

# **Olde Towne Fenton Farmers' Market 2021 Operational Rules and Guidelines**

## **Authority**

These rules, regulations and instructions are created at the sole discretion of the Olde Towne Farmers Market (the "Market").

- The Market is managed by the Director of Parks and Recreation who has authority over all Market operations.
- The Director of Parks and Recreation is the sole decision maker for all booth placements.
- We strive for majority of market to be farmers/growers. Farmers/growers will be given priority in stall assignments. The remaining 40% may include nonfarmers/growers, such as bakers, artists, crafters, prepared food vendors and other value added vendors.
- The Market Manager has the discretion to limit the items and vendors for each category. The Parks Director has the right to allow or disallow all items and vendors for any category at his/her discretion.
- All vendors that wish to sell produce or products that are not grown or made at their farm or business must submit with application supplier name & number if not grown/produced by you. Permission must be given by the Market Manager.
- No guarantee of "exclusivity" of products is made or implied.
- The Parks Director reserves the right to verify any farm or facility.
- The Market does not discriminate on the basis of race, sex, religion, national origin, age, color, disability, or sexual orientation.
- Olde Towne Fenton Farmers Market is smoke-free
- No fire arms or weapons are allowed on the market premises.
- Any information or literature passed out on to shoppers must be approved by market manager.
- One space will be available free of charge for educational activities relating to agriculture or nonprofit, health related community groups. The space will be made available on first come, first serve basis and must be approved by Market manager.

## **Application Requirements**

All vendors at the Market must provide the following items below before being permitted to sell at the market each week. All vendors must comply with rules and regulations as well as other federal, state, and/or local regulations, codes, and statutes that govern the growing, preparation and sale of products including obtaining necessary permits and licenses and following USDA labeling standards. The Market Manager must receive all required paperwork before the vendor is permitted to sell at the market.

- Completed Vendor Application Form (all items to be sold at the Market must be listed on Vendor Application).
- Each vendor must obtain and furnish the Parks Director a current and valid copy of any licenses and permits necessary for their operation.

- Missouri Retail Sales Tax License (<http://dor.mo.gov/business/sales/>)
- Proof of Vehicle Liability Insurance (required to operate a vehicle within the Market)
- Proof of General/Product Liability Insurance for food/produce vendors.
- Signed Copy of Hold Harmless Agreement

Certain vendors must provide the following:

- Farmers Market Permits from St. Louis County Department of Health (DOH) St. Louis County Health requires all vendors to have a farmers market permit: <http://www.stlouisco.com/HealthandWellness/FoodandResturants>
- Document of verification from an Approved Facility
- Egg license from the Missouri Department of Agriculture
- Temporary Liquor Licenses from the City of Fenton and St. Louis County.
- All scales used by vendors must be certified by the Dept. of Agriculture and the Approval seal of Weights and Measures be displayed on scales. Non certified scales are not allowed to be used at market. Guidelines can be found at <http://agriculture.mo.gov/weights/>

#### Rental and Payment

A “vendor” is anyone renting space on Market Day. How to process payment:

- No vendor shall assign, sublet or sell their assigned space to another.
- Payment of all fees is to be paid by check or money order to “RiverChase, or City of Fenton”
- Any vendor writing a bad check will be charged \$25 fee per check and future checks will not be accepted.
- Bad check fees must be paid in full prior to renting future space. The Market Master will collect all fees.
- **If a vendor cannot attend the Market, you must give a 48 hour notice. If a cancellation is not received , you will be considered a “no-show” and will lose your prepaid fee. Pre paid full season/half season fees for missed market days cannot be refunded.**

#### Setup and Takedown Guidelines

- The Market is under Olde Towne Fenton Pavilion, 200 Gravois Rd, Fenton, MO 63026. We will provide a 10 X 10 space. Half stall spaces are available on limited basis and are 5 X 10. Electric and water access is provided at each stall. Please note that tables and chairs are NOT provided by the market.
- The market will be open to the general public between 8:00 a.m. to 12:00 p.m. A bell will ring to start and end the market.
- Market setup begins at 7:00 a.m. on Market Day and should be finished at 7:45 a.m. No Driving on market site after 7:45 a.m.
- Vendors should have their stalls completely set up and ready for operation by scheduled opening time of the market.
- Vendor cleanup will occur between the hours of 12:00 p.m. and 1:00 p.m.

