

**ELMWOOD VILLAGE ASSOCIATION FARMERS' MARKET**

Market Administrator

Karen Vilonen, 1851 Tonawanda Creek Road

Amherst, NY 14228

716-691-5388

**APPLICATION FOR 2017 SEASON**

Please read through Market Rules and Regulations before filling out this application.

Feel free to call the number above if you have any questions.

FARM NAME: \_\_\_\_\_

OWNER'S NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

TELEPHONE: \_\_\_\_\_ CELL \_\_\_\_\_ FAX: \_\_\_\_\_

EMAIL: \_\_\_\_\_

WEB SITE: \_\_\_\_\_

I WOULD LIKE TO APPLY FOR:

Full Season (as product available) \_\_\_\_\_

I WOULD LIKE TO RESERVE THE FOLLOWING STALL SIZE:

Up to 10-foot stall \_\_\_\_\_ Up to 20-foot stall \_\_\_\_\_ Up to 30 foot stall \_\_\_\_\_

Up to 40-foot stall \_\_\_\_\_ Up to 50-foot stall \_\_\_\_\_ Up to 60 foot stall \_\_\_\_\_

FOR A FULL-SEASON SUBSCRIPTION, May 13<sup>th</sup> to November 25<sup>th</sup>, 2017

I EXPECT MY START and FINISH DATE TO BE: \_\_\_\_\_

## Elmwood Village Farmers Market Rules and Regulations Contract

### MEMBERSHIP PREREQUISITES

Prerequisite one: All products sold at market must be produced within the eight counties of Western New York. These counties are Erie, Niagara, Cattaraugus, Chautauqua, Wyoming, Genesee, Orleans, and Allegany.

Prerequisite two: All goods sold at market must be grown or prepared from scratch by the vendor (or their employees) offering the item for sale. Value added products sold by farmers must contain a minimum of 51% of the product by weight, measured prior to processing, grown and or produced by the farmer.

Food vendors selling prepared or value added foods must use local ingredients whenever possible. If locally produced ingredients are not available, they must be sourced from NYS or as close to NYS as possible.

Prohibited ingredients are as follows: High fructose corn syrup, hydrogenated or partially hydrogenated oils, and artificial ingredients.

Purchasing items for resale at the market or selling anything not grown, prepared or crafted by the vendor is strictly prohibited.

### HOW TO APPLY TO THE EVFM

Anyone interested in selling at the EVFM is invited to apply to become a vendor as long as they first comply with the two prerequisites stated above. Each prospective vendor should read the general information regarding market rules and regulations and the required standards for their intended category (Agriculture, Food) before deciding to apply. Preference will be given to farms that practice organic and or sustainable agricultural methods.

*There will be a probation period of one season for new vendors.*

Please contact Karen Vilonen for an application, [favilonen@gmail.com](mailto:favilonen@gmail.com)

### 2/3rds RULE

The market membership must be comprised of at least 2/3rds farmer vendors. The balance shall be food vendors.

## FARMERS

Farmers are required to submit the “Farmer Crop Plan” for participation in the market. All products sold at the market must be listed on this crop plan. Vendor agrees that the Market Manager or a Board Member or representative of the Board may verify the information provided. The crop plan will also be used for participants in the Farmers’ Market Nutrition Program (FMNP) coupon program.

Vendors selling “organic” produce must be certified organic by a certifying body such as NOFA-NY or Certified Naturally Grown. Certification must be submitted with your application. Certification must be displayed at market.

Products which can be sold include but are not limited to: fresh picked fruits, vegetables, flowers, plants, eggs, honey, mushrooms, wine, beer, and USDA inspected meat.

Value added products sold by farmers must contain a minimum of 51% of the product by weight, measured prior to processing, grown and or produced by the farmer.

All applicable City, County, State, and Federal laws and regulations must be followed. The Board of EVFM has done its due diligence to assure that vendors comply with NYS Ag & Markets and Federal food safety regulations.

## FROM SCRATCH FOOD VENDORS

Food Vendors must submit the “Business Plan” with a list of the products they intend to sell. The ingredients of each item needs to be listed and the source of each ingredient needs to be listed. Each item sold must be properly labeled stating ingredients and weight as defined in NYS Ag. And Market weights and measures guidelines. In addition to the above stated membership prerequisites for the farmers market, vendors should source ingredients from local farmers when possible. For example, selling an apple turnover that contains non-local apples is prohibited. Similarly, selling a papaya turnover is prohibited because papaya is a defining ingredient and it is not local. Bread with California raisins is allowed. Bread with Chilean raisins is not allowed.

