

Clinton County Farmers Market Rules and Regulations

Goals

The goals of the Clinton County Farmers Market are to:

- Provide a market for local entrepreneurs to sell their locally produced products and services
- Provide access for consumers to purchase locally produced products
- Stimulate the vitality of downtown Frankfort and Clinton County by attracting consumers, showcasing businesses and providing market opportunities for locally owned and operated businesses
- Enhance the downtown as a center of retail, civic and social activities

Market Manager

The Farmers Market Manager or his or her designee shall:

- Serve as the contact person for vendors and customers
- Assign booth space at markets
- Settle all disputes and disagreements which may arise during the market
- Enforce all market rules
- Perform any other duties in conjunction with the market that the Clinton County Chamber of Commerce deems appropriate

Market Committee

The Market Committee shall:

- Include: one appointee from the Chamber of Commerce, the market manager, and a selection of core vendors by invitation. The committee may vary in size but shall never have more than seven members.
- Offer advice and recommendations to the parent organization (Chamber of Commerce)
- Verify Market Manager's vendor application requirements are complete, speak to Chamber of Commerce to request action if Market Manager appears to be breaking these rules
- Make a final ruling on the termination of vendor's space for violations to rules. In event of a tied vote on termination: The Chamber of Commerce shall designate a person to cast the deciding vote.
- The Market Manager shall chair the committee unless the issue at hand involves the Manager's conduct – in which case the Market Manager shall be relieved of committee powers & duties until a decision is reached on the matter.

Vendors

First preference for booth approval shall be to Clinton County residents and businesses. Thereafter, preference may be based on geographic proximity. Vendors may be refused

based on competition with other vendors as it is preferable to have a limited number of vendors selling a given product profitably rather than many vendors selling the same product unprofitably.

Vendors must submit an application and pay other associated fees and dues at least one week in advance to participate in the market. Applications are subject to the approval of the Market Manager. Checks will not be cashed until applicants are approved.

All vendors must meet all appropriate local, state and federal regulations. All appropriate health codes must be followed. All scales must be certified by the Indiana Department of Weights and Measures and the certificate available on site.

Vendor Categories

Agricultural Products: Producer of raw, home grown and produced agricultural products such as fresh fruits and vegetables, flowers and ornamental plants, grains. Re-selling of products not grown by the producer is prohibited unless also registered as a broker.

Processed Products: Agricultural products processed by the vendor and consisting primarily of products grown or raised **by the vendor**. Examples include jams and jellies, baked goods, meat and poultry products, honey, oils and vinegars and soaps. The vendor must meet all product safety and labeling requirements of the City of Frankfort, Clinton County Health Department, State of Indiana and Federal Government. No products designed to be consumed on-site will be permitted for sale, however product samples are permitted and encouraged.

Crafts: Only handmade crafts which the vendor makes shall be allowed. Examples include woodcuttings, hand-sewn items, dry flower arrangements, cards, wreaths, potpourri, wicker, paintings, pottery, woven baskets, etc.

Broker: Agricultural Products, Processed Products and Crafts which are grown, processed or otherwise made or produced by someone other than the vendor.

Market Café: Vendor preparing and selling farm fresh food designed for eating while at the market. Entrées sold must consist primarily of items grown or raised **by market vendors and local farms**. Vendors wishing to expand and become a market café must get individual approval from the Clinton County Health Department and the Market Manager. The market manager and/or the Chamber of Commerce shall have the right to individually approve or deny Market Café applications based on how they will fit in with other vendors and the overall market atmosphere.

Not-for-Profit: Clinton County not-for-profit organizations may apply for permission to sell at the market. These organizations must either be based in or serve Clinton County. Approval shall be subject to booth space availability, possible conflicts with commercial vendors, and product.

Not-for-Profit Informational: Not-for-Profits wishing to provide information which may be of interest to customers may apply for permission to have a market booth. Approval shall be subject to space and content considerations.

