

## **2011 MIDDLEBURG COMMUNITY FARMERS MARKET OPERATING GUIDELINES**

The Middleburg Community Farmers Market (MCFM) is sponsored by the Town of Middleburg to provide local agriculturalists with a retail outlet for their products. The market provides the citizens of the area with an opportunity to purchase fresh quality products from the people who produce them.

The MCFM will be located behind the Middleburg Community Center on Stonewall Avenue on Saturday mornings from 8:00 a.m. until 12:00 noon. The selling season will begin the first Saturday in May and go through the last Saturday in October.

### **1. RESPONSIBILITIES OF THE TOWN OF MIDDLEBURG**

- a. The Town Council will appoint one council member to be a liaison for the Town of Middleburg and will designate a Town staff person to act as Market Manager to oversee the management of the Market's operations, records, correspondence and revenues. The Market Manager has the authority to expel any vendor for violating the rules, regulations, laws, etc., of the Town of Middleburg, the Commonwealth of Virginia or the United States of America. The Town of Middleburg will provide the Middleburg Community Center a Certificate of Liability Insurance. The Market Manager will work with a "Head Vendor" who will be appointed manager when the Market Manager is not at the MCFM to assure there will be a manager on duty at the MCFM weekly.
- b. Vendor Fees will be established by the Market membership at the Annual Membership meeting. The collection of fees from vendors for the rental of spaces; and the disbursement of these funds is at the discretion of the Market Manager to meet the economic and public goals of the Market and for other appropriate expenses. New vendors will pay fees as set in Vendor Spaces section. The Town of Middleburg will waive the temporary business license for each participating vendor.

### **2. RESPONSIBILITIES OF THE VENDORS:**

- a. Vendors shall abide by the MCFM Operating Guidelines.
- b. All vendors are responsible for being aware of and abiding by any and all Federal, State and Local laws regulating market activities. It is the responsibility of each vendor to investigate all governmental regulations applicable to their individual product lines and sales endeavors, and to abide by all such regulations.
- c. Each vendor both new and current is required to provide the Market Manager with a copy of their Virginia Sales Tax Certificate and Certificate of Liability Insurance with coverage for at least \$1,000,000 for Products and Completed Operations, Off premises sales for each Producer and naming the Town of Middleburg, P.O. Box 187 and Middleburg Community Center, P.O. Box 265, Middleburg, VA 20118 as an additional insured, as well as any other appropriate licensing and inspection information before participating in the market. Each vendor shall post a copy of these permits in their space each week at the MCFM.
- d. It is the responsibility of each vendor to follow safe food handling procedures in order to assure the public's health, safety and welfare. Each vendor selling food that has been processed must have a Kitchen Inspected by the Virginia Department of Agriculture and Consumers Services (VDACS).

- e. Vendors who sell fresh produce that is covered under the WIC Program must be certified by the Virginia Department of Agriculture and Consumer Services, Domestic Sales and Market Development Division in order to participate in the program.
- f. It is the responsibility of each vendor to maintain any scales in use in the proper operating condition, and that they are accurate and used appropriately.
- g. Vendors must clearly display prices of all items.
- h. Vendors are to remain in their assigned space during market hours and should not leave their spaces unattended.
- i. Vendors are to sufficiently secure and attached to a sufficient weight their tent/canopy/umbrellas and signs to prevent injuries. If tents, canopies, umbrellas or signs are not adequately secured the Market Manager will require the Producer to take them down immediately.
- j. Vendors are not to interfere with the business of other vendors. **PROFANITY, THREATENING BEHAVIOR, SHOUTING, AND OTHERGROSS MISCONDUCT WILL RESULT IN AN AUTOMATIC EXPULSION FROM THE MCFM.** This includes any form of communication including but not limited to emails, texts messages, or phone communications, concerning activities of the Market.
- k. If seasonal vendors are not planning to use their reserved space/spaces on a particular market day, the vendor should notify the Market Manager a minimum of seventy-two (72) hours in advance.
- l. Seasonal vendors who do not use their reserved space/spaces or fail to notify the Market Manager for two (2) consecutive weeks may lose their reserved space; they may continue to participate in the market, but only as a part-time vendor, if a vendor space is available, and if the vendor has otherwise adhered to the Market Operating Guidelines. The vendor will not receive a credit or refund of the seasonal fees previously paid.
- m. No vendors are to begin setting up their space until one (1) hour prior to the Market's opening time. All vendors are to be in their assigned space/spaces fifteen (15) minutes prior to the Market's opening time. Sales are only to be conducted during operating hours.

