

PASEO FARMERS MARKET 2019 RULES and REGULATIONS

I. MISSION

To provide a place where Oklahoma farmers and producers can sell their products directly to consumers, educate the public and youth about the availability, environmental benefits, and economical importance of local food.

II. VENDOR CATEGORIES

Vendors must fall into at least one of three categories: PRODUCER, PREPARED FOOD, or CRAFT. Each vendor category has its own application. Vendors wishing to sell items in more than one category must fill out a separate application for each category.

A. PRODUCER VENDOR

1. DEFINITION. Producer is defined as a farmer/rancher/gardener that grows/raises 100% of the fruit, vegetable, herb, nut, grain, meat, fiber, dairy, egg, honey, plants, seeds, and flowers on their own Oklahoma farm.
2. VALUE-ADDED PRODUCTS. A value-added item contains *at least* 50% (by volume) of the producer's own farm production. Value-added products must be made following all city, county, and state regulations. Food products can be made by the producer in a certified kitchen or by another company with a certified kitchen. Non-food items (i.e. fiber) can be made by a processing company.
3. MEAT, POULTRY and FISH. All meat, poultry and fish must be raised by the vendor offering the product. No meat, poultry, dairy, or egg products from confined animal feeding operations may be sold. The minimum number of days the vendor/producer must own the animal immediately prior to processing is as follows:

1. Beef and Bison - 180 days
2. Pork, Sheep and Goat - 60 days
3. Poultry - 56 days
4. Fish - 60 days

Processing of meat, poultry and fish can be done by a meat processing company.

4. NURSERY STOCK. Nursery stock may not be purchased from out-of- state for immediate resale. All nursery seedlings must be grown out by the vendor for a minimum of four weeks before being sold at market. Bare roots and bulbs purchased by the vendor can be sold when established and grown in a container for at least four weeks before being sold at market. If bare roots or un-potted bulbs are

sold, they must be grown by the vendor for one season before being sold at a market.

B. PREPARED FOOD VENDORS:

1. **DEFINITION.** Prepared Food Vendor is defined as a licensed prepared food handler who prepares 100% of the prepared food items they sell at each market.
2. **LICENSES.** All Prepared Food Vendors must be in compliance with city, county, and Oklahoma State laws and regulations (i.e. certified kitchen, food handler's permit, labeling, etc.).
3. **LOCAL INGREDIENTS.** Ingredients that can be sourced locally, if available at the time of preparation, must be obtained from an Oklahoma Producer if commercially available. In order to adhere to the mission of PFM, all Prepared Food Vendors are expected to use as much locally grown/raised ingredients as possible in their products. Annual application review will take sourcing into consideration, and priority will be given to prepared food vendors that support PFM vendors before those sourcing locally outside of our membership.
 - Vendors must keep a verifiable up-to-date log of local products used and have it available for review by the Market Manager or a Board member at every market and during PFM's site visits. This log must be submitted upon application.
 - All prepared food vendors must list the local foods used in their product and label the source of the local ingredients on the packaging. In order to fully inform consumers, all lists and labels must accurately represent the types and volume of local ingredients used in each product. If a locally sourced ingredient is included on a vendor's list, that ingredient must be used exclusively in all products sold at the market.

C. CRAFT VENDORS:

1. **DEFINITION.** Craft Vendor is defined as a craftsperson who manufactures 100% of the finished craft items (such as body care products, pottery, candles, baskets, garden related crafts, etc.) they sell at each market. All craft items are required to be made in Oklahoma.
2. **INGREDIENTS.** Preference is given to crafts that contain ingredients that are produced, raised, and/or harvested by the vendor. Next preference is given to crafters using OK Grown ingredients.

III. APPLICATION PROCESS

A. **APPLICATIONS** | Applications are available from the Paseo Farmers Market website, <http://paseofarmersmarket.com/become-a-vendor/>. All applications must be complete and accompanied by all required permits, licenses and fees before the application will be accepted.

- **WAITING LIST.** If the market is currently full, but your product has been approved, you will be placed onto a waiting list. In the event there is a producer drop out, first on the waiting list will be contacted and so forth.
- **MARKET MAKE-UP.** Craft and prepared food vendors will be limited to less than 30% of market sales each year.

