**Franklin-Simpson Farmers’ Market By-Laws**

**Revised 04/21**

The Franklin-Simpson Farmers’ Market was formally organized May 3, 1984, in the Simpson County Bank Meeting Room. On June 27, 1984, the Secretary of State issued a Certificate of Incorporation for the Franklin-Simpson Farmers’ Market, Inc. A copy of the Articles of Incorporation is filed locally with the office of the County Clerk. The location of the Franklin-Simpson Farmers’ Market will be at 308 North Main Street, Franklin, KY 42134.

The purpose of the market is to be used to sell locally grown fresh fruits and vegetables to the public sector, as well as other products as deemed acceptable by the Franklin-Simpson Farmers’ Market Council, and as allowable by law. Vendors from Kentucky and Tennessee are permitted to sell their goods at Franklin-Simpson Farmers’ Market, Inc. providing they are members of the Franklin-Simpson Farmers’ Market. The Franklin-Simpson Farmers’ Market Council reserves the right to refuse membership to anyone. The market hours will be daily from 6:00 a.m. to 12:00 p.m. The opening date for the Franklin-Simpson Farmers’ Market will be dictated by the availability of products for sale. The official (advertised) opening day will be the last Saturday in April.

The Franklin-Simpson Farmer’s Market Association will elect a president, vice-president, secretary/treasurer every two years. This elected group will make up the Executive Council and will handle the business of the Franklin-Simpson Farmers’ Market Association. In order for a vendor to be nominated or elected to the presidential position of the Farmers’ Market Executive Council, he/she must have served on the council in some capacity for at least a two year term. If there is not an eligible candidate, a full time vendor of the Franklin-Simpson Farmers’ Market will be appointed by the advisors of the current Executive Council. Any person nominated or elected to the presidential position must be a full time vendor of the Franklin-Simpson Farmers’ Market. A full time vendor is an individual who has paid his/hers annual membership fee in full. There will be 3 advisors on the Executive Council. The first advisor will be Agriculture and Natural Resources agent, the 2nd will be either the Family and Consumer Sciences agent or 4-H Youth Development agent, and the 3rd will be appointed by one of the two Extension Office Agents. Jason Phillips with the University of Kentucky Extension Office will serve as executive officer to the Franklin-Simpson Farmers’ Market, in an advisory capacity.

A vendor may obtain membership to the Franklin-Simpson Farmers’ Market by paying a $100.00 fee annually. Checks are to be made payable to **Franklin-Simpson Farmers’ Market.** Each membership entitles the member to one (1) vote, though a membership can include multiple participants (i.e. family members), on decisions brought before the vendor membership by the Executive Council.

Based on space availability a market pass membership allows vendors to pay in advance at a rate of $15/day for a maximum of three days per market year. If the vendor chooses to set up more than three days, he/she is required to pay the full $100 membership fee. Market pass members must submit an application and be approved by market council prior to first day of set up. Market pass members must notify a council member before planning to attend the market to ensure adequate space is available. Market pass members may be assigned a space outside the pavilion if space is not available under the pavilion. Market pass members must comply with all applicable local, state and federal regulations as well as Franklin-Simpson Farmers’ Market by-laws and are not entitled to vote in market elections until full membership is obtained.

Returning vendors will be assigned booth spaces first, provided they pay their membership in full at the annual vendor meeting. There will be 13 booth spaces assigned and 2 booth spaces reserved for first-come first-serve use. If more than 13 vendors pay their fee at the annual meeting, seniority will be used to determine who receives an assigned space. Seniority will be decided by membership applications on file. No fees will be accepted before the annual vendor meeting.

Vendors will be assigned an 8x8 selling area. The Franklin-Simpson Farmers’ Market Executive Council will be responsible for booth assignments. Each 8x8 space will be numbered and taped off. To avoid empty spaces, regular attendance is encouraged. **If a vendor is not present after one hour of advertised opening time(s) their assigned booth space will be forfeited for the selling day.** Vendors arriving after one hour may be assigned another space if available. All vendors must provide their own tables, displays, scales, etc. Tables and displays may not be larger than the assigned space. If there is a day when the pavilion is full, vendors may be allowed to set up outside the pavilion in a space designated by the market council. Outside vendors are responsible for supplying their own tables and canopy, which must fit within the allotted selling area.

The following are rules concerning market operation:

