



RULES AND GUIDELINES SUMMER SEASON 2020

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INTRODUCTION

Before applying to the Richmond Farmers Market, please review this entire document, Indiana State Department of Health regulations, and other applicable information that pertains to your items for sale. Applications must be approved before you can participate in the Farmers Market.

I. Times of Operation of the Market

The Richmond Farmers Market is open in the summer on Saturdays from May-October, from 8 am – 12 pm. In 2020, markets will begin on Saturday, May 2, and run every Saturday thru October 31. Tuesday Markets will be open July – September from 4pm to 7pm.

II. Location of the Market

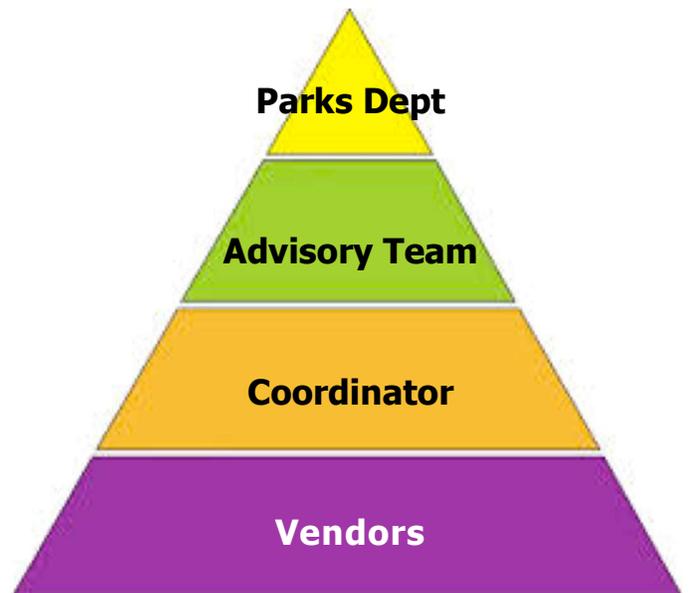
The Summer Richmond Farmers Market is an outdoor market located at Jack Elstro Plaza, at 47 N 6th St, Richmond, IN 47374.

III. Weather Clause

The Richmond Farmers Market is operational every Saturday May-October, regardless of weather conditions (exception for conditions resulting in a state of emergency, travel advisory level 2 or higher, or by discretion of the Market Coordinator). Tuesday markets are subject to close, if confirmed Tuesday vendors decide to forgo the market due to weather conditions. If a Tuesday market is closed, it will be posted to the Richmond Farmers Market Facebook page. Vendors can also contact the Marker Coordinator for clarifications.

IV. Administration of the Market

The Richmond Farmers Market is advised and overseen by the Farmers Market Advisory Team, with operation and management from the Richmond Parks Department. The Parks Department is to provide government support, serve as treasurer, and make final determinative action on issues that arise, after they have been presented to the Market Coordinator. The Advisory Team will, in many ways, serve like a nonprofit board. This team will make recommendations regarding the Market and its operation. The Market Coordinator will provide support to all vendors and consumer activities, uphold the rules and regulations set forth in this document during the weekly markets and report back to the Advisory Team. The Advisory Team is a flexible, open group that vendors, customers, and Richmond Parks & Recreation supporters are all welcome to attend to advise in Market affairs.



V. Important Contacts

Questions and concerns over the Rules and Guidelines, Application, or general inquires can be directed to the Richmond Parks Department for review at the next Advisory Team meeting. The easiest way to reach the Market is to email us at RichmondFarmersMarketIN@gmail.com.

For other questions, we've included additional important contacts you may need to know.

Postal Mail:

Parks Department
Attn: Farmers Market
50 North 5th Street
Richmond, IN 47374

Park Office Location:

Glen Miller Park
2200 East Main Street
Richmond, IN 47374

Market Coordinator:

Caleb Smith
Office: 765-983-7425
Cell: 765-259-4476
(Cell number is for urgent issues only)
csmith@richmondindiana.gov

Park Superintendent:

Denise Retz
Office: 765-983-7276
Cell: 765-960-8969
(Cell number is for emergencies only)
deniseretz@richmondindiana.gov

Wayne County Health Department

201 East Main
Richmond, IN 47375
Phone: (765) 973-9245
cstinson@co.wayne.in.us

Women, Infants, and Children (WIC)

2230 Chester Blvd.
Richmond, IN 47374
By appointment only.
Questions: 800-522-0874 or 765-983-8044

Wayne County Weights and Measurers

Office of Planning and Zoning:

Kent Hollenberg
401 East Main Street, 2nd Floor
Richmond, IN 47374
765-973-9297

Food Protection Program, ISDH

Krita Click, Food Program Director
100 North Senate Ave, N855
Indianapolis, IN 46204
317-234-8569
food@isdh.in.gov

Wayne County Division of Family Resources (SNAP/EBT)

50 South 2nd Street
Richmond, IN 47374
877-768-5089 (participant concerns)
800-403-0864 (other concerns)

Lifestream Services (Senior Checks)

