



**RULES AND REGULATIONS HANDBOOK**  
**2016 SEASON**

**NYACK OUTDOOR FARMERS' MARKET**

**APRIL 7 - \*NOVEMBER 23, 2016**

(\*NOVEMBER 23<sup>RD</sup> IS THE WEDNESDAY BEFORE THANKSGIVING)

**NYACK INDOOR WINTER FARMERS' MARKET**

**DECEMBER 1- MARCH 30, 2017**

**THURSDAYS 8:00 AM – 2:00 PM**

**NYACK CHAMBER OF COMMERCE**  
PO BOX 677  
NYACK, NY 10960  
845-353-2221

**MARKET MANAGER, PAM MOSKOWITZ**  
CELL: (845) 494-3408  
[PAM@NYACKCHAMBER.ORG](mailto:PAM@NYACKCHAMBER.ORG)

## Definitions

### Bona fide –

- As in **growers** – the seller is the producer of the products being offered for sale, from lands he 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** – is any vendor who is permitted to sell in the Nyack Farmers' Market (the "Market"), who participates in the Market less than the full season and chooses to pay on a daily basis for any space used. Stall rental for the day is \$65.00.

**Market Governing Body** – the Market's governing body which consists of a board of directors or committee, ultimately responsible for setting the policies of the Market.

**Market Manager** – a person or persons empowered by the Market Governing Body to implement market policies and directives, and to oversee the operation of the Market.

**Market sponsor** – Business, governmental agency, nonprofit organization or association, which lends its financial and/ or promotional support to the Market.

**Seasonal lease** – when a vendor signs for space for the full season, and makes payment in accordance with the established fee structure.

**Vendor** – any seller or exhibitor participating in the Market.

### 1. Market Governance

- The Market is sponsored by the Nyack Chamber of Commerce, an independent nonprofit association, and operates in accordance with the Market Governing Body.
- The mission of the Market will be to promote local food security, teach entrepreneurship skills, and support local farmers and businesses, while enriching the cultural heritage of the community.
- The Market Manager is responsible for the orderly and efficient conduct of the Market and for implementing and enforcing its Rules and Regulations as provided for herein. The Market Manager will represent the Market and its governing body during market days and in community activities. The Market Manager will assist the Market's Governing Body with developing and implementing a market budget, establishing market policy, vendor recruitment, collecting fees, establishing the operational schedule, and advertising and promotion of the Market.

### 2. General Operations

- The Nyack Farmers' Market will operate on Thursdays from 8:00 am to 2:00 pm from April 7, 2016 through November 23, 2016. The last market day November 23 is the Wednesday before Thanksgiving. The Nyack Farmers' Market is held in the Village of Nyack Main Street Municipal Parking lot (the Market's GPS address is 119 Main St. Nyack, NY 10960)
- The Nyack Indoor Winter Farmers' Market will operate on Thursdays from 8:00 am to 2:00 pm from December 1, 2016 through March 30, 2017. The Nyack Indoor Winter Farmers' Market is held in the Nyack Center (the Indoor Market's GPS address is 58 Depew Avenue. Nyack, NY 10960)
- When vendors are unable to attend, they must notify the Market Manager, Pam Moskowitz by email at [Pam@nyackchamber.org](mailto:Pam@nyackchamber.org) at least 24 hours in advance.

- No refunds will be given for absences, except in the event of extenuating circumstances. No refunds will be given if the Market is cancelled due to severe weather. The Nyack Farmers' Market is a rain or shine market.
- Vendors may arrive as early as 6:30 am to begin setup and must stay through the end of the market day to provide a full market to shoppers arriving throughout market hours. Completion of breakdown of Vendor stalls or tables will be no later than 3:00 pm. Failure to arrive by 7:30 am. or leave by 3:00 pm will result in a \$15.00 fine. Further, vendors who arrive late can lose their assigned booth and will not be able park near their booth. The vendor parking lot will be closed at 7:30 am.
- Vendors may leave early only under extenuating circumstances and with the permission of the Market Manager.

