

Portage Farmer's Market Rules & Guidelines 2020

Market Overview:

- a) The Portage Farmers Market (PFM) hours of operation shall be Sundays from 10 a.m. to 2 p.m., May 10 through October 25, 2020 (25 weeks). The market will be held at Portage City Hall (7900 South Westnedge Avenue).
- b) The goal of the market is to operate a farmers' market that supports and strengthens opportunities for farmers, local specialty food producers and artisan entrepreneurs, that contributes to the overall health of the community.
- c) The market's definition of "local" is food that is from, raised and/or processed in Michigan or in the immediate adjacent counties in Indiana or Ohio.
- d) Franchises will be considered on a case by case basis by Portage Parks and Recreation.
- e) No dogs, pets, or animals, except service animals with proper identification are permitted in the market area or anywhere near where food is sold, served or consumed.
- f) Portage Parks and Recreation reserves the right to update these Rules & Guidelines at any time. All vendors will be made aware of any changes in writing within 7 days.

Vendor Marketing:

We support local businesses & provide the following marketing program for you.

- a) Your business story on the PFM website at FarmersMarket.portagemi.gov with a link to your Website or Facebook.
- b) Your business name and offerings on the PFM website.
- c) Post any recipes using your produce on PFM website.
- d) Your business listed in the City of Portage newsletter "The Portager" that goes out to 24,000 people at least 2x per season.
- e) Social media mentions and your vendor profile on Facebook.

Stall Information:

- a) Fees for a 10'x10' space for the season (space is limited):
 - i. \$325/Market Season
 - ii. \$20/Daily
- b) Stalls are assigned based on several factors, including participation and attendance in the market in the previous year; variety and diversity of products; proximity to the City of Portage; adherence to Market Rules & Guidelines.
- c) A deposit of \$75.00 is due at the time of submitting your application. This deposit will be applied toward your seasonal rate.
- d) Full payment is due by April 30, 2020.
- e) Stall sharing must be pre-approved by Portage Parks and Recreation.
- f) There shall be no refunds for seasonal or daily participation payments.

Vendors:

- a) Farmer: An individual or business who participates in the market selling whole food agricultural products.
- b) Food Items: Specialty food items prepared in facilities licensed by the State of Michigan and prepared utilizing the MI Cottage Food Law.
- c) Non-Food Items: Handmade by vendors and aligned with the PFM mission.
- d) Other: Distributing information; entertainment or providing services aligned with the PFM mission.
- e) All vendors, including those on the wait list, must have an up-to-date 2020 application on file with Portage Parks and Recreation.
- f) Vendors are selected based upon several factors, including participation in the market in the previous year.

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Important Vendor Rules & Regulations:

- a) All products sold at the PFM must meet all Federal, State and local preparation, licensing, labeling and storage regulations. Vendors and their employees are responsible for knowing and adhering to these rules.
- b) Vendors must display a sign identifying the name and location of the business.
- c) Vendors must have signs with prices clearly posted for each product in a place visible to patrons.
- d) Vendors must be set up by 9:45 a.m. each Sunday. The vendor will inform Portage Parks and Recreation of delays or cancellations by cell phone or text message in emergency situations.
- e) Waste receptacles in the market area are for shopper use; dumping of excess product or waste is prohibited.
- f) Any resale of commercially-produced items must be directly related to a vendor's business and must be pre-approved by Portage Parks and Recreation.
- g) All new products not listed on the vendor's original application must be pre-approved by Portage Parks and Recreation to ensure product diversity, proper licensing and labeling.
- h) Product sampling may only be done with pre-approval from Portage Parks and Recreation and must be sampled in accordance with Michigan Department of Agriculture and Rural Development (MDARD) Guidelines for Safe Sampling at Farmers' Markets.
- i) The term "organic" may only be used (in written or verbal marketing) by farms who are Certified Organic, in accordance with the USDA National Organic Program. Vendors must display their certificate at the PFM.
- j) No vendor shall refuse to permit the purchase of any produce, goods or participation based on race, religion, color, creed, gender, political affiliation, sexual orientation, national origin, sex, age, marital status, gender-identity, height, weight or mental or physical ability.
- k) Hawking (the calling out to market customers) for the purpose of selling or promoting a vendor's product or luring customers away from another vendor are prohibited.
- l) All canopies or pop-up tents must be weighted down with at least 25 pounds per tent post. The PFM does not have supplies available for rent.
- m) The Portage Farmers Market is a rain or shine market. Despite rain, attendance will be expected unless the market is cancelled by the Market Manager.

