

2019 FRANKLIN DOWNTOWN FARMERS MARKET

RULES & REGULATIONS

1. Items that may be sold at the Downtown Franklin Farmers Market (DFFM or “the Market,” located at the Franklin City Building, One Benjamin Franklin Way, Franklin, 45005) include fresh fruits and vegetables; properly labeled maple syrup, sorghum or honey; properly labeled products of a cottage food production operation (jams, jellies, fruit butters, granola, dry baking mixes; spices, dry rubs, etc.); plants, fresh-cut herbs or fresh-cut flowers; dried gourds, dried herbs or dried flowers; baked goods (if they require temperature control, may need a MRFE/RFE license); eggs, meats and dairy products (requires a MRFE/RFE license); handmade items such as soaps, lotions, candles, etc.. No wholesale produce sales, no retail sales, no live animal sales, no garage sale or flea market items, no brokers, resellers or commercial producers.
2. Some arts and crafts (including handmade jewelry, pottery, carvings, photographs, textiles, etc.) sales will be permitted this year, but the number of arts and craft vendors will be limited, and vendors shall be chosen who sell different items. All items sold by arts and crafts vendors must be handmade (no re-sales or retail items) and must be pre-approved by the DFFM Committee. No vendor shall sell or add any arts and crafts items that have not been preapproved by the DFFM Committee.
3. This is a producers-only market, meaning no brokers, resellers, or commercial producers are permitted. Vendors selling only produce purchased wholesale is prohibited. Consignment sales or re-sales of cottage food is prohibited. For vendors selling produce, flowers or herbs, or other unprocessed farm products, at least sixty percent (60%) of the items sold at the Market must be grown by the seller, and the additional forty percent (40%) may be wholesale or nonlocal only when such items are produce that is off-season in Ohio or not ready or unavailable in Ohio due to adverse weather conditions. For vendors selling cottage-food production items, artisanal food products, and permitted non-food items, preference will be given to those vendors who use ingredients produced by themselves or which are sourced from local growers and producers. Exceptions may be made on an as-needed basis, as determined by the DFFM Committee.
4. The vendor must comply with all laws, ordinances, and regulations of the United States, State of Ohio, and City of Franklin. The vendor is responsible for all licensing and permits required by law, and shall submit copies of the same with the vendor’s application. The vendor shall also display any required licenses at the vendor’s display area on Market days.
5. All items the vendor offers for sale shall be properly labeled, in accordance with federal and/or state law. (See the Market’s FAQs for labeling information).
6. Sales of single-servings that are not individually labeled is prohibited, but the vendor may offer samples.
7. The vendor must post a sign at the vendor’s display area identifying the vendor and the source of the products the vendor is selling (example “Eggs from Sunnyside Up Farms, 123 Main Street, Anytown, Ohio”).
8. The vendor may sell and advertise the vendor’s items as “organic” only if the vendor has been state-certified as organic. A copy of the vendor’s state-certification must be filed with the vendor’s application. It shall be the vendor’s responsibility to set prices, which should reflect a fair market value. Culls and items of lower-quality (such as overripe produce that may be good for sauces) must be labeled as such and may be sold at a discounted price. All prices shall be clearly posted either on the items themselves on a sign at the vendor’s display area.
10. It shall be the responsibility of the vendor to collect payment and to collect any sales tax that may be due on non-food items. It is up to the discretion of the vendor whether he or she wishes to accept checks or credit cards.

