

RED WING FARMERS MARKET ASSOCIATION

Operational Guidelines and Rules

Our Mission is to provide a convenient and socially enriching place where the community can purchase the freshest, locally grown produce available directly from farmers and producers who represent traditions and skills that we value as part of our way of life.

The Red Wing Farmers Market Association supports and promotes the Market in the greater Red Wing area serving Minnesota and Wisconsin customers. Vendors participating in this Market are members of the Association and abide by standards for high quality of products that are locally grown and produced. Members have voting rights within the Association, are invited to attend all Association meetings, and are kept informed of all Association business and Farmers Market activities. Annual membership fees are used for Market promotions, advertising, signs, printing, supplies, mailing costs, and community events promoting the Farmers Market.

The City of Red Wing has entered into a management agreement with the RWFMA to manage the Farmers Market, collect fees, and ensure compliance with the City Code requirements, effective 06-26-07.

Location:

The Red Wing Farmers Market (RWFMA) operates seven days a week and is located in front of City Hall on 4th Street between Bush and Plum Streets. Following are the location, day, and hours of operation:

- Sunday through Friday on 4th Street directly in front of City Hall. Hours - 6:00 a.m. to 6:00 p.m. or until sold out
- Saturday on 4th street directly in front of City Hall and in City Hall parking lot directly to the west of the building. Hours - 6:00 am to 3:00 pm or until sold out
- May through October weather permitting

Who May Sell at the RWFMA:

A vendor must meet the following qualifications:

- Vendors shall be defined as a person or agent who sells market goods to the public.
- Be a member of the Red Wing Farmers Market Association.
- Have submitted the required application for participation in the Market.
- Have paid the required fees.
- Raise or produce their products on land they own or lease within a 60-mile radius of Red Wing, Minnesota.
- Agree to abide by the RWFMA guidelines and rules.

Note: Exceptions to these qualifications for the purpose of maintaining and promoting diversity and variety in the market produce must receive approval by the RWFMA Board.

Application and Fees:

Permit application and payment of fees for the right to sell products at the Market site in Red Wing constitutes an agreement by vendors to abide by the RWFMA Operational Guidelines and Rules. Permits can be purchased at the Community Development Center at 419 Bush Street, Monday through Friday, 8:00 a.m. to 4:30 p.m.

- Annual fee is \$500 and provides access to the Market seven days a week throughout the season and guarantees an assigned space.
- Annual Saturday Only fee is \$160 and provides access to the Market on Saturday only from May through October and guarantees an assigned space.
- Daily fee is \$10 for designated space at the Market, assigned on a first-come, first-served basis.
- Fees for permits must be paid in advance to have access to a space.
- Vendors are responsible for payment of State sales tax and must abide by all State and local ordinances.

Market Goods:

Market goods must be grown, produced, or made within a 60-mile radius of Red Wing.

The following items are approved for sale:

- Vendor grown fresh fruits and vegetables.
- Vendor grown herbs and spices.
- Vendor produced farmstead products such as cheese, meats, fish, poultry, eggs, baked goods, honey, maple syrup and preserves, if prepared and labeled in accordance with rules established by the MN Department of Agriculture.

- Vendor grown bedding plants, hanging and potted plants, dried flowers, and cut flowers and plants.
- Arts, crafts, and other locally produced hand-made products.
- Information about ingredients of baked goods and processed food should be kept on file and made available upon request.
- Processed items must be sold with a valid processing license or comply with Minnesota labeling law requirements.
- All items must be prepared, displayed, and stored in accordance with Minnesota Department of Agriculture, Minnesota Department of Health and Goodhue County Community Health Department Guidelines.
- Produce sold as organic must have originated from an organic grown Certified Farm.
- Farmers/Growers that are not certified organic, but use organic practices according to State regulations or National Organic Standards or practice pesticide free farming may advertise or sell produce labeled accordingly.
- All items may be sold by bulk, bundle, or individual item. Items sold by weight units of measure require a State Certified Scale.
- Vendors may not sell any items not approved of or shown in their market application.

Stall Assignment:

- Permits entitle vendors to one stall space on Fourth Street between Bush Street and Plum Street. On Saturday, permits also allow vendors to park in the West parking lot of the City Hall and to use the front lawn of the City Hall facing Bush Street. For the Saturday Farmers Market, a maximum limit of fourteen permits shall be issued for Fourth Street and an additional six permits may be issued specifically for the west City Hall parking lot. A permit shall be nontransferable between Vendors and shall be non-refundable. Copy of permit must be visible in the vehicle or stall at all times.
- Seasonal seven day stalls and seasonal Saturday stalls are assigned at the annual Spring General Membership meeting of each year, or by directly contacting the Market Manager.
- Daily stalls for specific days may be reserved and paid for in advance.
- Daily stalls will be assigned on a first come, first served basis.
- New vendors are allowed to reserve a stall for three occasions without being a member of the Association. Thereafter, membership is required to participate in the Market.
- Vendor may purchase a second stall if space is available, and may not reserve space until the previous day of selling by contacting the Market Manager.

