

Eureka Springs Farmers Market Regulations

Revision: October 2017

MISSION STATEMENT

“The Eureka Springs Farmers Market’s primary mission is to provide local farm and cottage industry products of the highest quality to our community.”

Through its on-going yearlong activities, the Market intends to:

- Guarantee year-round access to locally grown, raised and produced foods and crafts.
- Uphold high standards of quality and health in all steps involved in growing, raising, producing and selling foods.
- Inform and educate our patrons and community about important food-related issues including food origin, food production, nutrition and health.
- Inform and educate our patrons and community about the economic importance of locally sourced products.
- Entertain and provide a place for people to relax and visit with others.
- Maintain market management independence from outside interests: persons, businesses, government or otherwise.
- Maintain a market environment welcoming to persons of all walks of life, regardless of race, political beliefs, religion, or sexual orientation.

ORGANIZATION

Location, dates

The Eureka Springs Farmers Market (the Market) was established in February 2004. The Market is presently located at 44 Kings Highway, Eureka Springs, AR. The Market takes place weekly on Tuesdays, Thursdays, and Saturdays (8 am to 1 pm) from April to November. Winter Market takes place Thursdays from 9 am to 12 pm during the winter months. Exact dates are established yearly by the newly elected board. Members are expected to arrive for set up at least ½ hour prior to beginning of

market.

Membership

Membership is restricted to local producers of farm products, cottage industry items, or crafts.

Membership in the Market is open to permanent residents of Carroll County and counties of any state that are not more than 2 counties away from Carroll. These eligible counties are: Madison, Franklin, Johnson, Newton, Boone, Searcy, Marion, Washington, Crawford, and Benton in Arkansas and McDonald, Barry, Lawrence, Stone, Taney, and Christian in Missouri.

One Membership includes all persons living on a farm or at a local cottage industry business, including family and employees. Only Members shall be permitted to sell products at the Market, except that a Member may employ a representative to sell at the Market provided that the representative is adequately trained to represent and handle the items sold. However, to remain in good standing, the member that employs a representative must attend a minimum of one full market per month.

Initial Market Membership must be approved by the Board of Directors (the Board). The Board shall endeavor to approve or deny membership within 2 weeks of application.

Members must attend at least twenty five markets in a season to hold active Member status the following year. If a Member attends less than 25 markets, Membership renewal needs to be re-approved by the Board. Failure to attend the minimum number of markets will result in loss of ranking for space assignment.

Market Board (“The Board”)

The Board shall consist of 5-9 directors to serve a one-year term. Up to 6 board directors, but not less than 4, shall be elected by the active Market Membership at the year-end Membership meeting from the pool of Members in good standing (i.e. who attended at least 25 markets the past season). Up to 3 additional board directors, but not less than 1, from the “community at large” shall be voted in by a majority of the newly elected board.

The Board, with input from the active Members and the Market Manager, shall (1) set the Market fiscal and marketing strategy, (2) hire the Market Manager, (3) establish and review rules and regulations for the operation of an organized, profitable and quality Market, (4) approve or deny new member applications to the market, and (5) hold monthly meetings.

All applications will be reviewed by the Board based on its individual merits, existing amount of similar products at the market, and strategy based on needs of the Market, its members, and community.

The Board shall make decisions at scheduled meetings which all Board members will be apprised of, except in the case of an emergency. In the event an unscheduled “emergency” meeting is necessary, an effort shall be made to reach all Board members for their opinion and vote.

Market Manager

A Market Manager or several co-managers (The Manager) shall be appointed by the Board for one year. The Manager, if a Member, shall be subject to all dues, commissions, and rules and regulations to which Market Members are subject, unless otherwise determined by the Board.

RULES AND REGULATIONS

Assignment of Market Spaces

A Member will not be assigned a Market space during the Member's first season with the Market. Except as otherwise provided herein, Market spaces will be determined on a point system, with points accruing to the Member's credit for the following:

- 25 points for each contiguous year of past Membership including last.
- 10 points for each Market attended in the last Market season.
- 1 point for each dollar of commission paid by the Member in the last Market season.

