

SULLIVAN COUNTY FARMERS' MARKETS ASSOCIATION, INC.

2010 RULES AND REGULATIONS

I. MISSION STATEMENT

The mission of the Sullivan County Farmers' Markets Association, Inc. (hereafter known as The Association) is to promote, encourage, foster and advance in a lawful manner common interests and goals of farmers in the Sullivan County area; to encourage, increase and further the business interests of its members and to promote their general welfare; to connect and solidify friendly relations, good fellowship and cooperation among its members; to maintain, develop, improve and enhance business standards, practices and ethics of farmers; to hold, conduct and organize meetings, discussions and forums on current issues, trends and developments affecting agriculture; to make local farm products accessible to the public; to advocate and encourage the exchange of ideas among members through consideration to questions affecting local agriculture; to acquire, assemble, preserve and disseminate valuable information essential for the conduct of business; to conduct fund raising events and social gatherings for the benefit of the organization and the farming community; to encourage members to participate in local agricultural organizations; to aid, assist, cooperate and engage in concerted action with government, public agencies, organizations and institutions on issues and matters affecting New York farmers and generally to endeavor to improve and advance the conditions and practices of local farmers through the purposes of The Association.

In the event of dissolution of The Association, after settling all financial obligations, any remaining assets will be disbursed to another not-for-profit-organization in the Sullivan County area.

II. GENERAL OPERATIONS

1. Market locations, times and dates:

Callicoon Farmers' Market: Callicoon, Town of Delaware,
Sundays, May 2 through November 28; Hours 11:00 am - 2:00 pm.

Liberty Farmers' Market: Village of Liberty, Town of Liberty,
Fridays, May 7 through October 8; Hours 3:00 pm - 6:00 pm.

Jeffersonville Farmers' Market: Village of Jeffersonville, Town of Callicoon,
Thursdays, July 1 through September 2; Hours 2:00 pm - 6:00 pm.

2. Membership in The Association is limited to people within a 75-mile radius of the market they attend.

3. 90% of the farm products offered for sale must be grown by the member on lands or in production facilities they own or operate within this region. The 10% not produced by the member must be agricultural products not currently grown or offered by any member at a participating market. *Artisans must produce 100% of their products.* The Board of Directors of The Association has the right to review and accept or reject products that member producers offer for sale at its sole discretion.

4. Items purchased for resale will be limited and allowed only with approval by The Association's Board of Directors. Proof of origin of resale goods is required and must be posted at market.

5. Members must pay annual membership dues of \$50.00 to participate at one market site or \$95.00 to participate in two or more market sites. Membership payment is due with the annual application for the current season. Dues are not prorated and are nonrefundable once membership has been approved by the Board of Directors. Dues entitle the member to one vote at general meetings and at the yearly elections of members to the Board of Directors.

6. Members are responsible for payment of stall fees to the Market Manager at the end of each month.

A half stall is 6' wide x 12' deep and will not accommodate a standard-sized market tent. Vendors who request a ½ space are subject parking availability and may be asked to park their vehicles out side the market line up. A stall is 12' wide x 12' deep. The fee for a single stall at Callicoon and Liberty is \$20.00 Additional stalls are \$15.00 each.

7. A pre-paid stall deposit of \$40.00 is required at the time of application. This deposit is refunded in full at the end of the market season if it has not been applied to unexcused absences (vendors owe their full stall fee when they have an unexcused absence) or credited to end of year stall fees. Additional deposits may be collected following two unexcused absences.

8. The Market Manager or representative is responsible for the orderly and efficient conduct of the market and implementing the rules and regulations (Note Rules VI: 4 and 5 on page 4 under Reserved Spaces.) Market tents will be aligned in an orderly row according to market manager directions. Disrespect of the Market Manager or representative will be referred to the Board of Directors for appropriate disciplinary actions.

9. The Market Manager and/or the Board of Directors and their appointed representatives have the right to inspect the member(s) operation(s) to verify production. All members are subject to inspection.

SULLIVAN COUNTY FARMERS' MARKETS ASSOCIATION, INC.