11. If selling items by weight, the vendor must accurately weigh and measure such items using scales that have been inspected and sealed by the Ohio Division of Weights and Measures. Such seal shall be clearly visible on the vendor's scales.
12. Vendors must provide their own tables, canopies, and/or chairs. Though sales from the vendor's vehicle is permitted, a display table and canopy are recommended though not required. If a vendor brings a tent or canopy, it must have a safety set-up, and be secured with weights in case of windy weather (no stakes).
13. If selling from the vendor's vehicle, the vehicle shall not be running.
14. Vendor spaces will be assigned by the DFFM Committee. Vendors may only conduct business at their assigned space. Space assignments are non-transferable and vendors may not sublet their spaces. The same location every week is not guaranteed.
15. In all cases, the vendor's products shall be kept off the ground unless in a box or other suitable container.
16. Limited electricity is available, and must be requested at the time the vendor submits his/her application. Generators may be brought by the vendor only upon the pre-approval of the DFFM Committee. No refrigeration or running water will be available, but restrooms will be available for the duration of the Market. No security will be provided, but the Franklin Police Division is in close proximity to the market's location.
17. Vendors shall not bring radios or pets to the Market (service animals are permitted). No alcoholic beverages of any kind will be permitted. Smoking is permitted in designated areas only.
18. Vendors shall be expected at all Market days; however, the Vendor may miss Market days with the prior approval of the DFFM Committee. We ask that you limit your absences to not more than four (4). Any vendors who misses more than four (4) Market days without the approval of the DFFM Committee, or who repeatedly fails to give notice in accordance with paragraph 19, may be removed as a Market vendor, in the DFFM Committee's sole discretion.
19. Vendors shall attend the Market, rain or shine, unless the Market is cancelled due to extreme weather or other event. Vendors are expected to give forty-eight (48) hour notice if they are unable to attend the Market, except in case of an emergency.
20. Vendors may begin set up no earlier than 7:30 am, and shall be completely set up by the start of the Market at 9:00 am. Early sales shall be permitted, but shall not begin before 8:45 a.m.
21. Vendors shall not engage in aggressive sale practices nor engage in hawking (shouting out prices). For the benefit of all the vendors, prices may not be dropped until 12:30 p.m.
22. In order to maintain the appearance of a full and vibrant function, to benefit all the vendors, the vendor shall stay until the Market's close at 1:00 p.m.
23. Vendors shall assure that their items are fresh and of high quality. The DFFM Committee reserves the right to eliminate vendors lacking in quality, as maintaining a high level of quality that supports and benefits the Market's reputation is of benefit to all vendors.
24. Vendors must at all times conduct their business in a fair, honest, and legal manner. This includes the legal, truthful, proper labeling of their products. Products may not be misrepresented. The use of false packs or the concealment of poor product beneath a topping or facing of better product is prohibited. Fraudulent, dishonest, or deceptive practices are prohibited and will result in the vendor's expulsion from the Market.

25. The Market is a family-friendly environment; vendors must be courteous at all times. Profanity is prohibited. Disagreements with other vendors, DFFM Committee members, City employees or customers must be handled in a civil manner. Any vendor that threatens or engages in loud confrontations will be immediately expelled from the Market.
26. The vendor shall keep his/her display area in a clean and orderly manner. The vendor shall clean his/her display area and surrounding area at the close of the Market. Failure to do so may result in the vendor's expulsion from the Market.
27. No walk-up/walk-in vendors will be permitted; only vendors who have previously made application and been approved by the DFFM Committee will be permitted to sell at the Market.
28. The vendor may only sell the items listed on his/her application. Items not listed on the vendor's application may be sold only upon the approval of the DFFM Committee.
29. The DFFM Committee shall have the right to validate any information provided by the vendor on his/her application, including by visiting the vendor's farm/property. Applications will be reviewed for acceptance by the DFFM Committee, considering its completeness and accuracy and whether the proposed items fit with the Market's intent, including product mix. The vendor will be notified by phone or e-mail whether his/her application has been accepted or declined. By submitting an application, the vendor agrees that the decision of the DFFM Committee on whether to accept the vendor's application is final.
30. The DFFM Committee reserves the right to restrict the sale of items that do not meet the intent of the Market or that are already offered by other vendors, in the interest of maintaining a diversity of items to the benefit of all vendors at the Market.
31. The DFFM Committee shall provide signage for the Market, advertising, and publicity.
32. Vendors are strongly encouraged to carry their own personal and product liability insurance. Neither the Franklin Area Chamber of Commerce nor the DFFM Committee shall provide product liability insurance coverage to the vendor. By participating in the Market the vendor agrees that he/she shall be individually and severally liable for any loss, personal injury, death, and/or any other damages that may occur as a result of the vendor's negligence or that of the vendor's employees, agents or associates, and further agrees to indemnify and hold harmless the City of Franklin, the Franklin Area Chamber of Commerce, the DFFM Committee, their officers and employees, from any loss, costs, damages and/or other expenses, including attorney fees, suffered or incurred by them by reason of the vendor's intentional misconduct or negligence, or that of the vendor's employees, agents, or associates.
33. By participating in the Market, the vendor agrees that he/she is an independent contractor and not an employee, partner, or joint venturer with the City of Franklin, the Franklin Area Chamber of Commerce, or the DFFM Committee.
34. By submitting an application, the vendor acknowledges he/she has received and read these Rules & Regulations, agrees to abide by them, and agrees that his/her failure to comply with these Rules & Regulations may result in the vendor's expulsion from the Market.

