

DAMASCUS FARMERS MARKET

VENDOR GUIDE

2017 SEASON

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The Market intends to operate wholly within any and all pertinent federal, state, county and local regulations. If any part of this guide runs contrary to such regulations, the regulations take precedence.

The Organization

The Market operates as a Community Organization, in close partnership with Lewis and Clark Montessori Charter School, a 501(c)(3) non-profit corporation, who acts as the Market's Fiscal Sponsor. The Market's governing body is a group of local citizens. Under the Market Committee's direction, the Market Manager runs the Market including overseeing set up and take down, deciding which vendor applications to approve and what products can be sold, assigning booth spaces, collecting fees, resolving disputes, enforcing the rules and assessing penalties for violation of the rules. The Market Manager's decisions will be fairly made within the confines of these guidelines set forth by the Market Committee.

The Market

The Market is established primarily to supply local farmers with an outlet to sell the food they raise directly to consumers, benefiting the profitability of the farms and encouraging more farming in the area. In addition, it can broaden the marketing opportunities for local producers of other goods such as prepared foods, nursery plants and value-added farm products by permitting them to vend at the Market as space and "market mix" allow.

Hours of operation for the year 2017 are 3 PM to 7 PM every Thursday starting tentatively with May 25 and ending September 28.

The Market maintains a liability insurance policy covering the Market in general. Vendors may need to provide their own insurance covering them at the Market.

Application & Booth Info

The annual application fee is \$35 which is refundable if the vendor is not accepted into the Market. Application forms are available on the Market's website.

The cost of a 10 ft. x 10 ft. stall is \$20 which is due and collected before the end of each market day. Vendors needing additional booth space may need to pay for a second space at the regular fee.

Payments of application and booth fees may be made in cash or by check payable to the Damascus Farmers Market. The applicant is obligated to pay any bank fees incurred by the Market due to insufficient funds or stop payment orders.

Before participating in the Market each year, previous and potential vendors are required to complete an application listing all products intended to be sold and pay the application fee. Proof of liability insurance, if required, and all required licenses and certificates must accompany the application. See specific directions on the application form.

The Market is limited to vendors from Oregon and Washington. The applicant/vendor must be the producer of the products to be sold with the exception, under certain circumstances, of limited quantities of items from producers who are personally known to the vendor.

No middleman is allowed between the vendor and producer. All items from a secondary producer must be listed on the vendor's application and be pre-approved by the Market Manager. A copy of the secondary producer's license, if applicable, may be required.

For acceptance into the Market, the applicant's products may be subjected to evaluation by the Market Manager or designee and this process may include inspection of the applicant's operations, inquiring with regulatory agencies and prearranged on farm visits during the market season.

Acceptance into the Market is also dependent upon available space and the comparative amounts of products in the various categories ("market mix") to provide the best market experience for vendors and customers in the judgment of the Market Manager.

Vendors will not be allowed to set up at the Market until they have received their notice of acceptance.

Agreement

Submission of an application implies the applicant's acceptance of the following agreement:

The Damascus Farmers Market is based on trust, honesty and cooperation. In order that these attributes are not taken advantage of and to help ensure a safe and orderly market, certain rules have to be made which are spelled out in this guide. Willful violation of these rules can result in warnings, fines, suspension or expulsion at the discretion of the Market Manager.

Upon being allowed to vend at the Market, the applicant agrees to exercise the utmost care in the use of facilities and properties associated with the operation of the Market and of adjacent areas.

Additionally, the applicant agrees to indemnify and hold harmless the Market and the Market Manager; Lewis and Clark Montessori Charter School (LCMCS) and its officers, agents and volunteers including the LCMCS' board of directors and the LCMCS' Market Committee; and the market property owners from any and all claims including claims arising by reason of accident, injury or death caused to persons or property of any kind, and from any and all actions, judgments, losses, costs (including attorney fees) and damages whatsoever, arising out of, in connection with, or incident to, the Damascus Farmers Market.