### **3. Who may sell at the Market:**

- The use of the Market is restricted to those who are bona-fide growers, craftpersons, producers of homemade products, or other vendors approved by the Market Manager or its governing body. Vendors may, on a limited basis, supplement their product line with additional local products, as long as that product is otherwise missing from the Market, and the Market Manager has given permission for the supplement. This permission is valid for one season only and must be re-applied for each new season.
- 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, NYS wines sold by a farm winery, eggs, herbs and related products.
- Craft vendors may sell products that they have hand-produced or designed by themselves.
- 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.
- Prepared food vendors with a current mobile food service license.
- Products not specifically identified must be pre-approved by the Market Manager.

### **4. Guidelines for Selling**

- All stall spaces must be swept clean and any refuse removed at the end of each market day. Failure to clean your area will result in a \$15.00 fine.
- All vendors must have a sign clearly showing their name and location.
- Each vendor will be responsible for all equipment and supplies for the setup of a booth. Displays should be constructed in such a way that they do not block customer walkways nor pose any other hazard to customers.
- 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.
- Vendors are required to keep their market space neat and clear of obstacles, litter and debris.
- All produce displayed for sale must be at least 12" off the ground with the exception of heavy or large items such as pumpkins.
- Sellers must post prices. The Market expects that prices will be fair to consumers.
- No smoking or alcoholic beverages at the market, with exception of wine tasting. Firearms are strictly prohibited.
- No hawking is permitted at the market.
- 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 will be reported to the market's governing body and may result in loss of market privileges.

- 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.
- All vendors must provide proof of general and product liability coverage in the amount of \$1 million dollars and name the Market, the property owner' and the market sponsor as additional insured. A current certificate must remain on file with the Market.
- Vendors are responsible for the actions of their representatives, employees or agents.

### **5. Stall fees and assignment**

- Stalls will be assigned by the Market Manager.
- The stall fees and payment schedule will be assessed annually by the Market's governing body.
- Farmers with a seasonal lease will be assigned a spot for the duration of the season provided that all stall fees are kept current.
- Reserved market spaces for seasonal leaseholders must be occupied at least 30 minutes prior to opening of the market day. After that time the vendor will lose their reserved space and reserved parking and be assessed a \$15.00 fine. Daily vendors who arrive after 7:30 am will be fined \$15.00.
- Daily vendors will be assigned space by the Market Manager on a first-come first-served basis, as space is available. A specific space in the Market is not guaranteed, nor is it guaranteed that daily vendors will be assigned the same space each week that they return to the Market.
- No subletting of a seasonal booth is permitted and rents are not reimbursable, either in whole or in part.
- 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.

### **6. Compliance**

- All complaints must be addressed in writing to the Market Manager.
- The submission of applications 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. Violations of the rules of the Market may be grounds for warnings, fines, dismissal from the market, or all the above.
  - i. 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.
  - ii. When applicable, the second will result in a fine or 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.
  - iii. The third violation of the rules will result in a one week suspension of selling privileges.
  - iv. The fourth violation of the rules will result in dismissal from the Market.
  - v. At the discretion of the Market Manager, when a serious violation occurs that jeopardizes the health of a customer, another vendor, market management or the overall health of the Market, the Market Manager may convene the Market's governing body to request a suspension or dismissal of that vendor.

### **7. Additional Information**

- Sell only the products you have grown or made, and which have been cleared by the Market Manager at the start of the season. During the season any additions to your product list must be submitted by email to [pam@nyackchamber.org](mailto:pam@nyackchamber.org) DO NOT START SELLING THE PRODUCT UNTIL YOU HAVE WRITTEN APPROVAL from the Market Manager.

