

# ***STAUNTON/AUGUSTA FARMERS' MARKET***

## **2012**

### **Introduction**

*The Staunton/Augusta Farmers' Market was founded on the concepts of regional food production for fresh consumption, promotion of family farming, direct marketing of farm products, and the common good of all who participate in the Market. With these goals, the following Rules and Guidelines are intended to make it as easy as possible for Producers to sell their products directly to the general public without much of the "red tape" associated with conventional marketing outlets. The success of our Market depends on a good growing season as well as the active participation and cooperation of many and varied Producers. The Market Committee, comprised of 6-9 individuals including vendors and other community members, manages the regular business operations of the Market voluntarily and welcomes your input. The Committee's meeting schedule may be obtained through the Market Master or Committee members.*

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#### **LOCATION:**

1. The Saturday and Wednesday Markets are located in the Wharf Parking Lot bordered by Johnson Street and Byers Street in Staunton.

#### **THE SELLING SEASON:**

2. The Market will be open for retail sales between the hours of 7:00 A.M. and Noon on each Saturday and Wednesday of the Market season as designated by the Market Committee. The season for 2012 is from April 4 through November 21. The Market will be held every Saturday and Wednesday during the season, regardless of weather.

#### **PERMITS:**

3. A Producer Certificate and Hold Harmless Agreement must be completed before selling at the Market. These are available at no charge from the Market Master.

The purpose of the Producer Certificate is to document that the products sold originate with the Producer. The Market Master will retain this Certificate and will provide a copy to the City Attorney in the City of Staunton. Producers are exempt from purchasing a business license for the purpose of selling at the Market. The Producers' Certificates are valid for one season.

The Hold Harmless Agreement means that the Producer will hold the City of Staunton and Augusta County harmless in the event of product liability or other factors that relate specifically to the Producers' business practices. The Hold Harmless Agreement is valid for one season.

## **SPACE ASSIGNMENTS, RESERVATION POLICIES AND FEES:**

4. Displays must be confined to the area within the allocated space and must not impede pedestrian traffic. A space is defined as the area between two lines and marked with a numeral. This includes the brick or asphalt area in front of the numbered space. Producers will sell only from the space(s) assigned by the Market Committee. Any display or practice that is judged by the Market Master and/or Committee to be a safety hazard will be discontinued. Vehicles larger than a one-ton truck are not allowed. No refrigerated trucks are allowed.

5. When checking out, all Producers will pay the Market Master 4.5% of their gross daily sales (this is the Market fee). This fee will be paid each day the Producer sells at the Market and is in addition to any seasonal or one-time reserved space fees that a Producer pays. Fees collected by the Market are for the express purpose of promoting and operating the Market. This includes, but is not limited to, advertising, administrative expenses and a salary for the Market Master, and Bookkeeper.

6. The appropriate state sales tax is also collected (unless Producers pay taxes directly to the state). The Producer must provide the Market Master with a sales tax identification number if they will pay sales tax directly to the state.

7. Producers may reserve a single space for the entire season by paying a fee of \$50.00 per Market. If a Producer desires to reserve a second, adjacent space (subject to availability), the total cost is \$160.00 per Market for the season. Spaces will be limited to two per Producer. There will be a cap of twelve (12) double spaces at the Saturday Market. The Wednesday Market will be limited to four (4) double spaces. These spaces will be awarded by seniority and total annual sales.

In order to have a reserved space for 2012, a Producer must have had a minimum of 20 Market days participation at the Market for the year 2011. Producers who meet this criterion from the previous season will be given first right of refusal for use of the same space. **This first right of refusal must be exercised by the Annual Meeting in 2012.** A Producer must contact the Market Master if he/she will not be attending the Annual Meeting. When a space is available, preference will be given to those who attended the most Market days the previous season. In the case of a tie, preference will be given to the vendor with the most seniority and total annual sales. Fees for reserved spaces must be paid in full by the Annual Meeting. All guest vendors – those established vendors who do not meet the reserved space requirements – and all new vendors must submit a new application form each year. Preference will be given to guest vendors who participate on a regular basis.

a. A producer without a reserved space may rent an available, unreserved space at the Saturday Market for the annual \$50.00 fee for a single space. Producers without a reserved space will be assigned on a first-come, first-served basis by the Market Master each week of the Market.

b. A Producer may rent on a daily basis an available, unreserved space at the Wednesday Market for \$10.00 per week until the \$50.00 space fee is satisfied. Producers without a reserved space will be assigned on a first-come, first-served basis by the Market Master each week of the Market.

c. The Market Master designates the vending locations for all Producers. If the Market Master deems it necessary, a Producer may be required to relocate.