Beth Evans, Director of Community Services
520 South 9th Street
Richmond, IN 47375
765-759-1121
beevans@lifestreaminc.org

Indiana State Egg Board, Dept. of Egg Inspection

Candy Bryers, Asst. to Executive Administrator
Dept. of Egg Inspection, Purdue University, Poultry Science Bldg
15 South Russell Street
West Lafayette, IN 47907
765-494-8510
cbryers@purdue.edu

Dates

The Richmond Farmers Market has some dates that you may find important. Please note the following dates already in place:

Summer Farmers Market Pre-Meeting:

April 7th at 6 pm

Held via online webinar (due to COVID-19)

Opening and Closing Dates for the 2020 Market

- First Saturday: May 2nd
- Last Saturday: October 31st

Market Potlucks

- No pre-Market potluck (due to COVID-19)
- Post-Market Potluck: October 27th, 5pm, location TBD

Advisory Team Meetings

The Advisory Team meets every 3rd Thursday of the month at 4:30 pm (*meeting dates/times subject to change) in the Parks Office. The meeting is open to the public. Reminder emails are sent to those who indicate interest when possible, but it is recommended to add these dates to your personal calendar. These meetings will fall on:

- April 16
- May 21
- June 18
- July 16
- August 20
- September 17
- October 15
- November 19
- December - Winter Break, no meeting
- January 21

OVERVIEW OF MARKET

The Richmond Farmers Market is a growers-only market in support of the interest of local farmers, producers, and consumers. The purpose of the market is to create a sales venue for area farmers, provide opportunity for consumers to purchase quality local food and farm-grown goods, provide a community gathering place, to promote and stimulate economic development, and create traffic in the Downtown area.

The Richmond Farmers Market defines “growers-only” as an individual or business that grows, raises, tends to, cares for, produces, or otherwise creates within a 100-mile radius of Richmond, Indiana the goods they wish to sell at Market.

Vendors are the growers and producers of the fruits, vegetables, eggs, plants, herbs, flowers, baked goods, dried goods, jams, honey, syrup and/or other approved products intended to be sold at the market. The Richmond Farmers Market supports local, small-scale farmers and gardeners by providing a marketing opportunity to sell homegrown produce, and homemade farm-related items directly to consumers.

All value-added products and handcrafted items are to be made by the vendor, except as allowed by the consignment rules set forth below. Secondhand and flea market type items are **NOT** allowed. The Market Coordinator shall review and approve all items prior to acceptance of the vendor to the market. Any disputed issue may be appealed in person to the Market Coordinator.

Vendors are responsible for ensuring that their products meet all applicable Health Department standards and agree to abide by the law to participate in the Richmond Farmers Market. Questions regarding compliance with these regulations should be directed toward the Wayne County Health Department. The Richmond Farmers Market is not responsible for the enforcement of USDA or any other federal, state or local regulations. Should any enforcement agent inspect our market, each vendor is responsible for the compliance of his/her merchandise.

All produce and products sold at the market must be grown and/or produced by market vendors, except a small quantity of consigned products. **NO AUCTION ITEMS will be allowed at the market.** Exceptions for resale items (NOT auction items) may be permissible with pre-approval by the Market Coordinator. If you are allowed this exception, you **MUST** identify through label and/or signage that you did not grow the specific item, and clearly state where the produce or product came from.

ITEMS AT MARKET

I. Approved Products

The following goods may be sold at the market.

1. All vegetables, flowers, or herbs grown by the vendor from seed, sets, or seedlings.
2. Any fruits, nuts, or berries grown by the vendor from trees, bushes or vines on the vendor's property.
3. Any vegetable or berry plant grown by the vendor from seed, seedling, cuttings, or division bulbs and seeds propagated by the vendor. Cut flowers or flowering plants may be sold, subject to the Market Coordinator's decision on limiting the number of such market stalls and the amount of flowering plants that can be accommodated at the market.
4. Honey produced by the vendor's bees.
5. Fresh baked goods made by the vendor. In addition, pre-packaged baked goods must be labeled with ingredients to meet applicable federal, state and local laws, ordinances and requirements. See page 12 of this packet for HEA 1309.
6. Value-added agricultural products such as jams, dried tomatoes and soy milk. Value-added products and prepared food items must meet all applicable federal, state, and local health regulations.
7. Plant and animal products grown and crafted by the vendor (soaps, garlic braids, herb salves, wreaths, etc.).
8. Meat and eggs products with proper state certifications on file.
9. Indigenous wild crafts made or gathered by the vendor (bark baskets, bittersweet, etc.)
10. Art or craft items – each vendor's items will be admitted on a case-by-case basis.
11. Other such products that may be approved by the Market Coordinator.
- 12. All products and vendors require advance approval by the Market Coordinator.**

II. Value-Added Product Vendors

Value-added products sold at the Richmond Farmers Market should employ as many local ingredients as possible and available.