- Any item that is not your direct product, MUST be specifically/separately approved and labeled appropriately.
- Samples must be approved, and appropriate notation placed on your application. Vendor must ensure all Health Department requirements are understood and followed.
- Vendor must comply with all applicable and regulation laws.
- No dogs are allowed in vendor stalls.
- Vendor is responsible to have weights on their tent each week. Failure to properly secure your tent can lead to serious injury for which the vendor will be responsible.
- Vendor is responsible to have all supplies to do business, tent, weights, banner with Name and location of business, all pricing signs, etc.
- Vendors must grow or produce 80% of what they sell at the Market. The Market must be aware in writing what products are not within the 80%. The 20% must be approved.
- Vendors are required to have scales certified by the NYS Department of Weights and Measure in Rockland County.
- All PRICES MUST BE WITHIN FULL VIEW AND EASY TO READY.
- Sales tax is the required responsibility of the vendor.
- From time to time the Market's Advisory Board in association with the Board of Directors may find the need to alter the Rules and Regulation HANDBOOK during the season. Final decision will rest with the Nyack Chamber of Commerce Board of Directors.
- All applicable food safety regulations, both state and local, must be adhered to at all times.
- All applicable licenses and permits for products sold must be obtained and kept current. Copies of applicable permits and licenses will be kept on file with the market management.
- To ensure compliance to market rules, the Governing Body reserves the right 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 present unless written permission is given. Vendors must provide any help necessary to thoroughly document products and conditions recorded at the inspection. The vendor will be notified in writing of the results of the inspection within seven days of the inspection.
- 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.

## **8. Permits/Licenses/ Certificates and product rules**

The following is a checklist that will help you to understand the permits, licenses and certificates that are required of sellers of various products commonly found in farmers' markets. This checklist is not exhaustive, but is a guideline.

### **Fresh Produce**

- No permits, licenses or certificates required, if raw, uncut, and unprocessed.
- You are required to provide accurate information about your crops and the pesticides that you use.
- Produce offered for sale must be grown, harvested and cared post-harvest by the vendor so as to assure the customers fresh produce.
- Bulk displays of unpackaged fresh fruit and vegetables are not subject to grade packaging and labeling requirements.
- Closed packages of fresh produce require
  1. Name of produce
  2. Name & address of producer

### 3. Declaration of quality

#### **Plant Sales**

- Nursery license is required and must be posted in public view at the time of sale.
- NYS Department of Agriculture & Markets Nursery Growers License, if engaged in the production of plant material intended for sale. A nursery grower is also permitted to purchase and resell plant material under this same license.
- NYS Department of Agriculture & Markets Nursery Dealers License, if purchasing and reselling plant material only and the vendor is not involved in any growing of potted plant material
- Valid NYS Sales Tax Certificate
- Plants sold must be well established, with good root systems and disease-and insect-free. Include annuals, perennials, shrubs, trees, vegetable and fruit and flower plants and other nursery stock.
- Registration with the Department of Agriculture and Markets, Division of Plant Industry, is required. Houseplants and cut flowers are excluded from this registration. Unless specified, items must be grown, foraged and/or produced by you on your farm or in your own facility in this region.
- The following non-edible items grown by you may be sold:
  1. Field grown/greenhouse/cold-frame grown plants and flowers.
  2. Bedding and potted plants and flowers must be started by you from seed, cell pack, bulbs, cuttings, plugs or received dormant (e.g., azaleas, hydrangeas, roses).
  3. Large foliage plants from air layered cuttings, rooted in your facilities are allowed.
  4. Christmas trees.
  5. Wreaths, roping, arrangements and displays of fresh or dried flowers or greens
  6. Vines and gourds.
  7. Wild and foraged plant materials not protected by law.
  8. Wood products from your woodlot, including firewood, mulch chips, rough-cut wood, vine and woven wood baskets and furniture

#### **Fresh Cut/ Dried Flowers**

- Valid NYS Sales Tax Permit

#### **Dried Fruit**

- Shall be only from fruit grown and dried by you

#### **Eggs**

- No permits, licenses or certificates required, for cleaned shell eggs. They shall be maintained at 45 degrees F or less.
- From your own farm and must be marked with exact grade, size, name of producer, and contents.
- Store in cool place, not displayed.
- Nest run eggs must be labeled as such.
- Eggs must be from farm owned hens (not purchased eggs).