**8. The Saturday Market opens at 7:00 am and the entrance to the vending area is then closed. No vehicular traffic will be permitted in the vending area during market hours except in cases of emergency.**

**There will be NO restriction on vehicular traffic during the Wednesday Market. Those arriving after 7 am may forfeit their space.**

Call the Market Master when running late or you plan on being absent. Late arrivals will be assigned a space where setup will make the least impact on the operation of the Market and the safety of the customers. If you notify the Market Master that you will be late, your space will not be reassigned.

Each Producer is expected to stop selling at Noon and have all products, displays, boxes, containers, etc. removed by 12:30 pm. The Market Master and/or Committee will have the authority to change the Market hours on special occasions with consent of the City Manager.

**REGULATIONS:**

9. The Staunton/Augusta Farmers' Market was founded on the Producer-only principle: **ALL PRODUCTS SOLD MUST BE RAISED OR MADE BY THE VENDOR.** The Market has flourished under this rule. The *Producer Only Rules* nurture local farmers and insure the freshest and highest quality foods possible for our customers. **NO RESALE OF ANY PRODUCT IS ALLOWED – EVER.** Only Producers may sell at the SAFMarket. A vendor/producer is defined as a grower, baker, prepared food maker, employee, or immediate family member who is *directly* engaged in the growth, harvesting or production of the products sold. All producers' market staff must be identified in the producers' certificate.

**New vendors will be accepted at the discretion of the Market Committee.** For processed food items, preference will be given to those applicants who have a VDACS inspected kitchen and who are growing their own ingredients.

**Staunton/Augusta Farmers' Market Producer Only Rules:**

- a. If **legal employee status** is claimed, then that employee must be directly involved in the production process. Evidence of the existence of such employment, for example a pay stub or tax record, must be submitted with the Producer's Certificate prior to selling at the Market. Certificates may be amended as necessary throughout the season.
- b. Production of all goods sold at the Market must take place within a 50-mile radius of the Market.
- c. **Selling of items purchased from or provided by another Producer, wholesaler, or market is not permitted.** Producers found in violation of these rules shall be asked to remove the item(s) in question or relinquish their space and forfeit any fees paid to the Staunton/Augusta Farmers' Market. All sales and exchanges of products shall be on a retail basis only and conducted at the Market during hours of market operation.
- d. Complaints by a Producer of known or suspected violations of these Rules must be submitted to the Market Master. All complaints will be kept confidential. Producers refusing to allow a site visit and inspection will no longer be allowed to sell at the Market. **ALL PRODUCERS ARE SUBJECT TO INSPECTIONS BY THE MARKET MASTER.**

10. Producers may sell farm and kitchen products including (but not limited to): fruit, vegetables, eggs, cut flowers, plants, cheese, meats, cider, jams, jellies, relishes, honey, home canned goods and baked goods. Canned fruit and vegetables or egg-based baked goods are not permitted without approval of the local Department of Health. Many items are subject to USDA, Virginia Department of Agriculture and Consumer Services and/or Health Department regulations. **It is the sole responsibility of the Producer to abide by these regulations. Producers must contact these agencies for inspection and approval.** The Market Committee permits no cooking within the Market area without prior approval. The sale of cooked meats, game, poultry or fish is allowed if the food comes from a VDACS inspected and approved kitchen and is held at proper temperature at the Market. In order to sell raw, fresh, frozen, or cooked meats, game, fish, or poultry, each item must have been raised by the Producer, must meet all legal requirements for retail sale, and must be maintained at an approved temperature at the Market site. In some cases, the item may also be required to carry a USDA label. Eggs, poultry and rabbit are examples of farm products that do *not* require a USDA label, but they do need to be held at proper temperature.

Products described in any manner as "organic" must meet federal and state regulations for such labeling. Producers are required to file a copy of all relevant certificates with the Market Master.

**It is the responsibility of each Producer to abide by all state and federal regulations, which govern the production, harvest, preparation, preservation, labeling, or safety of products offered for sale at the Market.** This includes scales that are certified legal for trade. Producers are liable for their own products. Market management, the City of Staunton and/or Augusta County will not be held liable for the products offered by Producers. Product liability insurance is the sole responsibility of the Producer.

***Value-added agriculturally based products made of at least 60% producer grown parts will be permitted, subject to prior approval by the Market Committee. The other 40% shall not exceed the value of the produced items, i.e., selling a plant with a highly valued ceramic pot.***

The Producer's Certificate and the Hold Harmless Agreement must be completed and given to the Market Master **prior** to selling. Anyone wishing to sell any *non-conventional* item must present said item to the Market Committee for approval **prior** to selling. Times and locations of the committee meetings will be available from the Market Master or Committee members.

