

## *SALEM FARMERS MARKET RULES - 2015*

The Salem Farmer's Market is owned and operated by the City of Salem as a service to area farmers and residents. Built in 1993, the Salem Farmer's Market is under the direction of the City Market Director. A market manager is available to answer questions and help vendors during most morning market hours. Special events are handled through the market and the City's Special Events Coordinator.

The success of our Market is dependent on our customers having a positive experience while shopping with us. We expect our vendors to follow not only the rules in this handbook, but also the basic rules of respect and compassion listed below:

- Direct, respectful and honest communication with each other & market management
- Integrity of products, advertising and pricing
- Respect of personal and cultural differences
- Basic kindness and consideration to customers and fellow vendors
- A spirit of teamwork and cooperation

The Salem Farmers Market participates in the federal SNAP (Supplemental Nutrition Assistance Program) acceptance program. When funding is available, SNAP participants may be eligible for additional monies to use at the Salem Farmers Market. Through this program, SFM has also been able to accept credit cards. Since its inception at the market in 2011, this program has had over \$72,000 distributed to the vendors. For more information see the enclosed flyer.

As an extension of the SNAP acceptance program, vendors are encouraged to give back to the community by making donations of excess / blemished produce that is still edible. Each week these donations are collected, documented, and delivered to local food charities, including the Salem Food Pantry, the Roanoke Rescue Mission, and Hopetree Family Services of Salem.

The Salem Farmers Market is inspected regularly by the Virginia Department of Agriculture and Consumer Services (VDACS). ALL vendors at the market must adhere to the state requirements for selling food for public consumption. The local VDACS office is located at:

VDACS  
2943 – E. Peters Creek Road  
Roanoke, VA 24019  
540-562-3641

Thank you for your interest in the Salem Farmers Market.  
Sincerely,

Laura P. Reilly, Market Director

*Please read the following handbook carefully and feel free to contact the Market Director with any questions. The attached application will serve as a binding contract that vendors have read and understand all regulations in the following handbook and agree to comply with all requirements.*

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## **I. TYPES OF VENDORS**

**Vendor-** Anyone who is permitted to sell at the Salem Farmer’s Market.

- **Full Season Vendor** - A vendor who has signed a contract with the City of Salem to sell for the entire market season from April 1 to Dec. 31. Consistent attendance is expected.
- **Monthly Vendor** - A vendor who has signed a contract with the City of Salem to sell for at least one full month and up to 6 consecutive months during the market season. Consistent attendance is expected.
- **Daily Vendor** - A vendor who rents a space on a daily basis depending upon availability. Once a stall is reserved for a daily vendor, attendance is expected.
- **Farmer** - A vendor who primarily sells produce/plants raised by him/her.
- **Food Vendor** - A vendor who sells home-baked or home-canned goods.
- **Primary Renter** - A vendor who has the first option to occupy a stall for which he or she has paid.

**A 48 hour notice is required for all absences other than \*emergencies – less notice will result in an absence being treated a no-show. Any vendor with more than 2 no-shows during the Market season will lose their right to a covered stall space.**

\* Only last minute circumstances completely out of your control will qualify as emergencies. In the case of extreme weather vendor discretion will be honored one hour prior to any Market. You still need to call to let us know you are not attending.

## **II. TYPES OF MERCHANDISE**

All vendors must sell only what they personally grow/produce on their own property or leased property. Growing is defined as “the complete care-feeding, tending, harvesting, cleaning, and hauling—of that product in the season that it is sold.” **Only locally produced products will be permitted to be sold on the market.** Only the market director may approve any exceptions to this rule. Local is defined as made within a 100 mile (as the crow flies) radius of the City of Salem, or from the adjacent counties (interior cities and towns included) of Roanoke, Franklin County, Botetourt County, Bedford County, Craig County, Montgomery County, and Floyd.

