

SPOTSYLVANIA COUNTY FARMERS MARKET

Rules and Regulations

Definitions

Executive Committee: The Executive Committee is the body responsible for the governance of the Spotsylvania County Farmers Market.

Host Locations: Host Locations are the property on which the owners permit the operation of the Spotsylvania County Farmers Market.

Market: The Market as used here in shall mean the Spotsylvania County Market.

Market Manager and Assistant Market Manager: The Market Manager and Assistant Market Manager are the person(s) responsible for managing the operations of the Spotsylvania County Farmers Market.

Market Token Program: The Market Token Program allows SNAP (Supplemental Nutrition Assistance Program, formally food stamps) customers to use their federal nutrition benefits at the market by exchanging dollar values from their EBT (Electronic Benefits Transfers) card for tokens that can be used to make purchases at the market. Additionally, The Market Token Program allows customers to use credit cards to obtain tokens that can be used to make purchases at the market.

Producer: The Producer is the person(s), including immediate family members, legal partner(s), and employees, who produces (i.e., grows, processes, cooks, or bakes) items for potential sale at the Spotsylvania County Market.

Producer-only: Producer-only shall mean that all products sold at the Market must be grown or produced by the Producer.

Market Agent: A Market Agent is a Producer who has been approved to act as an agent (i.e., sell their items) for another Producer at a Host Location.

1) Market Governance

- a) The Spotsylvania County Farmers Market (the Market) is organized and operated by Spotsylvania County (the County).
- b) The County is responsible for approving the Market's rules and regulations. The County may amend the Market's rules and regulations at any time as deemed necessary.
- c) The County's Virginia Cooperative Extension Office has the primary responsibility for organizing and supervising the Spotsylvania Farmers Market.
- d) An Executive Committee will be appointed for the Market and is responsible for structuring and governing the operations of the Market. The Executive committee is comprised of four producer representatives, up to 3 citizen representatives, the Market Manager and the Virginia Cooperative Extension Agent.

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- e) The Executive Committee is responsible for maintaining and enforcing the Market rules and regulations.
- f) The Executive Committee has the authority to make exceptions to the rules and regulations, for example eligibility radius, minimum attendance, and products permitted, in order to improve or enhance market operations.
- g) The Executive Committee has the authority to set and change market dates and hours of operation.
- h) The Executive Committee has the authority to approve Producers who may sell at the Market.
- i) The Executive Committee has the authority to approve Producers to act at Market Agents for other Producers.
- j) The Executive Committee may appoint unpaid staff to assist in the Market's management and operations.

2) General Market Operation

- a) The Market Manager and Assistant Market Manager are responsible for the general operations of the Market.
- b) The Market Manager and Assistant Market Manager are employees of the County, whom are selected and paid by the County.
- c) The Market Manager and Assistant Market Manager cannot be a Producer.
- d) *Gordon Road Host Location*
 - i) Market dates will be from the 2nd Saturday in April through the Saturday prior to Christmas.
 - ii) Market hours will be 8:00 AM to 1:00 PM.
 - iii) A winter market may operate in January, February and March at the discretion of the Executive Committee.
- e) *Spotsylvania Regional Medical Center (SRMC) Host Location*
 - i) Market dates will be from the 1st Wednesday in May through the Wednesday after Labor Day.
 - ii) Market hours will be 2:00 PM to 6:00 PM.

~~f) *Spotsylvania Courthouse Host Location*~~

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- ~~i) Market dates will be from the 1st Thursday in May through the Saturday after Labor Day.~~
- ~~ii) On Thursdays, Market hours will be 2:00 PM to 6:00 PM. On Saturdays, market hours will be 8:00 AM to 1:00 PM.~~
- ~~iii) The presence of a Market Manager may be excused and/or significantly limited at this host location.~~
- ~~iv) The Market Token Program is not administered at this host location.~~

~~g)f)~~ Other Host Locations

- i) Market dates and hours of operation will be set by the Executive Committee.
- ~~h)g)~~ Producers may park, unload, and begin setup as early as 90 minutes prior to market open.
- ~~i)h)~~ Producers will be setup and ready for sales no later than 15 minutes prior to the market's opening time.
- ~~j)i)~~ Producers will begin teardown and loading no later than market close. Teardown should be completed by 30 minutes after market close.
- ~~k)j)~~ Producers violating the setup or teardown rules will be subject to disciplinary action by the Executive Committee.
- ~~l)k)~~ The Market Manager has the authority to grant a waiver to the setup and teardown rules.
- ~~m)l)~~ The Market Manager or Assistant Market Manager will officially open and close the Market.
- ~~n)m)~~ The Market may operate in any weather condition. Under extreme weather conditions, the Market Manager has the authority to close the Market.
- ~~o)n)~~ The Market Manager has the authority to establish a gleaning program between Producers and local organizations, such as food banks, that seek to meet the nutritional needs of food insecure individuals.
- ~~p)o)~~ The Market Manager has the authority to engage musicians to perform at the Market. Musicians must apply in advance to the Market Manager, including providing a sample of their music. The Market Manager will review each musician's application, determine their fit for the Market, and schedule each approved musician's performance at the Market.

