

## **Bylaws of the Macungie Farmers Market**

### **I. PURPOSE**

To provide consumers with fresh, high quality, local produce and food products at a convenient location. Macungie Farmers Market also offers local food purveyors, artists and crafters an outlet for sale of their handmade products. To provide local farmers and producers with improved marketing opportunities.

### **II. ORGANIZATION**

The Macungie Farmers Market (MFM) is a subsidiary of the Borough of Macungie. The MFM is governed by the MFM Advisory Board.

#### **A. Advisory Board Members**

1. Four full-time (4) MFM Vendors (2 growers, 1 non-grower and 1 prepared food vendor) in good standing voted on by the MFM.
2. Market Manager
3. One (1) MFM Volunteer
4. One (1) Borough Council Member (appointed by Borough Council)

#### **B. Advisory Board Terms**

1. One (1) year term limit for the first year (2015), thereafter, Two (2) year staggered term limits. There is no limit on the amount of terms a Board member can serve.

#### **C. Officers**

A chairperson and secretary shall be nominated each year at the first meeting of the Board. Officers' terms are one (1) year.

#### **D. Meetings**

1. The MFM Advisory Board shall meet at least four (4) times annually (two winter pre-season meetings, one mid-season meeting and one end of season meeting) and at other times as necessary. The Board secretary shall keep the meeting minutes.
2. The Annual Vendor meeting will be held on the last Thursday in January.

#### **E. Market Management**

The Market Manager supervises the daily activities of the market, enforces market rules, collects and maintains applications and copies of insurance certificates, serves as a contact for vendors and outside groups, oversees all events, fundraising, promotion and advertising and financial activities of the market including collection of vendor fees, submitting the annual budget for approval and reporting the financial status of the market to the Board.

#### **F. Vendor Representation**

1. Four full time MFM vendors shall represent the MFM vendor body as a whole on the MFM Advisory Board. Vendor representatives must be considered a vendor in full time good standing.

2. A vendor in good standing is defined as a vendor who adheres to the rules and regulations of the market, as well as being fully engaged and committed to upholding the MFM Bylaws.
3. Vendors shall take market-related concerns or disputes to the Market Manager, in writing, and the matter will be brought before the MFM Advisory Board.

### **III. VENDOR PARTICIPATION**

It is recognized that although members of the MFM sell as individuals, the market is a cohesive unit. Its success depends on the cooperation and joint efforts of all the vendors as a whole.

- A. The MFM is a producer-only farmers' market: vendors must be growers or producers of the items they present for sale at the market. Vendors must be full or part-time producers of accepted products that are permitted for sale at the market.
- B. Vendor categories are: Fruit and/or Produce, Dairy, Bakery and Confection, Meats, Flower and Botanicals, Specialty Foods, Artists and Crafters, Restaurants and Cafes and Guest Vendors.
- C. Vendor Applications and Annual Meeting
  1. Potential vendors wishing to sell at the MFM must, prior to participation in the market, file an application with the Market Manager verifying that they are the actual grower or producer of the specific items which they intend to sell. Vendors must apply to sell at the market under one of the nine (9) categories, based on their primary products. Returning vendors wishing to expand into a new category must have their written application approved by the majority vote of the Board.
  2. Current vendors must complete an application each season and submit the completed form on or before the application deadline, which is January 15th.
  3. The MFM will strive for a balance of vendor categories. New vendors will be selected to fit the needs of the market by a vote of the current MFM Advisory Board members.
  4. Additional vendors will be added to the market at the beginning of each season, or as need arises, provided that the new vendor agrees to these by-laws and is approved by a majority vote of MFM Advisory Board. Reasons for adding a new vendor may include: a shortage of a particular product, adding diversity to the mix of products at the market, or the overall growth of consumer demand.
- D. Guest Vendor Category
  1. This vendor category is for individuals/businesses wishing to try out the Market.
  2. Guest vendors may participate in the Market one time per season for a fee of \$50. Guest vendors wishing to participate more than one time during a season must pay the current part time vendor fee as established by the MFM Advisory Board. The \$50 fee will be deducted from the part time vendor fee.
  3. Guest vendors wishing to sell at the MFM must, prior to participation in the market, file an application with the Market Manager verifying that they are the actual grower or producer of the specific items which they intend to sell.

4. Guest vendors must be producers of accepted products that are permitted for sale at the market.
5. Guest vendors must be approved by the MFM Advisory Board.
6. Guest vendors must comply with the requirements of the MFM By-Laws as adopted by the MFM Advisory Board.

