

2012 Tomball Farmers Market Rules

**Keep this
for your reference**

1. Introduction/Mission

The Tomball Farmers Market (the "market") will operate weekly, year round, in Tomball, Texas for the benefit of both producers and customers.

The main goals of the market include:

- promoting the sustainable production, marketing, and consumption of local agricultural produce in season
- educating the community about local growing conditions and food crops as well as sustainable and organic growing practices
- strengthening the local economy by redirecting consumers' food dollars to local growers and producers
- incubating new, small, food-based businesses
- providing a community gathering place

2. Definitions

Agent: a representative of a producer who is working on contract with the producer and may sell for the producer at the market.

Approved product: a product that has been approved by the Tomball Farmers Market Board

Artisan/craft vendor: a person who creates a hand-made craft or artwork to sell at the market

Board of Directors: group of people from the community chosen to represent and oversee the Tomball Farmers Market

Cooperative: a legally incorporated collaboration of producers or growers who market their produce or agricultural products collectively.

Local product: any product grown or produced within surrounding counties of Tomball; including Harris, Fort Bend, Waller, Washington, Grimes, and Montgomery counties.

Market Manager: the Tomball Farmers Market Board member who supervises the operations of the market.

Producer: the farmer or grower of any raw agricultural product or the person who produces any value-added, ready-to-eat, or craft product.

Value-added vendor: a vendor who produces a processed food item from agricultural products, such as jelly or pickles

3. Who May Sell at the Market

Who may sell at the market is determined by the Tomball Farmers Market Board as explained below.

a. Farmers, growers and producers of agricultural products grown or produced within surrounding counties of Tomball; including Harris, Fort Bend, Waller, Washington, Grimes, and Montgomery counties, providing:

- their vendor application has been submitted to and approved by the Tomball Farmers Market Board
- they are growing or producing their own local product; no re-selling is permitted.
- hold all required permits, licenses, and insurance policies necessary for their business
- sign the Participation and Indemnity Agreement included in the vendor application, releasing Tomball Farmers Market from any liability.
- pay the annual vendor fee.

b. Value-added vendors, those who may or may not grow their own, but who obtain and process ingredients to produce food or craft items within surrounding counties of Tomball; including Harris, Fort Bend, Waller, Washington, Grimes, and Montgomery counties, providing:

- their vendor application has been submitted to and approved by the Tomball Farmers Market Board
- they are growing or producing their own local product; no re-selling is permitted.
- hold all required permits, licenses, and insurance policies necessary for their business
- sign the Participation and Indemnity Agreement included in the vendor application, releasing Tomball Farmers Market from any liability.
- pay the annual vendor fee.

c. Legally incorporated producer cooperatives may be allowed. In addition, farmers, growers, producers, cooperatives and value-added vendors may send family members, employees or members of cooperatives to sell for them at the market.

4. What Can Be Sold

a. Agricultural products grown or produced by the seller, including but not limited to:

- vegetables, herbs
- fruits, nuts, berries
- ornamental plants and flowers
- eggs
- milk and cheese
- meat, poultry, seafood
- honey
- firewood
- edible plants and plant starts

b. Value-added products produced by the seller, including but not limited to:

- prepared foods
- jams and jellies
- pickles, vinegars, salsas
- seasoning mixes, sauces
- baked goods
- herbal teas

c. Artisan/Craft handmade products, including but not limited to:

- dried flower arrangements
- textile art, paintings
- herbal lotions, soaps
- candles, pottery

All vendors must comply with all applicable city, county, state, and federal health regulations at all times. The Market Manager will keep in each vendor's file copies of all applicable permits and licenses. It is each vendor's responsibility to provide current copies to the Market Manager, as well as to keep copies with them at the market to be available for inspection by government officials.

5. Market Operations

- a. The market will operate year round, rain or shine. Market times will be established by the Tomball Farmers Market Board.
- b. The market will operate at a location approved by the Board.
- c. A stall is a selling area 10 feet wide and 10 feet deep.
- d. The Market Manager will assign stalls based on the best interests of the market as a whole. While vendors may have a customary location, this location is subject to change at the discretion of the Market Manager. The Market Manager will consider the various needs of particular vendors and accommodate them to the extent possible, particularly for space to park a truck containing backup merchandise.
- e. Vendors must pay a day fee for each market attended. Each additional stall incurs an additional day fee.
- f. Vendors will determine their own pricing.
- g. All vendors must represent their products in honest and non-deceptive manner at all times, both in written form on signs and in oral form during conversation.
- h. All items sold or labeled as organic must meet the requirements of the National Organic Program. Only certified organic growers or as allowed by law may display signs using the word "organic." If a vendor offers both organic and non-organic items in the same stall, individual signs should make it clear which items are organic and which are not.
- i. Prepared foods, unless sold by a licensed mobile food vendor, should be labeled with the producer's name and address, quantity or weight of contents, and a list of all the ingredients, with the highest proportion ingredients listed first in descending order.
- j. No reselling is permitted. Vendors may only sell products that they have grown, raised or produced themselves or for a vendor for whom they act as an agent.
- k. All vendors must keep their stall in a safe, clean, and hazard-free condition. At the end of the market, before signing out, each vendor must leave their selling area clean, with all trash removed.
- l. All vendors must conduct themselves in a courteous and professional manner. Vendors must treat all customers, Tomball Farmers Market Board Members, and fellow vendors with respect at all times.