Application approval is dependent upon the needs of the market for variety and balance (too many bread bakers, not enough dried fruit vendors, etc.). Please describe on your application your product, where and how you make it, and what quantities you produce. (i.e. Do you use locally grown ingredients?)

All products must be raised, harvested, prepared for resale, packaged, and displayed in accordance with federal, state and local regulations.

Artisan applicants: Art and hand crafted items are a valued part of the Richmond Farmers Market. Artisan vendors will be included as space permits with prior approval from the Market Coordinator. Artisans may be asked to show work or pictures of work for application approval.

III. Consignment Policy

A vendor may sell produce or value-added products on a consignment basis for another grower or producer that meets the growers-only policy, has been inspected, and has been approved by the Market Coordinator. Under **NO** circumstances may a grower sell produce that was purchased at wholesale for resale at the Richmond Farmers Market.

The purpose of consignment is two-fold. First, it allows participation in the market by a local grower with a limited number of products. Second, it widens the variety of products available at the market, which benefits the consumer and promotes the success of the market. The following guidelines apply:

1. Before bringing consigned products to market, the vendor must have an application approved.
2. Consigned produce or products must be brought to the market without vendor prepayment for those items.
3. The product must be grown or produced by the consignor on his or her own farm or facility.
4. The consignor will be subject to all rules of the market, including inspection for compliance with grower requirements.
5. Consignment arrangements as to quantity and price are between the vendor and the grower/producer of the item.
6. No items may be offered for sale that are not produced by vendors or consignors, except by permission of the Market Coordinator, which may be granted if such items are determined to be for the good of the market as a whole and do not detract from other grower/vendors.
7. Non-farm art, crafts, and value-added food products produced by a vendor may also be sold with the approval of the Market Coordinator. Farmers who produce value-added and craft items will receive preference over non-farmer artisans in selling these items at the market, dependent on market needs. No items in violation of copyright laws may be sold.
8. Value-added products – jams, dried fruits, soy milk, and similar goods – should use ingredients grown by the vendor or locally grown whenever possible. All value-added products must follow local, state and federal labeling guidelines. See HEA 1309 on page 9 for more information.

IV. Not Permitted at the Richmond Farmers Market

The following items are prohibited under all circumstances: firearms, open/unauthorized alcoholic beverages, tobacco products, unleashed pets, and items not approved by the Richmond Farmers Market, the local or state Health Department, Richmond Parks & Recreation, or other legal

authority.

Vendors may not sell produce that has been cut open, potentially hazardous food items, or food items that do not align with Health Department standards. Home Based Vendors (HBV - vendors NOT preparing food in a commercial kitchen) should carefully review Health Department guidelines for restrictions, paying special attention to packing and labeling requirements* of the HEA 1309. **Each label requires 6 pieces of information and is outlined in detail in HEA 1309 (see page 9, Section 29, in this document).*

Some examples of non-acceptable items at market are salsas from HBVs (considered potentially dangerous by the Health Department) or any vendor opening a product and selling that product individually without the proper certifications (Commercial Certifications required by Health Department).

V. Nonprofits and Other Groups

We welcome nonprofits and other groups, so long as these groups' goals, missions, and/or purpose for attending the market align with the Richmond Farmers Market vision to support the interest of local farmers, producers, and consumers. Groups may apply to be a part of the market for specific market days and/or be included our Special Events (All-American Richmond Farmers Market Celebration in July and the Richmond Farmers Market Harvest Festival in September). Groups may not have a weekly appearance but may ask to attend the market more than once. We encourage non-profit groups to provide an activity geared towards children when set-up at the Market, and there are opportunities to host the Market's "Kid's Corner."

If groups are interested in hosting a fundraiser, they may set up a maximum of **two (2)** times during a Market season (Summer or Winter). After these two dates, groups may apply as a regular vendor – all applicable rules & fees will apply. If hosting a fundraiser, products for sale must generally align with current vendor regulations.

As with vendors, nonprofits and other entities must submit an application for entry in the Richmond Farmers Market. Applications are available online at RichmondIndiana.gov (under Parks Department Programs), can be picked up at the Parks Department office, or received by emailing RichmondFarmersMarketIN@gmail.com. Please return applications via email or to the Parks Dept. mailing address. Inquiries regarding the application process should be directed to the Market Coordinator.

Application approval is mandatory, and the Market Coordinator reserves the right to approve or deny any nonprofit application, as well as to remove any nonprofit that is out of compliance with Market standards. Groups will **NOT** be permitted to arrive on the day of the market for participation. Please allow at least six (6) business days for processing. (Please note, business days are Monday-Friday and exclude federal holidays.) From the date of the receipt of your request, the Market Coordinator will have five (5) business days to respond to your application. See "Application Process" on page 15.

VI. Political Candidates/Parties

Political candidates and/or their affiliates, representatives, or supporters will NOT be allowed to set up a booth at the Richmond Farmers Market under any circumstance due to the status of the Richmond Farmers Market as a program of Richmond Parks & Recreation. Representatives of

political parties may only set up a booth for the purpose of voter registration or other non-partisan causes in the interest of civic engagement on a case by case basis.

