

## **Wharton County Farmers' Market Vendor Rules**

The Wharton County Farmers' Market (WCFM) is a not-for-profit business. The market is managed by the Market Managers and all decisions relating to the market will be made by the Market Managers with advice from the Board of Directors( "Board").

The Wharton County Farmers' Market hours are as follows:

Wharton, Courthouse Square: Saturdays, 9:00 a.m. - 12:00 p.m.

El Campo, Lacks Furniture Center parking lot, Tuesdays, 5:00 p.m. - 7:00 p.m.

WCFM's approval to sell is a privilege not a right. Vendors must be ready to sell by the opening hour at the appropriate site and stay until the Market closes. No vendor is allowed to sell before opening unless authorized by the Market Managers and there will be an immediate fine of \$20 for each violation. Similarly, food vendors may not hold items for shoppers the day of market.

Please notify the Market Managers no later than 9:00 p.m. Thursday if you must leave early or are going to be late or unable to attend a market so your space can be saved or reassigned. Failure to notify the Market Managers may result in your being charged for the unused stall space or having your space assigned to another vendor. Stall reservations are considered commitments by the vendors to participate in the market. For those with a permanent stall, half fees will be charged for any missed weekends if an appropriate Market Manager is notified in a timely fashion. However, each permanent vendor gets four days per year they may miss free of charge.

Vendors must grow or produce the products they sell at the market and maintain a high quality standard throughout the season. **Reselling of any products or goods in the WCFM is strictly prohibited. Any participant violating this section of the Market Rules and Regulations will have their selling privileges immediately revoked.**

In the event of poor quality the Market Manager may request further action. Vendors may name a qualified agent (family member, employee, and agent) to handle sales at the Farmers Market. The agent must be fully educated and knowledgeable about the product, how it is used, grown or produced and be able to communicate this clearly to the customers. A list of all these agents will be supplied to the Market Manager prior to the market.

- **Produce Vendors** will be subject to a biyearly farm inspection to be conducted during the growing season by the Market Managers. Any suspected items will be inspected (including re-inspection) if there is suspicion of reselling. Vendor is required to be available for surprise inspections immediately following the market day. Refusal may result in termination of selling privileges.

- **Nursery Vendors:** All potted plants, trees or nursery starters that are sold at the WCFM must be grown from seed, plug, cutting, bulb or bare-root by the seller. No resale of pre-finished plants is allowed. Noncompliance will result in expulsion from the market.
- **Craft Vendors** will be subject to a jury of their product by the Advisory Board before being allowed to sell at the market.
- **Prepared Food Vendors** will be required to produce package-ready samples of their product and provide proof of proper licenses before being allowed to sell at the market.
- **All previously accepted vendors** must have Market Manager approval of any new items before selling that item.
- **Informational Booths:** To further the educational purposes of this market, the Texas Department of Agriculture, cooperative Extension Service and their volunteer groups may have the use of one booth space at each market. This booth will be furnished to the Extension Service without cost.
- **Other Groups:** One booth will be set aside at each market for a non-profit horticulture/agriculture related group or a group the committee pre-approves. The products/nature of the booth must be in keeping with the agricultural nature of the Market. The Market committee will review the appropriateness and make this determination. These groups must make application for booth space per the above guidelines and the Market Committee will select one group to participate in each week's market. A \$25 per week Market vendor permit will be required for these organizations.

## **FEES**

### **Booth Rental:**

Booth space is 10'x25'. Farmers will be allowed to sell from the tail gate of their truck or set up an 8' table (or smaller) and sell from the table and truck.

### **Booth Fees:**

Grower/Produce Vendor	\$10 per day
Baked Goods/Prepared Food Vendor	\$15 per day
Crafts/Arts Vendor	\$20 per day

Again, for those with a permanent stall, half fees will be charged for any missed weekends if an appropriate Market Manager is notified in a timely fashion. However, each permanent vendor gets four days per year they may miss free of charge.

### **Sharing booths:**

On a limited basis, some vendors may share stall space. Upon approval:

- Each vendor must fill out separate applications, and each must pay appropriate fees.
- The products shall be separated at the stand and clearly identifiable as to the respective producer.

All invitations to sell at the market are at the sole discretion of the Board. Each vendor is entitled to a 10-foot frontage space. Vendors must keep their merchandise and tables neatly within the designated stall space unless authorized by Market Manager.

It is required that all shade equipment including umbrellas, tents and tarps are secured to tables and vehicles when applicable. They must further be weighted sufficiently as to be stable during rain and windy conditions to avoid any potential accidents. Sufficient weight constitutes at least 20 lbs. per tent leg corner. Tents must also be secured to neighboring tents and on windy days two people must set up/tear down tents. Vendors must weigh down their equipment **immediately** and not first set up their booth.

