

## BERLIN FARMERS MARKET RULES AND REGULATIONS

### **Goals of the Berlin Farmers Market:**

- Support and promote a sustainable and vibrant local farming community by providing an outlet for the sale of locally grown and produced farm products
- Provide access to fresh fruit and vegetables, quality eggs, meats, and other farm products
- Provide nutritional education through vendor sharing, demonstrations, and presentations to promote a healthier way of life
- Educate the community on farming and agricultural issues impacting family farms and teach future generations how to farm
- Support and encourage the arts by providing an outlet for local artists and crafters a place to exhibit and sell crafts
- Provide a space for the local community groups to meet and educate the general public to support their efforts in the community

**The market is organized under the Alabama Farmers Market Authority as described in the Ala. Code 2-5-1 ET. seq., the market and vendor will follow the Alabama Farmers Market Authority Administrative Code, 80-7-1.**

- Growers selling eggs must follow guidelines set forth in the Alabama Shell Egg Law regarding proper labeling.
- Meat sales are to be frozen with proper State or USDA stamp on packaging.
- Fish can be frozen or on ice at 37-41F degree temperature maintained.
- Dairy products must have proper labeling from an inspected facility on the package. No raw milk products can be sold.

### **Food Safety and Sampling:**

All procedures set forth in the Alabama Farmers Market Authority Administrative Code, Chapter: 80-7-1.04(4) must be met. It is the responsibility of each vendor to abide by all state and federal regulations, which govern the production, harvest, preparation, preservation, labeling, or safety of products offered for sale at the market. All vendors regardless of product must meet the health requirements that prevent food-borne illnesses. No cooking is permitted within the market area without prior approval.

### **Market Manager:**

Berlin Town Clerk (256) 736-3138

clerk@BerlinAL.org

### **Location:**

US Hwy 278 East and Mt. Carmel Drive

### **Times:**

June - October

Monday, Wednesday, Friday and Saturday 9am -1pm

## **Market Management**

The Market Manager or designated agent shall have supervision and control of the activities of the market and the market property.

The manager has full responsibility of making certain that all rules and regulations as set forth by the Berlin Town Council serving as the Market Committee and the State of Alabama Farmers Market Authority are followed by each grower and/or his/her agent or employee. The market management shall designate the locations for each vendor and if necessary may require a producer to relocate. The manager shall assure the smooth operation of the market and the vendor cleanup of their area after the market close. The management will be conducting farm visits throughout the growing season to ensure adherence to the producer only rule.

### **Approval of Vendors and Products:**

The Market Manager and the Market Committee will determine the selection of vendors. The market will strive for a diversification of local farm products, artists, and food vendors.

Only producers may sell at the market. A producer is defined as the person that grows or makes the product and may also include the producer's family, partner, and employees. The number of non-food vendors may not exceed 30% of total vendors. Items purchased for resale, as well as items made from kits, commercially available plans, and items that are mechanically mass-produced may not be sold at the market.

### **Farmer:** Grower, Rancher, Farmer, and Beekeeper

Farmers may sell products grown and /or produced in North Central Alabama with preference to Cullman County followed by Blount, Marshall, Morgan, Winston, and Walker counties. Farmers from outside of these counties in Alabama may apply, and approval will be based on market need for the items produced and will be reviewed by Market Committee. Farmer may include the farmer's family member, employee, or representative. A farmer or his representative must be in attendance at the booth during sale hours. The sale of live plants requires that a producer grow the plants from seeds, plugs, cuttings, or division. No reselling from commercial nurseries is allowed.

### **Artisan:**

An artisan includes producers of unique, handcrafted items that represent use of local talent, materials, or ideas that can include crafters, jewelry makers, artists, photographers, seamstresses, lotions and soap makers, and so forth. Artisans may sell items approved during the application process. All items must be self-produced, not resale and/or mass-produced. All artisan applications must include a photo sampling of items to be sold. The Market Manager will approve only artisan vendors who represent unique, high-quality products. All county, city, and state guidelines apply.

