

2017 Xenia Township Farmers Market Vendor Agreement

Thank you for your interest in being a vendor at the Xenia Township Farmers Market. In general, vendors must sell products grown or produced by the vendor, hold ALL required permits, licenses, and insurance policies necessary for their business operation, sign the Participation and Indemnity Agreement included in this packet releasing Xenia Township from ANY liability, and sign the Market Rules acknowledgement also included in this packet.

Farm/Business Name: _____

Name of Owner or Proprietor: _____

DBA: _____

Address: _____

City & Zip Code: _____

Email Address: _____

Website Address: _____

Telephone Numbers (specify home, office, cell, fax): _____

Preferred Contact (cell phone, email, etc.): _____

VENDOR DETAILS: (Check All That Apply)

Products:

- | | | | | |
|--|---------------------------------------|---|---|-------------------------------|
| <input type="checkbox"/> fruits/vegetables | <input type="checkbox"/> herbs | <input type="checkbox"/> dairy | <input type="checkbox"/> meat | <input type="checkbox"/> eggs |
| <input type="checkbox"/> baked goods | <input type="checkbox"/> canned goods | <input type="checkbox"/> prepared foods | <input type="checkbox"/> nursery products | |
| <input type="checkbox"/> non-food items: | <input type="checkbox"/> Honey | <input type="checkbox"/> Preserves | <input type="checkbox"/> other (specify): | |

List your value added or nonfood products (i.e. baked goods, prepared foods, non-food items, etc.):

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Outdoor Markets

Do you have any experience selling at outdoor markets? Yes No

If yes, which ones? _____

Describe any interesting facts about you, your farm, or your business: _____

FARMERS GROWING PRACTICES: Check all that apply. Please refer to the following website for definitions: www.ams.usdagov/nop/nop/standards.html.

- Conventional
- Certified Organic (please include copy of certificate with application)
- Free of synthetic chemicals
- Sustainable/naturally grown
- Hydroponic

List the full names of family members, employees, or agents who may sell for you: _____

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PLEASE HAVE ALL LICENSES AND PERMITS

It is your responsibility to make sure that you have the licenses and permits necessary and required for the operation of your business. These may include food manufacturer's licenses, nursery permits, organic certifications, dairy permits, mobile food licenses, sales tax permits, scale certifications, food manager's certifications, and any other licenses and permits necessary and required for the operation of your business. Please expect that the market will be visited by the Greene County Auditor's Office and the Greene County Health District throughout the selling season.

PARTICIPATION AND INDEMNITY AGREEMENT

The vendor understands that there is a fee for participation in the market. The annual market will be held between the second week of June through the end October. The fee can be paid weekly which is \$20.00, monthly which is \$60.00 (\$15.00 per), or yearly which is \$300.00 (\$15.00 per). Cash will not be accepted. Checks need to be submitted in advance (beginning of the month or year) and made out to the Xenia Township. All paperwork must be completed and signed before participation in the first event. Vendors are responsible for their own permits and licensing. Vendors are responsible for the quality and safety of what they sell; Xenia Township Farmers Market is alleviated of any liability originating from products sold at the market. Vendors signing this Participation and Indemnity Agreement will hold the Xenia Township Board of Trustees and its designated officials or heirs harmless of any and all liability that could or may happen as a result of participation in the Xenia Township Farmers Market.

Submit the application to Mary Haller at 8 Brush Row Road. The application can also be e-mailed to Mrs. Haller at mhaller@xeniatownship.org. For any questions you may have please call (937)-372-0859.

I have read and agree to abide by all guidelines and rules and have initialed each page of this 2017 Xenia Township Farmers Market Vender Agreement.

Vendor:
Signature: _____

Print Name: _____

DBA: _____

Date: _____

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Market Rules

1. Introduction/Mission

The main goals of the market include:

- Promoting the sustainable production, marketing, and consumption of local agricultural products in season;
- Educating the community about local growing conditions and food crops as well as sustainable and organic growing practices;
- Strengthening the local economy by redirecting consumers' food dollars to local growers and producers;
- Incubating new, small food-based businesses; and
- Providing a community gathering place and fostering a sense of community.

