

Owen County Farmers Market 2021 Market Season Rules

(A complete set of the Bylaws can be provided upon request to the Board President)

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Welcome to the Owen County Farmers' Market

The Owen County Farmers' Market intends to have a permanent Market mix of 70% non-value-added food producers, 20% value-added and prepared food vendors, and 10% crafts and artisan only vendors. This mix may be adjusted as needed by the Market Manager to meet the needs of the Market and the community.

1.1 Season

The exact dates of the market will be determined on a yearly basis. beginning in May and ending in September or October.

1.2 Booths & Booth Assignment

1. A full booth will be 10' X 10'. A vendor may pay for and use more than one booth. The Owen County Farmers' Market reserves the right to limit the number of booths assigned to each vendor should the growth of the market dictate that such a limitation is in the best interest of the market.
2. Booths will be assigned based on
 - a. Full season vendors from the previous Market season will have seniority.
 - b. "First application in, first choice of booth" basis for the full season vendors.
 - c. "First application in, first choice of booth" for seasonal vendors of the remaining booths.
 - d. Daily vendors will be assigned as available by the Market Manager.
3. In the event of a full Market. booth priority will be:
 - a. Produce and non-prepared food vendors (milk, eggs, cheese, meat, fruit, etc.)
 - b. Plant growers
 - c. Prepared food vendors
 - d. Craft/Artisan vendors

1.3 Parking

- A. Vendors must park their vehicles away from the market site. **No vending from trucks, vans, cars, etc. in the market.**
- B. The Owen County Farmers' Market is not responsible for items left at the Market.

1.4 Booth Fees & Payment Schedule

Vendors may have more than one type of booth. i.e. A full season vendor may opt to have an additional seasonal space for their product's peak season; or choose to have an additional daily space when their production demands such. Should a vendor choose to cease vending at the Market, booth fees are non-refundable.

- A. Full season vendor: This vendor will be at market the full season of 21 weeks. These vendors are required to sign a contract and pay the full-season rate of \$150 prior to the start of the market. An exception is made for new vendors who want to try out the market. They may pay the daily rate of \$15/week for the first one or two weeks, with the balance due by the third market if they decide to continue. A full season vendor may join the season at any time and will pay the full-season rate upon joining.
- B. Daily Vendors: These vendors are required to sign a contract and will pay a daily Market fee of \$15.00 per space. Payment is payable by opening time of each Market the vendor will be attending.
- C. Youth Drink Stand: These vendors, ages 12 and under, are required to sign a contract and will pay a daily Market fee of \$0.50 per space. Youth drink stands are limited to 1 per market week and can sell only lemonade, tea, or hot chocolate. Packaged fund-raising products can also be sold at the Board's discretion, but home-baked goods or crafts cannot be sold at the Youth drink stand. Payment is payable by the opening time of each Market the vendor will be attending.

1.5 Educational/Non-Profit Community Groups

The Owen County Farmers' Market does not permit Educational/Non-Profit groups booth space at the Market. Educational/Non-Profits will be allowed to display literature and special event fliers at the Community Informational Table located at the café area of the Market.

1.6 Demonstrations

Organizations such as the Owen County Extension Office or craft/art guilds may be given a booth to do demonstrations for the public. They may sell their products at their booth. If selling products, an organization can do only one demonstration per market season. If they want to do additional demonstrations in a season, they will be required to pay the Daily Vendor fee for additional market days.

1.7 Entertainers and Events

Entertainers may be granted free space as directed by the Market Manager. (See 7.3) Events will be coordinated by the events committee and the Market Manager. Entertainers will not be paid by the Owen County Farmers' Market but may be sponsored by local organizations or collect donations given by the public.