All applicable City, County, State, and Federal laws and regulations must be followed.

## THE MARKET SEASON

The selling season for the EBFM begins the Saturday of Mother’s Day weekend in May. The selling season ends November 25<sup>th</sup>, when our City Permit will expire.

Market hours are Saturdays 8:00 AM to 1:00 PM

The market hours have to be strictly followed and violations will lead to suspension without refund of market fee.

Vendors who are unable to attend the market for the entire market time period, must have prior approval from the market administrator or the Board.

There will be one hour for set-up and clean-up prior to and after Market hours.

The Market will take place rain or shine.

## MARKET ATTENDANCE

Attendance is mandatory. If you are unable to participate for the day, please call Karen at 716-691-5388 or 716-418-3376 in advance. Any more than one non-excused absence may result in dismissal from the market. No refund will be available.

Karen needs to be notified when the first and last day of market attendance will be. Call 716-691-5388, cell 716-418-3376 or favilonen@gmail.com.

All vendors are required to stay until the end of each market. Only vendors who sell out of product are allowed to leave before the end of the market day. This should be a rare occurrence.

The farmer or business owner is required to attend not less than 25% of the markets.

The vendor shall set up and keep staffed their market space during the operating hours of the market. All stands are to be set up with display tables and all display is subject to the Market Manager's approval. Vendors are encouraged to put up temporary canopies. Sales will be conducted in an orderly manner. No hawking or other objectionable means of soliciting business will be tolerated. Vendors are expected to treat customers in a courteous manner. No discrimination is permitted.

Vendors must have a sign showing their name and address. All products must be clearly labeled. Price signs cannot be larger than one square foot.

Vendors may not run their vehicles continuously during the market.

Vendor agrees to keep his/her stand and products as attractive as possible. The market administrator has the right to direct that inferior products be removed from display.

Each vendor will keep his/her market space free from refuse during market hours, and will clean the space at the end of each market day, carting away all refuse. In the event that the vendor's space is not cleaned up after hours of operation, any clean-up cost will be charged to the vendor.

Vendor will be required to move his weekly set up site several feet off the previous week's set up spot so as to avoid wear and tear on the grass.

Distress pricing will not be tolerated.

## MARKET FEES

To ensure a spot for the entire Market Season, a full season subscription is recommended. Market Fees for 2017 are as follows:

Up to 10-foot stall	\$290 (\$340- if deposit not paid by March 10, 2017)
Up to 20-foot stall	\$420 (\$470 – if deposit not paid by March 10, 2017)
Up to 30-foot stall	\$590 (\$640- if deposit not paid by March 10, 2017)
Up to 40-foot stall	\$735 (\$790- if deposit not paid by March 10, 2017)
Up to 60-foot stall	\$750 + \$10- for each additional foot above 40 feet (\$800 + \$12- if deposit not paid by March 10, 2017)
Per Diem wineries	\$30 per day

Your board is committed to a balanced budget. We hope it will not be necessary to assess a further, mid-season rent payment and /or adjust expenses mid-term.

The City of Buffalo requires a Vendor's Permit in the amount of \$31.50, which shall be made payable to the City of Buffalo. A copy of Vendor's Permit must be sent to Market Administrator at address above no later than March 10<sup>th</sup>, 2017. Once issued, vendor permit must be brought to the market each week.

**A non-refundable deposit in the amount of 50% of the Market Fee is due and payable no later than March 10, 2017. Deposit should be sent together with Application and signed Rules and Regulations Contracts to Market Administrator at address above.** The balance will be due by no later than April 28nd, 2017, and made payable to Elmwood Village Association. Once approved, one copy of the signed contract will be mailed to you for your records.

No one will be permitted to sell at the farmers' market until their Market Application is approved. Vendor is not allowed to sublet, transfer or permit any other party to use the assigned space without written consent by Market Administrator.