II. Good and Pricing

- Vendors participating in the market shall grow and/or prepare their produced goods. Only high quality, homegrown produce and products will be accepted. Re-sale of auctioned or wholesale produce is not permitted.
- All food products sold shall be in accordance with the definition of "cottage foods production operation" as defined in Chapter 3715 of the Ohio Revised Code.
- Each Vendor is required to have proper licensing and permits appropriate to the products being sold. Contact the Greene County Combined Health District at 937-374 5600 for proper licensing. Scales must be certified by the Greene County Auditor (937 562-5626).
- The term "organic" shall not be used without certification under USDA NOP rules. Giving any false information regarding the products being sold is strictly forbidden.
- Vendors must clearly display their prices.
- Vendors will comply with all Ohio Department of Agriculture regulations.

III. Schedule & Display Requirements

- The 2017 Summer Farmers' Market hours shall be from 10:00 a.m. to 2:00 p.m. on Tuesdays commencing on the second week of June through the end October. Vendors should set up weekly rain or shine. Exceptions may be granted by the Market Manager on a case by case basis. Vendors must arrive no later than one half hour before Market opening time in order to be prepared for business when the Market opens. Vendors shall not set-up earlier than 9:00 a.m. on Market day. The Market Manager or designee will be onsite at 9:00 a.m. to assign vendor stall spaces. Vendors shall vacate the stall space by 3:00 p.m. Vendor stall spaces shall be allocated and defined by the Market Manager. Attempts will be made to give vendors with consistent attendance records the same stall space every week. Stall assignments will be at the sole discretion of the Market Manager or designee in order to achieve diversity of product and for the overall good of the Market.

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- The Market will take place 8 Brush Row Road.
- Vendors may provide clean and safe tables, baskets or stands to display products. Sales can commence from the surfaces of pick-up trucks or other flatbed vehicles. A copy of proof of vehicle insurance must be provided. Vendors must maintain their area in a neat and tidy condition, and must leave the premises within one Hour of Market closing, leaving behind no trash or debris.
- Tents or canopies must be properly secured by weights on each leg of the tent or canopy. Tents must not be secured to any display table. Tents must be no larger than 10 feet wide and 15 feet deep.
- The use of trailers to display and sell goods must be pre-approved by the Market Manager prior to set up and use and will be approved on a case-by-case basis.
- Vendor space is limited. The Xenia Township Farmers Market reserves the right to approve/disapprove and/or dismiss vendors upon time of application or at any time during the Farmers Market season when its sole judgment is that the vendor no longer meets the needs of the Market. Decisions will be based on diversity of product and factors related to overall Market success.

IV. General Vendor Responsibilities

- The fee can be paid weekly which is \$20.00, monthly which is \$60.00 (15.00 per market), or yearly which is \$300 (\$15.00 per market). Cash will not be accepted. Checks need to be given in advance (at the first of the month or the first of the year). The Market will be held from the second week of June through the end of October.
- Vendors must advise the Market Manager in advance of any inability to attend a Market date.
- Vendors assume responsibility for any injury to other Vendors or their property or to any Market attendee or attendee's property caused by Vendor's actions or inactions.
- Vendors shall demonstrate respect for all Market members (Vendors, Market attendees, Township officials, and property owners) by engaging in open and truthful communications of all matters to all appropriate members.
- Xenia Township Farmers Market is alleviated of any liability originating from products sold at the market. Vendors signing this Participation and Indemnity Agreement will hold the Xenia Township Board of Trustees and its designate officials or heirs harmless of any and all liability that could or may happen as a result of participation in the Xenia Township Farmers Market

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V. Exclusions

- In the case of baked goods vendors shall be required to comply with all Federal, State, and Local requirements concerning the labeling and packaging of such products.
- The Xenia Township Farmers' Market reserves the right to approve and/or reject vendor applications. Vendor applications will be accepted on a case-by-case basis and approvals given in an effort to maintain the highest quality and variety of products. The Xenia Township Farmers Market reserves the right to visit the growing/producing sites of potential/existing vendors at any time

VI. Definitions

"Market Manager" is understood to mean the person designated by Xenia Township to supervise operations of the Xenia Township Farmers Market. Responsibilities include but are not limited to the following:

- Review and maintain current vendor applications. Record attendance. Collect Vendor Participation Fees
- Ensure products for sale comply with stated requirements.
- Serve as liaison for Vendors to Xenia Township. Exercise the authority to deny any Vendor the privilege to sell at the Market site should Vendor break Market rules or regulations.
- Enforce Market hours and direct vendor setup. Ensure cleanup and sanitation of site.

