

City of Huber Heights Farmers' Market Rules and Guidelines

These Rules and Guidelines have been established to create a market that offers local produce and products to the consumer directly from the producer. Please keep a copy for your records. Failure to observe these rules may result in termination of your market assignment. If you have any questions regarding these rules or joining the market, please contact **Market Manager, Lori Hartman at (937) 371-2977** or **City of Huber Heights, Community Engagement Specialist Sarah Williams (937) 237-5836**.

LOCATION & HOURS OF OPERATION

- The market shall be located at the Eichelberger Amphitheater located at **8625 Brandt Pike Huber Heights, Ohio 45424**.
- The 2023 City of Huber Heights Farmers Market hours shall be from 10:00 A.M. to 2:00 P.M. each Saturday, commencing on Saturday, **May 6, 2023 through October 28, 2023, except the following dates:**
 - June 24 (Multicultural Festival)
 - July 1 (Star Spangled Heights)
 - September 9 (Marigold Festival)
- Vendors must arrive **no later than 1 hour prior to the market opening time**. Latecomers may be denied admission or admitted and located at the market staff's discretion.
- Vendors must set up rain or shine (severe weather conditions excluded), and must stay the duration of the market. One vendor's departure affects other vendors – one tent comes down and customers think the market is done for the day.
- At the close of market, all vendors must begin packing up to leave the market site but may continue to sell as they load. Vendors must leave the market site as soon as possible after the close of the market.
- If a market is cancelled due to severe weather, vendors will be notified by Market Staff in a timely way by email, text, and/or telephone.
- **Vendors must email or call if they will miss a market date they have signed up, giving notice at least 24 hours in advance, so the market setup can be modified. Failure to do so will count as an absence and affect the return of deposit. Vendors will be provided with that contact information once approved.**

GOODS, PRICING & SALES

- **We are a producer-only market.** All items sold at this market are to be grown or made locally. "For purposes of these Rules and Guidelines, "locally" shall mean Ohio.
- We allow handmade consumables (e.g. food; health and beauty products) provided that the items have met all state and local regulations.
- Growers are expected to sell only high-quality goods. If goods are of a low grade, the sale of these goods may be prohibited. Lower quality or overripe produce must be labeled as such and can be sold for a discounted price.
- Bakers must sell freshly baked goods of high quality. No resale of old product (i.e.: product that has lost freshness and taste) is allowed.
- Vendors that locally produce handmade pottery, crafts, etc. are also invited to participate in the market.
- The market shall open each scheduled day at 10:00 A.M., and every vendor should be ready for business at that time. Vendors are expected to remain open for business until the conclusion of the market at 2:00 P.M. If a vendor happens to sell out before then, the tent, table, and signage **must** remain in place until 2:00 P.M., although the vendor does not have to maintain a physical presence at the booth. **Vendors who choose to leave the market before its close at 2:00 P.M. will not receive their deposit back at the close of the market season and may not be invited back.**
- Vendors must have signage that clearly identifies their farm or business. This sign may also include the farm's/business' general location, a photo, brief history of farm/ business, description of growing/other practices, and so forth.
- Products and produce labeled organic **must** be certified according to the United States Department of

Agriculture and documentation **must** be provided.

- Vendors are to set their own prices. Prices must be visibly posted. The preferred method is to label each individual item or group of items for sale with a price tag. Alternatively, prices may be listed on a large poster board/sign that is readily visible to customers.

- Vendor(s) **MAY** be allowed to offer items that they have not grown or produced, **ONLY IF** the following requirements have been met:

- 1) Item must be produced and/or grown in the State of Ohio
*****Produce purchased wholesale is absolutely prohibited*****
- 2) Each individual product must be approved by the Market Management and/or City Staff, **prior** to offering it for sale
- 3) Signage for the item(s) **MUST** state **WHERE** it was grown/produced

- **Vendors selling non-edible products, such as flowers, plants, yarn, soap, or other items that are subject to tax, must comply with applicable tax reporting laws.**

- Start by visiting <http://business.ohio.gov/> and obtain an account on the website mentioned.

