

Falls Park  
Farmers  
Market  
Sioux Falls, SD

Philosophy  
&  
Rules  
2012

# Downtown Farmers Market, Inc.

dba Falls Park Farmers Market

## Mission Statement

To promote and encourage the development of local small scale agricultural and specialty products by providing a dynamic “producer only” market place to make available their products to the consumers of the greater Sioux Falls area.

## GOALS and OBJECTIVES

- To provide small scale agricultural and specialty product operations cooperative and organized marketing alternatives.
- To promote local production of agricultural and specialty products and offer opportunities for producers to enhance their marketing skills.
- To improve the variety, taste, freshness and nutritional value of products available to consumers in the Sioux Falls area
- To promote strong, trusting relationships between consumers and vendors by insisting on honesty and transparency in all aspects of the creation of the products.
- To provide an opportunity for consumers to interact directly with the producer and understand the benefits of purchasing local products from local producers.
- To enhance the quality of life in the Sioux Falls area by providing a community activity that provides a wholesome social gathering place and interaction with producers for families.
- To educate consumers in the Sioux Falls Area about the nutritional value of locally produced products.

## 1.0 FOUNDING PHILOSOPHY

Members may sell only those products they have produced. The products must be locally produced (within 150 miles of Sioux Falls, SD). The sale of any goods not grown or produced by the seller, the reselling of goods, or the sale of goods that have been traded or bartered for is not permitted. All sellers must abide by and all products must comply with all applicable federal, state, and local regulations. All vendors must be willing to allow inspections of their operation by a market representative in order to ensure compliance of the rules of the market.

## 2.0 FOUNDATIONAL RULES FOR SALE OF SPECIFIC PRODUCTS

1. Raw Fruits, Vegetables and Herbs:
  - a. Must be grown from cuttings grown by the vendor or from seeds or transplants and the final product may not be purchased or bartered for. The Market Member must have tended the perennial crops from leased, rented or owned land for one growing season prior to the sale of the product.
  - b. Processed products must be done so according to local health regulations and with appropriate licensing.
  - c. Wild gathered materials may be used with written permission of landowner and market board of directors.
2. Nuts and Grains:
  - a. The product must be obtained from the vendor's own trees, seeds, transplants or cuttings and cannot be purchased or bartered for.
  - b. If gathered wild, you must provide written permission from the landowner and get market board approval.
  - c. Processed products must be done so according to local health regulations and with appropriate licensing.
3. Bedding Plants, Houseplants and Herb Plants:
  - a. Must be grown by the vendor from seeds, cuttings or plugs
  - b. Purchased plant materials must be grown on the vendor's premises for at least 30 days before they can be offered for sale at the Market.
4. Nursery Stock: Woody Stock and Perennials:
  - a. Must be grown by the vendor from purchased seedlings, cuttings or stock, or from seeds, transplants or cuttings raised or taken by the vendor
  - b. Purchased stock must be grown on the vendor's premises for at least 60 days before it can be offered for sale at the Market.
  - c. Must be grown in a licensed nursery
5. Cut Flowers and Ornamentals
  - a. Must be grown and gathered by the producer on their own land or leased land.
  - b. Wild gathered materials may be used with written permission of the landowner and market board approval.
6. Eggs

- a. Must be produced by hens that have been raised by the vendor for 50% of their production weight.
- b. All products must be processed and stored according to local regulations.
- c. All egg sellers must maintain a Class A Dealer License & Candle/Grader License from the South Dakota Department of Agriculture.
- d. All cartons of eggs sold must be labeled to display the seller's name, license number, date & grade of eggs.

#### 7. Honey

- a. Must be produced by bees kept by the vendor. Vendor must assure all honey processed from outside vendors is from their bees.
- b. Vendor/honey producers must manufacture their own candles

#### 8. Maple Syrup

- a. Must be produced by the vendor from sap that they have collected themselves.

#### 9. Juices

- a. Must be produced from a product that they have grown themselves on their own or leased land.
- b. Must be processed in a licensed plant or other approved facility

#### 10. Meat, Fish, Poultry

- a. All items must be grown and/or processed by the vendor. No repackaging is allowed.
- b. All stock held for sale shall have been raised by the vendor for at least 50% of the live weight at slaughter
- c. For meat processed by others, the vendor must produce the meat ingredients
- d. All products must be processed and stored according to local regulations.

#### 11. Animal Products

- a. Must be in their natural state, except as specified below
- b. Hides or pelts must be tanned to garment quality and must not be stored or transported in contact with food products.
- c. Products must be in a sanitary condition
- d. Products must be from domesticated animals and may not be wild gathered. Products must come from animals held by the vendor 50% of the production time of the finished product.
- e. Wool/Mohair must be 100% from the vendor's flock, be humanely sheared and in its natural color. The raw product may be sent out for processing.