11. No poultry, game, or livestock will be slaughtered or dressed within the Market area.
12. The sale and/or display of live animals is not allowed at the Market.
13. Electrical generators are not allowed at the Market. There is an ample supply of power outlets available for \$3.00 per Market day (payable to the City via the Market Master). These are available on a first-come, first-served basis. Producers must bring their own all-weather extension cords. Electrical cords must not be a tripping hazard.
14. Solicitation for products, services, or charitable contributions not specifically identified as Market commodities is not permitted.
15. Producers must be fourteen years of age or older. However, younger children are welcome and encouraged to participate when directly supervised by an adult responsible for the child's conduct and safety.
16. **Safety for our customers and Producers is a top priority.** Disruptive and/or unsafe behavior will not be tolerated. Parents and/or guardians will see that their children's behavior meets the expectations of a place of business. Riding bicycles, tricycles, skateboards, roller skates, roller blades or other wheeled vehicles are prohibited on the Wharf Parking Lot or adjacent sidewalks. Running, throwing objects and/or other playground activities are also prohibited.
17. In accordance with state and local food safety regulations, all Producers will try to restrict animals from having direct access to or direct contact with food items. Producers will not be permitted to bring pets to the Market.
18. Fraudulent, dishonest or deceptive merchandising or collusion to set prices among Producers may be grounds for forfeiture of the right to do business of any kind in the Market for a length of time to be determined by the Market Committee.
19. The Market Committee welcomes educational, agriculturally based organizations, with prior approval.
20. Producers will be solely responsible at all times for the cleanliness within their vending area. Each Producer is required to leave the space clean at the end of the Market session. Producers will provide their own broom, dustpans and trash bags. The Producer must remove all trash from his/her space at the Market site.
21. Wild flowers or plants sold at the Market must not be on the state or federal list of rare wild plants published by

the Division of Natural Heritage. See the County Extension office for a current list.

22. The Market is authorized and operates solely for the limited purposes identified in Staunton City Code Section 12.35.020. The Market is not created as or intended as a forum.

23. Even with the approval of these rules by the Staunton City Manager, the rules do not constitute any waiver of any sovereign or other immunity of City, its council members, officials, employees, agents, or responsible parties or the Market as to any liability or other claim.

24. The operation of the Market will be governed by the Staunton City Code and the laws of the Commonwealth of Virginia.

25. Any commitments of the City as to the Market are contingent upon and subject to appropriation of sufficient funds for the purpose of this agreement.

26. The Market Master will enforce all Rules and Regulations within the Market area as authorized by the appropriate section of these Rules and Regulations consistent with the Staunton City Code and any other applicable law. Failure by any Producer to comply with any of these Rules and Regulations will result in the forfeiture of the right to be a participant in the Market for a length of time determined by the Market Committee.

**GUIDELINES:**

- \* Public restrooms are located in the Public Parking Garage on Johnson Street.
- \* Be aware of tripping hazards in the pedestrian area. It is best to raise all displays (especially food items) at least 24 inches from the ground.
- \* The large green trash cans should not be used for vendor trash.
- \* Selling below a fair market price is harmful to **all vendors** and **strongly** discouraged.
- \* **The East side of the Wharf parking lot is reserved for customer parking only.**

**THE MARKET MASTER:**

The Market Master for 2012 is Tom Womack. Phone: (540)448-1937; e-mail: tomwom@gmail.com

**THE MARKET COMMITTEE:**

<b>NAME OF COMMITTEE MEMBER</b>	<b>PHONE NUMBER</b>	<b>EMAIL ADDRESS</b>
Christie Huger	460-4161	drnkmlk2@yahoo.com
Sarah Butterfield	886-4506	bmcseb@gmail.com
Jennifer Coffman	942-7819	coffmaje@jmu.edu
Peg Davis	885-6706	pegdavis4@aol.com
John Oakes (Bookkeeper/Treasurer)	249-5096	oakhill97@msn.com
Susan Randall (Committee Chair)	Home:363-5152 Cell:448-2364	elkrunfarm@gmail.com
Tom Womack (Market Master)	448-1937	tomwom@gmail.com

**OTHER POINTS-OF-CONTACT:**

SAFM cell phone	540-448-1937 or 448-2364
Facebook page	Staunton Augusta Farmers Market
Farmers' Market web site	www.safarmersmarket.com
VDACS Bureau of Food Inspection	540-562-3641
Department of Weights & Measures	804-786-2476
Organic Certification - Kent Lewis	804-371-6098
VDACS Farmers' Market Prices Update	800-552-5521

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Date Approved

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City Manager