1. Vendors must sign an agreement which allows the Salem Farmers Market staff to visit their farms or leased properties to verify to the best of their ability that products on the market are being grown on site. (Baked goods are exempt from this.) Every farm will be visited by management a minimum of once during Market season. A *Permission to Visit* form must be submitted with every application.
2. To maintain diversity vendors may purchase up to 25% of what is on their table. However, those products must still meet the “locally grown by a local farmer” requirements. (Example: no out of season tomatoes unless they are grown in a local greenhouse facility). **Resale products should be labeled for the public with a card designating the farm/facility of origin and/or general location of production. This is to maintain integrity with our customers.**

Purchases may not be made from a commercial produce wholesale or retail store, but must be made directly from the local grower/producer/pick your own establishment.

*Any resale items must be accompanied with a receipt of purchase from the grower for our market manager to inspect. Receipts should have the name of the farm/facility, a contact name, and a telephone number.*

**NOTE: Dishonesty about the source of produce being sold at the Market or blatant disregard for the rules is grounds for stall reassignment, market suspension or immediate dismissal. Being dishonest to customers or management about where an item is produced will NOT be tolerated.**

**Complaints of suspected violations of this rule must be submitted in written form, signed by the complainant, and given to the Market Director.**

3. The main function of the Farmers Market is to sell homegrown produce, which will take priority over all other items. The Salem Market Director and Manager will have the authority to approve or disapprove any food or craft items to be sold on the Market in order to maintain desirable product ratios. Focus on locally grown and produced items is **strongly** encouraged for all vendors.

#### **The following merchandise may be sold at the Salem Farmers Market:**

**Food Items** –Locally grown produce, honey, cheeses, and eggs are acceptable provided that they meet all local, state, and federal governmental regulations for retail sale and are maintained at an approved temperature until sold. Each of the above items has state-regulated labeling requirements. All VDACS requirements must be met in order to sell these items at the Farmers Market. For more information please speak to the market manager, or contact the Roanoke VDACS office directly.

**Baked Goods**- Cakes, breads, brownies, fruit pies, breads, etc. are acceptable. No cream filled pastries, custards or items filled with dairy products. Unless approved by market management, all baked goods must be wrapped and properly labeled (see details below).

***NOTE: Baked goods are strictly regulated by VDACS – this is a major focus of the Market Inspection Process. Improperly labeled baked goods are NOT ALLOWED and will be removed from the table.***

**Canned Goods**- Most jellies and jams are acceptable as long as they are labeled properly. Home canned foods (low acid) products such as vegetables, meats, etc. **may not** be sold. Certain home canned (highly acidified) vegetable products such as pickled cucumbers, pickled beets, chow-chow, salsa, pepper jellies, etc. are allowed by VDACS as of July 1, 2013 as long as an equilibrium pH of 4.6 or lower is achieved and proper records are maintained. Additional restrictions still apply. Please speak to management before attempting to sell canned items.

**All Baked and Canned Goods must be labeled with the following:**

- name of product
- net weight (or count)
- ingredients in order of predominance
- If being prepared without a VDACS kitchen inspection, then the label must also include verbatim: ***“NOT FOR RESALE – PROCESSED AND PREPARED WITHOUT STATE INSPECTION”***
- manufacturer’s name
- manufacturer’s address
- date the item was produced

**Meats**- The market allows the following meats to be sold on the market with proper approved application permit: grass finished beef, poultry, goat, lamb, buffalo, and pork. All meat products must be 100% from animals raised from weaning by the farmer. Animals may be butchered or processed off-farm. Meat must be certified and/or inspected. Products meet all local, state, and federal governmental regulations for retail sale and are maintained at an approved temperature until sold. Proper labeling and necessary processing inspection reports are required for market sales and paperwork must be available for market management if requested.

Beef- must be pasture raised, finished on grass, and receive no hormones, preventative antibiotics, or grain. Animals are raised on pastures that are rotationally grazed, free of pesticides and herbicides.

Poultry- special exemptions for poultry exist in the Commonwealth of Virginia. See Market Management for more details on selling processed poultry at the market. Note: No live birds may be sold.

