



GATLINBURG FARMERS MARKET

Rules of Operation

2011

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I. Market Bylaws

1. Mission

The mission of the Gatlinburg Farmers Market is to promote and provide local foods and goods for healthy mountain living, while providing a supportive gathering ground for both the local citizenry and the visitors to our area.

Goals

- To provide area farmers with profitable direct-marketing opportunities and provide citizens in the Gatlinburg community with a wide variety of fresh, locally produced Goods in a convenient location.
- To educate the public about nutritional, economic, environmental, and social implications of eating seasonally and locally.
- To promote the sale of local Tennessee-grown and grown products.
- To enhance the quality of life in the Gatlinburg area by providing a community activity, which fosters social gathering and interaction.
- To improve the variety, freshness, taste and nutritional value of produce available in the Gatlinburg area which provides greater choices for healthy living.
- To draw residents and visitors to Gatlinburg to expand and strengthen the local economy.
- To reduce the food miles between field and table, lowering carbon emissions.
- To feature organic produce, reducing the amount of pesticides and fertilizers entering waterways, improving many fragile ecosystems.
- To make healthy, regionally produced foods accessible to lower-income residents.
- To provide a welcoming, family-friendly space.

2. Producer/Vendor Requirement

A vendor at the Gatlinburg Farmers Market must be the actual producing individual, an immediate family member, another producer member of the market, or an employee of the producing individual's farm operation.

3. Types of Merchandise Permitted

- i. Locally raised produce, fruits, nuts, berries, honey, vegetables, plants, dried herbs, flowers, and animal products; as well as firewood cut by the seller and straw baled by the seller.
- ii. Homemade baked goods, honey, jams, jellies and canned foods are acceptable granted they meet all State health requirements and are locally produced by the vendor selling the item. ***Compliance with all Health Department and Department of Agriculture guidelines and restrictions is the sole responsibility of the vendor.***
- iii. Meats must be processed in a USDA inspected facility and have a Department of Agriculture stamp. ***All meat inspections are the responsibility of the vendor.***
- iv. **Items requiring certificates:**

- Eggs
 - Potted products (herbs, flowers, shrubs or trees in pots)
 - Poultry
 - Meats
 - Processed dairy products (cheese, yogurt, milk, etc)
 - Baked goods (breads, muffins, granola, etc)
 - Foods processed in a certified kitchen
- v. Natural Health and Wellness products, such as topical salves, lotions, creams, body and aromatherapy oils and bath products that are topical only, which contain natural, raw ingredients and are locally produced, non-repackaged, original products not originating from a kit and containing only raw ingredients, authentic and non-decorative.
- vi. All produce at the Market must be locally grown. To be considered locally grown, all produce or products must have been grown or made in Sevier or surrounding counties within 50 miles.

4. Market Season and Operating Hours

- i. The Market will meet every Saturday from **May 22, 2010 through November 20, 2010** at the Alamo Steakhouse parking lot, located on Highway 321 in Gatlinburg.
- ii. Hours of operation will be each Saturday from 8:00am – 11:30am unless changed by the Board decision. Hours will be advertised in all publicity and in the media as appropriate.
- iii. Changes in season length and daily schedule are at the discretion of the Board & Committee.

5. Market Governance

The Market is governed by a Board of Directors. The Board responsibilities are to establish and enforce market rules, set fees and market days, manage market funds and promote the market. The Board will be comprised of individuals dedicated to the purposes of Gatlinburg Farmers Market. The Board seeks a desired ratio of vendors, customers and town representatives. The Market Manager is also a Board Member. Decisions will be made by unanimous vote of all Board Members. Terms are from season to season, with nominations of new members conducted by existing members at the end of each season for the next year.

The **Market Manager** is appointed by the Board to oversee the day-to-day business of the market and will be the main contact for inquiries and on Market days.

Frequency and Types of Market Board Meetings:

Open meetings can be attended by all market members as interested whereas voting meetings with more structured agendas are limited to attendance by the Board of Directors and others who request to be present in advance. Meetings may be called at other times as needed, but the general annual meeting schedule will be:

- **January:** Voting meeting to discuss and decide business and review of bylaws.
- **February/March:** Open meeting to discuss upcoming season and to plan major events. This will also be recruitment meeting, open to prospective vendors.
- **July/August:** Open meeting to plan the end of season festivities.
- **October/November:** Open meeting; end of market wrap-up.
- **November:** Final season. Voting meeting of Board in which new Board members are discussed and nominated.

