

HARTSELLE FARMER'S MARKET Rules

1. Market Management

- The Director of Parks and Recreation and/or the market manager shall have supervision and control of the activities of the market and the market property.
- The market management has full responsibility for making certain that all rules and regulations as set forth by the Farmers Market Committee and the State of Alabama Farmers Market Authority are followed by each grower and/or his/her agent or employee. The market management shall manage the locations for each vendor and if necessary, may require a producer to relocate.
The market management shall assure the smooth operation of the market and the vendor cleanup of their area after the market close.
The market management will be conducting farm visits throughout the growing season to ensure adherence to the producer only rules.
The market management will coordinate advertising and special events.
- in the event of inclement weather conditions, the market management has the authority to close the market to ensure safety of customers and vendors.

2. Approval of vendors and products

The market management will determine the selection of vendors. The market will strive for a diversification of local farm products, local artists, and food vendors. Only producers may sell at the market. A producer is defined as the person that grows or makes the product and may also include the producer's immediate family, partners, and employees. Items purchased for resale, as well as items made from kits, commercially available plans and items that are mechanically mass-produced may not be sold at the market.

Farmers (growers, ranchers, farmers, beekeepers) - Farmers may sell products grown and/or produced in North Alabama with preference to Morgan County. Farms from outside of Morgan County in Alabama may apply and approval will be based on market need for items produced and will be reviewed by the market management. Farmers may include a farmer's family member, employee, or representative. A farmer or his representative must attend the booth during sale hours.

- The sale of live plants requires that a producer grow the plant from seed, plug, cuttings or divisions for a minimum of two weeks. No reselling from commercial nurseries permitted.
Growers selling eggs must follow guidelines set forth in the Alabama Shell Egg Law regarding proper labeling.
Meat sales are to be frozen with proper State or USDA stamp on packaging.
- Fish can be frozen or on ice at 37-41 F degree temperature maintained.
- Dairy products must have proper labeling from an inspected facility on the package. No raw milk products can be sold.
Only certified organic growers may use the term "organic" in their advertising at the Farmers' Market.

The use of the term "organic" is not permitted unless the producer can supply a copy of a Certificate from the State of Alabama to the Market Manager prior to the first market that states his/her produce is in fact organic. Market Vendors may use "pesticide free" and/or other terms, but State and Federal law control the use of the word "organic".

Craft Vendors or Artisans are producers of unique, handcrafted items that represent use of local talent, materials, ideas, etc. They can include crafters, jewelry makers, artists, photographers, seamstresses, lotions & soap makers, etc. Artisans may sell items approved during the application process. All items must be self-produced, no resale and/or mass-produced items can be sold. All craft vendor applications must include a photo sampling of items to be sold. The market management will approve only artisan vendors who represent unique, high-quality products. County guidelines above will apply.

Prohibited Arts and Crafts

1. Plastic
2. Styrofoam
3. Products made from kits
4. Prefabricated items
5. Figurative molds (unless vendor created the mold)
6. Machine tooled leather items
7. Pre-purchased items
8. Purchased items that you have decorated (no cloth cutouts, carpet art, pre-printed cheaters cloth)
9. No yard sale items

Civic Organizations Participation

All charitable organizations must fill out an application. Nonprofit, charitable organizations are welcome at the Hartselle Farmers Market with approval of the market management. The organization must show proof of non-profit status. Organizations setting up information and donation-only tables will be allowed to set up free of charge. Organizations selling a product to raise funds will be charged the normal rental fee. The Market is a public space not a public forum. Organizations, individuals and market vendors may only display educational material pertinent to the farmers' market, the process of marketing local foods to consumers and gardening. Any activity conducted on the farmers' market property during the hours of the farmers' market must be approved by the market management. Space will be allocated based on availability and selection criteria.

Home Processed Food Vendor: Food items that are home processed and meet the Alabama Farmer's Market Authority definition of non-potentially hazardous goods may also be represented at the market. Home processed products must satisfy all public health, labeling, permitting, and other requirements pertaining to processed products. County guidelines above will apply. Foods allowed to be sold that are produced in a home kitchen: baked breads, rolls, cookies, cakes, brownies, fudge, and double crust fruit pies; traditional fruit jams, jellies, marmalades, and relishes; candy; spices or herbs; snack items such as popcorn, caramel corn and peanut brittle must have appropriate

labeling to be sold at the Market. Vendor will not be allowed into the Market without prior authorization.

These products are required to be labeled that the production kitchen was not inspected by a regulatory agency. Food shall be clean, wholesome, and safe for human consumption and shall be handled, stored, transported, and offered for sale in a sanitary manner. Each vendor must abide by Code 80-7-1.05(d) of the Administrative Code regarding all the home processed products, meat, insurance, proper weight and measures, dairy products, shell eggs refer to Alabama Department of Agriculture and Industries, Farmers Market Authority Administrative Code Chapter: 80-7-1.04(3)(4)(5)(6)(7)(8)(9) <http://www.fma.alabama.gov/HomeProc.aspx>

Food Vendors: Food Trucks Are Not allowed at the Farmer's Market per city ordinance. Exceptions are city sanctioned events by the City Council.

