

# **Westside Farmers Market**

## **Rules and Regulations**

### **2010**

#### **Market Mission:**

- To provide city residents with access to fresh, locally produced foods and to connect local farms to an active urban market.
- To raise awareness around food production and distribution and to assist in building a sustainable 'foodshed' for the Westside of Rochester.
- To enhance the economic viability of the Westside through an increase in the activity and excitement associated with the neighborhood and an increase in the pedestrian traffic in the area.
- To build community by bringing people together in an on-going, open and engaging atmosphere, and to support the dialog, relationships, and engagement necessary to the social capital that is foundational to sustained community renewal.
- To directly and indirectly promote health and healthy choices for residents through quality options in food and the associated food system's environmental impact.

#### **Governing Body:**

- The Westside Farmers Market (hereby to be known in this and other documents as the WFM) is to be directed by the WFM Advisory Committee under the guidance of the Southwest Common Council and the fiduciary oversight of the South Wedge Planning Committee
- Day-to-day responsibilities for WFM operations and functions will be carried out by Market Manager and a volunteer-based Leadership Team.
- The WFM Advisory Committee will meet on an as-needed basis, to be determined by the Advisory Committee

#### **The WFM Advisory Committee will:**

- Establish rules and regulations, which shall be adopted and amended on an as-needed basis
- Only the WFM Advisory Committee may amend the Rules and Regulations
- Establish requirements for vendor/seller participation in the WFM
- Establish and collect annual vendor/seller fees and other fees associated with running the market
- Determine the times and dates of the WFM
- Designate a Market Manager(s)

**The Market Manager(s):**

- The Market Manager for the 2010 season shall be - Jackie Farrell, (585)-436-8999, westsidemarketrochester@gmail.com
- Shall represent the management of the WFM during market days
- Is responsible for the orderly and efficient conduct of the WFM, implementing the Rules and Regulations and to work with the Advisory Committee to recruit vendors, work on marketing and general communication, fundraising and special events, to coordinate community partnerships and activities, and to unfold a general evaluation process.

**Westside Farmers Market Pre-requisites:**

- **Grower-Producer-only**—All goods to be sold at the WFM are to be grown, prepared or crafted by the vendor offering the item for sale, or an employee of that respective business/operation. The WFM is a producer-only market; no re-sellers are to be allowed at the WFM.\* Without prior permission, vendors also may NOT sell items grown at locations other than their own farm/orchard: you may not sell produce from another grower at your booth.
- **\*Exceptions to the Producer-only Rule:**--Re-selling may be permitted by WFM Management if and only if there is no competition amongst similar goods already being sold at the WFM by a pre-existing vendor. Re-sold goods are to be permitted only if the good's original producer's farm/orchard operation meets all WFM pre-requisites. The purpose of allowing said products is to create product diversity at the WFM, and to support the work of small producers.
- **100-Miles Rule**—All vendors allowed to sell at market shall come from no further than 100-miles of the City limits of Rochester, NY.
- **Neighborhood Grown-** The WFM seeks to work as much as possible with food grown right in the Southwest area of Rochester, or in the immediate area around Rochester. The WFM seeks active partnerships with community-based groups engaged with community and school gardens, youth development projects around the production of food, and other appropriate projects related in mission to the WFM.

**Emphasizing Earth, Animal, People-friendly Practices:** The WFM seeks to support and encourage the practices of sustainable agriculture at a level deemed appropriate to vendors' individual operations. Certified organic, NOFA-Farmers' Pledge, and uncertified products are all welcome, however the WFM hopes to move with its vendors and customers in increasingly sustainable directions. All vendors, including those employing low-spray or Integrated Pest Management (IPM) farming/orchards, or conventional farming practices will be considered based on the Market Manager(s)'s discretion. The WFM is committed to ecologically sound and humane animal husbandry.

The market will emphasize, but not limit market options to grass based production and pasture raised meats, but we will require a production operation that meets basic guidelines established and interpreted by the Advisory Committee. The Advisory Committee reserves the right to alter these guidelines as needed. Guidelines will work to assure consumers of a level of integrity that they can count on within a range of meats to choose from.

### **Donation Clause:**

- The WFM encourages any vendors to donate a percentage of their unsold produce (produce only please--no meats or dairy should be redistributed). The Market Manager will attempt to redistribute this unsold produce to families who are less fortunate through either shelters, neighborhood distribution centers, or selected not-for-profits. This is a goodwill-only clause, no vendors will be persuaded to comply with the Donation Clause, but your generosity is appreciated when possible.

### **Fair Price Parity Clause:**

- The WFM encourages all vendors to charge a price for their products that is fair to the producer, their fellow producers, employees and equally importantly to their customers. Such pricing should include both the current costs of production, and a fair profit for the producer. The WFM appreciates your goodwill in creating an atmosphere that is mutually beneficial to all participants.