Meeting Rules:

The secretary will be the recorder and time keeper and will type a summary of each meeting available to all market members and sent out electronically, and the time keeper will act as moderator. A Treasurer will be appointed each year. The Treasurer will give a brief update of the financial status of the meeting at the April & October meetings.

II. Information for Vendors

1. Becoming a Vendor: Application Process

All vendors are required to read the market rules and to fill out an application prior to selling at the Market. Applications must be reviewed by the Market Manager or by a Board Member before the vendor begins selling to ensure that the basic requirements of selling at this Market have been met.

The Board of Directors requests a farm/garden visit in order to inspect the origin of items sold at the Market to ensure that such sales conform to Market standards. If a request is denied, the vendor's participation in the Market may be suspended by the Board until the discrepancy is resolved.

Vendors selling for the first time will be verbally reminded of the vendor/producer requirement prior to selling, to avoid any misunderstandings. If the vendor chooses to join the Market for a day, a vendor application needs to be filled out and the full season amount paid can be deducted from the full season fee.

Applications are available by mail, by email, and at the Market by contacting the Market Manager.

2. 2011 Fees

The fees that are charged are based upon the average or expected monies spent in the managing, advertising and operating costs. All applicants must submit an application for new membership along with applicable certificates TWO WEEKS (14 days) before the date they expect to begin selling.

- Full season vendor (May 22-November 20: 28 Saturdays): \$40.00.** Vendors who pay the full season fee will have the option of a reserved space each Saturday.
- Monthly vendor (any consecutive 4-week period): \$15.00.**
- Daily Market Fee (for any one Saturday): \$5.00.** Through June, daily vendors have the option of joining the Market as full-season by paying their remaining balance to become

a full-season vendor, or they may continue to pay the weekly or monthly fee for the remainder of the season.

- iv. Other payment arrangements will be made based on individual circumstances.
- v. It is the sole responsibility of the vendor to make sure his/her fees are paid on time.
- vi. No refunds are possible.
- vii. Contributing to Music at the Market: Volunteer musicians are invited to play at the Market each Saturday. In thanks, a collection basket is passed around the Market near the end of the Market day and vendors are encouraged to make a contribution from their products or money. This is optional: vendors who do not feel they are able to contribute on any given week do not have to.

3. Assignment and Use of Space

- i. Vending space size will be determined by the Market Manager and may change over the course of the season in response to the number of applying vendors.
- ii. Full-season and monthly vendors may be assigned permanent spaces at the Market.
- iii. Vendors will have access to the Market one half hour prior to the opening time for the purpose of unloading and setting up merchandise, and the must exit the premises no later than one half hour after the closing time.
- iv. Vendors with reserved spaces must be on-site by 7:30 am on any given Market day or risk losing their site to another vendor. No vehicles will have access to the Market area after 7:45 am.
- v. Subleasing a space is prohibited. A shared space is permitted, but all parties' names must be listed on the vendor application.
- vi. The Market Manager may change space allocations when it is considered to be in the best interest of the Market operation.
- vii. Vendors are responsible for their own equipment and any set-up materials for display of items, including shelter as this is an open air Market.
- viii. No vendor shall be allowed to make any changes or alterations to their assigned spaces without permission from the Market Manager.
- ix. Vendors must keep all merchandise, refuse and personal property within the defined space allocated in their rental agreements.
- x. No electricity or water is available at the Market.
- xi. No vendor shall erect an additional structure at the Market without permission from the Market Manager.
- xii. Any needed repairs, hazardous conditions or problems in the Market area should be reported to the Market Manager. Persons causing damage to the parking lot or landscaping may be held financially liable for the cost of repair or replacement.
- xiii. The Market Board of Directors has the authority to cancel the contract of any vendor who fails to comply with the rules and regulations of the Gatlinburg Farmers Market.
- xiv. No early sales will be permitted. Sales can only be between 8:00 and 11:30 am. Please be fair and considerate.
- xv. Vendors who are scheduled to sell at the Market are expected to be present. If a vendor is not able to attend a scheduled Market day, they must contact the Market Manager at least 24 hours before the Market opens. Vendor forfeits his/her space and entry fee if he/she misses three (3) Markets without notifying the Market representative and will have to pay the necessary monetary fine to rejoin the Market.

4. Guidelines for Product Labeling

- i. The following definitions are intended to help growers describe their practices to consumers:

Conventional is used to denote the growing practices that utilize use of synthetic fertilizers and pesticides.

No Pesticides/Chemicals/Poison is used to describe growing practices not specifically in compliance with any certification program. Farmers using this description grow without synthetic fertilizers or pesticides.

