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TOWN OF STEILACOOM FARMERS' MARKET

2011 Guidelines and Vendor Rules

OVERVIEW

The Steilacoom Farmers' Market (the Market) is facilitated, coordinated, and managed by the Town of Steilacoom (The Town). The Town has adopted the following rules and regulations and may, at any time, amend, delete, or modify its policies, rules, and regulations. In order to promote the Market as a whole to the community, all participants in the Market will behave toward Market customers, staff, and volunteers in a professional manner which fosters a sense of Market community, camaraderie, and a spirit of cooperative involvement.

The Town disclaims any and all liability that may arise from the sale of goods by the vendors or by the conduct of the vendors and does not guarantee the marketability of vendors' goods or success of the vendors' efforts.

CONTACT INFORMATION

For all information regarding the Market and its operations, please contact Kelly Barkhurst at 253 581 1912 or e-mail: Kelly.barkhurst@ci.steilacoom.wa.us. You may also visit our website at www.townofsteilacoom.org.

LOCATIONS, HOURS, DATES

The Market is located in downtown Steilacoom on the Multi-Purpose Courts on Lafayette Street. The Market hours are 3 to 7 pm, Wednesdays from June 15 thru September 7, 2011.

PRODUCT, POLICIES & GUIDELINES

All vendors must be Washington state farms and businesses. All products must be grown or produced in Washington State. No reselling or franchise sales are allowed.

- a) **Produce, Plants, & Flowers** - The Market strives to provide a market place where fresh, local and wholesome products are sold. Farm products which can be sold at the market include vegetables, fruits, berries, herbs, nuts, flowers, plants, honey, seafood, meat, poultry, eggs, and dairy products. Vendors wishing to offer samples MUST contact the Market Coordinator and submit an application to the Tacoma-Pierce County Health Department (TPCHD). All products must be grown, raised, produced or gathered by the vendor in Washington State or in counties bordering Washington State, with the exception of seafood which must originate from the greater Pacific Northwest (Washington, Oregon, Alaska or British Columbia). Fish tickets will need to be provided by all seafood vendors to verify fish origination.
- b) **Processed Goods** - The Market accepts certain value-added items which are grown and/or made by the vendor such as (but not limited to): Baked goods, preserves, honey, sauces, dips, wine, cheese, sausage, and smoked meats or fish. All processed foods must be appropriately labeled with product name, ingredients, net weight, price, and vendors. Prior to selling at the Market, all vendors must show appropriate TPCHD certification to the Market Coordinator. These permits must be displayed in public view during Market hours & comply with TPCHD regulations. Vendors wishing to sell processed food products must: 1) List all ingredients in the products to be sold at the market. It is expected that the vendor will use raw ingredients that are grown locally as appropriate for the product. 2) Provide

Market management a sample of all products packaged and labeled as they will be sold at the Market. Market Management will evaluate the products before approval for sale in the market.

- c) ***Hand Crafted Items*** - All craft products must be handcrafted wholly in Washington State or the counties bordering Washington State by the vendor and approved by the Market Coordinator and the Market Vendor Committee. (i.e. – plaques manufactured in China but painted in Washington State are NOT considered locally made). Returning craft vendors must have all new items approved before they are sold at the Market.
- d) ***Prepared Foods*** - Prepared food is a new item at the Steilacoom Farmers’ Market. Vendors must be pre-approved by the Market Coordinator and the Market Vendor Committee. Prepared food vendors are required to offer at least one locally sourced item on their menu (one item is typically 25% of their menu) and advertise it prominently at their booth (local ingredients used must be mentioned specifically in the menu item advertisement). Prior to selling at the Market, all prepared food vendors must show appropriate Health Department certification to the Market Coordinator. These permits must be displayed in public view during Market hours. All prepared food processor trailers must comply with TPCHD regulations. Food vendors must commit to a specific menu and any changes to that menu must be pre-approved by the Health Department and Market staff by a minimum of two weeks prior to serving that item.
- e) ***Overlapping Products*** - Vendors whose products or practices place them in more than one category are subject to all the requirements of each category.
- f) ***Communities***- Vendors in this category include Steilacoom-based organizations such as youth groups (scouts, etc.) and non-profit organizations such as gardening clubs, etc., are encouraged to submit application for review to participate at the market.

VENDOR SELECTION/RATIO

Vendors are selected annually by the Market Coordinator and the Market Vendor Committee. Selection will be based on quality, originality, locality, and compatibility with existing market mix and mission statement, as well as vendor performance and seniority. No vendor will have guaranteed return rights to the Market from season to season or from Market to Market, and no specific booth space is guaranteed. The Market generally does not offer exclusive rights to vendors to sell any one product. Market customers generally benefit from having a choice. However, if the Market believes the number of vendors offering the same or similar products is excessive, duplicate products may be denied entry. All selected vendors must complete and sign a vendor application and contract each season prior to selling at the Market.

