

Bloomington Winter Farmers' Market Vendor Policies

Updated July 2019

The Bloomington Winter Farmers Market (BWFM) is a project of the Center for Sustainable Living, a Bloomington based nonprofit. Our mission is to extend the farmers' market season and increase the availability of fresh produce and other local products throughout the four seasons of the year. We seek to encourage direct contact between producer and consumer and increase understanding of local food economy issues. We strive to produce and provide the greatest possible variety of local foods while working together in a cooperative atmosphere to ensure the success of the market.

GENERAL OPERATIONS

The BWFM will be open for retail sales from 9:00 am to 12:30 pm each Saturday during the winter market season which runs from the first week of December through the last week of March. The market will be held every Saturday unless Monroe County declares a snow emergency, in which case market management will call every vendor. Snow emergencies are also posted at <https://bloomington.in.gov/emergency>.

In all matters expressly mentioned or unmentioned in these policies, the BWFM Board of Directors and contractors retain the right to set, establish, create, amend, eliminate, or make exceptions to rules, regulations and requirements at any point in time without notice and decisions made will be binding in all cases.

VENDOR DEFINITIONS

A vendor is defined as the person who grows or makes a product for sale and may include the producer's immediate family (parent, child, spouse, grandchild, domestic partner), business partners, or employees. An employee must be involved in the production of the products for sale at the market. The producer's name must be made clear in each booth.

Each vendor must be approved before they are admitted to sell at the BWFM. Acceptance to the BWFM is based on the criteria outlined in the application.

Vendors must have tangible product at every market for customers to purchase, in order to receive points for a market.

The BWFM consists of four types of vendors:

- 1) A Farmer is defined as one who grows produce, animal products, or other agricultural products in Indiana.
- 2) A Prepared Food Vendor is defined as one who prepares food from scratch using ingredients that he/she has not grown or raised.

- 3) An Exotic Food Vendor is defined as one who raises, produces or catches food outside of Indiana.
- 4) An Other Vendor is defined as one who sells soap, crafts, pet foods, or items appropriate to the mission of the market.

A vendor who falls into more than one category must complete all relevant sections of the application and will be classified according to the majority of their sales. A vendor may not necessarily be approved in all categories of their application.

GENERAL GUIDELINES FOR SELLING

- 1) All products must comply with all applicable local, state, and federal health and safety regulations that govern the sampling, production, labeling, or safety of any product a vendor offers for sale at the market. Failure to comply may result in forfeiture of the vendor's booth.
- 2) Prepared Food Vendors must carry liability insurance for their products.
- 3) Vendors shall clearly mark prices at their stands for all their products so that they are legible to customers at the Market.
- 4) Each vendor's stand and accompanying display shall stay within that vendor's designated space limits.
- 5) All vendors must list products they intend to sell in their initial application. Value added products, non-foods and prepared foods not listed on the initial application must be submitted to the selection committee for approval on the Additional Product Application.
- 6) Vendors must accurately represent their products to the public. Specifically, any claims about organic products or ingredients or health claims must be clear and never misleading.
- 7) A vendor may use Stand Assistants. A Stand Assistant is a person who assists the vendor at the market stand but does not fulfill the definition of vendor. In order to vend, a Stand Assistant must be accompanied by a vendor at the stand at all times. Market Management will consider requests for exceptions that allow Stand Assistants to vend alone in extenuating circumstances. All Stand Assistants will be required to sign either the initial contract or an addendum to the contract.

FARMER VENDORS

A vendor is classified as a "farmer" if the majority of market sales come from raw or minimally processed agricultural products raised/produced by the vendor. The BWFM has adopted a "whole farm" policy: Generally, admitted farmers may sell all products listed on their application, including vegetables, fruits, animal products, wildcrafted products, and value-added products, as long as they meet the guidelines below. Applications that do not duplicate products already well-represented at the

market by established vendors will have preferred consideration. Farmers themselves must raise/produce all plants, animals, products, materials, or ingredients with the exception of value-added and wildcrafted items as outlined below.

