



CITY OF FREDERICKSBURG Farmers Market 2016 Rules and Regulations

Under the provisions of the City Code, Section 66-148, the Parks and Recreation Department is authorized and directed to administer the Farmers Market and to establish hours and rules for its operation. One or more Market Managers shall be responsible for administering the on-going operation of the market.

The following rules and regulations supersede any previously issued such criteria and shall be effective on April 1, 2016.

General Rules

The following rules apply. Failure to comply with the market rules may result suspension and/or removal from the market.

1. All vendors must have a permit in order to set up at the market any time during the year. The Farmers Market year runs from April through to the following March. Managers are present in the market area for all duties between the third Saturday in April through the end of October and intermittently at other times. Farmers and other vendors shall apply to the Farmers market at <http://www.managemymarket.com>. Additional information may be requested from one or more of the following locations:

- City of Fredericksburg, Farmers Market Website
- e-mail to marketmanager@fredericksburgva.gov
- On-site or mail request location:

Farmers Market Manager
Department of Parks, Recreation, & Public Facilities
408 Canal St.
Fredericksburg, VA, 22401

Applications shall be completed as directed on the above website. Fees, as invoiced, shall be returned to the above mail address. The following special information is required, where indicated, to be shown on the application. Copies of the special information documents do not need to be forwarded, unless requested.

2. The application includes a place to show the vendor's Sales Tax Identification Number (Show number). All Vendors are **required** to collect and remit sales tax to the Virginia Department of Taxation. Sales tax identification numbers are available from the Virginia Department of Taxation. Registration and forms are available at: <http://www.tax.virginia.gov/site.cfm?alias=RegBus>
3. The City of Fredericksburg requires all vendors to collect and remit a meal tax if selling single serving items for immediate consumption. Whole pies, cakes, and similar items do not require the collection of the meal tax. Questions about the Meals Tax should be directed to the Office of the Commissioner of the Revenue (Phone: 540-372-1004 or email: crdeputy@fredericksburgva.gov). Information about the meals tax may be located online at: <http://www.fredericksburgva.gov/index.aspx?nid=313>

4. The City of Fredericksburg requires all vendors selling baked goods to obtain a Business License with the Commissioner of the Revenue's office (Show number on the application). Questions about the Business License should be directed to the Office of the Commissioner of the Revenue (Phone: 540-372-1004 or email: crdeputy@fredericksburgva.gov). Business Licenses may be obtained at Fredericksburg City Hall, 715 Princess Anne Street, Room 102, Fredericksburg, VA 22401.
5. The designated markets will be managed by a Market Manager. The final authority for any recommendations, actions or approvals will remain the responsibility of the Director of Parks, Recreation, & Public Facilities.
 - a. The Market Manager has the authority to enforce the rules of the market, to include a recommendation of revocation of a vendor's permit with approval by the Director of Parks, Recreation, & Public Facilities.
 - b. The Market Manager is authorized to inspect and verify the operations of any vendor to ensure market rules are being followed. This would include verification of facilities where products are grown or prepared.
6. The Market Manager shall issue a vehicle parking permit to those vendors who have been granted a Farmers Market Permit and shall be parking within the Market sales area on George, Prince Edward or William Streets. This permit shall be available for review by the manager or any employee of the City of Fredericksburg whenever the vehicle is on the market premises (Street or other designated location). No vehicle shall be permitted to park within the designated Farmers Market sales area without such permit.
7. Vendors shall have available an appropriate trash receptacle at their sales site. No vendor shall place produce or other for sale items in the trash cans within or nearby the market area (Hurkamp Park and vicinity). Excess produce, other for sale items or other vendor disposables must be removed from the market area by the vendor and disposed of elsewhere. The market area shall be randomly inspected for cleanliness. Any excessive produce or trash noticed or brought to the attention of the Manager shall be reviewed as to its origin and may result in further action for a rule violation, if applicable.
8. Intermittent minstrels who wish to perform at the Farmers Market shall be limited to no more than one per day and no more than 3 hours. A permit is required to be obtained at the address shown below. Instruments shall not be amplified, unless the performer/group is invited and preapproved for a special event in connection with the Farmers Market.

