

# Montgomery Farmers' Market

Montgomery Elementary School

9609 Montgomery Road

Saturdays 9am – 12:30pm

May – October

## Market Guidelines

The mission of Montgomery Farmers' Market is to provide access to healthy, fresh, seasonal, locally-grown produce and other healthy, locally-produced foods for the residents of, and visitors to, the Montgomery community; to further develop our sense of community here; and to encourage commerce and trade in our city.

The following rules shall apply to all Vendors and lessees of space at the Montgomery Farmers' Market ("Market"). Please read these rules carefully before signing the space provided on the appropriate application. Failure to comply with all Market Guidelines may lead to expulsion from the Market or denial of application for subsequent seasons.

## **1. Application/Contract**

### **1.1. Procedure**

- 1.1.1. Submission of Application implies understanding of an agreement to abide by all Montgomery Farmers' Market Vendor Rules and Application Addenda.
- 1.1.2. Submission of Application does not guarantee assignment of space at Market. Montgomery Farmers' Market will contact all applicants to provide notification of acceptance of application after review by the Market Board.
- 1.1.3. Vendors committing to the entire season (Full Time Vendors), will be given preference to those only seeking Part Time Vendor status. Returning vendors in good standing with the market will be given preference over New Applicants and Returning Vendors who are not in good standing with the market.**
- 1.1.4. The Market reserves the right to inspect or spot-visit any farm or establishment, with advance notice if possible, before the beginning of or throughout the market season.
- 1.1.5. The Application for space and acceptance of application constitutes a contract between Vendor and the Market for the right to use the exhibit space allotted. Space allotted is defined as that area designated specifically for the Vendor's use on market day.
- 1.1.6. Vendor may not, either partially or in its entirety, assign, delegate, sublet, donate or otherwise transfer his/her right under this agreement; nor may she/he allow use, either partially or in its entirety, by another party of the space reserved under this agreement without prior approval by the Market Board.

### **1.2. Deadlines**

## Montgomery Farmers' Market Guidelines

- 1.2.1. Applications will be accepted throughout the season, however they will be reviewed on a first come, first serve basis.
- 1.2.2. For Full Time Vendors, a late fee of \$25 will be added to the vendor fee for any application postmarked after March 1. There is no late fee for Part Time Vendors, food trucks, or businesses.**
- 1.2.3. Copies of necessary licenses or permits must be received before the first market day.
- 1.2.4. Copies of insurance forms showing Montgomery Farmers Market as an "Additional Insured" must be received before the first market day.

### 1.3. Fees

- 1.3.1. Fees for farmers/growers/producers are as stated on the appropriate application and are for a 10'x10' exhibit space, unless approved by the Market Board.
- 1.3.2. For Full Time Vendors, a late fee of \$25 will be added to the vendor fee for any application postmarked after March 1. There is no late fee for Part Time Vendors, food trucks, or businesses.
- 1.3.3. All fees must be paid in full by the vendor's first market day. If all fees are not paid in full, the vendor may be refused space until the balance has been paid.**

### 1.4. Liability/Indemnification

- 1.4.1. Montgomery Farmers' Market shall not be responsible for any loss, damage, or injury to any property of Vendor or any loss, damage or injury to the Vendor or Vendor's employees from any cause whatsoever.
- 1.4.2. Vendor hereby agrees to indemnify, save and hold harmless the Montgomery Farmers' Market, employees or volunteers from and against any and all costs, expenses (including but not limited to legal fees and costs), losses, fees, liabilities, damages, lawsuits and/or deficiencies, whether threatened or actual, resulting from or arising out of any and all actions, omissions, or activities of the Market, its employees, agents, invitees, licensees, or assigns of the Market or its vendors.
- 1.4.3. The Montgomery Farmers' Market shall not be liable for any cost, expenses, loss or damage arising out of, or related to, personal injury; loss of, or damage to, or distribution of Vendor's property; or failure to provide space for an exhibit, removal of same, or to hold event as scheduled.
- 1.4.4. Vendors are required to maintain liability insurance, with the Montgomery Farmers' Market named as additional insured, and must furnish proof of insurance to the Market before the first market day, and at any time upon request of the Market Board or the Market Manager.**

### 1.5. Proof of Permit/Licenses

- 1.5.1. Vendors are required to obtain any permits needed to sell products at a farmers' market before the first market day, and must furnish proof to the Market at any time upon request of the Market Board or Market Manager.

