



Albany County
FARMERS MARKET

In partnership with



Rules & Regulations

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Rules & Regulations

of the Albany County Farmers Market

Introduction

This document sets forth the Rules & Regulations that apply to all vendors approved to participate in the Albany County Farmers Market. By submitting an application, you agree to abide by all rules and regulations outlined in this document and comply with any instructions given to you by market personnel.

Definitions

Bona-fide

- As in growers – the seller is the producer of the products being offered for sale, from lands the seller owns or rents, with control over the production, harvesting and marketing of the products, and a financial interest in the products.
- As in craftsperson – all crafts offered for sale are original in nature and produced in whole by the seller. No crafts shall be permitted that are derived from kits.
- As in homemade products – all products are produced, baked, or manufactured by the seller and are original in nature. No baked goods from mixes or purchased for finishing off will be permitted.

Daily vendor – any vendor who is permitted to sell at the market, who participates in the market less than the full season and chooses to pay on a per-market basis for any space used.

Market Manager – any person or persons appointed by the Downtown Albany Restoration Project, Inc., hereafter referred to as “Downtown Albany BID” or “the BID” to implement market policies and directives and oversee the operation of the market.

Governing Body –The BID’s Board of Directors, as Governing Body, may exercise its discretion to establish a committee to oversee all aspects of the market, and make preliminary rulings on any complaints made against the market or its vendors, subject to review and further determination by the Board.

Market Partner – The Downtown Albany BID, Albany County, MVP Health Care, the MVP Arena, and any authorized agent, employee or representative of such organizations tasked with the planning and execution of the market.

Seasonal vendor – a vendor approved to participate in the market for all events in the series for that calendar year, and makes payment in accordance with the established fee structure.

Vendor – any seller or exhibitor participating in the market.

Who may sell at the market

1. The use of the market is restricted to those who are bona-fide growers, craftspersons, producers of homemade products, prepared food vendors, vendors who provide on-site services, or other vendors approved by the Market Manager. Vendors may, on a limited basis, supplement their product line with additional products, as long as that product is otherwise missing from the market and the Market Manager has given written permission for the supplement. This permission is valid for one season only and must be re-applied for each new season.
2. All agricultural products may be sold at the market, including but not limited to locally grown fruits and vegetables, dairy products, meats, flowers, plants, honey products, maple products, wines sold by a farm winery, eggs, herbs and related products.
3. Craft vendors may sell products that they have hand produced themselves.
4. Bakers who have baked the products themselves and who possess the proper licensing from either the NYS Dept. of Agriculture and Markets or their County Dept. of Health.
5. Prepared food vendors with a current mobile food service license.
6. Products not specifically identified must be pre-approved in writing by the Market Manager.



7. All applicable food safety regulations, both state and local, must be adhered to at all times.
8. All applicable licenses and permits for products sold and services performed must be obtained and kept current. Copies of applicable permits and licenses must be submitted to market management.
9. To confirm compliance to market rules, the BID reserves the right, but has no obligation, to direct the Market Manager or appoint a committee to inspect any vendor's farm or establishment with advance notice. Inspections will be made only with the farmer/owner or their representative unless written permission is given. Vendors must provide any help necessary to thoroughly document products and conditions recorded at inspection. The vendor will be notified in writing of the results of the inspection within seven days of the inspection.
10. All new vendors will be subject to a ninety (90) day at-will probationary period commencing on the first day of selling in the market.