2010 RULES AND REGULATIONS

10. Violation of these Rules and Regulations are grounds for loss of membership.

11. The Board of Directors will be elected in the following manner: 5 seats will be elected at the end of 2010 for a term of 2 years beginning in January 2010; the remaining 4 seats will be elected at the end of 2010 for a term of 2 years beginning in January 2011. Currently there are nine seats on the Board of Directors. The Board of Directors can change the number of seats. The new Board of Directors elects officers yearly for a one-year term.

III. ITEMS FOR SALE

GENERAL

1. The sale of the following produce and products is encouraged: vegetables, fruits, grains, cheese, dairy products, meats, processed foods, jams and jellies and the like, prepared foods, fruit juices, wine, cider, baked goods, maple products, honey, plants, flowers, nursery products, eggs and poultry products, herbs, fish and domestic game.

2. All applicable local, state and Association regulations must be adhered to when selling approved items.

3. Produce and products offered for sale are expected to be of the highest quality. If, in the opinion of the Market Manager and/or the Board of Directors, a member offers inferior produce or products, the member may be required to withdraw the item(s).

4. Produce and products should be priced clearly and displayed. Items not produced by the member must be marked according to source and/or locality.

5. The Board of Directors approves all produce and products allowed to be sold at the market. Only approved produce and products may be sold by the member(s).

6. End of the day discounting is not allowed. Willful and/or significant price undercutting is not allowed. As a guide, produce and products sold at the market should be priced above the level of current wholesale prices.

AGRICULTURAL PRODUCTS

1. Agricultural products should be free of visible defects, disease or insect problems, and should meet standards for quality, freshness, size and grade.

2. Certified organic growers must display their certificate, so that customers can make informed decisions.

3. A member who follows organic growing practices, but is not certified, shall comply with USDA rules and regulations upon posting their growing practice.

4. FMNP: The Association participates in Farmers' Market Nutrition Program (FMNP) for Women, Infants and Children (WIC) and Senior Citizens' nutrition programs. Eligible members are encouraged to participate, and applications are available. Participants are required to display a sign indicating participation. FMNP vouchers enable WIC and senior citizen participants to obtain locally grown fresh fruits and vegetables at farmers' markets during summer and fall. Farmer participants are reimbursed for the face value of the vouchers, increasing farmers' income and expanding their customer base. This continues to be an important program for eligible farmers at SCFMA.

STATE AND LOCAL REGULATIONS

1. Members selling taxable items must display a valid NYS Certificate of Authority. State sales tax is collected on: candy (including maple candy), prepared meals, cut flowers, nursery products (including vegetable and herb plants), Christmas trees, wreaths, ornamental gourds, wine, art and all handcrafted items. Sales tax is not charged on: fruits, vegetables, cider, juice, honey, maple sugar, maple cream, baked goods, eggs and egg products, meat, and fresh cut herbs. *If you sell any taxable items, you must file a Certificate of Registration with the NYS Sales Tax Bureau. (Call 1-800-972-1233 for information. For forms, call 1-800-462-8100.)*

2. Members selling nursery and greenhouse crops must display a valid NYS Nursery License.

3. Members selling hot or cold foods, processed foods and other perishable items shall do so in compliance with the requirements of the NYS Board of Health Department and the NYS Department of Agriculture and Markets.

SULLIVAN COUNTY FARMERS' MARKETS ASSOCIATION, INC.

2010 RULES AND REGULATIONS

4. Members selling wine, beer and hard cider must display a valid NYS Liquor Authority permit.
5. Members selling by weight must have scales checked annually by an official of the Bureau of Weights and Measures. (The local inspector is Gerald T. Smith, 845-794-4680, ext. 614.) The weight given on packaged goods must be accurate.
6. Members selling by volume are required to use standard size containers such as pint, quart, ½ peck, peck, ½ bushel and bushel.