Goat and Lamb- must be pasture raised, and receive no hormones or preventative antibiotics. Animals are raised on pastures that are free of pesticides and herbicides. Animals are not supplied with feed or supplements containing any animal by-products, antibiotics, chemical wormers, or any other drugs.

Pork- must be free of preventative antibiotics, synthetic hormones, or pesticides in production. Feed given should have contained no antibiotics, chemical wormers, or any other drugs. Allowed to have regular access to the outdoors with plenty of room to move around and express natural behaviors.

Other- any non-amenable species (buffalo, rabbit, elk, etc.) will be handled on an individual basis. Contact market director for more information.

**Non-food Items** - Products not sold for consumption but is made of locally produced and harvested base materials. For example: dried herb & flower crafts, fresh greenery, live plants, beeswax candles, and handmade soaps, lotions, or fragranced items made from locally grown or collected materials (prior approval required from the Market Director).

\*Artificial plants and flowers are not allowed, nor are items made of synthetic materials.

\* Exceptions to the local / artificial / synthetic rule may be allowed during the holiday season, November - December. This is at the discretion of the Farmers Market Director and will vary seasonally depending on availability.

### III. HOURS OF OPERATION

1. The Market allows vendors Monday through Saturday from 6 a.m. until dark. The Market is open 9 months of the year from April 1 through December 31. Evening hours may vary by necessity to allow setup for certain special events. Any changes in schedule will be posted in a prominent location at the Market and will be advertised in the media as appropriate.
2. The Market Director can usually be reached from 7:30 a.m. until 3:30 p.m. Monday through Friday at 375-3028.
3. The Market Manager can be reached Friday & Saturday mornings at (540) 375-4098.

### IV. FEES

- First-Time Application Fee: For all potential vendors who have not submitted an application in 3 years (Since March 2012), a one-time processing fee of \$35 is required with the application.
- Daily Vendor: \$5/weekday; \$10/Saturday
- Monthly Vendor: \$35.00 per month. (Please indicate specific months on application.)
- Full Season Vendor: \$30.00 per month for the full season from April 1 December 31.  
*Two payments allowed--\$135.00 due by April 1 and September 1.*
- Stall 9: Half price. No parking available. See Market Manager.

*The Salem Farmer's Market is not responsible for lost or late payments sent through the mail or through a third party. We encourage you to hand deliver your rent and get a dated receipt.*

### V. LEASE AGREEMENTS AND ASSIGNMENT OF SPACE

All vendors must contact the Market Director or Market Manager before occupying a space at the Market. Only those vendors with assigned daily, or seasonal spaces will be allowed to sell on the Market. No vendors will be allowed to sell on the Market without submitting a signed application.

**Stall assignments will be made based upon the following criteria:**

- **Type of Vendor: Full Season, Daily, etc.**
- **The Vendor history at the Salem Farmers Market (length of time, consistency, quality of merchandise, complaints, etc.)**
- **Type of goods being sold (produce, baked goods, etc.)**
- **The focus & promotion of LOCAL AGRICULTURE that is promoted by the vendor (ie. Local produce in baked goods, etc.)**
- **Neighboring stalls – to maintain diversity and spread out competition**
- **Availability**

No Vendors will be allowed to sell except from the constructed stalls, unless determined necessary due to market overflow by the market manager. Due to safety precautions, set-up in the parking lot is avoided if at all possible. Only the market manager can assign stalls – upon a vendor's absence it is the discretion of the manager to assign this space to another vendor.

