

ALPENA FARMERS' MARKET
RULES AND BYLAWS
FEBRUARY 2025

ARTICLE I. GOALS AND PURPOSE.

The organization known as the Alpena Farmers' Market was founded on the concepts of regional food production for fresh consumption and the promotion of family farming. The Market provides an important opportunity for direct marketing of farm products, locally produced foods and goods to benefit farmers, small producers and local consumers residing in the five-county area of Alpena, Alcona, Montmorency, Oscoda and Presque Isle. Farmers, unlicensed Cottage Food Vendors, small licensed food vendors, and crafters may attend.

A "small producer" is defined as a producer who is not structurally dependent on permanent hired labor and who manages their production activity mainly with a family workforce. Most working time is spent on agricultural products and other distinctive products (such as crafts, woodworking, baked goods) on their own farms or in their own homes.

ARTICLE II. MISSION STATEMENT.

The mission statement of the Alpena Farmers' Market is:

To become a leader in the development of a year-round market, to foster agricultural growth, and to maximize locally produced products.

ARTICLE III. ALPENA FARMERS' MARKET BOARD. TERMS OF SERVICE. MEMBERS. MEMBER RESPONSIBILITIES. MEETINGS.

1. The Board is given full authority to act.
2. The goals and responsibilities of the Board are:
 - a. To represent the Alpena Farmers' Market and the membership.
 - b. To "do the work" necessary to manage and maintain the Market via committees, motions and voting.
 - c. To identify issues, needs, conflicts, and to form resolutions.
 - d. To interpret and to enforce the rules and bylaws.
3. Board members will number no fewer than 5 and no more than 9. There can be at least two alternates. Those nominated to the Board must be a vendor in good standing. The Board members will be elected by vendors from a list of nominations during the annual October meeting. Those interested in running for membership in

the Board will express their interest to the Onsite Market Coordinator. The ballot will be prepared prior to the October meeting. Vendors can be nominated to be a Board member during the October meeting. Their names will then be added to the ballot.

4. Board President, Secretary, Treasurer, Onsite Market Coordinator, Social Media Coordinator, Food Assistance Program Coordinator and Financial Advisor (shared role with Friends of the Alpena Farmers' Market) will serve a term of one year. Board members will serve terms of three years.
5. Board President and Secretary can receive a \$360.00 donation for their participation on the Board.
6. The Board will select the President of the Alpena Farmers' Market from current Board Members. The President must be a vendor. Nominations may be taken from the floor. Nominees must approve of their nomination. Vote will be taken by roll call vote if there is one nominee or by paper ballot if there are multiple nominees. The Board will also select the Treasurer, Onsite Market Coordinator, Financial Advisor (shared role with Friends of the Alpena Farmers' Market), Social Media Coordinator, Food Assistance Program Coordinator, Secretary (can be shared with the Friends of the Alpena Farmers' Market), and two farm inspectors (if required).
7. Lunch and mileage (IRS Standard Mileage Rate per day) will be provided for the two farm inspectors.
8. If a vacancy arises unexpectedly during the term of service, the vacancy can be replaced with an alternate member or the Board members can vote to replace this individual. The Board members can also vote to replace any Board member unable to perform their functions, temporarily or permanently, if it is in the best interest of the Board. A two-thirds (2/3) vote of the quorum is required.
9. If the President or Secretary is unable to attend a meeting, they will obtain a substitute to perform their role for the meeting.
10. The role of the President includes:
 - a. Preside over meetings.
 - b. Oversee advertising, fundraising and budgeting activities.
 - c. Develop an agenda for each meeting with the assistance and input from Board members.
 - d. Appoint committee members.
 - e. Oversee committees and assignments.
 - f. Call for special meetings.

11. The role of the Secretary includes:

- a. Maintain records held in the secretarial box.
- b. Assist and promote communication between the Board and the general membership.
- c. Record, distribute, maintain meeting minutes, special documents, vendor licenses, financial reports.
- d. Assist with agendas, telephone calls, copies, dissemination of information.
- e. Assist, as needed, the President and Board members.

