

# FARMERS MARKET RULES

The purpose of the Hiawatha Farmers Market is to promote the sustainability of local agriculture, to improve the nutritional well-being of consumers, and to increase the social health and wealth of the local community. The Market strives to educate the public regarding the benefits of preserving local agriculture and of making healthy food choices. In order to promote the market and foster the sense of community, all vendors and staff are expected to behave in a professional manner toward each other and their customers at all times. We believe the success of the Hiawatha Farmers Market is dependent on placing cooperation among all market constituents. Vendors, staff and customers who work together will build a healthier, more enjoyable market where all vendors can prosper, customers can find the quality products they expect, and producers and consumers can make the connections that build community.

## **DATES AND TIMES**

The Market will open May 1, 2022 through October 30, 2022 from 10:00 am to 1:00 pm.

NO selling or bagging before 10:00 am will be allowed. As soon as the bell rings vendors may begin selling. The Market Manager will ring the bell at 10:00 am. Vendors will **NOT** be allowed to leave the market without speaking to the Market Manager first.

## **FEES**

**Day Pass** – 2022 will not allow day vendors.

### **Season Pass:**

- One space shall be Two Hundred Dollars (\$200.00); (equal to 2 parking stalls)
- Two spaces shall be Two Hundred Fifty Dollars (\$250.00); (equal to 4 parking stalls)
- Three spaces shall be Dollars (\$300.00); (equal to 6 parking stalls)

*A \$50.00 fee will be charged for use of electricity in the park for the season.*

Failure to pay stall fees may result in loss of market space for the day, and/or expulsion from the market. The Market will not reimburse for fees paid if a vendor decides to no longer participate at the Market, except in cases of unforeseen hardship, as determined by the Park Director. The Market Manager will determine cancellation of market due to inclement weather conditions.

Vendors utilizing stall space are responsible for cleaning their area before leaving the market for the day. This should also be done periodically throughout the market to avoid congestion and maintain an appearance suitable to the market.

The picnic tables at the site are for the convenience of the shoppers and are not to be used for display of goods for sale or the leisure of vendors.

The Hiawatha Farmers Market will have one key person, Dawn Ewoldt, Hiawatha Farmers Market Manager, for the purpose of facilitating the market on sale days. This person will be in charge of day-to-day decisions. Vendors are expected to honor the decisions of this individual.

Grievances should be directed to Kelly Willadsen, Director of Hiawatha Parks and Recreation at 319-393-1515 x251.

## **STALL ASSIGNMENTS**

Market management has full authority to assign stall space. Requests for particular sites will be given consideration but management reserves the right to assign and locate all vendors. One stall entitles a vendor to a maximum 18' by 18' space (equal to two parking stalls) for **product display, storage, preparation and parking**.

Stalls will be given out on first come, first serve basis and must be assigned before set up occurs. **You are not guaranteed the same stall as previous years.** Any late coming vendors will be given a stall to which the Market Manager will assign for the day.

All seasonal lessees will have assigned stalls for the entire season. Market is located on N. 10<sup>th</sup> Avenue parking lot of Guthridge Park, Hiawatha.

Remember that if you are sharing a stall, you **MUST** put that individuals name on your registration form at the beginning of the season. You are not allowed to share this stall if you have not included this information on your application. Both vendors will need to sign the compliance agreement and submit their individual registrations. You are not allowed to let other vendors use your stall in the event you are absent.

## **VENDOR EQUIPMENT AND SUPPLIES**

The Hiawatha Farmers Market is not responsible for any lost or stolen supplies. Each vendor is responsible for providing, monitoring and removing all equipment and supplies he or she requires doing business on the Market site. This includes signs, tables, chairs, products and equipment utilized for clean-up purposes.

Vendors will provide their own table for selling or sell off the back of their vehicle. Vendors are responsible for keeping their space attractive during Market hours and for cleaning up their space after the market closes.