#### **IV. GENERAL RULES**

##### **A. Permitted items for sale:**

1. Items permitted for sale shall include locally grown or produced items including fruits, vegetables, plants, herbs, cut flowers, baked goods, preserves, honey, cider, juice, meat, animal products, prepared foods and crafts. The resale of items purchased by the vendor shall not be permitted without prior approval of the Board and could result in expulsion from the market.
2. Associate Vendor Products: MFM vendors are not permitted to sell products other than those that they themselves grow, raise or produce, except with the expressed approval of the MFM Advisory Board. MFM vendors in good standing may be permitted to sell fruits and vegetables or other products from another local producer provided that:
  - a. the item(s) is either not currently sold at the MFM or is deemed by the MFM Advisory Board to be in limited supply;
  - b. the item(s) is from an approved local farm or business, which adheres to the same criteria as MFM vendors; and
  - c. the item(s) is identified with clear signage with the name and address of the farm/business where the product is grown/produced;
  - d. no more than 25% of the products sold should be from an associate vendor;
  - e. only 1 associate vendor is permitted per vendor;
  - f. the vendor or associate vendor demonstrates appropriate insurance coverage for the associate vendor;

Vendors must complete an Associate Vendor Form and submit it to the MFM Advisory Board for approval. Approval is made at the discretion of the Board and must be granted prior to the item being sold at the Market.

3. Cider/juice: Cider and juices are only permitted if it is pressed/extracted by the vendor or is custom pressed/extracted using exclusively the vendor's fruit/vegetables. The sale of fruit to a pressing/extraction operation and the subsequent purchase of bottled product back from the pressing/extraction operation shall not be considered to have been produced exclusively from the vendor's fruit.
4. Preserves: Preserved items such as jams, jellies, sauces, canned goods, etc. must be custom made by the vendor. Vendors are encouraged to use as much local product as possible. The amount of local product used may influence acceptance of the product or vendor into the MFM.
5. Baked Goods: Baked good must be produced from scratch by the vendor. This rule does not apply to processed products. Vendors are encouraged to use as

much local product as possible. The amount of local product used may influence acceptance of the product or vendor into the MFM.

6. Prepared Foods: Prepared food includes food for immediate consumption and processed foods. All prepared food must be made from scratch by the vendor. No prepared food made from commercial mixes will be accepted. Any item that is made primarily from a manufactured, processed product, such as dry cereal, is not allowed. Items should be made from scratch, including pie crusts and icings. The producer, a family member, or an employee directly involved in the production process of the items to be sold must be present at each market.
7. Crafts: Crafts are subject to approval of the MFM and must be handmade by the vendor.

#### B. Market Fees:

1. The MFM Advisory Board will review vendor fees annually. After review, the vendor fees may be adjusted for the next market season.
2. Vendor fees must be paid by the date specified on the vendor application. If the vendor fee is not received by the Market Manager by the specified date, the vendor will not be allowed to sell at the Market.
3. Special Event Vendors (SEV): Approved SEV will pay a fee to sell only during the special events at the Market. SEV are excluded from the mandatory attendance rules or regular season vendors. SEV must comply with other rules and regulations. Event only vendors are not permitted to sell any items that directly duplicate products sold by regular season vendors.
4. New vendors will not be permitted to share a site and must adhere to the established vendor fees and attendance requirements.

#### C. Regulatory Compliance:

Vendors are personally responsible to be in compliance with local, state and federal regulations that apply to their business. These include but are not limited to:

1. Pesticide licensing and safe use
2. Certification of scales by the department of weights and measures
3. Organic certification for products claimed to be grown organically (Proof of certification must be submitted with vendor application.)
4. State sales tax collected as required
5. Health and labeling regulations that apply to preserves, honey, cider, baked goods, canned goods, eggs, dairy products, meats, etc.
6. Certification of kitchens by the Department of Health (Proof of certification must be submitted with vendor application.)

#### D. Operation of Market Stands:

Vendors have the right to operate their stands as they choose after meeting the following minimum standards:

1. Vendors are required to have a tent/canopy or vendor truck.
2. Vendors must insure the safety of their display and canopy. Canopies must be weighted or tied down securely at all times.
3. Vendors' attendance at the market is mandatory. Vendors are limited to two (2) excused absences per market season. Vendor attendance is mandatory. Vendors must contact the Market Manager about a planned absence one (1) week in

advance of the date of the absence so customers can be informed on the website, in weekly newsletter and on Facebook. In the event of an illness or unforeseen emergency and severe weather, the vendor shall inform the market manager as soon as possible. Unexcused absences may result in the termination of the vendor's participation in the market.