### **Who May Sell at the Westside Farmers Market:**

#### **In addition to the Pre-requisites listed above:**

- All vendors must be approved by the WFM Market Manager
- The WFM maintains a 70/30 grower/food-preparer-to-crafter ratio. The Market Manager reserves the right to deny or grant access to vend at the WFM based on this ratio. *Only juried crafts and health and beauty products will be allowed.* To have your product juried, please contact the Market Manager
- Only vendors who have paid their application fees before their start of sale date will be allowed to sell at the WFM
- The WFM Manager(s) reserve the right to visit each farm/vendor's place of operation to verify in person that all information on the vendor's application is true, and that the farmer/vendor is indeed following ecological practices— either certified organic, non-certified organic but grown without pesticides, or low-spray, etc.

### **Not-for-Profit / Community Groups:**

- Not-for-Profit group and/or Community Organizations are permitted booth space to promote their respective organizations and/or events
- The Market Manager and the WFM Advisory Committee reserve the right to determine which groups are deemed appropriate to the general environment of the market and surrounding neighborhood
- A fee of \$5.00 per day for a maximum of three weeks per market season is to be collected by the Market Manager
- Displays are not to exceed the space limitations of other vendors at the market
- Availability of space at the WFM is determined by the Market Manager in light of demand for vendors and limitations on location size. *For the 2010 season, there will be a limit of 10 vendor spaces allotted.*

### **What May be Sold at the Westside Farmers Market:**

- All applicable federal and NYS regulations must be adhered to when selling at the WFM. For a list of these required certificates/permits/licenses, please consult with the Farmers Market Federation of New York State, or consult with the WFM Market Manager.
- All items to be sold at market must meet with the requirements of the Monroe County Health Department and the NYS Department of Agriculture and Markets
- For vendors selling taxable items, a valid NYS Certificate of Authority must be displayed in view of the customer and on file with the Market Manager.
- For vendors selling product by weight, only scales approved by the County Dept. of Weights and Measures are allowed
- All pre-packaged items must be labeled in accordance to NYS label requirements—this includes baked goods, teas and health and beauty products
- Organic Products advertised as such are not allowed unless they have been certified by a recognized third-party certifier; this certification document must be clearly on display for the customer within the vendor's allotted booth space

Products that are allowed at the WFM are indicated in boldfaced type. Specifications beyond those required by the State of New York are listed according to each product.

- **Vegetables, Herbs & Fruits:** Produce offered for sale must be grown, harvested and cared for post-harvest so as to ensure the  *freshest* and  *safest* product possible
- **Cider & Fruit Juices:** these juices may be sold only by the growers of those fruits, or the employees associated with the respective farm/orchard business. Juices may be pressed off-farm, but must consist only of fruits grown on-farm.
- **Eggs:** must be from your own, tended chickens
- **Honey and Honey Products:** must be from your own hives
- **Maple and Maple Syrup Products:** must be from sap from trees on your

own land, or trees under your own control.

- **Cheese and other Dairy Products:** must come from animals in your own herds. These products must be stored and sold according to NYS regulations.
- **Dried Fruit:** only product grown by the vendor may be sold; product may be dried off-farm
- **Crafts:** the juried crafts allowed to be sold should reflect the quality and character of the WFM, which is to be determined by the Market Manager.
- **Transplants (vegetable, herb and flower):** must be grown by the vendor; must come from a certified and inspected greenhouse.
- **Flowers (cut):** must be grown and/or arranged by the vendor.
- **Baked Goods:** baked goods must be handmade from scratch by the vendor; baked goods must be wrapped or covered; baked goods requiring refrigeration will not be allowed; baked goods must come from a certified kitchen; baked goods must have *all* ingredients listed clearly for the customer and in accordance to NYS labeling requirements; baked goods must contain no artificial ingredients.
- **Other Products:** These include: preserves/jams, herb vinegars, teas, chutneys, grains and health and beauty products such as soaps and salves. These products must include vegetables, fruits, flowers or herbs grown by the seller. For grains, the grains must be grown entirely by the vendor; grain may be milled off-farm. Health and Beauty products must list all ingredients clearly for the customer and according to NYS labeling requirements if packaged.
- Those **products not listed** in these rules and regulation must be approved by and are to be accepted at the discretion of the Market Manager and the SWFM Advisory Committee.