And, all authorized vendors participating in the Market shall be individually responsible to the Market and LCMCS 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 the vendor's employees or volunteers.

Definitions

ODA stands for Oregon Department of Agriculture.

AGRICULTURAL PRODUCER (as defined by the ODA) means a person, including family members and employees, who grows, raises, and harvests agricultural products to the point at which the products are ready for sale.

COMMINGLED means that the agricultural products of more than one agricultural producer have been mixed, pooled or otherwise combined prior to the sale of the products.

PROCESSED FOODS (per the ODA)

Food processing includes: cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, freezing, or otherwise manufacturing a food or changing the physical characteristics of a food. Food processing also means the packaging, canning, or otherwise enclosing of such food in a container, but does not mean the sorting, cleaning, or water-rinsing of a food.

VENDOR SENIORITY is based upon continuous years as a vendor at the Market. The seniority system is only used in assigning market spaces.

Market Operation Rules

INSURANCE Vendors may be required to have and maintain general and product liability insurance for at least \$1,000,000 covering their selling at the market.

SELLERS Only the applicant/vendor and persons directly associated with the applicant/vendor (employees, relatives or volunteers) can sell at the vendor's booth. The Market Operation Rules apply to vendors and their sellers.

EQUIPMENT Vendors have to supply their own canopies, tables, chairs, etc. Vendors are responsible for setting up and securing their equipment properly to protect and prevent injury to people and belongings.

All canopies must be secured at each corner with enough weight to prevent it from moving regardless of the weather and this is a requirement for every market day since wind gusts can unexpectedly occur at any time. During normal windy days, experience has shown that at least 20 lbs. per corner is required for a 10 ft. x 10 ft. canopy.

All tables must be sturdy, stable and capable of fully supporting whatever weight is placed on them without danger of collapsing if bumped.

SET UP/TAKE DOWN AND VEHICLE USE The Market Manager will be on site by 1:30 PM. Vendors cannot begin setting up until the Manager has arrived.

All vendor vehicles must be out of the market area by 2:45 PM. Vendors arriving after this time may be assigned a booth site on the outer areas of the market. This assignment will be at the direction of the Market Manager. Booths need to be completely set up by 2:45 for the 3 PM open.

All vendors are required to stay at the market until the market closes at 7 PM; this includes vendors that sell out prior to closing. Vendors can enter the general market area with their vehicles after market close if their site is broken down to the point of being ready to load. The Market Manager is responsible for handling any exceptions.

Vendors must vacate the market premises no later than 7:45 PM.

No selling prior to the market open or after the close due to safety concerns.

VENDOR CONDUCT While vendors occupy the premises of the market they are expected to conduct themselves in a professional manner at all times. To maintain a positive atmosphere, vendors should bring concerns about the market to the Manager, NOT to customers or other vendors.

At the Market, a vendor may not publicly disparage any person in the market nor be hazardous to others, their products or property. The Market Manager or a Market Sub-committee member can request the vendor to immediately stop such conduct. If the vendor does not conform to this request, he/she will be asked to leave the market immediately. Further action can be considered by the Market Manager or Market Sub-committee.

No smoking within the market area nor where the smoke may drift into the market.

No playing of radios or CDs.

No aggressive selling techniques such as hawking one's wares or calling out to shoppers. Vendors are required to stay within their allotted stall space while selling.

Sellers must be knowledgeable about their products and answer openly and truthfully all customer questions regarding their products and methods of production.

Applicant/vendors are responsible for the actions of their employees, family members and volunteers.

SPACE ASSIGNMENT is the responsibility of the Market Manager and is normally done by seniority, product type, and then first request. However, the Market Manager may override seniority if required by overall management needs of the Market. A vendor's seniority cannot be used to displace another vendor of lesser seniority when the Market is being set up on market day. When settling onsite disputes, the Market asks for cooperation and compromise. Vendors must sell within the assigned space.