Appropriate application, Health Department, and pre-paid stall fees must be paid. Agricultural products will be given priority over other product categories. Total vendor sales of agricultural products must equal more than 50% of total vendor sales of all other products combined at the Market. Farm vendors will also be given priority in space and location assignment. Vendors selling nonagricultural products may be placed on a wait list to maintain agricultural balance in the Market mix. The Market reserves the right to interpret vendor balance as we deem appropriate for the overall good of the market and its participants. Vendors who wish to dispute any market dealings are advised to complete a vendor complaint form, which will be reviewed by the Town Administrator.

MARKET DAY RESPONSIBILITIES

The Markets are community events where many diverse people are gathered to shop and sell. Vendors and their representatives are expected to conduct themselves in a respectful, safe, courteous, and harmonious manner with customers, market volunteers, and with each other.

- a) *Absence & Cancellations* - Vendors with paid reservations are responsible for occupying that space on each market day. Vendors not able to attend a reserved market day are required to notify Kelly Barkhurst at 253 581 1912, or e-mail Kelly.barkhurst@ci.steilacoom.wa.us, at least 48 hours prior to the market day, or the paid reservation will be forfeited. Vendors who do not call will be charged the stall fee for that day. Repeated non-appearance (more than 3 times) may result in the loss of market participation.
- b) *Arrival* - Vendors are required to register their attendance from 30 minutes up to 2 hours prior to market opening. If the vendor is not present at the Market 30 minutes before the start of the market, the stall may not be longer available for the assigned vendor. Repeat violations may result in first come first serve basis for available space. Due to traffic safety, vendor vehicles arriving less than 30 minutes mark may not be allowed to pass the road blockage. **Street Closing: Wilkes Street will be (or may be depending on the volume), closed from noon to 8:00 pm.**
- c) *Unloading* - Between 30 minutes and 2 hours prior to the market opening, vendors may enter the Market area with their vehicles for the purpose of unloading only. No vehicles will be allowed to enter the market 30 minutes before the market opens. Vendors are required to unload, move vehicle offsite, and then set up the stall. Do not set up your booth before moving your vehicle out of the way first. Others need access to the loading space. Please be patient and offer assistance when possible so that everyone can complete this task efficiently.
- d) *Parking* - We are currently negotiating space for vendor parking near the Market site and will update vendors upon approval. There will also be a limited number of paid parking spaces available across the street from the Multi-Purpose Courts. Please do not take customer parking on the streets surrounding the Market.
- e) *Stall Set Up* - Each vendor will be assigned one 10'x10' stall space. Special requests for smaller or larger space may be accommodated depending on the space available at the Market and is determined at the discretion of the Market Coordinator. Stall assignments are not transferable, and may change from week to week. Vendors will provide their own tables, signs, canopies and other desired materials. All vendors who wish to set up canopies (including umbrellas) on the farmers market site during a normal period of market operations, including the set up and break down period, are required to have their canopies sufficiently and safely anchored (25 lbs per leg) at all time. For safety, any tent or canopy which is not properly anchored will not be allowed and must be removed by the vendor. Any damage incurred by a vendor due to wind/weather will be at the expense of that vendor. **NO STAKES ARE ALLOWED TO HELP SECURE THE CANOPY.** The Market, the Board, and the Town are not responsible for loss or damage of property.
- f) *Transfer of Space* - Vendors may not sublet stall space to others. Prepaid fees are non-transferable to other market dates or vendors. If a vendor sells his or her business, he/she may not transfer his or her market spaces to the new owner.
- g) *Signage* - Each vendor must display a tastefully crafted sign clearly showing their producer/business name or the name of the farm/business, the business's location and telephone number. Vendors are responsible for providing their own bags for purchases.
- h) *WIC & SFMNP Coupons* - We strongly encourage vendors who are allowed (produce vendors, plus honey for SFMNP) to accept WIC and SFMNP coupons. Before depositing at your bank, each coupon must be stamped. When time allows, market staff and volunteers will stamp coupons daily.