1. All vendors must follow state, federal and local regulations regarding sale of their products.
2. Market member families may combine produce for selling purposes.
3. Saleable items include, but are not limited to:
   1. All Fruits and vegetables.
   2. Honey, cider, molasses and sorghum (labels meeting home-processing standards are required).
   3. Bedding, potted plants and cut flowers. (Subject to 6% sales tax, seller is responsible for collection, documentation and reporting of taxation).
   4. Handmade crafts. (Subject to 6% sales tax, seller is responsible for collection, documentation and reporting of taxation.)
   5. Home processed foods for direct-to-consumer sales in accordance with Kentucky HB 391 and Kentucky’s Farmers’ Market regulation. Registration and/or certification documents must be visibly displayed at the vendor’s booth.
   6. Fresh meats approved by local health department and Kentucky Farmers’ Market manual standards. (USDA certified).
   7. Farm-fresh eggs. (See Kentucky Farmers’ Market Manual for rules and regulations.)
   8. Dairy products. (See Kentucky Farmers’ Market Manual for rules and regulations.)
   9. Specialty wines that meet state, federal and local regulations regarding sale of said items.
   10. Other products will be subject to the approval of the Franklin-Simpson Farmers’ Market Association Council.
   11. **The sale of live animals is strictly prohibited.**
4. CONDUCT: Vendors MUST be courteous to and respectful of each other, exhibiting acceptable conduct at all times. Vendors should not discuss grievances in the presence of customers or during market hours. Grievances should be brought to the Franklin-Simpson Farmers’ Market Council for resolution.
5. PRICING: Pricing minimums will be set by the Franklin-Simpson Farmers’ Market council. The council has the right to change pricing without advanced notice at any time. The vendor may sell at prices higher than the minimum but under no circumstances may their prices fall below the minimum. **Pricing will be strictly enforced by the Franklin-Simpson Farmers’ Market Council**.
6. CERTIFICATIONS: All certifications and trainings required for any product sold at the Franklin-Simpson Farmers’ Market are the responsibility of the vendor. Any vendor offering samples of their products are required to have a valid Sampling Certificate displayed at their booth. It is mandatory that all vendors selling any edible product at the Franklin-Simpson Farmers’ Market have a valid Produce Best Practices Training (PBPT) diploma. A copy of the diploma will need to be submitted along with your vendor application. Vendors that are selling non-edible products are encouraged but not required to have this certification. Vendors that are selling any value added products are required to display valid certifications when those products are being sold. Value added products include anything requiring a home-based processor or home-based microprocessor certification. Home-based microprocessor product recipes must be approved by the University of Kentucky, and proper documentation must be available upon request of the Franklin-Simpson Executive Council.
7. LITTER: All vendors are responsible for cleaning their selling area and removing all debris and trash at the end of each selling day.
8. GROWERS: The Franklin-Simpson Farmers’ Market Council may arrange a farm visit for all vendors. This visit is to establish the authenticity of the products being sold at the Franklin-Simpson Farmers’ Market. **ALL** products not being produced by the seller **MUST** have signage that identifies the product’s origin. Examples: Georgia Peaches, Texas Watermelons, Amish Tomatoes, etc. **This rule will be strictly enforced by the Franklin-Simpson Farmers’ Market Council.**
9. PRODUCT SAFETY: Produce offered for sale must meet the required number of days since last being treated with any pesticide including organic labeled pesticides. Read and follow all pesticide labels. Vendors must adhere to FDA food safety guidelines.
10. ADVERTISEMENT: All sellers are encouraged to display “Kentucky Proud” labels on their products and at their booth if certified. Any seller who advertises as certified organic must maintain certain USDA certification and be certified by an accredited certifying agency within their respective state and must visibly display documentation at their booth. Vendors are also encouraged to have business cards, pamphlets, and other related materials to pass out to customers.
11. SELLING PRACTICES: Growers are encouraged to sell items by the bunch, dozen, bushel, peck, etc**. If selling by weight, vendors must use a scale in compliance with the Kentucky Department of Agriculture Weight and Measure Division. (See Kentucky Farmers’ Market Manual.)**
12. PETS: Vendors, their employees, or their guests, are not allowed to have pets of any kind at the market unless the pet is a service animal needed by the vendor.
13. EVENTS/PROMOTIONS: Any event or promotion with the Franklin-Simpson Farmers’ Market as the sponsor has to be approved by the Franklin-Simpson Farmers’ Market Executive Council. Any advertisement of any event or promotion has to be approved by the Franklin-Simpson Farmers’ Market Executive Council before distribution.
14. RADIO/NEWSPAPER: The only person authorized to submit information for newspaper/radio advertisement will be the president or executive officer of the Franklin-Simpson Farmers’ Market.
15. INSURANCE: Vendors must provide their own liability insurance as well as any other insurance deemed necessary. In the event of an accident in connection with the operation of the Franklin-Simpson Farmers’ Market, the vendor will hold harmless the owners of the property.
16. SMOKING POLICY: **Absolutely no smoking, vaping, etc. allowed by any vendor under the pavilion or within 50 feet outside the pavilion.**
17. INMATE WORKERS: No vendor is allowed to socialize with an inmate worker associated with the Simpson County Extension Service. No vendor is allowed to request the services of any inmate worker. No vendor is allowed to offer goods or services to any inmate worker.
18. SIGNAGE ON MARKET GROUNDS:
    1. No signage displayed on market grounds shall be handmade or hand written unless it is displayed within their assigned booth space.
    2. No signage displayed on the market grounds shall advertise a vendor’s personal business name, personal business information or product information unless it is within their assigned booth space.
    3. All signs or banners displayed on market grounds have to be approved by the Franklin-Simpson Farmers’ Market Executive Council **before** use.
    4. No more than 3 signs displayed on market grounds at one time any day.
19. AUTHORITY: Any vendor not in compliance with all rules and regulations mentioned in the by-laws, will be given one (1) verbal warning by a representative from the Franklin-Simpson Farmers’ Market Council. If a second warning is warranted, it will be issued to the vendor in writing, and the vendor will be placed on probation. Habitual offenders will forfeit their selling area at the Franklin-Simpson Farmers’ Market and all fees associated with said spot. The Franklin-Simpson Farmers’ Market Executive Council has the authority to immediately remove any vendor that participates in unsafe practices or causes harm to another person, as dictated by the situation.

**Franklin-Simpson Farmers’ Market**

**Acknowledgement of By-Laws Receipt**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ have received a copy of the Franklin-Simpson Farmers’ Market By-Laws with a revised date of 04/2021. I understand and agree to adhere to these guidelines.

(print name)

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(Signature) (Date)

\*\*\*\*\*\*To be attached to vendors application.\*\*\*\*\*\*