- Complete evacuation of market should be completed by 1 p.m.
- Vendors must agree to sell for the entire market day and are asked not to leave before then. If there is an emergency, see the Market Manager to address.
- Weekly vendors must wait to unload until a market booth is assigned.
- Once unloaded inside the Market, a vendor must IMMEDIATELY move his/her vehicle to the designated parking area for the remainder of the Market. Any exceptions are at the discretion of the Parks Director.
- At no time should vehicles be parked in the fire lane, on curbs, brick area, block any drive lane, entrance or exit to the Market.
- Nothing can encroach upon aisle space, common areas, fire lanes, or neighboring spaces. Any exception to this policy will be at the discretion of the Market Manager.
- Market operation is “rain or shine”. The market only closes if there is severe or damaging weather.

#### Stall Standards

- Merchandise is to be displayed within the confines of the assigned stall. If using a canopy, must be properly secured and weighted down.
- Vendors must keep the vicinity in and around their selling area clean and orderly at all times. Vendors must keep all spare stock, packing materials, cardboard boxes and bags in an orderly fashion throughout the day. All refuse and unsold items must be removed at the end of each market day.
- All vendors must post signage stating their business name, address, and telephone number and must be posted before sales begin.
- All items for sale must be priced for sale by labeling each item or having signs posted.

#### Daily Operations

##### Rights and Responsibilities on Market Day:

- Vendors shall be open for business at 8:00 am and should stay open until 12:00 p.m. unless otherwise approved by the Parks Director. The vendor shall not sell any items prior to 8:00 a.m.
- Sales conclude promptly at 12:00PM and market must be vacant by 1PM.
- It is the responsibility of the vendor to warrant, refund, or exchange merchandise that is deemed unsatisfactory.
- No vendor may engage in solicitation, collection drives, political, or religious activities in the Market.
- Vendors may not smoke, drink alcohol, and/or possess or use any controlled substance while at the Market other than beer and/or wine sold by licensed Market vendors.
- The use of any spark, flame, or fire-producing device is prohibited in the Market without the Market Manager’s written permission. In some cases, a working fire extinguisher and fire permit may be required.

- It is the responsibility of the vendor to provide any/all chairs, change, cash registers or cash boxes, signage, extension cords and covering, tape, decoration, display equipment and water for business.
- Vendors shall not allow seepage and leakage of water or fluids from their stands into the aisles, or other vendor's stalls or common areas.
- No vendor shall use false pack (meaning the topping or facing of containers with the best products and poor products concealed underneath).
- The Olde Towne Market, City of Fenton, and their employees, agents or officials are hereby released from any responsibility/liability for loss or damage of merchandise while it is stored on site at the Market's location.
- The Olde Towne Fenton Farmers Market, City of Fenton assumes no responsibility and is not liable for any injuries which may occur within an individual stall. Vendors are expected to keep their merchandise in reasonable order and allow unimpeded access to customers.

#### Terms and Conditions of Sales

- Each vendor shall set his/own price. All prices must be clearly posted. Vendors are responsible for paying all state and local taxes.
- All items offered for sale at the Market must be first quality, unless they are expressly posted as "seconds".
- No group or person at the Market shall enter into any price agreement, join any organization or collude with others for the purpose of raising, lowering or fixing prices of products sold at the Market, or for the purpose of keeping products at or from the Market.
- All prepared or value-added foods must be prepackaged, labeled with the name, address and phone of the vendor, name of the product, and list of ingredients in order of predominance.

#### Health Standards

Only vendors who have valid permits, proper documentation, and are in compliance with all applicable regulations may sell or sample food at the Market.

- Uncut, homegrown raw agricultural products may be sold without a permit.
- Any food items must be displayed or stored at least 6" above the ground.
- No pets or live animals are allowed within twenty feet of vendor stall(s) with the exception of support dogs.
- Sales of frozen or packaged meats are permitted if they come from an inspected source, are labeled properly, and maintained frozen. Fish may be sold frozen or fresh-on-ice. See Food Code for details.
- Potentially hazardous food samples shall be maintained at or below 41°F if cold and above 135°F if hot. All other food samples shall be disposed of within cutting or dispensing.
- Eggs may be sold if maintained at or below 45°F and the vendor has obtained a license from the MO Dept. of Agriculture. All eggs must be Grade AA or A. Mechanical refrigeration is required by the DOH.