Section 2: Vendor and Product Guidelines

2.1 Vendors

The Board reserves the right to refuse admittance to any vendor that the Board feels does not meet the eligibility requirements or does not serve the best interests of the Market. **Any vendor who misses three Market days after confirming their plan to attend will not be allowed to vend in the future.**

A. Producers

A. Farmers

1. Farmers are persons who raise produce (vegetables, fruits), herbs, flowers or nursery crops from seed or plants and care for, cultivate and harvest the crops offered for sale at the market. Beekeepers, egg sellers, whole fish, poultry, and rabbit farmers who process their own raw product into value added items are also considered farmer vendors. The location of the farm must be within a one hundred-mile radius of the Owen County Farmers' Market.
 - a. Indiana Department of Health states that honey, maple syrup, and sorghum are low risk food products that fall into "value added" foods.
 - b. Food must not be older than 1 year from the date of selling at the market.

2. Farmer vendors can sell crafted items made from at least 70% raw materials gathered or produced by the farmer. Unless there is prior approval from the board these items may not total more than 20% of the yearly gross sales.
3. Plant Growers
 - a. Plant growers must be in possession of plants for at least 60 days prior to sale at the market. Plant receipts may be requested at any time by the Market Manager to verify the length of possession. If the vendor operates a greenhouse and has a start to finish operation, farm/operation visits by the standards committee may be made.
 - b. Plant growers of woody shrubs must have a valid Nursery License from the Indiana Department of Natural Resources if they are going to sell any annual or perennial plants.

B. Other Vendors

A. Artisans

1. Artisans are persons who craft with their own hands the products they offer for sale at the Market. To qualify as an artisan, a majority of the tools and equipment used by the crafter to produce the products must require skills, personal handling, and/or guidance by the crafter.
2. To assure quality crafts at the Market, all artisan vendors may be juried by the Committee. Work should be made by hand or with the appropriate tools. showing imagination, skill, and the mark of the artisan's individuality. All works should be executed without technical faults. Artisans not accepted may reapply on a monthly basis with a new or improved product. Limitations may apply when determining the acceptance of an artisan, based on the market's current needs. Artisans who wish to sell on a daily basis must still jury their items.
3. Items made from kits or that are mechanically mass produced are not acceptable.
4. Returning craft vendors must jury new items.

B. Prepared Food Vendor (aka Value-Added Vendors)

Prepared Food Vendors are vendors offering food products that they have processed into products being offered for sale at the Market. Farmers and livestock producers that have had items processed by any outside source are also value-added vendors. Produce that is cut or sliced to sell to a consumer is considered value-added. These products are ready-to-eat or packaged food that complies with 2.2 of the Market rules.

1. Food must not be older than 1 year from the date of selling at the market.

C. Youth Drink Stands. Each week of the market a space will be available for a youth ages 12 and under to run a drink stand.

1. Stand is for sell of drinks only – no foods or crafts, except that packaged fund-raiser food (such as Girl Scout cookies or Boy Scout popcorn) can be sold at the discretion of the Board.
2. Drinks such as lemonade, iced tea, or hot chocolate can be homemade or a mix.
3. Hand washing station should be used regularly for cleaning of hands and utensils. Hand sanitizer should not be used as replacement for hand washing.
4. Ice must be kept in closed/covered containers and dispensed with clean utensil. Ice used for consumption with drinks must be stored separately than ice used to keep beverage containers chilled.

D. Service Providers and all Other Miscellaneous

Service Providers and all other Miscellaneous are vendors offering special services and other non-food items to customers at Market. This would include massage therapists, face painters, plant fertilizer. etc.

C. Vendor Requirements

- A. All vendors must meet all state, county and local requirements. Prior to selling at the Owen County Farmers Market, vendors may be requested to supply a copy of all necessary permits and business licenses. These documents must be visibly displayed at the vendor booth at each market.

- B. Before a vendor application will be approved the following criteria must be met:
 - 1. Applicant must reside within a one-hundred-mile radius of the Market.
 - 2. Applicant must not have an outstanding fee or fine from the previous season.
 - 3. If the applicant was a vendor the previous season, they must have been a vendor in good standing, abiding by the Rules & Policies of the Owen County Farmers Market.
- 4. No commercial items, no imported items and no second-hand items shall be sold by any vendor at the Market, except in the case that the market has an antique day. In that case, antiques may be imported or second-hand.
- C. The Market strives to provide a place where fresh and wholesome products are sold. The Market Manager has the responsibility to cooperate with regulatory agencies to maintain quality control at the Market.
- D. Minor children may be involved in the display and sales of items in a booth if they are supervised at all times by a parent or guardian.