1. If a vendor has not occupied his or her assigned stall by 8:00 a.m. each day, the stall will be rented to another vendor for the day. Spaces will be held open for vendors who notify management they are running late.
2. Salem Market Vendors are not allowed to buy and resell items from non-market vendors on the Market property at any time.
3. Extenuating circumstances, safety and sanitation requirements, or approved special events may require and authorize the Market Manager to relocate Market vendors.
4. Sharing of stall space must be approved by the Market Manager prior to set up. Due to potential issues, sharing tables is strongly discouraged and will only be allowed in special circumstances. Otherwise, only one business is allowed to sell from a stall in the same day.
5. Proper dress will be required by all vendors and approved by the Market Supervisor. Proper language for a family atmosphere is also expected.
6. No person shall make a public outcry or give any musical or other entertainment for the purpose of drawing customers or attracting attention without prior permission from the Market Director.
7. All vendors (lessees) shall be held responsible for the actions of their employees, agents or persons working in concert with the vendor.
8. A daily stall opening will be rented on a “first-come, first-serve” basis. Any monthly or seasonal openings will be offered to current vendors according to their use of the market the previous year.
9. Compliance with requests made by city staff while performing their duties during city maintenance operations, market repairs, set ups for special events, market promotions, or daily market operations is expected from Vendors.

## **VI. LICENSES, TAXES, AND PERMITS**

1. Any person using the Salem Farmer’s Market for the purposes of selling or offering for sale any items on the premises must comply with all federal, state, and local tax ordinances.
2. The collection and filing of all related taxes will be the responsibility of the individual vendor.
3. Regular produce vendors must have secured a current Growers Permit from the Virginia Cooperative Extension service and have it notarized by a Notary Public before their application will be approved. The local VCE office is located at 3738 Brambleton Avenue SW Roanoke, VA 24018, (540) 772-7524.
4. All weighing scales must have a current valid certification sticker signed by the Inspector from the Virginia Department of Weights and Measures. The Salem Farmers Market will typically have a representative from this office come by the market in the spring, prior to the market season.
5. Vendors selling for not more than 1 day during the season must submit an application, but do not need to set up a collection account with the Virginia Dept. of Taxation. However, vendors selling more than once during the season must obtain a temporary sales license (Form ST50) from their local state sales tax district office 804-367-8037.
6. If vendors are re-selling produce (25% supplemental locally grown amount allowed per farmer on total merchandise during regular season), an Itinerant Merchants license must be secured from the Commissioner of the Revenue’s office.
7. If vendors are selling prepared foods, a Prepared Food and Beverage tax application must be secured from the office of the Commissioner of the Revenue.

FOR YOUR INFORMATION: Vendors who sell on a regular basis need to contact the Salem Commissioner of

Revenues Office at (540) 375-3019, the Virginia Department of Taxation at (804) 440-2541 or (804) 367-8037, and the Salem Finance Department (540) 375-3061 for information that will be pertinent to them.

**Remember, you the merchant are responsible to make sure that you are operating legally.** Take the time to get the information that you need from the appropriate tax offices.

## **VII. PARKING AND TRAFFIC**

1. No vendor will be allowed overnight parking in the Market area in preparation for the next day's sales.
2. Stall 9 has parking and fee restrictions. See Market Manager.
3. Vendors may back their vehicles into their assigned stall space, any second vehicles must be parked in the regular parking spaces at the back of the lot.
4. Drivers of vehicles must, at all times, comply with all traffic signs, either marked on the pavement, erected on standards, or placed on buildings. They must also comply with the directions and orders of the Market Director or his/her authorized representative or any Law Officer.
5. Any person found in violation of the above traffic regulations and provisions shall be subject to citation or vehicle towing.