The Member accruing the highest number of points from the previous season will have first choice of Market space for the next Market season, and so on, to the Member accruing the least number of points.

Fees and Commission

Each Member shall pay a fee of \$50.00 per year for Membership in the Market, due and payable on the first Market attended. In addition, each Member shall pay a sum equal to 7% of gross sales revenues earned at each Market attended, payable at the end of each Market. The funds collected will be used by the Market for promotional and operational expenses. New Members will be assessed a one-time charge of \$20.00, plus \$0.30/mile for any round-trip over 30 miles, for a visit by the Market Manager or other designated person to their place of production.

Products

The following products may be sold at the Market:

- Produce (e.g. vegetables, fruit, meats, honey, molasses, eggs, and similar products)
- Cut Flowers
- Plants
- Value-Added Products (e.g. processed food and other similar items)
- Crafts
- Other items specifically approved by the Board on a case by case basis

Produce, Flowers & Plants

Application may be for one or more categories. Members may sell only those products for which their application has been approved. All products sold, unless specifically approved by a vote of the Board, must be locally produced by the Member and produced in accordance with the regulations of the Arkansas Department of Health, to the extent such products are subject to regulation. Applications are reviewed by Board members with a majority vote needed to grant Membership. Members are advised to apply ahead of their season.

Value-Added Products (VAPs)

Members cannot sell their VAP prior to Board approval. All VAPs approved by the Board for sale at the Market shall be subject to all applicable federal, state or local regulations governing the processing and labeling of processed foods.

Bakery products, candy, fruit butter, jams, jellies, and similar products specified in Arkansas State Law, Act 72 of 2011, and adopted by the Health Department, do not require permits from the Arkansas Health Department. Any member producing such items shall have a copy of and be familiar with the limitations of this statute. Such products shall be labeled (without nutritional claims) to include: name and address of business, name of product, ingredients, and the following statement in 10 point type: "This Product is Home-Produced". If, in the opinion of the board or market manager, a member's product does not fall within Act 72 of 2011, responsibility to prove compliance by documents from the applicable regulatory agency shall rest upon the member.

All other processed foods shall be produced and handled in compliance with all applicable State and Local Law or Health Codes. Members are required to provide proof in the form of applicable licenses or permits to the Board prior to sale of any such products at market.

For a VAP to be considered, the member's labor or creative effort must compose a majority of the value of the final product. The Market Manager may require the immediate removal of any item that has not been properly submitted and approved.

Crafts

Only originally handcrafted finished items shall be displayed and offered for sale at the Market. For a Craft to be considered, the Member's labor content must compose a majority of the value of the final product. All Craft applications will be handled in the same way described above for VAPs.

Resale of Products

As the mission of the Eureka Springs Farmers Market is to promote the sale of local farm or cottage industry products by their producers, resale of any kind is not permitted at the Market unless specifically approved by the Board on a case by case basis.

- The Board shall consider if the proposed product is appropriate to the theme of the market and if the product is clearly of benefit to the market and community as a whole.
- The Board shall not approve any product that competes with a product grown or produced by a member. If the product in question is not currently available at market, the Board shall assure that no member shall have the product in the near future prior to approving any resale item.
- Agricultural products shall be sourced from the local area as defined in the Membership section above.
- Sale of approved products shall be subject to all rules, regulations, and market fees. Note that the exemption from sales tax for farmers markets may not apply to such items.
- The product must be conspicuously labeled as resale, with a description of origin.

Member Parking and Use of the Market Place

Members may conduct business during established Market hours on the allotted parking area including set-up and wrap-up time, and not on any other day unless elected by the Board with approval of the Community Center Board.

Each Member shall be required to leave his/her Market area in good condition, free from trash and debris.