Department of Parks, Recreation, & Public Facilities
408 Canal St.
Fredericksburg, VA, 22401

9. Vendors exhibiting disrespectful treatment of City of Fredericksburg staff may be asked to leave the market, be suspended for an appropriate time period and/or their vendor permit withdrawn for the remainder of the season.

Approved Products

1. Items generally acceptable for the Farmers Market shall be vendor produced and include locally derived produce and other farm related products (Eggs, honey, meats, flowers, cheese, dairy

products, etc), bakery goods, seafood and other human food type products or items personally created by the vendor from natural (plant and/or animal) materials and as authorized by the Department of Parks, Recreation, and Public Facilities (See Below). Market Managers have authority and discretion to approve or disapprove specific vendor items proposed to be offered.

- a) The sale of art or craft items is prohibited, except when approved as a special event held at the same time and location as the Farmers Market.
 - b) Commercially manufactured food items or other items obtained from commercial or wholesale sources and offered for resale are prohibited, except that items being a derivative of an established farming operation approved by the Market Manager are acceptable (Example is items derived from wool and wool products sent by the farming operation for additional workmanship.). This does not preclude the direct sale of items by the commercial preparer or their documented representative and as approved. Note: Commercially prepared food is mass produced food in a kitchen, restaurant, or factory, for the purpose of selling the food for profit.
 - c) Vendors shall display the sale price of each item being sold.
2. All non-edible farm related products will consist of at least 60% of vendor-produced components, and the remaining 40% will not exceed the value of the vendor-produced parts; e.g., a vendor cannot put a \$5 plant in a \$20 pot and sell the whole thing for \$25.
3. All products offered for sale must be primarily grown, produced, assembled, or created by the vendor or with direct vendor input from within 75 miles of the market. In special cases, where product is unique to the market, this may be waived by the Market Manager. In no case will any products be purchased outside of the vendor's personal farming or assembly interests and offered for re-sale except under the conditions listed below:
- a. No less than 75% of the vendor's products shall be grown, produced, assembled, or created by the vendor within a 75 mile radius of the market.
 - b. No more than 25% of the vendor's products shall be resale farm related items and may be grown, produced, assembled, or created outside of the 75 mile radius of the market, but must meet at least one of the following criteria:
 - a.i. Products must immediately originate from an existing farm or farm-type operation, verifiable by the Market Manager. Product type not shown on the original application must be declared to and approved by the Market Manager at least one week prior to sale.
 - a.ii. Products must be clearly labeled or advertised as "Not locally grown" or "Not locally produced" and must identify the farm or producer of origin. If a vendor purchases a product and the farm or producer of origin is unknown, the vendor must label the product with the name and location of the last producer or the state where the product originated.
 - a.iii. If a product is obtained from a Virginia farm, the vendor may label the product with either the farm of origin or the county of origin.

Consumers or vendors may submit a written complaint to the Market Manager if there is a dispute about a particular vendor following the 75%-25% resale rule. The Market Manager will review the complaint, including a site review of the operation, and determine if there is merit to the complaint. Infractions shall include a warning letter (First offense), prohibiting sale of the item for the remainder of the season (Second offense) or removal from the market (Third offense). Each offense may require a follow-up review.

4. All products sold, marked, labeled or offered for sale as "Organic," must meet the USDA established organic standards in Title 7, Part 205 of the US Code of Federal Regulations. This does not prohibit advertising as grown chemical free or other similar designation.
5. Any baked, canned, or other prepared foods must be prepared by the vendor in the home of the vendor and/or in an inspected kitchen and must comply with all applicable rules and regulations required by the Food Inspection Service of the Virginia Department of Agriculture and Consumer Services (VDACS), or any department or division thereof, and the United States Department of Agriculture. To obtain an approved kitchen inspection report, contact the Virginia Department of Agriculture and Consumers Services (VDACS) the Office of Food and Safety and Security, (804) 786-3520. <http://www.vdacs.virginia.gov/fdsafety/index.shtml>
 - a) If a vendor chooses not to obtain an approved kitchen inspection or not use such approved kitchen, that vendor may only process, prepare and sell food products exempted by VDACS and only if these products are sold to an individual for their own consumption (Not for resale) and labeled:

“NOT FOR RESALE – PROCESSED AND PREPARED WITHOUT STATE INSPECTION.”