## **VIII. HEALTH, SANITATION, AND SAFETY**

1. All public litter containers in the Market area are for REASONABLE use by vendors and customers. Excessive or improper use by the vendors is not permitted.
2. The Market will provide & designate the location of and empty all public litter containers for use by vendors and customers.
3. Vendors will be held responsible to see that their stall is left reasonably clean and orderly at the end of each selling day. Failure to clean up the assigned area will result in a \$10.00 fine.
4. Use of chewing tobacco, alcohol, and snuff products will not be allowed on the Farmer's Market. Smoking is not allowed underneath the stall structure – only in the designated area.
5. No vendor shall permit seepage or leakage of water or fluids from any part of their stall into the aisles or into other stalls.
6. The Salem Farmer's Market/City of Salem will not be responsible for damage or loss of any personal belongings.
7. Small children brought to the Market by vendors must be kept within the vendors' leased area or under the supervision of a designated adult. Due to the dense pedestrian and automobile traffic throughout the market area, we want to maintain a safe environment.
8. Although the Salem Farmers Market is a Dog-Friendly market, we want to avoid any issues or complaints associated with *vendors* with dogs. All dogs MUST be kept on a leash. Any sign of aggressiveness, barking, sanitation issues, etc. will NOT be tolerated. Please be mindful of those who are NOT dog lovers who are attending our market, both vendors and customers, especially your neighbors.
9. Lessee and his/her representatives agree to protect and hold the Lessor (City of Salem) harmless and to indemnify the Lessor, its officers, and employees from any and all claims demands, suits, actions, judgments, and recoveries for or on account of damage, theft, or injury (including death) to property or person occurring as a result of lessee's use of the leased property, including loss or injury resulting in the Lessee as the result of electrical or equipment failure, or any other cause whatsoever.

## **IX. STRUCTURAL**

1. Vendors must provide their own equipment and any additional set-up materials for display of items. Vendors may not use nails or other set-up materials which may permanently damage stall space.
2. No signs or advertisements are to be attached to the buildings or tables by staples, screws, nails, etc. Any sign that a vendor wishes to use in his own selling area must first be approved by the Market Manager.
3. No signs shall be used for commercial promotional activities of an advertising nature designed to attract public attention or support for a product, commodity or service which is not available for sale at such stall or the promotion for any business, political, controversial, or commercial entity.
4. Tables are not to be removed from the stall area.
5. Any needed repairs, hazardous conditions, or problems in the Market area should be reported to the Market Manager.

## **X. SPECIAL EVENTS**

The Salem Market has several special events during the market season. Some of the events such as the "Salem After 5" concerts that are held on the Market are not sponsored by the Salem Market. Because of setup time required or safety considerations, these events may require closing of the market at 2 pm, or in closing off of the Market's parking area to the public during regular vendor hours. Anytime either of these is required, changes in schedule will be posted in a prominent location for vendors at the Market and customers will be notified through the media as appropriate. A schedule of events is available to all vendors upon request.

### **CHEF'S CIRCLE**

During the 2015 Market Season, the Salem Farmers Market will present the 7<sup>th</sup> Annual Chef's Circle Cooking Demonstration Series. While vendors will be reimbursed for any items used by the Chef, any donated items will be recognized as coming from the specific vendor, creating an advertising opportunity for the vendor. A complete schedule for this event is available upon request. This event will begin mid-June and run through mid-August.

### **EBT / SNAP TOKEN PROGRAM**

The Salem Farmers Market is able to accept SNAP cards, as well as debit and credit cards. During the past 3 market seasons the market vendors have seen tremendous success with this program, with over \$70,000 being spent in tokens. For more information about this program, please speak with the Market Director. This is a very simple process and beneficial to everyone involved. All vendors are **STRONGLY ENCOURAGED** to participate in the program.

## **XI. TERMINATION**

1. The Market Director shall have the authority to terminate the lease of any vendor who fails to comply with all rules and regulations of the Salem Farmers Market. Each situation will be handled on an individual basis to best determine the necessary action that is in the best interest of the Salem Farmers Market.
2. The Market Manager shall have the authority to order from the Market any person involved with or displaying any of the following acts: Public drunkenness, inciting a riot, disturbance of the peace, loitering in certain areas, fighting / physical altercations, obstructing traffic, use of extremely obscene or abusive language, or loud or unreasonable noise. Persons refusing to leave the premises after being requested to do so by the Market Director or his/her representative will be considered to be trespassing and will be dealt with accordingly. The City reserves the right to immediately deny or revoke any stall lease of vendors exhibiting /participating in the above mentioned acts, when it is considered to be in the best interest of the Market operation.

**The City of Salem Farmers Market is open to all eligible vendors regardless of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital or family status.**