



Fenton Community & Farmer's Market Operational Rules and Guidelines

Authority and General Rules

These rules, regulations, and instructions are created at the sole discretion of the City of Fenton.

- The Fenton Community & Farmer's Market (the "Market") is managed by the Recreation Supervisor, or his/her designee, including the Market Manager (herein "Supervisor") who has authority over all Market operations.
- The Supervisor is the sole decision maker for all booth placements.
- The City strives for the majority of the Market to be farmers/growers. Farmers/growers will be given priority in stall assignments. Any remaining available stalls may include nonfarmers/growers, such as bakers, artists, crafters, prepared food vendors, and other value-added vendors.
- The Supervisor has the discretion to limit the items and vendors for each category to have a proper mix of vendors at the Market, in accordance with the rules herein. The Supervisor has the right to allow or disallow all items and vendors for any category at his/her reasonable discretion with the goal to achieve a balance of products and vendors at the Market in compliance with the rules herein and in compliance with applicable rules and regulations.
- All vendors that wish to sell products that are not grown or made at their farm or business must submit with their application the supplier's name and number. Permission must be given by the Supervisor.
- No guarantee of "exclusivity" of products is made or implied.
- The Supervisor reserves the right to verify any farm or facility.
- The City does not discriminate on the basis of race, sex, religion, national origin, age, color, disability, or sexual orientation.
- The Market is smoke-free.
- No firearms or weapons are allowed on the Market premises.

Application Requirements

All vendors at the Market must provide the below items before being permitted to sell at the Market. All vendors must comply with all applicable federal, state, county, and local laws, rules, regulations, policies, codes, and statutes that govern the growing, preparation, distribution, sampling, and sale of products including obtaining necessary permits and licenses and following USDA labeling standards. The Supervisor must receive all required paperwork before the vendor is permitted to sell at the Market.

Each vendor must obtain and furnish to the Supervisor a current and valid copy of any licenses and permits necessary for operation, including but not limited to:

- Missouri Retail Sales Tax License (<http://dor.mo.gov/business/sales/>);
- Liquor Licenses (as defined in [Chapter 600](#) of the Municipal Code of Fenton);

- Applicable County and/or Missouri permits or licenses for the specific products to be sold at the Market;
- St. Louis County Health requires all vendors to have a Farmers' Market Vendor Permit and/or Farmers' Market Food Establishment Permit:
[Farmers' Market Vendor Permit Application](#);
[Farmer's Market Food Establishment Application](#);
- Proof of General/Product Liability Insurance for food/produce vendors;
- Proof of Vehicle Liability Insurance (required to operate a vehicle within the Market);
- Completed Vendor Application Form (all items to be sold at the Market must be listed on Vendor Application); and
- Acknowledge and Sign Hold Harmless Agreement.

Note: All related Farmer's Market permit issued through St. Louis County are processed at the South County Department of Health Office, 4562 Lemay Ferry Rd., St. Louis, MO 63129. 314-615-4033 (office). Representative Emily Birchler EBirchler@stlouisco.com

Certain Vendors Must Provide the Following with Application:

- Refer to the St. Louis County Farmers' Market Guidelines, Vendor Resources, or go to <http://www.stlouisco.com/HealthlandWellness/FoodandRestaurants> for a comprehensive understanding of what permits are each vendor's responsibility.
- Document of verification from an Approved Facility.
- Egg license from the Missouri Department of Agriculture. Applications are available at <http://mda.mo.gov/weights/device/egglic.php>.
- All scales used by vendors must be certified by the Dept. of Agriculture and must display the Approval seal of Weights and Measures. Noncertified scales are not allowed to be used at the Market. Guidelines can be found at <http://agriculture.mo.gov/weights/>.
- A high-quality photograph of each item intended to be sold needs to be submitted with the application. Only items listed on the application and approved by the Supervisor are allowed to be sold.

Not-for-Profit Organizations/Health Related Community Groups/Community Businesses

- One (1) space will be available free of charge for educational activities relating to sustainable agriculture or non-profit, community, or health related groups. This one (1) space will be available on a first-come, first-serve basis, but must be approved by the Supervisor and booked in advance.
- Not-for-Profit organizations must provide proof of their not-for-profit status.
- Not-for-Profit organizations requesting to sell handcrafted items, baked goods, or packaged foods must comply with all standards and requirements listed above.
- To distribute literature, register individuals, or take a survey, a vendor must have prior written consent from the Supervisor.
- No soliciting or receiving of donations is permitted.

Rental and Payment

A "vendor" is anyone renting space on Market Day.

