought to the Market Manager and/or Board of Directors for approval on a weekly basis.

"**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 a product plan with their application at the beginning of each season, indicating the crops and products they plan to sell at the Market.

Products should fall into one or more of the following categories:

- a) **Vegetables/Fruits/Herbs** grown by the farmer/grower, including mushrooms. 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 hand-crafted 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 federally-inspected facility. 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) which 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** which are raised from seed or cuttings, NOT purchased plugs that are repotted for re-sale.
- l) **Straw, hay, compost, or other agricultural products** which are produced by the producer-vendor.
- m) **Other farm-related products** not listed here, **which may be sold through a provisional arrangement.** Permission to sell a product not included in items a-l should be requested from the Market Manager prior to sale at the Market. The Market Manager may refer such requests to the Verification and/or Jury committees.

**NOTE (April 2008):** In keeping with the West Virginia Department of Health and Human Resources Document F-7, (formerly F-45) the following specialty items can be sold at farmers’ markets without being processed in certified processing kitchens, provided that they were made in sanitary conditions using recommended hygiene and safety guidelines: Non-dietary jams, jellies and preserves; apple butter; molasses; sorghum; undiluted honey and undiluted maple syrup; dehydrated fruits and vegetables; vinegars (plain, herb or flavored); cakes, cookies, or fruit pies; yeast bread, nut or fruit breads. Note that cream, custard, or meringue pies, cakes, or cookies are prohibited.

- 6. **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.

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 Board of Directors 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 should 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.
7. **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. **Vendor space fees:**

A. **Full-time vendor:** A full-time vendor reserves a permanent market space for the entire current market season. Full-time vendors pay \$50 per ***one marked off parking space in the city lot (one painted line to the next painted line)***.

B. **Temporary vendor:** A temporary vendor has the right to sell for 1 to 5 weeks of the current market season. Temporary vendors pay \$5 per ***one marked off parking space in the city lot (one painted line to the next painted line)*** each market day. If selling more than 5 weeks, temporary vendors are considered full-time vendors, and must pay an additional \$25 for the rest of the market season.

Any member purchasing temporary vendor space must notify the Market Manager via telephone or e-mail, or by contacting the Monongalia County Extension office at 291-7201, of her/his intent to set-up 5 days in advance before the market day in question. The Market Manager has the authority to refuse space allocations to temporary vendors who did not comply with required notification.

9. **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).

10. **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.

11. **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.

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

13. **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 Board of Directors 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.

14. **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.

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

16. **Gross vendor sales must be reported on a weekly basis.** Failure to remit 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

17. **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 Board grant a sabbatical leave for as long as one full season.

Revised January 2010.