IV. GENERAL VENDOR RULES

- **LAWS.** All vendors are responsible for abiding by all applicable city, county, state, and federal laws and regulations.
- **SALES TAX PERMIT.** All vendors who are required by the state to pay sales tax, must submit a copy of their sales tax permit with their application. Assessing, re- porting, and remitting sales tax to the Oklahoma Tax Commission is the sole responsibility of the vendor. Each vendor should call the Oklahoma Tax Commission at 405.521.3279 for clarification on requirements and to obtain an application for a sales tax identification number.
- **LEGAL ENTITY.** All vendors' products can only be produced and must be sold under ONE legal business entity (i.e. sole proprietorship, partnership, etc.).
- **PRODUCT LIABILITY INSURANCE.** All vendors are responsible for carrying their own product liability insurance.
- **VENDOR MEETINGS.** Occasionally, PFM hosts vendor meetings and workshops. Notice of meeting or workshop will be given two weeks in advance. Attendance is strongly encouraged.
- **VENDOR EMPLOYEES AND REPRESENTATIVES.** It is the responsibility of the vendor to ensure all employees/representatives understand and abide by the PFM rules and regulations, including which tokens their business may accept.
- **CONDUCT.** Vendors are expected to conduct themselves in a professional manner and in accordance with the rules and regulations of the market. All vendors are expected to treat the Market staff, Board Members, other vendors, and customers with respect and without discrimination. Verbal outbursts at market or market events are grounds for suspension or removal from the market.
- **SAMPLING.** Cut samples are only allowed as per ODAFF and OK Health Department regulations and guidelines. Each vendor is responsible for educating themselves on compliance of sampling rules.
- **ATTENDANCE.** Vendors must disclose dates they are currently planning to be absent upon submittance of application. Vendors will be allowed TWO absences per season and will be required to notify management of absence 24 hours in advance. Vendors exceeding THREE absences, or those that are absent without giving notice will lose their space.

L. **FLYERS AND SIGNS.** Only flyers and signs related to farming, gardening, and food can be distributed and displayed at the market. No political flyers or signs can be

handed out or displayed. All flyers must be approved by the Market Director prior to distribution.

- **TRASH.** All vendors must bring trash bags for booth clean up. Each vendor is responsible for maintaining their area in a clean, neat manner throughout the day and for cleaning their area before departing at the end of the market day. Market trash cans are for customer use only.
- **GROWING PRACTICES.** Growing practices must be clearly stated on a visible sign displayed with produce being sold. For example, “conventionally, naturally, or organically grown”.
- **PRICES.** Each vendor must clearly post prices on each type of product being sold. Prices should be visible and must be priced prior to the opening of the market. It is expected that vendors will not overprice or undercut other vendor’s prices. The Market Director will resolve any disputes over prices.
- **DISPLAYING VENDOR NAME AND LOCATION.** Each vendor must visibly post the name and location (city or county) of their business at their market booth. Lettering must be legible and must be posted at a level visible at all times, such as on a banner, the tent or umbrella edge.
- **ORGANIC.** Only those vendors who are certified organic with the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) may label, advertise, or describe their products as organic. All certified organic vendors must present a copy of their certification along with their annual membership application. A copy of their certification must be posted at their stand at each market. Vendors whose income from organic sales totals \$5,000 or less annually must post a copy of their notarized attestation on file with the Oklahoma Organic Section of ODAFF. If a vendor sells both organic and non-organic items, they must be clearly labeled to differentiate organic and non-organic products as regulated by the National Organic Program (NOP).
- **FIRE CODE.** Fire safety regulations strictly forbid the use of portable fuel containers and cooking stoves under a tent. All cooking must be done at least 20 feet from market tents.
- **TOBACCO FREE.** The market is a tobacco free environment this includes cigarettes, cigars, pipe tobacco, and vaping.
- **SECURING BOOTH MATERIALS.** Vendors are responsible to securely tie down their tents, tables, and other booth materials at every market and are responsible for any damage caused by their booth and tent materials. Weights must be used and must be a minimum of 20 pounds on each leg. Weights must stay attached until tent is collapsed for removal. Additional weights may be required depending on weather conditions. Those not in compliance shall be fined \$50 per incident and continued non-compliance may result in the loss of market membership.
- **ELECTRICITY.** Electricity is available upon request for a fee of \$5 per market. Vendors are required to supply an extension cord, and are responsible for