## 1.6. Electrical Needs

- 1.6.1. Access to electricity is available. Montgomery Farmers' Market reserves the right to limit the number of vendors requiring electricity. *(Please note needs on Application.)*
- 1.6.2. Vendors requiring electricity must provide their own heavy duty, outdoor rated, 12-gauge extension cord with ground (three prong plug). Vendors using electricity must have a fire extinguisher on site, per requirements of the city of Montgomery Fire Department, which inspects every booth using electricity at the start of each market day.

## 1.7. Publicity & Advertising

- 1.7.1. Submission of Application indicates Vendor agrees to allow Vendor name, Vendor business names, and Vendor logos to be used for publicity or other purposes at the discretion of the Market.
- 1.7.2. Submission of Application indicates Vendor agrees to allow photos and videos taken at market to be used for publicity or other purposes at the discretion of the Market, unless Vendor provides Market Management with written notice to the contrary.
- 1.7.3. Vendors must obtain approval from the Market before using any of the Montgomery Farmers' Market advertising material. However, Vendors are encouraged to note Vendor's participation in the Market on Vendor's own materials/website or on other materials/websites, without prior approval.
- 1.7.4. Any and all publicity and advertising rights conveyed to Vendor, including right to note Vendor's participation in Market, shall end when Vendor ceases to participate in Market.
- 1.7.5. Any and all publicity and advertising rights conveyed to Vendor may be revoked at any time, and for any reason or for no reason, at the sole discretion of the Montgomery Farmers' Market.

## 2. Product Guidelines

### 2.1. Eligible Products

- 2.1.1. Montgomery Farmers' Market reserves the right to limit sales to only those items listed on application and approved by the Market Board. **Vendors must notify the Market Board and receive approval before bringing unlisted items to the Market.**
- 2.1.2. Montgomery Farmers' Market reserves the right to limit the number of vendors selling similar or competing products.

### 2.2. Eligible Food Products

- 2.2.1. Montgomery Farmers' Market is primarily a producer-only market. Vendors may sell those raw food products they themselves helped to produce. No brokers, re-sellers, or large commercial producers are permitted. No products obtained at auctions are permitted. Some exceptions may be allowed on a case-by-case basis with prior approval by the Market Board.

## Montgomery Farmers' Market Guidelines

- 2.2.2. All produce or products labeled organic must be third-party certified according to USDA standards by a recognized organic certifying agency. Certification letters must be available for inspection at your stand.
- 2.2.3. Foraged wild foods gathered by the Vendor or family members from a Vendor's own property or on public lands are eligible.
- 2.2.4. Value-added products made wholly from ingredients (exclusive of spices, herbs, vinegars, sweeteners, or salt) grown or gathered on the Vendor's own land and produced by Vendor at home or in a licensed processing facility are eligible.
- 2.2.5. Value-added products made by Vendor from scratch at home or in a licensed processing facility may be eligible with pre approval by the Market Board.
- 2.2.6. All value-added products must be labeled with the Vendor's name, address, and complete list of ingredients.
- 2.2.7. Raw food grown or gathered on a neighboring farm whose methods Vendor is familiar with may be eligible with pre approval by the Market Board on a case-by-case basis. The approval requirement for this is solely to prevent reselling of produce purchased wholesale.
- 2.2.8. Value-added food products made wholly from ingredients (exclusive of spices, herbs, vinegars, sweeteners, or salt) grown or gathered on a neighboring farm and produced on that farm or in a licensed facility may be eligible with pre approval by the Market Board on a case-by-case basis.
- 2.2.9. Prepared ready-to-eat foods made by Vendor may be eligible subject to preapproval by the Market Board and with proper licensing and equipment.

### **2.3. Eligible Non-Food Items**

- 2.3.1. Non-food items that are a byproduct of the production of food are eligible if all materials were produced on Vendor's land. This includes, but is not limited to, beeswax from hives used to produce honey; fleeces, wools, and yarns produced from animals raised for meat or dairy; soaps and lotions made from dairy and/or beeswax. Other products may be eligible subject to preapproval by the Market Board.
- 2.3.2. Flowers and plants are eligible if they are raised from seeds or from a Vendor's own cuttings or divisions.
- 2.3.3. Dried flowers grown by the Vendor from seed or wildflowers/plant items gathered on the Vendor's own land or on public lands are eligible.
- 2.3.4. On-farm crafts made by the Vendor or family members primarily from materials grown or gathered by the Vendor or family members from a Vendor's own land or on public lands may be eligible with pre approval by the Market Board.
- 2.3.5. All other items for sale must be approved by the Market Board prior to selling at the market.