- Then request a "vendor license" (probably "transient vendor license" for most vendors). Call 1-888-405-4089 for help with the vendor license application.

BOOTH SPACES

- Sales tables and stands, one vehicle or truck, and tents must be confined within the defined sales area. A standard booth is 10' X 10', a double booth is 10' X 20', and a triple booth is 10' x 30'. No "open trunk" sales will be permitted. No stakes may be driven into the ground or parking lot surface. You must bring weights.

- Vendors are required to provide their own gear. It is recommended that all vendors use a tent, canopy, umbrella, or other type of shade (especially since this is a "rain or shine" market). These items shall be weighted at all times for the protection of customers and vendors.

- ***VERY limited electric (reservation is required) is available for an additional fee of \$20 per season.***

- **Spaces are first come and vendors will be directed by Market Staff where to set up.**

- **All produce must be kept off the ground.**

- Vendor displays must neither block the public sidewalk nor impede vehicular traffic.

- **There are no restrictions on generators, however quiet generators are strongly preferred.**

- **There is NO SMOKING on market premises.**

VENDOR RESPONSIBILITIES & MARKET CONDUCT

- Each vendor shall pay a \$50 deposit fee to the City of Huber Heights upon signing the Vendor Participation Agreement through the provided online portal on the City of Huber Heights website www.hhoh.org.

- **This deposit shall be returned at the end of the season *ONLY IF* the vendor**

- **Full Season Vendors - misses no more than 4 markets (cancelations due to severe weather or governmental requirements excepted), arrives on time for setup and stays until the designated end time of the market, and follows all the terms of this agreement.**

- **Daily Vendors – shows up to agreed and paid for date(s), arrives on time for setup and stays until the designated end time of the market, and follows all the terms of this agreement.**

- **If a vendor withdraws from the market commitment at any time during the season, all payments made will be forfeited.**

- **Full-season vendors are given priority for acceptance to the market and booth assignment over daily vendors.**

- **Full-season vendor fees are \$75 plus \$50 deposit fee** (must commit to 19 dates to be considered a full-season vendor)

- **Daily vendor fees are \$20 per day plus \$50 deposit fee** and are due prior to the day of attendance. Dates of attendance need to be submitted in advance and deposit will be refunded if all date commitments are met for the season. Daily vendors are strongly encouraged to sign up for a date each

month (5 times) to build a strong customer base and commitment to the market. If signing up after the start of the season (May 6, 2023), deposit and any fees must be paid 48 hours prior to your first day, no exceptions.

- **Mobile food truck vendors fees are \$25 per day** selected and are due prior to the day of attendance. Mobile Food Vehicles are regulated by Chapter 729 of the Business Regulations Code. Please contact **City of Huber Heights Community Engagement Specialist, Sarah Williams (937) 237-5820** with questions.

- ALL Full Season vendors must be paid in full prior to the first market day of the market season. If you are a daily vendor, please prepay according to the number of dates you have signed up to attend the market.

- The City of Huber Heights reserves the right to approve/disapprove and/or dismiss vendors upon time of application. Decisions will be based on diversity of products and factors related to overall market success.

- The City of Huber Heights reserves the right to request product samples for the purpose of assessing quality at any time during the market season.

- **Scales used by vendors MUST be certified by the County Auditor of their county of residence. Scales must be placed so that they are clearly visible and readable to customers at all times.**

- Vendors shall maintain their area in a neat condition, free of trash and debris, and shall clear their space before leaving the premises. All containers, waste, and trimmings must be removed by vendors before leaving the market site and any trash generated at the market must be taken back to their farm or place of business.

- Vendors are encouraged to assist the City of Huber Heights in promoting the market through the use of social media and other outlets.

By participating in this market, vendors agree to be a part of the market community and maintain a high standard of conduct. City of Huber Heights market vendors are expected to treat others the way they would want to be treated. No verbal or physical negative or bullying interaction with customers, market management, or fellow market vendors.

