

FARMERS MARKET GUIDELINES

SWARTZ CREEK FARMERS' MARKET

City of Swartz Creek DDA
8083 Civic Drive
Swartz Creek, MI 48473
810-635-4464

The Market Guidelines are intended to provide clear direction to all vendors and establish rules that help the market run smoothly. All vendors are required to follow the direction of the Market Manager and abide by the following Guidelines:

Definitions

- *Brokered products or goods out of state:* products produced or grown by someone other than the vendor in another state besides Michigan.
- *Brokered products or local area goods:* products produced or grown in the state of Michigan.
- *Eligible Farm Organizations:*
 - Individual, family or family corporations
 - Full partnership of two or more individual farmers
 - Non-profit educational organizations
- *Farmers:* fruit, vegetable and grain growers; producers of eggs, poultry and meat of all domestically raised animals, livestock, aqua culturists, and dairy farmers; growers of field grown/greenhouse/cold frame plants, flowers and Christmas trees.
- *Grown by Principal Farmer:* Principal farmer must be in full control and supervision of the individual steps of productions of crops, including tilling, planting, cultivating, spraying, harvesting and post-harvest handling with his/her own machinery and labor. For vegetables, rental of local farmland is permitted. For orchardists, rental of orchards only is permitted. Any other arrangements must be submitted in writing and approved by the Market Manager.
- *Local Market Area:* Means the following counties: Saginaw, Shiawassee, Genesee, Livingston, Tuscola, Lapeer and Oakland Counties. Other vendors with operations in counties not previously stated may be added if approved by the Market Manager.
- *Market Season:* The 2009 Market Season shall start on May 3th and continue into September as long as the Manager determines that there is enough product or produce to make the market attractive to customers.
- *Other producers:* Other producers permitted to sell at the Market include: maple sugar producers, bakers, and jelly/jam/preserve producers. Principal producer must be in full control of the items sold.
- *Organic producers:* Producers register and following the current rules of the Michigan Department of Agriculture, Pesticide & Plant Pest Management Division.
- *Swartz Creek Farmers' Market* shall be referred to as the Market.
- *Value-added products:* Products derived from fruit or vegetables that are transformed into gourmet food items. Typical value-added products include jams, jellies, preserves, fruit sauces and spreads, pickles, preserved vegetables, chili sauces, extra virgin appellation olive oils, herb-flavored olive oils and vinegars, and salsas. Value-added producers can also include other types of products: cut flowers, dried flower arrangements, wreaths and wall swatches, braided garlic, painted gourds, dried herbs, sachets, soaps made from home-grown herbs, and herbs grown and sold for medicinal purposes. Any product can be considered value-added if it is originally grown (exemptions at the discretion of the Market Manager) by the farmer and increased in value "by labor and creativity."

Vendors and vendor mix

The Market will be made up of a combination of Grower/Producer Vendors, Food Vendors, and Arts and Crafts Vendors. Because the Farmers Market is built around the number of Grower/Producer vendors, emphasis will be on these vendors. The Market Manager will determine the mix of vendors and give selection preference accordingly.

When admitting vendors, preference will be given, with declining priority, to local growers, organic growers, and local artisans. Food vendors, other produce brokers or other artists may be allowed if space permits. In future years, preference will also be given to vendors that have attended the market in the past.

The Market Manager(s) reserve the right to determine the overall size of the market, the number of vendors, and the vendor mix. The Market Manager may refuse admittance to any vendor that he/she feels does not meet the eligibility requirements or does not serve the best interests of the Market.