### **2.4. Montgomery Business Vendors**

- 2.4.1. Montgomery-based businesses may apply for exhibit space to promote their businesses. Fees are as stated on the appropriate application for a 10'x10'

## Montgomery Farmers' Market Guidelines

space for a single Market Day. **Fee is for space, tent, table, and one chair. Vendor is responsible for setting up their own booth unless help is requested from the Market Manager at least 24hr in advance.**

- 2.4.2. Montgomery-based business is defined as one whose principal place of business is within the city limits of Montgomery.
- 2.4.3. **In general, the business space is only for the promotion of local businesses and not for the sale of items. Any business who wishes to sell items should contact the Market Board prior to their market day for permission. All items for sale must be approved by the Market Board.**
- 2.4.4. All sales, business promotion and Market-customer or Market-vendor contact must be conducted within the exhibit space assigned to the Montgomery-based business. Some exceptions may be made on a case by case basis with prior approval by the Market Board.
- 2.4.5. Montgomery Farmers' Market reserves the right to limit attendance by individual business vendors to no more than once per month.
- 2.4.6. All Business Applications shall be submitted to and evaluated by the Montgomery Chamber of Commerce. First preference shall be given to Chamber members, however others may apply for any unused space.

### 2.5. Artist/Artisan/Craft Vendors

- 2.5.1. Craft vendors may apply for exhibit space to sell their crafts. Fees are as stated on the appropriate application for a 10'x10' space for a single Market Day. Fee is for space only; shelter and display equipment must be provided by vendor.
- 2.5.2. All crafts must be wholly made by vendor; no reselling is permitted, without the pre approval of the Market Board.
- 2.5.3. The Market Board reserves the right to limit the number of craft vendors attending on each market day. In general, no more than two craft vendors will be approved each for Market Day.
- 2.5.4. Artists/craft vendors who are able to demonstrate their art or craft while manning their booth will receive preference.
- 2.5.5. Montgomery Farmers' Market reserves the right to limit attendance by individual craft vendors to no more than once per month or 12 times per season.
- 2.5.6. All sales and Market-customer or Market-vendor contact must be conducted within the exhibit space assigned to the craft vendor.

### 2.6. Nonprofits

- 2.6.1. Nonprofits may apply for exhibit space to provide education, promote their organization, and distribute information with pre approval by the Market Board. **Offer is for a 10 ft x 10 ft space only; shelter, table, chair, and display equipment should be provided by nonprofit organization. The Market may be able to provide a shelter if needed; please note needs on application and/or make the request at least 48 hr in advance of the market day.**

## Montgomery Farmers' Market Guidelines

- 2.6.2. Any fundraising activities at the market must be pre approved by the Market Board.
- 2.6.3. Preference will be given to non-profits located in or serving the Montgomery community.
- 2.6.4. Montgomery Farmers' Market reserves the right to limit exhibit space for nonprofits to once per month.
- 2.6.5. All information distribution, educational activities, organizational promotion, and Market-customer or Market-vendor contact must be conducted within the exhibit space assigned to the non-profit organization except with pre approval by the Market Board.
- 2.6.6. All booth space fees will be waived for non-profits.

### **3. Other Rules**

#### **3.1. Shelters**

- 3.1.1. All shelters must be National Fire Protection Association (NFPA) rated.
- 3.1.2. Vendors must display a sign with the name and location of the farm/business. **Each Vendor must also display prices for all items being offered.**

#### **3.2. Setup/Teardown**

- 3.2.1. The Market opens for business at 9:00 A.M. and stays open until 12:30 P.M..
- 3.2.2. All booths must be ready by 8:45 A.M. Vendors should arrive by 8:30 A.M..**
- 3.2.3. **All vendors' vehicles must be parked by 8:50 A.M..** To protect the safety of our customers, no vehicles will be allowed to drive into the Market area after the Market has opened at 9:00 A.M. If there are extenuating circumstances, and with approval of the Market Board or Market Manager, vendors may be allowed to carry their shelter and products from the parking area to their assigned booth space, and set up after Market has opened.
- 3.2.4. Chronic tardiness, no-shows, or early teardowns during the market season may result in denial of application for the following year's season.**
- 3.2.5. **No teardowns will be allowed until 12:30 P.M., without prior approval, even if Vendor sells out.** If a vendor wished to tear down early, they must request approval from the Market Manager at least 24 hr in advance of the market day. For the safety of patrons/visitors, the Montgomery Farmers' Market will assess when vehicles can be moved after closing time.
- 3.2.6. There is to be no reduction in price over the course of the market day.
- 3.2.7. Unsold merchandise and garbage is the responsibility of the Vendor and must be removed from the premises at day's end. No garbage may be placed into the Market's trash containers, per Market's agreement with the school. In addition, **the Market strongly encourages vendors to use sustainable packaging, which does not include Styrofoam or plastic clamshells.**

