

OSWEGO COUNTY REGIONAL MARKET RULES

Definitions

Bona fide –

- As in growers – the seller is the producer of the products being offered for sale, from lands he owns or rents, with control over the production, harvesting and marketing of the products, and a financial interest in the products.
- As in craftsperson – all crafts offered for sale are original in nature and produced in whole by the seller. No crafts shall be permitted that are derived from kits.
- As in homemade products – all products are produced, baked or manufactured by the seller and are original in nature. No baked goods from mixes or purchased for finishing off will be permitted.

Daily vendor – any vendor who is permitted to sell on the market, who participates in the market less than the full season and chooses to pay on a daily basis for any space used.

Market governing body – the market’s board of directors or committee, ultimately responsible for setting the policies of the market

Market Manager – a person or persons empowered by the Governing Body to implement market policies and directives, and to oversee the operation of the Market.

Seasonal lease – when a vendor signs for space for the full season and makes payment in accordance with the established fee structure.

Vendor – any seller or exhibitor participating in the market.

Market Governance

1. The market will operate with an independent market governing body.
2. The mission of the farmers market will be to improve local food security, teach entrepreneurship skills, and support local farmers and businesses, while enriching the cultural heritage of the community.
3. The market manager is responsible for the orderly and efficient conduct of the market and for implementing and enforcing the Rule and Regulation. The market manager will assist the market’s governing body with developing and implementing a market budget, establishing market policy, vendor recruitment, collecting fees, establishing the operational schedule, and advertising and promotion of the market.

General Operations

1. The market will be located 3921 St. Rt. 104, New Haven NY 13126. The market will operate every Wednesday, 3:30pm-8pm and will run from the Wednesday June 7th throughout the end of September.
2. Vendors may arrive as early as 1:30pm to begin setup and must stay through the end of the market day to provide a full market to shoppers arriving throughout market hours.
3. Vendors may leave early only under extenuating circumstances and with the permission of the market manager.
4. Vendors must notify the market manager no later than four before market time if they will be absent for that market day
5. No selling is permitted before the official opening time, as announced by the market manager.

OSWEGO COUNTY REGIONAL MARKET RULES

Who May Sell at the Market

1. The use of the market is restricted to those who are bona-fide growers, craftspersons, producers of homemade products or other vendors approved by the market manager or governing body. Vendors may, on a limited basis, supplement their product line with additional New York State products only, as long as that product is otherwise missing from the market and the market manager has given permission for the supplement. This permission valid for one season only and must be re-applied for each new season.
2. All agricultural products may be sold at the market, including but not limited to locally grown fruits and vegetables, dairy products, meats, flowers, plants, honey products, maple products, NYS wines sold by a farm winery, eggs, herbs and related products.
3. Craft vendors may sell products that they have hand produced themselves.
4. Bakers who have baked products themselves and who possess the proper incensing from either the NYS Dept. of Agriculture and Market or their County Dept. of Health.
5. Prepared food vendors with a current mobile food service license.
6. Products not specifically identified must be pre-approved by the market management.
7. All applicable food safety regulations, both state and local, must be adhered to at all times.
8. All applicable licenses and permits for products sold must be obtained and kept current. Copies of applicable permits and licenses will be kept on file with market management.
9. To ensure compliance to market rules, the Governing Body reserves the right to direct the market manager or appoint a committee to inspect any vendor's farm or establishment with advance notice. Inspections will be made only with the farmer/owner or their representative present unless written permission is given. Vendors must provide any help necessary to thoroughly document products and conditions recorded at the inspection. The vendor will be notified in writing of the results of the inspection within seven days of the inspection.
10. All new vendors will be subject to a 30 day at-will probationary period commencing on the first day of selling in the market.

Guidelines for Selling

1. All stall spaces must be swept clean and any refuse removed at the end of each market day.
2. All vendors must have a sign clearly showing their name and location.
3. Each vendor will be responsible for all equipment and supplies for the setup of a booth. Displays should be constructed in such way that they neither do not blocked customer walkways nor pose any other hazard to customers.
4. Vendors who provide samples and/or products that will result in waste material, such as cups, rinds, and corn cobs, must provide containers for waste disposal.
5. Vendors are required to keep their market space neat and clear of obstacles, litter and debris.
6. All produce displayed for sale must be at least 12" off the ground with the exception of heavy or large items such as pumpkins.
7. Sellers must post prices. While it is expected that prices will be fair to consumers, the seller and fellow seller, collusion among sellers to attempt to influence prices is strictly prohibited.
8. No smoking, alcoholic beverages or firearms are permitted at the market exception is wine tasting.
9. No hawking proselytizing or amplified music is permitted at the market.

