

Poteau Farmer's Market 2018

Location: 1914 N Broadway St, Poteau, Oklahoma (Bowling Alley parking lot on Broadway)

Time and Day of Operation: 8 A.M. – 12 P.M., Consecutive Saturdays from April 7, 2018 – October 27, 2018 (During the height of summer, hours may be shifted back to run from 7 am until 11 am because of the heat – or, hours may be switched to an afternoon schedule.)

Market Manager: Eric Standridge

Site Manager: Kathleen Bishop

Executive Team: Eric Standridge, Jessica Gardner, Lynda Fox, Trina Standridge, Kathleen Bishop, Norma Qualls

Fees: Vendors are required to pay vendor fees the day of each market. Fees include the following: \$10 for an allocated 10x10 space or \$5 to sell from a vehicle. (Need consensus)

Purpose of Fees: The fees collected go to pay the market manager, advertising, and space rental, as well as to secure tents, tables, and chairs for use at the market.

Waiver of Fees: Fees may be waived in certain circumstances at the discretion of the market manager.

By setting up at the Poteau Farmer's Market, all vendors agree to follow the outlines contained herein, as well as any local, state, and federal laws that exist.

Mission Statement:

The mission of the Poteau Farmer's Market is to provide a location in Poteau where farmers, ranchers, and craftsmen have better marketing opportunities, to promote locally grown food and beverages as well as locally produced arts and crafts, to provide an educational forum consumers to learn the uses and benefits of quality, locally grown or prepared food products, to make healthy, regionally produced foods accessible to lower-income residents, and to enhance the quality of life in the Poteau regional area by providing a community activity which fosters social gathering and interaction.

Objective:

To provide a place where Arklahoma farmers, ranchers, gardeners and crafters can sell fresh produce, agricultural products and handmade items directly to consumers. The term Arklahoma encompasses an area of approximately 150 radial miles from the city center of Poteau.

Definitions:

Arklahoma includes the following Oklahoma and Arkansas counties: LeFlore, Sequoyah, Haskell, Pushmataha, McCurtain, Scott, Sebastian, and Polk, or generally includes an area of 150 radial miles from the city center of Poteau.

The *Market* references the Poteau Farmer's Market.

A *Vendor* is anyone who reserves a space to sell product at the Market.

I. Guidelines/Regulations

1. Vendor must be a resident of one of the following Oklahoma counties, LeFlore, Sequoyah, Haskell, Pushmataha, or McCurtain; or one of the border counties of Arkansas, Scott, Sebastian, or Polk. The goal is to keep the market local.
2. All produce (meat, dairy, eggs, nuts, plants and flowers) must be grown or produced in Oklahoma.
3. All handmade items, crafts, and non-food items must be made by the vendor and made in Oklahoma.
4. Vendors may only sell items that they grow, produce and/or make themselves unless prior authorization to sell goods produced by others is granted by the market manager. It is the vendor's responsibility to contact the market manager for authorization.
5. The term "organic" may not be used on any product that is not 100% certified organic as determined by the Oklahoma Department of Agriculture.
6. It is the responsibility of the vendor to maintain a current and valid copy of their licenses and tax permit. **It is the vendors responsibility to pay all applicable sales taxes and other fees which may occur in regular business operation.** Further information can be found here: <http://pods.dasnr.okstate.edu/docushare/dsweb/Get/Document-6596/AGEC-2000pod.pdf>
7. It is the responsibility of the vendor to know what licenses are required by state, county, or city offices and to adhere to such licensing.
8. Vendors selling processed food items are requested to carry insurance to cover the extent of their operations and liabilities, and must carry all insurances as required by law. In the event of a liability, the vendor assumes all responsibility for any accidents and damages caused by said vendor.
9. Poteau Farmer's Market reserves the right to approve vendors according to the capacity of its market. Only approved vendors will be allowed to sell at the market.
10. The Market Manager and the Executive Team has the right to refuse any vendor the right to sell at the Poteau Farmer's Market.

II. Best Practices

Best practices include both rules and suggestions that will help make the Market successful.

1. Each standard vendor space consists of one 10 foot x 10 foot space. Smaller spaces are available upon request.
2. Each vendor should do as much to promote their vendor space as possible. This includes social media marketing, flyers, and signage for their 10x10 area.
 - a. Vendor must post the name and location of the farm or business they are representing.
 - b. Prices for all items sold must be clearly posted.
 - c. Vendors are required to price fairly and objectively. Undercutting is strongly discouraged in the name of fairness. Vendors who participate in bad pricing practices may be asked to leave.

