



## OOLTEWAH FARMERS MARKET RULES - 2017

*Ooltewah Farmers Market is operated by a local family-owned small business, Ooltewah Nursery & Landscape Co., on historic Main Street in Ooltewah, TN. OFM is a producers-only farmers market featuring locally grown food from family farms to family tables. OFM exists to serve the needs of local farms to market their products, and the needs of local families to have access to fresh, locally-grown foods. Our goal is that the atmosphere OFM will be one of cooperation and goodwill created by building relationships and a sense of community.*

### THE MARKET & THE APPLICATION PROCESS

1. All produce must be locally grown. We define “local” to mean within a 100 mile radius.
2. All products sold must be grown/raised/harvested/produced/wildcrafted by the vendor. Resale and/or wholesale of any kind of items will not be allowed.
3. Local food artisans will be considered on a case by case basis. These artisans must make the food product that they wish to sell. Artisans must also submit a Vendor Application. Farm visits do not apply; however, please do submit photos (or links to photos on the internet) or bring by samples. Selection of these vendors will be made on the basis of quality, originality, and space availability. Those who source locally for ingredients are encouraged and will be given preference.
4. Crafters and artists, please see rules 19 and 20.
5. The market is open every Thursday all year round. Summer hours (April-Oct.) are 3:00-6:00 p.m., and winter hours (Nov.-March) are 3:00 – 5:00 p.m. The market will be closed on Thanksgiving Day, and the Thursday between Christmas and New Year’s Day. Ooltewah Nursery closes on certain holidays. If the following holidays fall on a Thursday, then OFM will be closed as well: July 4<sup>th</sup>, Christmas Eve, Christmas Day, New Year’s Eve, and New Year’s Day.
6. The market is an open-air style market, and will be open during inclement weather unless weather conditions become unsafe. OFM will follow the lead of the Hamilton County Department of Education regarding weather, as does Ooltewah Nursery. If HCDE closes schools due to weather, OFM will also be closed. If Ooltewah Nursery is closed, OFM will also be closed. In the event of an unscheduled closure, we will announce that as soon as possible through our various media channels: Facebook & Text Message. If enough advance notice exists, an email will also be sent.
7. The market season officially runs April 1 through March 31<sup>st</sup>. All potential vendors must submit a signed vendor application form annually. If the application is approved, the Market Manager will contact you to schedule a visit to the farm to ensure that items brought to market are indeed locally grown. The application fee of \$20 offsets the cost of processing your application and travel expenses to your farm. It is payable at the time of visit, unless other arrangements are made with the market manager. Food artisans need to coordinate with the market manager as to when to pay the application fee. The purpose of farm visits is to verify that the items sold at OFM are indeed produced by the vendor, and that the quantity brought to the market matches the site inspected. After completion of this vetting process, the vendor farm is now a member of OFM and eligible to sell at market. Membership is valid through March 31<sup>st</sup>.
8. The OFM Market Rules & Application will be re-evaluated each January by market management. The rules and application for the coming season will be made available shortly afterwards. The market begins accepting applications for the coming season at that time. No vendor applications will be accepted after December 24<sup>th</sup> until the new application is available for the coming season. **Returning vendors MUST submit their new applications no later than March 1<sup>st</sup>.** (February is strongly preferred.) This is imperative.

The market manager needs time to schedule visits before the busy spring season arrives at Ooltewah Nursery. If this process is not completed by March 31<sup>st</sup>, you will no longer be eligible to come to market until it is complete.

9. As described at the top of the page, Ooltewah Nursery created the market to show its support of local family farms, which are a small business, too. As an additional benefit of OFM Membership, vendors who successfully complete the application process will receive a discount card that may be used for purchases from the nursery. Your discount card must be shown to the cashier at the time of purchase. **You will receive 10% off bulk mulches and 20% off of regular priced live plant materials.** (plants, trees, shrubs, vines, etc.) Your 2016 OFM Member Discount Card will be valid through March. 31, 2017. If your farm has a Tennessee State Sales Tax Exemption Certificate for Agriculture, please bring a copy to the cashier, or include it with your application. The cashier will update your farm's profile to "sales tax exempt." You will only need to do this one time.

## **CHECKING IN & OUT AT THE MARKET**

10. Vendor booth spaces are generally available on a first come, first served basis; however, the Market Manager reserves the right to assign spaces upon the vendor's arrival. It is often necessary to do so during peak times when space is more limited.
11. Vendors will have one hour before market open to set up, and thirty minutes after market close to break down/pack up.
12. Each vendor must leave their booth area clean. No debris, garbage, signage, or any other materials may be left behind.
13. A booth fee of \$10 per booth will be charged each week the vendor comes to market. Before departing after market, vendors must check out with the market manager, pay the booth fee, and return their "Market Summary Report." (This is a very brief form requesting information on the day's sales. OFM exists to support local family farms, and does NOT take a percentage of sales. The purpose of this information is to help market management evaluate the market overall. Your sales information will be kept private. We will not share it. PLEASE report all sales. This is critical information for us.)