STALL UPKEEP All vendors are responsible for keeping their stall areas clean during market hours and disposing of debris before they leave. Vendors whose product sales generate waste are required to provide receptacles for litter at their stalls.

BOOTH SIGNAGE Each vendor must post a large sign identifying the name and location of their farm or business. Products from secondary producers have to be clearly displayed with the producer's name and location and may not be represented as the vendor's own products.

VENDOR ATTENDANCE Vendors indicate on their application which market days they plan to attend. If a vendor will not be able to be at the Market on a scheduled day, he/she must give the Market Manager at least 24 hour notice.

A vendor wishing to secure a space for a particular market day, may pay the \$20 fee at least one week in advance. In the event the vendor is not able to attend on the reserved day, the prepaid fee will carry over to the next market day providing the vendor notifies the Market Manager at least 24 hours before the opening of the market day to be missed. Less than 24 hours notice will result in forfeiture of the prepaid fee. Exceptions to this policy will be at the market manager's discretion.

Adverse weather and emergencies will be dealt with on an individual basis.

PRODUCT PRICING All vendor prices must be clearly marked and meet ODA rules and requirements for weight and packaging. Collusion and deceptive pricing practices are strictly prohibited. Vendors are not allowed to pressure, harass, or bully other vendors regarding the pricing of their products.

PARKING POLICY Vendors will be required to park in designated areas.

ONSITE FACILITIES Restrooms, hand washing facilities and garbage cans will be provided for vendors and customers.

LEFTOVER PRODUCE At market close, all unsold produce must be removed by the vendor from the market site including adjoining areas or donated to an onsite food bank when available.

CUSTOMER AND/OR VENDOR COMPLAINTS about a vendor will be forwarded to the vendor and kept on file each season. Complaints may result in removal from the market.

DISPUTES Any disputes between a vendor and the Market Manager will be resolved by the Market committee.

ON-THE-SPOT VENDOR CHECKS The Market Manager will periodically conduct quick assessments of vendors' compliance with important rules and regulations.

HANDWASHING Sellers serving or handling prepared food or setting out food samples must have and use a wash station within their booth. Refer to the ODA's food safety guidelines for further requirements--see the link below under "ODA Guidelines" in the Additional Information section.

SAFETY Any safety issues should be directed to the immediate attention of the Market Manager.

SCALES Vendors selling products by weight are required to obtain an annual scale license for each scale in use from the ODA's Measurement Standards Division.

REGULATORY COMPLIANCE All products offered for sale at the market must comply with all state, federal and local regulations governing their weighing, packaging, display and labeling. It is the responsibility of the vendor to seek out information on all applicable product and production regulations and remain in compliance with all licenses and declared certifications. At the direction of the Market committee, all legal requirements will be strictly enforced by the Market Manager. When available, current listings by regulatory agencies will be used to determine a vendor's legality--this includes Nursery, Processing, Certified kitchens, Scales, Organic status, etc. State Inspectors may visit the market at any time and enforce regulations.

Eligible Market Products

The booth space fee per market day entitles a vendor to sell from any of the below listed categories of products but only items listed and approved on the vendor's application may be sold. If an accepted vendor wants to sell an item **not** previously listed on the original application, the vendor must get preauthorization in writing from the Market Manager before the new item may be sold.

All products have to be grown, raised, produced or collected in Oregon or Washington according to the Product Guidelines contained below, be of good quality and be in compliance with any applicable regulations pertaining to their production and sale.

The applicant/vendor must be the producer of the products to be sold with the exception, under certain circumstances, of limited quantities from producers who are personally known to the vendor. Vendor needs to be acquainted with the secondary producer's methods and be able to answer customer questions such as use of pesticides. Products from secondary producers have to be clearly displayed with the producer's name and location and may not be represented as the vendor's own products.