All vendors who wish to erect canopies (including umbrellas) on the farmers market site during a normal period of market operations, including the set up and break down period, **are required to have their canopies sufficiently and safely anchored to the ground** from the time their canopy is put up to the time it is taken down. Any vendor who fails to properly anchor his or her canopy will not be allowed to sell at the farmers market on that market day, unless that vendor chooses to take down and stow their canopy and sell without it. The Market Manager will be directing set up so that the fronts of the vendor displays are aligned in a straight row for safety reasons.

## **SIGNAGE**

All signs must remain within the allotted vendor's exhibit space and must not block traffic or pedestrian ingress or egress, or interfere with other vendors' display or views.

**HIAWATHA FARMERS MARKET** strongly recommends all vendors market their business by posting adequate signs or banners.

**SIGNAGE:** All vendors are encouraged to post a sign identifying him/her or the name of the business represented.

**PRICE SIGNAGE:** Vendors are encouraged to clearly mark the prices of their items. This can be done by individually tagging each item or by listing all of your items and prices on a large sign or blackboard.

Vendors must have sacks available to put purchased goods in for their customers.

## **TAXES, FEES AND LICENSES**

Each vendor is responsible for filing state sales tax statements where applicable. Contact Iowa Department of Revenue. Their website is <https://tax.iowa.gov/contact-us> and the phone is 800-367-3388.

All sales are to be by container or item, not by weight unless the vendor has present at the market a legal for trade scale that has been licensed and inspected by the Iowa Department of Agriculture and Land Stewardship, Weights and Measures Bureau. Vendors are not allowed to give produce or other items away for free or at unreasonably low prices, thus undercutting potential sales of other vendors. See Weights and Measures Regulations handout for more information.

**MOBILE FOOD PERMITS:** – No vendor food trucks will be allowed at the Market in 2022. Exceptions may be made with permission of the Director of Parks and Recreation.

**WIC PROGRAM:** The Hiawatha Farmers Market is a participant in the Iowa Farmers Market Coupon Program sponsored by the Iowa Department of Agriculture. Clients of the Women, Infants & Children (WIC) program, nutritionally-at-risk Iowans, are given checks from local area distribution centers for the purchase of fresh fruits and vegetables from an Iowa Certified Farmers Market Program Vendor. In order to become a certified vendor, you must complete an application form and meet certain other requirements set by the Iowa Department of Agriculture. Do not accept these checks unless you have been certified by the State Department as an IOWA CERTIFIED FARMERS MARKET PROGRAM VENDOR. Upon certification you will be given a sign to post at your stall. Please be sure the sign is easily visible to people attending the market. Please see the Market Manager for more information.

**USDA FOOD STAMP PROGRAM:** Farmers Markets are identified as a place where food stamps may be used to purchase food for human consumption and garden seeds and plants that produce food. If interested in accepting food stamps, contact the U.S. Department of Agriculture, Food and Nutrition Service, at 515-284-4035 or write them at 210 Walnut Street, Room 641, Des Moines, IA 50309, to obtain an application form and further information. [www.fns.usda.gov/isp/](http://www.fns.usda.gov/isp/)

Vendors are encouraged to consider obtaining individual liability insurance for products sold. All vendors shall provide, at the time of application, copies of any permits and licenses applicable to the sale of their products.

Please contact Iowa Department of Agriculture and Land Stewardship if you have any questions about this information. [www.agriculture.state.ia.us](http://www.agriculture.state.ia.us) (515) 281-5321

Hiawatha Farmers Market Manager – Dawn Ewoldt – 319.361.5519  
Parks & Recreation Administrative Coordinator – Ambyr Severson – 319-393-1515 x220  
Director of Parks & Recreation – Kelly Willadsen – 319-393-1515 x251

**FARMERS MARKETS  
REQUIREMENTS FROM INSPECTIONS & APPEALS  
FOOD & CONSUMER SAFETY BUREAU**

**In order for licensing requirements contained in this document to be applicable a market must meet the statutory definition of a Farmers Market set forth in 137F.**

*“Farmers Market”* means a marketplace which operates seasonally principally as a common market for fresh fruits and vegetables on a retail basis for off-the-premises consumption.