- No vendor shall assign, sublet, or sell their assigned space to another.
- Booth fees will be established annually by the Supervisor and will be provided on the application.

- Payment of all fees is to be paid by check, money order to “City of Fenton”, or Master /Visa /Discover card and all fees shall be submitted with the application.
- Any vendor writing a bad check will be charged a \$25.00 fee per bad check and future checks will not be accepted.
- Bad check fees must be paid in full by money order prior to renting future space. The Supervisor will collect all fees.
- If a vendor cannot attend the Market, the vendor must give a 24-hour written notice to the Supervisor. If a written cancellation is not received at least 24-hours in advance, the vendor will be considered a “no-show” and will lose the pre-paid fee. Pre-paid full season/half season fees for missed Market days cannot be refunded.

Setup and Takedown Guidelines

- The Market is under the Meramec Pavilion, located at 995 Larkin Williams Road, Fenton, MO 63026. The City will provide a 10’ X 10’ space. Half stall spaces are available on a limited basis and are 5’ X 10’. Electric and water access is provided. Please note that tables and chairs are NOT provided.
- Market operation is “rain or shine”. The Market only closes if there is severe or damaging weather.
- “Market Day” is every Thursday evening from 4:00 p.m. to 8:00 p.m., starting mid-May and ending late September (exact start and end dates to be established by the Supervisor annually). Please note that the Supervisor may schedule other Market days for other events outside of the season.
- Market setup will be allowed from 3:00 p.m. to 3:45 p.m. on Market Day. No driving on the Market site after 3:45 p.m.
- The Market will be open to the public between 4:00 p.m. to 8:00 p.m. The vendor shall not sell any item before 4:00 p.m.
- Vendors must agree to sell for the entire Market Day and are asked not to leave before the closing of the Market. If there is an emergency, see the Supervisor to address.
- Weekly vendors must wait to unload until a Market booth is assigned.
- Once unloaded inside the Market, a vendor must IMMEDIATELY move his/her vehicle to the designated parking area for the remainder of the Market Day. Any exceptions are at the discretion of the Supervisor.
- Nothing shall encroach upon aisle space, common areas, fire lanes, or neighboring spaces. Any exception to this policy will be at the discretion of the Supervisor.
- At no time shall any vehicle be parked in a fire lane or block any drive lane, entrance, or exit to the Market.
- Vendor cleanup will occur between the hours of 8:00 p.m. and 9:00 p.m.
- Complete evacuation of the Market shall be completed by 9:00 p.m.

Stall Standards

- Product is to be displayed within the confines of the assigned stall. If using a canopy, it must be properly secured and weighted down.
- Vendors must keep the vicinity in and around their selling area clean and orderly at all times. Vendors must keep all spare stock, packing materials, cardboard boxes, and bags in an orderly fashion throughout the day. All refuse and unsold items must be removed at the end of each Market Day.

- All vendors must post signage stating their business name, address, and telephone number and must be posted before sales begin.
- All items for sale must be priced for sale by labeling each item or having signs posted.

Daily Operations

Rights and Responsibilities on Market Day:

- No vendor may engage in solicitation, collection drives, political, or religious activities in the Market.
- Vendors may not smoke, drink alcohol, and/or possess or use any controlled substance, including marijuana, while at the Market other than possession of beer and/or wine sold by licensed Market vendors.
- The use of any spark, flame, or fire-producing device is prohibited in the Market without the Supervisor's written permission. In some cases, a working fire extinguisher and fire permit may be required.
- It is the responsibility of the vendor to provide any/all chairs, tables, change, cash registers or cash boxes, signage, extension cords and covering, tape, decoration, and display equipment for business.
- Vendors shall not allow seepage or leakage of water or fluids from their stands into the aisles, other vendor's stalls, or common areas.
- The City of Fenton, and their employees, agents, or officials are hereby released from any responsibility/liability for loss or damage of product, equipment, supplies, or the like while it is stored on site at the Market.
- The City of Fenton assumes no responsibility and is not liable for any injuries which may occur within an individual stall. Vendors are expected to keep all products and supplies and equipment in reasonable order and allow unimpeded access to customers.

Terms and Conditions of Sales

- Each vendor shall set his/her own price. All prices must be clearly posted. Vendors are responsible for paying all state and local taxes.
- It is the responsibility of the vendor to warrant, refund, or exchange product that is deemed unsatisfactory.
- All items offered for sale at the Market must be first quality unless they are expressly posted as "seconds" or "used".
- No group or person at the Market shall enter into any price agreement, join any organization, or collude with others for the purpose of raising, lowering, or fixing prices of products sold at the Market or for the purpose of keeping products at or from the Market.
- All prepared or value-added foods must be prepackaged in accordance with the applicable health standards and regulations.
- No vendor shall use false pack (meaning the topping or facing of containers with the best products and poor products concealed underneath).

