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PENDLETON FARMERS' MARKET 2011 RULES & REGULATIONS

PFM Philosophy: Premium Quality, Locally Produced Agricultural Products

"PICK NIAGARA... PICK PENDLETON FARMERS' MARKET"

* **Priority** will be granted to farm market vendors who are local farmers who produce what they sell and whose farm is located and/or produces its agricultural products in the Town of Pendleton, Niagara County and/or Western New York. PFM encourages its farm market vendors to demonstrate their agricultural professionalism as active members/producers by being active in or members of Pride of New York, Pick Niagara, New York State Farm Bureau, NOFA-NY or related agricultural organization active/valid members... Preference will be shown to these member farm vendors compared to non-members.

LOCATION & TIMES OF OPERATION

Pendleton Farmers' Market is located at:
The Town of Pendleton Park/Water Tower
6570 Campbell Blvd. (Rt. 270)
Lockport, NY 14094

The Market opens Thursday, June 2nd and runs through Thursday October 27th, 2011
from 3:00PM – Dusk (Weather Permitting)

The Market will operate rain or shine with allowance for safety issues like lightening.

- 1) Vendors may arrive to set up one hour prior to opening (2:00 PM). The Market opens promptly at 3:00 PM.
- 2) Vendors are expected to remain set up until Closing - make sure to bring sufficient product as dismantling of a site during the open market hours can be **unsafe**.

WHO MAY SELL AT THE PFM

- 1) All **vendors** must be qualified and **pre-approved** by the PFM Management Team before they can set up and sell products - no exceptions. Due to limited space, we intend to follow a "first-come first-served" policy and will not "hold" spaces for later in the season.
- 2) After the application deadline of Monday, **May 2nd, 2011** has passed, farm **vendors** wishing to join the market **mid-season** may still apply. The PFM Management Team will consider the state of the market, whether the market will benefit from another like vendor and if their product will enhance or dilute the profitability of the other PFM vendors.
- 3) Our market policy is to strive for 75% - 100% "Make It, Bake It, Grow It". The use of the market is restricted to **farm vendors who are primary producers, growers or producers of local agricultural value-added products**. "Carrying" or the sale of small quantities of local but non-vendor produced products may be permitted with the permission of the Management Team. This allows for small quantity consignment sales of local farms that will improve the availability of diverse products at the vendors stand and at the market in general. **Wholesale purchase of items for RESALE is NOT PERMITTED!**
- 4) 100% of the products offered for sale at PFM must be produced and/or processed on New York State (NYS) lands or in production facilities owned & operated in NYS. Goods not produced by the farm vendor must be grown/produced by another **NYS farmer**.

WHAT MAY BE SOLD AT THE MARKET

- 1) Locally-produced NYS fruits and vegetables, pasteurized cider and fruit juices, eggs, honey and honey/bee products, maple syrup and maple products, cheese and dairy products, USDA/NYS inspected meats and poultry, dried fruits, agricultural value-added products, bedding plants, nursery products, cut flowers, baked goods, wines and hard cider, fresh grown herbs, sheep/alpaca/rabbit fiber products and mushrooms. Other NYS agricultural products will be evaluated on a case-by-case basis by the PFM Management.
- 2) PFM Management has the right to request that a farm vendor remove from sale any products which are not grown and/or produced by the vendor. Farmer-produced products take precedent over farmer-supplemented products listed on deviation forms.
- 3) Produce offered for sale must be grown, harvested and cared for post-harvest so as to ensure the freshest produce possible.
- 4) Products requiring refrigeration must be kept at the appropriate temperature. Consult with the NYS Health Department for specific requirements.
- 5) Baked goods must have a protective covering or be wrapped. Baked goods requiring refrigeration will not be permitted unless approved by the Niagara County Health Department with the appropriate permit.
- 6) Vendors selling nursery items, plants, trees, seedling – anything with roots – must have a valid NYS Department of Agriculture & Markets Nursery Permit.
- 7) Processed food, prepared foods and other perishable items must be in compliance with the requirements of NYS Health Department/Niagara County Health Department and the NYS Department of Agriculture & Markets.

GENERAL GUIDELINES FOR SELLING AT THE MARKET

- 1) All farm vendors must be in compliance with local, state and federal laws, statutes, rules regulations, ordinances, certifications and standards that may apply to their products. This also includes NYS product labeling requirements.
- 2) All PFM vendors must provide proof of public and product liability insurance coverage in the amount of \$1,000,000 per occurrence for the products the vendor is approved to sell. **The Pendleton Farmers Market and the Town of Pendleton** must be listed as **Additional Insured** on the Certificate of Insurance Document provided by the vendor's insurance carrier. Homeowner policies are not acceptable for PFM participation.
- 3) All vendors will be required to file a **Crop/Product Plan** at the beginning of each season and before attending/selling at the PFM. The plan must show all products being produced or grown, quantities produced and acreage under production of each item along with the actual location/address of where the products are grown/produced. For all NYS agricultural items not grown or produced by the farm vendor, a **Product Deviation Form** must be completed and submitted. List all products, their locations (addresses) and contact information including phone numbers/email of the other NYS farm producer where the product was obtained. This is a food safety issue and is part of the federal agricultural product source disclosure.
- 4) Vendors selling taxable items must display a valid NYS Certificate of Authority/Tax ID Number.
- 5) Vendors using the term "Organic" in reference to their products must provide a copy of their certification with their application, and post a copy of this certification at their stand on market days.
- 6) Vendors must have a sign clearly showing their name/farm name and location. If a vendor participates in the WIC Program or is a Pride of New York producer, please post signs telling shoppers.
- 7) No discrimination is permitted at PFM. All federal and state discrimination laws apply.
- 8) No hawking or amplified sound is permitted by vendors.
- 9) PFM and the Town of Pendleton shall not be responsible for any loss or damage to a vendor's property, goods or money.