2.2 Processors

- A. Processed Food Vendors are vendors offering fresh food products that they have processed themselves into products being offered for sale at the market. Upon approval of the board, these vendors may also offer items that are locally produced by others if market needs and demand dictate. These items must follow the same rules and guidelines as other similar market items.
- B. Food must not be older than 1 year from the date of selling at the market.
- C. Processed food vendors must clearly label all ingredients of each item. The vendors name and/or business name and address must be included in the product's labeling.
- D. Processors must meet all applicable federal, state and local rules – see Value-Added Food Addendum for additional information,

Section 3: Set Up - Loading & Unloading

3.1 Failure to Show

This section does not apply to daily vendors. A reserved booth which is not claimed before 7:45 a.m. may be reassigned to another vendor for that day. If a vendor with a reserved booth does not plan to attend a market, they are required to notify the Market Manager at their earliest convenience. Three “no shows” without notification will result in the vendor being barred from the market. The market fee will not be refunded.

3.2 Set Up

Vendors may arrive at 7:30 a.m. to ready their booth. Except for sales to other vendors no other sales will be allowed until the Market's opening at 8:30 a.m. Due to insurance liability vendors are required to remain completely set up in their booths until the Market closes at 12:00 p.m. Any vendor leaving the Market before closing could be assessed a \$50.00 fine which is due before the next Market day. The Market Manger has the authority to authorize a vendor leaving early for emergency or other reasons if the safety of the public and other vendors will not be endangered in any way.

3.3 Canopy & Table: Set Up & Tear Down

- A. All vendors are responsible for setting up and tearing down canopies, tables, and displays for their booth.
- B. Booth spaces will be marked by the Market Manager.
- C. All vendors erecting canopies at the Market are required to have their canopy sufficiently and safely anchored to the ground from the time their canopy is put up to the time it is taken down. The Market

requires a minimum of **24-pound weights on each of the four corners of the canopy**. (*Note: a gallon of water weighs 8 pounds. A gallon of sand weighs approximately 12.5 pounds. A gallon of concrete weighs approximately 20 pounds.*) Any vendor who has been found by the Market Manager to have failed to properly anchor their canopy will have to either:

1. Anchor their canopy appropriately.
 2. Remove their canopy for that Market day.
 3. Refrain from selling at the Market for that Market day.
- D. Vendors preparing food in their booth (e.g. making and selling sandwiches) are required by the state to have a canopy.
- E. All vendors are responsible for policing their booth areas after tear down and leaving the area clean. Vendors who do not police their area will not be allowed to sell at the next Market.
- F. On Market days that high wind is forecasted, the Market Manager may request that no tents be used that day. The OCFM will not be responsible for damage caused by high winds.

3.3 Signage

Vendors may have a sign at their Market booth. Additional signs are permitted as long as they do not interfere with neighboring booths and are in good taste.

3.4 Vendor Displays

Displays must not block accessibility to adjoining booths. Display and selling techniques must not impair other vendors' ability to sell.

Section 4: Regulatory Policies

4.1 Alcohol/Drugs

No alcohol or drugs are permitted in the market. If the Market Manager believes that a vendor or customer is intoxicated or under the influence of drugs, they have the authority to ask the vendor/customer to leave immediately.

4.2 Behavior

All vendors, their children and staff, whether at the Market site, board meetings, committee meetings, or Market functions, will behave toward Market customers, vendors, staff, and volunteers in a professional manner. The Market Manager and the Board reserves the right to remove any individual who is disrespectful or disruptive.

