

# Winchester Clark County Farmers' Market, Inc. Rules

Revised Rules 03/04/2013

Updated Rules 03/02/2020

## PROCESS OF MEMBERSHIP

1. Membership is open to any person or farm in Clark or contiguous counties who is a grower or producer of vegetables, fruits, meats, or other related agricultural or horticultural products, and producer of baked goods, canned goods, or craft products deemed acceptable to the Board of Directors.
2. A membership form must be submitted along with copies of all applicable state and local fees, licenses, and permits. It is the applicant's responsibility to find out which licenses, fees, and permits are applicable.
3. A membership fee of **\$100.00** must be submitted at time of application.
4. Obtaining Product Liability Insurance is the sole responsibility of each vendor. It is in a vendor's best interest to obtain this insurance prior to selling at the Winchester Clark County Farmers' Market.
5. A farm or production site must be inspected for all applicants. Pending approval by the Board of Directors, membership will be granted. The Board of Directors reserves the right to inspect any member's growing sites, craft workshops, and/or records at any time after being accepted as a member as long as the primary purpose of that inspection is to determine whether the member is, in fact, producing what he/she has indicated on the market application.

## OPERATION OF THE WINCHESTER CLARK COUNTY FARMERS' MARKET

**Market Opens: Second Saturday in May, and Tuesdays possible, TBA**

**Market Closes: Last Saturday of September, depending on weather**

**Market Schedule: Saturdays: 8:00am to 12:00 noon, or until sold out**

1. Location of the Winchester Clark County Farmers' Market for this year will be **Depot Street**.
  - a. Members may arrive at a time needed to set up their products. Sales are not to begin prior to the hours previously stated.
  - b. Structures are to be set up in spaces designated by the Board of Directors.
  - c. Each member has one space. Spaces will be made available to Clark County residents first subject to approval of their application by the Board of Directors. Remaining spaces will be assigned to non-Clark County members subject to approval of their application by the Board of Directors. Maintaining the space in a safe manner, keeping it clean, and making sure that it is in proper order at the end of each market day is the responsibility of the member using it.
2. Structures, vehicles, and display items are the sole responsibility of the member and must be removed at the end of market day.

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- a. It is the member's sole responsibility to make sure tents, display items, or vehicles are not a hazard to market customers.
  - b. The Winchester Clark County Farmers' Market will not be held accountable for incidents or damages that occur from improperly secured structures, improperly maintained vehicles, display items that are located in the member's space, or items that are part of that member's personal belongings.
3. Pertaining to how items are sold:
- a. If selling items by weight, members must use a scale to price products that is certified by the Kentucky Department of Agriculture annually. It is illegal in Kentucky to sell items by weight on an uncertified scale, or on a scale that has not been certified in the current calendar year. If a member purchases a certifiable scale during the calendar year, contact the Clark County Extension Office to find out how that scale can be certified. At a designated meeting each year, members will have the opportunity to bring their scale in for annual inspection.
  - b. If a certified scale is not available to the member, items must be priced individually, by container, or by count.
4. All members must have a card, banner, or sign displayed which identifies the following information:
- a. The member's contact information including their name or the name submitted in the Winchester Clark County Farmers' Market application.
  - b. The member's address as identified in the Winchester Clark County Farmers' Market application.
  - c. All prices must be clearly marked per item, weight, etc. It must be clearly stated whether this price includes sales tax.

In addition, members must comply with the following requirements as they apply to their operation.

- a. Members who sell value-added products must have their certified Home-based Processor or Home-based Microprocessor Certificate with them and displayed at all times.
  - b. Members selling meat, seafood, eggs, and dairy products must obtain and display any applicable permits, licenses, or other notifications as required by federal, state, and local legislation.
5. Reporting of Sales- Per federal guidelines, **all vendors report gross sales to the market manager** for each market day attended within 14 calendar days. Failure to do so may result in disciplinary actions as outlined below at the discretion of the market manager and/or Board of Directors. Continued refusal to comply may result in automatic ineligibility to apply for membership in future years. Daily sales may be submitted via MMM, email, or on paper. Date must be included with all submissions.