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~~e)p)~~ A Producer's sales area will be considered to be abandoned when a Producer is absent from the Market for more than four (4) consecutive market dates without explanation. Market fees will not be returned to the Producer when their sales area is abandoned.

~~f)q)~~ A sales area that is abandoned may be reassigned to another Producer upon receipt of that Producer's application and market fees, and the approval of the Executive Committee.

3) Market Products

- a) Products that may be sold at the Market include, but are not limited to, fruits, vegetables, cider, honey, cut flowers, potted and bare root plants, baked goods, jams, jellies, eggs, seafood, cured meats, frozen meats, dried flowers, and herbal wreaths.
- b) Craft and flea market items are not permitted at the Market.
- c) All products sold at the Market must comply with all applicable State and Federal laws, rules and regulations.

4) Market Sellers

- a) This is a Producer-only market and all products sold at the Market must be grown or produced by the Producer. Selling of items purchased from or provided by another Producer, wholesaler, or market is not permitted, except in the case where the Producer is acting as a Market Agent.
- b) Producers may sell products at the market that include non-produced elements as long as those non-produced elements are integral to the sold product (i.e., the non-produced element is not separable from the sold product).
- c) If legal partnership status is claimed by the Producer, evidence of the existence of such a partnership must be submitted with the Producer's application.
- d) Production of all goods sold at the Market must take place within a 100 mile radius of the Market and within the Commonwealth of Virginia. Producers who do not satisfy this requirement may sell at the Market with approval by the Executive Committee. Producers must make a request in writing to the Executive Committee for each exception to this requirement.
- e) A Producer may act as a Market Agent (i.e., sell the products of another producer) at the SRMC Host Location for another Producer with the approval of the Executive Committee.
 - i) The Producer being represented must be an eligible Producer at the Gordon Road Host Location.

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- ii) The additional product being sold by the Market Agent must be outside the product line typically sold by that Producer (e.g., a produce Producer cannot sell the product of another produce Producer).
- iii) The additional product being sold by the Market Agent must satisfy all product eligibility requirements.
- iv) The Market Agent must visually and clearly distinguish between his/her products and the products of the represented Producer.
- f) The Market may function as a pick up point for a CSA (Community Supported Agriculture) provided the Producer follows all the rules and regulations that govern the Market.

5) Producer Responsibilities

- a) It is the sole responsibility of each Producer to be familiar with and abide by all state and federal laws, rules and regulations pertaining to the production, harvest, preparation, preservation, labeling, and safety of products for sale at the Market.
- b) It is the responsibility of the Producer to make sure any and all employees are familiar with and abide by all the rules and regulations that govern the Market.
- c) Each Producer will be properly registered to collect and pay Virginia State sales tax.
- d) Each Producer will have current liability insurance in an amount not less than \$500,000. The Spotsylvania County Farmers Market and Spotsylvania County will be named as additional insured. (A copy of the VDACS publication *Liability and Insurance* is available through the Spotsylvania Virginia Cooperative Extension Office.)
- e) Producers will participate in the Market Token Program, except at the Spotsylvania Courthouse Host Location.
- f) Producers will be appropriately attired for the Market.
- g) Producers will supply their own tents, tables, chairs, Class III calibrated scales, adequately-sized trash cans, and brooms. Producers using tents or canopies are required to anchor their tents or canopies with adequate tent weights to ensure customer safety in high wind conditions (winds up to 40-50 mph). Producers using scales must have them inspected and certified according to Virginia Department of Agriculture and Consumer Services (VDASC) rules and regulations.
- h) Producers who use generators at the market must ensure sound emitted is not audible from a distance of fifty feet and, otherwise such sound may not violate the County's Noise Ordinance.
- i) Producers may sell directly from their vehicles.

