

# Walker County Farmers Market Association Rules

## 1. Identity and Philosophy.

- (a) The Walker County Farmers Market Association is a non-profit association incorporated under the provisions of Alabama law. The specific purpose of the association is to provide a means for local fruit and vegetable growers to market their produce.
- (b) This market is organized under the Alabama Farmers Market Authority as prescribed in the Alabama Code (2-5A-1 et seq.); the market and vendors will follow the Alabama Department of Agriculture and Industries Farmers Market Authority Administrative Code (80-7-1 et seq.) and all other applicable federal, state, and local laws, rules, and regulations.

## 2. Management and Governance.

- (a) The managing board of the Walker County Farmers Market shall consist of three members, the president, vice-president, and secretary.
  - i. The president shall function as the market manager and shall enforce the rules of the association. The president shall have full authority to conduct the day to day business of the market. The president shall also have the authority to ensure compliance with all applicable federal, state, and local laws, rules, and regulations.
  - ii. The vice-president will function as the primary designee of the president and may act in the stead of the president during the president's absence, fulfilling all the duties of the president, as needed.
  - iii. The secretary will record the minutes of all meetings and will maintain all financial and business records necessary for the management of the market.
- (b) The board of the market will have authority to enforce all rules set forth here and to bring about enforcement of all applicable federal, state, and local laws, rules, and regulations. This authority includes the right to inspect all farms, fields, or other agricultural or processing facilities of all vendors at any time, without notification, to ensure compliance with the market rules.
- (c) The officers of the board will be chosen by the current members of the market at the conclusion of the annual meeting.
- (d) The officers of the board will strive to enforce the rules of the market in a fair and equitable manner to all people involved.

## 3. Rules of Operations.

- (a) Hours and Days of Operation.
  - i. The market will open in April (or as early as strawberries are available) and will close in November (or later as produce is available).
  - ii. The official opening day of the market is the third Saturday of May.
  - iii. The market days of operations will be Tuesdays, Thursdays, and Saturdays. No sales will be allowed on other days. The market may open on Fridays, at the manager's discretion.
  - iv. The market will be open from 7:00 AM until 12:00 PM. Vendors may open before the opening time and may close after the closing time if desired. Friday hours will be set to allow customers to shop after work.
- (b) Maintenance.
  - i. All vendors are individually responsible for maintaining the cleanliness of the vendor's stall and the areas around the stall. All trash should be removed daily.

(c) General.

- i. All vendors are responsible for using legal weights and measures, as set forth in Alabama Department of Agriculture and Industries Farmers Market Authority Administrative Code (80-7-1-.04(8) et seq.) and all other applicable federal, state, and local laws, rules, and regulations.

4. Vendors, Products, Booth Assignments, and Rent.

(a) Vendors.

- i. Vendors must be growers located in Walker or the adjacent counties (Winston, Marion, Fayette, Tuscaloosa, Jefferson, Blount, and Cullman).
- ii. All vendors must have a current grower's permit, as issued by a local Alabama Cooperative Extension Service office. Failure to provide a grower's permit before opening day (the third Saturday of May) will result in loss of any previously assigned booth.
- iii. All vendors must complete and sign an application and indemnification each year. Failure to complete and return the yearly application before opening day (the third Saturday of May) will result in loss of any previously assigned booth.
- iv. All vendors must specifically list all crops the vendor intends to sell on the application. Failure to provide this list before opening day (the third Saturday of May) will result in loss of any previously assigned booth.
- v. All vendors are further required to obtain any other federal, state, or local licenses or certifications necessary for the products sold by the vendor. Failure to provide these before opening day (the third Saturday of May) will result in loss of any previously assigned booth.
- vi. All vendors are required to keep copies of all permits, licenses, and certifications required available at the market for onsite inspection.
- vii. All vendors are expected to behave and dress in a professional manner. Any loud, abusive, profane, or disrespectful language or lewd attire will be grounds for removal from the market.
- viii. All vendors are expected to engage in ethical business practices and are not allowed to attract customers from other booths in a rude, loud, or otherwise offending manner. Vendors are prohibited from using any kind of deceptive practices in pricing, packaging, or any other area.
- ix. Vendors are not allowed to bring pets to the market.

