

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. No sales are allowed before the opening time or after the closing time. The market manager will supervise opening and closing of the market.

3. **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 vendor who sells them. The re-sale of agricultural products by farmer-growers is not permitted, unless the product is otherwise unavailable at market and can be purchased by another local farmer who grew the product. In that case, the farmer can purchase that product from another "local" farmer as a supplement under a provisional arrangement. The market manager will approve each provisional arrangement and proof of purchase must be shown. Should another producer-vendor begin offering that product produced on their farm, the supplement farmer must stop selling that purchased product. "**Local**" in this case means within fifty (50) miles of Morgantown, WV. "**Vendor**" may be the actual producing individual, an immediate family member, another producer member, staff or employee of the producing individual's farm.

4. **Allowable products:** Farmers shall submit a product plan with their application at the beginning of each season, indicating the crops and products they plan to grow for sale at the market. The following can be sold:

Fruits, Vegetables, Herbs, Flowers, Ornamentals, Honey, Maple Syrup, Eggs, Poultry, Meat, Fish, Dairy Products, Bedding Plants, Potted Plants, Baked Goods, Canned Goods, Preserves, Wool, fleeces, Hay, Straw, Compost, and other approved farm products.

A farmer-grower may be a sole proprietorship, a partnership, or a corporation—and should include family members and employees who assist in the production and marketing of farm products. You can be eligible to sell at MFM as a producer if your products fall in one or more of the following categories:

a) **Vegetables/Fruits** 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 seasonal ingredients from the region in at least 25% of products for sale (or 'whenever possible'). Eggs, fruit, herbs or vegetables used as ingredients in the baked goods would be expected to be grown by the producer or purchased from a local grower within the 50 mile radius if they are available.

c) **Cheeses** or other value-added products from milk produced on the vendor's farm or purchased from regional 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 farm/grower's own poultry.

f) **Jams, honey, maple syrup, sauces, salsas, 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 farm within the 50 mile radius. Processing must comply with local and state health codes (see the note below for a list of products which do not necessarily need to be produced in a certified processing facility). Cider or other juices must be produced from the farmer growers own fruits, but may be processed off-farm. Vendor should be prepared to provide the manager with the name and contact information of the 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 would be expected to be grown by the producer or purchased directly from another local producer. Candles and soaps would be naturally-based from a product grown in the region (milk, honey, etc., NOT soy or other product of unknown origin).

h) **Meat** from livestock raised by the vendor and which has been processed at a federally-inspected facility. Fish/Shellfish which are raised or caught locally by the vendor may also be sold, provided that they are processed and sold according to state and county health guidelines.

i) **Woodcrafts** (including birdhouses, arbors, planters, or other outdoor garden accessories) which are handcrafted by the vendor from wood grown on their farm (preferably from trees native to the region).

j) **Wools and pelts** which are from the farmer's own animals. Wool and yarn should be spun by the farmer/grower. No more than 25% of fibers from outside of the region 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 manager with the name and contact information of the facility when asked.

k) **Potted plants, shrubs, or bedding plants** which are raised from seed or cuttings, NOT purchased plugs that are repotted for re-sale. Cut flowers should be grown by the vendor.

l) **Straw, hay, compost, or other agricultural products** which are produced by the farmer/grower.

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 in the beginning of the season. Manager may refer to the Verification and/or Jury committees.

NOTE as of this writing (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; applebutter; 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.

5. **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 grower/producer to:

- Verify that she/he/they are the actual grower or producer of the specified items that they intend to sell.
- 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 new farmer agrees to these rules and regulations.
- For a new season, previous full-year 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.
- Become a member of the association by paying membership fee.

6. **Fees:** Annual membership fee of the MFMGA is \$50 and should be submitted to the Treasurer no later than the opening market day. Fees are non-refundable.

7. **Market manager:** The market manager is a volunteer. The duties of this position are described in the document "Morgantown Farmers' Market Manager Responsibilities."

8. **Space fees and parking designation:** Any one vendor is limited to two full parking spaces. The market manager will determine parking designations prior to the opening day based on the paid membership at that time, and every effort will be made to accommodate eligible vendors seeking to become members after the official opening of the season.

9. **Short-Term Vendor Fees:** For vendors with short-season crops who do not anticipate occupying a space at the market for four weeks or less, a \$10.00 weekly space fee will be charged, payable each day they sell at market. Any such vendor must notify the manager via telephone or e-mail of their intent to set-up before the market day in question; or by contacting the Mon. County Extension office at 291-7201.

10. **External regulations:** Vendors are responsible for compliance with applicable city, county, state and federal 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).

11. **Signage:**

- Signs must be posted before sales begin.
- Producers will display a sign identifying the name and location of their farm.
- Producers must have signs, boards, tags, or labels listing prices of every item for sale.
- Producers 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.
- Producers should clearly separate and label organic and non-organic produce in the same display.

12. **Clean up:** Producers must clean up the area around their trucks and sales area before leaving.

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

14. **Market behavior:** Vendors are independent entrepreneurs with a common stake in creating a vibrant marketplace. Activities that seem to violate normal sales practices 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 vendor’s practice, the vendor in question must comply. “**Abnormal activities**” include but are not limited to:

- Unsafe conditions or hazards at sales area.
- A stand that impedes access to other vendors.
- Radical price cutting of top quality produce. Poor quality or overripe produce must be labeled as such and can be sold for a discounted price.
- Condition of sales area, products, or vendor behavior that detracts from the market’s appearance, overall quality or reputation.

15. **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 Mon. County Extension at 291-7201

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

Revised April 2008