

# SULLIVAN COUNTY FARMERS' MARKETS ASSOCIATION, INC.

## 2009 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 3 through November 29; Hours 11:00 am - 2:00 pm.

**Roscoe Farmers' Market:** Roscoe, Town of Rockland,  
Sundays, May 10 through October 11; Hours 10:00 am – 2:00 pm.

**Liberty Farmers' Market:** Village of Liberty, Town of Liberty,  
Fridays, May 8 through October 9; Hours 3:00 pm – 6:00 pm.

**Jeffersonville Farmers' Market:** Village of Jeffersonville, Town of Callicoon,  
Thursdays, June 11 through September 24; 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. A stall is 12' wide x 12' deep. The fee for a single stall at Callicoon, Liberty and Roscoe is \$20.00 (half stall \$10.00). Additional stalls are \$15.00 each. The fee for a single stall at Jeffersonville is \$15.00 (half stall \$8.00). 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.

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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.

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 2009 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.

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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.
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. Absolutely no selling is permitted before the Market Manager/representative announces opening or when the market is scheduled to open.
11. No member may leave the marketplace before closing except with special permission from the Market Manager/representative.

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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 6'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**