4.3 Discrimination/Sexual Harassment

- A. It is the policy of the Owen County Farmers' market to comply with Federal equal opportunity laws.
- B. All vendors, staff, and board members shall project the necessary attitudes and behavior to ensure that sexual harassment and/or discrimination do not occur.
- C. Members of the Market, Market employees, vendors, entertainers, and any other persons participating in the Market shall not discriminate against any individual with regard to selling of products, hiring, promotion, discipline or any other matters because of age, gender, race, creed, color, national origin, sexual orientation, or the presence of any physical, mental, or sensory disability.
- D. The Market will not tolerate instances where a vendor or staff is retaliated upon in any way for complaining of sexual harassment or discrimination. Confidentiality will be maintained when possible.
- E. The following actions will be considered sexual harassment: Promise of employment or continued employment made implicitly or explicitly predicated on sexual activity as a condition of employment; Implicit or explicit coercive sexual behavior to control, influence or affect any employee, contractor, customer, potential customer, or vendor; Deliberate or unsolicited verbal comments, gestures, or

physical contacts of a sexual nature which are unwelcome or interfere with work performance or create an intimidating, hostile or offensive work environment.

4.4 Firearms

No firearms or fireworks permitted in the Market

4.5 Animals

- A. Animals permitted in the Market must be on a leash and comply with town ordinances.
- B. See attachment A. DOG POLICY.
- C. The Market Manager and the board members reserve the right to remove any animals not under control by their owner or which pose a danger to vendors and market patrons.
- D. Petting Zoo, Pony Rides, and other animal attractions must be located at least twenty (20) feet away from any food items.

4.6 Health Practices

All vendors must adhere to sanitary procedures as outlined by the Owen County Health Department. Any vendor found selling contaminated foodstuffs or produce shall be suspended from selling operations until satisfactory clean has been obtained from the Owen County Health Department. The Health Department will make unannounced inspections at the Market.

- A. Vendors must have hand sanitizer available. (The Owen County Health Department will make hand sanitizer available.)
- B. Face shields or masks are recommended as long as the state is requiring them for Covid-19. Neither masks nor face shields are required. Either will be available at the Market for vendors.
- C. If the vendor is selling food that can be eaten at the Market, the vendor should encourage the purchaser to use hand sanitizer before eating the food. (however, we don't want the food to taste like hand sanitizer, so encourage reasonable amounts!)
- D. Encourage customer not to handle produce and then put it back.

4.7 Insurance

The Owen County Farmers' Market does not require that farm and artisan vendors carry liability insurance; however, it is recommended that producers do so for their own protection. Prepared food vendors and value-added food vendors MUST carry liability insurance in the amount of \$500/1M (\$500,000 per occurrence/\$1,000,000 total) and provide proof of coverage to the Market Manager prior to vending.

4.8 Logo Use

Vendors wishing to use the Owen County Farmers' Market logo must apply in writing to the Board of Directors.

4.9 Labeling

- A. Use of the word "organic" is restricted to those who have in fact, been so certified by the Department of Agriculture. Organic growers who sell less than \$5,000.00 annually are not required to be certified to label their products organic.
- B. Vendors cannot use health or nutritional claims on label.
- C. All vendors are required to advertise truthfully and to respond to customer questions in a like manner.

4.10 Pricing

Pricing of goods sold at the Market is solely the responsibility of the individual vendor. We suggest that for good community and vendor relationships that the items sold at the Market not be priced below 80% of the current area retail price.

4.11 Skateboards, Roller Blades, and Bicycles

No skateboards, roller blades or bicycles will be allowed in the Market.

4.12 Radio & Other Sound Systems

No sound that can be heard outside an individual vendor's booth will be allowed.

4.13 Tobacco Products

Smoking or smokeless tobacco products are not allowed in the Market. This is also to include e-cigs.

4.14 Vendor Illness Policy

Vendors with communicable or infectious food borne illnesses are restricted from participating in the market. Vendors with symptoms including but not limited to vomiting, diarrhea, fever, jaundice, or sore throat related to diseases such as Hep A, E Coli, Norovirus, Salmonella, and Shigella should not participate in handling of food products and will be asked to refrain from vending while ill and at least 24-48 hours after illness passes. Vendors may find temporary stand help to maintain their stand and sell items while primary vendor is unavailable.

