

TOWN OF STUART FARMERS' MARKET

Rules of Operation

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1. Preamble

The Stuart Farmers' Market is owned by the Town of Stuart and operated as a service to the public. Vendors are accepted as tenants to provide goods and services to the public of a kind and quality perhaps not otherwise available. The Farmers' Market Committee has approved the following rules and regulations, with which all vendors must comply, to help ensure a marketplace beneficial to both vendors and their customers. These Rules have been approved by the Stuart Town Manager, acting under the authority of Stuart Town Council. After consultation with the Farmers' Market Committee and the Market Manager, these Rules may be amended by the Town Manager at any time. The Town Manager may amend these Rules without such consultation on an emergency basis.

2. Farmers' Market Committee, Vendors, and Rules

A. The Stuart Farmers' Market Committee ("the Committee") is a body of persons appointed by Town Council to advise Town Council and assist the Market Manager in setting policy and adjudicating disputes. The Committee shall elect one or more of its members to serve as a Farmers' Market Vendors' Representative ("Vendors' Rep").

B. All individuals/groups leasing spaces at the Stuart Farmers' Market are herein defined as "Vendors." Vendors are herein defined as persons offering for sale produce or other merchandise grown or produced by such Vendor in Patrick County, Virginia, or any adjoining county, subject further to applicable Rules in Part 9 hereof. Such other merchandise may include horticultural and floral items such as flower bulbs, seeds, and root stock.

C. All Rules are subject to review and revision at any time Town Council or its designee may see the need to do so. Vendors may submit any requests for revision of these Rules in writing to the Farmers' Market Committee, the Market Manager, or the Vendors' Rep.

The Market year runs from May 3 through December 7 2013.

3. Scope of Operation

A. The Stuart Farmers' Market is a regulated marketplace owned by the Town of Stuart and designed for the sale of farm produce, greenhouse products, some prepared foods, and handcrafted items.

B. The day-to-day management of the Farmers' Market will be the responsibility of the Market Manager, the Town's duly appointed agent. The Market Manager is responsible to the Town Manager, who is in turn responsible to Town Council.

C. Market days and hours of operation shall conform to a posted market schedule. The time of opening and closing may be changed from time to time, and/or special

market days added, by the Market Manager in consultation with the Committee. All vendors shall adhere to the posted hours of operation.

D. The Town of Stuart accepts no responsibility for stock or other personal property left on the premises.

4. General Rules

Vendors will avoid all hazards. The safety of visitors is always paramount.

A. Safety rules are as follows:

1. Smoking is not allowed in the Market or other areas designated non-smoking.
2. Fire extinguishers must be kept visible and accessible at all times.
3. Use of any electrical extension cords used must be approved by the Stuart Fire Department, and must be used in a safe way so as not to create a tripping hazard for vendors or customers. Extension cords used in overhead hanging outlets must leave aisles free and clear.
4. State health laws prohibit any pets or live animals inside the Market with the exception of service animals.
5. Consumption or sale of any controlled substance(s) is not permitted in the Market building or on the Market grounds.
6. Vendors shall take particular care to avoid injury to persons and damage to property while moving merchandise in and out of the Market.

B. Abusive or profane language will not be tolerated at the Market.

C. No one may beg, loiter, solicit, or place any poster, advertisement, or flier on the Market premises without permission from the Market Master.

D. The Town of Stuart is not liable for theft of or damage to any merchandise before, during, or after Market hours.

E. Vendors are expected to keep their merchandise in reasonable order and to allow safe, unimpeded access to customers.

F. Violation of established Market Rules can be deemed cause for denial of market privileges.

5. Farmers' Market Committee Responsibilities

The Farmers' Market Committee ("the Committee") is concerned with the purpose, operation, and general welfare of the Farmers' Market. While its authority is advisory, Town Council regards the collective expertise and insight of the Committee as essential to a successful Farmers' Market. In general, the Committee shall:

- A. Meet as often as it may deem necessary to conduct necessary or desirable business.
- B. Conduct its meetings without undue formality, but with due notice to the public under the Commonwealth's Freedom of Information Act, and with regard to fundamental precepts of dialogue and democracy.
- C. Elect one of its members, who shall also be a Vendor, as Farmers' Market Vendors' Representative (Vendors' Rep"), who shall serve an annual term. Vendors' Reps may succeed themselves.
- D. Elect a chair, who shall conduct meetings of the Committee, and who shall report as requested to Town Council.
- E. Consult as it deems necessary, or as requested, with the Market Manager, the Town Manager, and the Town Attorney.
- F. Assist the Market Manager in arbitrating any disputes and otherwise resolving any issues which may arise.
- G. Review all Market rules and policies as needed.
- H. Encourage the production, sale, and consumption of locally and/or organically grown produce.
- I. Participate in all other activities consistent with the Committee's role and intended to further the welfare of the Farmers' Market.

6. Market Master Responsibilities

The Market Manager performs all duties necessary to maintain and operate a farmers' market in the best interest of the Town of Stuart, all vendors, and the general public. Specifically, the Market Manager shall:

- A. Enforce days and hours of operation in consultation with the Farmers' Market Committee.
- B. Assign spaces to vendors.