The vendor is to provide proof of general and product liability insurance. **Certificate holder must be: Elmwood Village Association, City of Buffalo, County of Erie, Olmsted Parks Conservancy.**

[Note: The Elmwood Village Association is a member of the Farmers' Market Federation of New York which has insurance products available for farmers/vendors. Please call Dianne Eggert, executive director of the Farmers' Market Federation, at 315-637-4690 or email [deggert@nyfarmersmarket.com](mailto:deggert@nyfarmersmarket.com), for more information.]

All documents shall be sent to the Market Administrator by the dates as specified:

**Karen Vilonen, Ben Brook Farm, 1851 Tonawanda Creek Road, N. Amherst, NY 14228.**

## MARKET INCOME INFORMATION

To assist in grant writing and for city economic impact studies, vendors are required to submit financial information concerning the previous year's market income prior to receiving the current year's contract. This information will be kept confidential.

## MEMBERSHIP VIOLATIONS AND TERMINATION

Violations of regulations and bylaws may be brought to the attention of the board by either the written complaint of the market manager or a petition of three or more vendors. A hearing shall be held before the tribunal committee where the complaint will be aired and the vendor has an opportunity to defend himself. The burden of proof is with the vendor accused. The first violation will result in a warning and the prohibition of the source of the complaint from being sold for the balance of the season or from the behavior repeating itself. The second violation will result in suspension and or expulsion from the market. No refund shall be given.

The Market Administrator has the right to conduct an audit of the Vendor. The audit will incorporate the following evidence:

- a. Testimony from other farmers
- b. Truck content at the start of the market
- c. Space allocation on display of the market
- d. Testimony of extension service personnel
- e. Farm visits

Vendors that have been found in violation may submit: ASCS Maps, seed fertilizer receipts, Schedule F, IRS 1040 Form, testimony from other vendors.

#### OTHER MARKET GUIDELINES AND REGULATIONS

**Pricing Products:** Prices should be clearly marked and displayed in a manner that does not mislead customers. Vendors are responsible for determining the price of their own products.

**Non-Profit Organizations:** Legitimate non-profit organizations may use a stall at market during the season (EV excluded) to distribute information, educate the public, and if desired, obtain signatures on petitions. They must contact the market manager of their desire to use a space prior to the day they wish to attend.

**Tax Certificate:** Vendors selling taxable items must display a valid NYS Certificate of Authority. You must file a Certificate of Registration with the NYS Sales Tax Bureau. Call 1-800-225-8100.

**Nursery License:** vendors selling nursery and greenhouse crops must display a valid NYS Nursery License.

**Prepared Food Guidelines:** Vendors selling hot or cold foods, processed foods and other perishable items shall do so in compliance with the requirements of the Health Department of Agriculture and Markets.

**Wine License:** Vendors selling wine must display a valid Farm Winery License.

**Scales Approved/Sealed Annually:** Vendors selling by weight must have scales approved and checked annually by the appropriate county. NYS Weights and Measures 1-800-554-4501.

**No Amplification:** No amplified music or talk is permitted at the market except as approved by the EBFM or the Market Manager.

I have read and agree to comply with the rules and regulations as set forth above:

VENDOR:

ELMWOOD VILLAGE ASSOCIATION:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

CHECKLIST FOR SUBMISSION REQUIREMENTS

\_\_\_\_\_ By March 10, 2017 Application for 2017 season and 50% Deposit

\_\_\_\_\_ By March 10, 2017 1 copy of the 1<sup>st</sup> and last pages of the  
Elmwood Village Farmers' Market Rules & Regulations

(keep the remainder for your future reference)

\_\_\_\_\_ By March 10, 2017 Crop List/Business Plan

\_\_\_\_\_ By March 10, 2017 NYS Nursery License\*

\_\_\_\_\_ By March 10, 2017 NYS Wine License\*

\_\_\_\_\_ By March 10, 2017 County Board of Health Permit\*

\_\_\_\_\_ By March 10, 2017 Article 20C License from NYS Dept. of Ag. And Markets\*

\_\_\_\_\_ By March 10, 2017 Part II Permit, NYS Dept of Ag. & Mkts, Div. of Milk Control\*

\_\_\_\_\_ By March 10, 2017 Insurance Certificate

\_\_\_\_\_ By March 10, 2017 Signed Vendor's Permit and Fee

\_\_\_\_\_ By April 28, 2017 Remaining 50% Market Fee

\*We are asking to have any and all permits that apply to your business in our files this season.