Any products labeled "organic" must be produced under an organic certification program. A copy of such certification needs to be presented to the Market Manager prior to sale of such items and be posted in the booth.

Products allowed to be sold at the Market include:

Organic and conventionally grown produce (fruits, vegetables and herbs), nuts, grains, legumes, seeds, mushrooms, dried fruits/vegetables/herbs, eggs, honey, processed foods such as jams, sauces and pickles, meat, fish, poultry, baked goods, cheese, cider, prepared packaged food, ready-to-eat foods, nursery plants, cut flowers, non-food value-added farm products (such as soap, wool and wreaths) and hand-made arts and crafts.

Inquiries about products not listed above may be submitted via the Contact Us link on the Market's website.

Product Guidelines

Organic and conventionally grown produce (fruits, vegetables, edible flowers and herbs)

Vendors are required to be the person primarily responsible for the growing, raising and harvesting of their produce on land they own/lease/rent. Limited amounts of produce from farmers personally known to the vendor may be sold but must be displayed separately and clearly labeled with the producer's name and location to maintain traceability. The secondary farmers' produce may only be sold on consignment--meaning the vendor does **not** pay the secondary farmer prior to the item's sale to the consumer. (Refer to the ODA's guidelines on consignment selling--see link below under "Consignment Selling" in the Additional Information section.)

Produce has to be of high quality, displayed in a clean marketable fashion and honestly represented.

Certified organic produce vendors will not be considered with traditional produce vendors when evaluating the number of vendors selling similar products.

Nuts

Nuts have to be grown, harvested and cured/dried (if part of routine post-harvest handling) by the vendor. If nuts are cracked or shelled, it must be done by the vendor or by a licensed facility. Limited amounts of in-shell, uncracked nuts from farmers personally known to the vendor may be sold on consignment but must be displayed separately and clearly labeled with the producer's name and location. (Refer to the ODA's guidelines on consignment selling--see link below under "Consignment Selling" in the Additional Information section.)

Grains, legumes and seeds

Products include whole, hulled, crushed or ground grains, legumes and seeds, plus parched or roasted grains--if of a type customarily cooked before consumption. Must be vendor-grown ONLY (per ODA rules for unlicensed farmer-vendors) and processed by the vendor or by a licensed facility.

State and federal labeling laws require that the information on the label includes: a list of ingredients, net weight, and the name and address of the agricultural producer. If the vendor's facility is unlicensed, new (2012) ODA regulations require additional labeling stating: "This product is not prepared in an inspected food establishment," and "Not For Resale."

Dried fruits/vegetables/herbs

The fruits, vegetables and/or herbs need to be grown, harvested and dried by the vendor. The product must be labeled with a list of ingredients, net weight and the vendor's name and address.

No reselling or commingling.

Eggs

Eggs, in clean, labeled containers, are required to be held in coolers. Vendor must own the chickens that produce the eggs--no reselling or commingling is allowed. If the vendor does not have an egg-handler's license, new (2012) ODA regulations require labeling on each carton that states: "This product is not prepared in an inspected food establishment," and "Not For Resale."

Honey

Vendors can sell self-extracted honey from vendor-owned hives. No reselling or commingling is allowed. State and federal labeling laws require that the information on the label includes: a list of ingredients, net weight, and the name and address of the agricultural producer.

The Farm Direct Marketing Rules allow the sale of farm-produced honey. However, the following rules apply to honey producers:

Producers selling only to retail customers (end users) do not need a Food Safety Division license, regardless of the number of hives owned.

If a honey producer has more than 20 hives, then all honey must bear a label that states: "This product is not prepared in an inspected food establishment," and "Not For Resale."

Honey producers still need an apiary registration with the Commodity Inspection Division of ODA if they own five or more hives.

Producers who have more than 20 hives and are wholesaling honey [in addition to farmers market sales] need a Food Safety Division license.