Health Standards

Only vendors who have as applicable the valid permits and/or licenses, proper documentation, and are in compliance with all applicable regulations may sell or sample food at the Market.

- Any food items must be displayed or stored at least six inches (6") above the ground.
- No pets or live animals are allowed within twenty feet (20') of vendor stall(s) with the exception of support dogs.

- Sales of frozen or packaged meats are permitted if they come from an inspected source, are labeled properly, and are kept frozen. Fish may be sold frozen or fresh-on-ice. See Food Code for details.
- Eggs must meet Missouri Department of Agriculture and St. Louis County health standards. Vendors selling eggs must have a state egg license displayed. Mechanical refrigeration is required by the Department of Health.
- The sale of unpasteurized milk or dairy products is not allowed.
- All packaged products, baked goods, and canned goods must be processed in an approved facility. An “approved facility” is any place which has been inspected and approved by that area’s regulatory authority with current documentation of compliance.
- Baked Goods Guidelines:
 - ❖ All processed products must be individually wrapped and labeled with the following information:
 - a. Name and address of manufacturer/processor preparing the food;
 - b. Common name of food;
 - c. List of all ingredients;
 - d. Net weight of the product measure in metric and English units; and
 - e. Statement: “This product is prepared in a kitchen that is not subject to inspection by the Department of Health and Sanitary Services or the St. Louis County Health Department.”
 - ❖ No large pan and/or tray items may be brought to the Market and then cut and wrapped. All products must be cut, wrapped, and labeled prior to coming to the Market.
- All foods on sale or display are required to be protected from contamination.
- If sampling, samples shall be kept in approved, clean, covered containers and distributed in a sanitary manner, following the Sampling Guidelines found here: <https://stlouiscountymo.gov/st-louis-county-departments/public-health/food-and-restaurants/farmers-markets/informational-documents/sampling-guidelines>.

Non-Food Vendors

Artists and Crafters may be vendors and are not to comprise greater than 20% of the Market by capacity.

- Artists/Crafters must be the approved vendor and be present on Market days as the seller.
- All work submitted must be primarily handmade by the vendor or products produced by the vendor.
- The handcrafted component of an art or craft piece must dominate the work; any commercial component must be transformed in a way that makes it original and unique.
- Handmade clothing must list fabric content and care instructions.
- Handmade jewelry must list all metals used.
- No art or crafts may be sold on consignment or wholesale.
- No art or crafts may be sold which are commercially produced or were assembled from commercial kits.
- No resale or used item sales will be allowed.

Disciplinary Actions

All vendors are expected to act in a professional manner and treat customers, other vendors, and all City employees with respect.

Failure to follow Market policies or any dispute about Market policies should be brought to the attention of the Supervisor promptly. The process for all vendor discipline or policy disputes are as follows:

- 1.) Policy violations by vendor:
 - a. First offense: verbal warning from Supervisor.
 - b. Second offense: Written warning and vendor forfeits their next scheduled Market Day.
 - c. Third offense: Final warning with dismissal from the Market for the remainder of the season (all fees forfeited- NO REFUNDS).
 - d. Vendors who miss two weeks of Market during the season without 24-hour prior notification to the Supervisor forfeits their booth space for the remainder of the season (all fees forfeited-NO REFUNDS).

- 2.) Disputes among vendors:
 - a. See the Supervisor for a complaint form. Submit written complaint to the Supervisor.
 - b. \$10 “Complaint Fee” required at time of complaint filing-refundable if violation is proven valid and results in discipline.
 - c. If the decision of the Supervisor is challenged, the complaint may be appealed to a grievance committee consisting of the Supervisor, Public Works Director, and City Administrator for a final decision.

- 3.) Customer Complaints: Any customer complaint received by the Supervisor concerning a vendor at the Market will be documented on a complaint form provided to the customer by the Supervisor or on duty staff. The vendor against whom the complaint was filed will receive a written copy of the complaint prior to the next Market Day.
 - a. Disciplinary action if required could result in expulsion from the Market for the remainder of the season.

Farmer’s Market Operational Rules & Guidelines Acknowledgement

I acknowledge that I have read, understood, and agree to all of the Fenton Community & Farmer’s Market Operational Rules and Guidelines and agree to its terms.

Printed Name

Signature

Date