12. See position descriptions for the role of the Onsite Market Coordinator, Treasurer, Social Media Coordinator, Food Assistance Program Coordinator and Financial Advisor (shared role with Friends of the Alpena Farmers' Market). Evaluation of the above will be conducted on an as needed basis.

13. The role of the Food Inspector/Liaison (licensed/unlicensed cottage foods) is the responsibility of the Cottage Foods Committee. A Board member of the Friends of the Alpena Farmers' Market may provide guidance regarding cottage food rules. The role includes:

- a. Work directly with Board members to provide cottage food guidelines.
- b. Inspect labels.
- c. Ensure that unlicensed cottage foods offered for sale are in compliance with the safe list as set forth by the State of Michigan.
- d. Ensure that vendors selling licensed cottage foods are in compliance with the Cottage Food Laws of Michigan.
- e. Ensure that licenses held by licensed food vendors are up-to-date and copies of the licenses are available.
- f. Ensure licensed vendors are in compliance with their specific governing body, particularly as it pertains to product storage limitations in the marketplace.

14. The role of Board Members includes:

- a. Represent and voice the views and concerns of Alpena Farmers' Market vendors.
- b. Serve on committees.
- c. Present committee reports.
- d. Identify and assist in resolving issues. Vendors are encouraged to use the Conflict Resolution Form.
- e. File motions as needed and vote on motions.
- f. Attend a minimum of eight meetings in a year. A Board member cannot miss three consecutive meetings in a row. Exceptions will be made at the Board's discretion.
- g. Be a member of a Standing Committee.

15. A Board Member may resign at any time by giving written notice to the Alpena Farmers' Market Committee Board. The resignation shall take effect on the date of the receipt of the letter or at a later time as specified in the resignation letter.
16. See Addendum for List of Committees. Committees can be added or deleted as needed.
17. Meetings. There will be two general meetings per year for all vendors. These meetings will normally be held in April and October. Board meetings will occur every second week of the month. All vendors are invited to attend. Additional special meetings may be called by the President. The schedule may change during the summer market season.
18. Voting.
 - a. A quorum consists of two-thirds (2/3) of voting Board members present at the meeting in person, by phone or by zoom. Fifty-one percent (51%) of the quorum is needed for a vote for adoption of a motion.
 - b. A quorum must be recognized by the President prior to voting. If a quorum is not present, voting matters will be held until the next meeting. Alternates (if there are any) may vote in the absence of members to assure a quorum is met. The President is allowed to vote on motions.
 - c. Changes/amendments to the bylaws require a 51% vote of the quorum. Proposed bylaw amendments will be referred to the Bylaws Committee and will be voted on at the next Board meeting. Bylaws may be amended at any meeting throughout the year. The Board will interpret and implement the bylaws.
19. The President, Secretary, Board members, and Onsite Market Coordinator reserve the right to determine or create additional safety guidelines specific to the Alpena Farmers' Market.

ARTICLE IV. MEMBERSHIP CRITERIA. MEMBERSHIP FEES.

1. All applicants must meet the following criteria:
 - a. An annual membership application fee of \$30.00 is required of all vendors for the privilege of selling at the Alpena Farmers' Market venue. The fee is payable at the time of application or at the annual April spring meeting. Fees will go directly into the general fund to support general operations as directed by the Board.
 - b. All vendors are required to complete and sign the Alpena Farmers' Market Membership Application, the Bylaws Agreement, Senior Project Fresh Agreement, Double Up Food Bucks Agreement, and other agreements as needed. Vendors will accept complete liability for produce/products (licensed and unlicensed). All

vendors will participate in all of the different methods of payment such as EBT, Double Up Food Bucks, Senior Project Fresh, *etc.* (if applicable).

