



## 2009 Illinois Farmers Market Conference For Market Managers and Vendors

### Market Issues

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#### Twenty Provisions Commonly Found in Farmers' Market Rules

1. Organizer or sponsor – identifies who runs the market and sets out the philosophy and purpose of the market.
2. Market manager – identifies who makes the decisions on day-to-day operation.
3. Statement of the rules – makes the rules part of the agreement between the vendor and the market.
4. Defining key terms – explains what key phrases, such as vendor, allowable goods, categories of products, etc., will mean in context.
5. Approval of vendors and products – defines who can sell (farmer/non-farmer distinction), and what can be sold (produce-craft-food distinctions).
6. Criteria for selecting vendors – establishes any priorities or preferences, and the basis for them, and allocates market spaces.
7. Categories of products – rules for items such as baked foods, nursery plants, eggs, cheeses, meat, and processed foods, commonly related to inspections and handling.
8. Changes in ownership and vendors' rights – addresses issues such as transfer or change of business and seniority for market spaces.
9. Carrying rules – may allow farm vendors to sell products raised by other farmers.
10. Application process and fees – provides for the timing of application, selection and notification of vendors, sets the amount and payment of fees, and allocates market spaces and locations.
11. Types of vendors and length of market – creates categories of seasonal and daily vendors and may include the actual contract or application to participate.

12. Membership and market organization – creates operational structure for market and may require a separate payment for membership in sponsoring organization.
13. Necessary documents and permits – lists the various documents and licenses required to participate, including proof of insurance, tax permits, health inspection and other licenses. A market may require information such as farm plan, load lists for products raised, and organic certification.
14. Market operation – detailed guidelines on issues such as set-up, clean-up, selling times, notification for non-attendance, pets, parking, samples, sanitation, signage, hawking, smoking, foods safety and food handling. Many provisions may be very detailed, making the operational rules the main part of a market's regulations.
15. Enforcement process – sets the procedures for rule enforcement, including reporting violations, notice, penalties, suspension or removal, and appeals.
16. Rule and law compliance – incorporates applicable state and local requirements into market rules, with agreement that it is vendor's responsibility to comply.
17. Hold harmless and indemnification – vendor agrees to protect market organizers from any legal or financial liability in case of accidents or incidents at market.
18. Food safety and sampling – specific rules for handling and storing different types of foods, with guidelines for sampling if allowed.
19. Other provisions – labeling, posting farm name, using legal scales, accepting nutrition checks and food stamps, pricing guidelines, farm visits, and gleaning excess food.
20. Signature line – creates a binding agreement between vendor and market.

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Hamilton, Neil D. (June 2002). An Agricultural Law Research Article: Farmers' Markets Rules, Regulations and Opportunities. *National AgLaw Center Publications*. 11-12.