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- j) Producers will keep their display of product strictly within the confines of their assigned sales area at all times.
- k) Producers will at no time compromise the safety or convenience of customers or other Producers through their use of their sales area.
- l) Producers will not sell to any customer who has an animal on the premises unless it is a service animal.
- m) Producers who provide samples of product(s) to customers at the market must comply with all state and federal food safety laws, rules, and regulations and processes that apply to product sampling.
- n) Host Locations require that all trash be removed from the premises and not be placed in their trash receptacles. Producers will be responsible for removing all trash on their departure and for leaving their sales area free of all trash and debris.
- o) Producers are required to be flexible regarding their sales area in the event of unavoidable circumstances on a particular market date (e.g., car(s) mistakenly parked in the market space).
- p) Producers are responsible for communicating to the Market Manager circumstances beyond their control (e.g., death in the family, serious long-term illness, occasional hardship) that might be cause to waive the Market attendance requirement.

6) Producers Application and Approval

- a) Each year, Producers must complete the Market's required application to be considered for participation in the Market for that season.
- b) In addition to the application, Producers must provide the following for the application process to be complete.
 - ~~i) A completed IRS Form W-9~~
 - ~~ii) Driving directions to all locations used in any production or processing of product to be sold at the Market~~
 - ~~iii) A certificate of liability insurance with the Market and the County named as additional insured~~
 - ~~iv) Evidence of legal partnership, if appropriate~~
- c) The Executive Committee will review all received Producer applications.
- d) The Executive Committee, or a representative of the Executive Committee, has the right to visit a Producer's production and processing locations during the application review process.

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- e) The Executive Committee has the authority to approve or deny a Producer's application for participation in the Market.
- f) The Executive Committee's decision is final and will be communicated to the Producer in writing.

7) Space Assignment

- a) The Market Manager is responsible for the assignment of specific parking spaces at a Host Location to each approved Producer as their sales area.
 - i) Gordon Road Host Location: Producers will be allocated one (1) to four (4) contiguous parking spaces as their sales area.
 - ii) Spotsylvania Regional Medical Center Host Location: Producers will be allocated two (2) to three (3) contiguous parking spaces as their sales area.
 - iii) Spotsylvania Courthouse Host Location: Producers will be assigned parking spaces as their sales area by the Market Manager.
- b) Producers may reserve the same space in the Market for the next season by attending the Market for a minimum of 75% of the current season's market dates during the months of May through October.
- c) Circumstances beyond the control of the Producer (e.g., death in the family, serious long-term illness, occasional hardship) may be cause to waive this attendance requirement.

8) Compliance

- a) Producers are responsible for complying with all rules and regulations of the Market.
- b) The Executive Committee has the authority to determine if a Producer has not complied with a Market rule or regulation. The decision of the Executive Committee is final.
- c) A Producer found to be noncompliant with the Market's rules and regulations is subject to the following penalty.
 - i) The first infraction of Market rules and regulations will result in a formal, written warning to the Producer, which includes a reminder of the rule violated.
 - ii) Subsequent infractions of Market rules and regulations may result in suspension or removal from the Market at the discretion of the Executive Committee.
- d) Complaints about a potential violation of Rule 4.a (i.e., the Producer-only rule) must be made in writing to the Executive Committee.

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- e) In the instance of a Producer-only complaint, the Executive Committee has the right to visit, or assign a representative to visit, a Producer's production and processing locations to verify compliance with Rule 4.a. The alleged Producer will be notified prior to the visit.
- f) A Producer found to be in violation of Rule 4.a is subject to the following penalty.
 - i) The first infraction will result in a formal, written warning to the Producer and a two (2) week suspension from the Market.
 - ii) Subsequent infractions of Rule 4.a will result in an additional suspension or removal from the Market at the discretion of the Executive Committee.

APPROVED BY: BOARD of SUPERVISORS

January 14, 2014
Date

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Appendix A: Market Fees

- a) Gordon Road Host Location: The full season market fee will be \$150 per parking space (i.e., 1-space stall = ~~\$150~~200, 2-space stall = ~~\$300~~400, 3-space stall = ~~\$450~~600, and 4-space stall = ~~\$600~~800).
- b) Spotsylvania Regional Medical Center Host Location: The full season market fee will be ~~\$150~~200 for two (2) parking spaces and ~~\$300~~400 for three (3) parking spaces.
- ~~c) Spotsylvania Courthouse Host Location: Producers will not be charged market fees in 2014 to sell at this market location. After 2014 fees consistent with other market locations may be set by the Executive Committee.~~
- d)c) _____ The Market Manager may assign unallocated market space at a host location to an approved Producer for a partial season for the fee of \$50 per parking space per week.

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