#### **3.3. Attendance at Market**

- 3.3.1. Submitting an application indicates Vendor agrees to attend Market on the days specified. **If you are unable to attend, notice must be given by**

**Wednesday prior to Market day, so your/our customers can be notified in our weekly email newsletter and, if possible, we can arrange to fill your space with another vendor.**

3.3.2. Unavoidable last-minute cancellations must be communicated by calling or texting the Market Manager.

**3.3.3. Failure to notify the Market Manager of absences in advance, or too many absences over the course of the season, may result in denial of application for the following year's season.**

3.3.4. **Market is held rain or shine.** Visible lightning onsite after 8:45 A.M. may cancel the market for that day; in general, however, weather is not a valid reason to cancel attendance at the market.

### **3.4. Product Temperature**

3.4.1. Vendor is responsible for monitoring and maintaining proper temperature of products, in accordance with Ohio, Hamilton County, and City of Montgomery Health Codes.

3.4.2. Vendors selling product(s) that must be refrigerated or frozen must have an accurate thermometer on site.

### **3.5. Product Sampling**

3.5.1. Vendors are encouraged to offer free samples insofar as allowed by the State of Ohio, Hamilton County, and the City of Montgomery.

### **3.6. SNAP & Produce Perks**

3.6.1. The Montgomery Farmer's Market participates in the federal Supplemental Nutrition Assistance Program (SNAP) formerly Food Stamps. All vendors who wish to sell at the market and who sell SNAP eligible products must agree to participate in the SNAP program.

3.6.2. A full list of SNAP eligible products is available from the USDA's website. Questions about particular items should be directed to the Market Board or the Market Manager.

3.6.3. The Montgomery Farmer's Market also participates in the local Produce Perks program. All vendors who wish to sell at the market and who sell fresh produce (fruits and vegetables) must agree to participate in the Produce Perks Program.

3.6.4. Any questions about item eligibility for Produce Perks should be directed to the Market Board or the Market Manager.

3.6.5. All vendors will be reimbursed for items purchased using SNAP or Produce Perks scripts on a schedule agreed upon by both the Market and the vendor.

3.6.6. Any vendor found to be accepting SNAP or Produce Perks script for non-eligible items will be responsible for any fees or fines incurred by the market as a result and may have their application for the next market year denied.

### **3.7. Market Script**

## Montgomery Farmers' Market Guidelines

- 3.7.1. The Montgomery Farmers' Market has its own market script known as "Farmers Bucks." The script is available in \$1 and \$5 denominations. \$5 Farmers Bucks can be purchased by customers at the Market Manager's booth using their credit or debit cards. \$1 Farmers Bucks are given to children throughout the market season as a reward for various games or activities. Farmers Bucks can be used like cash at any market booth.
- 3.7.2. All vendors who sell at the market agree to accept Farmers Bucks like cash at their booth. Change for purchases made with the \$5 Farmers Bucks can be given in cash. In general, no change should be given for \$1 Farmers Bucks.
- 3.7.3. All Vendors will be reimbursed for items purchased using Farmers Bucks on a schedule agreed upon by both the Market and the Vendor.

### **3.8. Damages**

- 3.8.1. Any Vendor or Vendor employee responsible for damages to any surface(s) and/or buildings will be charged for repairs and/or replacement of the property affected.
- 3.8.2. Any Vendor or Vendor employee responsible for damages to other exhibit(s) during the run of the event will be charged accordingly for repairs and/or replacement of the property affected.

### **3.9. Complaints/Inspections**

- 3.9.1. The Market Board or Market Manager will investigate any written complaints filed with the Market concerning products offered for sale. Should a complaint that violates these rules be found valid, this may result in expulsion from the Market for the remainder of the Market Season. In such cases, no refund will be made for Market fees paid.
- 3.9.2. The Market also reserves the right to inspect or spot visit any Vendor. Visits will be made with as much advance notice as possible and only with a farm representative present unless otherwise permitted.

### **3.10. Contact Information**

- 3.10.1. Communication from the Market Board to Vendors will be handled through email whenever possible. Please be sure the Market Board has your current email address and that you check that email regularly throughout the market season.**
- 3.10.2. For questions or additional information, please contact Kim Chelf, at [kimberlymchelf@gmail.com](mailto:kimberlymchelf@gmail.com) or (m) 859-806-0808.