

Market Rules of the Putnam Farmers' Market 2016

- 1. Dates of market:** The Putnam Farmers' Market will open for seasonal operation, dates to be determined each year
Opening Date: First Saturday in May
Closing Date: Last Saturday in October
- 2. Times for market sales:** The Markets will operate at **Valley Park in Hurricane** on the following days:
May through October: Saturdays from 9:00 AM until 1:00 PM
Vendors must arrive in time to be ready to sell at the official opening time. Market Manager approved vendors may set up an hour before opening time and shall be completed 15 minutes before opening time. Vendors must check in with the Market Manager upon arrival and will be directed to an assigned or open available space. Market Manager will distribute tally sheets and collect \$5 set-up fee from each vendor.

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.

Penalty for early sells: First offense is a written warning; second offense is out 3 selling days, third offense out for the selling season with the board's consideration for returning the following year.
- 3. Market Manager:** The Market Manager is appointed by the board of directors each season and follows the list of duties approved by the membership (see attached).
- 4. Vendor attendance/Late arrival:** Vendors should notify the Market Manager via phone or email when they are planning to attend the Market for the first time each season. 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.
- 5. Producer-Only rules and exceptions:** The goal of the Putnam Farmers' Market is to support local agriculture in Putnam County 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 **Farmers within a one hundred (100) air mile radius of Winfield, WV, or a resident farmer of West Virginia** with preference given to producer-vendors closest to Winfield.

“Vendor” **may be the actual producing individual, an immediate family member, another producer member, staff or employee of the producing individual’s farm.**

6. **Allowable products:** Producer-vendors shall submit a product plan with their application at the beginning of each season indication 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.
- b) **Fresh baked goods** from scratch (not store bought mixes), using at least one “local” seasonal ingredient in the products for sale. Eggs, fruit, herbs or vegetables 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/or eggs must be “local” for the muffins to be an allowable item.) Vendors selling only baked goods are considered under the “craft” category and must be judged and accepted by the board. Vendors already selling produce or meat are exempt from the craft rule as long as no more than 50% of their inventory is baked goods.
- 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 and kept at 41 degrees F.
- 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 USDA OR WVDA inspected facility. Meat vendors must have a Meat

Distributors License. The Code of West Virginia Regulations, Title 61, Series 16 recognizes a federal exemption that allows individuals that raise poultry in West Virginia to slaughter and sell up to 1,000 birds per calendar year without inspection.

- i) **Crafts** which are handcrafted by the vendor must be judged by the board before admitted, with a maximum of five (5) crafters each season.
- j) **Wools and pelts/fleeces** which are from the farmer's own animals. No more than 25% of non "local" fibers may be added to the yarn during spinning. Carding, cleaning, processing and spinning 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. Greenhouse operations must be approved by the board on an individual basis.
- 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 board of directors.

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.

7. **Vendor membership:** All persons intending to sell at the Putnam 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.

Member in Good Standing Definition: Member in good standing is the status assigned to a member of an organization when he or she has remained current on the organizational dues and payments. The term, however, must be construed under ordinary rules and with reference to the by-laws and market rules of Putnam Farmers' Market.

Vendor Membership Fees: Annual membership fee of the PFMA is **\$25 (individual) or \$35 (couple)** and should be submitted to the Treasurer no later than the opening market day. Membership fees are non-refundable.

8. Vendor space fees:

Full-time vendor: A full-time vendor reserves a permanent market space for the entire current market season. Full-time vendors pay **\$25 or \$35** per year for a 10x10 space. An additional **\$5** is paid at each market the vendor attends to be used primarily for advertising.

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. No dogs or other animals allowed with the exception of service animals for disabled. Only new or reusable bags can be used. Absolutely no recycled bags.

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 Rule 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 Putnam Farmers’ Market at 300-8995.

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

16. Gross vendor sales must be reported on a weekly basis per market. Failure to remit weekly market sales may result in fines to the vendor and a vendor may be suspended from the Putnam 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.

Market Rules Enforcement and Grievance Policy

The Market Manager ensures compliance with the market rules, however, the Market Manager has the authority to grant exceptions to the market rules on an individual basis for reasons of dire need.

The Market Manager has the authority to impose disciplinary action at the market site when needed.

In the event of customer dissatisfaction with a particular vendor or some aspect of market operations, the dispute must be resolved to the satisfaction of the customer, vendor and Market Manager in a timely manner.

All violations of the market rules as well as customer complaints should be reported by the Market Manager to the Board of Directors (BOD) at the next BOD meeting.

Failure by a vendor to comply with the market rules or comply with the Market Manager's resolution of complaint of "abnormal market behavior" (see market rules) can result in the temporary removal of the vendor from market participation. The procedure regarding violations of the market rules or a complaint of "abnormal market behavior" is as follows:

First violation: Vendor receives written notification of violation and must cease action cited in violation.

Second violation: If vendor is found committing the same violation or any other violation, then vendor can stay for that market day but will lose the right to sell the following 2 weeks;

Third violation: If vendor is found committing the same violation or any other violation then, vendor can stay for that market day but loses the right to sell for the rest of the market season.

Failure to immediately comply as requested shall be cause for the revocation of right to sell and expulsion from the market. Upon revocation vendor shall promptly vacate premises. Upon failure to vacate, the Market Manager shall remove the vendor's property from the premises at the vendor's expense. The market is relieved and discharged from any and all losses or damages caused by such removal. The PFM shall not be responsible for storage or safekeeping of property so removed.

GRIEVANCE POLICY:

Any vendor has the right to a hearing before the Board of Directors. A request for such a hearing should be submitted in writing and signed by the complainant to the Market Manager and/or President of the BOD. The BOD has one (1) week to respond to the vendor's request for a hearing. A hearing should occur no later than two (2) weeks from submission of the written request for a hearing. The hearing shall be conducted by the BOD and open to any PFM members who want to observe.

A majority vote by the BOD shall determine the final resolution of the grievance by the vendor.

Market Manager's Duties

This is a volunteer position to be appointed by the Putnam Farmers' Market Association Board annually.

1. Market manager enforces all market rules.
2. Set up and take down signs on day of market and storage of signs.
3. Ring bell to start and end market.
4. Map out vendor spaces.
5. Check in vendors and assign spaces.
6. Distribute and collect market reporting forms.
7. Collect \$5 booth fee each market.
8. Check for compliance of market rules and Health Department rules
9. Handle any complaints at market from vendors or customers.
10. Provide security at the market and adhere to safety measures.
11. Make sure each vendor cleans their area at end of day.
12. Final inspection to be sure closure is complete.
13. Market manager is responsible for arranging a replacement when he can not attend a market.
14. May attend annual WVFMA conference and training.