- c. Applications for new vendors will be reviewed by the New Vendor/New Crafter Approval Committee to determine eligibility. The Committee will present report on new vendors at the monthly Board Meeting.
 - d. New vendors starting in November through March. If a new vendor wants to join the Farmers' Market during November through March, they will be charged a \$15.00 membership application fee and a table fee for each time they attend the market. In April, the new vendor will be charged the \$30.00 membership application fee.
 - e. New vendors must pay the \$30 Membership Application fee (or \$15 if starting in November through March) and the tent fee before being allowed to participate in the Farmers' Market for the first time.
 - f. Farmers' Market membership applications may be denied based on type of product(s) offered (i.e., crafters). Priority will be given to vendors offering farm produce.
 - g. Only vendors who have completed the required paper work and have paid the Annual Membership Application Fee will be allowed to participate in the Market.
2. Market Sprouts Members. Individuals participating in the Market Sprouts Program must be 17 years-of-age or younger. Products must be made or grown by themselves. The \$30 Membership Application Fee is waived. The first tent fee is waived. They must follow all rules and bylaws of the Alpena Farmers' Market.

ARTICLE V. HOURS OF OPERATION. TENT PLACEMENT. FEES.

- 1. Summer market hours are: Wednesdays and Saturdays, 8 a.m. – 1 p.m. The start and end dates of the summer market, in addition to dates for special events, will be determined in advance by the Board. All bylaws, rules, licensed/unlicensed food laws and labeling laws will apply.
- 2. Tent placement will be on a first-come first-serve basis.
- 3. Vendors must provide their own canopy tents. Weights are required. A tent may be 10X10, 12X12, 10X15, or 12X15. A 10X15 or 12X15 tent could be set up with 10 feet or 12 feet or 15 feet across the front of the area. Vendors will be allowed to have a maximum of two tents (a maximum of 20 feet across the front). Tents should be placed three feet from the next tent. Tents must be put up and taken down on the day of the market.

4. Daily Vendor fee will be \$10 for a 10X10 or 12X12 tent (10 ft or 12 ft across the front) per day. Daily vendor fee will be \$15 for a 10X15 or 12X15 tent (15 ft across the front) per day. Daily vendor fee will be \$20 for one to two tents equaling 20 feet across the front.
5. Winter Market will start in October. Date will be determined by the Board. Day/hours will be Saturdays, 9:00 a.m. – 1:00 p.m. Vendor fees are \$10 per 6-foot table, \$15.00 for more than 6-feet. Potential space or table/length limitations may apply depending upon the number of vendors. Tables and chairs for the Winter Market are provided by the Market. All bylaws, rules, licensed/unlicensed food laws and labeling laws apply.

ARTICLE VI. GENERAL RULES. GENERAL LIABILITY.

Failure to comply with rules and bylaws are grounds for dismissal from the Alpena Farmers' Market.

1. The Board, Alpena Farmers' Market, city and/or county of Alpena cannot be held liable for property damage or products offered by vendors at the Alpena Farmers' Market.
2. New cottage food vendors/farmers selling unlicensed cottage foods must bring in product labels for review by the Onsite Market Coordinator prior to the first vendor day. Labels must also list all allergens.
3. Vendors requiring licensure must display a copy of the license on their table. Labels may be inspected.
4. Vendors will prominently display a sign bearing the vendor's name or farm/business name, location and phone number.
5. Prices of all products must be readily displayed and legible.
6. Labels for licensed foods and unlicensed cottage food products must be easily located, legible and complete. Labels are to follow applicable laws and product license requirements.
7. Licensed foods/cottage foods should never be stored in direct contact with the ground.
8. No smoking is allowed under and around the tent area.
9. No pets, other than service dogs, are allowed under the tent area.

10. Products are to be confined to one's assigned tent area. Tripping hazards are to be removed.
11. One is to present a clean appearance and friendly demeanor. Vendors with confrontational attitudes or threatening behavior will be asked to leave by the Onsite Market Coordinator.
12. Vendors are to clean their area at the end of the Market day.
13. Antiques or rummage sale items are only allowed on special event days featuring such items.
14. Vendors shall not participate in business unrelated to the Alpena Farmers' Market at the market and during market hours. This will be evaluated on a case-by-case basis by the Market Board.
15. a. Vendors will not be allowed to be a member of the Alpena Farmers' Market if participating in competing farmers' markets and events within the City of Alpena and the township of Alpena. Exceptions can be made at the Board's discretion.