- i) Selling/Pricing - All vendors must be set up and ready to sell by start time. Vendors are responsible for pricing, safety and quality of their goods and cannot sell adulterated goods. Prices must be clearly marked on all items for sale. Pricing of goods sold at the Market is solely the responsibility of the individual vendor. The Market Coordinator does not have the authority to fix prices. However, the Market Coordinator does reserve the right to conduct market research and set a low-price limit, and vendors will not be allowed to sell below this price. Thus, vendors are discouraged from giving produce or items away for free or at below-cost pricing, as this undercuts potential sales for other vendors. This does not include sampling.
- j) Electricity - All electrical equipment must be pre-approved by the Market Coordinator. Vendors requiring electrical power are responsible for providing their own outdoor extension cords and mats to cover any and all portions of the cord that lie in any area utilized by market customers. The Market cannot guarantee electricity to its vendors.
- k) Scale - Vendors selling produce by weight must provide their own scales, which must be “legal for trade” and are subject to inspection by the Dept. of Agriculture’s Weights and Measures Program. All scales must be readable and in easy sight of your customers during business transactions.
- l) Labeling- All product labels such as “organic”, “unsprayed, pesticide-free, or low-spray” must comply with the Washington State law. State law restricts the use of the phrase “Certified Organic” to those who have in fact been certified by the Department of Agriculture. Please advertise and respond to customers’ questions truthfully. To ensure that buyers receive sufficient and accurate information, quantity and price of pre-measured products and prepared goods must be labeled with quantity, price, business name, address, and phone number.
- m) Sanitation- All vendors must adhere to sanitary procedures as outlined by the Tacoma-Pierce County Health Department. All prepared food vendors and others wishing to offer samples must be approved by the Health Department. Vendors are required to keep their individual selling space in a clean, safe and sanitary manner. Vendors are not permitted to dispose of produce waste, overripe or leftover produce or boxes in any on-site garbage cans or dumpsters. The Market trashcans and dumpsters are available for patron use. Vendors must monitor and supervise their children at all time during the Market hours. No animals are permitted in vendor stalls with the exception of service animals as required by the Americans with Disabilities Act. Smoking is not allowed anywhere on the Market sites at any time. Consumption of alcohol beverages or any controlled or illegal substance is prohibited.
- n) Take Down - Vendors are required to stay until market closing. Vendors who sell-out early must keep their stall set up until closing time, and post a sign letting customers know they have sold out. Vendors will break down their display promptly at closing time.
- o) Clean-Up - Vendors must clean their stalls and vacate the sites by one hour after closing. Each vendor is responsible for removing any trash or garbage that is generated in or around their stalls. This includes removing all debris, sweeping and, if necessary washing down the stall site. All vendors must bring containers suitable for waste removal, including oily waste. No dumping of ice and/or ice chests. We follow the policy of “you haul it in, you haul it out”. Prepared food vendors must have an impermeable tarp or mat under the entire stall to protect the sidewalks and streets from grease and food waste, as well as overhead coverage as required by the Tacoma-Pierce County Health Department. Oil pans must be placed under vehicles. Vendors not adhering to these policies risk cleaning fines and expulsion from the Market. Everyone appreciates your effort in keeping the Market clean.

LICENSES, PERMITS, SPECIAL REQUIREMENTS

- a) Town of Steilacoom Business License – The Town of Steilacoom business license fee is being waived for ALL VENDORS PARTICIPATING IN THE 2011 TOWN SPONSORED FARMERS MARKET (Please note that this a “Pilot Program” adopted by Town Council and is subject to change in 2012).
- b) Dept. of Revenue – Vendors must have a Washington State business license and are responsible for collecting and paying sales tax, if applicable, as required by the Dept. of Revenue. Contact them at 253-593-2722 for more information. Unless a vendor is exempt by law, he or she must supply the Market with a State UBI number at the time of application. Food, crafter, processor and miscellaneous applications submitted without a UBI number will not be considered.
- c) Insurance Requirements – Prepare food vendors and farmers are required to name the Town of Steilacoom, as additional insured, on their business certificate of insurance (some smaller vendors utilize their farm/homeowners insurance for this). These vendors must send copies of their policies to the market in advance. All vendors must show proof of current automobile insurance for on-site vehicles, and provide the Market with policy numbers, which will be kept on file. All vendors shall provide at the time of application copies of any permits and licenses applicable to the sale of their products. These will include the vendor’s WA State License, WA State Dept. of Agriculture Food Processor’s License, Certification of Organically Grown Produce, Grade A Dairy Permits, or Dept. of Fisheries Wholesale License, Food Handlers’ Permit and other Tacoma Pierce County Health Department licensing requirements.
- d) Liability - Vendors are required to obtain general liability insurance. A copy of your insurance policy must accompany your vendor application and be on-file throughout the selling season. The Steilacoom Farmers’ Market is not responsible for any loss or damage incurred or caused by vendors.
- e) WA State ID Number – Retail sales taxes and Business & occupations taxes are the responsibility of individual vendor. Vendors who are required to charge sales tax are required by law to have a Washington State Tax ID number and must supply this tax number when you apply at the Market. Vendor’s applications will not be processed without this number.
- f) Tacoma-Pierce County Health Department – Vendors are required to obtain permits directly from TPCHD. Once a vendor has been invited to participate in the Market, they may apply for & obtain their permit from the TCPHD. Farmers do NOT have to obtain a permit, but we strongly encourage each farmer to submit a “courtesy application” anyway. **You will be able to sample produce at NO charge if you do!** Growers who sample realize a minimum increase in sales of 10%. The Market strongly encourages each grower to sample in 2011. Farmers who sell eggs, meat, or other temperature control items MUST obtain a TPCHD permit and have sufficient USDA/WSDA permits. Farmers who sample their produce to the public will be required to have a food handler’s license (from any WA County). Prewashed samples must be cut in advance following TPCHD guidelines or prewashed samples may be cut at the Market using a sterile knife and clean cutting surface. Gloves must be worn when handling samples. Sanitary sampling guidelines must be followed. Melons & sprouts are not allowed to be sampled. Prepared Food Vendors and Processors should go directly the TPCHD website for updated fee structure and rules for 2011. All fees will be paid directly to TPCHD. **IMPORTANT NOTE:** All vendors who do not follow TPCHD sampling/food handling regulations will be fined \$110 per each violation. Repeat non-compliance will result in permanent expulsion from the Market, so please follow these regulations carefully: 1) Must have hand wash station for each market each week. 2) Have bucket of bleach water to clean produce cutting surfaces and knife. 3) No hand-contact with food to be sampled (must wear gloves during preparation and use toothpicks for customers to pickup sample with). 4) If bringing prewashed produce to the Market, please bring in a plastic container and keep it a