OSWEGO COUNTY REGIONAL MARKET RULES

10. All products offered for sale must be of good quality and condition. The market manager reserves the right to direct any inferior goods be removed from display. Failure to remove products deemed inferior will be reported to the market's governing body and may result in loss of market privileges.
11. Each vendor in the market must be directly involved with or knowledgeable about the production of the produce or products being sold at the market.
12. All vendors must provide proof of general liability coverage in the amount of \$1 million dollars and name the market, the property owner and the market sponsor as additional insured. A current certificate must remain on file with the market.
13. Vendors are responsible for the actions of their representatives, employees or agents.

Stall fees and assignment

1. Stalls will be assigned by the market manager on a first serve basis.
2. The stall fees and payment schedule will be assessed annually by the market's governing body. Stalls may be rented on a seasonal basis or a daily basis. Daily fees will be due and payable to the market manager prior to setting up for the day
3. Farmers with a seasonal lease will be assigned a permanent spot for the duration of the season. These spaces will be reserved each year for the seasonal vendor, provided that all stall fees are kept current.
4. Reserved market spaces must be occupied at least 30 minutes prior to opening of market day. After that time, daily vendors will be permitted to set up in those spaces, as assigned by the market manager. Seasonal leaseholders, arriving after that time, will be re-assigned to another space for the day.
5. Daily vendors will be assigned space by the market manager on a first come first serve basis, as space is available. Space in the market is not guaranteed, nor is it guaranteed that daily vendors will be assigned the same space each week that they are in the market.
6. No subletting of a seasonal booth is permitted and rents are not reimbursable, either in whole or in part.
7. To ensure the safety of market patrons, any vendors arriving after market opening may be required to set up on the periphery of the market.

Compliance

1. All complaints must be addressed with the market manager.
2. Complaints against another vendor must be accompanied by a \$50 "good faith" check. The market manager will then conduct an investigation and/or farm inspection against the accused vendor. If the complaint is found to be valid, the \$50 "good faith" check will be returned. If the complaint is found to be unfounded, the check will be forfeited and disposed in the markets general funds with a letter of explanation sent to the complainant.
3. All other complaints will be reviewed by the market manager in an attempt to resolve the issue. If the manager is unable to resolve the complaint, then a written follow up may be made to the market's governing body. The governing body will be addressing the complaint at the next regularly scheduled meeting. If the complaint is of an immediate nature, the market manager may ask for a special convening of the market's governing body to address the complaint. The decisions of the governing body are final.
4. The submission of applications of admission to the market serves as the vendor's agreement to abide by the rules of the market, as established by the market's governing body and enforced by the market

OSWEGO COUNTY REGIONAL MARKET RULES

manager. Violations of the rules of the market may be grounds for warnings, dismissal from the market, or both.

- The first violation of the rules will result in verbal warning by the market manager. Documentation of the warning will be kept on file by the market manager.
 - The second violation of the rules will result in a written warning, given by the market manager. A copy of the letter will be kept on file by the market manager, along with any documentation of the violation.
 - The third violation of the rules will result in a one week suspension of selling privileges.
 - The fourth violation of the rules will result in a two week suspension of selling privileges.
 - The fifth violation of the rules will result in dismissal for the market.
5. At the discretion of the market manager, when a violation occurs that jeopardizes the health
 6. Of a customer, another vendor, market manager or the overall health of the market, the manager may convene the market's governing body to request a suspension of the compliance procedure and call for immediate dismissal for the market. The dismissal will require documentation, prepare a defense and appear before the governing body.
 7. If after receiving a warning or suspension, a vendor is in a disagreement with the market manager over the infraction, the vendor may make written application to the market governing body to be heard on the issue. Both the vendor and the market manager will appear will appear before the governing body and present their sides of the issues. The decision of the governing body is final.

Source:

"Farmers Market Managers Training Manual", Farmers Market Federation of New York, funded by NE SARE, 2009.

Available online at www.nyfarmersmarket.com/publications;htm