**The following products may be sold at a farmers market to consumer customers without being licensed as a food establishment at the market location:**

1. Fresh fruits and vegetables which are whole and uncut
2. Bakery products that are not potentially hazardous. These products include only the following items: breads, cakes, doughnuts, pastries, buns, rolls, cookies, biscuits, and pies (except meat pies). The following products are examples of bakery products that are potentially hazardous and cannot be sold at farmers market without a license: soft pies, custard filled products and cream filled products.
3. Fresh Shell Eggs that are kept at 45 F or below (ambient temperature)
4. Honey
5. Non-potentially hazardous food products; that is products that do not require refrigeration, since they are shelf-stable. These products can be prepared in the home, to be sold for consumption off-the-premise. Some examples of products that can be prepared in the home for direct sale to consumer customers include: jams, jellies and dried noodles. (Only jams and jellies that meet the Standard of Identity for jams and jellies specified in 21 CFR Part 150 are exempt from licensing)

**The following products may not be sold at a farmers market without appropriate licensing from local, state or federal authorities:**

1. Potentially hazardous food products, which include meat, poultry, dairy products
2. With the sole exception of jams and jellies, no “home style” canned goods can be sold at farmers markets, since food in a hermetically sealed container shall be obtained from a licensed food processing plant. (Section 3-201.12 of the Food Code which has been adopted by Section 137F.2 of the Code of Iowa)
3. Wild Morel mushrooms

## **What type of licenses are honored to sell potentially hazardous foods at farmers Market?**

1. Farmer's market potentially hazardous food license.
  - a. A separate license is required for each county in which a vendor sells food.
  - b. The license is only valid at farmers markets.
  - c. If the vendor operates two or more stands simultaneously, a separate license is required for each unit.
2. Mobile food license
3. Temporary food service license
4. Canned goods, except jams and jellies, must be from a licensing food processing plant. (Only jams and jellies that meet the Standard of Identity for jams and jellies specified in 21 CFR Part 150 are exempt from licensing)

## **What type of wild mushrooms can be sold at a Farmers Market and what are the requirements for selling wild mushrooms?**

Wild Morel mushrooms ONLY can be sold at a Farmers Market if all of the following criteria are met:

1. Each Morel mushroom must be inspected and found to be safe by a "Certified Morel mushroom identification expert";
2. The seller of the Morel mushrooms must keep a record for 90 days from the date the mushrooms were purchased following information;
  - a. The name, address, and telephone number of the certified Morel mushroom expert;
  - b. A copy of the Morel mushroom identification expert's certificate of successful completion of the course, containing the date of completion; and
  - c. The quantity of the Morel mushrooms purchased and the date(s) purchased;
3. The seller must obtain a Farmers Market Potentially Hazardous Food License or a Mobile Food License;
4. A Consumer Advisory shall inform consumers by brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means that wild mushrooms should be thoroughly cooked and may cause allergic reactions or other effects.
5. Iowa State University offers the Morel Mushroom Certification course each spring.

## **Labeling Requirements**

All food must be labeled with the common name of the food and the name and address of the person who prepared the food.

Allergen information needs to be declared on the label or by the use of a placard. The following food products are considered major allergens: Peanuts, Soybeans (not refined soybean oil), Milk, Eggs, Fish, Crustacean (crab, lobster or shrimp), Tree Nuts (almonds, pecans or walnuts) & Wheat.