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FREQUENTLY ASKED QUESTIONS

1. What can I sell at the Farmers Market?

Fresh, unprocessed fruits or vegetables; properly labeled maple syrup, sorghum or honey; properly labeled products of a cottage food production operation (jams, jellies, fruit butters, granola, dry baking mixes; spices, dry rubs, etc.); plants, fresh-cut herbs or fresh-cut flowers; dried gourds, dried herbs or dried flowers; baked goods (if they require temperature control, may need a MRFE/RFE license); eggs, meats and dairy products (requires a MRFE/RFE license); handmade items such as soaps, lotions, candles, etc. No wholesale produce sales, no retail sales, no live animal sales, no garage sale or flea market items, no brokers, resellers or commercial producers. A very limited number of arts and crafts vendors will be permitted this year, who may sell handmade arts and crafts items (handmade jewelry, pottery, textiles, etc.).

2. What is a “cottage food production operation”?

A person who, in the person’s home, produces non-hazardous food items, including bakery products (cakes, cookies, breads, etc.) that do not require temperature control; jams, jellies, and fruit butters; candy; dry tea and roasted coffee; dry herbs and herb blends; pizzelles and waffle cones; granola and granola bars; baked, unfilled doughnuts; popped popcorn, plain or flavored; cereal/nut snack mixes; dry baking mixes. Acidified foods, low-acid canned foods, vacuum-packaged foods or potentially hazardous foods (examples include food that requires temperature control such as raw or cooked animal products, custards, cream pies, etc.) are not permitted as cottage food items.

3. Can I sell canned items using traditional heating canning methods?

Yes. Traditional canning methods for high-acid fruits are acceptable (jams, jellies, fruit butters), and the OSU extension office recommends boiling water bath as the safest method. However, low-acid foods, such as vegetables, and acidified foods, such as pickles, relish, or salsa, are not considered cottage foods and cannot be sold at the Market without the proper license.

4. What if I want to sell a food item that does not qualify as a cottage food production?

You may have to obtain a Retail Food Establishment (RFE) license or a Mobile Retail Food Establishment (MRFE) license from your local Board of Health. Any vendor selling food items not listed in question one, above, including prepared and ready-to-eat foods that are not pre-packaged and shelf-stable; poultry from a flock of 1,000 chickens or less; eggs from a flock of 500 hens or less; or who wishes to sell any other potentially hazardous food item (e.g., raw meat, cheese, cream pies, etc.) will need to be licensed as an RFE or MRFE. Please see the Warren County Combined Health District website (Fact Sheets) for more details or contact your local health department.

5. What foods require a MRFE/RFE license, and how do I get one?

Selling eggs, meats, cheese, dairy products and other potentially hazardous foods requires a Mobile Retail Food Establishment (MRFE) or Retail Food Establishment (RFE) license. Prepared and read-to-eat foods that are not pre-packaged and shelf-stable also require a MRFE/RFE license. “Potentially hazardous foods” are foods that must be kept at a certain temperature to prevent the growth of harmful bacteria. To get a MRFE/RFE license, contact your local health department. Depending on products you plan to sell, the health department might require mechanical refrigeration, coolers, or other methods of maintaining the correct temperature.

6. What are the requirements if I want to sell meats, dairy products or eggs at the Market?

To sell meats, including poultry, you will need to have it processed at an Ohio Department of Agriculture (ODA) or USDA inspected processor and you will have to have a MRFE/RFE license. To sell dairy products, including cheese, the products for sale must be produced in an ODA inspected and licensed facility and you will have to have a MRFE/RFE license. To sell eggs, you will need to be a registered egg producer with the ODA and, if you have fewer

than 500 hens, you will also need a MRFE/RFE license. The ODA requirements for registering as an egg producer are minimal if you have fewer than 500 hens, but there are labeling and temperature control requirements.

7. What if I want to sell homemade cosmetics, lotions, skincare or dietary supplements (including herbal supplements)?

Dietary supplements include any vitamins, minerals, herbs, or other botanicals that are intended for ingestion in pill, capsule, tablet or liquid form. The sale of dietary or herbal supplements is not permitted at the Farmers Market. Cosmetics include lotions, salves, lip balms, skin creams, scrubs, shampoos or any other article intended to be rubbed, poured, sprinkled or sprayed on, introduced into, or otherwise applied to the body, except for soap. Thus, homemade cosmetics, lotions or other skincare items may be permitted at the Farmers Market, but you must comply with the FDA's regulations on labeling for cosmetic items other than soap. If you make any health claims about your products (such as "treats chapped lips" or "reduces fine lines"), your product may be considered a drug by the FDA. Please contact your local board of health for more information.