## **SELLING AT THE MARKET**

14. Vendors must provide their own equipment such as: tables, scales, bags, sacks, boards/shelves, baskets, signs, containers, change, chairs, etc.
15. All vendors must display a sign with their farm name and contact information, and all vendors must post all of their prices clearly for all items sold. (We have blank OFM 1/2pg signs available to use if needed.)
16. In the interest of fairness to everyone, no selling is allowed before the posted market times! People may line up, but please do not sell anything until the market manager rings the bell to announce the opening.
17. No seeds or rooted live plant materials (plants, flowers, trees, shrubs, flower bulbs, etc.) may be offered for sale; however, cut plant material, such as herbs or cut flowers, are welcome.
18. Live animals may be advertised at individual booths for off-site sales, but sales of live animals are not allowed in the market.
19. Any value-added and/or craft products must be something that you made.
20. Alcoholic beverages, cigarettes and firearms cannot be sold at the market, nor can crafts, antiques or other such items. The exceptions would be vendors whose crafts are a product of their farm production, or if an "Arts & Crafts" day is held as a special event. The entire month of December is "Christmas Time At The Market." Local artists and crafters are welcome to join us. A separate application for potential craft vendors

is available for that purpose. Arts & Crafts days may be offered at other times as well, and would be advertised in advance by email and on our Facebook page. If you would like to be added to email notification list for crafters, please send a request to: [sales@ooltewahnursery.com](mailto:sales@ooltewahnursery.com).

21. No fruit, vegetable, or other food products can be displayed directly on the ground/asphalt/concrete. Produce and other food items must be displayed and/or stored at least 6" off the ground. This does not apply to item in a closed cooler. A table is preferred and recommended.
22. Each vendor space should be kept neat, clean and free from clutter, garbage and offensive odors. No smoking is allowed in the market area. No alcohol is allowed on the property.
23. Sales must be made in an orderly and business-like fashion. Shouting, hawking and other loud and objectionable tactics of solicitation are not allowed. Profanity is not allowed. Loud radios or other loud music broadcasting devices are not allowed.
24. Vendors will set their own prices. However, vendors using the market as a dumping ground for surplus products at prices significantly below prevailing market prices are strongly discouraged. Intentional price undercutting of other vendors is not allowed. Please help us create a friendly atmosphere of cooperation.

## **OTHER REGULATIONS**

25. Compliance with Tennessee Department of Agriculture regulations and Department of Health regulations is the sole responsibility of the vendor. Any applicable sales tax is the responsibility of each vendor.
26. Scales used to sell items by weight must be certified by the Tennessee Dept. of Agriculture. The State scale inspection certificate must be displayed on the scale. According to Tennessee state law, products sold by weight must be sold according to the net weight of the product itself and must not include the weight of any packaging materials such as cartons/bags/containers. For Commercial Scale Testing: Contact Robert G. Williams, [robert.williams@tn.gov](mailto:robert.williams@tn.gov) (615) 837-5109, or ask the market manager about scheduling a state scale examiner to come to the market.
27. Any agricultural item requiring inspection for sale in Tennessee must have proof of inspection, and must be prominently posted in the booth.
28. Sale of farm fresh eggs by egg producers with less than 3,000 birds does not require a permit issued by Tennessee Dept. of Agriculture. (Contact T.D.A. for details.)
  - a. Eggs are to be sold as unclassified or ungraded unless you have a permit to grade eggs. Please submit a copy of your permit with your application.
  - b. Eggs containers must be labeled with the name and address of your farm.
  - c. Eggs must be clean and stored at a temperature of 41° or below.
29. Value-added food products (packaged, cut, snapped, sliced, processed, and food artisans' products) offered for sale must be prepared according to the rules and regulations of the Tennessee Department of Agriculture.
  - a. Any baked goods, jams, jellies, sauces, cider, breads and meats that have been prepared in legal, licensed, approved and inspected facilities by Tennessee Department of Agriculture or USDA are accepted. Tennessee state law allows Tennesseans who manufacture for sale non-potentially hazardous foods (examples: jams and jellies, candies, and certain baked goods) in a home kitchen the option to forgo inspection and permitting by the Tennessee Department of Agriculture Regulatory Services Division. Foods are considered non-potentially hazardous if they do not consist mainly of meat, poultry, liquid eggs, partially cooked egg products, fish, milk and milk products, shellfish, partially cooked bakery products, or other ingredients susceptible to the rapid growth of microorganisms when stored out of recommended temperature ranges for cold or hot foods. Other

prohibited foods include low-acid canned vegetables and acidified canned foods such as salsa or pickled vegetables. Those who wish to offer such items for sale must have proof of inspection, and it must be displayed prominently in your booth area.