COMPLIANCE WITH STATE AND LOCAL REGULATIONS

All food products must comply with health department regulations and licensing requirements, including those products that must have ingredients listed on the product labeling. For Ohio Department of Agriculture food safety, packaging, and labeling information, visit:

<http://www.agri.ohio.gov/foodsafety/>.

- These regulations specify, as examples, that vendors selling perishable goods must obtain a food vendor license. –

THE CITY OF HUBER HEIGHTS IS NOT RESPONSIBLE FOR MONITORING VENDORS' COMPLIANCE WITH THESE REGULATIONS; HOWEVER, WILL VERIFY THAT LICENSURE AND/OR PERMITS ARE CURRENT AT VARIOUS TIMES THROUGHOUT THE SEASON. VENDORS HOLDING THIS TYPE OF LICENSURE OR PERMIT SHALL KEEP PAPER COPIES OF CURRENT LICENSES AT THEIR BOOTH AT ALL TIMES DURING THE MARKET DAY. SAMPLES INCLUDE: EGG PRODUCER LICENSE, MOBILE FOOD SERVICE LICENSE, HOME BAKERY LICENSE, CERTIFIED ORGANIC, CERTIFIED NATURALLY GROWN, ETC. VENDORS SHOULD CONTACT THE DAYTON & MONTGOMERY COUNTY PUBLIC HEALTH DEPARTMENT AT 937-224- 3790 FOR ASSISTANCE WITH THE REGULATIONS.

By participation in the Farmers Market, the vendors agree to indemnify, defend and hold the City, its elected and appointed officials, officers, employees, volunteers, board members, agents and contractors harmless from and against any and all claims, actions, administrative proceedings, judgements, damages, punitive damages, penalties, fines and costs that arise directly or indirectly from or in connection with vendors' use of the Premises, breach of the agreement, and/or any violation of governmental or insurance requirements of vendor, provided that such indemnity shall not extend to matters that arise out of the gross negligence or willful acts of the City.

- Vendors must comply with all laws, ordinances, and regulations of the United States, State of Ohio,

Montgomery County, and the city of Huber Heights.

- Vendors must provide a copy of their various license(s) to Market Staff BEFORE the start of the market season.

EXCLUSIONS

- Produce purchased wholesale is absolutely prohibited.
- No flea market, garage sale, used, or antique items are permitted for resale.
- No shouting of prices or for solicitation purposes.
- We encourage the use of biodegradable, compostable containers and bags.
- No smoking on market premises.
- No livestock is allowed at the market.

Finally, a farmer's market participant cannot generally sell eggs, raw poultry, or raw meat from their farmers market booth, **unless** they acquire the appropriate retail food establishment license from their local health department. These products will require appropriate refrigeration on-site.

SPECIAL NOTE

- In the event of severe weather, including lightning or tornado-like conditions, the market will suspend all activity until the area is safe.
- Security is not provided; however, the City of Huber Heights Police Department (937-237-3541, or 911 for emergency calls) is available and will respond as circumstances warrant.

PRESEASON TRAININGS:

Prior to the beginning of this season, we will offer several trainings for vendors. There are required trainings and optional trainings. If you cannot attend, please make arrangements for a zoom training with Lori Hartman, hartmanheimstytte@yahoo.com

REQUIRED TRAINING:

All vendors who sell foods that are eligible to be purchased with SNAP/EBT benefits, that would like to accept Market tokens for SNAP/EBT, produce perks, or the Senior Farmers Market Nutrition Program Coupons will be required to attend a training program prior to the beginning of the season. This training will be scheduled closer to the beginning of the season. This training will cover what items are eligible, who is eligible for participation, federally required equal opportunity training, etc.

OPTIONAL TRAINING:

One of the goals of The Farmers Market at the Heights is to foster and develop local businesses to promote success for all vendors. The idea of these workshops is to assist new and established businesses in general marketing, branding, stand layout, online marketing (including Facebook and Instagram), vendor partnerships, and brainstorming on what types of events will bring more customers to the market.