3. Vendors are required to arrive and be set up by 8 am, and are asked to remain for the full duration of the market, until 12:00, unless otherwise specified. Vendors who leave early may lose their “permanent” status at the market.
4. Each vendor is set up with a designated space. Vendors are requested to review the location map prior to setting up. This helps alleviate confusion at the time of the market.
5. Vendors are not allowed to park in front of the market space. This is to allow for visibility to the market and allow customers to have the prime parking spaces.
6. Vendors may park in front of the market to unload. After unloading, the market manager will keep an eye on each vendor space while the vendor moves their vehicle.
7. Only vendors or individuals representing the business may sell at the market.
8. Vendors are required to keep their market area and produce clean during the market. Vendors are responsible for leaving their area clean or cleaner than it was before arrival.
9. New vendors are required to notify the Poteau Farmer’s Market one week prior to setting up. This is to ensure that there is enough space at the market. Consistent (regular) vendors who attend the market weekly will be given preference. *Regular vendors are also eligible for end of year awards and special recognition throughout the market year.*
10. Vendors are encouraged to participate in the private “Vendors Only” Facebook group. This group is set up to facilitate communication, announce market closure dates, and encourage best practices. If you do not have a Facebook account, it is your responsibility to meet with a member of the executive team for updated information.

III. What May Be Sold

1. Fresh fruits and vegetables*
2. Plants, flowers *
3. Meats, poultry, eggs *
4. Honey, syrup*
5. Baked, canned, and processed food*
 - It is the responsibility of the vendor to comply with federal, state and/or local laws and regulations and maintain the proper certification and/or license(s) from the OK Dept of Agriculture and/or OK Dept of Health.
6. Handcrafted Items
 - Must be original and made by the person selling the items
 - All handcrafted items must have approval of the market manager
7. Resale exception
 - A vendor may sell a limited amount of produce or products that are bought for resale from other Oklahoma growers/producers with permission of the market manager. Items may not be purchased from a wholesaler.
 - The purpose of having resale items in the market is to bring in items that are needed and/or underrepresented at the market as determined by the market manager, as well as to provide a place for local artists to share and sell their talent.

V. How Produce and Products May Be Sold

1. Produce may be sold by weight, volume, or count
2. Vendor must provide all containers/packaging
3. Melons must be sold whole
4. Each item must be identified and clearly labeled
5. Items must be of good quality

VI. Sanitation, Health and Safety Requirements

1. Each vendor is responsible for maintaining his/her area in a clean and neat manner throughout the day.
2. No animals (except for "assistance dogs,") are allowed in the Farmers Market area, except in the public right of ways or unless otherwise approved.
3. Restrooms and hand-washing facilities will be provided.

VII. Taxation

1. The vendor will be responsible for assessing each buyer the appropriate city, county and state sales tax on products sold and reporting to the Oklahoma Tax Commission as required by the Oklahoma Tax Commission. The vendor must have their sales tax permit with them at all times while selling at the market. If the vendor is running a sole proprietorship, meaning that they will be paying sales tax using their Social Security Number, they are required to complete the Sales Tax Form.

VIII. Property Rental

- Discontinued -

IX. Role of the Market Manager

1. The market manager position is a paid position. The market manager assumes no legal liability of the market or of the market space.
2. The market manager helps promote the market as a whole. They are not required to promote a vendor individually as that is part of the vendor responsibility, however, they may assist as necessary.
3. The market manager oversees the market by ensuring that vendor's questions are answered to the best of their ability, by assisting with tax questions as required by the State of Oklahoma, by allocating tables/tents/chairs upon request and determined by availability, leading profit sharing programs, and setting up entertainment/childrens areas.
4. The market manager is responsible for acquiring new vendors and retaining existing vendors.
5. The market manager is responsible for lining up entertainment venues and organizing events.

Appendix A: Requirements of Vendors as outlined by the State of Oklahoma

Definition of a Farmers Market

From OAC title 310,Chapter 257-1-2

Farmers market means a designated area in which farmers, growers or producers from a defined region gather on a regularly scheduled basis to sell at retail non-potentially hazardous farm food products and whole shell eggs to the public. A portion of the raw food ingredients used by the individual vendor to produce a product must have been grown or raised by the vendor. The individual vendors wishing to process food as defined by Chapter 260 Good Manufacturing Practices regulations must obtain a state food processor's license.

