

ALPENA FARMERS' MARKET
RULES AND BYLAWS
APRIL 13, 2022

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. 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 9 and no more than 11. There will be at least two alternates. Those nominated to the Board must be a vendor in good standing for a period of at least one year. The Board members will be elected by vendors from a list of nominations during the annual October meeting. The ballot will be prepared prior to the October meeting. Those interested in running for membership in the Board will express their interest to the Onsite Market Coordinator.
4. Board President, Board Secretary and Board members will serve terms of three years.

5. Board President and Board Secretary can receive donations for their participation in the Board during the months that the Board has regularly scheduled meetings. The President and Secretary will receive \$30.00 for each monthly meeting attended.
6. The Board Members will select the President, Secretary, Onsite Market Coordinator, Offsite Market Coordinator, Market CPA/Financial Liaison, and two farm inspectors.
7. Lunch and mileage (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 will 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.
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, Offsite Market Coordinator, and Market CPA/Financial Liaison. Evaluation of the Onsite Market Manager, Offsite Market Manager, Market CPA/Financial Liaison and the position descriptions will be conducted annually.

13. The role of the Food Inspector/Liaison (licensed/unlicensed cottage foods) is part of the Onsite Market Coordinator's position. It 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.
 - 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. Standing committees include: Bylaws; Budget and Finance; Facility; and Scholarship. Additional committees will be added as needed by the President (i.e., Locavore Dinner).

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 majority vote consists of two-thirds (2/3) of current Board members. 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 may vote in an

absence of members to assure a quorum is met. The President is allowed to vote on motions.

- b. Changes/amendments to the bylaws require a two-thirds (2/3) majority vote of the Board. 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, Onsite and Offsite Market Coordinators reserve the right to determine or create additional safety guidelines specific to the Alpena Farmers' Market.

ARTICLE III. MEMBERSHIP CRITERIA. MEMBERSHIP FEES.

- 1. All applicants must meet the following criteria:
 - a. An annual membership fee of \$30.00 is required of all vendors for the privilege of selling in 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 Application, the Bylaws Agreement, and the Maintenance of Own Insurance Form – prior to the first vendor day – and 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. New applicants are subject to a one-year probation period beginning on the day the vendor is first present to sell at the market.
 - d. New vendors starting in January, February, and March. If a new vendor wants to join the Farmers' Market during January, February or March (no other months), they will be charged a \$15.00 membership fee and a table fee for each time they attend the market. In April, the new vendor will be charged the \$30.00 membership fee.
 - e. New vendors must pay the \$30 Market Application fee (or \$15 if starting in January, February and March) and the tent fee before being allowed to participate in the Farmers' Market for the first time.
 - f. Farmers' Market 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 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 Market Application Fee is waived. The first tent fee is waived. They must follow all rules and bylaws of the Alpena Farmers' Market.

ARTICLE IV. 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 and weights are required. A tent may be 10X10, 12X12, 10X15, or 12X15. A 10X15 or 12X15 tent could be set up to cover area and vehicle with only 10 feet or 12 feet across the front of the area or could be set up with 15 feet across the front of the area. Vendors will be allowed to have a maximum of two tents and one vehicle per 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 per day. Daily vendor fee will be \$15 for a 10X15 or 12X15 tent per day. Daily vendor fee will be \$20 for one to two tents equaling 20 feet across the front.
5. Winter Market will start mid-October. Date will be determined by the Board. Day/hours will be Saturdays, 9 a.m. – 1 p.m. Vendor fees are \$15/table with potential space or table/length limitations. All bylaws, rules, licensed/unlicensed food laws and labeling laws apply.
6. The concept of reserved stalls will be held in abeyance and could possibly be reinstated at a later date (Bonifas Realignment Stall Plan of 2015) if the Market should relocate to another area where stalls are present.

ARTICLE V. 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 and location.
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. Food displays should be raised 24 inches off the ground.
9. No smoking is allowed under and around the tent area.
10. No pets, other than service dogs, are allowed under the tent area.
11. Products are to be confined to one's assigned tent area. Tripping hazards are to be removed.
12. 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.
13. Vendors are to clean their area at the end of the Market day.
14. Antiques or rummage sale items are only allowed on special event days featuring such items.

15. 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.
16. Vendors will not be allowed to be a member of the Alpena Farmers' Market if participating in a competing Farmers' Market within the township of Alpena. Exceptions can be made at the Board's discretion.
17. Soliciting, including political and religious, is prohibited.

ARTICLE VI. 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.
7. To sell alcoholic cider 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.
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.
13. Sale of Hemp and CBD Products.

The health and safety of our customers is a primary concern of the Alpena Farmers’ Market. Therefore, due to a lack of clear and concise guidance about the safety and rules surrounding hemp and CBD products, vendors will not be allowed to sell/display these products. This includes CBD infused oils, teas, and dried hemp leaves.

This topic will be re-evaluated when there is adequate scientific research regarding safety, quality, and labeling of these products.

ARTICLE VII. 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. 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.
5. 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.
6. 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 VIII. COVID-19 SAFETY MEASURES.

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.

The Alpena Farmers' Market must implement proper precautions and limit social interactions.

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 is lower risk and allows for social distancing of six feet.
- 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.

Customer safety measures include:

- Customers should come to the market in good health. No one with a fever or symptoms of Covid-19 or known exposure to a Covid-19 case in the prior 14 days is permitted at the Farmers' Market.
- Face coverings are strongly recommended at the outside market. Face coverings are required in the Warming Shelter.
- Social distancing of six feet is required. One customer is allowed at a tent at one time.
- Encourage one person from a family to come to the market to shop.
- Wash/disinfect hands and refrain from touching one's face.

- Touch only what one is buying.
- Wash all produce before consumption.
- Sampling of products is not allowed.
- It is recommended that customers leave after they have completed their purchases.

Alpena Farmers' Market safety measures include:

- A hand washing station will be available.
- Each vendor will have hand sanitizer at their tent. Hand sanitizer will also be available at the Friends Booth.
- Vendors are required to wear face coverings. Gloves are optional.
- Additional space (10 feet) is required between tents.
- Vendors handling money should sanitize their hands between each transaction. If there are two individuals at a tent, one individual should be designated to handle the product and one individual should be designated to handle money.
- It is encouraged that prices be rounded to the nearest dollar to avoid the need for coins in making change.
- Events that encourage social gatherings (i.e., Kids Day) have been cancelled.
- There are no on-site dining spaces.
- Sanitize frequently used areas (tables).

ARTICLE IX. 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.