### **Home Processed Food Vendor:**

Food items that are home processed and meet the Alabama Farmers Market Authority's definition of non-potentially hazardous goods may also be represented at the market. Home processed products must satisfy all public health, labeling, permitting, and other requirements pertaining to processed products. All county, city, and state guidelines apply.

### **Foods Allowed to be sold from a Home Kitchen:**

Permitted foods include baked breads, rolls, cookies, cakes, brownies, fudge, double crust fruit pies, traditional fruit jams, jellies, marmalades, relishes, chow-chow (pH test required), candy, spices, and herb snack items, such as popcorn, caramel corn, and peanut brittle must have appropriate labeling to be sold at the market. Vendor will not be allowed into the market without prior authorization. These products are required to be labeled that the production kitchen was not inspected by a regulatory agency. Food shall be clean, wholesome, and safe for human consumption and shall be handled, stored, transported, and offered for sale in a sanitary manner. Each vendor must abide by Code 80-7-1(d) of the Administrative Code

regarding home processed products, meat, insurance, proper weight, and measures. Dairy products and shell eggs must refer to Alabama Department of Agriculture and Industries, Farmers Market Authority Administrative Code Chapter: 80-7-1.04(3)(4)(5)(6)(7)(8)(9)

<http://www.fma.alabama.gov/HomeProc.aspx>

Only certified organic growers may use the term “organic” in their advertising at the Farmers Market.

The use of the term “organic” is not permitted unless the producer can show a certificate from the State of Alabama that his/her produce is, in fact, organic.

Market vendors may use “pesticide free” and/or other terms, but the use of the word “organic” is controlled by the State and Federal Law.

## **FEES & RENTALS**

### **Season Plan:**

Approved vendors may lease a space for the entire season. Pricing is based on the location of the vendor’s residence or growing fields, whichever is more favorable. Within the Town of Berlin, \$200.00. Within the Berlin precinct, \$300.00. All others, \$400.00.

### **Daily Plan:**

Approved vendors may rent a space for \$20.00 a day. This rental fee will be collected during market hours. Even though payment for a space using this plan is not made until market day, if possible, a reservation must be made the day before market day.

### **Weekly Plan:**

Approved vendors may rent a space for the week for \$60.00. This fee will be collected on the first market day of the week during market hours. If possible, a reservation must be made the day before market day.

### **Rentals:**

Rentals include space only. Any display tables must be provided by the vendor and be approved by the Market Manager. All tables must remain within the vendor’s assigned area with an adequate and reasonable amount of separation allowed between vendor spaces.

All fees collected will be used for promotion and business of the Farmers Market.

### **Permits:**

All growers who are selling at the market must hold a grower’s permit. They are available at no charge at the local County Extension Office or at [www.aces.edu](http://www.aces.edu). The purpose of the certificate is to ensure that the products sold originate with the producer, his or her family, partners, or employees. This certificate allows the producer and the customer to be exempt from state and local taxes for raw, unprocessed fruits and vegetables. A copy of the grower’s permit must be provided to the Farmers Market prior to the first market attended. All permits must be available at each vendor’s booth in case of on-site inspection. All producers selling value-added products are responsible for obtaining a valid business license from the Department of Revenue and a tax I.D. number from the Internal Revenue Service. Participants shall collect all necessary taxes at the time of sale and remit same to the appropriate government authorities. All licenses and permits must be available for on-site inspection. It is the responsibility of the producers to comply with all local, state, and federal laws that pertain to their business.

All producers and vendors must turn in a copy of their grower’s permit and any local or state licenses to the Market Manager before opening day of the Farmers Market.

## **Enforcement Process:**

The manager will enforce the rules. Fraudulent, dishonest, or deceptive merchandising, disruptive behavior, or collusion to set prices among vendors 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 Manager, the committee, and the Alabama Farmers Market Authority.

