

## **Dunkirk Farmers Market Rules & Regulations (2016)**

The Dunkirk Farmers Market (DFM) was established to increase access to healthy, fresh and nutritious agricultural produce and products. The Dunkirk Farmers Market is sponsored by the Dunkirk Local Development Corporation (DLDC) under the auspices of the City of Dunkirk for the revitalization of an Agricultural Products Marketing Program in the City.

### **Definitions:**

#### **Farmer/producer –**

A farmer/producer grows at least 50% of the product being offered for sale, from lands he owns or rents and has control over the production, harvesting and marketing of the products.

#### **Bona fide farmer –**

A farmer/producer provides locally grown agricultural products and participates in the New York State Farmers' Market Nutrition Program (FMNP).

#### **Craftsperson –**

A craftsperson offers for sale articles that are original in nature and produced by the seller.

#### **Food products –**

All products are produced, baked or manufactured by the seller and are original in nature.

#### **Daily vendor –**

Any vendor who is permitted to sell at the market, participates less than the full season and chooses to pay on a daily basis for any space used.

#### **Seasonal vendor –**

When a vendor assumes space for the full season and makes payment in accordance with an established fee structure.

#### **Market sponsor and governing body –**

The Dunkirk Local Development Corporation's Board of Directors lends its support to the market and is ultimately responsible for setting the policies of the market.

#### **Market Manager –**

A person or persons empowered by the Dunkirk Local Development Corporation to implement market policies and directives, and to oversee the operation of the Market.

**General Operations:**

1. The Dunkirk Farmers Market will be located at the Dunkirk Senior Center along Ruggles Street in the City of Dunkirk.
2. The market will operate on Wednesdays, 9:00 am - 2:00 pm from June 15<sup>th</sup> to September 28, 2016.
3. Vendors may arrive as early as 8:00 am to begin set-up and must remain open for business until 2:00 pm.

**To participate in the Dunkirk Farmers Market:**

4. Market vendors must apply for a Permit to participate. The Permit will acknowledge the vendor's status as an approved vendor.
5. Permit holder shall provide to the Dunkirk Farmers Market manager proof of general comprehensive liability insurance naming the City as additional insured, in an amount no less than \$1,000,000.
6. A fee of \$10 will be collected for each 10'x10' spaces allocated. Spaces will be assigned upon approval of the application.
7. Vendors may not sublet, transfer, or permit any other party to use the assigned space without written consent from the Market Manager. The Market Manager reserves the right to refuse any vendor from participating in the market.
8. Agricultural products may be sold at the market, including but not limited to locally grown fruits and vegetables, dairy products, meats, flowers, plants, honey products, maple products, NYS wines sold by a farm winery, eggs, herbs and related products.
9. Craft vendors may sell products they have hand produced themselves.
10. Products not specifically identified must be pre-approved by the market management.
11. Permit holder must comply with each and every rule, regulation, law and requirement imposed by the State of New York or other regulatory/licensing authority, in regard to the sales of any items.
12. All applicable licenses and permits for products sold must be obtained and kept current. Examples include:
  - a. Bona fide farmers/producers must act in accordance with the eligibility requirements of the New York State Farmers' Market Nutrition Program.
  - b. Baked goods (excluding custard, cream, pumpkin pies and pickles), confections and fruit jellies produced in the home may be sold. No home canned, non-acid foods such as beans, corn or meat will be allowed to be served. Vendors must obtain proper licensing (Article 20-C).
  - c. Food vendors, including baked goods, must provide a copy of their Chautauqua County Health Department Health Permit confirming kitchen inspection.
  - d. Prepared food vendors must provide a current mobile food service license.
  - e. Vendors selling live plants must provide a Certification of Inspection from the NYS Division of Plant Industry (Article 14).

13. To ensure compliance with market rules, the Governing Body reserves the right to direct the Market Manager or appoint a committee to inspect any vendor's farm or establishment with advance notice.

**Stall fees and assignments:**

14. Stall spaces are assigned by the market manager. There is no guarantee that vendors will be assigned the same space each week that they are in the market.
15. Daily fees will be due and payable to the market manager prior to setting up for the day.

**At the Dunkirk Farmers Market:**

16. Access to restroom facilities are provided inside the Dunkirk Senior Center.
17. All vendors must post a sign clearly showing their name and location.
18. Products must be properly marked and clearly priced. Labels should provide a description and show the name and location of the farmer/producer.
19. All products offered for sale must be of good quality and condition. Each vendor in the market must be directly involved with or knowledgeable about the production of the produce or products being sold at the market.
20. Each vendor will be responsible for all equipment and supplies (tables, chairs, and canopies, etc) needed for setup. Displays should be constructed in such a way that they do not block customer walkways nor pose any other hazard to customers.
21. Vendors are required to keep their market space neat and clear of obstacles, litter and debris.
22. All spaces must be swept clean and any refuse removed at the end of each market day.
23. No smoking, use of alcoholic beverages or firearms are permitted at the market (exception is wine tasting).
24. No hawking is permitted at the market.
25. Vendors are responsible for the actions of their representatives, employees or agents.
26. All rules and regulations are subject to change.

**Compliance**

27. All complaints must be addressed in writing to the Market Manager.
28. The market manager may then conduct an investigation and/or farm inspection against the accused vendor.
29. All other complaints will be reviewed by the Market Manager in an attempt to resolve the issue.
30. If the Market Manager is unable to resolve the complaint, then a written follow up may be made to the market's Governing Body. The Governing Body will address the complaint at the next regularly scheduled meeting. The decisions of the governing body are final.