MARKET FEES

All fees will be used to support the promotion and operation of the market including, but not limited to, public relations and marketing expenses, market supplies, market fixtures and other business expenses as the Advisory Board sees fit.

- 1) Approved vendors are able to choose to pay the booth donation fee seasonally or per market. These fees are not refundable, and can be paid by cash or check (please make checks payable to: City of Richmond and include Richmond Farmers Market in the memo).
 - a) Season Pass Options:
 - i) Option A: \$250
 - (1) Spaces that can form "L" shapes and are equivalent of space and a half
 - (2) Availability: 4 spaces (2 on east side, 2 on west side of Plaza)
 - (3) Back in vehicle
 - (4) Participation in certificates for special markets
 - (5) Participation in Tuesday markets, no charge
 - (6) Additional Season Pass vendor perks
 - ii) Option B: \$175
 - (1) Spaces you can back into
 - (2) Availability: 11 spaces (5 on east side, 6 on west side of Plaza) on the brick, and 15 in the parking lot
 - (3) Allows for 10 ft. across. Back in vehicle to sell items
 - (4) Participation in certificates for special markets
 - (5) Participation in Tuesday markets, no charge
 - (6) Additional Season Pass vendor perks
 - iii) Option C: \$150
 - (1) Spaces you have to carry items into
 - (2) Availability: Approximately 16 spaces (across from back in spaces)
 - (3) Additional spaces along the grassy area if needed for expansion
 - (4) No vehicle access, must carry items to space
 - (5) Participation in certificates for special markets
 - (6) Participation in Tuesday markets, no charge
 - (7) Additional Season Pass vendor perks
 - iv) Option D: \$125
 - (1) Located on Service St
 - (2) Availability: 9 spaces
 - (3) Vehicles parallel parked in the center of the street, booth set up facing other vendors alongside vehicle.
 - (4) General space reserved, specific space is first come first serve – vehicles enter from N 7th and pull as far forward as possible.
 - (5) Participation in certificates for special markets
 - (6) Participation in Tuesday markets, no charge
 - (7) Additional Season Pass vendor perks
 - b) Daily Pass Options:
 - a. Per Saturday or Tuesday market costs \$10 per booth space.
2. Season Pass Lottery:

- a. The lottery will be divided into four sections for different types of vendors
 - i. Returning Farmers
 - ii. New Farmers
 - iii. Returning vendors selling value-added products (baked goods, arts & crafts, etc)
 - iv. New Vendors selling value-added products (baked goods, arts & crafts, etc)
 - b. Vendors wishing to be season pass vendors will be put into a lottery in accordance with their vendor type. Option A will be drawn first, Option B drawn second, Option C drawn third, and Option D drawn last. Those wishing for Option A can put their names in the drawing. After all spaces are filled, we will allow vendors to take their name out or put their name in for Option B. After all spaces are filled, we will allow vendors to take their name out or put their name in for Option C. After all spaces are filled, we will allow vendors to take their name out or put their name in for Option D.
 - c. In 2020, vendors will be allowed to keep their space or put their name back into the lottery for Options A, B, or C. This hold is only for vendors that participated in the year previously, and will not be an option if a vendor has participated in market before, but not the year previously.
3. If a seasonal vendor knows he or she will be unable to attend the market on a particular day, the vendor should notify the Market Coordinator as soon as possible. This can be done via the "roll call" email that is sent weekly to each vendor.
 - a. If a Season Pass vendor fails to respond to the Market "roll call" email or otherwise notify the Market Coordinator of their intent to attend any Market day, the Market Coordinator reserves the right to place other vendors in their space for that day. Such notification should be made by the day before each Market by 5pm. **If there is no communication from the Season Pass vendor to the Market Coordinator by 30 minutes before the start of a Market day, the Market coordinator will place other vendors in their space for the day.**
 4. All vendors are independent entities and as such are responsible for compliance with local codes and for paying all applicable taxes and/or federal, state and local fees. It is highly recommended that you research and stay current in checking the local state and other applicable regulations and see how they apply to you.
 5. Payment for all Season Pass booth spaces must conform to the following schedule:
 - a. 25% of the Season Pass booth fee must be paid by 5/2/20
 - b. The remaining 75% of the Season Pass booth fee must be paid by 5/30
 This amended fee schedule is to try and assist vendors impacted by the COVID-19 outbreak. Payments in full are preferred prior to 5/2/20.

BOOTH RESERVATIONS

1. Booths

Seasonal vendors will receive the same booth space each week so that the market has continuity and simplicity for its customers. Seasonal vendors will have choice of space at the Pre-Market Meeting. Other spaces will be available on a first-come, first-served basis, unless the Market Coordinator approves otherwise. Market Coordinator reserves the right to relocate vendors as needed. Booth space is approximately 10 ft. wide and depth depends on the location of the booth. The following rules regarding booth spaces must be followed:

- Vendor stalls, selling space, signage and vehicles must not extend beyond allotted boundaries of the stall space.