Market Management reserves the right to verify that all products are produced in Indiana by the vendor, which may involve conducting an unannounced inspection at the vendor's property and/or production location.

Farm products that require processing shall be processed in Indiana by the vendor or in a licensed facility as required by law.

Raw meat must meet all health code requirements for legal sale. Vendor must have proper documentation present at the market. The product must have a "safe food handling" label on the package and be sold in the unaltered package it was placed in at the processing facility. Processing plant receipts may be requested for verification of producer-ship. Vendor must maintain the product continuously in frozen/preserved condition from the time it leaves the processing facility until it is sold at the Market. Products from animals administered growth hormones, such as rBGH, may not be sold at the Market.

Wildcrafted products are plant materials from non-cultivated plants on public or private lands. The vendor must obtain all necessary permits and collecting shall be done in a way that does not diminish the propagation of the resource. No threatened or endangered plants are permitted for sale.

Value-added products are made from raw agricultural products and are more than minimally processed, including, but not limited to jams, cider, frozen fruit, dried fruits and vegetables, soup, and non-foods. BWFM considers two categories of value-added products.

- 1) Value-added products individually listed on the vendor's application, that contain a minimum of 50% vendor produced farm products (by weight, water excluded) will be allowed for sale.
- 2) Value-added foods that contain between 20% and 50% vendor-produced farm products (by weight, water excluded) will be considered on a Farmer's application on a case by case basis. In order to sell a 20-50% value-added food, sales must not constitute a majority of the vendor's market sales. If this is the case, the vendor must apply as a Prepared Food vendor.

Farm Vendors must submit information about each value-added product showing which ingredients are from their farm. Farm vendors may submit additional value-added products after their initial application on the Additional Product Application for approval. Market Management reserves the right to request a detailed recipe, to be held in confidence, if it is unclear to Market Management that the value-added product meets Market guidelines. Farmers selling value-added food products must provide documentation of all necessary permits, licenses, etc. or must demonstrate that the product meets the requirements of the home-based vendor law (HEA 1309).

Soaps are allowed at the BWFM provided that at least 20% of the ingredients by weight are raised by the Farmer and it is listed on the Farmer's application.

Dried wild mushrooms may be sold, and vendors must provide the Market Master with a statement that these were inspected by a qualified mushroom inspector (retained by a local summer farmers' market) at the time they were collected.

Vendors may not sell cultivated fruits, vegetables, or nuts from perennial plants acquired at or near maturity that require ongoing care and are on property not owned, leased, or rented by the Farmer or his/her immediate family.

Farmers selling **honey** must inform customers in writing of the danger of feeding honey to infants and children less than two years of age.

Egg vendors must have a current egg vendor license issued by the State Egg Board present at the Market. As of the printing of these guidelines the health department requires eggs to be stored at 45 degrees Fahrenheit or below, including at the Market. The State Egg Board has a number of requirements regarding the packaging of eggs, which must be followed at Market.

Annual plants and herb plants sold by Farmers must be grown by the vendor from seeds, cuttings, or plugs. If grown from purchased plant materials other than seeds, annuals and herbs must be grown on the vendor's premises for at least six weeks before being sold. **Nursery stock** (woody stock, house plants, and perennials) must be grown by the vendor from purchased seedlings, cuttings, or stock or from seeds, transplants, or cuttings raised or taken by the vendor. If grown from purchased plant materials other than seeds, nursery stock must be grown on the vendor's premises for at least eight weeks before being sold.

It is the understanding of the BWFM that the Monroe County Health Department interprets ground grains as falling under the regulations of HEA 1309 (home-based vendor law).

Dairy products sold at Market must have been maintained continuously at a temperature of 41 degrees Fahrenheit or less from the time it is obtained from the animal through the time it is sold at Market. If vendor intends to sell self-processed dairy products, he or she must obtain and provide the BWFM with a copy of a current Indiana State Board of Animal Health Dairy Division permit to operate as a manufactured grade milk processor.