IV. VENDOR ACCEPTANCE GUIDELINES

1. All applications are reviewed and considered based on the applicant meeting the rules and regulations of SCFMA, as well as the following criteria:
 - Priority is given to regional farmers and producers who bring product to the market that is 100% grown and harvested on farmland that they own/operate.
 - Priority is given to vendors who consistently deliver a fresh, flavorful, ripe, high-quality food to the customer. The vendor should also display food cleanly and offer strong knowledge of product as well as strong customer service skills.
 - Priority is based on the number of years a vendor has been in the market, the number of markets in which the vendor sells, attendance record and compliance with market rules and federal, state and local regulations.
 - Priority is also given to applicants wishing to sell unique and unusual products and products not already in the marketplace.
2. The Board of SCFMA bears the responsibility to comply with the above criteria when reviewing applications. Further, when applications are reviewed, the volume of space available in the market is considered as well as the saturation of product categories within the market.

V. GUIDELINES FOR SELLING

1. Members are encouraged to post a sign showing their business name and address. The sign should at be at least 8" by 18" in size with at least 1" lettering. Members are encouraged to wear nametags.
2. Members are required to bring their own tables, display racks, etc. Customers should be able to easily access the goods on display. Displays should be constructed in such a way that they do not pose a hazard to customers. All food products must be displayed at least 12" above the ground.
3. Members are required to keep their stand area neat and clear of obstacles, litter and debris. Members are responsible for bringing garbage containers for disposal of debris for the convenience of their customers. At the end of the day, members must clean their space of debris and litter and take bags of refuse with them or place them in containers provided by the locality.
4. Members are encouraged to have business cards available for customers.
5. Members are expected to treat customers, other members and the Market Manager in a courteous manner.
6. No discrimination is permitted at the market.
7. Members who display or hand out materials from other non-profit groups or organizations must display signage that clearly states that such solicitation is not affiliated with The Association.
8. Vendors are not permitted to bring dogs to the markets.
9. No hawking or amplified music by members is permitted during market hours of operation.
10. Sales are not encouraged before the market opens; however, some sales are lost because customers cannot stay until the market opens. Vendors may sell before the market officially opens under these circumstances but no more than ½ hour before opening. No vendor is required to sell before opening. Selling before opening is at the vendor's discretion.
11. No member may leave the marketplace before closing except with special permission from the Market Manager/representative.

SULLIVAN COUNTY FARMERS' MARKETS ASSOCIATION, INC.

2010 RULES AND REGULATIONS

12. The member or representative of the member must be directly involved with or knowledgeable about the production of the produce or products being sold at the market.

13. The Board of The Association will review complaints and determine whether or not there are to be consequences. The Association Board of Directors is empowered to issue warnings, fines, damages and expulsion from the markets at its sole discretion.

VI. RESERVED SPACES

1. Each member shall be entitled to a minimum of one 12'x12' selling space per day per market. The Market Manager will negotiate additional spaces. The Market Manager assigns reserved spaces at the beginning of the season. The Market Manager will make every effort to re-assign returning vendors to the same area used the prior year. There may be occasions on which members will be asked to move to another space by the Market Manager i.e. to condense the market.

2. Members may share a reserved space: i.e., each member uses only half the space, or one member uses the space early in the season and the other, later in the season. Each member is responsible for paying his/her share of the daily stall fee. (Each member still is responsible for paying the SCFMA membership fee, as membership is not apportioned by stall space.)

3. Reserved spaces must be occupied at least 30 minutes prior to opening of market day. After that time, other members will be permitted to set up in those spaces as designated by the Market Manager, and the tardy member can be re-assigned for the day.

4. Members are required to notify the Market Manager at least 2 hours before opening on market day of their intended absence.

5. Members owe stall fees for unannounced absences. Two unannounced absences will result in forfeit of reserved space for the rest of the season.

6. The Association retains several spaces for the Market Manager to use for events, etc.

7. Prepaid discounted stall fees are not refundable in the event of an absence.

PLEASE RETAIN FOR YOUR RECORDS

SULLIVAN COUNTY FARMERS' MARKETS ASSOCIATION, INC.

2010 RULES AND REGULATIONS

REGULATORY GUIDE FOR ASSOCIATION MEMBERS SELLING AT THE ASSOCIATION'S FARMERS' MARKETS

I. INSURANCE: Consult your insurance company to see that you are properly protected. Members are required to show proof of general liability insurance (premises and product) in the amount of \$500,000.00 and to name Sullivan County Farmers' Markets Association, Inc. as an additional insured.