*#1: Producer fails to notify manager he/she will not be attending the market that week could equal a one week suspension.*

*#2: Producer discovered reselling foreign products may result in disqualification to attend market.*

Failure by any vendor to comply with any of these rules and regulations can result in forfeiture of the right to do business of any kind in the market for a length of time specified by the Market Manager, the Farmers Market Committee, and Alabama Farmers Market Authority. If the vendor seeks to appeal the suspension or disqualification, a hearing will be arranged with the manager, the Farmers Market committee, and /or Alabama Farmers Market Authority to hear arguments. The Committee will then vote on a resolution to determine the outcome of the producer's appeal. All complaints regarding market management will be handled by the Farmers Market Committee.

Any complaint made against a producer must be put in writing and given to the Market Manager. The Market Manager is responsible for reviewing and resolving complaints. The Farmers Market Manager, committee, and/or Alabama Farmers Market Authority shall determine what type of investigation, if any, shall be conducted in response. They also have the sole discretion to determine whether that complaint will be disclosed to the producer under complaint. Also, the producer under complaint may or may not be given the opportunity to respond; this determination will depend on the nature of the complaint. The market and its vendor will follow the Alabama Farmers Market Authority Administrative Code, 80-7-1.

## **Rules and Law Compliance:**

The sale of live animals is not allowed at the market. Alcoholic beverages containing one-half of one percent or more alcohol by volume are prohibited for sale at farmers markets. Food items allowed for sale may include, but are not limited to, vegetables, fruits, meats, eggs, baked goods, honey, cider, flowers, pickles, plants, and relishes or chow-chow with pH below 4.6. All meat products will be reviewed by the manager prior to being allowed to be sold at the market. Products must meet all USDA/State Health Department guidelines.

## **Space Assignment and Reservation Policies:**

Spaces will be reserved by the market committee on an invitation basis. Cullman County farmers and prepaid season plan farmers will receive priority selection of reserved spaces. The Market Manager will designate the spaces for participants. To reserve a space, **call or text the manager @ (256) 736-3138.**

All applicants will occupy only one space per market fee paid. Multiple spaces may be occupied with the payment of additional market fee as needed per space utilized. Nothing can be placed outside the designated space for each participant without special permission of the Market Manager of the Berlin Farmers Market. Additional fees may incur for use of more than the allotted space.

Displays must be confined to the assigned space.

\*It is recommended that all farmers/vendors use safe, natural, and colorful displays with an emphasis on visibility and eye appeal for the purpose of drawing attention to the display. Tablecloths are required and must be provided by the farmer/vendor.

\*Signage identifying the growers, farm, and vendors is recommended. All signs are restricted to the front of the display table. Signs for producer, vendor, and decorations are to be approved by the Market Manager.

\*Tables must be provided by the farmer/ vendor and approved by the Market Manager.

The market will strive to maintain a ratio of a minimum of 70% food vendors to a maximum of 30% non-food vendors. The manager/ market steering committee will monitor the overall composition of the market and determine the number of vendor openings available by type. Priority will be given to farmers/vendors participating in the market the previous year. Participants cannot give their participation right/booth space to any other person without the express written consent of the Farmers Market Manager, which may be withheld for any reason. The Farmers Market has the right to deny a space at any time for any reason deemed worthy by Market Manager, the steering committee or Alabama Farmers Market Authority. The Farmers Market has the right to cancel market days due to dangerous weather or other causes. No refund of pre-paid fee will be given for bad weather. If power, water, and ice are needed, notify the manager before the season starts. Generators are not allowed without prior approval. If at all possible, a reservation must be made the day before market day or by calling/texting the manager the morning of the market by 6:30am.

### **No Show Farmer/Vendors:**

A no-show farmer/vendor is defined as one who does not attend the market when expected, without notifying the Market Manager. It is each farmer/vendor's responsibility to inform the Market Manager of attendance at the market. The space rental fee paid in advance will not be refunded for a no-show farmer/vendor.

### **Smoking:**

The Berlin Farmers Market is a “**smoke-free**” facility of the Town of Berlin; therefore, no smoking or the use of tobacco products is permitted within the market or restrooms.

### **General Violations**

No firearms or drugs will be allowed on market premises. All profane, abusive, discourteous, and boisterous language and/or conduct at or in the market vicinity are strictly prohibited. Farmer, vendor, volunteer, and staff are expected to dress appropriately.