 Labeling shall also include name of product, name and address of the manufacturer, distributor, or packer, net weight statement, an ingredient statement and nutritional information, if applicable and according to State and Federal regulations.
 - b) Exempted products include:
 - i. Candies, jams and jellies not considered to be low-acid or acidified low-acid products and baked goods that do not require time or temperature control for safety and are produced in a private home, also including the following additional products produced in a private home: dried fruits, dry herbs, dry seasonings, dry mixtures, coated and uncoated nuts, vinegars and flavored vinegars, popcorn, popcorn balls, cotton candy, dried pasta, dry baking mixes, roasted coffee, dried tea, cereals, trail mixes and granola.
 - ii. Pickles and other acidified vegetables processed in a private home so that an equilibrium pH of 4.6 or lower is achieved (Acidified vegetable products include pickled products, salsa, chow-chow, relishes and similar vegetables that are processed in a private home to achieve an equilibrium pH of 4.6 or lower),
 - iii. Baked goods that do not require temperature control after preparation, including cream pies.
6. Products that require temperature control must comply with all applicable rules and regulations required by the Food Inspection Service of the Virginia Department of Agriculture and Consumer Services, or any department or division thereof, and the United States Department of Agriculture.
7. Vendors receiving a notification (orally or by writing) of a VDACS violation to comply with the regulation must immediately notify the Market Manager and will have no more than 30 days or the period prescribed by the violation notice, if less than 30 days, to correct the issue for purposes of selling in the market. Vendors who fail to comply will be removed from the market.
8. Vendors of prepared food products are allowed to purchase the main ingredients for those products (such as flour for bread), but local products as available must be used if available at any time during the season (such as peaches for peach jam, blueberries for muffins, etc.).

Space Assignments

Market Spaces are separately available for Saturday and weekday markets as “Reserved” and “Daily.” “Reserved Spaces” are assigned from the beginning of the market year in April until the following March.

If a vendor abandons a Reserved Space, either by notification to the Market Manager or as a result of more than 2 consecutive absences without notifying the Market Manager, such Space may be reassigned to another vendor. Space fees shall not be refunded.

Saturday markets are usually fully Reserved Spaces, with Daily Spaces available on an intermittent basis. “Daily Spaces” are available on a first come-first served basis as spaces are available in a specific market on a specific day. All reserved and daily spaces are assigned by the Market Manager. Vendors requesting multiple spaces, either separately or contiguous, may be limited to fewer spaces than requested.

Generally, Reserved vendors with two or more contiguous spaces are permitted to park vehicles at the space where the sales occur, depending on the size of the space and the vendor vehicle fitting into the space. No vendor’s vehicle may be parked outside of established market set-up or sales hours for the intention of saving a Daily Space in a particular location for the vendor to use at the market. If this occurs, the vendor may be refused to be issued a space.

1. Space assignments will be determined by the Market Manager. Reserved space assignments will be completed according to previous season assignment at the market, product diversity, vendor needs for more than one contiguous space and other criteria that will promote the optimum and orderly use of available space and enhance attendance at market as a whole.
2. In the case of special events, vendors may be reassigned to a different space or asked to move their vehicles from the immediate area of the sales location when requested by the Market Manager or other City of Fredericksburg officials. Staff will attempt to provide vendors with formal notice of any special upcoming event which would require space reassignment or vehicle relocation at least 14 days in advance.
3. Vendors must obtain approval from the Market Manager before making any change to space assignments (Such as exchanging spaces with other vendors whom mutually agree.).
4. All vendors shall notify the Market Manager about intermittent or extended absences. This helps the manager to reassign spaces for daily use. After May 1st, more than 2 consecutive absences from the market without notifying the Market Manager may result in the forfeiture of any reserved spaces and fees paid for the remainder of the season.
5. Late arrival more than 30 minutes after the market opens on an extended basis (more than 2 consecutive times without notification to the Market Manager) may result in loss of reserved space unless coordinated with the Market Manager. Market Managers may assign reserved spaces to visitors or other vendors when it is known that a particular vendor will be absent or if a vendor is not set up by one hour after the Market opens.