Other processed foods

Includes fruit syrups, jams, preserves, jellies, pickles, chutneys, relishes, salsas, meat, baked goods, cheese, cider, prepared packaged foods, frozen berries and other canned goods. All foods in this category have to be manufactured or processed in Oregon under the direction of the vendor but with no requirement of having raised any of the raw ingredients. However, priority may be given to products that contain locally grown ingredients. No reselling of another producer's products.

A Certified Kitchen License is required for any product that is cooked, baked, heated, mixed, ground, churned, separated, extracted, cut, frozen, canned, or packaged. All processed products must be made and handled in accordance with all pertinent federal, state and local regulations. All products must be safe to consume and held at appropriate temperatures at all times.

With the exception of pure meat, all products in this category must be labeled with a complete list of ingredients, net weight, and the name and address of the producer.

Meat – 100% of all meat products are required to be from animals raised from weaning by the farmer/producer, pasture-finished and fed no sub-therapeutic antibiotics nor added growth promoters of

any kind. Animals must be butchered or processed in compliance with all health ordinances and regulations.

Baked goods need to be made locally under the direction of the vendor, from scratch, from quality ingredients.

The Market Manager may, at his/her discretion, limit the number of prepared, processed or value-added food products in the Market.

Vendors who hold a current, valid ODA license for a "bricks and mortar" food establishment are not required to obtain an additional license to sell at farmers' markets as long as all food processing and preparation (including sample preparation) is done at the licensed location, not at the market.

Ready-to-eat foods

These are food and beverages intended for immediate consumption.

The Market Manager reserves the right to limit the number of food concessions at the Market at any given time. Preference will be given to food vendors selling healthy foods and drinks made using local ingredients. It may be necessary to provide sampling of the menu items.

Vendors with BBQs, cook stoves or other cooking devices must place a protective mat or flooring such as plywood or tarps under cooking unit to collect grease.

Once approved, a food vendor will be required to submit copies of the following documents before coming to Market:

- 1) One of the licenses in a) or b)
 - a) ODA license for a "bricks and mortar" food establishment if all food processing and preparation (including sample preparation) is done at the licensed location, not at the market.
 - b) Temporary Restaurant License obtained from the Clackamas County Health Department if any food (other than samples) is processed or prepared on site. Note that a separate temporary restaurant license is necessary for each farmers market that you participate in.
- 2) Food Handlers License for at least one employee who will be in the booth at all times obtained from the Health Department
- 3) Certificate of Product Liability Insurance for \$1,000,000 covering the vendor's selling at the Market.

All vendors cooking at the site must have a fire extinguisher in their booths. According to the Fire Department regulations, all vendors using deep fat fryers must have a K style extinguisher, made especially for grease fires. All other food vendors are required to have the multi-purpose 2A10BC extinguisher. This includes vendors using electric equipment such as coffee brewers, waffle irons and soup warmers.

Nursery plants

Nursery products and plants have to be propagated by the vendor from plugs, seeds, cuttings, bulbs or plant divisions and sold in standard, non-decorative nursery containers. When non-traditional containers are appropriate such as Bonsai dishes, succulent dishes, baskets or planter boxes, the value of the container may not exceed the value of the plant material.

Selling a finished product purchased from another grower is prohibited.

Nursery vendors may sell a limited number of hard items to add value to the plants such as plant stands and hangers, ornamental garden decorations, stakes or trellises. Such items must have received preauthorization from the Market Manager and be self-made or made by an artisan personally known to the vendor and clearly displayed with the producer's name and location.

Vendors who sell nursery products and plants are required by the State of Oregon to obtain a nursery license if annual sales exceed \$250.00. Contact the ODA – Plant Division. A photocopy of the vendor's nursery license is required at the time of application.

Cut flowers

Flowers must be raised by the vendor and sold in simple containers or wrappers, if any.

Non-food value-added farm products

Non-food agricultural products such as wool, goat's milk soap, lotions, wreaths and beeswax candles may be sold with preapproval from the Market Manager. The main ingredients in the category item such as the goat's milk in the soap should be sourced from a producer in Oregon or Washington. Personal care products require a complete list of ingredients on the label.

