

## **Town of Marcellus Parks and Recreation Department**

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### **Marcellus Open Air Market Introduction and Rules**

The Marcellus Open Air Market will be sponsored by the Town of Marcellus under the Parks and Recreation department. It will operate with an independent market governing body.

#### **The Mission of the Marcellus Open Air Market**

The mission of the Marcellus Open Air Market will be to create opportunities for New York State farmers, bakers, artists, artisans, and local food representatives/dealer to sell their goods direct to the consumer. While creating a foundation for fostering educational relationships between producers & consumers, creating and enriching experience for all involved. With the hope to create vital communities starting with Marcellus and reaching beyond to neighboring communities throughout NYS by engaging citizens, community leaders, organizations, non- profits, and small businesses to help encourage and secure solutions for our regions economic and social challenges, and to sustain, nurture, and protect them for future generations.

Ultimately resulting in HEALTHY people, food supply, eco-systems, economy, and community on a local and regional level.

This Market will support and encourage agricultural practices, local production of goods, and tourism in a state rooted in agriculture, by providing an all encompassing retail outlet for products grown and produced in NYS.

#### **Market Manager**

The Marcellus Open Air Market will have a market manager that will be responsible for the orderly and efficient conduct of the market. The market manager will be responsible for implementing and enforcing the rules and regulations of the market. The market manager will represent the market and its governing body during market days and in community activities. The market manager will assist the market's governing body with developing and implementing a market budget, establishing market policy, vendor recruitment, collecting fees, establishing operational schedule, and advertising and promotion of the market.

#### **General Operations**

The Marcellus Open Air Market will be located in Marcellus Park, 2449 Platt Road, Marcellus New York 13108. The market will run every Thursday, 3:30 – 7:30 (3:30 – 6:30 after Labor day), Starting the 1<sup>st</sup> Thursday in June and running through the last Thursday in September.

Vendors may arrive as early as 2:30 to begin set-up and must stay through the end of the market day to provide a full market for patrons arriving throughout market hours.

Vendors may leave early only under extenuating circumstances and with the permission of the market manager.

## **General Operations (continued)**

Vendors must notify the market manager no later than 6 hours before market time (9:30 a. m. Thursday) if they will be absent for the market day. No selling will be permitted before the official opening time, as announced by the market manager.

## **Who may sell at the market?**

The use of the market is restricted to those who are bona-fide New York State growers, bakers, artisans, artists, food vendors approved by the market manager and governing body. A vendor must produce at least 80% of the products sold at his or her stall, and they may supplement their products with 20% of additional re-sale products produced in New York, exceptions only for previously approved products by the markets governing body.

All agricultural items may be sold at the market, including but not limited to, grown in New York State fruits and vegetables, dairy products, meats, flowers, plants, honey products, maple products, NYS wines sold by a farm winery, eggs, herbs, and related products.

All agricultural vendor items must be grown and processed by the vendor on land in New York State. An agricultural vendor may also sell items which are processed beyond cutting, drying, freezing, pressing, and or packaging. These products may have added ingredients not produced on your farm and may be cooked, smoked, cultured, canned, bottled or aged. These products are considered enhanced agricultural products, and may also be considered artisan products or food and are subject to jurying by proper committee. See agricultural guidelines for complete details.

Bakers who reside in New York State, have baked the products themselves in a facility in New York State, and who possess the proper licensing from either the NYS Department of Agriculture and Markets or their county Dept. of Health.

Artisans/Artists who reside in New York State, may sell items of quality workmanship, that are designed and made by the vendor. Manufactured items may be incorporated into the art work such as hardware pieces, old jewelry charms, leather, etc., provided the majority of the product is original, hand made and reflects the skill of the artisan/artist. See artisan/artist guide for complete details.

Food vendors residing in New York State, producing their products in a licensed facility or with a current New York State mobile food service license. See food vendor guide for complete details.

All applicable food safety regulations, both state and local, must be adhered to at all times. All applicable licenses and permits for products sold must be obtained and kept current. Copies of applicable permits and licenses will be kept on file with the market manager.

To ensure 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. Inspections will only take place with farmer/owner present unless written permission is given. Vendors must provide any help necessary to thoroughly document products and conditions reported at the inspection. The vendor will be notified within 7 days of the inspection.

## **Guidelines for selling at the market**

All stall spaces must be swept clean and all refuse removed at the end of each market day.

All vendors must have a sign clearly showing the name and location of their farm/business.

Each vendor will be responsible for all equipment and supplies for the setup of a booth.

Displays should be constructed in such a way that they do not block customer pathways, invade other vendor's space, nor pose any other hazard to customers.

### **(Guidelines continued)**

Vendors who will be sampling their goods, will be responsible for all waste material, such as cups, forks, compost, and will need to provide a waste container for such.