General Market Guidelines:

- Weekday market vendors selling from the street in front of the City Hall must sell products from their vehicles. Saturday Market vendors selling from the City Hall parking lot may sell products from a tent or vehicle.
- All permits and licenses required by the City of Red Wing, Goodhue County, the State of Minnesota or the Federal Government are the sole responsibility of the vendors.
- Vendors are required to have adequate insurance to operate such vehicles as are needed to vend at the Red Wing Farmers Market and adequate insurance to do business in the State of Minnesota and, upon request, to furnish the City of Red Wing with proof of such insurance.
- Tables shall be allowed on the sidewalk adjacent to the motor vehicle from which the market goods are being sold, but shall not exceed the width of the parking stall space and must maintain a minimum of 40 inches clearance from all obstacles for pedestrians. No tables shall be allowed in the street. Food items must be kept at least 6 inches above the ground.
- **Tents or canopies must be anchored with sand bags.** Stakes are not allowed as they may rupture underground hoses in the irrigation system of the City Hall lawn. Damage to the irrigation feed lines will result in a \$200 fine.
- No music or noise shall be permitted that can be heard within 30 feet of the vendor's vehicle.
- No pets or other live animals shall be allowed in the vendor area.
- Vendors must display legibly marked prices of all goods for sale.
- All goods for sale must be in sound condition. All edible goods must be safe for human consumption. The Vendor is solely responsible for any damages resulting from the sale of unsound or unsafe goods.
- Vendors shall prominently display information to identify the name of the business or operation including the name of the owner and the location of the business.
- All Vendors must dress appropriately. Shoes and shirts are required.
- All vendors shall clean up around their vehicles when they have completed their sales for each day. All trash must be disposed of properly and all stall areas must be swept of debris.
- The Market Manager or designee is responsible for overseeing the activities of the Market and enforcing the Market Rules when necessary.
- The RWFMA Board will be the arbiter of disputes.

Violations of above Farmers Market rules:

First offense – Verbal warning from the Market Manager or RWFMA Board member

Second Offense – Written notice from the RWFMA Board

Third Offense – Loss of selling privileges for the remainder of the Market season.

Members may report an alleged violation by completing a “RWFMA Market Rule Violation Form” available from the Market Manager or any Board member.

Revocation: The City Clerk may, in writing, revoke any permit issued under Subdivision 6.38 Farmers Market city code, or refuse to grant or renew said permit of any vendor in violation of this Subdivision, of any other City code provision, or of any regulations adopted by the City.

Covenant not to sue:

The Vendor may not institute any action or suit at law or equity against the RWFMA, the RWFMA Board of Directors, any RWFMA employee or agents; the City of Red Wing, the City’s employees or agents. A Vendor will not aid in the institution or prosecution of any claim for damages, costs, loss of services, expenses, or compensation for or on account of any damages, loss, or injury to person(s) or property as a result of operation this Contract. This section shall survive any termination of the Contract.

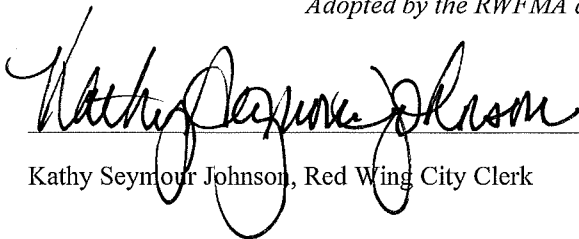
Indemnification:

The Vendor agrees to fully indemnify the RWFMA, the RWFMA Board of Directors, any RWFMA employee or agents; the City of Red Wing, the City’s employees or agents and any adjacent property owner from any and all liability, loss, or damage(s) which may be incurred as a result of any and all claims, demands, costs, judgments or expenses, including attorney fees, arising from the Vendor’s participation in the Red Wing Farmers Market. This Section shall survive the termination of the contract.

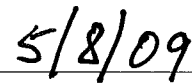
Events and Promotions:

The RWFMA may conduct promotions and events at the Farmers Market to attract additional customers to the Market and to add to the atmosphere of the Market. Vendors agree to cooperate with the RWFMA and/or its designees in conducting such events and promotions.

Adopted by the RWFMA and approved by the City of Red Wing May 2009



Kathy Seymour Johnson, Red Wing City Clerk



Date

Submit with Vendor Application form

I have read, understood, and agree to abide by the RWFMA Operational Guidelines and Rules.

Vendor Signature _____ *Date* _____

Print Name _____

Business or Farm _____

Address: _____

INDEMNIFICATION AGREEMENT ----- RELEASE AND WAIVER OF CLAIMS

In consideration of being issued a Seasonal Farmers Market Permit by the City of Red Wing, I hereby agree and promise to release, relinquish and waive any and all claims of any kind or character whatsoever that I may have or may acquire against the City of Red Wing arising out of or pertaining in any way to this permit or operation of my business in conjunction therewith.

Further, I agree to indemnify and hold the City of Red Wing harmless from and against any and all claims demands, causes or actions, liabilities, costs or expenses for damages, losses, injuries or death to persons, or damages or losses to property which may be imposed upon or incurred by or asserted against the City of Red Wing and rise out of or pertain in any way to said permit o operation of my business in connection therewith.

I understand that this Agreement is intended to and shall bar and prohibit any and all causes of action, claims demands or litigation that I or any other party might assert against the City of Red Wing relating to the permit; and I do so knowingly and willingly agree to it.

I have read this Agreement carefully, agree with and understand all of the terms and conditions of this Agreement; I am satisfied with all the terms and conditions; and I sign this voluntarily and without any reservations.

Dated: _____

Signed _____

Printed: _____
(Full) First - Middle - Last Name