### 3. VENDORS ALLOWED AT THE MARKET

- a. The MCFM is a Farmers Market which means produce and fruits sold must be grown at farms located within the Commonwealth of Virginia and/or a 150 mile radius of Middleburg. Vendors may sell products for another producer as long as that producer is a member of the MCFM and has met all requirements.
- b. Goods homemade by the vendors or their households will continue to qualify for sale at the market. A vendor found selling produce commercial in nature or items that he/she did not produce will invalidate their right to sell at the Market and such vendor will be expelled. Goods not to be sold at the market include:
  - i. Any product not produced by a vendor or his/her household or produce not grown or produced in Virginia and/or a 150 mile radius.
  - ii. Produce or products purchased from a retail grocery store or its equivalent.
  - iii. Commercially manufactured products.
  - iv. Non-profit fund raising sales, unless written permission is granted in advance by the Market Manager – only one per week.
  - v. Flea Market or second hand items, antiques or commercial machined goods.
- c. All vendors' properties are subject to inspection by the Market Manager and/or a designee in order to assure that the above requirements are met. No less than 48 hours advance

notice will be given to the vendor. Refusal of inspection will invalidate the vendor's right to sell at the Market.

- d. Crafts are incidental to the purpose of the market, which is primarily an agricultural operation. Not more than 20% of the gross proceeds of any vendor can be gained from marketing of crafts at the end of the market. Vendors or members of the vendors' households must produce all the craft items sold at the market.
- e. In addition, the Market Manager shall have the discretion to fill any vacant spaces with those vendors who produce only craft products. Such assignments shall only be allowed after spaces have been filled with those vendors producing agriculture products. This number shall not exceed more than 10% of the total number of market vendors.
- f. The following crafts are generally permitted at the market: wood carving, weaving, pottery, doilies, afghans, quilts, wreaths, baskets, candles and wood planters. Other items may be allowed at the discretion of the Market Manager.
- g. An adult is required at all vendor spaces, throughout the market hours from set up to tear down.

## VENDOR SPACES

1. Reserved vendor spaces are available for seasonal vendors. Returning seasonal vendors wishing to retain their previous year's space(s) must have occupied said space(s) a minimum of fifteen (15) times during the previous season and must have followed the MCFM operating guidelines during the previous season.
2. Unreserved vendor spaces are available on a limited, first-come-first served basis for part-time vendors.
3. Spaces assigned to vendors are for the use of the vendors and their immediate households only. Sharing of vendor spaces during a season is permitted only at the discretion of the Market Manager. No vendor may rent more than two (2) spaces in the market.
4. The Market Manager will collect seasonal vendor fees. Part-time vendor fees will be collected by the manager at the beginning of each market day.
  - a. \$100 per space plus a \$25 membership vendor fee.
  - b. \$25 membership vendor fee plus \$10 per space per sale day for part-time vendors with a maximum fee of \$100 per space.

## ANNUAL MEETING

1. The Market Manager will schedule an annual meeting, prior to the Market season for all vendors from the previous season and prospective new vendors.
2. Agenda items at the meeting shall include:
  - a. Opening remarks and review of previous season
  - b. Market Schedule
  - c. Review of Market operating guidelines/agreement
  - d. Vendor Fees and budget review
  - e. Election of Head Vendor
  - f. Announcement of Board Member Appointments
  - g. General Discussion

3. Any necessary voting will be limited to returning vendors, seasonal or part-time from the previous season, on a one-vote per vendor basis.

#### Head Vendor and Market Board

1. The Head Vendor is elected at the Annual Meeting to serve a one-year term and may be re-elected. Any vendor nominated to serve as Head Vendor must have been a seasonal vendor the previous season.
2. The Head Vendor will act as a liaison between the vendors and the Market Manager. Duties will include tracking vendor attendance, collecting daily market fees from part-time vendors, assigning spaces when required, making daily procedural decisions at the market and referring any other concerns to the Market Manager as necessary.
3. The Head Vendor is responsible for contacting the Middleburg Police Department if any vehicles are obstructing the Market site on market days.
4. A minimum of 2 seasonal vendors who attend the Market on a regular basis will be appointed to form a Board with the Head Vendor. There will be one appointed Town Council Member on the Board who will vote only if there is a tie. The Council Member and 2 seasonal vendors will assist the Market Manager to formulate Market policies and procedures for a term of one year, and may be reappointed. They will also assist the Head Vendor when needed.