- b. Those who sell exempt items and who choose to forgo inspection must, by state law, display signage alerting consumers. The sign must be 8.5" x 11" with 0.75" font displayed at the place of sale stating, "These food products were made in a private home not licensed or inspected."
- c. The law also requires that the products must be labeled listing the common name of ingredients in order of predominance, provide a net quantity statement, display your farm name and contact information.
- d. Please note that, even if you are not legally required to undergo inspection and permitting by TDA, you can be held legally liable if the product causes someone to become ill with food poisoning or have an allergic reaction because of improper labeling. Liability insurance is strongly recommended for your protection. OFM also recommends and encourages you to receive training on the principles of food microbiology and how to safely manufacture foods. Training is offered by the University of Tennessee Department of Food Science and Technology in classes taught throughout the state and online. Visit: <http://tiny.utk.edu/kitchencert> or call 865-974-7714.

## **SAFETY FIRST AT THE MARKET**

30. Let all vendors maintain a safety-oriented mentality at all times. If you see anything that you deem unsafe or questionable, please bring that to the attention of the Market Manager immediately.
31. Safe food-handling practices should be maintained by all vendors at all times, especially those who offer samples. Contact the Tennessee Department of Health for information and guidelines on safe food handling practices for sampling.
32. No bicycles, skateboards, scooters, roller skates, or other such means of transport are allowed for the safety of other pedestrians. The exception would be devices that are necessary for mobility, such as a wheelchair.
33. The ONLC & OFM facilities are accessible for the disabled. All vendors should assist in making sure that the market is a safe and accessible environment with equal access for all customers.
34. Liability and/or other insurance coverage is the responsibility of the vendor. The insurance you carry to cover your farm, may not cover you, or your food products, while at the market. OFM recommends that you consult with your insurance agent.

## **GRIEVANCE POLICY**

35. The above rules will be enforced by market management, either Angel Miller or Faith Stooksbury. The Market Manager has full authority to interpret, implement, and enforce policies at the market site. Violation of any of the above rules is cause for warnings (verbal or written), and/or expulsion from the market, at the discretion of the Market Manager. Additionally, the Market Manager reserves the right to expel anyone from the market as she deems necessary.
36. Market management cannot effectively act on hearsay, anonymous, vague or untimely complaints about the conduct of others. Customers submitting a complaint may be asked to fill out a complaint form, and management will investigate the allegation. All complaints by a vendor against another vendor must be submitted in writing to the Market Manager using the complaint form within 14 days of the incident in question. The form must be signed and accompanied by a \$25 "good faith" check. Market management will investigate the allegation within 20 days. This may include an inspection visit to the accused farm. If the

complaint if found to be valid, the “good faith” check will be returned. If the complaint is found to be unwarranted, the check will be forfeited and deposited.

37. The complainant and alleged violator may be asked to attend a joint meeting, if the market manager determines this would be useful in resolving the situation. The purpose of such a meeting would be to clarify policies, determine whether, and to what degree, there was a violation, and to determine what disciplinary action, if any, is appropriate.
38. If a violation is found to have occurred, the Market Management may enforce any or all of the following disciplinary actions;
  - a. Writing a letter of apology the injured party(ies).
  - b. Repair of, or restitution for, property damage.
  - c. Probation for specified time period with the understanding that another violation will lead to more serious disciplinary action.
  - d. Suspension from OFM for a period of time.
  - e. Permanent expulsion from OFM.
  - f. Referral to the appropriate law enforcement agency or other authority.
39. All investigation will be done as discreetly and privately as possible. It is not our intent to embarrass anyone. At the conclusion of the investigations, a summary finding will be placed in the market files and copied given only to the parties involved.
40. Hostile confrontations of any sort will not be tolerated at any time. Vendors, customers, or anyone who displays such behavior would be asked to leave immediately. This is a friendly and relaxed community market. Let us all work hard to cultivate a pleasant atmosphere that both vendor and customer will find inviting. We have enjoyed a friendly market mood since we opened in 2013, and that is the tone that defines Ooltewah Farmers Market. It is everyone’s job to help create the sense of community that we currently enjoy. Thank you for becoming a part of the OFM family! Any vendor with a question or suggestion should contact the Market Manager at [OFM@ooltewahnursery.com](mailto:OFM@ooltewahnursery.com)

*We highly recommend that all vendors thoroughly read the Tennessee Dept. of Agriculture’s publication, “Farmers Markets State Compliance Guide.” We have free copies available for you. They are also available for download from TDA or the Center For Profitable Agriculture.*

# OFM COMPLAINT FORM

## Complainant Information

Name \_\_\_\_\_

Email address \_\_\_\_\_

Phone number \_\_\_\_\_

## COMPLAINT AGAINST THE PARTY LISTED BELOW:

*Please fill out as much information as you can.*

Complaint is regarding:     Vendor                       Customer                       Other

Name of complaine (required) \_\_\_\_\_

Date incident or rule violation occurred \_\_\_\_\_

Name of any witnesses \_\_\_\_\_

Complaint \_\_\_\_\_

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Evidence supporting complaint:

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Complainant Signature \_\_\_\_\_ Date \_\_\_\_\_

Vendor on vendor complaints must be accompanied by at \$25.00 "good faith" check