8. What does "properly labeled" mean?

Each unit of food (other than fruits and vegetables), bar of soap, or cosmetic unit must have a label which includes the following information: Name of product; Net quantity/weight; Ingredient List, listed in descending order of predominance by weight; Name and Address of Business/Individual who made the product; the following statement, in at least 10-point type, THIS PRODUCT IS HOME PRODUCED. Nutritional information is only required if you make any nutrient content claims (e.g., low-fat, salt-free) or health claims; then, the product must bear all required nutritional information in the form of a Nutrition Facts panel. See the FDA's website for information on nutritional labeling.

9. Can I advertise my produce as "organic"?

Any product labeled as organic must be from a farm that goes through an annual certification process to verify that the farm's practices are in compliance with the USDA's National Organic Program standards. Thus, you can only label your produce as "organic" if you have the required certification from the Ohio Ecological Food & Farm Association or if you have filed the necessary declaration of exemption. However, terms such as "pesticide-free," "sustainably grown," "chemical free," and "naturally raised" can be used. (See the USDA or OEFFA's website for more information about the organic certification/exemption process).

10. Am I subject to any regulations for selling items at the Farmers Market?

Yes. You must abide by the Downtown Franklin Farmers Market regulations. In addition, the Ohio Department of Agriculture, which regulates farmers markets, might inspect your items to assure they are properly labeled. If you need or already have a MFRE/RFE license, you are subject to inspection by the Warren County Combined Health District.

11. Do I have to register with the Ohio Department of Agriculture to sell items at the Farmers Market?

No. Individual vendors at the Farmers Market do not need to register with the ODA.

12. Can I sell items by weight, for example, one pound of potatoes for \$5?

Yes, but to do so you must have scales that have been inspected and approved by the Ohio Division of Weights and Measures. This is your individual responsibility as a vendor. You could weigh out several 1 lb. bags of potatoes at home, and then sell them as "1 bag for \$5"; however, if you mention the weight of the bag, you must have inspected and approved scales. Please contact your local County Auditor regarding inspection and approval of weights.

13. Do I have to have insurance to sell items at the Farmers Market?

Product liability insurance is recommended, and in most cases, you may already be covered by your homeowner's policy. Please check with your insurance agent. The City's insurance will cover any accidents that might happen to a buyer while at the Farmers Market, such as a trip-and-fall, but it will not cover any buyer's claims based on the items you are selling. In other words, the City's insurance does not provide coverage for you for the items you sell. Thus, it might be wise to have your own insurance.

14. Will there be electricity available at the Farmers Market?

Yes, but availability and amps are limited. Please be sure to indicate on your application if you need electricity.

15. Will there be running water and restrooms available at the Farmers Market?

No running water will be available outside, but we will be providing restrooms with sinks for hand washing to the vendors.

16. Will tables, canopies, or chairs be provided?

No. Vendors must bring their own tables canopies and chairs, but these items are not required.

17. Is there any charge to sell at the Farmers Market?

No. There is no charge for a space, but you must register with the Downtown Franklin Farmers Market Committee and be approved as a vendor before you can sell any items at the Farmers Market. Applications are available on the City's website (www.franklinohio.org), the Franklin Area Chamber of Commerce website (www.chamber45005.org), or at the City Building, 1 Benjamin Franklin Way, Franklin, Ohio 45005.

18. What kind of commitment is required?

The Market will run from June 1 to September 14. That is 16 Market Saturdays, and we ask that you commit to being with us every Saturday for the 2019 season; however, you will be allowed to miss Market days with the prior approval of the DFFM Committee. We ask that vendors miss no more than 4 Market days. (See paragraphs 18 and 19 of the Rules and Regulations).

Here are some helpful links:

Ohio Department of Agriculture

Cottage Food Regulations and Labeling including a sample label

<https://agri.ohio.gov/wps/portal/gov/oda/divisions/food-safety/resources/cottage-food>

U.S. Food & Drug Administration

Cosmetic Labeling Guide <http://www.fda.gov/cosmetics/labeling/regulations/ucm126444.htm>

Nutrition/Health Claims Labeling <http://www.fda.gov/food/guidanceregulation/>

Warren County Combined Health District

Farmers Markets <http://codes.ohio.gov/oac/901:3-6>

Cottage Foods <http://codes.ohio.gov/orc/3715.01>