- Displays, canopies, tent walls and signs must allow clear visibility to adjoining booths, and must not impair other vendors' ability to sell, nor create a hazardous situation for customers.
- Vendors must limit sampling and soliciting to within their allotted selling space. Our intention is to create a visually enticing, legal, safe market for customers, and to enable all vendors to maximize their selling space.
- Tent poles, canopy legs, boxes, umbrella stands must not obstruct foot traffic flow or spill outside of booth footprint; care must be taken when setting up or taking down displays. **All vendors with canopies and umbrellas are required to have a minimum of 30 lbs of non-variable weight per canopy leg and 25 lbs per umbrella stand, securely attached at all times.** (For example, 2 canopies side by side require 50 lbs of weight where the canopy legs meet.)
 - No glass receptacles or other hazardous/unstable items can be used as weights. Any damage incurred by a vendor due to insufficient weights will be at the expense of that vendor.
 - If the Market Coordinator determines that wind speeds during a Market day pose a risk to the safety of the Market, they may ask one or all vendors to remove their canopies for the safety of all.

2. Access to Space

Season pass vendors will be welcome to set up at any time before market (however, vendors should NOT sell to customers before market begins at 8 am on Saturdays or 4pm on Tuesdays. Sales to other vendors before the start of the Market is fine.). Daily pass vendors will not be allowed to set up earlier than 7 am on Saturdays or 3 pm on Tuesdays. This is because the Market Coordinator will have to assign a location. This location is always subject to change, regardless of participation in the market (only season pass vendors have a reoccurring spot). We hope all vendors stay for the duration of the market, but if vendors do leave early, please let the Market Coordinator know and be careful when exiting the parking lot.

3. Parking

Due to limited parking in the Jack Elstro Plaza parking lot, **each booth space will be allotted one (1) parking space for a vendor vehicle during Market open hours.** Each additional vehicle belonging to a vendor or their employee(s), spouse, children, friends, or volunteers assisting at their booth must be parked at one of the following locations:

- American Legion Public Parking Lot
- City Parking Garage
- Former Elder-Beerman Public Parking Lot
- Any other public off-street parking

Booth space that includes parking will be considered a parking space. Vendors, employees, spouses, children, friends, or volunteers may park in the Jack Elstro Plaza parking lot during set-up and tear-down times.

VENDOR EXPECTATIONS

1. It is highly recommended each vendor carry his or her own personal, product, and liability insurance. All authorized vendors participating in the Richmond Market agree that they are independent operators/entities and not partners or participants in a joint venture, and shall be

individually and solely responsible for all claims, loss, injuries, deaths and/or any other damages that may occur as a result of the vendor's negligence, unsafe goods, and/or participation in the market.

2. Vendors are responsible for and shall fully comply with all applicable laws, regulations, and ordinances (including those from other states such as Ohio) pertaining to their farm products, and shall have obtained all necessary licenses, permits, and inspections prior to selling any products at the market, including sales tax if applicable. Vendors must clearly display all applicable licenses and permits as well as provide copies for the Market Coordinator to keep on file.
3. Vendors are responsible for their own display, including tables, extension cords, chairs, weather protection, etc. Each vendor is responsible for keeping his or her booth space clean, and to tidy up before leaving. Vendors must remove all trash and dispose of it properly. Vendors are also expected to help collaborate on the cleaning of the area after every market.
4. Vendors must post prices for all items. All products must be clearly labeled and in compliance with any federal, state or local regulations or requirements.
5. Sellers are encouraged to present their product in the best light and offer the highest quality fresh produce.
6. Vendors selling by the pound must use and provide their own certified scale. You must follow the guidelines set forth by the Wayne County Weights and Measures, Office of Planning and Zoning. The division can be contacted at 765-973-9297. The weights and measures field staff will NOT certify a scale that has the wording "not for legal trade".
7. Vendors must maintain their display set up until the close of the market and may not begin breaking down until end of market time unless otherwise approved by the Market Coordinator.
8. The Market Coordinator has the right to require a vendor to change his or her display if it is deemed to present a safety risk or does not otherwise comply with market rules.
9. Vendors selling outside of the allotted time, driving during market hours, or who otherwise do not comply with Market standards may be asked to not return to the following market.
10. Vendors, their employees, and associates shall dress and act in a professional manner with customers, vendors, and staff. Vendors are expected to treat market staff, volunteers, other vendors, and customers with respect.
11. Vendors shall not engage in excessive "hawking" or other aggressive sales techniques, and shall make all efforts to foster a friendly sales environment by using civil/pleasant sales techniques.
12. Notify Market Coordinator immediately of any unsafe conditions.
13. Rough, menacing, vulgar, profane, or abusive language and/or harassment will not be tolerated.

MARKET STANDARDS

1. Compliance

Enforcing the rules in this document will be the responsibility of the Market Coordinator. After giving the vendor an opportunity to be heard, the Market Coordinator will determine whether there has been a violation. If the Market Coordinator determines that there has been a violation, he/she will take whatever action he/she deems appropriate and just, with sole discretion. The Market Coordinator reserves the right to settle all situations not covered by the above rules, based upon his/her sole discretion as to what is best overall for the market.