PREPARED FOOD VENDORS

A vendor is classified a "Prepared Food Vendor" if a majority of their market sales are generated by prepared foods (or value-added foods that do not meet the 50% on-farm threshold) made by the vendor.

All products sold by Prepared Food Vendors must be made by the vendor from scratch. Priority is given to producers who are using local sources for ingredients whenever possible. Sourcing from

local producers, including other BWFM vendors is strongly encouraged. The BWFM is available to assist vendors in finding more local sources for their products.

Products should reflect and educate customers on seasonal availability. BWFM seeks producers of high quality products that are unique, artisan (handmade), and use traditional skills and production methods.

All products must comply with all applicable local, state, and federal health and safety regulations that govern the sampling, production, labeling, or safety of any product a vendor offers for sale at the market. A copy of their commercial kitchen certificate or other required licensure must be available each week for inspection by the Monroe County Health Department.

EXOTIC FOOD VENDORS

An “Exotic Food Vendor” sells food raised, produced, wildcrafted, or caught outside of Indiana. Exotic foods must be raised, produced, wildcrafted, or caught by the vendor. An additional fee of 5% of gross sales applies to exotic foods, to be paid monthly to the Market Master by the 15th of the month following the month of sales.

OTHER VENDORS

A vendor is defined as “Other” who sells soap, crafts, pet foods, or items appropriate to the mission of the market and does not meet the requirement to sell these items as a Farmer.

Soap, crafts, and pet food must be made in Indiana by the vendor and preference in selection will be given to those using locally raised ingredients.

Crafts are non-food handmade items comprised of agricultural products purchased, collected, or wildcrafted by the vendor. Crafts must be assembled/constructed by the vendor. Only nonessential portions of the Craft may be exempt from the requirement that it be comprised of agricultural products purchased, collected, or wildcrafted by the vendor (e.g. binding, shellac, minimal wreath frames). Crafts must be original and handcrafted by the vendor. Crafts must be safe, have a reasonable life expectancy, and exhibit quality craftsmanship. Crafts may NOT be made from commercial kits or contain a commercially made piece central to the design.

Pet Foods are food products intended for consumption by pets and not by humans. Pet Foods must be clearly labeled as such. Each vendor must submit a Commercial Feed License from the Office of the Indiana State Chemist in order to sell pet food.

GOOD CONDUCT POLICY

All vendors are expected to act in a courteous and respectful manner to all customers, vendors, volunteers, community members, and Market Management. Support of other vendors, including

assistance during setup and teardown, is encouraged. Inappropriate conduct, language, or threats towards other vendors, customers, or BWFM Market Master, whether in person or by electronic media, will not be tolerated and may be grounds for immediate dismissal from the Market.

Each vendor must leave the selling area clean and in orderly condition. All refuse and unsold goods must be removed from the Market area by the vendor. Vendors may be assessed a fee for cleanup if the Market has to further clean or professionally clean a selling space. Vendors are responsible for disposing their waste in available trash cans.

NON-DISCRIMINATION POLICY

Members of The Bloomington Winter Farmers' Market Board, market employees, and persons selling at the market or participating in Market functions, whether dealing with members of the public, customers, or with other market members, shall not discriminate against any individual in regard to selling of products, hiring, promotion, discipline, or other matters, based on age, sex, race, religion, color, national origin, sexual orientation, political beliefs, the presence of any physical, mental or sensory disability, or any other status or condition protected by federal or state law. The BWFM selection committee follows these principles in vendor selection.

HARASSMENT POLICY

Vendors and staff will be afforded a work environment free from harassment, threats and intimidation. Therefore:

- The Market complies with the spirit and intent of federal equal employment opportunity laws and rules.
- All vendors and staff shall project the necessary attitudes and behaviors to ensure that harassment does not occur. Customers or the public harassing Market vendors, market staff or other customers will be asked to leave market and police will be called if they refuse.
- Vendors observing or having knowledge of incidents or practices within the Market which are deemed harassment as defined in federal equal employment opportunity laws and rules shall report their observations to the Market Master, or designated person in charge, or file a grievance with the Board of Directors of the Market.
- The Market will not tolerate instances in which a vendor or staff is retaliated upon in any way for complaining of harassment. Confidentiality will be maintained whenever possible.