II. SANITATION FOR FOOD HANDLERS (sellers of prepared food items):

- Food handlers must be personally clean and follow sanitary practices in handling food.
- Pets are not permitted in areas where food is handled.
- Food and ingredients must be free of adulterants.
- Food which requires refrigeration must be stored at temperatures according to Health Department, Department of Agriculture and Markets rules.
- All utensils, containers and equipment shall be clean and in good condition.
- Health Certificates are required and must be displayed for food services.

III. PRODUCTS:

1. FRUITS AND VEGETABLES

- Bulk displays of unpackaged fresh fruit and vegetables are not subject to grading, packaging and labeling requirements.
- Closed packages of fresh produce (including honey, cider and maple syrup) require
 - name of product (e.g., peppers)
 - name and address of producer
 - declaration of quantity
 - declaration of quality is required for the following products when packaged:
 - Apples: variety, grade, "NY" or "New York" label
 - Apple cider: whether or not pasteurized
 - Grapes: grade marked unclassified
 - Lettuce: cull lettuce must be designated as such
 - Maple syrup: grade
 - Onions: grade if advertising price
 - Potatoes: grade

2. DAIRY PRODUCTS

- All fluid milk must be packaged in properly labeled commercial containers at a facility having a permit from the Department of Agriculture and Markets, Division of Milk Control. Milk must be from your herd, managed and milked by you.
- Butter and cheese must be prepackaged and properly labeled. Refrigeration below 40 degrees F. required. You must make cheese and other dairy products. You must have a dairy herd producing at least 60% of the milk used to make your single milk cheese and other single milk dairy products. Up to 40% of the milk for single milk cheese and single milk dairy products may be purchased from a local farmer. Mixed milk cheese producers may buy up to 20% milk from a species of animal other than those owned by you.
- Frozen desserts (i.e., ice cream) must be packaged and in commercial containers and properly labeled (permit required - NYS Department Agriculture & Markets, Milk Control), refrigeration required.
- Serving frozen desserts for immediate consumption is under the jurisdiction of the local Health Department.

3. EGGS from your own farm: must be marked with exact grade, size, name of producer, and contents. Individual eggs must be weighed, graded and candled. Bulk displays require size and grade. Store eggs in a cool place and maintain less than 45 degrees F. Nest run eggs must be labeled as such and are exempt from the above rules.

4. MEAT may be sold at Association markets. They shall be wrapped, USDA approved and stamped or tagged when required. Packages must be identified, labeled with weight, producer's name and address. Meat and meat products must meet current Department of Agriculture and Markets and USDA regulations. You must raise the animals. Animals may be butchered and smoked/processed off farm, provided meat you sell is from your animals.

5. POULTRY may be sold at Association markets if packaged and processed under Article 5A of NYS Department of Agriculture and Markets Law.

SULLIVAN COUNTY FARMERS' MARKETS ASSOCIATION, INC.

2010 RULES AND REGULATIONS

6. **FISH** cleaned and packaged at an approved location may be sold at Association markets. Fish must be iced or frozen. Smoked fish must be your product.