Political and Research: Individuals or organizations wishing to engage in political activism or research, such as market and consumer research, must acquire a permit from the Market Manager at least one week in advance. These groups and individuals must remain in the area designated for such activities and not interfere with customers or vendors. Materials, activities and signs offensive to vendors and/or customers are prohibited. The designation of materials and signs as offensive shall be at the discretion of the Market Manager. Individuals and/or groups interfering with the conduct of the market, including the enjoyment of customers, may be asked to leave. The Clinton County Farmers Market respects the First Amendment rights of any group or individual. The above guidelines are intended to allow ample contact with the public while insuring that customers and vendors have a positive experience at the market.

Youth: Any individual or group which qualifies according to the criteria of any of the above vendor categories, but which is owned and operated by an individual or individuals 18 years of age or younger. Youth participation will be encouraged, even when their products may compete with other vendors, to promote youth entrepreneurship. Youth members must grow or produce their products separate from any other vendor.

Permits

Vendors must meet all product safety and labeling requirements of the City of Frankfort, Clinton County Health Department, State of Indiana and Federal Government. All food product vendors must follow safe food handling procedures. Vendors participating in the Farmers Market WIC program must meet all requirements of that program. The following permits/items for each category are required:

Agricultural Products: Vendors of agricultural products for Human consumption, such as fruits and vegetables, must possess the one of the following permits or permissions:

Home Based Vendor According to new laws passed in 2009, certain vendors may be exempt from food permit requirements. Vendors in this category must submit a note from the local health department stating they are a Home Based Vendor, do not require a permit, and will follow all labeling requirements. No “potentially hazardous foods” may be sold by a Home Based Vendor.

Farmers Market Permit issued by the Clinton County Health Department. Temporary Food Permits must be presented to the Market Manager prior to the beginning of the Market and posted in accordance with Board of Health requirements.

Processed Products: Vendors of processed products for Human consumption, such as jams, jellies and baked goods, must possess the following permits and licenses:

Home Based Vendor According to new laws passed in 2009, certain vendors of specific processed products may be exempt from food permit requirements. Vendors in this category must submit a note from the local health department stating they are a Home Based Vendor, do not require a permit, and will follow all labeling requirements. No “potentially hazardous foods” may be prepared or sold by a Home Based Vendor.

Certified Kitchen. All processed food products must have been prepared in a Certified Kitchen inspected and approved by a local, state or federal health department. Documentation supporting this must accompany the vendor application.

Certified Food Handler. All “potentially hazardous food” products must have been prepared by, or under the supervision of, a Certified Food Handler. Documentation supporting this must accompany the vendor application.

Market Café: Vendors preparing and selling farm fresh food designed for eating while at the market must possess the following permits and licenses:

Certified Food Handler. All food products being prepared at the market must be prepared by, or under the supervision of, a Certified Food Handler. Documentation supporting this certification must accompany the vendor application.

Annual Food Service Permit. Annual Food Service Permits must be presented to the Market Manager prior to approval to expand into a Market Café. If a vendor has an Annual Food Service Permit they will not be required to also obtain a Farmers Market Permit.

Temporary Food Permit issued by the Clinton County Health Department. Temporary Food Permits must be presented to the Market Manager prior to approval as a Market Café and posted in accordance with Board of Health requirements. This permit will apply to vendors expanding to a Café for two weeks or less to allow for the preparation of a seasonal product.

Other permits/certifications that may be required depending on products sold:

Inspected Meat Processing Facilities. All meat products must be sold frozen in original, unbroken packaging, indicating the products were processed/inspected at an Indiana or USDA inspected facility.

Indiana State Egg Board Retail Certificate of Registration. All sellers of shell eggs must possess a Certificate of Registration from the Indiana State Egg Board and a copy must accompany the vendor application.

Temporary Food Permit issued by the Clinton County Health Department. Temporary Food Permits must be presented to the Market Manager prior to the beginning of the Market and posted in accordance with Board of Health requirements.

Brokers: Brokers selling Agricultural or Processed Food Products must meet the requirements listed above for that respective category(s).