SEXUAL HARASSMENT POLICY

Sexual harassment is a practice that violates both federal equal employment opportunity laws and the principles of the Market. It will not be tolerated under any circumstances by any participant of the Market. Violators of this policy are subject to disciplinary action by the Market Board.

The following acts are considered sexual harassment:

- Promise of employment or continued employment made implicitly or explicitly predicated on sexual activity as a condition for employment.
- Implicit or explicit coercive sexual behavior to control, influence, or affect any employee, contractor, customer, potential customer, or vendor.
- Deliberate or unsolicited verbal comments, gestures, or physical contacts of a sexual nature which are unwelcome or interfere with work performance or create an intimidating, hostile, or offensive work environment. Sexual harassment exists when these behaviors occur and are unwelcome.

FOUL LANGUAGE POLICY

Foul language will not be tolerated at the Market from vendors, market staff, customers, or other members of the public.

Violators of the above policies regarding non-discrimination, harassment, sexual harassment, and foul language are subject to disciplinary action: for Board members this includes dismissal from the board and all other Market responsibilities; for Market staff this includes immediate termination of contract; for Market vendors violation may result in eviction from the Market with no refund of fees or rents paid; customers and other members of the public attending Market will be asked to leave market and police called if they refuse.

ATTENDANCE

Vendors must arrive in the market building by 8:30 am on the morning of Market, or their space may be given to other vendors seeking an additional space. Vendors must stay for the duration of Market and may not take down their tables until the time the Market closes. If a vendor will not be able to arrive by 8:30 due to weather or extenuating circumstances, he/she must call the Market Master.

Vendors must cancel with the Market Master at least 48 hours in advance if they will miss a Market they are scheduled to attend. No refunds will be given for missed Markets. A vendor who repeatedly fails to attend the markets for which they have contracted, repeatedly fails to notify the Market Master of delays and cancellations, or repeatedly arrives late may forfeit the rest of the season's reservation and may forfeit contract acceptance the following season, at the discretion of the of the Board of Directors.

GRIEVANCES

The BWFM is committed to making the Market a positive experience for both vendors and customers. If a vendor or a customer has a complaint about some aspect of the BWFM, they should bring their complaint first to the Market Master, preferably in writing. If the Market Master cannot resolve it, the person with the complaint and Market Master can work first with the Market Manager and, if needed, with the Executive Committee of the Board to resolve the complaint. The Board of Directors is the final arbiter for resolution of any complaints.

VENDOR SELECTION PROCESS

Since a successful market encourages a strong customer base through diversity and quality of products available at the Market as a whole, vendors will be selected (and urged to apply) according to the following criteria.

1. Seniority
2. Quality of Product
3. Sustainability of Production
4. Diversity of offerings for the Market as a whole

Because of our relatively limited space in our current venue both for vendors and for customers, product listings on the application will be evaluated to determine whether the market can support additional supply without threatening the livelihood of established vendors. We encourage new applicants to be creative and to focus on products not already in abundance in the market.

In cases when the market needs a product to enhance diversity or when a new vendor is needed to fill an unreserved spot, the board may permit the selection committee to admit a new vendor applicant with restriction of products (Limited Product Producers, LPP). LPPs will sign an addendum to the initial application to outline the restrictions.

5. We will strive to maintain a minimum of 65% Farmer vendors at each market. The selection committee will work with the Market Master to maintain this ratio.

A vendor is not guaranteed a booth space if the application, contract, payment, or accompanying materials are late. The selection committee's decisions may be appealed to the BWFM Board of Directors, which is the final arbiter of who may vend at the Market.

SENIORITY/POINT SYSTEM

A point system is used to reward vendors who have participated in the Market the longest and most consistently. The system is based on the number of seasons of participation and the number of days in attendance. The same system is used for all four categories of vendors at the BWFM, although the prepared food vendors have separate criteria for contract acceptance and booth assignment. Each

market day vendors must stay for the duration of market and not take down their tables until Market closes to be eligible to earn points.