SAFETY GUIDELINES FOR SELLING AT THE MARKET

- 1S) All value-added products, processed foods and baked goods need labels that indicate the ingredients contained in that product. Food safety is important at the PFM - shoppers have a right to know what is in their food products. Especially those with food allergies, diabetes, compromised immune systems and other health problems.
- 2S) Manufactured and processed food items must be displayed or stored at least 6" off the ground or in impervious plastic tubs.
- 3S) Vendors are required to weight all canopies, tents or booth covers on all legs sufficient to keep the covering in place during windy conditions, even if the conditions at the time of set up do not appear to warrant the action. Driving stakes is not permitted. For safety reasons, the PFM Management may ask vendors to remove their tents should dangerous weather conditions exist.
- 4S) Each vendor is responsible for all equipment and supplies for the set up of their space. All displays should be constructed in such a way that they do not block customer walkways or pose any other hazard to shoppers. Space must be neat and clear of obstacles, litter and debris.
- 5S) Vendors must clean up their site, pick up and remove all garbage and debris, before leaving the market. **Pack it in – Pack it out!** If samples are being served, vendors are responsible for collecting the trash - it is suggested that a small garbage container be located on the site, placed in such a way that it does not become a tripping hazard for shoppers.
- 6S) No Smoking or pets are allowed - this is a food safety issue. Service animals are welcome.

COMPLIANCE GUIDELINES FOR SELLING AT THE MARKET

- 1) PFM Management Team has the right and responsibility to inspect a vendor's farm or business, if there are any questions about the products or production. PFM is a NYS-sponsored/sanctioned market which is regulated by NYS Department of Agriculture & Markets. Inspections will be made only with the owner or his/her representative present unless permission is given otherwise. The farm vendor/owner must provide any help necessary to thoroughly document products and conditions recorded at the inspection. Results of the inspection will be delivered to the business/farm owner. PFM Management Team will make a final determination of any violations. Any problems or violations will be referred to the appropriate state and/or federal regulatory agency (usually the USDA, NYS Department of Agriculture & Markets and the NYS Health Department).
- 2) Vendors unwilling or unable to comply with market regulations will be asked to leave the market forfeiting any paid site fees and may be subject to criminal and civil penalties.

FEES

- 1) The annual 2011 application/membership fee is \$35.00
- 2) The weekly vendor fee is \$15.00 for a single space (approx. 10'-frontage) or \$30 for a double space (approx. 20'- frontage).
- 3) A Rental Fee **Discount Plan for the 2011** seasonal site rental is available - it must be paid in full by Monday, **May 2nd, 2011**.
* \$200.00 for a single space + \$35.00 = \$235.00 total
* \$400.00 for a double space + \$35.00 = \$435.00 total
- 4) Weekly vendor fees must be paid to the PFM Management each Thursday – in cash or by check made out to Pendleton Farmers Market/Town of Pendleton. All returned checks are subject to a \$35.00 fee plus any additional banking institution charges plus the amount of the rent. Failure to pay rent on time will prevent the vendor from participating at the market until all debts are satisfied.

ASSIGNMENT OF SPACE/RENTAL SITE

- 1) The PFM Management will assign all spaces based on a first-come, first served basis and/or the space availability of the PFM needs. Management reserves the right to relocate vendors at any time for safety reasons, space constraints and/or to meet needs of the market on a given day.
- 2) Rental space has approximately 10-foot frontage for a single space. PFM will try to provide space to park a vendor's truck on site where feasible. Large trucks may be assigned parking in a special designated area at the market.
- 3) If a vendor is paying on a seasonal basis, he/she will be assigned a permanent site for the duration of the 2011 season and every effort will be made to have the vendor on the same site each week.
- 4) No subletting of seasonal space is allowed. If a vendor plans to share a space with another vendor for the season or for a single date, they both must be qualified and be approved by the PFM Management to participate at the market. The vendors must also have permission from the market to share that site for a specific time period. Only one vehicle will be permitted on site - any other vehicles must be parked in the overflow parking area. **All vendors must have valid insurance certificates.**
- 5) The Absence Notification Requirement is that vendors must notify the PFM Management at least 48 hours prior to their absence, so that space can be adjusted. If emergency necessitates a shorter notification time, a phone call will still be appreciated.
- 6) For safety reasons, any vendor who is late arriving to set up (after 3:00 PM), may be asked to set up on the periphery of the market and not in their regular space. Please arrive and set up on time – PFM layout doesn't permit a way to access all spaces if a vendor is late. If a vendor arrives after the market opens (after 3:00 PM), they may not be able to participate. No refunds for the site rental will be given.
- 7) No refunds for fees will be made to a vendor whose use of the market space has been suspended or canceled. No refunds will be provided if the market has to cancel or stop due to dangerous weather conditions or other unforeseen circumstances.

GRIEVANCE PROCEDURE

PFM is a municipal market and the PFM Administrator's decisions are subject to review by The PFM Management Team upon written request of the affected Vendor within thirty (30) days of the date of the decision. Every effort will be made to resolve disputes with fairness in accordance with local, state and federal laws for all the parties involved.

- 1) Vendor Complaints must be addressed in writing to the Market Administrator. A \$25.00 deposit as a show of good faith, must accompany all complaints. Said deposit will be returned if the final decision is in favor of the Vendor.
- 2) The PFM Administrator will review the Grievance with the PFM Market Management Team and the complaining Vendor. If agreement is reached, the matter will be considered settled and Vendor's \$25.00 deposit will be refunded.
- 3) If agreement is not reached, the Market Management Team will present the written Complaint and their Report for review by the Supervisor of the Town of Pendleton. The Supervisor's recommendation and/or decision will be final.