#### **Honey, Maple Syrup**

- No permits, licenses or certificates required, if single ingredient products.
- Article 20C License from NYS Dept. of Agriculture & Markets, if additional ingredients are added to the products; (i.e.) maple mustard, maple cotton candy, etc.
- Including beeswax candles, propolis and royal jelly extracted and bottled by you from your own hives.
- Bee pollen and added fruit in honey spread products must be harvested in this region.

## **Baked Goods**

- 20C Exemption from NYS Dept. of Agriculture & Markets if home baked, non-hazardous; (No breads containing fruits or vegetables), rolls, cookies, cakes, brownies, fudge & double crust fruit pies. (Quickbreads are considered potentially hazardous and cannot be done under 20C Exemptions.)
- Article 20C License from NYS Dept. of Agriculture & Markets on all other baked products provided the business does 51% of its sales at wholesale. (Requires a separate, commercial kitchen.)
- All other baked goods must come from a licensed NYS Department of Health facility.
- Must be freshly baked and prepared from scratch.
- No commercially prepared dough mixes, crusts and shells for filling are allowed.
- Fruits and vegetables used in baked goods must come from regional farmers when available. No commercially canned or frozen fruits or vegetables may be used. Produce not grown in this area may be purchased fresh or dried, but may not exceed 10% of your display. Baked goods such as cookies , breads and “dry” cakes may be sold at this Market, if they are protected by a covering or closed packaging. All baked goods must be either individually prepackaged or otherwise protected by a transparent tray cover. Items sold in closed packages must include:
  1. Identity of food in package form.
  2. Name of manufacturer, packer or distributor.
  3. Place of business.
  4. Ingredients declaration in descending order of predominance by weight on a single panel of the label.
  5. Net weight or quantity of contents.
  6. Cream, custard, pumpkin, meat or other single-crust pies or cream or cheese-filled baked goods may not be sold at this Market unless prepared in an approved, inspected baking facility, packaged or covered and properly refrigerated. Refrigeration must be provided for perishables, and all NYS Health Department standards must be met.

## **Mushrooms**

- Cultivated mushrooms, sold whole or otherwise processed, require no license.
- Cultivated mushrooms, sliced, chopped, washed and identified as ready to eat or any other processing requires an Article 20-C license.
- Mushroom species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by an approved mushroom identification expert prior to sale.

## **New York State Wine, Beer & Liquor**

- All NYS Alcohol Vendors must enforce age restrictions regarding sales by the bottle and sampling at farmers markets. To offer samples, you must have a one time or annual tasting permit from the State Liquor Authority (SLA). All alcohol vendors also need Valid NYS Sales Tax Certificate and must submit their brand label for approval (<http://www.sla.ny.gov/brand-labeling-1>). To sell by the glass, you'll need a SLA special events permit (<http://sla.ny.gov/online-permit-applications>).
- **Farm Brewery License** – Beer producers sourcing 20% or more of their ingredients from New York State farms are eligible for a Farm Brewery License which allows them to produce beer in NYS.
- No other State Liquor Authority (SLA) license is needed for farm breweries to sell NY labeled beer by the bottle at farmers markets as defined above.

## **Craft Breweries**

- Beer producers making 60,000 barrels or less per year with any ingredients can get a Craft Brewery License.
- Craft Breweries can sell at Farmers Markets with either a no-fee permit from the NYS Liquor Authority OR a marketing Permit:
- No Fee Permit: <http://www.sla.ny.gov/system/files/BrewerOffPremisesPermit.pdf>
- Marketing Permit: <http://sla.ny.gov/online-permit-applications>

## **Farm Wineries or Micro Wineries**

- Farm Wineries produce 150,000 gallons or less per year whereas Micro Wineries produce 1,500 gallons or less per year. Both licenses require wines to be made from 75% grapes, fruits, or other agricultural products made in NYS.