Section 5: Complaints, Appeals & Disciplinary Procedures

5.1 Enforcement of Market Policies

- A. On site at the Market, the Market Manager will decide if any vendor is failing to adhere to Market policy. Such failure will result as follows:
 - a. 1st offense: a verbal warning
 - b. 2nd offense: a written warning
 - c. 3rd offense: expulsion from the Market for that day
 - d. 4th offense: expulsion from the Market for the remainder of the season
 - e. The vendor is responsible for packing their product, belongings, and cleaning up their area when asked to leave the Market. If the vendor does not pack their own product and belongings, the Market Manager has the authority to appoint others to do so. The Owen County Farmers' Market will not be held liable for any damage caused during such packing. The vendor is legally responsible for any damage that may occur when being escorted from the Market.
- B. At off-site Market gatherings, the Market Manager, President of the Board, or the Chairperson of the event will determine if any vendor or participant is failing to adhere to the policies set for the event. Failure to adhere to these policies will result in:
 - a. 1st offense: a verbal warning
 - b. 2nd offense: expulsion from the event which will be documented in writing via the minutes and a written notice to the offender by the person in charge of the meeting/event.
 - c. 3rd offense: expulsion from Market events for the remainder of the season which will be documented in writing via the minutes and a written notice to the offender by the person in charge of the meeting/event.

5.2. Product Challenge

It is the intent and purpose of the Market to offer fresh, high quality goods and farm-direct products. Products which are deemed inconsistent with Market guidelines may be challenged by any vendor, the Market Manager, or any Board member. A challenge process will be as follows:

- A. Vendor will receive written notice of the challenge.
- B. Vendor will be required to respond, in writing, to the challenge before the following Market day.
- C. The challenge will be resolved within one week of receiving the vendor's written response to the satisfaction of the Market Manager and two Board members who will be chosen by lottery.
- D. The disciplinary process will be as follows:
 - a. 1st offense: a written warning
 - b. 2nd offense: one week suspension from the Market
 - c. 3rd offense: forfeiture of all Market spaces for the remainder of the season. In order to participate in the next Market season as a vendor, the vendor's application must be presented to the Board for consideration. Two season expulsions will result in permanent disbarment from the Market.

5.3 Vendor, Staff & Board Rights

Should a vendor, Market staff, or Board member feel that another vendor, Market staff, or Board member has acted outside the authority of their position or acted in a way that has harmed the Owen County Farmers' Market as a whole, the following steps should be taken:

- A. The complaint must be in writing and include the following:
 - a. Name(s) of the person(s) involved, including the person filing the complaint.
 - b. A clear and specific description of the problem
 - c. If applicable, a clear and specific description of attempted resolution of the problem
- B. Copies of the complaint should be sent to all persons involved in the matter, Market Manager, and the Board.
- C. The President of the Board will acknowledge the receipt of the complaint and recommend, within fourteen (14) days, a course of action for dealing with the complaint. The course of action may include, but is not limited to:
 - a. Mediation between the affected parties.
 - b. Setting up a committee of the Board to hear the complaint from all sides. The committee will recommend a course of action to the Board.
 - c. The President may suggest to the Board that the complaint needs to be dealt with through other channels.

5.4 Appealing a Challenge, Disciplinary Action, or Rights of Violation

- A. The appeal must be in writing and include the following:
 - a. Name(s) of the person(s) filing the appeal
 - b. A clear and specific description of the problem
 - c. If applicable, a clear and specific description of attempted resolution of the problem.
- B. Copies of the appeal should be sent to all the persons involved in the matter, Market Manager, and the Board.
- C. The President of the Board will acknowledge the receipt of the appeal and recommend within fourteen (14) days, a course of action for dealing with the appeal. The course of action may include, but is not limited to:
 - a. Mediation between the affected parties.
 - b. Setting up a committee of the Board to hear the appeal. The committee will recommend a course of action to the Board.
 - c. If after completion of the recommended course of action, the situation remains unresolved, the President shall schedule a meeting of the Board within ten (10) days.

- d. The Board of Directors has final authority in deciding the outcome of any appeal that is not resolved through mediation. The Board reserves the option to recommend that the appeal be dealt with through other channels.

Section 6: Vendor Application & Acceptance Guidelines

6.1 The Market Manager will review each applicant to decide if the following criteria are met. The Market Manager will forward the application to the Board for approval.