Not-for-Profits: Not-for-Profits selling food products designed for Human consumption must present an inventory list to the Market Manager prior to the start of the market session. The inventory list must provide detailed information on who contributed each individual product.

All vendors must submit a certificate of insurance in the amount of \$1,000,000 with their application.

All scales must be certified by the Indiana Division of Weights and Measures or designee and vendors must have the certificate on site.

Membership

Membership categories and annual fees are as follows:

Full Members: Vendors may become Full Members of the Clinton County Farmers Market on payment of a \$100.00 fee. Full Members shall have the right to have precedence in selecting booth spaces in the order their applications are received, attend Farmers Market Association meetings and be selected for the Market Committee. Members will be eligible to sell at all Farmers' Market sessions however if they are going to be absent they should contact the Farmers Market Manager one week in advance.

Seasonal Members: Vendors may become Seasonal Members on payment of a \$40.00 fee. Seasonal Members shall have the right to have precedence, after Full Members, in selecting booth spaces during that season, attend Farmers Market Association meetings, but will not be eligible for selection to the Market Committee. Seasonal Members will be eligible to sell at all regular Farmers Market sessions during their respective season or seasons however if they are going to be absent they should contact the Farmers Market Manager one week in advance.

Farmers Market seasons shall be as follows:

June – July
July – August
August – September
September – October

Membership privileges may be revoked if the member participates in less than 75% of respective Farmers Market sessions.

Non-Members

Non-members may request booth space by submitting an application and required documentation to the Farmers Market Manager no less than one week prior to the session. Applications shall be evaluated on the basis of product type and quality, conflicts with market members and geographic location.

Non-member fees for most categories of vendor shall be as follows:

\$10.00 per market session

Non-member fees for non-profits and youth shall be as follows:

\$5.00 per market session

Non-members are expected to abide by all rules and regulations of the Clinton County Farmers Market, including signage standards.

Other Fees

Negotiations on the availability of electricity & Credit/Debit card payment machines are still in the works and separate memos will be released prior to the start of the season with details on those services. Both services, if available for 2011, may require payment of an additional fee for some or all vendor categories.

Claiming Clinton County Grown Products

In order for a vendor to claim a product is a “Clinton County Grown” product, the product must be grown, harvested and processed in Clinton County. For processed products, all components of the product must originate from Clinton County, with the exception of packaging materials.

Booth Space

The Clinton County Farmers Market will be regularly open one day each week; on Saturday from 8:00 a.m. to 12:00 Noon. Booth standards are as follows:

The Saturday market shall be held on the East side of Jackson Street (SR 39) between Clinton and Walnut (SR 28) Streets.

Starting the 2010 season, Saturday Booths shall be containing approximately 300 Sq Ft of space and at least 15’ of frontage. Vehicles may be parked in the booth space and products may be sold out of the back of the vehicles however vehicles must not extend past booth boundaries into walkways. Booths must be maintained within the boundaries and may not be set up on sidewalks or in access areas between booth rows.

No booth space may be re-assigned or sold to another vendor.

The market manager has the right to modify booth size and location as need be with at least one weeks' notice in order to make space for more vendors or obtain a more desirable traffic flow through the market.

Special Events

Special events involving the Farmers Market may be scheduled by the Market Manager. Some of these events may involve the entire market while others may result in selected vendors being invited to participate. Fees and market rules specific to such special events shall be established at such time as an event is scheduled.