A farmers market must have written operation guidelines and a minimum of six vendors, along with a designated market manager or advisory board who will be responsible for distribution of a copy of the guidelines to the vendors. Farmers markets must be registered by the Oklahoma Department of Agriculture, Food and Forestry and comply with the Food Service Establishment Regulations OAC 310:257, and/or Good Manufacturing Practice, OAC 310:260. This definition does not include individual farmers who grow and sell unprocessed fruit and/or vegetables from the farm, roadside or truck. Any vendors who prepare or sell any potentially hazardous food at the farmers market must abide by all applicable sections of Food Service Establishments, OCA 310:257 of the regulations including acquiring a license from the department.

General Regulations

- All meat at a farmers market must be sold from a licensed mobile unit.
- Eggs must be properly graded and labeled as per Oklahoma Department of Agriculture, Food and Forestry. (ODAFF) regulations held at 45 degrees F and cannot be sold if older than 45 days.
- All dairy products must be produced in an Oklahoma Department of Agriculture licensed facility.
- All Time/Temperature Control for Safety foods must be maintained at proper temperature, even if pre-sold.
- No temporary licenses will be issued at farmers markets.

A license from the Oklahoma State Department of Health and/or the local municipality will be required in the following cases:

- The grower or farmers sells fruits and vegetables which he/she has purchased or consigned from another grower or other source (public market, etc.) or any other

products that have not been grown by him/her. Any third party sales. All products being re-sold require a license from the Oklahoma State Department of Health.

- Mobile Food Service units must be licensed and regularly inspected. Mobile units must have name and license # posted on unit.
- Vendors selling prepackaged pasteurized milk produced from their own ODAFF-certified dairy.
- Selling of packaged or processed foods.

A license will NOT be required in the following instances. These rules are valid only at farmers markets registered with ODAFF:

- A vendor selling only whole produce he/she has grown.
- A vendor selling properly-graded eggs produced on their own farm, with a certificate from ODAFF.
- Made in Oklahoma processed/manufactured food products, provided they meet the following conditions:
 - Prepared in an OSDH licensed facility under their individual processor/manufacture license.
 - Vendor is selling only their own products (with a portion of the raw food ingredients used by the individual vendor to produce a product must have been grown or raised by the vendor).

Sanitation Requirements

1. Products must be sold whole and stored/displayed off the ground.
2. Products must be from a source approved by the Oklahoma State Department of Health.
3. Products must be protected from contamination from outside sources such as pests, stagnant water, mishandling, etc. Products shall not be stored in contact with the ground, floor, or in dirty/contaminated containers.
4. Spoiled or decomposing produce is not permitted at the market.
5. Washing/cleaning of produce must be in a manner consistent with the Good Manufacturing Practices (OAC 310:260). Potable water supplies must meet ODEQ and OSDH requirements. Waste water from such washing/cleaning must be disposed of in a manner not to create a nuisance or public health hazard.
6. Cut fruits and vegetables for display must be kept in a manner that does not create a nuisance or public health hazard (i.e., attracting pests.)
7. No sampling of any kind is allowed without approval from OSDH, and must meet the following sampling requirements.
 - Samples must be prepared in an OSDH or ODAFF licensed facility.
 - Food handlers serving samples must have access to a hand wash station.
 - Dispensing of samples must be through the use of clean, sanitized utensils, single-use utensils, or single-use gloves covering clean hands (no bare hand contact with ready to eat foods)

- Only individual single use portion containers may be used. No community use containers.
- Proper protection from contamination is required (i.e., sneeze guards, plastic covering, etc.)
- Approved samples must be transported to the market in clean, sanitized containers that adequately protect the samples from the elements, changes in temperature (if a Time/Temperature Control for Safety food), and any other sources of contamination.
- Food must be in good, sound condition, free from spoilage, filth, or other signs of contamination.

For More Information:

Contact your local county health department or Consumer Protection within the Oklahoma State Department of Health at (405) 271-5243 or Market Development within the Oklahoma Department of Agriculture at (405) 522-6194.

Home Bakery Act: Revised 2017

“Home Food Establishment” shall mean a business on the premises of a residence in which prepared food is created for sale or resale at farmers markets, on site, at cooperatives, through membership-based buying clubs or for delivery, if the business has gross annual sales of prepared food of less than Twenty Thousand Dollars (\$20,000.00). Gross annual sales include all sales of prepared food produced by the business at any location.