There is to be no “DUMPING” of produce at the end of the market day. No booth fee will be refunded to anyone participating in these activities. Anyone not cooperating with market rules will be asked to leave the market and escorted off property by legal authority as needed. If the Market Manager determines that a farmer/vendor has violated any provision of the market policies, that farmer/vendor may be penalized.

### **Indemnification:**

The participant acknowledges full responsibility for all activities conducted in connection with the Farmers Market and agrees to indemnify, defend, and hold harmless the market, the Town of Berlin, BERLIN TOWN COUNCIL, the Alabama Farmers Market Authority, and each of their respective employees, agents, officers, directors, and representatives (collectively “Representatives”) from and against any and all liability, loss, damage, expense, suits, claims, penalties, or judgment arising in connection with the participant's participation in the Farmers Market.

The participant acknowledges that his/her responsibilities include any and all costs and expenses incurred by the market, the Town of Berlin, BERLIN TOWN COUNCIL, or their representatives in defending claims which may be brought against any of them. Participants are liable for their own products. The Farmers Market, Town of Berlin, BERLIN TOWN COUNCIL shall not be held accountable for the participants. Participant assumes all risk of loss due to fire, theft, weather, or other causes of damage or loss. Participants agree to fully indemnify, defend, and hold Farmers Market, Town of Berlin, and BERLIN TOWN COUNCIL harmless from any claim of property damage or bodily injury caused by any member of the public due to acts or omission of the participant. There is no other agreement between Farmers Market, Town of Berlin, BERLIN TOWN COUNCIL, and the participants, whether written or oral, other than the Rules and Guidelines and application of the Farmers Market & BERLIN TOWN COUNCIL.

## **Food Safety and Sampling:**

All procedures set forth in the Alabama Farmers Market Authority Administrative Code, Chapter 80-7-1.04 (4) must be met. It is the responsibility of each farmer/vendor to abide by all state and federal regulations which govern the production, harvest, preparation, preservation, labeling, or safety of products offered for sale at the market. All vendors regardless of product must meet the health requirements that prevent food-borne illnesses. No cooking is permitted within the market area without prior approval.

## **Health and Safety Requirements:**

The Farmers Market has the right to demand immediate cleanup and removal of hazardous equipment and the immediate removal and discard of clearly defective produce and other products.

Sampling helps sell products, but to ensure food safety and insect prevention, careful attention needs to be given to health requirements that prevent food-borne illnesses. The following rules for safe sampling must be followed:

Preparation of fruit and vegetable samples requiring cutting or slicing shall be done on-site immediately prior to consumption.

No home-prepared food samples shall be served at the market.

Clean knives and cutting boards must be placed in protective plastic containers, food storage bags, plastic wrap, or a similar containment or distribution method.

Clean equipment must be used to cut produce; in-use items must be stored so they are protected from contamination,

Replace soiled knives, cutting boards, and other necessary materials with clean items every two hours.

Use single-service items whenever possible.

Store soiled items in a closed bag or container to avoid attracting insects.

All fruits and vegetables must be rinsed thoroughly in clean water.

Products may be rinsed or cleaned prior to bringing them to the market. The items should be stored in disposable food bags.

Rinse any melon in 200 parts per million chlorine solution prior to slicing for sampling.

Fruit and vegetable sample servings must be protected from contamination at all times.

Serving must be done in a manner protecting the sample from bare hand contact.

Disposable gloves, single-service utensils, napkins or tissue, and toothpicks are all adequate methods to avoid handling prepared samples.

Any ice used for cooling must be continuously and properly drained to avoid wrapped items soaking in the melted ice water.

Canned items (i.e., jelly salsa, etc.) may be opened one jar at a time and sampled with clean disposable utensils.

Use toothpicks, wax paper, paper sampling cups, or disposable utensils to distribute samples.

Temperature control must be maintained on items needing refrigeration after opening.