3. Fees

Currently there are no fees required to sell at the Hartselle Farmers Market.

4. Permits

All growers who are selling at the market must hold a grower's permit. They are available at no charge from local County Extension offices. The purpose of the certificate is to ensure that the products sold originate with the producer, his or her family, partners, or employees. This allows the producer and the customer to be exempt from state and local taxes for raw, unprocessed fruits and vegetables. A copy of the grower's permit must be provided to the Hartselle Farmers Market prior to the first market attended. All permits must be available at each vendor's booth in case of on-site inspection.

All producers selling value-added products are responsible for obtaining a valid business license from appropriate city, county or State licensing entities. Participants shall collect all necessary taxes at the time of sale and remit same to the appropriate government authorities.

- If selling products not classified as a grower the vendor is required to have a business license from the City of Hartselle and is responsible for all related sales tax.
- All licenses and permits must be available in case of on-site inspection. It is the responsibility of the producers to comply with any local, state and federal laws that pertain to their business.

5. Enforcement Process:

The market management will enforce the rules. Fraudulent, dishonest, or deceptive merchandising, disruptive behavior, or collusion to set prices among vendors 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 management. Failure by any vendor to comply with any of these rules and regulations can result in forfeiture of the right to do business of any kind in the market for a length of time specified by the market management. If a vendor would like to appeal their suspension or disqualification, a hearing will be arranged with the Director of Parks and Recreation. Management will then make a

decision on a resolution to determine the outcome of the producer's appeal. The market management will handle all complaints regarding market management. Any complaint made against a producer must be in writing and given to the Market Manager. The market management is responsible for reviewing and resolving complaints. The market management shall determine what type of investigation, if any, shall be conducted in response. They also have the sole discretion to determine whether that complaint will be disclosed to the producer under complaint. In addition, the producer under complaint will be given the opportunity to respond to the complaint.

6. Rules and Law Compliance:

The sale of live animals is not allowed at the market. Alcoholic beverages, beverages containing one-half of one percent or more alcohol by volume, are prohibited for sale at farmer's markets.

Food items allowed for sale may include, but are not limited to, vegetables, fruits, meats, eggs, baked goods, honey, cider, flowers, and plants. The market management will review all meat products prior to being allowed to be sold at the market. Products must meet all USDA/State Health Department guidelines.

7. Space Assignments and Reservation Policies:

Space at the Hartselle Farmers Market is available on a first come - first served basis. Participants cannot give their participation rights/booth space to any other person without the express written consent of the Hartselle Farmers Market Manager, which may be withheld for any reason. The Hartselle Farmers Market has the right to deny a space at any time for any reason deemed worthy by Hartselle Farmers Market management. The market management of the Hartselle Farmers Market will monitor the overall composition of the market and determines the number of vendor openings available by type. The Hartselle Farmers Market has the right to cancel market days due to dangerous weather or other causes.

Generators are not allowed without prior approval.

8. Set Up and Clean Up:

Producers will be solely responsible at all times for the cleanliness within their vending area, regardless of the origin of the debris. Each producer is required to leave the space clean with all trash being securely bagged and placed in the park dumpster. All vehicles should be loaded and cleared from the market area one (1) hour after the market closes. Determination of vendor parking will be made as the market progresses.

Currently we will allow them to remain behind the selling area. Hartselle Farmers Market has the right to demand immediate clean-up and removal of hazardous equipment and the immediate removal and discard of clearly defective produce and other products.

9. Smoking/Tobacco Use

Due to customer concerns, the Hartselle Farmers Market will be a smoke free and tobacco free zone. There will be no smoking or tobacco use allowed in the market area.

10. General Violations

Drugs will NOT be allowed on market premises. All profane, abusive, discourteous, and boisterous language and/or conduct at or in the market vicinity are strictly prohibited. There is to be no "dumping" of produce at the end of the market day. 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 management. Anyone not cooperating with market rules will be asked to leave the market. The market management reserves the right to call appropriate authorities to assist with unruly /uncooperative vendors or customer. If the market management determines that a producer has violated any provision of the market policies, that producer may be penalized.