“Prepared food” Shall mean any baked goods except for product that contain meat products or fresh fruit.

A home food establishment that sells prepared food shall affix a label that contains the following information:

1. The name and address of the home food establishment;
2. The name of the prepared food; and
3. The following statement printed in at least 10-point type in a color that provides a clear contrast to the background of the label: “Made in a home food establishment that is not licensed by the State Department of Health” Home food establishment shall be exempt from the licensing and other requirements of the State Department of Health.

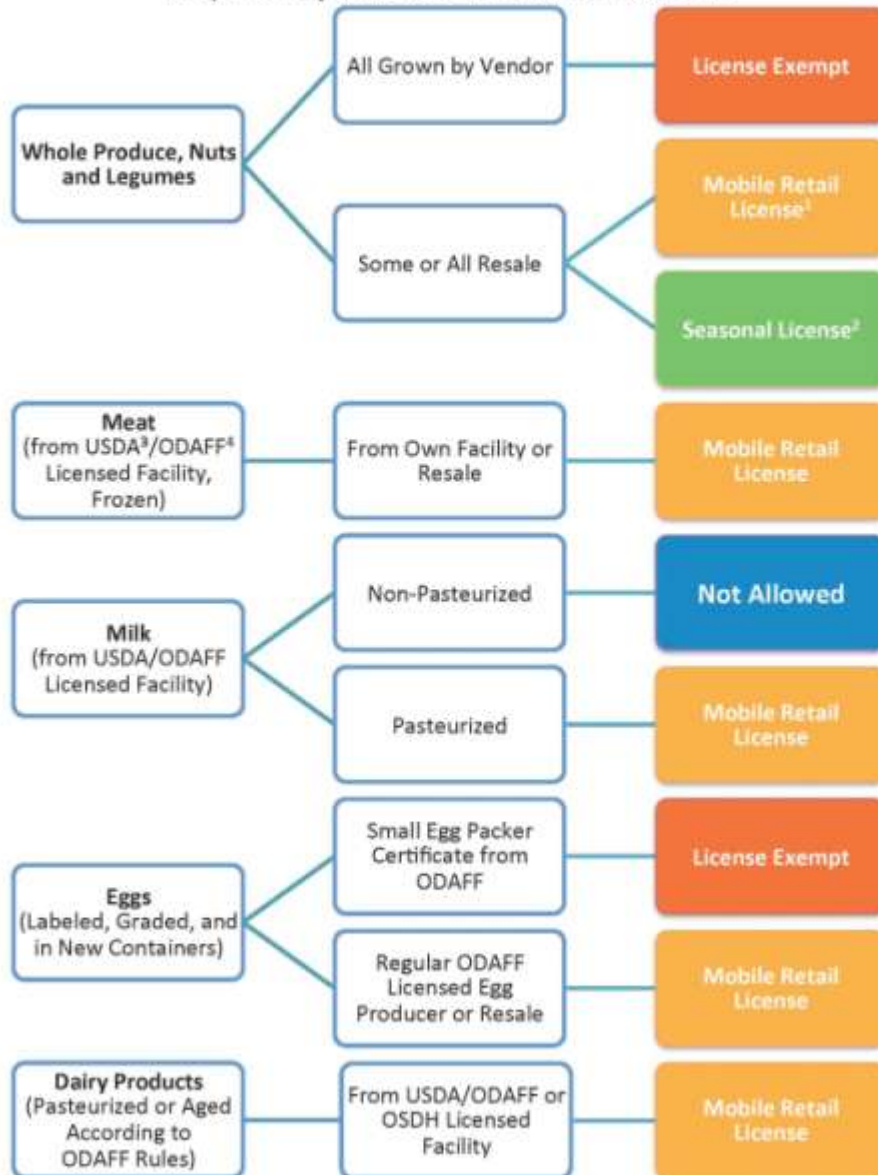
Nothing in the Home Bakery Act of 2013 shall be construed to prevent counties from enacting ordinances regulating the operation of home food establishments, provided such ordinances do not conflict with the provisions of the Home Bakery Act of 2013.