#### 12. Prepared Food Products

- a. All items must be grown and/or prepared by the vendor. No repackaging is allowed.
- b. Vendors must have photocopies of all necessary licenses for the production of the prepared product and must have them filed with the Market before offering any prepared item for sale.
- c. Complimentary food items (i.e. hamburger buns, pop, bottled water, etc.) will be allowed for those selling prepared food items.

#### 13. Bakeries

- a. The vendors may not sell items made from purchased pre-made doughs, batters, crusts or dry ingredient mixes
- b. The vendor must be able to demonstrate that all processed food is made from scratch and if asked, produce proof of purchase of raw materials used in producing goods.

#### 14. Dairy

- a. All items must be grown and/or processed by the vendor. No repackaging is allowed.
- b. All stock held for production of dairy products shall have been owned by the vendor prior to freshening.
- c. For dairy processed by others, the vendor must produce the dairy ingredients.
- d. All products must be processing and stored according to local regulations

#### 15. Artisans

- a. Products must be handmade and the vendor must produce more than 50% of the value of the product. Reselling of products is not allowed.
- b. Artisan vendors & their products are only allowed with board approval.

#### 16. 2009 Amendment

- a. This Amendment shall allow a vender to sell a product at the Market which he or she does not produce, that is currently not being offered by any current vender at that time. However, if that product should happen to be offered by a producer at a future time, then the sale of that product by the non-producer would cease.

### **3.0 MEMBERSHIP DUTIES AND PRIVILEGES**

#### 1. Eligibility

Any individual, whose goods are in compliance with market rules and guidelines, wishes to participate in the market, and whose application the board approves is eligible to become a member and vendor at the market. However, any applicant for renewal whose vending privileges were previously terminated by the market may not be eligible to resume membership in the market.

#### 2. How to Become a Member

To become a member, a person must submit a completed Application for membership form and attach all current applicable licenses and permits, proof of insurance and fees. It will be the applicant's responsibility to find out which licenses and permits are required to meet state and local laws. New vendors who have questions about licensing should call the Farmers Market Board Secretary before completing the application. An individual will not be allowed to participate in the market before submitting a completed application with appropriate attachments & remittance of fees to the Secretary of the Board of Directors of Downtown Farmers Market Inc and approval of such application. Formal approval of new vendors will be in the form of a letter sent to the applicant.

#### 3. Membership privileges

Member privileges include the right to sell at the market, establishing and maintaining seniority, the right to vote, the right to participate in meetings, the opportunity to hold office, the right to purchase season stall eligibility, and access to corporate records.

#### 4. New Member Application Requirements

New members starting at the beginning of the season must have their application and fees turned in before May 1<sup>st</sup>.

New members starting after the season begins must wait for 2 weeks after their application and fees are submitted and approved before vending.

New members applying in the off season (November 1<sup>st</sup> to January 1<sup>st</sup>) must sign a previous season contract in order to obtain board approval and establish seniority and then must agree to and sign a new season contract when that becomes available.

#### 5. Seniority

Seniority is determined on the date the vendor applications are received and are based on continuous seasons at the market. As long as the current amount of spaces is a closed amount based on location and current space available, seniority is no longer a feasible structure for choosing stall spaces. The board of directors will recommend a vendor arrangement that will best promote the market system. This will be subject to the approval of the members at the March meeting. The seniority concept will remain in place for other issues that arise.

#### 6. Maintaining Membership and Participation Rights

Members who vend at the market must have available for inspection at each market day by the site manager or the public any licenses or permits required for any product(s) they sell. This is in addition to providing copies of licenses and permits with their annual application.

A member must be at least 16 years old.

If a vendor cannot attend the market, they may send another individual in their place. As a part of the application, vendors must list qualified individuals that are able to manage their stall in the vendor's absence. Individuals on this list must be knowledgeable about the production methods of the products that are being sold in the absence of the vendor.

To maintain your membership, you must attend market at least 8 times during the season.

In the event a member is not maintaining their rights, the DTFM Board of Directors reserves the right to not renew the membership.

## **4.0 OPERATIONS**

### **1. Hours**

The market runs from the first Saturday in May until the last Saturday in October. Hours will be from 8 am to 1 pm.

### **2. Setup**

All vendors must be set up and ready to sell by 8 am. There will be no driving of vehicles through the market or setting up from the walkway after 7:45 am. If a vendor cannot attend market any given Saturday they must contact the site manager by Friday. If there is an emergency the morning of market you must contact someone at market to let them know. If a vendor fails to arrive by 8:00 am and fails to notify the appointed person, that vendor loses their selected stall for the remainder of the season and will be located in a stall chosen by the site manager for each subsequent day they come to market.

### **4. Parking Stalls**

Each stall is one parking space as determined by the painted lines.