REGULATORY GUIDE FOR ASSOCIATION MEMBERS SELLING AT THE ASSOCIATION'S FARMERS' MARKETS

7. **DOMESTIC GAME MEAT** includes buffalo, ostrich, emu and rabbit. Packaging requirements are the same as meat (4).
8. **CIDER AND FRUIT JUICES** may be sold only by producers of those fruits. Follow labeling requirements set by Department of Agriculture and Markets and Department of Health. Fruit may be pressed off farm, and producer must provide name and address of mill. At least 60% of fruit in your juice shall come from your orchard. Up to 40% may come from another farm within market region. No concentrates are allowed. Apple cider manufacturers are required to hold a Food Establishment License Article 20C.
9. **DRINKS** at Association markets: fruit juice, cider, milk and homemade herb teas (herbs grown by you) may be sold by the cup. Bottled water and carbonated beverages may be sold. No commercial teas and coffees may be sold, except by arrangement by the Board of Directors.
10. **DRIED FRUIT** shall be only from fruit grown and dried by you.
11. **HONEY AND BEE PRODUCTS** including beeswax candles, propolis and royal jelly extracted and bottled by you from your own hives within the applicable 60 mile region may be sold at SCFMA. Bee pollen and added fruit in honey spread products must be harvested in this region.
12. **JAMS, JELLIES, PRESERVES** and the like must be prepared by you from fresh produce. 90% of fruits or vegetables must be from the region. Fruits or vegetables not from this area may be purchased fresh only and may constitute up to 10% of your display.
13. **GRAIN PRODUCTS** include pancake mix, granola, pasta and other grain products from grain grown by you. Grain products may be processed off farm, providing only your grain is used in manufacture of these products.
14. **BAKED GOODS** must be freshly baked and prepared from scratch. No commercially prepared dough mixes, crusts and shells for filling are allowed. Fruits and vegetables used in baked goods must come from regional farmers when available. No commercially canned or frozen fruits or vegetables may be used. Produce not grown in this area may be purchased fresh or dried, but may not exceed 10% of your display. Baked goods such as cookies, breads and "dry" cakes may be sold at Association markets, if they are protected by a covering or closed packaging. All baked goods must be either individually prepackaged or otherwise protected by a transparent tray cover. Items sold in closed packages must include:
- Identity of food in package form
 - Name of manufacturer, packer or distributor
 - Place of business
 - Ingredients declaration in descending order of predominance by weight on a single panel of the label
 - Net weight or quantity of contents

Cream, custard, pumpkin, meat or other single-crust pies or cream or cheese-filled baked goods may not be sold at Association markets unless prepared in an approved, inspected baking facility, packaged or covered and properly refrigerated. Refrigeration must be provided for perishables, and all NYS Health Department standards must be met.

15. **PROCESSED FOODS:** Home-processed food shall mean any food processed in a private home or residence using only the ordinary kitchen facilities of that home but shall exclude potentially hazardous foods. Commercial equipment is not considered ordinary kitchen facilities. Processors of home processed foods may be exempt from the licensing requirement of Article 20-C, provided the following conditions are met:
1. All finished product containers are clean, sanitary and properly labeled
 2. All home processed foods produced under this exemption are neither adulterated nor misbranded
 3. Glass containers for jams, jellies, marmalades and similar products are provided with suitable rigid metal covers

SULLIVAN COUNTY FARMERS' MARKETS ASSOCIATION, INC.

2010 RULES AND REGULATIONS

SULLIVAN COUNTY FARMERS' MARKETS ASSOCIATION, INC.

2010 RULES AND REGULATIONS

REGULATORY GUIDE FOR ASSOCIATION MEMBERS SELLING AT THE ASSOCIATION'S FARMERS' MARKETS

In order to protect public health and to minimize the potential of food product adulteration, this exemption is restricted to the following non-hazardous home processed foods:

1. Bakery products, i.e., bread, rolls, cookies, cakes, brownies, fudge, and double-crust fruit pies for wholesale or retail agricultural venues such as farms, farm stands, farmers markets, green markets, craft fairs and flea markets
2. Traditional fruit jams, jellies and marmalades
3. Candy (excluding chocolate)
4. Spices or herbs
5. Snack Items such as popcorn, caramel corn and peanut brittle

Home processors whose residences contain separate segregated facilities for food processing, while not qualifying for a home processor exemption, must hold licensing under Article 20-C. In any event, all operators must consult with local zoning officials for approval before commencing any food processing operations. The exemption relates only to Article 20-C licensing. The exempt firm will be subject to inspection by the NYS Department of Agriculture and Markets. For more detailed information, please contact the regional office in Albany at 518-457-5459.