Attendance and No Show Policy:

- a) Attendance is vital for the success of the PFM and your business. Customers and the Market Manager count on you to be at the market every week. Missing without notice has a negative effect on all.
- b) When possible, all cancellations should be made 48 hours before the market opens. Unless alternative arrangements have been made, you must call or text the Market Manager.
- c) Vendors who do not show will be given a written notice.
- d) Upon the third no show, Portage Parks and Recreation will send a written letter excluding the vendor from further participation in the PFM.

Enforcement and Disputes:

- a) Portage Parks and Recreation shall be charged with the responsibility of interpreting and enforcing these rules and maintaining order at the market.
- b) Any issues should be directed to the Market Manager and Portage Parks and Recreation.

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Liability Insurance:

- a) The City of Portage's Farmers Market assumes no responsibility and shall not be liable for any damage or injury.
- b) The PFM requires that vendors either:
 - i. Name the City of Portage as additional insured on their farm/business liability insurance policy and provide proof of that coverage.
 - ii. Sign the "Portage Farmers Market Hold Harmless Agreement" indicating that the PFM is not responsible for any damage or injury.
- c) All prepared food vendors selling, hot, ready-to-eat items or who are preparing food on-site must carry liability insurance in the amount no less than \$1,000,000.

Payment and Food Access Programs:

- a) Participation in applicable food assistance programs is strongly encouraged for all vendors.
- b) Each season, all vendors who are eligible and wish to accept credit/debit tokens and food assistance benefits, including Supplemental Nutrition Assistance Program (SNAP), Double Up Food Bucks, WIC Project FRESH and Senior Market FRESH, must sign a contract for each program and post signage at their booths for programs in which they participate in.
- c) Vendors may not accept any currency or benefits for which their business is not eligible or currency from other farmers' markets and will not receive reimbursement for that currency.
- d) Vendors are responsible for knowing each program, its currency and edible items. Information materials will be provided by Portage Parks and Recreation and are available on the Portage Farmers Market website at FarmersMarket.portagemi.gov.
- e) Vendors will be reimbursed by check at least monthly.
- f) All reimbursements must be submitted by December 1, 2020.

Signage Requirements:

As a family friendly market that serves people of all ages, the Portage Farmer's Market has put in place standards to ensure that all signs display the minimum information necessary to create a clean and more user friendly environment. Signs will be limited to printed words and numerals, and will not display any symbols, images, or logos. These standards will assist in providing visual equality among vendors and accurate information for visitors to the Market.

- a) When participating in various food assistance programs including SNAP/EBT, Double Up Food Bucks, WIC Project Fresh and Senior Project Fresh, each Vendor shall display in their booth the recommended sign indicating they accept the specific program as stated in the program's Vendor Agreement.
- b) Each Vendor will be allowed one sign with the Vendor's name plus pricing sign(s). No signage may display any images, logos, or symbols. The Vendor must submit a drawing of the proposed signage indicating the dimensions of the signage and stating the proposed location of the signage. All signage must be approved by the Parks and Recreation Department Director before being placed in use. Additional signage can be requested but must adhere to the above stated signage requirements and approval.
- c) All prices must be in full view of the consuming public with lettering clearly legible. Signs listing prices for products will display the price and the name of the product only, and may not display any images, logos, or symbols.
- d) Any Vendor displaying a sign in violation of these rules shall immediately remove the noncomplying sign upon request.