General Guidelines

1. No commercially produced items or garage sale type items will be allowed to be sold at the market unless specifically approved by the Market Manager.
2. Artisans must hand make, locally produce, or design their products. The Market Manager will review special circumstances.
3. If approved by the Market Manager(s), vendors may sell brokered fruits, vegetables or other products. Proof of origin of resale goods may be required and/or posted at the vendors' booth. If a potential brokered product for sale at the market is already being sold by an existing vendor then the local product may be given preference to sell until all vendor produced products are sold out and the Market Manager has approved the sale of the brokered product.
4. The Market Manager(s) or designee is responsible for the orderly and efficient conduct of the Market and for implementing the guidelines. The Market Manager or his/her designee reserves the right to conduct a farm or facility inspection at any time during the growing season to verify that the product is grown by the vendor.
5. If a vendor is unable to attend a market day that they have informed the Market Manager they will be vending at, then the vendor should make efforts to contact the Market Manager by 12:00 pm Thursday before the market day that will be missed. One (1) no-show will be allowed. A second (2nd) no-show event may result in revocation of the vendor's permit. Special circumstances may be considered
6. Disrespect of the Market Manager(s) or other employees is not tolerated and may result in the immediate dismissal of the vendor.
7. Smoking by vendors and their employees shall be prohibited on City property when the Market is open.
8. Vendors are not allowed to park any portion of their vehicle used to bring their goods for sale to the market on any public sidewalk or other required pedestrian or vehicle travel-way.

Market Logistics

1. All vendors should be set up fifteen (15) minutes prior to the Market opening for the purpose of booth inspection. Typically, the Market Manager will be at the Market two hours prior to the opening of the Market. Late arrivals can be very disruptive to the market and more than two (2) such events may result in a vendors permit being revoked.
2. Vehicles will be allowed to load and unload in the City Hall parking area when the Market is not open. During operating hours, the vehicles will be located per the Managers discretion

(adjacent to vendor stalls). Restocking of goods shall be done in accordance with the direction of the Market Manager. It is up to the Market Manager to determine when/if goods will be allowed to be sold directly out of vehicles.

Items for Sale

General Products for Sale

1. The sale of the following produce and products are encouraged: Vegetables, fruits, grains, cheese, dairy products, meats, processed foods, jams and jellies and the like, prepared fruit juices, cider, baked goods, maple products, honey, plants, flowers, nursery products, eggs and poultry products, herbs, fish, domestic game, and value added products.
2. Applicable local, state, and Market guidelines must be upheld 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, a vendor offers for sale inferior produce or products, the vendor may be required to withdraw the item(s).
4. Produce and products should be priced clearly and displayed in a manner that does not mislead customers. Items not produced by the vendor must be marked according to source and/or locality of origin.
5. The Market Manager approves produce and products allowed to be sold at the Market. All items intended for sale should be listed in the vendor application. *Only produce and products approved by the Market Manager may be sold by the vendor(s).*
6. Willful and/or significant price undercutting is not allowed. End of the day discounting may be permitted only with the Market Manager's consent.

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 are encouraged to display their certificate, so that customers can make informed decisions of purchases.

State and Local Regulations

1. Vendors selling taxable items must display a valid Michigan Tax Certificate. State sales tax is charged on: candy (including maple candy), prepared meals, cut flowers, nursery products (including vegetable and herb plants), Christmas trees, wreaths, ornamental gourds, 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 with the State of Michigan.

Michigan Department of Treasury
Registration Section
Treasury Building
Lansing, Michigan 48922
Phone: (517) 636-4660

2. Nursery and greenhouse crop vendors must display a valid Michigan Nursery License.

Michigan Department of Agriculture
P.O. Box 30017
Lansing, Michigan 48909
Phone: (800) 292-3939
Or

Saginaw Regional Office
1585 Concentric Blvd.
Saginaw, MI 48604
Phone: (989) 757-7501

3. Vendors selling hot or cold food, processed foods and other perishable items shall do so in compliance with the requirements of the Genesee County Health Department and/or the State of Michigan.

Department of Agriculture.
Genesee County Health Department
630 S. Saginaw St.
Flint, Michigan 48502-1540
Phone: (810) 257-3612
Fax: (810) 257-3147

4. Vendors selling by weight must have scales checked annually by a licensed official of the State of Michigan Department of Agriculture Bureau of Weights and Measures and comply with all requirements of Public Act 283 of 1964. The Bureau of Weights and Measures can be contacted at (517) 655-8202 for more information regarding the law, the serviceperson registration program, or any compliance assistance needs you may have.
5. The weight given on the packaged goods must be accurate.
6. Vendors selling by volume are required to use standard size containers such as pint, quart, ½ peck, peck, ½ bushel and bushel.