- 16. PLANTS AND NURSERY PRODUCTS** include annuals, perennials, shrubs, trees, vegetable and fruit and flower plants and other nursery stock. Registration with the Department of Agriculture and Markets, Division of Plant Industry, is required. Houseplants and cut flowers are excluded from this registration. Unless specified, items must be grown, foraged and/or produced by you on your farm or in your own facility in this region. The following non-edible items grown by you may be sold:
 - Field grown/greenhouse/cold-frame grown plants and flowers. Bedding and potted plants and flowers must be started by you from seed, cell pack, bulbs, cuttings, plugs or received dormant (e.g., azaleas, hydrangeas, roses). Large foliage plants from air layered cuttings, rooted in your facilities are allowed. Plants sold must be well established, with good root systems and disease insect free.
 - Christmas trees.
 - Wreaths, roping, arrangements and displays of fresh or dried flowers or greens.
 - Vines and gourds.
 - Wild and foraged plant materials not protected by law.
 - Wood products from your woodlot, including firewood, mulch chips, rough-cut wood, vine and woven wood baskets and furniture.
- 17. WINE, BEER AND HARD CIDER:** NYS licensed wineries, breweries and producers of hard cider are permitted to sell NY State labeled wines, beer and hard cider by the bottle and conduct tasting at Association markets. You must display a valid NYS Liquor Authority permit. You must display a sign that states:
"State law requires that consumers be at least 21 years of age, proof required."
- 18. ANIMAL PRODUCTS** allowed at Association markets include feathers, down, wool and wool fleece and un-tooled leather.
- 19. GIFT BASKETS** may be sold, with a majority of items coming from your farm. Other items should be obtained from other Association members.
- 20. OTHER ITEMS:** Products not specifically listed in these rules and regulations must be pre-approved by the Board of Directors. Products which substantially depart from practices or products currently permitted may be reviewed by the Board of Directors for approval.

IV. DECEPTIVE ADVERTISING IS NOT PERMITTED.

V. DECEPTIVE PACKAGING IS ILLEGAL. For further information on grading, packaging, and labeling contact:

- Division of Milk Control and Dairy Industry Services: 518-457-8870
- Division of Food Safety and Inspection: 518-457-5380

To contact local inspectors:

- Division of Food Safety and Inspection: 518-457-5459
- Health Department, Dennis Crosswell: 845-794-2045

SULLIVAN COUNTY FARMERS' MARKETS ASSOCIATION, INC.

2010 RULES AND REGULATIONS

- Division of Plant Industry: 518-457-2087
- Bureau of Weights and Measures, Gerald T. Smith, 845-794-4680, ext. 614

REGULATORY GUIDE FOR ASSOCIATION MEMBERS SELLING AT THE ASSOCIATION'S FARMERS' MARKETS

VI. DEFINITIONS:

1. Farmers: For the purpose of these regulations, a farmer includes: fruit, vegetable and grain growers; producers of eggs, poultry and meat of all domestically raised animals, livestock, fish, dairy farmers; growers of field grown/greenhouse/coldframe plants, flowers and Christmas trees.
2. Eligible Farm Organizations:
 - Individual, family or family corporations
 - Full partnership of two or more individual farmers
3. Grown by Principal Farmer: Principal farmer must be in full control and supervision of the individual steps of production of crops, including tilling, planting, cultivating, spraying, harvesting and post-harvest handling with own machinery and labor. For vegetables, rental of local farmland is permitted. For fruit growers, rental of orchards only is permitted. Any other arrangements must be submitted in writing and approved by the Board of Directors.
4. Other Producers: Other allied regional producers permitted to sell at Association markets include: apiarists, maple sugar producers, wineries, bakers, and jelly/jam/preserve producers. Principal producer must be in full control of items sold.
5. Organic Producers: Organic producers must follow current USDA National Organic Practices Rules (NOP) rules.
6. Local: Within 75 mile radius of market site; i.e., Callicoon, Jeffersonville, Liberty, and Roscoe. Purchases from farmers marginally beyond this may be approved by the Board of Directors.
7. Region: Includes Sullivan, Delaware, Chenango, Wayne, Otsego, Green, Columbia, Ulster and Orange Counties in New York state; and parts of Pennsylvania and New Jersey. The region is circumscribed by a 75-mile radius from Callicoon, Jeffersonville, Liberty, and Roscoe.
8. Members shall be area producers, farmers, residents, business people, community residents that either reside or work within the 75-mile radius of the Association area markets.

PLEASE RETAIN FOR YOUR RECORDS