- C. Collect space fees from all vendors, maintain records and accounts, and coordinate all financial activities with the Town Treasurer.
- D. Direct the safe and efficient movement, loading, unloading, and parking of all vehicles on the Market grounds.
- E. Upon closing, inspect spaces to ensure vendors have left the area in a clean and orderly condition.
- F. Verify that all local, state, and federal laws are observed, all necessary licenses and permits are valid and current for each vendor, and maintain files of same.
- G. In his/her discretion, inspect farm or production facilities for compliance with Market Rules.
- H. Recruit and situate new vendors as space becomes available with an eye toward providing a variety of high quality goods available to the public.
- I. Maintain close communication with the Market Committee and the Vendor Representative.
- J. Enforce Market Rules.
- K. Attend and take minutes at all meetings of the Market Committee. With the concurrence of the Committee, the taking of minutes may be delegated to another person.

7. Farmers' Market Vendors' Representative ("Vendors' Rep") Responsibilities

The Vendors' Rep shall:

- A. Collect and express to the Market Manager and the Farmers' Market Committee any and all legitimate concerns of any Vendor.
- B. Attend all meetings of the Farmers' Market Committee.
- C. Assist in ensuring that vendors and their customers comply with Market Rules.
- D. Encourage the production, sale, and consumption of locally and/or organically grown produce.

8. Vendor Responsibilities

In furtherance of a successful and sustainable Farmers' Market, each Vendor shall:

- A. Use the premises in accordance with Market Rules.

- B. Maintain safe conditions. Vendors are encouraged to obtain liability insurance coverage.
- C. Allows the Market Manager to inspect such Vendor's farm or production facility to ensure compliance with Market Rules.
- D. Communicate as necessary with the Vendors' Rep and the Market Manager.
- E. Maintain all necessary licensure.
- F. Bear in mind that while at the Farmers' Market, Vendors are seen as representatives of the Market, and by inference, of the Town of Stuart.

9. Other Rules

The Farmers' Market is intended for Vendors who are actually engaged in the business of growing or producing the products they sell at the Market.

- A. All produce must be grown by the vendor.
- B. Vendors shall sell at the market only fresh, sound, wholesome produce and products. All food shall be from sources approved or considered satisfactory by local health officials and the Department of Agriculture, and shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption.
- C. Merchandise shall be displayed within space boundaries.
- D. Trash shall be disposed of as directed by the Market Manager.
- E. Vendor signage shall be minimal, and of a type and nature consistent with the Market's theme and ambiance.
- F. The Town will use a portion of the space fees collected to promote or advertise the Market. Vendors, singly or in cooperation with others, may advertise, at their expense, their participation at the Market. However, given that the name "Town of Stuart Farmers' Market" is proprietary to the Town, every advertisement including "Town" or "Stuart" in its title shall require the prior approval of the Market Manager.
- G. Craft Vendors and Foodstuffs Vendors shall together constitute no more than 20% of the vendor spaces in the Market.
- H. Vendor spaces shall not be assigned or sublet without permission from the Market Manager.

I. Particular spaces may be reserved on a first-come, first-serve basis by renting in advance. Vendors paying space fees on and for a Market day will be assigned spaces at the discretion of the Market Manager.

J. Rates and policies concerning space rentals may be changed from time to time by the Committee in consultation with the Market Manager, and with the approval of the Town Manager.

K. In the event that demand for spaces exceeds their supply, while 20% of the Market spaces shall be allocated to Foodstuffs Vendors and Craft Vendors who reserve their spaces in advance, priority otherwise shall be given to Vendors who sell fresh produce or fresh greenhouse products.

10. Non-Produce Vendors

A. The term “Vendors” herein includes Foodstuffs Vendors and Craft Vendors.

B. A “Foodstuffs Vendor” is herein any Vendor who offers for sale at the Market food made by such person, or who offers for sale food made from materials produced by such Vendor.

C. Foodstuffs may include such things as baked goods, confections, spice mixes, and beverages. Any foodstuffs offered for sale in closed packages or sealed containers shall bear an approved label stating the information required by the governmental authorities having jurisdiction. All foodstuffs must be produced in compliance with all applicable laws and regulations.

D. A “Craft Vendor” is any Vendor who has invested significant skill, time, and effort to produce finished products such as toys, jewelry, wearing apparel, dried flowers, pottery, candles, soaps, art, and bowls, and who offers the same for sale.

11. Space Standards

A. Vendors must have their spaces completely set up and ready for operation at the scheduled opening of the Market. All vehicles must be out of the Market 30 minutes prior to official opening. During official Market hours, any merchandise taken in or out of the Market must be hand-carried or transported on a small handcart in a safe manner.

B. Merchandise must be displayed within space boundaries, including merchandise awaiting customer pick-up. Merchandise should not be allowed to encroach into aisles or neighboring spaces.

C. Spaces shall be kept free of garbage and trash. All garbage and trash must be removed from the Market area and taken away or placed in an outside dumpster designated by the Market Master. Trash receptacles in the Market area shall not be utilized for Vendors’ trash.

D. Vendors may display their products in any safe manner conforming to the Rules.

12. Disciplinary Actions

A. Any Vendor who fails to comply with Market Rules may be denied selling privileges.

B. Written or verbal complaints brought to the attention of the Market Manager by Market customers will be resolved, if possible, by the Market Manager in consultation as necessary with the Vendors' Rep and the Market Committee. Any Vendor who is the subject of a complaint for violation of a Market Rule which is not so resolved may request a hearing before the Committee. The Committee shall recommend a disposition to the Town Manager, who may accept all, none, or any part of the recommendation, and who shall decide the matter. The decision by the Town Manager shall be final. The Town Manager's decision may include suspension or denial of the privilege of selling products at the Market.

13. Advertising

Vendors, singly or in cooperation, may advertise at their expense. Any advertisement using the Market name, address, or hours shall be approved in advance by the Market Manager in consultation with the Vendors' Rep.