(b) Allowed Products.

- i. All products must be produced and sold in accordance with all applicable federal, state, and local laws, rules, and regulations.
- ii. All agricultural products, such as fruits, vegetables, plants, herbs, honey, syrup, and other non-processed agricultural products are allowed for sale, as long as they are produced by the vendor.
- iii. All plants must be produced from seed, division, cuttings, or plugs by the grower.
- iv. Eggs are allowed for sale, so long as they are produced, labeled, and stored in accordance with the Alabama Shell Egg Law (Alabama Code 2-12-1 et seq.), the Alabama Department of Agriculture and Industries Farmers Market Authority Administrative Code (80-7-1-.04(10) et seq.), and all other applicable federal, state, and local laws, rules, and regulations.
- v. Meat, fish, poultry, dairy, mushrooms, and other processed agricultural products produced and handled by the grower, in accordance with Alabama Department of Agriculture and Industries Farmers Market Authority Administrative Code (80-7-1-.04 et seq.) and all other applicable federal, state, and local laws, rules, and regulations are allowed.

- vi. Processed foods produced by the vendor, in accordance with Alabama Department of Agriculture and Industries Farmers Market Authority Administrative Code (80-7-1-.04(3) et seq.) are allowed. Processed foods are subject to sales tax (Alabama Code 40-23-4(a)(5) and 40-23-62(8)). The “Home Processed” rules only allow for temperature and pH safe foods. Foods not covered by this rule must be produced in a certified, inspected kitchen, must be tested for safety, and must be produced and handled in accordance with all other applicable federal, state, and local laws, rules, and regulations.
- vii. Products that are not grown or produced by the grower are not allowed for any reason. Products that are purchased for resale are strictly forbidden.
- viii. Yard sales, crafts, or other items not listed above are strictly forbidden.
- ix. Any produce or products deemed unfit, unsafe, or lacking proper licensing, labeling, or documentation by the manager are not allowed and shall not be sold at the market. These products must be removed from the market immediately at the direction of the manager.
- x. Prices should be based on the quality of items sold and are set by individual members. It is suggested that members confer with each other in setting prices. The association will not set prices.
- xi. Products cannot be marketed as organic unless the grower is a state or federally certified organic farmer and this certification is displayed in the vendor’s booth and provided to the market.
- xii. Products may be provided for sampling by the customers, provided the sampling is done in accordance with Alabama Department of Agriculture and Industries Farmers Market Authority Administrative Code (80-7-1-.04(4) et seq.) and all other applicable federal, state, and local laws, rules, and regulations.
- xiii. Products that require special storage must be stored in accordance with the Alabama Department of Agriculture and Industries Farmers Market Authority Administrative Code (80-7-1 et seq.) and all other applicable federal, state, and local laws, rules, and regulations.
- xiv. The sale of hemp and CBD products, and their derivatives, is prohibited.
- xv. Baked goods vendors shall not comprise more than 20% of the market capacity for vendors. All current vendors (as of 06 June 2020) are allowed to sell baked goods.

(c) Booths and Rent.

- i. Membership dues, which includes rent, is \$150 annually, due before booth assignment and before opening day (the third Saturday of May). Failure to pay rent before opening day (the third Saturday of May) will result in loss of any previously assigned booth.
- ii. If space is available, the manager may arrange for a vendor to rent an additional space for \$10 per day.
- iii. Booth Assignments:
  - A. Booths are automatically reassigned to members in good standing (rent, application, and grower’s permit submitted by the opening day deadline) annually. Failure to pay rent or submit an application and grower’s permit before opening day (the third Saturday of May) will result in loss of any previously assigned booth.
  - B. Anyone may opt to move to a new booth. Booths will be assigned from vacant booths based on years of service. Members who start at any time during a given year will have the same seniority. Members with higher seniority will have priority in selecting booths.
  - C. In the event of a tie in seniority, the tie will be broken randomly (draw, coin flip, etc.).
  - D. New members may choose from any available booths as they are allowed to join.

