



RULES AND REGULATIONS HANDBOOK

2019

NYACK FARMERS' MARKET

JANUARY - DECEMBER

THURSDAYS 8:00 AM – 2:00 PM

(REMINDER THE MARKET BEFORE THANKSGIVING IS THE WEDNESDAY BEFORE THANKSGIVING)

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

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

Definitions

1. 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.

Additionally, Vendor rental space shall be referred to as “booth”, stall”, “market space”, “table” or “tent” herein.

2. 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, promote 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 the Market 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.
- Approval and acceptance of any Vendor shall be at the sole discretion of the Market Manager.

3. General Operations

- The Market’s Outdoor Market will operate on Thursdays from 8:00 am to 2:00 pm from April through December, with exception to Thanksgiving, in which the Market will operate on the Wednesday before Thanksgiving and will be closed on Thanksgiving. The 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 Market's Indoor Market will operate on Thursdays from 8:00 am to 2:00 pm from January through March. The Market's Indoor 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 at least 24 hours in advance.
- No refunds will be given for absences. The 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.

4. Who may sell at the Market:

- The use of the Market is restricted to those who are Bona-fide growers, craft persons, producers of homemade products, or other Vendors approved by the Market Manager or the Market 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.

5. 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.
- Smoking and firearms at the Market are strictly prohibited.
- 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>).

- 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 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 Manager.
- Vendors are responsible for the actions of their representatives, employees or agents.

6. 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 Governing Body.
- Vendors are required to arrive at the Market 30 minutes prior to opening of the market day. Any 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 rent payments are not refundable, either in whole or in part.

7. Chamber Payment Policy :

- Booth rent payments must be received by the 1st of each month for the full month prior to attending the market.
- A late fee of \$15 will be charged for any rent payments received after the 7th of the month.
- Registration Agreement is binding for a full season (52 weeks) unless a prior agreement in writing has been made with the Nyack Farmers Market Manager.
- MAIL CHECKS TO: Chamber of Commerce of the Nyacks P.O. Box 677 Nyack, NY 10960

8. 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 Governing Body and enforced by the Market Manager. At the sole discretion of the Market Manager and/or the Market's governing body, any violations of the rules of the Market may be grounds for warnings, fines, dismissal from the market, or all the above.

9. Additional Information

- Vendors may sell only the products they have grown or made, and which have been approved 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 the Market Manger at pam@nyackchamber.org VENDORS MAY NOT START

SELLING THE PRODUCT UNTIL THEY HAVE RECEIVED WRITTEN APPROVAL FROM THE MARKET MANAGER.

- Any item that is not a Vendor's own product, MUST be specifically/separately approved by the Market Manager in advance of the Vendor selling the product, and the product must be labeled and clearly indicate it is not the Vendor's product.
- 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 the tent can lead to serious injury for which the Vendor will be fully responsible.
- Vendor is responsible to have all supplies to do business including but not limited to tent, weights, banner indicating Vendor name and location of business, and all pricing signs.
- 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 in writing by the Market Manager before the Vendor can sell the product.
- 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 by the Vendor and provided to the Market Manager. Copies of applicable permits and licenses will be kept on file with the Market Manager.
- To ensure compliance to market rules, the Market Governing Body and/or the Market Manager reserves the right to direct the Market Manager or appoint a committee to inspect any Vendor's farm or establishment with advance notice.
- 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.

10. Permits/Licenses/ Certificates and product rules

Vendors shall be solely and fully responsible for complying with, and providing evidence by way of written copy to the Market Manager of any required permits, licenses and certificates that are required of sellers for the sale of their products in the Market as required by law and/or any applicable regulatory agency.