### **5. Vehicles**

Vehicles and trailers must be parked in the back of the stall space so as not to block the view of other vendors and customers. Tents and canopies with sides attached must be in back half of the stall. All product and signage must be placed inside of your purchased stall space. Your stall must be arranged so that your customers are able to shop in your stall space without invading another vendor's space.

### **6. Signage**

Vendors should post a sign that states the name of their business including their city and state. All products must be priced.

### **7. Insurance**

Sellers are responsible for their own personal liability and product liability insurance and are required to provide a certificate of insurance with their application.

### **8. Fees**

Each stall a vendor purchases will cost \$200 per season plus sales tax of \$11.84. Individual stall space per vendor will be limited only as determined by the limitations of the site.

### **9. Samples**

Per SD Dept of Health regulations, foods that have not been cut (processed) on-site may be offered as samples to the public at Market (examples: whole tomatoes, whole strawberries,

whole apples). If foods are cut at Market, the person who processes the food (cuts it) must have sinks, sanitation, gloves & the ability to hold the cut vegetable/fruit at refrigerated temperature (41 degrees) during sampling by customers. Dry foods such as jerky or breads do not have the cooling requirement but cutting must be done at a location with a commercial kitchen facility and according to the Health Department regulations. Additionally, any food that is offered for samples, including those that do not require refrigeration, must be offered in such a way so that the consumer may take the sample without contaminating the rest of the sample (individual spoons, toothpicks, etc).

## **10. Weights and Measures**

All produce to be sold in the market will be sold by legal weights and measures. The use of non-certified scales is not allowed.

## **11. Animals**

Vendors may not bring pets to the market. There will be no selling of any live animals.

## **12. Inspections and Verifications**

All vendors must be able to demonstrate that their products meet the rules for sale of specific products as outlined in the foundation rules section. They must also be willing to allow inspections of their operation to ensure compliance of the rules.

## **13. Potentially Hazardous Foods and Product Temperature**

Foods served or sold at Market must comply with all SD Department of Health regulations. Refer to SD Department of Health Food Service Code section 44:02:07:18 titled Potentially Hazardous Food. (Source 23 SDR 195, SDCL 34-1-17, 34-18-22 and SDCL 34-18-25) To contact the SD Department of Health in Sioux Falls, calls 605-371-4140.

A potentially hazardous food is a food that may be natural or synthetic and is a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms. Potentially hazardous food includes a food of animal origin that is raw or heat-treated, a food of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, or garlic and oil mixtures.

The South Dakota Department of Health strictly regulates temperatures at which potentially hazardous food must be store or served at Market. Refer to that department and their regulations for details.

## **14. Noise, Fumes, Smoke**

No loud or disturbing noises should be made or action taken on the grounds which will interfere with the right, comfort or convenience of the other vendors or the public. Running of any gas or diesel motors or engines including vehicles is not permitted. Vendors who use barbecue grills will purchase grills that are designed to reduce smoking and will do everything in their power to reduce excess smoke including off-site cleaning of their grill weekly. If there is excess smoke that is disturbing others, they must move the grill so as to eliminate the discomfort to others.

## **15. Organic Labeling**

All vendors using the term “organic” must follow the federal regulations for its use.

## **16. Organizations**

Organizations wanting to appear at the Market must meet with board approval and may only do so if room is available.

## **Article 4.4 Parking Stalls**

Each stall is one parking space as determined by the painted lines which currently are 12'x 18', except on the northeast side of the Falls Park Farmers Market structure the stall spaces will be 12'x 24', which will extend past the end of the painted line by 6'.

## **Article 4.8 Fees**

Each stall (12'x18') on the Southwest side of the structure will cost \$300 per season plus the required sales tax. Each stall (12'x24') on the Northeast side of the structure will cost \$400 per season plus the required sales tax. Since the current Farmers Market facility at Falls Park is a closed amount of vendor spaces, requests for additional spaces by current vendors must be approved by the vendors at the March meeting.

## **Procedure for Foundational Rule Changes**

Proposed changes to the above founding rules must be submitted to the president of the board by the end of the calendar year. The secretary will distribute the proposed changes to the membership by the 10<sup>th</sup> of January. At the first annual meeting of the membership, the proposed changes will be voted on by the members present. In order for a change in foundational rules, 75% of the total member votes cast must be in favor of the change.

## **Procedure for Changes in the Operations of the Market**

Proposed changes to the above operational rules must be submitted to the president of the board by the end of the calendar year. The secretary will distribute the proposed changes to the membership by the 10<sup>th</sup> of January. At the first annual meeting of the membership, the proposed changes will be voted on by the members present. In order for a change in the rules, more than 50% of the members present must vote in favor of the change.

## **Procedure for Changes in DTFM Board of Directors Decisions**

Proposed changes to decisions made by the Board of Directors must be signed by 25% of the DTFM membership and be submitted to the President of the Board. The following week, after Market, the membership will vote. In order for a change in the Board of Directors decision, more than 50% of the voting members must vote in favor of the change.