## REGULATION OF PRODUCTS SOLD AT THE WINCHESTER CLARK COUNTY FARMERS' MARKET

Members can sell:

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1. Fruits, vegetables, and other agricultural/horticultural products grown or produced on a member's farm, or at their operation.
  - a. Processed items such as salad mixes, processed vegetables, greens, herbs, etc. must comply with Kentucky laws and regulations regarding processed fruits and vegetables (Home-based Processor or Home-based Microprocessor Certification).
2. Meat products such as beef, pork, lamb, goat, bison, or poultry, must be *born* (with the exception of poultry and swine) and *raised* on the member's farm and processed at a USDA inspected meat processing facility. Products must be labeled following applicable federal, state, and local regulations. Records such as birth records, purchase receipts, etc., must be made available if requested during inspection.
3. Seafood, eggs, and dairy products produced by a member may be sold as long as the member abides by applicable federal, state, local, and health department regulations. There are very specific requirements for these products. Consult the Farmers' Market Manual or contact Clark County Cooperative Extension Service to find out those requirements.
4. Craft products, baked goods, or canned goods produced by the member as approved by the Board of Directors are allowed but must also meet the requirements set by Kentucky regulations as they apply to those products (Home-based Processor or Home-based Microprocessor Certification).
5. Reselling
  - a. Any member may resell fruits and vegetables only until such time as they are available by a member. When supplied by a member's farm, others will have one week to remove resold items from their table. At any point in the season that said items become unavailable, members may begin reselling that item again. Board approval will be necessary.
  - b. All fruits and vegetables must be labeled by state and county of origin.
  - c. A member may sell another member's produce and/or product with permission from the board.
  - d. Other items for resale could include any product that is not provided by a member (i.e. cheese, mushrooms, etc.) with board approval.
6. Vending or outside vending of cooked foods and other products may be allowed if approved by the Board of Directors. Vendors must comply with all applicable federal, state, local, and health department regulations.
7. Product Samples- Members may want to offer samples of their product. However, sampling is regulated by the Kentucky Department of Agriculture. Before giving samples, members must comply with those regulations, and obtain a "Sampling Certification".

## CONDUCT AT THE WINCHESTER CLARK COUNTY FARMERS' MARKET

1. All members are expected to dress and behave in a professional manner while at the Winchester Clark County Farmers' Market.
2. There will be no bartering, political, or religious campaigning.
3. There will be no discrimination, false advertising, or criticism of other vendors or customers.

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4. There will be no conflicts created or resolved at the Winchester Clark County Farmers' Market.
5. Any complaints must be submitted to a Board of Directors member.
6. Any vendor not in compliance will be issued by the Board of Directors.
  - a. **First offense**- Written warning
  - b. **Second offense**- member will be suspended from selling for the remainder of the year

## NO REFUNDS OF FEES TO VENDOR

## MEETINGS AND RULES CHANGES

The following excerpt from the Winchester Clark County Farmers' Market, Inc. Bylaws addresses how meetings are to be convened.

- The Board of Directors shall convene an annual membership meeting in January or February of each year.
- The Board of Directors may convene regular meetings with due notification to the membership, which includes the agenda.
- The President shall convene, with due notification of the membership, a special meeting after receiving a written petition from 20% of the members; said meeting shall be held within one month after *receiving* the petition, unless the petition stated otherwise. No other business shall be transacted at such special meetings other than that specifically stated in in the written petition and call for the meeting.
- A membership meeting must have in attendance the majority of the Board of Directors plus at least sufficient other members to carry a majority vote over a block-vote by the Board of Directors. [This constitutes a quorum as defined in the Bylaws.] Proxy cannot be used to satisfy a quorum. Should the quorum be lost after the meeting has convened, the meeting must be adjourned immediately.
- Notice of each membership shall be sent to the last known electronic or postal address of each member at least one week in advance of the meeting, but earlier when feasible.
- The Board of Directors and membership shall strive to achieve consensus on all decisions, but the majority of those voting shall constitute approval of decisions except as otherwise provided in the Bylaws.
- Neighbor-producers (non-Clark County producers) may vote, market, and serve on committees but not hold office.

As described in the Bylaws, the following rules apply to meetings and rule changes:

1. Payment of dues and completion of application with signature must be approved by the Board of Directors prior to active membership.
2. If a meeting is convened in accordance with the Bylaws, and (a) rule change(s) are put into effect, members must abide by the rule change(s). These changes will be reflected in the minutes of the convened meetings.

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3. It is each member's sole responsibility to become aware of changes of rules, and decision outcomes of each convened meeting.
4. If a member does not abide by the rule change(s), the Board of Directors reserves the right to take disciplinary measures as indicated previously in these rules. Should a member decide to remove membership after such measures have been taken, the member will not receive refunds of fees.