minimum of 36" off the ground. Never set prewashed produce boxes on the ground. 5) A copy of your TCPHD permit should be clearly posted at your booth each market day & a copy should be given to the Market Coordinator. Further instructions about how to receive your TPCHD permits can be found on their website at www.tpchd.org. Your permit this year will be good at ALL PIERCE COUNTY FARMERS' MARKETS!!

- g) Public Safety Department – Vendors shall not use any bottled gas, electrical device, or hazardous material without prior approval of the Market manager and Town of Steilacoom Fire Marshall. All canopies must be constructed of fire resistant materials or treated with flame retardant. If canopy has been sprayed with retardant, you must show documentation, or canopy must have proof of fire resistance (e.g. Tag sewn to inside of canopy with stamp stating fire resistance or CPAI-84 code) Proof of fire resistance must be made available to the Town of Steilacoom Fire Marshall or his designee upon request. The Department of Public Safety inspects all booths. Cooking under a canopy is not allowed. If you have questions, contact Sgt. Will Nelson, Fire Marshall at (253) 581-0110.
- h) Indemnity – The Town and/or The Board shall not be held liable for any debt, tax or assessments incurred by the vendor in the operation of his/her booth nor for any salary or expense due to any of his/her employees. The Town and/or The Board shall not be liable for the result of any accident or damage to any person or article employed by, or in possession of the vendor while at the Market in the Town of Steilacoom, whether such accident, loss or damage occurs during the time of preparation, the period of occupancy, or at the time of removal there from. In consideration of the privileges granted by this contract, the vendor agrees to protect, indemnify and hold harmless the Town/Board from any and all claims for damages, demands, or suits arising from injuries or damages sustained, or alleged to be sustained, by employees of the vendor or by any member of the public where such injury or damage shall have resulted either directly or indirectly from the activities and business of the vendor in connection with this contract.

GRIEVANCE POLICY

The Town reserves the right to impose disciplinary action at the Market site. Vendors have the right to a hearing within two weeks of any disciplinary action.

In the event of expulsion due to severely offending conducts, the vendors may be asked to vacate the Market. Upon failure to vacate, the Market shall remove all property of vendor from the site at vendor's expense. The Market is relieved and discharged from any/all loss or damage caused by such removal. The Market shall not be responsible for storage of removed property. Vendors are encouraged to file a vendor concern about any grievance/disagreement/conflict. These will be reviewed by the Town and a timely response will be issued to the vendor.

Incident Report Forms are available to vendors upon request and will be reviewed by the Town.

MARKET COORDINATOR

The Market Coordinator (or designee) coordinates all the activities of the weekly functioning of the Market and implements Market policies, including oversight of the Market set-up and clean-up, daily assignments, collection of stall fees commissions and sales information, and assuring vendor compliance with all Steilacoom Farmers' Market policies. The Market Coordinator also acts as a conduit of information from the vendors and customers to the Town. The Market Coordinator and his/her designees have complete authority to interpret and implement Market policy.

PETITION, PROTEST, SOLICITATION

The Market does not allow solicitation by political, religious, or other special interest groups or individuals.

NON-DISCRIMINATION POLICY

The Town of Steilacoom Farmers' Market does not discriminate against race, color, creed, sex, religion, sexual orientation, age, gender identification, familial status, disability, or nationality.

FAILURE TO COMPLY

Vendors are expected to comply with all rules and regulations. Failure to comply may result in removal from the Market or other consequences deemed appropriate by the Market Coordinator and designated on-site staff.

Thank you for your interest in the Town of Steilacoom Farmer's Market!