Members shall park their vehicles in the general way decided by the Manager. A Member who has been assigned a place to set up that does not have a parking place must unload the vehicle and then park it elsewhere. No vehicle shall be parked within 15 feet of any fireplug, or extend into the street, potentially obstructing automobile traffic. No Member shall obstruct pedestrian traffic on the sidewalks. No Member is allowed to park in a space other than his/her own unless allowed to do so by the Manager. Failure of a Member to cooperate with the Manager may result in dismissal from that Market day with an automatic disciplinary review by the Board.

Canopies & Umbrellas

Canopies must be under control by the vendor at all times while set up at the farmers market. All canopies must be tied down by weights of at least 20 lbs. at each leg of said canopy and or secured to their vehicle.

Canopies will be checked by the market manager. Vendors that do not have their canopies secured in the stated above manner will be asked to remove their canopies.

Umbrellas must be under control by the vendor at all times while set up at the farmers market. Umbrellas must be secured by a weight of at least 40 lbs. and or secured to their vehicle.

Umbrellas will be checked by the market manager. Vendors that do not have their umbrellas secured in the stated above manner will be asked to remove their umbrellas.

Miscellaneous

The Market allows items to be donated to the Market under the following circumstances, with approval by the Manager:

- Any proceeds benefit the Market;
- Product meets all other regulations;
- Product is offered at manager's table only.

Farm animals that are less than 10 pounds and bred and/or raised by a Member, can be brought to market for sale or show, weather permitting. They must be kept shaded and clean with access to water. The area used for the animals must be cleaned before leaving market. Farm animals do not include pet animals (dogs, except for farm breeds, cats, mice, etc). Members must give the Manager a one-week notice before bringing the animals for the first time.

Quality and cleanliness are important to a successful Market. Make sure your products are clean and of top quality.

As representatives of the Market, dress accordingly. Please be sure your appearance is neat.

All products sold shall be priced clearly at the start of each Market day.

The market membership must comply with city, state, federal, public health, and plant regulations.

Smoking is not permitted within the market perimeter. If you need to smoke, please step in front of your car or head to the designated smoking area. The Manager will be happy to watch your booth while you take this break. Cigarette butts shall not be thrown on the ground, but placed in a trash or butt receptacle or pocket.

All vendors must comply with a generally accepted code of conduct as they relate to patrons, to the

Manager and to each other. Any behavior deemed inappropriate by the Manager will be treated like a violation of market regulations.

Members may sell by volume or by weight. Members who sell by weight need to post an “approximate weight” sign on their scale unless the scale in use is certified by the State of Arkansas.

Members should start each Market day with at least \$50.00 in change.

Members shall not bring their pets to the Market and customers must have their pets on a leash.

Each Member is responsible for keeping their immediate area clean throughout the Market. Vegetable and plant refuse should be picked up promptly. Discarded vegetables, fruit or melon rinds are not to be placed in the trash barrels or left on the ground.

Members may represent items approved by the Board that cannot be sold at Market because of regulations (Ex: large animals) or for practical purpose (Ex: trees) by way of visual media (picture, poster, tablet, smart phone). Commissions are applicable on such sales.

Enforcement of Regulations

Any member knowingly violating any local, state, or federal laws or regulations constitutes a threat to the continued operation of the market. Such a violation may, at the discretion of the board or Market Manager, result in immediate dismissal of a member from the market.

The Market Manager, as agent of the Board, is granted considerable discretion. Failure to cooperate and comply with the directions of the Manager shall constitute a violation of market regulations. If a Member feels the Manager is abusing their authority, the Member may appeal to the Board.

The following actions will be taken upon violation of market regulation(s):

1st offense: verbal warning from Manager.

2nd offense: written notification (last warning) from Manager, with Board approval. Market Manager and one Board Member will present Member with the last warning notification. Member will be expected to sign warning as acknowledgment of receipt.

3rd offense: written notification of dismissal from Market from Manager, with Board approval.

The board may, at their discretion and by majority vote, dismiss any member with a history of multiple violations of market regulations, even if the particular offenses are of differing regulations.