Points are earned and controlled by the primary vendor. Market attendance points are calculated as follows:

1. 1.5 points per season for vending during a given season will be awarded to vendors who have participated in the Market in any of the three “recent seasons” (either the current season and the two prior seasons if Market is underway, or the three previous seasons if the Market has not yet opened for the year).
2. Also, vendors who participated in the Market during any of the three “recent seasons” will receive 0.2 points for each day the vendor sold during those seasons. The maximum number of points will vary from year to year based on how many markets are in the season. A total of 3.6 points can be earned during the 2018-2019 season. These day points added to the 1.5 points, explained above, result in a total of 5.1 points for the 2018-2019 season. The Board will inspect and approve the Market Master’s report on vendor attendance at the end of the season each year.
3. Additionally, for Market seasons beginning in 2004 up to the “recent seasons,” a vendor receives one point for each season she/he sold at Market.

The primary vendor has the discretion to "donate" points to additional vendors for the years they were on his/her contract. If the contracted vendor develops a spin-off vendor, assignment of points is still controlled by the primary vendor. Children that were listed as vendors on the contract automatically qualify for accumulated points of a parent. Vendors who have skipped more than five seasons will lose all points.

If a vendor's business changes ownership, the new owner does not inherit the points accumulated in the past.

VENDING SPACE ASSIGNMENT

Vending spaces will be selected by vendors based on seniority at the mandatory meeting/space reservation meeting in November. Vendors not present at this meeting will be assigned vending spaces by the Market Master using his/her best judgment, and taking into account as necessary factors including, but not limited to, vendor needs such as electricity or handicap- accessibility, physical distribution of products throughout the Market, and the visual esthetic of the Market.

All vendors accepted to the BWFM have the opportunity to apply for a second booth space if desired. At the beginning of the season spaces not filled at any given market will be available for second booth space reservation (a separate process applies for incidental day openings of already reserved spaces). The cost will be the same as the daily booth space fee. Vendors requesting a second booth space for all or individual markets will need to apply for those markets within one week of notification of

availability. Vendors with the most points will be given priority for booth space availability; second spaces will be assigned based on seniority. Vendors assigned a first space will not be moved to accommodate the purchase of a second space (e.g. to allow purchaser's booths to be side by side). The vendor is responsible for finding someone to man a second booth. Exceptions will not be made.

SPACE ASSIGNMENT THE DAY OF MARKET

The Market Master will have a chalkboard for vendors seeking an additional booth space to sign each morning of Market. In the event that there is an empty vending space available at the Market the day of Market, the Market Master will offer the empty spots as second booth spots to the vendors signed on the chalkboard, on a first come, first served basis. These additional spaces will be sold at the same rate as the vendor's assigned booth space.

POLICY VIOLATIONS

These policies may be made more specific in the future as need requires. One of our main goals is to have a framework in place so that the Market Master can take immediate action when necessary and then refer larger issues to the BWFM Board of Directors for further deliberation. Violation of any policy of the Market may result in any of the following consequences: warning, being asked to remove a product of concern, being asked to leave for the current Market day, being asked not to vend for the remainder of the Market season or being forbidden from returning to Market in all future seasons.

TABLING

All nonprofits that abide by the rules set forth in the document "BWFM Tabling Guidelines" are welcome to table at the Market. Nonprofit shall mean any group not engaged in for-profit enterprise. 501(c)3 tax exemption or other like statuses are not required. Any group falsely representing themselves as a nonprofit may be permanently banned from tabling at the Market. For-profit entities wishing to offer or publicize an event or service of great value to the public good without any direct or indirect solicitation of funds may request an exception to this policy.

The Market Master will assign spaces for organizations tabling at the Market. The organization may display materials, set up a donation jar, and talk with customers at this location only. The organization may not ask customers for donations, or engage customers anywhere in the market other than the space assigned by the Market Master.

There is a \$6/week fee for tabling. This should be paid to the Market Master on Market day.