- m. No loud or aggressive promotion is permitted. Radios or stereos may only be operated with the permission of the Market Manager.
- n. No smoking is permitted at the market. No consumption of alcohol beverages or illegal drugs is allowed at the market.
- o. Set up time is between 8 a.m. and 8:50 a.m. No traffic will be permitted in the parking lot for setup after 8:50. However, vendors may carry in their goods to set up after that time.
- p. Vendors must park in an area designated by the Tomball Farmers Market Board.
- q. Vendors must supply their own tents and tables. For the safety of all present at the market, tents must be secured with sufficient weights or other attachments at all times. No storage space for vendors is available at the market site. Vendors should be prepared for all kinds of weather.

6. Non-Compliance

Non-compliance with market rules will result in disciplinary action at the discretion of the Market Manager. Such disciplinary action may include exclusion from the market for a period of time as well as termination of the vendor's participation in the market. Any vendor aggrieved by the Market Manager's decision may appeal for review to the Tomball Farmers Market Board.

7. Complaints and Suggestions

Suggestions for market improvement are always welcome. Complaints or grievances should be brought to the attention of the Market Manager, who will investigate the issue and if a problem is found, address it. If a complaint cannot be satisfied quickly, the market Manager will request the vendor to address their complaint to the Board *in writing*. The Board will respond to the complaint in writing within 14 days after the next quarterly meeting, and will provide all parties involved a copy of the complaint upon request. In most situations, vendor problems will *not* be addressed during market hours. If a vendor has a complaint or a grievance which they feel the Market Manager has not sufficiently addressed, he/she may appeal in writing to the Tomball Farmers Market Board at its next quarterly meeting. The Board will provide all parties involved a copy of the appeal upon request. The Board will resolve the appeal at its next quarterly meeting.

8. Governance

The Tomball Farmers Market Board of Directors governs the market and has final authority in regard to all matters relating to the market.

The Market Manager will be a member of Tomball Farmers Market Board of Directors. The Market Manager shall conduct the day-to-day operations of the market. As a result, the Market Manager's duties include directing the physical set-up of the market; facilitating vendor sign in, collecting stall fees, maintaining order, keeping all required

records, interpreting, implementing and enforcing market rules; and acting as needed to protect health and safety of all market participants.

The Market Manager has authority to ensure market compliance with governmental codes and regulations. The Board of Directors grants the Market Manager discretion to carry out these functions in a manner that serves the best interests of the market as a whole as defined by the mission set forth in Section 1. The Market Manager has broad discretion to discipline and/or expel vendors with Board approval.

The Tomball Farmers Market Board approves vendor applications, considers and proposes changes to the market rules, acts in an advisory role to the Market Manager, and addresses vendor appeals of the Market Manager's decision(s).

The Board will hold an annual meeting for all participating vendors to report on and discuss the market's performance and to facilitate election of vendor representatives to the Tomball Farmers Market Board of Directors. The elected Board members may organize additional meetings of market vendors and will conduct the election of representatives annually.

APPENDIX

Glossary of Production Terms

Certified Organic:

The grower practices strict organic principals of soil enrichment and pest control and is certified by the state. They may or may not use natural fertilizers, or synthetic fungicides or pesticides allowed by the law when a natural alternative is not available. Food manufacturers only utilize certified organic ingredients following organic labeling requirements.

Free of Synthetic Chemicals:

They may use natural fertilizers but do not use any synthetic pesticides or fungicides or added hormones. They may use the word "organic" if they sell less than \$5000 annually and follow national standards. Food or product manufacturers do not use any added synthetic chemicals or processing agents.

Sustainable/Naturally Grown:

This grower practices organic principals of soil enrichment and pest control however is not certified by the state. They cannot use synthetic fertilizers or synthetic fungicides pesticides or added hormones. They may use the word "organic" if they sell less than \$5000 annually and follow national organic standards.

Conventional:

This grower uses common agricultural practices. They may or may not use chemical or synthetic fertilizers, or synthetic fungicides or pesticides or added hormones. They may be a large or small grower.

Hydroponics:

This grower practices a method of agriculture using a soil less growing medium and a nutrient solution that is usually not certified organic in formulation. They may or may not use synthetic pesticides or fungicides.

This is intended to be a guideline only and we encourage you to research the terms yourself. More information can be found at www.ams.usda.gov/nop/nop/standards.html