Food that is prepared in licensed food establishments or food processing plants must be labeled with the following information:

1. Product name
2. A list of ingredients in order of predominance (by weight). If the product has a standard of identity in the Code of Federal Regulations, it must conform to that standard.
3. Name and address of the manufacturer, packer or distributor. Unless the name given is the actual manufacturer, it must be accompanied by a phrase which states the product is: “manufactured for” or “distributed by.”
4. Net weight or volume.
5. Allergen information.
6. Nutrition labeling information is required unless exempt. Exemptions may be found on the FDA website. [www.fda.gov](http://www.fda.gov)

### **Other regulations**

The requirements outlined in this document relate only to Iowa licensing and inspections. Individual products may also be subject to FDA regulations. To determine if FDA regulations are applicable contact David Arvelo, FDA’s Small Business Representative, at [david.arvelo@fda.hhs.gov](mailto:david.arvelo@fda.hhs.gov) or visit the FDA website at [www.fda.gov](http://www.fda.gov)

For more information please contact:

Linn County Public Health

501 13th St NW

Cedar Rapids, IA 52405

Phone: (319) 892-6000

Fax: (319) 892-6099

[health@linncounty.org](mailto:health@linncounty.org)

[www.linncounty.org/health](http://www.linncounty.org/health)

## **VENDORS**

1. All seasonal lessees will have assigned stalls for the entire leased dates.
2. The market days and hours shall be every Sunday during the season, including holidays, from 10:00 am- 1:00 pm.
3. The lessee agrees to abide by and comply with the hours of operation as prescribed above.
4. The lessee shall not have the right to sublet the space to anyone or permit anyone to offer for sale in the space any items not produced or manufactured by the lessee.
5. The lessee shall offer for sale at the Hiawatha Farmers Market only vegetables, fruit and such other produce or food stuffs, or other items as are actually produced or manufactured locally. Lessee agrees and acknowledges that at least 80% of all products displayed and sold at the Hiawatha Farmers Market are produced by the lessee.
6. Lessee agrees and acknowledges that the lessee shall possess all necessary permits or certificates to sell honey, poultry, eggs, wine, meat, or any other products that requires any permits or certificates. Lessee agrees to comply with all local, state and federal laws, ordinances and regulations, including, but not limited to, those regulating vending and labeling of merchandise.
7. The lessee agrees to only sell from the spaces designated for selling. The lessee further acknowledges that the lessee shall at all times keep the space, including the surrounding area, counter and shelves clean, swept and free of debris. Lessee shall thoroughly clean and sweep the leased space and remove all equipment, produce, products, and debris at the end of the selling day.
8. Lessee agrees that the continued use and occupancy of the space is subject to the lessee complying with all rules and regulations promulgated from time to time by the city.
9. The city reserves the right to relocate the lessee to an alternate location during the 2022 season.
10. If the lessee fails to comply with any of the terms or conditions of this lease or fails to abide with any law, rule or regulation of the city, State or Federal Government, the city shall have the right to immediately terminate this lease. If the city elects to terminate this lease, lessee's rights under this lease shall be forfeited and the lessee shall immediately vacate the space.
11. The city shall have no responsibility to the lessee, lessee's employees, agents or helpers for any loss, damage, injury or loss of use that the lessee, the lessee's employees, agents or helpers may incur because of acts of God.
12. The lessee agrees to hold harmless the from any and all claims or causes of action for liability, including attorneys' fees and costs, in any way arising out of or directly or indirectly connected with the use of the leased space by the lessee or the lessee's activities or the sale or distribution of any products. Lessee agrees this hold harmless agreement shall include all of lessee's employees, agents or helpers or any other persons using the space or acting for or on behalf of the lessee with or without the lessee's permission or approval.
13. Lessee agrees and acknowledges that the lessee or the lessee's employees or agents who enter the Farmers Market area shall not be under the influence of alcohol or drugs. If the lessee or the lessee's employees, agents or helpers violate this provision of the lease, the city, at its sole discretion, may require the lessee to forfeit the leased space for the day or year. In addition, the city may cancel this lease for fighting or otherwise disturbing the peace caused by lessee, lessee's employees, agents or helpers on the premises.
14. Notwithstanding the above, the city may cancel this lease upon dispatch, posting, or presentation of seven (7) days' notice to the lessee.
15. The Hiawatha Farmers Market is not responsible for any lost or stolen supplies.
16. The Market Manager will be directing set up so that the fronts of the vendor displays are aligned in a straight row for safety reasons.