Fees

Application fees shall be \$25.00 per vendor and paid prior to vendor approval. Payments shall be made at:

City of Fredericksburg
Department of Parks, Recreation, & Public Facilities
408 Canal St.
Fredericksburg, VA, 22401

Vendors not paying the application fee shall not be approved. The application fee shall be credited against the space fee otherwise due from an approved vendor. All approved vendors will receive an invoice for their space fees.

Space fees vary according to a seasonal fee for a reserved space or for an unreserved space. They also vary according to weekday or Saturday markets. Fees for applications and Reserved or Daily spaces may be paid by check or Money Order to the "City of Fredericksburg." Fees for spaces are as follows:

Hurkamp Park – Prince Edward Street will be closed for all Saturday Markets from April 16 through October 29, 2016, except for dates specified by City officials. All marked spaces on Prince Edward Street are 12 feet wide and approximately 20 feet deep with Prince Edward Street closed. They extend from the curb to the center of the street (Prince Edward Street). George Street spaces are 12 feet wide and approximately 10 feet deep, extending from the curb to the edge of the planted/grass area. Additional spaces for special purposes and assigned by the Market Manager are available in the Park area and on William Street. Vendors reserving a single space in the market (12 feet wide) shall not have parking available next to the space.

Saturday Reserved Space for the Year

Prince Edward Street Spaces

- One Space (12 feet) - \$200
- Two contiguous spaces (24 feet) - \$360
- Three contiguous spaces (36 feet) - \$500
- Four contiguous spaces (48 feet) - \$550
- Each additional contiguous space of 12 feet after four spaces (48 feet) - \$175

George Street Spaces

- One Space (12 feet) - \$150
- Two contiguous spaces (24 feet) - \$280
- Three contiguous spaces (36 feet) - \$400
- Four contiguous spaces (48 feet) - \$475
- Each additional contiguous space of 12 feet after four spaces (48 feet) - \$150

Sites within Hurkamp Park

- One Space (12 feet) - \$100
- Two contiguous spaces (24 feet) - \$150

Weekday Reserved Space for the Year (One to five days per week, days may be varied)

- One space (12 feet) - \$25 per day of attendance (\$125 for five days)
- Two contiguous spaces (24 feet) - \$35 per day of attendance (\$175 for five days)
- Three contiguous spaces (36 feet) - \$50 per day of attendance (\$250 for five days)

Four contiguous spaces (48 feet) - \$70 per day of attendance (\$350 for five days)

Daily Spaces are \$15.00 per day of attendance, regardless of the day of the week.

Holiday Market - The Holiday Market period runs from the Saturday after Thanksgiving until Christmas. Market Managers may or may not be present during the Holiday Market. When spaces are available, the Daily Space fee is \$10.00.

Winter Spaces - Late fall and winter spaces through the end of the market year in March may be available when seasonal vendors no longer participate in the market. The fee for such spaces shall be \$100.00 for a single space.

Other Locations Weekday Markets - Weekday market fees shall be \$25.00 per space for the season.

Hurkamp Park Market

The Fredericksburg Farmers Market at Hurkamp Park is open year-round and 7 days per week. Sales shall occur on Prince Edward and George Streets only, with other locations on William Street and around or within the park available as approved. Tents are an optional item in the market during business hours. All vendors shall supply their own tents and tables, as desired.

The Market Manager shall be present to provide a token program and complete other duties on Saturdays from 7:00 AM to 2:00 PM during the regular season, from the third Saturday in April through the last Saturday in October. Saturday vendors are expected bring sufficient product to remain in the market with product available for sale from the opening of the market to no less than 2 hours before the usual close of the market. Vendors that consistently run out of product prior to the 2 hours will be asked to bring more product or to leave the market.

Managers may also be available to administer the token program on designated weekdays during Farmers Market hours when the park is being used for a special event.

Mayfield Neighborhood Market

The Mayfield Neighborhood Market is held at the corner of Dixon and Tyler Streets (1113 Dixon Street) in Fredericksburg. The market is held on Thursdays from 3:30 PM to 6:30 PM. It serves the neighborhood with one produce vendor. Other vendors may be present, as necessary and approved. The Market Manager may be intermittantly present to provide a token program and complete other duties.