DEFINITION OF COMPETING MARKET:

A competing market is one that competes with the Alpena Farmers' Market in the sale, marketing, and distribution of competing farmers' market products to the same customers within the City of Alpena and the township of Alpena. The market can be held at the same time as the Alpena Farmers' Market or at different days/times. Craft shows are not considered a farmers' market activity.

b. Individual vendors can sell their products/produce at roadside stands and to retail businesses (such as Perch's and Kipfmillers's) within the City of Alpena and the township of Alpena.

16. Soliciting, including political and religious, is prohibited.

ARTICLE VII. PRODUCE. PRODUCT REQUIREMENTS. VENDOR LIABILITY.

1. All produce, foods, and crafts must be farmed, raised, harvested, produced, grown, baked, created, crafted, built or handmade by the individual vendors (as residents of the five-county area).
2. Re-sale of produce or products from outside farmers/producers/wholesalers is not permitted at this market. Such activity will result in being banned as a vendor.

3. All produce/products must comply with applicable Federal (USDA), State of Michigan (MDA/MDARD), and local (Alpena County/Public Health Department) laws and regulations.
4. Vendors are solely responsible to contact appropriate agencies for inspection and approval.
5. Vendors are solely responsible for knowledge and understanding regarding required licensure, product limitations and product safety.
6. Meat and egg displays are prohibited. All meat products requiring refrigeration and eggs must remain in coolers. One must be aware of ambient temperature. Egg cartons may be used but clean. The note: Packaged in a facility that has not been inspected by the MDARD" must be on the carton. The note: "Keep refrigerated" is strongly encouraged. The name, address and phone number must also be on the carton.
7. To sell alcoholic cider or wine at the Alpena Farmers' Market, a vendor must have proper documentation and an annual permit. Board approval of the vendor is required.
8. All produce/products described as "organic" must meet federal (USDA) and Michigan regulations for such labeling. All "organic" products must be specifically displayed with a sign sized 5"x7." This assures proper labeling and prohibits false advertising.
9. Cottage food vendors are not permitted to use the term "organic" on any primary product label.
10. Health Claims. The Cottage Food Laws of Michigan require that any label phrases containing the modifiers: "less," "light," "low," "free," "more," "high," and the like must be supported with a standard, full nutrition facts label to protect the consumer against fraud, false claims and false advertising. This includes, but is not limited to, the claims: "sugar-free," "gluten-free," "fat-free," "low-salt," "high-fiber," "high-protein," "low-calorie," etc. Health claims relating to an energy boost, specific nutrient or vitamin content, weight loss, or metabolic advantage, and the like are prohibited without a license. References to specific health conditions are prohibited by law.
11. The sale of live animals and/or live poultry is prohibited. Animal adoption vendors must be pre-approved by the Market Board.
12. Vendors are required to have product liability insurance and to ensure that any damage done by their canopy tent is covered by their personal property/home damage liability insurance. Liability insurance can be easily obtained with a rider on their homeowners insurance.

13. Sale of Hemp and CBD Products.

The health and safety of our customers is a primary concern of the Alpena Farmers' Market. The Market follows the Michigan Farmers Market Association guidelines for cannabis products and sales. Any vendor requesting to sell hemp and CBD products will be approved on a case-by-case basis.

CBD is a single, non-intoxicating compound in the cannabis plant, not to be confused with THC. CBD oil that is labeled for topical use, such as in soaps and lotions, is legal to sell in Michigan. It is illegal to market CBD by adding it to food and beverage products, labeling it as a dietary supplement, or by making health claims about the product. To sell CBD, a vendor is required to have a Processor-Handler License issued by the Michigan Department of Agriculture and Rural Development (MDARD).

Hemp is described as a product with THC levels at or below 0.3%. A vendor may sell industrial hemp products if the vendor is properly licensed and the products are legal. Any person who is processing, handling, brokering, or marketing industrial hemp needs to be licensed as a processor-handler through the State of Michigan in accordance with the Industrial Hemp Research and Development Act, Public Act 547 of 2014, as amended. MDARD is not prohibiting the sale of smokable hemp by a licensed processor-handler.