11. Indemnification

The participant acknowledges full responsibility for all activities conducted in connection with the Hartselle Farmers Market and agrees to indemnify and hold harmless the Hartselle Farmers Market, the City of Hartselle, and each of their respective employees, agents, officers, directors and representatives (collectively, "Representatives") from and against any and all liability, loss, damage, expense, suits, claims, penalties or judgments arising in connection with the participant's participation in the Hartselle Farmers Market. Participant acknowledges that his/her responsibilities include any and all costs and expenses incurred by the Market, or their Representatives in defending claims, which may be brought against any of them. Participants are liable for their own products. The Hartselle Farmers Market shall not be held accountable for the products offered by participants. Product and liability insurance is the responsibility of the participants. Participant assumes all risk of loss due to fire, theft, weather or other causes of damages or loss. Participants agree to fully indemnify and hold the City of Hartselle harmless from any claims of property damage or bodily injury caused by any member of the public due to the acts or omissions of the participant.

12. Food Safety and Sampling:

All procedures set forth in the Alabama Farmers Market Authority Administrative Code, Chapter 80-7-1.04(4) must be met. It is the responsibility of each vendor 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. All vendors regardless of product must meet the health requirements that prevent food borne illnesses. No cooking is permitted within the market area without prior approval.

Health and Safety Requirements:

Sampling helps sell product, but to ensure food safety and insect prevention, careful attention needs to be given to health requirements that prevent food borne illnesses.

The following rules for safe sampling must be followed:

- Preparation of fruit and vegetable samples requiring cutting or slicing shall be done on-site immediately prior to consumption.
- No home prepared food samples shall be served at the market. Clean knives and cutting boards must be placed in protective plastic containers, food storage bags, wrapped in plastic wrap, etc.

Clean equipment must be used to cut product, in-use items must be stored so they are protected from contamination.

- Replace soiled knives, cutting boards, etc. with clean items every two hours.
- Use single service items whenever possible.
- Store soiled items in a closed bag or container to avoid attracting insects.
- All fruits and vegetables must be rinsed thoroughly in clean water.
- Products may be rinsed or cleaned prior to bringing them to the market. The items should be stored in disposable food bags.
- Rinse melons in 200 parts per million chlorine solution prior to slicing for sampling.

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Fruit and vegetable sample servings must be protected from contamination at all times.

- Serving must be done in a manner protecting the sample from any bare hand contact.
- Utilize disposable gloves, single service utensils, napkins or tissues, or toothpicks are all adequate methods to avoid handling prepared samples
- Any ice used for cooling must be properly drained continuously to avoid wrapped items soaking in melted ice water.

Canned items (i.e., jelly, salsa, etc.) may be opened one jar at a time and sampled with clean disposable utensils.

Use toothpicks, wax paper, paper sampling cups, or disposable utensils to distribute samples.

Temperature control must be maintained on items needing refrigeration after opening.

The County Environmentalist may have specific additional requirements depending on the food to be prepared and served, the general location of the event or food concession area, the availability of city water and sewage, and other local considerations. The Rules of the State Board of Health require that a permit to operate a temporary food booth be obtained prior to any prepared food being sold.

13. Rights Reserved by the Market Management

The Market Management reserves the right to reject a vendor application if, in the Market Management's judgment, the goods and merchandise are not compatible with the overall concept of the market or are inappropriate.

The Market Management reserves the right to immediately deny a vendor the privilege of selling at the market. Reasons may include misrepresentation of products, poor quality of products or produce, nonpayment of fees, disorderly conduct or failure to heed the Market Management's direction.

The Market Management shall have the authority to oversee and enforce the market guidelines.

The Market Management may also exercise Due Process for suspension in accordance with the following criteria:

- Adequate verbal notification to the specific vendor by the market management;
- Written notification to specific vendor provided by the market management; Written notification of suspension from the market management based on noncompliance by the vendor to adhere to verbal and written direction

14. Vendor Responsibilities

- Vendors are responsible for their own sales taxes, licenses, permits and fees required for operation and will abide by all local, state and federal laws.
- In keeping with an upscale farm theme, vendors are encouraged to make spaces attractive and appealing to buyers.
- Each vendor is responsible for keeping his or her own space clean and attractive and staying within his or her designated area. Failure to maintain space upkeep and cleanliness may result in disciplinary action. Upon closing of the market, spaces are to be cleaned and swept by the vendor.
Vendors are responsible for bringing their own equipment for cleanup.
Vendors must supply their own sales equipment, chairs, tablecloths, display racks, display signs, bags for customers, and money for change.
Vendors are restricted from attracting attention to items for sale by outcries in a loud or annoying, rude or offending manner. Each vendor may set his or her own prices. Pricing "parity" is to be maintained among market vendors.
Fruits and vegetables may be sold by count, bunch, or dry measurement
Vendor will occupy and attend assigned space for market's entirety, from the opening to its scheduled closing. Only the Market Management can close the market at any time other than that which is scheduled.

15. Governing Body

The City of Hartselle through its Parks and Recreation Department govern the Hartselle Farmers Market. In addition to the general regulations above, there are State and City laws, ordinances and regulations which may apply and all persons using the Farmers Market must adhere to them at all times. Violations may result in fines and/or jail time and other penalties.