hooking into the supplied extension cord outlet. The vendor must inform the Market Director when they plan to use electricity. Due to safety concerns, electric cords may not be stretched across the street. Any cords stretching across sidewalks must have a means of preventing tripping. All generators are subject to approval by market management due to noise level and location concerns. To be in compliance with city fire codes, generators must be at least 20 feet from market tents.

- **OPENING AND CLOSING.** There will NOT be any sales made until the time designated as opening time. Under no circumstance may any merchandise leave a vendor's booth with a customer prior to the opening bell. Vendor-to-vendor sales are permitted prior to the official market opening. Upon the sound off of the tornado siren test, market closing time, growers shall conclude any sales in process and then close their booths to any further sales.
- **LEAVING EARLY.** Vendors will not be permitted to leave the market early upon selling out. Emergency situations will be approved by the Market Manager.
- **PETS.** Vendors, or customers, are not permitted to have pets at market.

V. MARKET LOCATION, DAYS AND HOURS OF OPERATION

1. SATURDAY MARKET.

1. **LOCATION.** SixTwelve. 612 NW 29th Street, OKC, OK 73103.
2. **DATES.** The third Saturday in April to the last Saturday in October.
3. **HOURS OF OPERATION.** 8:30 am until 12:00 pm.
4. **SET-UP TIMES.** Vendors will be allowed to start setting up at 7:30am. Vendors must arrive by 7:45 am, or they may not be allowed to participate in that day's market. Vendors with trailers must have their trailers parked and vehicles moved no later than 7:45 am or as directed by the Market Director to allow neighbors access to their spaces.
5. **PACK-UP TIMES.** Vendors are expected to have cleaned up their area and left the premises by 12:30pm.

VI. FEES

A. PROCESSING FEE. Applicants for membership must submit a non-refundable processing fee of \$10.00 with the membership application.

C. BOOTH FEE. Booth fees per week for Producer Vendor is \$15. Booth fees per week for Craft and Prepared Food Vendors: \$20 .

VII. SPACES

1. VENDOR SPACES.

- No vehicles or trailers are allowed unless authorized by the Market Manager.

- Vendors are supplied with a 10'x10' space.
- Vendors must supply their tent, tables, and chairs.
- If space allows, and at Market Management's discretion, an additional half or full booth space may be purchased.

Tents shall not exceed the size of 10' x 10'. All displays, tents, advertising, and sales must take place within the assigned booth space. During market operation walkways and sidewalks must be clear of all vendor materials, including but not limited to boxes, chairs, tables, tents, signs, and products.

- **SHARED BOOTH.** Two vendors may share a space and split the fee. Permission must be obtained from Market Director, and the Market Director maintains full discretion over the establishment of shared booths. Each vendor sharing the space shall be present or each have a trained employee or representative present familiar with the products being offered at each market.

C. **UNLOADING/LOADING.** All care should be taken to allow sufficient traffic flow while unloading and reloading vehicles and trailers. Vendors are NOT permitted to block the street. Vehicles cannot be left unattended.

D. RESERVED SPACE POLICY:

- A vendor is allowed to keep his/her reserved space the following season if s/he attended 20 or more markets in the prior season, 15 or more for those exclusively selling plants.
- If a vendor wishes to change spaces, they can only move to a space that is either 1) vacant or 2) was occupied by a vendor who attended less than the required number of markets in the prior season and has fewer points than the vendor wanting that space.
- Only vendors who have submitted completed applications (as specified on the application form) may reserve a space.
- The Market Director reserves ultimate authority for assigning reserved spaces.
- Spaces will be available on a first-come first-serve basis and will be assigned by the Market Director the day of the market.
- All vendors must specify in advance which weeks they are reserving a space (i.e. May 1- August 31).
- Vendors must advise the Market Director when they will not be attending a market. If a vendor fails to email, text or call the Market Director prior to 12 pm on the Thursday before the market of their absence on more than **ONE** occasion, they will be required to pay the booth fee for the day and may be subject to losing their reserved spot (exceptions may be granted by Market Management due to unforeseen emergencies or vehicle trouble).
- The Market Director will maintain a map of reserved spots.