- iv. In the event that there are more members than spaces in the sheds, the manager may assign members without an assigned space to another member's assigned space, beginning at 8:00 AM on market days. If a member with an assigned space is running late and intends to attend the market on a day, the member is responsible for notifying the manager before 8:00 AM.
- v. New members will not be assigned spaces and will not be allowed to sell until all necessary paperwork is received (grower's permit, application, other licenses and certificates), rent is paid, and a farm inspection is conducted by the manager. Continuing members must submit all required paperwork and rent annually, before opening day (the third Saturday of May).

## 5. Enforcement, Penalties, Reporting, and Appeals.

### (a) Enforcement.

- i. These rules will be enforced by the manager, according to the interpretation and discretion of the manager.
- ii. All growers submit, by filing their application, to farm inspections by the manager or other officers, at any time, without prior notification.
- iii. The board (president, vice-president, and secretary) will be the ultimate body of appeal and will have the ultimate authority over the market.

### (b) Penalties.

- i. Failure to submit paperwork or rent in a timely manner, to indemnify the market, or to submit to farm inspections will result in forfeiture of previously assigned booth spaces.
- ii. Produce deemed unfit, unsafe, or lacking proper licensing, labeling, or documentation by the manager must be removed from the market immediately at the direction of the manager.
- iii. Violations of the producer only rule (4-b-vii) will result in a suspension of up to one calendar year for the first offense. A second offense will result in suspension for one calendar year. A third offense will result in permanent disbarment from market participation. Violations will be verified by farm inspection. Failure of the farmer to allow inspection or to show reasonable evidence of production of the product in question will constitute grounds for this suspension.
- iv. Violations of other rules will result in a verbal warning. Further infractions will result in a written warning. Continued infractions will result in suspension from the market for a period determined by the manager. The manager has the right to immediately escalate to written warning or suspension, at the manager's discretion, depending on the severity of the offense.
- v. Rent or other fees are non-refundable and non-proratable, even in the case of suspension.

### (c) Reporting.

- i. Any vendor may submit, in writing, a report of violation of any of these rules to the manager. Verbal complaints will not be accepted.
- ii. The manager has the discretion to investigate, or not, in the manner of the manager's choosing, the reported violation.
- iii. Once reported, the manager has sole discretion over the complaint, including informing the vendor under complaint or reporting the resolution of the complaint to the complainant.

### (d) Appeals.

- i. Appeals of any manager decision must be submitted in writing to the manager no less than seven (7) days after the decision. In the case of written warnings or decisions, the date of

the decision shall be the date of the written warning or decision. The board will have final appellate authority and will decide all appeals by simple majority within seven (7) days of the appeal. The board will provide a written decision to the appealing vendor.

6. Indemnification.

- (a) Members must agree to indemnify and hold harmless the market and will do so by signing and submitting a complete application. By participating in the market, all vendors shall be individually and severally responsible to the Walker County Farmers Market, its manager, and its board for any loss, personal injury, deaths; and/or any other damage that may occur as a result of the vendor's negligence or that of its servants, agents, or employees. All vendors hereby agree to indemnify and save the Walker County Farmers Market, the manager, and the board harmless from any loss, cost, damages, and other expenses, including attorneys' fees, suffered or incurred by the Walker County Farmers Market, the manager, or the board by reason of the vendor's negligence or that of the vendor's servants, agents, or employees. Vendors further agree not to hold the market responsible for any damages arising out of the sales of their products.
- (b) Members must agree to abide by the rules of the Walker County Farmers Market and will do so by signing and submitting a complete application. By participating in the market, members agree to abide by the rules of the Walker County Farmers Market and to obtain all applicable permits and licenses; to assist in the inspection of any farms, fields, or other agricultural facilities used by the member by agents of the market and the Alabama Farmers Market Authority (where applicable); and to sell only agricultural products produced by the grower or the grower's agents or employees.

7. Supersedence.

- (a) These rules, upon adoption, will supersede and replace all previous rules of the Walker County Farmers Market.

8. Current Contact Information.

- (a) Market Address: 1601 Airport Road North, Jasper, Alabama 35504.
- (b) President and Manager: Jeremy Gray, 205-544-4573, jeremy.a.gray@gmail.com.
- (c) Vice-President: Jeremy Calvert, 256-708-4445, calvertjeremy32@gmail.com.
- (d) Secretary: Don Edgil, 205-282-1766, donedgil@gmail.com.