Organic is a word used to describe the products that have been grown on farms participating in the USDA Certified Organic program, or those making \$5,000 in income AND following National Organic Program standards. Incorrect use of this label can carry a \$10,000 fine by the USDA.

Certified Naturally Grown is used to describe farmers participating in the Certified Naturally Grown program. CNG follows National Organic Standards but is administered by the farmers and not the USDA.

- ii. At the discretion of the Market Manager, low quality produce may be required to be removed from display or marked "Second Quality Produce".

5. Licenses, Taxes, Permits and Insurance

- i. Any person using the Farmers Market for the purposes of selling or offering for sale any items on the premises must comply with all applicable Federal, State and local ordinances, including Health Department and Department of Agriculture regulations.
- ii. The collection and filing of all related taxes will be the responsibility of the vendor. Information on sales taxes and farm products can be found by contacting the TN Department of Revenue at 1-800-342-1003 or online at: www.state.tn.us/revenue.
- iii. All vendors participating in the Gatlinburg Farmers Market are responsible for their own liability insurance and cannot hold the City of Gatlinburg, Gatlinburg Farmers Market or any members of the organization responsible.

6. Market Operation, Health and Safety Considerations

- i. The Gatlinburg Farmers Market will provide, designate the location and empty all public recycling, composting or trash receptacles.
- ii. The vendors will be responsible for the collection and removal of all refuse generated from sales and activity with their space. A \$50.00 fee may be applied if the Farmer's Market representative has to clean up the space at the close of the Market which will be required to pay prior to vendor selling at Market again.
- iii. Each vendor is responsible for leaving his/her space clean at the end of the Market.
- iv. It is unlawful to sell or consume alcoholic beverages on the Market property.
- v. TN Food and Safety regulations do not yet allow for sampling of products that are not produced in a certified kitchen.
- vi. Products sold by weight must be weighed with a certified scale. Weights should be accurate and overall weight should not include the container.

- vii. Items should be clean, clearly marked and priced (organic items should be clearly and truthfully identified).
- viii. Due to TN food safety regulations, no produce may be displayed or stored on the ground; it must be in or on a container at least 12 inches off the ground.
- ix. Prices must be fair and similar to like products of other vendors. Price gauging and undercutting will be frowned upon and noted.
- x. No open flames or grills are permitted on Market property without the prior approval of the Board of Directors.
- xi. No firearms, alcoholic beverages, smoking or drugs are allowed in the Market area.
- xii. Proper dress and an orderly space will be expected from all vendors. Proper language for a family atmosphere will be required.
- xiii. It is the responsibility of vendors to satisfy customer complaints. The Market Manager may suspend a vendor's contract until review by the Board is possible if the vendor's activity jeopardizes the operation of the Market.
- xiv. No person shall make a public outcry, use high-pressure tactics, "hawking" or give any musical or other entertainment for the purpose of drawing customers or attracting attention without prior permission from the Market Board.
- xv. All vendors shall be held responsible for the actions of their employees, agents or persons working in concert with their stand.
- xvi. Potentially hazardous food items (meat, etc) stored or displayed prior to sale shall be maintained at a temperature of 45 degrees F or below. An ice chest with a drain can be used for cooling.
- xvii. No vendor shall permit seepage or leakage of water or fluids from any part of their space into the public areas or other vendors' spaces.
- xviii. Children under 14 years of age must be supervised by an adult at the Market.
- xix. Vendors recognize that inclement weather may exist.
- xx. Vendors are responsible for the individual safeguarding of their products, supplies and money. ***The Gatlinburg Farmers Market, City of Gatlinburg, Alamo Steakhouse or Market Manager are NOT responsible for loss or theft.***
- xxi. **Vendor (lessee), by signing the Vendor Application, agrees to protect and hold the Market Committee (lessor) and the City of Gatlinburg harmless and to indemnify the lessor from any and all claims, demands, suits, actions, judgments and recoveries for or on account of damage, theft or injury (including death) to property to person occurring as a result of lessee's use of the leased property and any other cause whatsoever.**

7. Vendor Privacy

- i. Lists of vendor names and addresses will not be given out without the prior consent of individual vendors.

8. Crafter Demonstrations

- i. Up to two crafters may demonstrate their craft on a given Market day.
- ii. Crafters are allowed to sell their product only while demonstrating.
- iii. Demonstrating crafters must be local artists with their products on display in a shop in Gatlinburg.
- iv. Demonstrating Crafter Approval Process: This is a juried process and is subject to Board approval.

III. Board Member Contact Information

2011 Gatlinburg Farmers Market Board

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2011 Gatlinburg Farmers Market Committee Members

David Ball
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