- A vendor reserving a 2-booth space must use both spaces unless granted permission by the Market Manager to use only one. A vendor reserving a 2-booth space must use or pay for the 2 booths for a minimum of 16 weeks. Vendors not meeting the 16-week criteria may lose their double space and be required to move to a different space.

VIII. TOKENS

Paseo Farmers Market utilizes tokens for SNAP benefit purchases. Before accepting tokens, vendors and their employees are required to know the rules and regulations of how each token can be used. When accepting tokens vendors should make sure they are accepting PFM tokens only. Vendors will not be reimbursed for non-PFM tokens. All PFM tokens have our logo on one side.

Vendor Procedures

1. Customers will purchase all tokens at the Market Management booth.
 2. Customers will spend the tokens with eligible vendors for eligible products.
 3. Vendors return tokens to the Financial Director for reimbursement. Reimbursements are made the following weekend.
 4. SNAP. Supplemental Nutrition Assistance Program (SNAP - formerly known as Food Stamps) come in \$1 increments. This is a government program, and the rules and regulations must be strictly followed. Abuse of the SNAP program can result in termination of market membership. Vendors will NOT be reimbursed for non-eligible purchases.
1. SNAP Tokens may ONLY be used to purchase eligible products as defined by the USDA Food & Nutrition Service (FNS) and summarized here: [□](#)

Households **CAN** use SNAP benefits to buy:

- Foods for the household to eat, such as:
 - breads and cereals,
 - fruits and vegetables,
 - meats, fish and poultry;
 - dairy products,
 - honey & nuts,
 - packaged prepared foods.
- Seeds and plants which produce food for the household to eat.

Households **CANNOT** use SNAP benefits to buy:

- Wine
- Any non-food items, such as:
 - pet foods
 - soaps
 - paper products

- household supplies
 - Vitamins and medicines
 - Hot foods
 - Ornamental plants
- 2. SNAP purchases must NOT include sales tax. The vendor is exempt from paying sales tax on SNAP sales, so it must not be included in the sales price of SNAP purchases.
- 3. Change may NOT be given for SNAP purchases that total an uneven dollar amount. Extra product may be added to the purchase to total an even dollar amount.
 1. Please note that random “secret shopper” inspections may be made by the USDA Food and Nutrition Service to determine that the program rules are strictly followed.
 2. Vendors who wish to accept SNAP tokens must sign and return the “Vendor Contract for Accepting SNAP Tokens” form before accepting SNAP tokens, must meet eligibility requirements, and must follow all relevant guidelines as stated in the contract.

IX. COMPLAINTS OR DISAGREEMENTS

Any complaints or disagreements arising from a consumer or vendor must be immediately reported to the Market Manager. Vendor complaints should be submitted in writing to the Market Director.

X. MARKET MANAGEMENT

- Market Director. The Market Director is responsible for the day-to-day operation of the market. These responsibilities include, but are not limited to, assigning booth spaces, enforcing the rules and regulations of the market, and assisting the Market Manager answering customer and vendor questions. Market Director is also responsible for promoting the market, media relations, education, special events and programs, market development, community outreach, customer and vendor newsletters, website development and updates, fundraising, and grant management. The Market Director advises and works closely with the Board of Founders and other market staff on market matters.
- Market Manager. The Market Manager assists the Market Director, enforcing the rules and regulations of the market, and answering customer and vendor questions, farm/operation inspections, oversees vendor setup, communicates with vendors about absences. They are also responsible for setting up and taking down street signs, operating the EBT machine, handling token transactions, and collecting booth fees.

- Board of Founders. The Board of Founders is made up of vendors and community supporters. The Board's responsibilities include, but are not limited to setting market policy, market finances, legal matters, grant writing, and organizing fundraising events.