It is legal to sell smokable hemp flowers. Smokable marijuana flowers are not legal for sale.

ARTICLE VIII. ONSITE MARKET COORDINATOR. VENDOR RIGHTS. RESPONSIBILITIES. COMPLAINTS.

1. The Onsite Market Coordinator has full authority to enforce market rules.
2. The Onsite Market Coordinator has the right to deny any vendor the privilege of selling at the market. Such reasons may include but are not limited to: failure to comply with Market rules and bylaws, State of Michigan and/or federal licensure regulations, and/or Cottage Food Laws of Michigan; deception or misrepresentation of goods/produce; false advertising; false health claims; non-payment of fees; poor quality goods/produce; illegal products; disorderly conduct; leaving tent space dirty; activities causing conflict or injury to Market operations or its reputation.
3. A vendor may appeal the Onsite Market Coordinator decision by submitting an appeal in writing. The appeal will be given to a Board member for presentation at a Board meeting.
4. Vendors are encouraged to pay the daily vendor fee to the Onsite Market Coordinator prior to 11:00 a.m.

5. Complaints showing reasonable, conclusive evidence that a vendor/farmer has practiced deception or misrepresentation in the origin, quality, condition, variety, or value of his/her product must be submitted in writing, signed by the complainant, and given to the Onsite Market Coordinator or a Board member. All complaints will be kept confidential. Use of the Conflict Resolution Form is strongly encouraged.
6. Site Visits. If a site visit is deemed warranted, the farm inspectors will schedule a site visit to the farm in question. Refusal of a site visit and inspection shall be just cause to ban the farmer from Market privileges. All produce vendors are subject to site visits by the farm inspectors during the growing season.
7. Hawking. Hawking of customers is grounds for dismissal from the Alpena Farmers' Market venue. It is inappropriate for licensed and unlicensed cottage food vendors to engage consumers in any discussion comparing their products to similar products presented by fellow vendors. If this is done to promote sales, it is considered a form of hawking.

ARTICLE IX. COMMUNICABLE DISEASE OUTBREAKS.

Farmers' Markets have been identified as an essential public service equivalent to grocery stores. All Market staff, farmers and producers are dedicated to adhering to health and safety standards and to providing safe and reliable access to nutritious foods necessary to a healthy community.

Benefits of shopping at the Alpena Farmers' Market include:

- Fresh produce is rich in vitamins and nutrients essential to maintain a healthy immune system.
- An open air environment presents a lower risk of infection and allows for social distancing of six feet as needed.
- Sunlight provides a natural disinfectant and increases Vitamin D.
- Food from the farm is handled at a much lower rate than in the commercial system.

The Alpena Farmers' Market will follow CDC recommendations on communicable disease outbreaks such as COVID 19.

ARTICLE X. FUND RAISING/INFORMATION SHARING BY NON-VENDORS.

1. An organization who represents youth activities in the area can request to set up a vendor tent for the purpose of fund raising. If approved by the Market Board, the organization shall schedule a date on the Friends Booth calendar.
2. Fund raising by other charitable organizations will need to be approved by the Market Board on a case-by-case basis. Organizations wanting to hand out educational

material will also need Market Board approval. If approved, the organization shall schedule a date on the Friends Booth calendar.

3. Bake Sales/Farm Produce Sales/Raffles. Bake sales and farm produce sales conducted by a non-vendor for the purpose of fund raising are not approved. Since multiple bakers would be submitting baked goods, cottage food rules would not be followed. Bake sales and farm produce sales would also be in competition with vendors. A raffle could be held but would need to be approved by the Board. If approved, the raffle would need to be scheduled on the Friends Booth calendar.

ADDENDUM
TO
ALPENA FARMERS' MARKET BYLAWS

LIST OF COMMITTEES

Bylaws and Membership Committee
Budget/Financial Committee
Cottage Food Rules Committee
New Vendor/New Crafter Approval Committee
Farm Inspection Committee
Facility Committee
Advertisement/Vendor/Customer Recruitment Committee
Farmers' Market Events Committee
Hiring Committee
Winter Market Committee