### **STANDARDS OF CONDUCT**

Vendors and employees representing vendors must be:

- knowledgeable about their product, how it is used, grown or produced and be able to communicate that clearly to the customers
- courteous, professional and presentable at all times
- able to display products in a sanitary, presentable and attractive manner
- honest and conduct themselves at all times in a courteous and business-like manner.

Vendors are expected to dress (shirt, pants, footwear) and behave in a polite manner and practice clean personal hygiene. Inappropriate language or behavior, harassment or abuse toward another vendor or customer will not be tolerated. Intoxication will result in vendor expulsion from the Market.

Vendors experiencing difficulty with customers are encouraged to refer the matter to the Market Manager.

Vendors are expected to treat each other, staff, customers and officials with respect. They should refer all complaints about other participants or the Market Rules and Regulations in writing to the Market Managers or a member of the Board.

Any grievance regarding actions or prices of another vendor must be brought to the attention of a member of the Board or report the initial grievance to the Market Managers, not directly to the vendor in question. The Board will determine if a special

meeting needs to be called to settle the grievance. Board members include: Diane Matula, Doug Warfel, Debbie Cenko and Cindi Bena.

It is the responsibility of each vendor to maintain a clean stall space and to leave the area free of debris during sales and after market closure. All vendors providing samples must supply a trash can for public use. Vendors are responsible for the disposal of their own trash. Any debris collected or produced during the Market must be removed and taken with the Vendor and disposed of off-site, including ice and water brought to maintain product freshness. Ice and water may be dumped by the trees, not on pavement as it's a liability issue.

All vendors are required to post:

- signs clearly identifying their name or the name of their farm/business
- Mobile Vending Licenses (if required)
- Organic Certification
- Sales Tax Permits (when applicable)
- Certificate of Registration for Weights and Measures
- Nursery License
- Each vendor shall set their own prices. Prices should be set in keeping with customer satisfaction and with consideration of other market vendors. **WCFM is a Retail Market, not a wholesale market.**
- A vendor who offers a product for sale at the WCFM shall have the sole responsibility to obtain and maintain any license required to sell or distribute such product.

WCFM is not responsible for product liability or the paying of sales taxes for individual vendors.

Vendors must submit proper documentation to accompany the Vendor Application and the signed Hold Harmless Agreement. Documentation includes, but is not limited to:

- Organic Certification
- Food Manufacturing License etc .
- Food Handling Certificate
- Better Process School Certificate
- Sales Tax Permit

Applying to the Market in the following manner in no way guarantees a potential vendor a space at the Market.

All vendors using the term "Organic" must be in compliance with the National Standards. All vendors selling by weight must use an approved commercial scale certified legal for trade by TDA.

All food vendors must comply with Health Department rules as set out below:

- All food products must be stored 6" above the ground.
- All meats sold must be kept at 40 degrees or less.
- Any cheeses sold must be kept at 40 degrees or less. Any sampling cheese must be on ice or ice packs.
- All eggs must be kept at 40 degrees or less except for a few that may be kept on the table to be sold right away. They also must be dated.
- Health regulations prohibit the sale of food prepared in an unlicensed kitchen.
- Any prepared foods that could be potentially hazardous foods must be kept at the proper temperature and not allowed to sit in the heat during the market.
- Any unwrapped prepared foods must be protected by some kind of cover guard. Prepackaged products sold in containers must be labeled with the quantity or weight of the contents, the name & address of the producer and a list of all ingredients.
- All packaged products must be dated.

## **SAMPLING REQUIREMENTS**

Vendors sampling products must:

- keep samples in clean, covered containers
- use toothpicks or disposable utensils to distribute the samples
- dispose of pits, peels and rubbish in leak proof garbage receptacles
- Vendors must have control over samples at all times. Self service by customers is not permitted.
- provide their own trash receptacles

Any fines received by WCFM for incorrect sampling procedures will be assessed to the vendor responsible for the non-compliance. Failure to abide by these sampling requirements may result in revoking your approval to provide samples to the Market customers.

Any questions or complaints relating to another vendor must be directed to the Market Managers or to any Board Member. Produce growers will be subject to an inspection

upon the Market Manager receiving a complaint. All inspections will be conducted by the Market Managers. All decisions made by the Market Managers relating to a particular complaint will be final. If there has been an inspection and another complaint is received, the complainant must provide a fee of \$50.00 to cover the cost of the re-inspection. The fee is refundable if the re-inspection substantiates the complaint.

The Market Managers have the right to issue warnings and/or indicated fines to any seller who violates market rules. Vendors who do not comply with the market rules may forfeit their right to the privilege of selling at the market, upon review of the Board. Questions regarding these rules and regulations must be addressed to a Market Manager, Diane Matula, President at 532-0242 or Debbie Cenko, Secretary at 282-9748.