Fruits and Vegetables:

- a) 75% or more of all products offered for sale must be grown on the vendor's farm (homegrown).
- b) Resale of another local grower's produce is allowed, provided that the vendor is knowledgeable about the growing practices of that farm on which that produce is grown. Produce resold in this manner must be labeled with the farm name and location where it was sourced and may not exceed 25% of product offered, refer to Market Overview (c) for the market's definition of local.

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Meats and Poultry:

- a) All meats and poultry to be sold at the market must be owned and raised by the farmer selling the product.
- b) All meats and poultry to be sold at the market must meet Federal, State and local preparation, licensing, labeling and storage regulations.
 - i. All meats must be processed in a USDA-inspected slaughter facility. A USDA seal of inspection must appear on all packages of meat originating at such a plant.
 - ii. Small poultry producers raising fewer than 20,000 birds may have their birds processed either at a USDA or MDARD inspected facility. Product must be labeled appropriately, and producers must have a copy of MDARD license if processing at an MDARD inspected facility.
 - iii. Vendors selling and storing meats and poultry must have a MDARD Food Warehouse License or Retail Food Establishment License. The license must be provided to Portage Parks and Recreation with the application.
 - iv. All meats and poultry must be sold packaged and frozen and must be stored at 41°F or below.
 - v. All meats and poultry must be labeled with the farm's name and address.

Fish:

- a) All fish products to be sold at the market must meet Federal, State and local preparation, licensing, labeling and storage regulations.
- b) All fish must come from a commercial fisherman or a licensed distributor; the license must be provided to Portage Parks and Recreation with the application.
- c) Fish must be sold frozen and stored at 41°F or below.

Eggs:

- a) All eggs to be sold at the market must come from birds owned and raised by the farmer selling them.
- b) All eggs to be sold at the market must meet Federal, State and local preparation, licensing, labeling and storage regulations.
 - i. Processed eggs must be clean, packaged in clean cartons and stored at 41°F or below.
 - ii. Unprocessed eggs do not need to be cleaned or stored at 41°F or below. However, they do need to be packaged in clean cartons and labeled as "uncleaned" and "unrefrigerated" eggs.
 - iii. Each carton must be labeled with the farm name, address, phone number and a "best by" date (within 30 days of the packing date).

Dairy Products:

- a) All dairy products, including cheese, yogurt, cream, ice cream/gelato, etc., to be sold at the market must meet Federal, State and local preparation, licensing, labeling and storage regulations.
- b) All dairy products must come from a licensed dairy; the license must be provided to the Parks Department prior to the start of the market.
- c) All dairy products must be stored at 41°F or below.

Baked Goods and Value-Added Products:

- a) All baked goods must be "homemade" (pre-made items or those made from pre-made doughs or box mixes are not permitted), prepared using as many local ingredients as possible (products grown, raised or gathered in Michigan or value-added products processed in Michigan that include ingredients grown, raised or gathered in Michigan). Preference will be given to vendors who showcase Michigan ingredients. Vendors must provide a list of locally-sourced ingredients, as well as receipts if requested, with their application.
- b) All value-added goods must be prepared using as many local ingredients as possible.
- c) Vendors must display signage at the market listing locally-sourced ingredients and the farm or business from which they were sourced.

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- d) All baked goods must be prepared in a licensed kitchen unless such items meet the criteria identified in the Michigan Cottage Food Law. The license must be provided to Portage Parks and Recreation with the application.
- e) All products prepared under Michigan Cottage Food Law:
 - i. Must be non-potentially hazardous that do not require time and/or temperature control for safety, as defined under the Law. For more information see <http://www.michigan.gov/cottagefood>.
 - ii. Must be properly packaged and labeled with all information specified by the Law (see link above).
 - iii. Must be pre-approved by Portage Parks and Recreation.
 - iv. Must be sold directly to the consumer only by producer who prepared the goods.