All produce for sale, must be displayed at least 12" off the ground with the exception of heavy or large items such as pumpkins.

Sellers must post prices. It is expected that prices will be fair to consumers, the seller and fellow sellers. Collusion among sellers to attempt to influence prices is strictly prohibited.

No smoking, alcoholic beverages, or firearms are permitted at the market. With exceptions being wine tasting by a farm winery.

No hawking, proselytizing or amplified music permitted at the market.

All products offered at the market must be of excellent quality and condition. The market manager reserves the right to direct any inferior products to be removed from a sellers display. A failure to remove products deemed inferior from a display will be reported to the governing body and may result in loss of market privileges for seller.

Each vendor in the market must be directly involved with or knowledgeable about the production practices of the farm's produce and or products being sold at market.

All vendors must provide proof of general liability insurance coverage in the amount of 1 million dollars and name the market, the property owner, and market sponsor as additional insured. A current certificate must remain on file with the market.

Vendors are responsible for the actions of their representatives, employees, agents.

### **Stall fees and assignment**

Stalls will be assigned by the market manager on a first come first serve basis.

The stall fees and payment schedule will be assessed annually by the markets governing body. Stalls may be rented on a seasonal basis, day basis, or special event basis. Daily fees will be due and payable to the market manager before setting up for the day. Special event fees will be due and payable to Marcellus Open air Market one week before event. (date that is given.)

Seasonal lease holders will be assigned a permanent spot for the duration of the market season. These spaces will be reserved each year for the seasonal vendor, provided that all stall fees are kept current.

Reserved market spaces must be occupied at least 30 minutes prior to opening of the market day. After that time, daily vendors will be permitted to set up in those spaces, as assigned by the market manager. Seasonal pass holders that arrive after that time, will be re- assigned to another space for the day.

Daily vendors will be assigned space by the market manager on a first come first serve basis, as space is available. Space in the market is not guaranteed, nor is it guaranteed that daily vendors will be assigned the same space each week.

No subletting of a seasonal booth will be allowed. Rents are not reimbursable, unless unforeseen extenuating circumstances occur, and it will be left to the governing body to decide the necessary action to take place.

To ensure safety of market patrons, any vendor arriving after market opening may be required to set up on the periphery of the market.

## **Fees**

Farmer fee for entire season = \$50.00/season  
Farmer fee for daily vendor = \$8.00/day  
Dealer fee entire season = \$75.00/season  
Dealer fee for daily vendor = \$15.00/day  
Baker/Food Vendor entire season = \$50.00/season  
Baker/Food Vendor daily = \$8.00/day  
Artist/Artisan entire season = \$75.00/season  
Artist/Artisan daily and special event = \$15.00/day

## **Compliance**

Under no circumstances will a vendor discuss a complaint with the market manager during market hours.

All complaints must be addressed in writing to the market manager.

Complaints against another vendor, must be accompanied by a \$50 “good faith” check. The market manager will then conduct an investigation and/ or farm/facility inspection against the accused vendor. If the complaint is found to be valid, the \$50 good faith check will be returned. If the complaint is unfounded, then the check is forfeited and deposited into the market general funds with a letter of explanation sent to the complainant.

All other complaints will be reviewed by the market manager in attempt to resolve the issue. If the 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. If the complaint is of an immediate nature the market manager may ask for special convening of the market’s governing body to address the complaint. The decisions of the governing committee are final.

The submission of application for admission to the market serve’s as the vendor’s agreement to abide by the rules of the market, as established by the market’s governing body and enforced by the market manager. Violations of the rules of the market may be grounds for warnings, dismissal from the market, or both.

1. The first violation of the rules will result in a verbal warning by the market manager. Documentation of the warning will be kept on file by the market manager.
2. The second violation of the rules will result in a hand written warning, given by the market manager. A copy of the letter will be kept on file by the market manager, along with any documentation of the violation.
3. The third violation of the rules will result in one week suspension of selling privileges.
4. The fourth violation of the rules will result in a two week suspension of selling privileges.
5. The fifth violation of the rules will result in a dismissal from the market.

At the discretion of the market manager, when a violation occurs that jeopardizes the health of a customer, another vendor, market management or the overall health of the market, the manager may convene the market’s governing body to request a suspension of the compliance procedure and call for immediate dismissal from the market. The dismissal will require documented proof of an egregious violation.

The vendor will be given an opportunity to review the documentation, and prepare a defense and appear before the governing body.

If after receiving a warning or suspension, a vendor is in disagreement with the market manager over the infraction, the vendor may make written application to the market governing body to be heard on the issue. Both the vendor and the market manager will appear before the governing body and present their sides of the issue. The decision of the governing body is final.

Source:

Farmers Market Federation of New York