The Richmond Farmers Market will run on a three strike system as follows:

1. Verbal Warning: Ask vendor to come into compliance with Rules & Guidelines
2. Written Warning: Ask vendor to comply in a written request, given as a final chance.

3. Case taken to Advisory team to make a decision regarding consequences and next steps. These consequences could include, but are not limited to: dismissal, removal of season pass status without reimbursement, mediation, etc.

2. Concerns and Complaints

If a vendor needs to discuss a problem with the Market Coordinator, this should occur either before or after the market. A complaint does not guarantee an action will be taken. All complaints will be considered and reviewed by the Advisory Team. Complaints, comments, or concerns can be sent anytime to RichmondFarmersMarketIN@gmail.com, or call the Market Coordinator. A complaint form will be furnished upon request, or can be found at richmondindiana.gov/resources/farmers-market. All complaints will be shared with the Advisory Team and Park Superintendent. Any complaints regarding the Market Coordinator can be directed to the Park Superintendent.

3. House Enrolled Act No. 1309

The House Enrolled Act (HEA) No. 1309 lends more information for Home Based and Value-Added Vendors. This has been presented in part to include pertinent Farmers Market information only*. For the complete HEA No. 1309, please visit the Indiana General Assembly Archives at: <http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2009&session=1&request=getBill&doctype=HB&docno=1309>

*AN ACT to amend the Indiana Code concerning health.
Be it enacted by the General Assembly of the State of Indiana:

(7) An individual vendor of a farmer's market or roadside stand if the individual meets the requirements of IC 16-42-5-29.

SOURCE: IC 16-18-2-287.8; (09)HE1309.1.2. --> SECTION 2. IC 16-18-2-287.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:
Sec. 287.8.

- (a) "Potentially hazardous food product", for purposes of IC 16-42-5-29, means a food that is natural or synthetic and requires temperature control because it is in a form capable of supporting any of the following:
 - (1) The rapid and progressive growth of infectious or toxigenic microorganisms.
 - (2) The growth and toxin production of *Clostridium botulinum*.
 - (3) In raw shell eggs, the growth of *Salmonella enteritidis*.
- (b) The term includes the following:
 - (1) A food of animal origin that is raw or heat treated.
 - (2) A food of plant origin that is heat treated or consists of raw seed sprouts.
 - (3) Cut melons.
 - (4) Garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support growth described in subsection (a).

SOURCE: IC 16-42-5-29; (09)HE1309.1.3. --> SECTION 3. IC 16-42-5-29 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 29.**

- (a) This section applies to an individual vendor of a farmer's market or roadside stand.
- (b) An individual vendor of a farmer's market or roadside stand is not considered to be a food establishment and is exempt from the requirements of this title that apply to food establishments if the individual vendor's food product:
 - (1) is made by an individual in the individual's primary residence;
 - (2) is not a potentially hazardous food product;

- (3) is prepared by an individual who practices proper sanitary procedures, including:
 - (A) proper hand washing;
 - (B) sanitation of the container or other packaging in which the food product is contained; and
 - (C) safe storage of the food product;
- (4) is not resold; and
- (5) includes a label that contains the following information:
 - (A) The name and address of the producer of the food product.
 - (B) The common or usual name of the food product.
 - (C) The ingredients of the food product, in descending order by predominance by weight.
 - (D) The net weight and volume of the food product by standard measure or numerical count.
 - (E) The date on which the food product was processed.
 - (F) The following statement in at least 10 point type: "This product is home produced and processed and the production area has not been inspected by the state department of health."
- (c) An individual vendor who meets the requirements in subsection (b) is subject to food sampling and inspection if:
 - (1) the state department determines that the individual vendor's food product is:
 - (A) misbranded under section 12(b) of this chapter; or
 - (B) adulterated; or
 - (2) a consumer complaint has been received by the state department.
- (d) If the state department has reason to believe that an imminent health hazard exists with respect to an individual vendor's food product, the state department may order cessation of production and sale of the food product until the state department determines that the hazardous situation has been addressed.
- (e) For purposes of this section, the state health commissioner or the commissioner's authorized representatives may take samples for analysis and conduct examinations and investigations through any officers or employees under the state health commissioner's supervision. Those officers and employees may enter, at reasonable times, the facilities of an individual vendor and inspect any food products in those places and all pertinent equipment, materials, containers, and labeling.
- (f) The state health commissioner may develop guidelines for an individual vendor who seeks an exemption from regulation as a food establishment as described in subsection (b). The guidelines may include:
 - (1) standards for best safe food handling practices;
 - (2) disease control measures; and
 - (3) standards for potable water sources.

