



## **WAYNESBORO FARMERS' MARKET RULES**

The Waynesboro Farmers' Market was founded on the concepts of regional food production for fresh consumption, promotion of family farming, direct marketing of farm products, and the common good of all who participate in the Market. With these goals, the following rules are intended to make it as easy as possible for local farmers to sell their products directly to the public. The Market Committee manages the regular business operations of the market voluntarily and welcomes your input.

### **LOCATION:**

1. The Waynesboro Farmers' Market is located at the Pavilion on Main and Broad Streets in Constitution Park along the banks of the South River in downtown Waynesboro.

### **SELLING SEASON:**

2. The market will open for sales between the hours of 3 p.m. and 7 p.m., rain or shine, each Wednesday of the market season as designated by the Market Committee. The 2008 season starts April 23 and ends October 29.

### **PERMITS AND FEES:**

3. A Producer/Vendor Certificate/Hold Harmless/Indemnity Agreement must be completed before selling at the market. The certificate is available at no charge from the Market Manager. The Market Manager will retain this certificate and will send a copy to the Commissioner of Revenue's office. This allows the seller to be exempt from purchasing a city business license for the purpose of selling at the Farmers' Market. The Producer/Vendor Certificate is valid for one season. Each seller is required to display the Producer/Vendor Certificate during market hours.

4. The Waynesboro Farmers' Market does not charge a membership fee.

### **SPACE ASSIGNMENTS AND RESERVATION POLICIES:**

5. Sellers will pay a rental fee of \$10.00 per week per space, until the seller has attended 10 weeks and paid a total sum of \$100. Having filled the obligation of \$100, no further fee is required to attend the market. Sellers may reserve the same space for the entire season by paying the total season rental fee of \$100 to the Market Manager by the Friday before the first Wednesday of the new season. All checks should be made payable to the Waynesboro Farmers' Market. A \$50 fee is charged for all returned checks. Reserved spaces for the new season will be assigned on a first come, first served basis with the exception that preference will be given to sellers from the previous season. Among the previous season sellers, preference will be given to those who attended the most market days.

6. In addition to the weekly rental fee, each seller will pay a percentage of total daily sales to the Market Manager broken down thusly: state taxes for food-2.5%; state taxes for non-food-5% ;



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Waynesboro Farmers' Market administration fee- 5% . The administration fee supports the Waynesboro Farmers' Market publicity and administration costs, and includes the service of collecting and reporting applicable sales taxes to the appropriate state agency for each seller. Each seller must provide the Market Manager with their seller sales tax ID. A form will be provided weekly to each seller to facilitate tracking these monies. Sellers may opt to pay their own sales tax.

7. If a reserved space is not occupied by 2:45 p.m., that space may be assigned to another seller for that particular day. The late arriving seller of the reserved space may be assigned to an unreserved space by the Market Manager, but will not have to pay an additional fee. If the Market Manager knows that the seller is coming, the space will not be reassigned. Call the Market Manager at 540.649.4594 if you plan to be absent or late.

8. Sellers will sell from only one space as assigned by the Market Manager unless an additional space has been assigned and paid for. All displays including umbrellas must be securely anchored and must not extend beyond the limits of the assigned space. Umbrellas and canopies must not be anchored into the parking lot surface. If the seller is using a trailer to display and sell goods, the towing vehicle must be disconnected and moved out of the market area. It is recommended that each seller display a sign identifying the name and location of the farm.

9. The Market Manager will assign any unreserved space on a first come, first served basis.

- Anyone arriving after 2:45 p.m. needs to check in with the Market Manager before parking. Late arrivals will be assigned a space where set-up will make the least impact on the operation of the market and the safety of customers.

10. The Market Manager designates the vending location for all sellers with or without vehicles and, if the Market Manager judges it necessary, may request a seller relocate.

### **REGULATIONS:**

11. Both Vendors and Producers are Sellers at the market. Definitions:

- **Sellers:** Sellers are either Vendors or Producers.
- **Producer:** A producer is defined as a seller who grows or makes the product and may include the producer's immediate family, partners, or employees, or local cooperatives upon prior review.
  - Partners must be identified on the Producer's Certificate. Certificates may be modified or updated during the season.
  - All produce sold at the market will originate from within a 100-mile radius of the Waynesboro Farmers' Market.
  - Producers may sell farm and kitchen items including fruit, vegetables, eggs, cut flowers, potted and bare root plants, fungi plants, cheese, meats, cider, jams, jellies, relishes, honey, home-canned goods and baked goods. Many items are



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subject to *Virginia Department of Agriculture and Consumer Services* or *Health Department* regulations. It is the responsibility of the seller to abide by these regulations. Contact these agencies for inspection and approval. You may review *VDACS Farmers' Market Guide* for further information.