## **Farm Cidery**

- A Farm Cidery License from the SLA is for those producing 150,000 gallons or less of cider per year and cider must be NYS labeled. In order to be NYS labeled the product must be made exclusively from apples or other pome fruits grown in NYS. Cider is defined as partially or fully fermented juice of fresh, whole apples or other pome fruits, 3.2 – 8.5 % alcohol with nothing added that increases alcoholic content produced by natural fermentation, but it may be sweetened or flavored after fermentation. In many cases, cider may also be labeled as a low-alcohol or high-alcohol wine.
- A cider producer with a permit to conduct tastings may sell their cider at a NYS farmers market where they are conducting a tasting.

## **Farm Distilleries**

Farm Distilleries produce 35,000 gallons or less of spirits per year and use 75% or more New York State ingredients.

- In addition to the Farm Distillery license, a Marketing Permit is needed to sell distilled products by the bottle at NYS farmers markets: <http://sla.ny.gov/online-permit-applications>. Sold by the bottle/case by the producing vineyard/brewery
- The Vineyard/Brewery must have a permit/ license to sell at Farmers' Markets
- To offer samples, the Vineyard/Brewery must have a permit/license to offer samples. A copy of this permit must be attached to your Registration Form.

## **Processed Foods**

- Home Processors are eligible for an Article 20-C Exemption from NYS Dept. of Agriculture & Markets, for non-hazardous foods only, including traditional fruit jams, jellies and marmalades; candy (excluding chocolate); spices and herbs repackaging only); and snack items such as popcorn, caramel corn and peanut brittle. Information on registering as a Home Processor in New York can be found on the website, <http://www.agriculture.ny.gov/FS/consumer/processor.html>, or by calling one of the Regional Offices.
- Article 20C License from NYS Dept. of Agriculture & Markets, prepackaged and labeled in accordance with NYS Food Labeling Law: Identity of food in package form; name of manufacturer, packer or distributor; place of business; ingredient declaration in descending order of predominance by weight; and net quantity of contents.
- County Board of Health Permit if processing is on-site; i.e. cutting of baked goods to be sold by the piece, slicing of cheese to be sold by the pound; cooking and selling ready-to-eat foods
- Home processing of canned fruits and vegetables is not permitted. All canned fruits and vegetables must be done under 20C License and registered with the Federal government as a food processor.
- Article 20C License from NYS Dept. of Agriculture & Markets is required for dehydrating herbs and spices or for the blending of any spices for repackaging.
- Food handlers must be personally clean and follow sanitary practices in handling food.



- Food which requires refrigeration must be stored at temperatures according to Health Department, Department of Agriculture and Markets rules.
- All utensils, containers and equipment shall be clean and in good condition.
- Health Certificates are required and must be displayed for food service
- Must be prepared by you from fresh produce. 90% of fruits or vegetables must be from the region.
- Fruits or vegetables not from this area may be purchased fresh only and may constitute up to 10% of your display.

### **Meats**

- License is required if grinding or processing. License is not required for cutting.

### **Red Meat (Beef, lamb, goat)**

- USDA slaughtered and/or processed must have USDA legend.
- Article 28D License required if warehousing for wholesale.
- Must be maintained at 0°F or below if sold frozen. 40° F if sold fresh.
- You are required to provide accurate information about the feed, care and handling of meat products that you sell at the market.
- Shall be wrapped, USDA approved and stamped or tagged.
- You must raise the animals.
- Animals may be butchered and smoked/processed off farm, provided meat you sell is from your animal.

### **Chicken**

- License not required to sell 250 turkeys or 1000 birds of other species.
- No license required if USDA slaughtered.
- Article 28 License if warehousing for wholesale accounts.
- Article 5A license required if selling over 250 turkeys or 1000 birds of other species.\*
- May be sold at this market if packaged and processed under Article 5A of NYS Dept. of Agriculture and markets law

### **Exotic Meat**

- Must be slaughtered at an Article 5A licensed establishment.
- Must be labeled "Processed at an NYSDAM facility."
- Article 28 License required if warehousing for wholesale accounts, if not licensed under Article 5A.