- The sale of unpasteurized milk or dairy products is not allowed.
- All packaged products, baked goods, and canned goods must be processed in an approved facility. An “approved facility” is any place which has been inspected and approved by that area’s regulatory authority with current documentation of compliance.
- Packaged products must be labeled with the common name of the product, name, address, and phone number of the producer and list of ingredients in order of predominance.
- All foods on sale or display are required to be protected from contamination.
- Samples shall be kept in approved, clean, covered containers and distributed in a sanitary manner, following the Sampling Guidelines. No bare hand contact with ready-to-eat food is allowed.
- Food for samples shall be washed clean with potable water.
- If sampling, immediate access to hand washing facilities is required by vendors.
- Utensils and cutting surfaces shall be smooth, non-absorbent, and easily cleanable or disposable.
- Refer to the St. Louis County Farmers’ Market Guidelines, Vendor Resources or go to <http://www.stlouisco.com/HealthlandWellness/FoodandRestaurants> for a comprehensive understanding of what permits are each vendor’s responsibility.

Permits are processed at the South County DOH Office, 4562 Lemay Ferry Rd., St. Louis, MO 63129. 314-615-4033 (office). Representative Emily Birchler [EBirchler@stlouisco.com](mailto:EBirchler@stlouisco.com)

#### Non-Food Vendors

Artists and Crafters may be vendors and are not to comprise greater than 20% of the Market by capacity.

- Artists/Crafters must be the approved vendor and be present on Market days as the seller.
- All work submitted must be primarily handmade by the applicant or products produced by the applicant.
- A high quality photograph of each item intended to be sold needs to be submitted with application. Only items listed on the application are allowed to be sold. Any additional items must be approved by Market Manager.
- The handcrafted component of an art or craft piece must dominate the work; any commercial component must be transformed in a way that makes it original and unique.
- Handmade clothing must list fabric content and care instructions.
- Handmade jewelry must list all metals used.
- No art or crafts may be sold on consignment or wholesale.
- No art or crafts may be sold which are commercially produced or were assembled from commercial kits.
- No resale, No consignment or used items sales will be allowed.

## Not-for-Profit Organizations/Health Related Community Groups/Community Businesses

- One space will be available free of charge for educational activities relating to sustainable agriculture or non-profit, community and health related groups. This space will be made on a first-come, first serve basis, but must be approved and booked in advance.
- Not-for-Profit organizations must provide proof of their not-for-profit status.
- Not-for-Profit organizations requesting to sell handcrafted items, baked goods, or packaged foods must comply with all standards and requirements listed above.
- To distribute literature, register individuals or take a survey, a vendor in this category must have expressed written consent from the Market Manager.
- No soliciting or receiving of donations is permitted.

## Disciplinary Actions

All vendors are expected to act in a professional manner and treat customers, and other vendors and all City employees with respect.

Failure to follow market policies or any dispute about market policies should be brought to the attention of the Market Manager promptly. The process for all market policy and disputes are as follows:

- 1.) Policy violations by vendor:
  - a. First offense: verbal warning from Market Manager
  - b. Second offense: Written warning and vendor forfeits their next scheduled market day.
  - c. Third offense: Final warning with dismissal from the market for the remainder of the season (all fees forfeited- NO REFUNDS).
  - d. Vendors who miss two weeks of market during the season without 24 hour prior notification to the Market Manager forfeits their booth space for the remainder of the season (all fees forfeited-NO REFUNDS).
- 2.) Disputes among vendors:
  - a. See the Market Manager for a complaint form. Submit written complaint to Market Manager.
  - b. \$10 "Complaint Fee" required at time of complaint filing-refundable if violation is proven valid and results in discipline.
  - c. If the decision of the Market Manager is challenged, the complaint may be appealed to a grievance committee consisting of the Director of Parks and Recreation and City Clerk/Manager for a final decision.

- 3.) Customer Complaints: Any customer complaint received by the Market Manager concerning a vendor at the market will be documented on a complaint form provided to the customer by the Market Manager or on duty staff. The vendor against whom the complaint was filed will receive a written copy of the complaint prior to the next market day.
  - a. Disciplinary action if required could result in expulsion from the market for the remainder of the season.

**Vendor's signature on the application verifies that they have read, understood, and agreed to all of the 2020 Olde Towne Market Rules and Regulations.**