Guidelines for selling

11. All vendors must ensure their booth spaces are clean and free of trash and debris at the end of each market.
12. All vendors must have a sign clearly showing their name and location.
13. Each vendor will be responsible for all equipment and supplies for the setup of a booth, including, but not limited to a tent, table, table coverings, chairs, and any other equipment necessary for participating in the market. Displays should be constructed in such a way that they do not block customer walkways nor pose any other hazard to customers.
14. Vendors who provide samples and/or products that will result in waste material, such as cups, rinds, and corn cobs, must provide containers for waste disposal.
15. Vendors are required to keep their market space neat and clear of obstacles, litter and debris.
16. All produce displayed for sale must be at least 12" off the ground with the exception of heavy or large items such as pumpkins.
17. Sellers must post prices. While it is expected that prices will be fair to consumers, the seller and fellow sellers, collusion among sellers to attempt to influence prices is strictly prohibited.
18. No smoking, alcoholic beverages or firearms are permitted at the market. Exception is wine tasting.
19. No hawking, proselytizing or amplified music is permitted at the market.
20. All products offered for sale must be of good quality and condition. The Market Manager reserves the right to direct any inferior goods be removed from display. Failure to remove products deemed inferior may result in loss of market privileges.
21. Each vendor in the market must be directly involved with or knowledgeable about the production of the produce or products being sold at the market.
22. All vendors must provide proof of general liability coverage in the amount of \$1 million dollars and name the Downtown Albany BID, Albany County, MVP Health Care, the City of Albany, and MVP Arena as additional insured. A current certificate must be submitted and remain on file with the market.
23. Vendors are responsible for the actions of their representatives, employees or agents.

Booth fees and assignments

24. The Market Manager will assign booth locations for all vendors participating in the market.
25. The booth fees and payment schedule will be assessed annually by the Downtown Albany BID. Booth spaces may be rented on a seasonal basis or on a per-market basis. Booth fees will be due and payable to Downtown Albany BID prior to the start of the market, or at the date and time specified by the Market Manager.



26. Vendors shall arrive within the timeframe specified by the Market Manager and must occupy their booth space by no less than 30 minutes prior to the designated start time for each market. The Market Manager reserves the right to re-assign booth spaces or exclude any vendor who fails to occupy their booth space by 30 minutes prior to the market start time.
27. Daily vendors will be assigned booth spaces by the Market Manager on a first come, first serve basis, as space is available. Space in the market is not guaranteed, nor is it guaranteed that daily vendors will be assigned the same space each week that they are in the market.
28. No subletting of booth spaces is permitted, and booth fees are not reimbursable, either in whole or in part.
29. To ensure the safety of market patrons, any vendor arriving after market opening may be required to set up on the periphery of the market.

Compliance

30. All complaints must be addressed in writing to the Market Manager and may be reviewed by the BID, and the Market Partners.
31. All complaints will be reviewed by the Market Manager in an attempt to resolve the issue. If the Market Manager is unable to resolve the complaint, then a written follow up may be made to the Governing Body. The Governing Body will address the complaint at the next regularly scheduled meeting. If the complaint is of an immediate nature, the Market Manager may ask for a special convening of the market's Governing Body, or a committee appointed from and by the Governing Body, to address the complaint. The decisions of the Governing Body are final and may only be appealed by a legal proceeding brought after mutual, good faith negotiations and mediation.
32. The submission of application for admission to the market serves as the vendor's agreement to abide by the rules of the market, as established by the market's Governing Body and enforced by the Market Manager.
33. Violations of the rules of the market may be grounds for warnings, dismissal from the market, or both.
34. The first violation of the rules will result in a verbal warning by the Market Manager. Documentation of the warning will be kept on file by the Market Manager.
35. The second violation of the rules will result in a written warning, given by the Market Manager. A copy of the letter will be kept on file by the Market Manager, along with any documentation of the violation.
36. Any subsequent violation of the rules may result in a suspension of selling privileges for a length of time determined by the Market Manager, or permanent dismissal from the market.
37. At the discretion of the Market Manager, when a violation occurs that jeopardizes the health of a customer, another vendor, market management or the overall health of the market, the manager may immediately suspend the vendor's privileges, and request that the Governing Body suspend the above compliance procedure and invoke immediate dismissal of the vendor from the market. The dismissal will require documented proof of a serious violation. The vendor will be given an opportunity to review the documentation, prepare a defense and appear before the Governing Body.
38. If after receiving a warning or suspension, a vendor is in disagreement with the Market Manager over the infraction, the vendor may make written application to the market's Governing Body, or a committee appointed from and by the Governing Body, to be heard on the issue. Both the vendor and the Market Manager will appear before the Governing Body, or committee as the case may be, and present their respective positions. The decision of the Governing Body is final.