4. By majority vote of the MFM Advisory Board, individual vendors may be approved for a different, but regular attendance requirement as in the case of a single crop grower.
  5. Vendors will strive to sell only products of the highest quality and freshness in keeping with the market's desired image.
  6. Vendors are required to have a professionally made banner or sign clearly listing the name of their farm/business and location.
  7. All vendors are responsible for cleaning up their market site at the end of the market day.
  8. Prices for all items on display should be clearly marked with individual price tags, signs or large legible sign boards.
  9. End of day discounting is not permitted.
  10. All pricing will reflect typical market value.
  11. All vendors are required to supply their own electric source and water supply.
- E. Market Location: The MFM is currently held in Macungie Memorial Park, 50 N. Poplar Street (Walnut Street side of park), Macungie.
- F. Market Season: The season is mid-May through the last Thursday in October, with the exception of the 4<sup>th</sup> Thursday in August for the Wheels of Time Car Show.
- G. Market Times and Days: The market operates on Thursdays from 4:00 pm to 7:00 p.m., mid-May through September, and until dusk during the month of October. Vendors shall be prepared to operate at the opening time. Vendors may sell products beginning at 3:45 p.m. All vendors are expected to schedule their arrival accordingly. No vehicles will be able to enter the area after 4:00 pm. Selling after closing time is discouraged. Vendors are required to remain set up until the designated closing time unless prior permission has been acquired from the market manager. Leaving the market prior to the designated closing time may result in termination from the market. Vendors shall clear the market site as expeditiously as possible.
- H. Vending Space Assignment:
1. Individual vending space size maybe flexible and is based on the needs of the individual vendor and the market.
  2. Returning vendors have the opportunity to return to their previous location or to occupy any available spot that retains a good product mix.
  3. Vendors will use the same space throughout the season.
  4. New vendors will be assigned spaces that are available in such a way as to create a good product mix. In the event of a major redesign of the market space, a design map with good product mix will be created and vending spaces chosen by vendor seniority in the Market.

- I. Educational and Community Activities: Space will be made available free of charge for pre-approved market, educational or community promotional activities as needed. This space must be booked with the Market Manager at least two weeks ahead of time and will be assigned at the discretion of the Market Manager. This space will be made available on a first-come, first-serve basis.
- J. Associate Vendors: Any vendor selling with associate vendor products must provide the appropriate form with the name of the associate vendor and address. The vendor should post the associate name with the product being sold.

## **V. VIOLATIONS AND MARKET CERTIFICATION**

- A. Market Certification: The MFM is a locally grown/produced farmer's market. This is a guarantee to the consumer that this is a market comprised of local farmers and producers selling only what they grow on their farms or produce locally. This guarantee is comprised of the words and deeds of the vendors themselves. The MFM Advisory Board reserves the right to make an informal farm visit to verify the "producer-only" status of market vendors.
- B. Submitting Complaint:
  - 1. Any complaint against any vendor regarding the origin of their produce or products, violations of market rules or any other matter, must be directed to the attention of the Market Manager in writing. A formal grievance will then be brought before the MFM Advisory Board for discussion.
  - 2. No vendor may inappropriately approach, intimidate, or question the selling, growing or production practices of another vendor.
  - 3. Vendors may submit a complaint jointly.
- C. Complaint Resolution:
  - 1. Upon receipt of a written complaint the Market Manager will call a meeting of the MFM Advisory Board. The Board will determine what type of investigation, if any, shall be conducted. After an investigation, the vendor will receive a warning, temporary suspension or expulsion from the market.
- D. Vendor Behavior and Harassment Policy
  - 1. Vendors are expected to behave in a professional manner and treat other vendors and MFM volunteers with respect.
  - 2. All vendor concerns should be brought to the attention of the Market Manager.

## **V. LIABILITY**

Although the Borough of Macungie maintains insurance, the MFM, the Borough of Macungie, Macungie Memorial Park and sponsoring organizations do not provide any insurance to cover activities of vendors, their employees or agents.

- 1. Each vendors must carry a minimum of \$500,000 liability insurance.
- 2. All vendors must provide a certificate of insurance listing (1) The Borough of Macungie, 21 Locust Street, Macungie, PA, 18062 and (2) Macungie Memorial Park,

- 50 N. Poplar Street, Macungie PA, 18062, as additional insureds for the duration of the market season.
3. The Market Manager must receive proof of such insurance coverage each year before the vendors will be allowed to participate in the Market.
  4. Associate Vendors must provide required insurance certificate or be covered under the Vendor's insurance.

Macungie Farmers' Market  
Macungie Memorial Park  
Walnut Street Side  
Macungie, PA 18062  
610-966-2503  
[www.macungiefarmersmarket.com](http://www.macungiefarmersmarket.com)  
[www.facebook.macungiefarmersmarket.com](http://www.facebook.macungiefarmersmarket.com)

**ACKNOWLEDGEMENT**

I have received and carefully read the Macungie Farmers' Market By-Laws for the 2017 season. I understand that it is my responsibility to abide by said By-Laws.

I acknowledge that the By-Laws are not intended to be and should not be interpreted as a contract, expressed or implied. I further acknowledge that I have been given an opportunity to ask any questions that I may have with regard to the policies set forth herein prior to executing this Acknowledgement.

Signed by: \_\_\_\_\_  
(Please Print Name)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_