Guidelines for Selling

1. Vendors are encouraged to post a sign clearly showing their business name and address.
2. Vendors are encouraged to wear nametags.
3. Vendors are required to bring their own tables, display racks, et cetera. Vendor stalls shall not damage any property or pose a hazard to customers or employees through their erection or operation. Customers should be able to easily access the goods on display.
4. Vendors are required to keep their stand or selling area neat and clear of obstacles, litter and other debris. Vendors are responsible for bringing garbage containers for disposal of waste and debris for the convenience of their customers. At the end of the day, you are required to take home everything that you do not sell including boxes, bags, etc.
5. Vendors are required to clean up all debris in and around their vending booth during and at the end of the Market day.
6. Vendors are encouraged to have business cards available for customers.
7. Vendors are expected to treat customers, other vendors and the Market Manager in a courteous manner.
8. No discrimination is permitted at the Market.
9. Vendors who display or hand out materials from other non-profit groups or organizations may be required to display signage that clearly states that such solicitation is not affiliated with the City of Swartz Creek or the Market.
10. Vendors should not bring dogs, pets or livestock to the market unless otherwise approved by the Market Manager.
11. No hawking or calling attention to products or services or unapproved, amplified music by vendors is permitted during Market hours of operation.
12. No vendor may leave the Market place before closing except with special permission from the Market Manager or a designee.

13. The representative of the vendor should be directly involved with or knowledgeable about the production of the produce or products being sold at the Market.
14. The Market Manager will forward a report to the City Council for their review of violations of the Market Guidelines or other city ordinance and determine the consequences of such violations, including warnings and possible expulsion from the Market. The Market Manager has the right to revoke a vendor's permit for continued violation(s) of either city ordinance or market guidelines.
15. Deceptive advertising is expressly prohibited and will result in immediate revocation of vendor permit.
16. No sales, solicitation, display, or similar activities shall be carried out at the market or market parking area without first submitting and obtaining approval of a standard application.
17. Deceptive packaging is illegal and will result in immediate revocation of vendor permit. For Further Information on grading, packaging, and labeling contact:

Michigan Department of Agriculture
P.O. Box 30017
Lansing, MI 48909
Phone: (800) 292-3939

Or

Saginaw Regional Office
1585 Tittabawassee Road
Saginaw, MI 48604
Phone: (989) 758-1778
Fax: (989) 758-1484

And

Genesee County Health Department
630 S. Saginaw St.
Flint, MI 48502
Phone (810) 257-3612
Fax: (810) 257-3147

Grievance Procedure

1. Whenever the Market Manager, a city official, or other designee finds any vendor in violation of any of the requirements of these Market Guidelines, cover sheet agreement or any other city ordinance, the Manager shall immediately notify, verbally or in writing, the vendor thereof to correct or abate the violation(s). If the violation is not abated within a reasonable period of time, established by the Manager, then the Market Manager shall immediately revoke the vendors permit and file a report of such violation with the City Administration.
2. The vendor shall have thirty (30) days to file a grievance or appeal, from the time he or she is notified of any revocation of vendor permit, with the City Council. The City Council shall have the final authority to reinstate a vendor's permit or permanently revoke the permit and thereby disallowing the vendor from doing business at the Market.

Reserved Spaces

1. Each vendor shall be entitled to a minimum of one full selling space, stall or booth per market day. The Market Manager assigns reserved spaces at the beginning of the season. The Market Manager will make every effort to re-assign reserved spaces at the beginning of

each season. The Market Manager will make every effort to reassign returning vendors to the same area used the prior market year. There may be occasions in which vendors will be asked to move to another space by the Market Manager.

2. Vendors may not share spaces.
3. Reserved spaces must be occupied at least 30-minutes prior to opening of the 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 vendor shall be re-assigned for the day.
4. Vendors are required to submit all applications and other documents to the City of Swartz Creek City Offices by 12:00 pm the Thursday prior to their intended day they want to vend.
5. Seasonal vendors will lose credit for unannounced absences on scheduled days.
6. The Market shall retain spaces for the Market Manager to use for events, promotions, entertainment etc.