The complete text of this legislation can be found by accessing the following link:

<https://www.sos.ok.gov/documents/legislation/56th/2017/1R/SB/508.pdf>

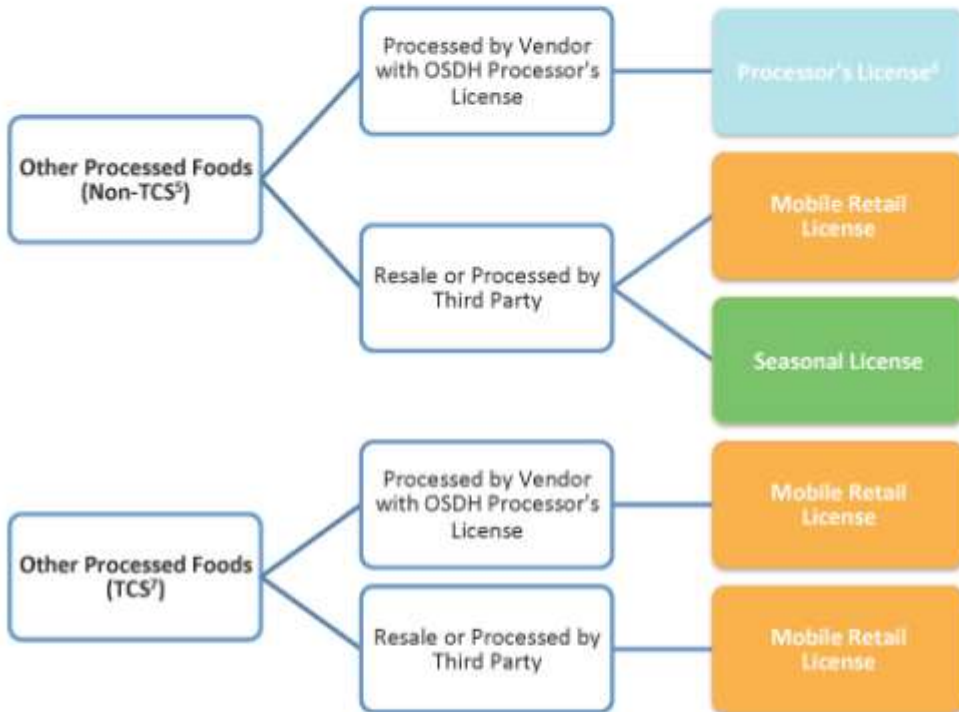


**Oklahoma State Department of Health (OSDH) Licenses
 Required by Vendors at Farmers' Markets**





Oklahoma State Department of Health (OSDH) Licenses Required by Vendors at Farmers' Markets



¹**Mobile Retail License:** Can sell whole produce and prepackaged processed foods statewide; may also require an approved, licensed commissary where the food is stored; annual license.

²**Seasonal License:** Can sell non-TCS prepackaged processed foods and whole produce at one location; valid for 180 consecutive days.

³**USDA:** United States Department of Agriculture; (405) 879-2700;

⁴**ODAFF:** Oklahoma Department of Agriculture, Food and Forestry; (405) 521-3864;

⁵**Non-TCS Foods:** Foods that do not allow for the growth of bacteria due to processing or natural factors.

⁶**Processor's License:** Processing/Manufacturing license for an approved facility that produces foods for sale and distribution; annual license.

⁷**TCS Foods:** Foods that must be maintained at 41°F or less to prevent the growth of bacteria.

**Old Town Poteau Farmers Market
Vendor Application, 2018**

Applicant Information

First Name: _____ **Last Name:** _____

Vendor/Business name: _____

Vendor Address:

Address **City, State** **Zip**

Mailing Address if different:

Address **City, State** **Zip**

Phone Number:

Home **Cell** **Work**

Email address:

Website: (optional)

Please provide the name and contact information of any additional individuals who may be representing your establishment at the Farmer's Market.

Please provide a brief description of your farm or business.

Please provide an inventory and description of the products you will be selling.

Please indicate if electricity is needed.

- Yes
- No

Please read the attached rules and guidelines and sign below.

The information that I (vendor) have provided is complete and accurate. I (vendor) am agreeing to comply with the rules and guidelines of the Old Town Poteau Farmers Market during my participation in the market. In the event of a liability, I (vendor) assume all responsibility for any accidents and damages caused by said vendor.

Signature

Date

Please mail or email your completed application to:

Poteau Market - Eric Standridge
35923 Pleasant Valley Road
Wister, Oklahoma 74966

Or email to Director@PoteauImprovementProject.org

Or send the information to the Poteau Farmer's Market page at www.facebook.com/PoteauFarmersMarket