Other helpful resource links are included below to aid in navigating the HEA 1309 (From the ISDH in cooperation with University of Purdue University Cooperative Extension):

- PowerPoint Presentation on HEA 1309:
http://www.in.gov/isdh/files/HEA_1309_Guidance_Growing_for_Market_ICDC_Farm_Bureau_2010.pdf
- Guidance Document to interpret HEA 1309:
<https://ag.purdue.edu/foodsci/Documents/HEA-1309-guidance-final.pdf>
- Fact Sheet on House Enrolled Act HEA 1309:
<https://ag.purdue.edu/foodsci/Documents/IN-HEA-1309-fact-sheet.pdf>
- Using a Home Kitchen to Prepare Food For Sale:
<https://www.extension.purdue.edu/extmedia/FS/FS-18-W.pdf>

- State Requirements by Markets for Products of Non-Animal Origin: [http://www.in.gov/isdh/files/Final Farmers Market Guide - Non Animal Jan 2013\(1\).pdf](http://www.in.gov/isdh/files/Final_Farmers_Market_Guide_-_Non_Animal_Jan_2013(1).pdf)
- Food Preservation Methods: <https://www.extension.purdue.edu/extmedia/fs/fs-15-w.pdf>

***Please contact the Market Coordinator for additional resources or guidance.

4. Notice Under the Americans with Disabilities Act

It is the policy of the City of Richmond that qualified individuals with disabilities not be excluded from participation in or benefit from the services, programs or activities of the City. It is the policy of the City not to discriminate against a qualified individual with a disability in: job application, procedures; hiring, advancement or discharge of employees; employee compensation; job training, and other terms, conditions and privileges of employment. It is the intent of the City to comply with all applicable requirements of the ADA.

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the City of Richmond, Indiana, will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The City of Richmond, Indiana does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: The City of Richmond will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City of Richmond programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communication accessible to people who have speech, hearing or vision impairments.

Modifications to Policies and Procedures: The City of Richmond will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcome in the City of Richmond offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Richmond, should contact the office of Imani Murphy, ADA Coordinator, by telephone (765-983-7435) or email (imurphy@richmondindiana.gov) as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City of Richmond, Indiana, to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden. Complaints that a program, service or activity of the City of Richmond, Indiana, is not accessible to persons with disabilities should be directed to Imani Murphy, ADA Coordinator, by telephone (765-983-7435) or email (imurphy@richmondindiana.gov)

The City of Richmond, Indiana, will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are accessible to persons who use wheelchairs.

Grievance Procedure under the American with Disabilities Act

This Grievance Procedure is established for the City of Richmond, Indiana, to meet the requirements of the Americans with Disabilities Act of 1990 (“ADA”). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Richmond, Indiana. The City’s Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request. The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Imani Murphy
ADA Coordination/Director of Human Resources
City of Richmond, Indiana
50 North Fifth Street
Richmond, IN 47374

Within 15 calendar days after receipt of the complaint, Imani Murphy as ADA Coordinator, or her designee, will meet with complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Imani Murphy as ADA Coordinator, or her designee, will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Richmond, Indiana, and offer options for substantive resolution of the complaint.

5. Equal Opportunity Statement

The Richmond Farmers Market & City of Richmond provides equal opportunities (EO) to all vendors and vendor applicants without regard to race, color, religion, sex, national origin, age, disability or genetics. In addition to federal law requirements, the Richmond Farmers Market & City of Richmond complies with applicable state and local laws governing nondiscrimination in Market participation in every location in which the Market has facilities. This policy applies to all terms and conditions of Market participation, including recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

The Richmond Farmers Market & City of Richmond expressly prohibits any form of harassment based on race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, or veteran status (see Workplace Harassment). Improper interference with the ability of Market vendors to perform their job duties may result in discipline up to and including discharge.

APPLICATION PROCESS

All interested vendors are welcome to apply for entry in the Richmond Farmers Market. Applications are available online at richmondindiana.gov/resources/farmers-market, can be picked up at the Parks Department office, or received by emailing RichmondFarmersMarketIN@gmail.com. Please return applications via the online form, email, dropped off at the Parks Office, or mailed to the Parks Dept. address listed on page 4. Inquiries regarding the application or process should be directed to the Market Coordinator or Park Contact.

Application approval is mandatory. Vendors will NOT be permitted to arrive on the day of the market for participation. Please allow at least six (6) business days for processing. (Please note, business days are Monday-Friday and exclude federal holidays.) From the date of the receipt of your request, the Market Coordinator or Park Contact will have five (5) business days to respond to the application via email or phone call to inform each applicant of their status.

- In rare cases, the Market Coordinator may allow a vendor to set up the day of market. This may only occur if the new vendor is not selling any food products, is not in competition with another vendor, if space allows. However, the decision to allow a vendor the day of the market is at the discretion of the Market Coordinator.
- For produce vendors, a farm visit will be arranged to ensure our vendors are growing their own crops (the “Overview of Market” section clearly states items must be your own). Farm visits are considered valid for a full three years. Farm visits will be scheduled upon receipt of application, and must be completed prior to attendance at the Market. Other vendors may be asked to show pictures of their work or provide additional information before a decision on their entry to the market is made.
- Along with applications, please submit copies of all inspection forms, business licenses, and other documents as appropriate. If at the time of application, a vendor has not yet received the proper forms but is in the process of obtaining them, the vendor may provide proof that he/she has applied for the required forms. Please note that not every vendor will need additional information, but for those that do, a delay in providing documentation may result in the vendor being excluded from the market.