### **Guidelines for Selling at the Westside Farmers Market:**

- No form of discrimination is allowed
- All vendors, without exception, must provide proof of general liability insurance. Property owner of the WFM grounds, **St Monica Church, 831 Genesee Street, Rochester, NY 14611, must also be listed on each vendor's insurance policy, as an additional insurer.** Documentation of such must be provided to the Market Manager before the vendor's first day of sale at the WFM—without proper documentation, the Market Manager reserves the right to refuse set-up to said vendor
- All vendors must have a sign clearly displaying their operation's name and location
- Each seller will be responsible for all equipment and supplies deemed necessary for their displays
- All displays shall be arranged in a manner that neither obstructs pedestrian, customer or traffic flow, nor poses any other hazards to customers; vendors may be asked by the Marker Manager to alleviate any said obstructions or hazards
- All pop-up tents or canopies used by vendors must, by City of Rochester

Code, be properly secured in place in case of inclement weather and high winds. *NOTE: no staking of tents, or roping of tents is allowed at the WFM due to City of Rochester Code.*

- Vendors are expected to maintain displays that are neat, clean and free of debris
- Sellers are expected to treat customers, the Market Manager and the WFM Advisory Committee in a courteous manner
- No hawking or amplified music is permitted at vendor tables
- All produce displayed for consumption must be kept 12” off the ground, or protected from contact with the ground
- Dogs, cats, pets or farm animals must be confined or on leash and approved by Market Manager
- Smoking is not permitted within 20 feet of market booths
- All products offered for sale must be of good quality and condition; the Market Manager reserves the right to direct that inferior products be removed from the vendor’s display; failure to remove said product from display may result in an incident report to the WFM Advisory Committee, and may result in the vendor’s loss of access to sale at the WFM.

### **Set-Up, Arrival and Break Down:**

- No vendor shall arrive earlier than one hour prior to the opening of the WFM. The 2010 WFM shall open at 4:00 pm. No product may be sold before that time. Set-up may commence no earlier than 3:00 pm
- All vendors must have their booths dismantled, their stall space cleared and cleaned of all debris within one hour of the close of market.
- All vendors will stay until the market is officially closed.
- All vendors must dispose of their own trash; use of on-site dumpsters by vendors wishing to dispose of unsold product is strictly prohibited. The WFM will provide no receptacle for said waste. *NOTE: City of Rochester Code strictly forbids the use of any disposal of waste produce by market vendors in order to discourage vermin problems.*

### **Fees:**

- All annual stall fees are to be paid to the Market Manager by the vendor’s first day of sale.
- The annual vendor fee will be determined annually by the WFM Advisory Committee
- Fees for not-for-profit and/or community groups will be \$5.00 per week, not to exceed three weeks during a season
- Fees collected will be used for general operating expenses, as well as advertising and promotion for the market.

- No sharing of booth space by any vendors is allowed
- Daily, impromptu vendors may be allowed at the Market Manager's discretion provided notice of intent on behalf of said vendor no later than five hours before the start of market that day based on availability of booth space; the fee for these day vendors shall also be \$15.00 per day, not to exceed more than five weeks per market season.

### **Grievance Procedure:**

- All complaints must be addressed in writing to the Market Manager and the WFM Advisory Committee
- The vendor shall be guaranteed a response to their complaint—but not necessarily resolution of their issue—within two weeks of the submitted grievance
- Resolution of a vendor's grievance will be determined within a time frame deemed appropriate by the WFM Advisory Committee
- The Market Manager will notify vendors in writing of any rule violations and notify the WFM Advisory Committee of said violations; The WFM Advisory Committee will review these violations and determine consequences appropriate to the recorded offenses; consequences may include warnings, fines/fees or termination of rights to sell at the WFM
- Fines levied against a vendor may not exceed \$50.00
- Fines levied against a vendor may be appealed to the WFM Advisory Committee
- Fines levied against a vendor must be paid in full before the vendor's next market day; Market Manager reserves the right to refuse set-up to said vendor
- Vendor grievances may also be made by appearing at the next meeting of the WFM Advisory Committee.

### **Emergency Procedure:**

In the event of an emergency/accident taking place at the WFM, a designated response team will address the situation and take steps to assert authority in order to reduce response time and to reduce liability of the WFM.

The emergency response team will be comprised of the current WFM Manager(s). In addition to reserving the sole right to close the WFM due to severe weather warnings, the WFM Manager(s) will determine whether an emergency/accident warrants closing of the WFM, or will assure that normal market operation resume in a timely and safe manner. Examples of Emergencies/Risks follow, but are not limited to: fire, severe weather, medical emergency, criminal behavior, civil disturbances, automobile/pedestrian accidents, slip-and-fall, bomb threats.

**Emergency Protocol:**

The WFM Manager(s) will follow the following protocol in the event that an emergency situation is realized:

1. Assess and document the situation in writing and in photos (if possible). This should include— a) WHO was involved and WHO witnessed incident, b) were there any injuries, c) was care provided on-scene? d) was there any damage to the facility/grounds? (describe), e) WHERE did incident occur specifically f) WHEN exactly did the incident occur?, g) HOW did the incident occur (describe based on facts and observations)
2. If appropriate, contact pertinent emergency response personnel
3. Secure the scene until the proper emergency response officials arrive
4. Make decision whether to continue market in light of situation
5. Fully document all facts, actions/events