The county environmentalist may have specific additional requirements depending on the food to be prepared and served, the general location of the event or food concession area, the availability of the city water and sewage, and other local considerations. The Rules of the State Board of Health require that a permit to operate a temporary food booth be obtained prior to any prepared food being sold.

**Rights Reserved by the Market Manager:**

The Market Manager reserves the right to reject a farmer/vendor application if the goods and merchandise are not compatible with the overall concept of the market or are inappropriate.

The Market Manager reserves the right to immediately deny a farmer/vendor the privilege of selling at the market. Reasons may include misrepresentation of products, poor quality of products or produce, nonpayment of fees, disorderly conduct, or failure to heed the Market Manager's direction. The Market Manager shall have the authority to oversee and enforce the market guidelines. The Market Manager may also exercise due process of suspension in accordance with the following criteria:

Adequate verbal notification to the specific farmer/vendor by the Market Manager;

Written notification to the specific farmer/vendor by Market Manager;

Written notification of suspension from the Market Manager based on noncompliance by the farmer/vendor to adhere to verbal and written direction;

Fees are nonrefundable and will be enforced whether the farmer/vendor attends the Farmers Market or not. This policy includes any early closing of the market due to inclement weather or any other unforeseen emergency.

The governing body and its designated agents shall implement and enforce all rules and regulations pertaining to the operation of a Sanctioned/Certified Farmers Market in a fair and equitable manner.

**Farmer/Vendor Responsibilities:**

Farmers/Vendors are responsible for their own sales taxes, licenses, permits, and fees required for operation and will abide by all local, state, and federal laws.

Each farmer/vendor is responsible for keeping his/her own space clean and attractive and staying within his/her designated area. Failure to maintain space upkeep and cleanliness may result in disciplinary actions. Upon closing of the market, the space is to be cleaned and swept by the farmer/vendor. Farmer/Vendors are responsible for bringing own equipment for cleanup. Farmers/Vendors are required to display price lists and signpost their name and location of farm.

Farmers/Vendors are restricted from attracting attention to items for sale by outcries in loud or annoying, rude, or offending manner. Each farmer/vendor may set his/her own prices. Pricing "parity" is to be maintained among market farmers/vendors. Fruit and vegetables may be sold by count, bunch, or dry measurements. If sold by weight, scales must be "Legal for Trade." Inspection certificate of the scales must be provided to the Market Manager.

Farmers/vendors will occupy and attend assigned spaces for the market entirety, from the opening at 9:00am to its scheduled closing at 1:00pm. A consistently full market is vital to its success and growth. Only the Market Manager or his/her representative can close the market at any time other than that which is scheduled.

In order to create an inviting marketplace, Farmers/vendors' behavior should be positive and upbeat.

**Regulations:**

Only farmers may sell at the market, and all produce available at the market must be "homegrown" by the individuals (as a licensed grower) selling the produce. A farmer is defined as the person who grows or makes the product and may also include the farmer's immediate family, \*partner or employees upon prior review and approval. "Partner" is defined as a person who personally contributed financially to the farming operation in question and as a result has a real and verifiable financial risk connected to said operation. Proper documentation of financial contribution and/or risk is required before any produce can be sold at the market. Any falsification of claims or documents constitutes grounds for appropriate disciplinary action by the Market Manager.

Buying produce from a peddler, pick-your-own operation, or other market for resale at the Farmers Market is strictly prohibited.

No produce may be trucked in or otherwise transported to the market by means other than a private automobile, pickup, two-wheeled trailer, or van.

Farmers/Vendors are prohibited from sub-letting their space to other vendors.

Live animals are not permitted for sale at the market.

Farmers/Vendors may sell their own farm and kitchen products including (but not limited to) the following: fruits, vegetables, eggs, cut flowers, plants, cheese, cider, jams, jellies, relishes, honey, pickles, home-canned goods, and baked goods. Note: Many items are subject to Health Department regulations. It is the responsibility of the farmer/vendor to abide by the Health Department regulations. Contact the agency for inspection and approval. It is the responsibility of each farmer/vendor to abide by all state and federal regulations which govern the production, harvest, preparation, preservation, labeling, or safety of products offered for sales at the market. Farmers/vendors are liable for their own products. Market management, Steering Committee members, City, or County officials shall not be held accountable for the products offered by farmer/vendors. Product and liability insurance are the responsibility of the farmer/vendor, and each farmer/vendor must sign a hold harmless agreement in regard to liability with the Town of Berlin as well as sign a release affirming he/she has read and fully understand the rules and guidelines of the market.