Regulatory Guide for Selling at the Swartz Creek Farmer's Market

1. Insurance: Liability insurance is *encouraged* for all vendors selling produce, food, drink and all other products consumed or applied to the skin or hair. Vendors are encouraged to show proof of general liability insurance (premises and product) in the amount of \$500,000 and name the City of Swartz Creek, the Swartz Creek DDA, the Swartz Creek Farmers' Market, and the Market Manager as an additional insured.
2. Sanitation for Food Handlers (seller prepared food items):
 - Food handlers must be personally clean and follow sanitary practices in handling food as required by the Genesee County Health Department.
 - 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 temperature according to the Genesee County Health Department and Michigan Department of Agriculture and the Market Guidelines.
 - All utensils, containers and equipment shall be clean and in good condition.
 - Health Certificates are required and must be displayed for food services.

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 or 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, Michigan 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 Michigan Department of Agriculture. Milk must be from your herd, managed and milked by the vendor or at his or her farm by an authorized representative.

- Butter and cheese must be prepackaged and properly labeled. Refrigeration below 40 degrees Fahrenheit is required. The vendor or his or her representative must make cheese and other dairy products.
 - Frozen desserts (e.g. ice cream) must be packaged and in commercial containers and properly labeled (permit required, please contact the Michigan Department of Agriculture) and refrigeration is required.
 - Serving frozen desserts for immediate consumption is under the jurisdiction of the Genesee County 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 Fahrenheit. Nest run eggs must be labeled as such and are exempt from rules.
 4. Meat, poultry, fish, domestic game meat:
 - All meats, poultry, fish and domestic game meat must meet the regulations of the Genesee County Health Department and the Michigan Department of Agriculture. Appropriate permits must be presented to the Market Manager or representative.
 5. Cider and fruit Juices:
 - Cider and fruit juices may be sold only by producers of those fruits. Follow labeling requirements set by the Department of Agriculture and State and Genesee County Department of Health. Fruit may be pressed off farm, and producers must provide name and address of mill. At least 60% of fruit in your juice shall come from your orchards. Up to 40% may come from another farm within the market region. No concentrates are allowed. Apple cider manufacturers are required to hold an appropriate license.
 6. Drinks at the Swartz Creek Farmers' Market:
 - Fruit juice, cider, milk and teas may be sold by the cup. Bottled water and carbonated beverages may be sold. Commercial teas and coffees may be sold by arrangement by the Market Manager.
 7. Dried fruit shall be only from fruit grown and dried by the vendors farming operation.
 8. Honey and Bee Products including beeswax candles, propolis and royal jelly extracted and bottled by you from hives in the market region.
 9. Jams, Jellies, Preserves and the like must be prepared by you from fresh produce. A majority of fruits or vegetables should be from the Market region.
 10. 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 manufacturing of these products.
 11. Baked Goods:

Baked goods are encouraged to be freshly baked and prepared from scratch. Commercially prepared dough mixes, crusts and shells or filling are discouraged. No commercially canned or frozen fruits or vegetables should be used unless approved by the Market Manager. Any commercially canned or frozen fruits or vegetables used in a product may be required to be noted as such on the product display or price card. Produce not grown in this area such as cookies, bread and "dry" cakes may be sold at the Market 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 single panel of the label
 - Net quantity of contents

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

12. Home Processed Foods:

Home processed foods are regulated under the umbrella of the Michigan Department of Agriculture and its Michigan Food Law of 2000 and 1999 Federal Food Code. Licensing is required and the information can be found at www.michigan.gov/mda. For more information call the Michigan Department of Agriculture.

13. Plants and Nursery Products:

Plant and nursery products include annuals, perennials, shrubs, trees, vegetable and fruit and flower plants and other nursery stock. Registration with the Michigan Department of Agriculture 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 system and disease and 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, wind and woven wood baskets and furniture.

14. Animal Products allowed at the Market include feathers, down, wool and wool yarn, fleece, and leather.

15. Gift Baskets may be sold, with a majority of items coming from your farm. Other items should be obtained from other Market vendors.

16. Other items: Products not specifically listed in these rules and regulations must be pre-approved by Market Manager. Products which substantially depart from practices or products currently permitted may be reviewed by the Market Manager and must be approved by city council.

17. Dog treats and similar items must be approved for sale by the Market Manager and must conform to requirements of the Michigan State Department of Agriculture.