Limited amounts of agricultural products from a producer personally known to the vendor may be allowed with preapproval but must be clearly displayed with the producer's name and location.

Arts and Crafts

Items must be created by the vendor-artisan and receive approval from the Market Manager before being offered for sale. Acceptance criteria will include quality of craftsmanship, originality, artistry, and uniqueness to the Market.

Limited amounts of craft items made by an artisan personally known to the vendor may be allowed with pre-approval but must be clearly displayed with the artisan's name and location.

Additional Information

Non-Profits, Community Service Groups and Government Agencies

The Market provides stall space to non-profit (exempt) organizations as a service to the community. There will be no charge for the stall or application fee. The number of stalls available will depend on stalls not used by vendors that market day. Non-profits must follow the market rules required of all other vendors. Non-profits, in their efforts to raise donations, may not sell products normally sold by market vendors. These organizations will be asked to show their letter of determination for exemption. Non-profits need to provide an application before entering the market. Community Service Groups and Government Agencies may also be given free booth space with approval of the Market Manager as space allows. Each application will be considered upon its own merits.

Market Events

The Market periodically sponsors educational events onsite. Scheduling and location of events will be presented on the Market's website.

WIC and Senior Nutrition Programs

WIC and senior nutrition programs generally run from June through October. Participants must show their WIC ID card to participating vendors when the purchase is made. Only fresh fruits, vegetables,

and herbs can be purchased with a coupon. These programs are between the vendor and the sponsoring agency. At this time, the Market is not involved in these programs or transactions.

ODA Guidelines

The Oregon Dept. of Agriculture has developed Farmers' Market guidelines to assist in the safe and sanitary operation of the state's markets. These include information on food vendor licensing and exemption, hazardous food handling and safe sampling instructions. http://www.oregon.gov/ODA/FSD/docs/pdf/fm_info_2012.pdf

Consignment Selling

The ODA has rules governing consignment selling:

Under Farm Direct Marketing Rules, consignment means selling products for another agricultural producer who is from either the same or an adjoining county as where the seller is located.

The agricultural producer doing the selling must represent the consigned goods as property of the agricultural producer who produced them, and must ensure that the products are clearly labeled with the name, business address, and county of the agricultural producer who produced the products.

Consignment is limited to farm direct sales of: fresh fruits, vegetables and herbs, unshelled nuts, honey [only if honey is from licensed secondary honey-producer], plus items like garlic and potatoes that are cured or dried by the agricultural producer as part of routine post-harvest handling.

Eggs can only be sold under consignment if the agricultural producer selling the consigned eggs has an egg handler's license.

Farm Direct Bill

The general rule is that vendors who do not hold a current, valid ODA license to sell food at a location other than the farmers' market must obtain a license from ODA to sell at a farmers' market. The Farm Direct Bill HB 2336 passed by the 2011 Oregon Legislature, exempts from licensing, agricultural producers (farmers) selling what they grow and process directly to retail customers; however, not all foods are eligible for an exemption. Farmers may directly sell to consumers the following foods they produce without obtaining a license:

Fresh or dried fruits, vegetables and herbs

Shelled and unshelled nuts

Eggs

Honey

Grains, legumes and seeds

Acidic processed foods (such as jams and pickles) under many stipulations. For more information:

http://www.oregon.gov/ODA/FSD/Pages/faq_2336.aspx

Within these FAQs, there is a link to the [Farm Direct Marketing Rules](#) to download a PDF file thoroughly covering all ODA rules governing farmers selling direct to consumers.

ODA Food Safety Division FAQs

These cover such topics as how to start a small food-related business in Oregon, the Domestic Kitchen licensing procedure, labeling requirements for packaged foods, etc.

http://www.oregon.gov/ODA/FSD/Pages/faq_index.aspx