To obtain a space for selling produce or other products, the following requirements must be met:

The farmer must have a valid and current grower's permit as issued by the local Cooperative Extension Office.

The farmer/vendor must furnish proof of liability insurance on each vehicle used at the market. NOTE: An agent or employee selling for a farmer/vendor must also furnish proof of liability insurance on his/her vehicle if used at the market.

Berlin Farmers Market is a "SMOKE-FREE" facility of the Town of Berlin; therefore, no smoking or use of tobacco products is permitted within the Market.

Solicitation for political campaigns, products, services, or charitable contributions not specifically addressed or approved by the Market Manager is not permitted.

Farmers/vendors must be sixteen years of age or older. Younger children are welcome and encouraged to participate but must be accompanied by an adult responsible for the child's conduct and safety.

Farmers who use the market for sale of produce are subject to field inspections to verify the source of all produce offered for sale.

Farmers may only sell first-quality produce they have grown. No one can sell produce at the market without prior approval for the Market Manager.

Farmers/ Vendors may have no pets at, near, or in close proximity to Market produce either at the point of sale or in the transport vehicle (car, truck, van, or other) due to state and local health regulations. Failure to comply may result in the banning of the pet and/or farmer/vendor from the market for an indefinite period of time.

Fraudulent, dishonest, or deceptive merchandising, disruptive behavior, or collusion to set prices among farmers/vendors 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 Manager.

Farmers/Vendors are asked to refrain from "Dumping," the term often used to describe the practice of lowering prices on market items near the end of the sales day. "Dumping" damages a market and is viewed by management as an unethical practice that robs farmers/vendors who maintain their prices throughout



the day, as everyone should, of the opportunity to sell their produce. What a farmer/vendor sells his produce for at 9:00am should be the selling price at 1:00pm. Market management and/ or staff does not and will not set prices for farmers/vendors. There is no acceptable excuse for adjusting prices because the sales day is nearing an end, and produce is left on one's table. Non-compliance with this request could result in disciplinary action to be determined by management. The Market Manager shall have full authority to enforce all rule and regulation within the Market area as authorized by the Steering Committee and/or Market Rules. Failure by any farmer/vendor to comply with these rules and regulations can result in the forfeiture of the right to do business of any kind for a length of time specified by the Market Manager for each offense.

### **Governing Body and Steering Committee:**

The Farmers Market is governed by the steering committee.

I have been given a copy of the Market rules. I understand and am willing to abide by them.

Farmer/Vendor: \_\_\_\_\_

Owner's: \_\_\_\_\_

Owner's: \_\_\_\_\_

**Please sign and submit to Market Manager. Keep the copy of the rules for future reference.**

**Please circle below the produce you intend to provide at the market. Use the space at the bottom of this page to list other produce, or items from artisans and/or home processed foods.**

Apples	Eggplant	Peppers
Beans (Green, snaps, etc.)	Figs	Persimmon
Beets	Grapes (Muscadines, etc.)	Potatoes
Blackberries	Greens (Collard, turnip, etc.)	Potatoes (Sweet)
Blueberries	Herbs	Pumpkins
Broccoli	Lettuce	Rutabaga
Cabbage	Okra	Spinach
Cantaloupes	Onions	Squash (Summer)
Cauliflower	Peaches	Squash (Winter)
Citrus	Peas - Fall (Snow, English, etc.)	Strawberries
Corn	Peas – Summer (Purple hull, crowder)	Tomatoes
Cucumbers	Pecans	Watermelons

**Market management reserves the right to restrict the items a farmer/vendor may provide based on proximity to the market and product saturation.**