Market Day Procedures

- All vendors must meet Farmers Market signage requirements.
- All vendors must be present and prepared to sell for the entire market session. Vendors may arrive and begin to set up by one hour prior to the designated market opening time and must have their space clean and remove their vehicle and all materials by one hour after the designated market closing time. Vendors must be prepared to sell no later than ten minutes prior to the designated Market start time and must remain open for the duration of the entire market session.
- Vendors must maintain their area, including the sidewalk or walkway in front of their booth, in a neat, clean, attractive manner. All trash must be disposed of in appropriate receptacles. The market area must be left clean and free of all trash and debris at the close of the market.
- Vendors must have all appropriate permits on site and available for inspection.
- Vendors selling products labeled Certified Organic must be certified organic by a USDA accredited certifying agency and must have their certification available on-site. Small farms of less than \$5,000 annual gross sales may represent products as organic so long as they follow all applicable requirements of the United States Organic Code.
- The market will be held regardless of weather. In the event of severe weather, the Courthouse shall serve as a storm shelter.
- All vendors must provide their own pop-ups, tables, chairs, etc. All equipment and materials must be secured in the event of inclement weather.
- No portable generators are allowed.
- With the exception of animals required for handicap assistance, no pets are allowed in booths.
- No smoking is permitted in booths.
- No electronic music, sound recordings or other media are permitted in the vending area. No barking(calling out) is permitted.
- No alcoholic products, such as homemade beer, mead or wine, may be sold or otherwise distributed.
- Vendors may promote their on-farm business at their booth.

Inspection

The Clinton County Farmers Market reserves the right to inspect any vendor facility or farm, with a minimum of 48 hours' notice, to insure compliance with Market rules and regulations. Failure to allow inspection will result in the termination of market privileges.

Publicity

Photos may be taken during market sessions and may be used for publicity. In accepting a booth space, vendors grant permission for their photos to be used for this purpose.

Signage Requirements

- All vendors must have an attractive booth identification sign displaying vendor name and address.
- It is recommended that booth identification signage be in Spanish and English. A master list of translated words is available for use and additional translations of specific words not on the general list can be arranged by the Farmers Market for a fee.
- Lettering for booth identification signs must be no less than 2" in height.
- Vendors of raw produce intended for Human consumption must prominently display a sign saying, "Please wash product prior to use."
- Home Based Vendors (HBV) must meet all signage/product labeling requirements laid out in State law for them. A list of the required information on labels for HBVs can be obtained from the Clinton County Health Department.
- No vendor signs are permitted outside of the designated booth space.

Fair Practices

- Vendors are expected to treat all customers with courtesy and respect.
- Vendors may not discriminate against any customer for any reason.
- Vendors must not approach a customer who is in conversation with another vendor or visiting another booth.
- Vendors may not make any public outcry, engage in "hawking" or use any disruptive music or other media.
- Vendors must have a price list available however they are permitted to engage in "dickering" or negotiation with customers at their booths, so long as the final price is not above that listed.
- Vendors may not engage in "price wars" – the deliberate undercutting of a competitor's prices. Determining if such practices are occurring shall be at the discretion of the Farmers Market Manager.

Vehicles and Parking

Vendors may park within their rented area so long as no part of the vehicle or displays, including the booth itself, extends beyond the rented space boundaries. Vehicles may alternatively be parked on the parking lot South of the market on State Road 28

(Chamber of Commerce lot) just east of Jackson Street. No streets will be closed during Farmers Market hours.

The Market Manager or his or her designee shall have the authority to direct the movement and arrangement of all vendor vehicles.

There shall be no movement of vehicles in the market area from ten minutes prior to the designated market session start time until the close of the market session.

Violations

The violation of any of the above Rules and Regulations, city or county ordinances, health codes, and state and federal laws will constitute a breach of contract with the Market and subject the vendor to the loss of any or all privileges. Serious violations which may threaten the health or safety of Market staff, Vendors or the public may result in immediate eviction from the Market.

Minor Violations: Violations deemed to be minor shall be addressed in the following manner:

For a first offense a written warning shall be served to the appropriate vendor representative detailing the infraction and indicating the steps necessary to correct the problem.

For a second or subsequent offense, or for failure to comply with the written warning following a previous offense or offenses, the Market Manager may terminate the lease to occupy a space at the market. Vendors may request reinstatement of market privileges by submitting a written request to the Farmers Market Manager and/or Market Committee indicating how the situation resulting in termination has been corrected.

Complaints: Complaint forms are available from the Farmers Market Manager and may be submitted to the Market Manager or a Market Committee member. Unsigned, anonymous complaints will not be accepted.