- Nurseries may sell bedding plants and house plants as long as they grow the items offered for sale. In other words, items are not allowed to be bought somewhere and then resold at the market.
- Other agricultural items that may be processed by commercial enterprises (wineries, flourmills, coffee roasters, and peanut roasters, etc.) may be sold at the market only after review and approval by the Market Committee.
- Wild flowers or native plants sold at the market must not be on the State list of rare wild plants, which is published by the *Division of Natural Heritage*. No plants may be sold that were removed from public lands. All plants and flowers for sale must be grown by the seller.
- **Vendor:** A vendor is defined as a seller who sells items they did not themselves grow, mill or produce. These types of items are usually items sold for immediate consumption, such as coffee, beverages, dinner foods, etc.
- **Artisans:** Sale of arts and crafts is not currently allowed at the market.

12. It is the responsibility of each seller to abide by all state and federal regulations that govern the production, harvest, preparation, preservation, labeling, safety or selling of the product the seller offers for sale. Sellers are liable for their own items. The Market Manager, Market Committee, or the Waynesboro Downtown Development, Inc., will not be held liable for the items offered by sellers. Product liability insurance is the sole responsibility of the seller.

13. No seller may label his or her produce with the word "organic" unless he or she has received certification as an organic grower. The certification must be displayed in the vending area.

14. No cooking within the market is permitted without prior approval from the Market Manager and the *Department of Health*. The sale of cooked meats, game, poultry, or seafood is allowed if the food comes from a VDACS inspected and approved kitchen and is held at proper temperature at the market. In order to sell raw, fresh, or frozen meats, game, or poultry, each item must be raised by the sellers, must meet all governmental requirements for retail sale, and must be maintained at an approved temperature at the market. In some cases, the item may also be required to carry a USDA label. Eggs, poultry, and rabbit are examples of farm items that do not require a USDA sticker, but they do need to be held at the proper temperature.

15. At the beginning of each market day sellers will check in with the Market Manager. Sellers should be in their space fifteen minutes before the market opens. Selling is allowed only during the scheduled market hours. Each seller is required to stop selling at 7 pm and have all produce, baked goods, boxes, containers, etc. loaded for removal no more than one-half hour after the



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market closes. The Market Manager will have the authority to change the market hours on special occasions by agreement with the Market Committee.

16. No poultry, game, or livestock will be slaughtered or dressed within the market area.
17. The sale of live animals is not allowed at the market.
18. Sellers are not allowed to bring pets into the selling area. Individuals accompanied by service animals are exempt.
19. Solicitation for items, services, or charitable contributions is not permitted without prior approval of the Market Committee.
20. Sellers must be fourteen years of age or older. However, younger children are welcome and encouraged to participate when directly supervised by an adult responsible for the child's conduct and safety.
21. Fraudulent, dishonest, or deceptive merchandising or collusion to set prices among sellers may be grounds for forfeiture of the right to do business of any kind in the market for a length of time to be determined by the Market Committee.
22. Each seller in the market area will be solely responsible at all times for the cleanliness around their vending area regardless of the origin of the debris in that location. Each seller is required to bring a trash container and remove their trash at end of market day.
23. Use of tobacco products is allowed only on the asphalt.
24. The Market Manager will have full power to enforce all the rules the day of the market. For that day, the Manager's decision is final. Please note that rude, abusive or other disruptive or offensive behavior, including gestures, is prohibited at the market. We would like to encourage all sellers to be kind and respectful to fellow sellers in order to continue the camaraderie that Waynesboro Farmers' Market expects. Appeals may be brought before the Farmers' Market Committee. All complaints concerning other sellers must be given to the Market Manager in written form. Failure to comply with any of these rules can result in the forfeiture of any fees as well as the right to do business of any kind in the market for a length of time determined by the Market Committee.
25. The Market Committee retains the right to amend and/or change the Waynesboro Farmers' Market Rules when necessary.