### **Processed Meats**

- Article 20C license from the NYS Dept. of Agriculture & Markets

### **Fish**

- No permit, license or certificate is required if a freshwater fisherman is selling only whole, non-protected species.
- Article 20C License from NYS Dept of Agriculture & Market if fish is pan-ready.
- NYS DEC hatchery permit required if selling protected freshwater species.
- NYS DEC permit required if re-selling any protected freshwater species.
- NYS DEC Food Fish License to catch and sell marine fish.
- Fish must be raised or caught by the vendor
- Fish may be smoked off-farm provided you sell only your own fish.
- Fish may not be cut at market.
- Fish can be sold from a refrigerated truck or freezer. Fish must be iced or frozen. The truck may not be left running to maintain the cooling unit. Products must be kept in coolers on ice to prevent spoilage.

### **Dairy, Cheese & Other Dairy Products (such as yogurt, butter, sour cream)**

- For producers, Part II Permit, issued by the NYS Dept. of Agriculture & Markets Division of Milk Control and Dairy Services.
- If cut and wrapped cheese, need Part II Permit issued by Division of Milk Control and Dairy Services unless part of a food establishment regulated by Division of Food Safety, in which case just need Article 20C License.
- All fluid milk must be packaged in properly labeled commercial containers at a licensed facility
- Butter and cheese must be prepackaged and properly labeled. Refrigeration below 40 degrees F. required.
- You must make the cheese and dairy product. Up to 40% of the milk for single milk cheese and single milk dairy product may be purchased from local farmers.
- Frozen desserts (e.g. ice cream) must be packaged and in commercial containers and properly labeled, refrigeration required.

### **Milk and Fluid Milk Products (such as 2%, 1% and non-fat milk)**

- Milk must be pasteurized.
- Producer must have Part II Permit issued by Division of Milk Control and Dairy Services.
- Producer and any distributor must have a Milk Dealers license issued by Division of Milk Control and Dairy Services unless amount handled is less than 3000 pounds per month

### **Grains and Legumes (prepackaged – cannot be packed on site)**

- No permits, licenses or certificates are required.

### **Crafts**

- Valid NYS Sales Tax Permit

### **Non Alcoholic Cider/Fruit Juice /Drinks**

- Article 20C License from NYS Dept of Agriculture & Markets for manufacturers/bottlers.
- All cider and fruit juices must be pasteurized or UV treated.
- Valid NYS Sales Tax Permit
- Fruit juice, cider, milk and homemade herb teas (herbs grown by you) may be sold by the cup.
- NO SODA may be sold at the market.
- May be sold only by the growers of the fruit.
- Fruit may be pressed off-farm. Provide name and address of mill.
- At least 60% of fruit in your juice must come from fruit of your farm.
- Up to 40% may come from another farm within market region.
- No concentrates are allowed.
- Apple cider manufacturers are required to hold a Food Establishment License Article 20C.

### **For additional information, call:**

NYS Dept. of Agriculture & Markets, Division of Food Safety:

Albany Region: 518-457-5459

Rochester Region: 585-427-2273

Syracuse Region: 315-487-0852

Buffalo Region: 716-847-3185

New York City: 718-722-2876

NYS Dept. of Agriculture & Markets, Division of Milk Control & Dairy Services:

Albany: 518-457-1772

NYS Dept. of Agriculture & Markets, Division of Plant Industry:

Albany: 518-457-2087

Brooklyn: 718-722-2830

NYS Dept. of Environmental Conservation, Permitting Office: 631-444-0471

9. Acceptance of Rules and Regulations and commitment of compliance

**ACKNOWLEDGEMENT**

I represent that I have read each of the rules and regulations contained within this handbook and agree to abide by them.

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Business Name

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Owners Name

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Signature

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Date