Prepared Foods:

- a) All prepared, ready-to-eat foods to be sold at the market must meet Federal, State and local preparation, licensing, labeling and storage regulations. A license must be provided to Portage Parks and Recreation upon application.
- b) All foods must be prepared using as many local ingredients as possible (products grown, raised, or gathered in Michigan or value-added products processed in Michigan that include ingredients from, raised, or gathered in Michigan). Preference will be given to vendors who showcase Michigan ingredients. Vendors must provide a list of locally-sourced ingredients, as well as receipts if requested, with their application.
- c) Vendors must display signage at the market listing locally-sourced ingredients and the farm or business from which they were sourced.
- d) All products must comply with Federal, State and local labeling requirements, including allergen safety during the market.
- e) All vendors preparing food on-site must adhere to local fire codes for personal and fire safety during the market.

Plants and Flowers:

- a) All potted plants, herbs, bedding plants, nursery stock or cut flowers sold at the market must be grown by the vendor selling them.
- b) All growers or businesses selling nursery stock or herbaceous perennials must be licensed by the State of Michigan. See http://www.michigan.gov/mdard/0,4610,7-125-1569_16993_16998---,00.html.com.
- c) All potted plants, herbs, bedding plants, nursery stock or cut flowers sold at the market must meet Federal, State, and local regulations.

Small Wine Vendors: *(Eligible wineries must complete all items below)*

- a) Complete the Michigan Liquor Control Commission (MLCC) Application for Farmers' Market Permit at http://www.michigan.gov/documents/lara/Farmersss_Market_Permit_application_LLC-250_514980_7.pdf.
 - i. A map of the Farmers' Market location will be provided upon acceptance of your Farmers' Market Application for submission with your Permit Application.
 - ii. Portage Parks and Recreation will sign the Application upon acceptance for submission to the MLCC.
 - iii. Make fewer than 5,000 gallons of wine per year at all locations.
 - iv. Grow their own fruit or source Michigan fruit; if sourcing from other farms or vineyard's, the winery must provide a detailed list of those sources contact information.
- b) Wineries must submit a copy of their liability insurance with "City of Portage" as additional insured in the amount of not less than \$1,000,000 with the application.
- c) Wineries shall submit copies of server training certification for each server who will be present for sampling wines at the market. In the event that there are any substitutions, Portage Parks and Recreation must be notified and be provided with certifications for new servers.

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- d) Wineries will check photo identification of all customers sampling or purchasing wine and will not serve wine to anyone under the age of 21 years old, in accordance with Federal Law.
- e) An 8-foot table, 10'x10' pop-up tent and signage for the designated tasting area will be required. Wineries are responsible for bringing all items needed for their tasting.

Arts, Crafts and Artisans:

- a) The market will only allow the first 5 vendors per market day, this may be modified at Portage Parks and Recreation's discretion.
- b) Arts and craft items may only be considered for sale, provided they are food, natural fiber, and/or garden-related and are made using local agricultural or natural products by the vendor selling them.
- c) All items must be approved by Portage Parks and Recreation.

Marijuana and Industrial Hemp:

- a) The PFM prohibits the sale of all marijuana and industrial hemp plants, edibles, or any part of the marijuana or industrial hemp plant including seeds, flowers, oils and extracts.
- b) Non-edible products containing industrial hemp CBD oil (with less than .3% THC) such as soaps, lotions, creams, lip balms, and other items approved by the PFM are allowed.
- c) A copy of lab results for each product using industrial hemp based CBD oil as an ingredient may be requested to verify that the item contains less than .3% THC.

Other Vendors:

- a) The PFM may assign available stalls to otherwise non-edible vendors, like non-profit organizations and community groups who support the market's mission.
- b) Interested groups must submit an application and a letter detailing their intent (including any items or materials to be sold or given away), as well as how their organization or business mission reinforces the PFM's mission.
- c) No solicitation, petitioning or campaigning is allowed on City of Portage grounds, including at the PFM.

Failure to adhere to any of the above rules may result in forfeiture of your space or removal from the market without a refund. The market will operate by a "three strike" policy.

For questions or clarification, please contact Portage Parks and Recreation at 269-329-4522.

Approved as to form

4/1/2020
Date

City Attorney