"Produced" is understood to mean:

- In the case of vegetables, fruits, flowers, and herbs that they are grown by the vendor with the vendor's material participation in the agricultural process.
- In the case of baked goods, breads, cookies, cakes, pies, etc. "produced" means those items that are made by the vendor offering them for sale.
- In the case of meat and poultry products, "produced" shall mean that the animals whose products are being sold were raised by the vendor.
- In the case of honey, "produced" shall mean that the hives were tended by the vendor.
- In the case of agricultural based crafts, "produced" shall mean that the items being sold were made, built, or otherwise constructed by the vendor and that the items being sold comprise by weight over 75% agricultural products grown or produced by the vendor.

"Vendor" is understood to mean the principal or principals who have entered into the Xenia Township Farmers Market Agreement," their families and/or employees who materially contribute to the growing, production or sale of the vendor's items offered for sale.

"Growers" are expected to sell their produce in accordance with the high business standards as outlined above. Failure to do so violates the terms of this agreement and is grounds for expulsion from the Market.

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My intent is to pay the Vendor Participation Fee:

- Weekly is \$20.00
- Monthly is \$60.00 (\$15.00 per market).
- Yearly is \$300.00 (\$15.00 per market).

Vendor:

Signature: _____

Print Name: _____

DBA: _____

Date: _____

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901:3-20-01 Criteria and definitions for cottage food operations.

(A) Pursuant to section 3715.025(B) of the Revised Code, cottage food production operations shall comply with the provisions of Chapter 901:3-20 of the Administrative Code.

(B) Definitions:

As used in Chapter 901:3-20 of the Administrative Code:

(1) "Adulterated" has the meaning stated in section 3715.59 of the Revised Code.

(2) CFR means Code of Federal Regulations.

(3) "Director" means the director of the Ohio department of agriculture.

(4) "Misbranded" has the meaning stated in section 3715.60 of the Revised Code.

(5) "Reduced oxygen packaging" means the reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the surrounding atmosphere, which is approximately twenty-four per cent at sea level. It includes:

(a) Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package;
and

(b) Modified atmosphere packaging, in which the atmosphere of a package is modified so that its composition is different from air but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes: reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen.

(6) All other technical definitions are the same as those found section 3715.01 of the Revised Code.

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901:3-20-02 Labeling

- (A) A cottage food production operation shall label each food product and include on the label the information mandated by section 3715.023 of the Revised Code, in addition to the requirements of 21 CFR Part 101 Food Labeling.
- (B) Food products identified and labeled in accordance with division (A) of this section are acceptable food products that a retail food establishment or food service operation licensed under Chapter 3717 of the Revised Code may offer for sale or use in preparing and serving food.

901:3-20-03 Cottage food products sampling.

All food products, including those produced and packaged by a cottage food production operation are subject to food sampling conducted by the director of agriculture, or representative the director authorizes, to determine if a food product is misbranded or adulterated. A component of the food sampling conducted under this section may include the performance of sample analyses in accordance with section 3715 of the Revised Code.

901:3-20-04 Cottage food products allowed.

- (A) The food items listed below are approved as cottage food products:
- (1) Non-potentially hazardous bakery products;
 - (2) Jams;
 - (3) Jellies;
 - (4) Candy;
 - (5) Fruit butters;

- (6) Granola, granola bars, granola bars dipped in candy;
 - (7) Popcorn, flavored popcorn, kettle corn, popcorn balls, caramel corn;
 - (8) Unfilled, baked donuts;
 - (9) Waffle cones
 - (10) Pizzelles;
 - (11) Dry cereal and nut snack mixes with seasonings;
 - (12) Roasted coffee, whole beans or ground;
 - (13) Dry baking mixes in ajar, including cookie mix in ajar;
 - (14) Dry herbs and herb blends;
 - (15) Dry seasoning blends; and
 - (16) Dry tea blends.
- (B) Cottage food products may not be packed using reduced oxygen packaging.

901:3-20-05 Prohibitions.

A cottage food operation may not:

- (A) Process potentially hazardous foods;
- (B) Process acidified and low acid canned food;
- (C) Offer for sale adulterated or misbranded food;
- (D) Refuse the taking of samples as authorized by section 901:3-20-03;
- (E) Produce food items not expressly listed in section 901:3-20-04(A);
- (F) Be sold outside the state of Ohio.

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