6.2 Criteria for Application Acceptance

- A. **Salability:** The product should sell well in a farmers' market setting
- B. **Compatibility.** The product should fill a niche in the Market's product mix.
- C. **Stability:** Can the vendor supply enough products to meet the vendor level they are applying for. Would a different category or level be more appropriate?
- D. **Commitment:** The vendor should be willing to commit to specific Market days.
- E. **Production:** Does the vendor have a substantial "hands on" contribution to the making of the product?

Section 7: Entertainment Application and Acceptance Guidelines

7.1 Entertainers are a welcome and vital part of the Owen County Farmers' Market. They are invited to the Market for the color, variety, and culture that they bring to the Market atmosphere and to enhance the sales environment for the Market vendors. Entertainers must not perform in such a way that they interfere with the commerce of the Market and they must abide by all Market rules.

7.2 Busking

Busking will be allowed; however, performers must register with the Market Manager on their first time at the Market. Performers will check in with the Market Manager each Market they wish to perform to receive their location assignments. Under no circumstances may entertainers perform without permission of the Market Manager. Entertainers will not be charged for the privilege of performing at the Market. Buskers must be respectful of scheduled entertainment and refrain from performing in a way that will detract of the scheduled entertainment's performance. Should several buskers come to the Market at the same time the Market Manager may assign times for each busker to perform,

7.3 Contract & Scheduled Entertainment

Entertainers invited to perform at the Farmers' Market may sell merchandise such as CD's with Board approval. Entertainers are asked to provide samples of the items they wish to sell to the Board at least two weeks prior to the Market at which they are scheduled to appear.

Section 8: Vendor Inspections

8.1 Purpose of Inspection

The purpose of vendor inspections is to assure that products sold at the Market are vendor-produced as required in the Bylaws (Article 2.2 A) and that the vendor lives and works in the 100-mile radius specified in the Bylaws (Article 2.2 A). Inspectors will note production capabilities of the facilities they visit. If a discrepancy is apparent, the Market Manager may deny the vendor access to the Market. This decision may be appealed to the Board for final resolution.

8.2 Inspections

- A. Vendors agree to one farm/site visit per season. The Board and/or Market Manager may choose to make a visit when complaints have been made to the Market Manager that items are not grown or produced by the vendor and the vendor has not applied to vend as a partnership or co-op with other producers.
- B. Vendors who have a change of address, change of items, or change of other circumstances must inform the Market Manager of such changes: inspections may be required in these instances.
- C. If the inspection team cannot verify that a vendor produces their own product the vendor may be banned by the Market Manager. The vendor may appeal to the Board.

Owen County Farmers Market DOG POLICY

The OCFM welcomes friendly, well behaved dogs to participate at the Market.

- All dogs must be kept on a leash at all times while at the Market.
- Dog owner is responsible for cleaning up any mess left by the dog.
- Dog owner will be responsible for any and all damage caused by their dog.
- Muzzles are recommended for dogs that are known to have a history of biting.

All complaints made about a dog will be addressed immediately by the Market Manager. The Market Manager will address the owner of the dog about the complaint and ask them to remove said dog from the Market for the remainder of that Market day. The Market Manager will contact the Board President to set up an investigation by the Board.

All complaints should be presented in writing and signed by complainant, with contact information, for the investigation process. If an issue arises, the Market Manager has the authority to ask that a dog be removed from the Market for that day for the safety of the customers and vendors, without complaint in writing. If a dog's owner refuses to remove dog from the Market when asked, the Market Manager will request a 2nd time that the dog be removed. If the owner still refuses to remove the dog or becomes disorderly, the Market Manager will contact the Spencer Police Dept.

All written complaints will be investigated and addressed by the Board within 2 weeks. Findings will be addressed in writing to the owner of the dog. Findings may include but not limited to a written warning to the dog's owner, dogs' suspension from the Market, or dog being banned from the Market for the remainder of the Market season.

The OCFM Board is obligated to provide a safe and friendly environment for our customers and vendors. These policies are by no means intended to deter anyone from participating in the Market, but to maintain order and provide safety in Market activities.