Reminder as outlined in Market Fees:

- **Season pass vendors** are expected to inform the Market Coordinator if they cannot attend a market. If a season pass vendor does not comply with this request, it may result in the vendor not being able to obtain season pass status in the future. If a Season Pass vendor fails to respond to the Market "roll call" email or otherwise notify the Market Coordinator of their intent to attend any Market day, the Market Coordinator reserves the right to place other vendors in their space for that day. Such notification should be made by the day before each Market by 5pm. If there is no communication from the Season Pass vendor to the Market Coordinator by 30 minutes before the start of a Market day, the Market coordinator will place other vendors in their space for the day.
- **Per-day market vendors** are required to inform the Market Coordinator if they wish to attend a market, not later than 5 pm on the day prior to the Market. This is because market space is limited, and some groups may have to be turned away.

**THANK YOU FOR YOUR INTEREST IN THE
RICHMOND FARMERS MARKET!**

RICHMOND FARMERS MARKET VENDOR APPLICATION SUMMER 2020

I. Information

Business/Farm Name: _____

Owner/Contact Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ County: _____

Phone: _____ Cell phone: _____

Email: _____

Website: _____

Facebook: _____

Inclusion of your Facebook page will allow us to link to your page in Facebook posts and on the website.

Preferred contact method: Phone Call Text Message Email

Are you interested in receiving updates regarding the Market Advisory Team? Yes No

II. Products

Provide a complete list of the products you plan to sell at the market. Include produce, value-added products, flowers, bakery, or other non-produce items you will sell and the degree to which they contain local ingredients, if applicable. Attach extra sheets or photographs, if needed. The more information you provide, the better we will reach our customers. If you do not include some products on this list, you may be asked to remove them from your booth if they are found to be questionable or create a surplus of any one item during the market day.

Vegetables: _____

Fruits: _____

Flowers: _____

Baked Goods: _____

Meat: _____

Plants: _____

Other goods: _____

Which of the following best describes your farming practices? Explain your use of pesticides and fertilizers on the back/next page: (For example, is everything sprayed? Partly organic? Routine?)

Conventional: _____

Minimum Chemical: _____

Pesticide Free: _____

Certified Organic: _____

Other (explain): _____

III. Payment

I want to reserve market space by a payment of:

_____ Season Pass Fee: Option A \$250

_____ Season Pass Fee: Option B \$175

_____ Season Pass Fee: Option C \$150

_____ Season Pass Fee: Option D \$125

_____ I'll pay per Market Fee (\$10)

*Cash or checks accepted. **Make checks out to: City of Richmond.** Payments for season can be paid at or mailed to the Parks Department. Payments per market are to be paid to the Market Coordinator on the day of the market.*

IV. Agreement

By signing this agreement, participants acknowledge that they have received and read a copy of the Application, Rules and Guidelines and agree to abide by the guidelines and decisions set forth by the Richmond Farmers Market Coordinator or other representatives of the Richmond Farmers Market Advisory Team. Vendors also acknowledge that they have read and agree to abide by the guidelines and restrictions of the Indiana State Department of Health concerning what foods may be sold at a farmers' market and in what manner. See HEA 1309 for clarifications.

In participating in the Richmond Farmers Market, you give Parks Department permission to include your business name, website, social media links, logos, and/or photographs in promotions.

Participants agree by signing to accept the following hold harmless clause:

All authorized vendors participating in the Richmond Market agree that they are independent operators and not partners or participants in a joint venture, and shall be individually liable for any loss, personal injury, deaths and/or any other damages that may occur as a result of the vendor's negligence or that of its employees, agents and associates. All vendors agree to indemnify and save the Richmond Farmers Market, and its volunteers, the Farmers Market Advisory Team, Richmond Farmers Market Coordinator(s), Downtown Richmond, the Richmond Regional Chamber of Commerce, and the City of Richmond harmless from any loss, costs, damages and other expenses, including attorney's fees, suffered or incurred by Richmond Farmers Market by reason of vendor's negligence or intentional misconduct or that of its employees, agents and associates; provided that, the vendor shall not be liable for nor required to indemnify Richmond Farmers Market, its volunteers, or the Richmond Farmers Market Coordinator. Vendors participating in the Richmond Farmers Market agree that a market representative may visit the farm or facilities when necessary. Prior notice of visits will be given unless it is impossible to do so.

The Richmond Farmers Market reserves the right to refuse any vendor at any time for any reason.

Signature _____ Date _____

Please email, mail, or deliver completed application along with copies of inspection forms, insurance coverage, licenses, and other documents to RichmondFarmersMarketIN@gmail.com or Parks Department, Attn: Richmond Farmers Market, 50 North 5th Street, Richmond, IN 47374. You can personally deliver applications to the Parks Department at 2200 East Main Street.