

City of Fairhope



Fall Outdoor Market Vendor Information 2015

Location

Fairhope's Fall Outdoor Market is located behind the Fairhope Public Library on the green space between Bancroft Street and Magnolia Avenue. The success of our market depends on a good growing season and the active participation and cooperation of many and varied producers. The City of Fairhope (COF) Special Events Coordinator manages the regular business operations of the market and welcomes your input.

Dates of the Fall Market

The Market will be open for retail sales between the hours of 3 p.m. and 6 p.m. every Thursday of the market season as designated by the COF Special Event Coordinator. Fairhope's Fall Outdoor Market will open every Thursday afternoon beginning September 24th to November 12th.

The market will be held every Thursday, **rain or shine**, but will close early at the discretion of the COF Special Event Coordinator, with safety being the first priority in the case of severe and threatening weather. In the event of dangerous weather, all vendors should seek refuge in their vehicles and must discontinue selling until all danger has passed. The City of Fairhope (COF), Special Events Coordinator has the right to cancel a market day if conditions are deemed unsafe.

Permits and Fees

The registration fee for the market is \$60.00. Vendors can pay a weekly fee of \$15.00 but can not be guaranteed space and will not have an assigned location. The registration fee only gives vendors permission to sell products at the eight-week market during the designated market hours.

Please bring your fee, in cash or check. You will be given a receipt upon payment. NOTE: NO VENDOR WILL BE ALLOWED TO REGISTER FOR THE NEW SEASON WITH AN OUTSTANDING BALANCE FROM THE PREVIOUS YEAR;

Farmers (growers, ranchers, bee keepers)

Alabama Farmer's Market Authority conducts periodic farm visits and requires that a grower's permit must be completed by each vendor before selling at the market. Permits are available at Baldwin County Extension Office in Bay Minette call (251)937-0222. Permits are provided at no cost. The purpose of the certificate is to ensure that the products sold originate with you, the grower, your family, employees or partners. A partnership, for the purpose of this document, is defined as two or more individuals engaged together in the joint production of agricultural products. This allows you, the producer, and the customer to be exempt from state and local taxes for goods sold. All Farm Vendors should keep a copy of their current certification/permit with them during each market day in case of on-site inspection and provide a copy to the Special Event Coordinator for their files. Copies of all growers' permits will be turned in each year to the City of Fairhope per city requirements. The producer would be subject to scheduled or random farm visits by the COF Special Events Coordinator.

Fairhope's Fall Farmer's Market is recognized by the Alabama Farmer's Market Authority and participates in their Nutrition Program. It is recommended that each vendor have a sign identifying the name and location of the farm. Signs for vendors and other decorations are to be approved by the COF Special Events Coordinator.

Resellers (produce reseller)

If you are re-selling produce and/or products that do not allow you to be classified as a grower/farmer, you are required to have a business license from the City of Fairhope, from Baldwin County and from the State of Alabama. You are responsible for collecting and remitting related sales taxes. All vendors are responsible for obtaining a valid license from the Alabama Department of Revenue and a Tax ID number from the Internal Revenue Service. Vendors are required to collect and submit sales taxes to the respective tax agencies – the state of Alabama, Baldwin County and Fairhope city taxes.

All resellers are required to submit a copy of the City of Fairhope business license to the COF Special Events Coordinator. Any person who chooses to sell goods as a reseller shall be required to label the products. For example: Product of _____ or Purchased from _____.

Artisans (soap)

If you are selling products or items that do not allow you to be classified as a grower/farmer, you are required to have a business license from the City of Fairhope, from Baldwin County and from the State of Alabama. You are responsible for collecting

and remitting related sales taxes. All vendors are responsible for obtaining a valid license from the Alabama Department of Revenue and a Tax ID number from the Internal Revenue Service. Vendors are required to collect and submit sales taxes to the respective tax agencies – the state of Alabama, Baldwin County and Fairhope city taxes.

Artisans are also required to submit samples of their work to the COF Special Event Coordinator. The COF Special Event Coordinator will contact the artisan immediately as to whether or not the work was approved for sale at the market. No mass produced or imported items may be sold at the market. No used clothing or shoes may be sold at the market; Final admission to sell artisan products at the market shall be at the reasoned discretion of the COF Special Event Coordinator. Fairhope Farmers Market can allow the sale of non-food products and other value-added products at the market as the number of non-food vendors does not exceed 30% of the total vendors. Other value added products includes processed foods, and floral products.

FOOD: Ready-to-Eat Vendors (juice, hot food, food trucks, cooked sauces) - If you are selling products or items that do not allow you to be classified as a grower/farmer or fall under the home-processed rule, you are required to have a business license from the City of Fairhope, from Baldwin County and from the State of Alabama. You are responsible for collecting and remitting related sales taxes to the respective tax agencies – the state of Alabama, Baldwin County and Fairhope city taxes. All vendors are responsible for obtaining a valid license from the Alabama Department of Revenue and a Tax ID number from the Internal Revenue Service. All licenses and permits must be available in case of on-site inspection from authorities. A permit for Ready-to-Eat Food must also be obtained from the Baldwin County Department of Health;

Home Processed Food - Home processed products must satisfy all public health, labeling, permitting and other requirements pertaining to processed products. Chapter 420-3-22.01 of the Rules of Food Establishment Sanitation now EXCLUDES a kitchen in a private home from the definition of food establishment if only food that is non potentially hazardous (time or temperature control required for safety) is prepared for sale at an Alabama state sanctioned farmers market and if the consumer is informed by a clearly visible label, tag, or placard at the point of sale. The label, tag or placard must be placed at the top of the product to be sold.

This item(s) was prepared in a kitchen that is NOT inspected by a regulatory agency.

Home processed products are subject to sales tax. See Code of Ala. 1975, §40-23-4(a)(5) and §40-23-62(8). Producers may sell farm and kitchen products including (but not limited to): fruit, vegetables, eggs, cut flowers, plants, cheese, cider, jams, jellies, relishes, honey, home canned goods and baked goods. Many items are subject to Baldwin County Health Department regulations. For details on state regulations governing this, go online to <http://www.fma.alabama.gov/HomeProc.aspx>. It is the responsibility of the producer to abide by these regulations. No cooking is permitted within the market area without prior approval by the COF Special Events Coordinator. It is the responsibility of

each producer to abide by all state and federal regulations which governs the production, harvest, preparation, preservation, labeling, or safety of products offered for sale at the market. Vendors are liable for their own products. COF Special Events Coordinator, the City of Fairhope and/or Baldwin County Extension Service shall not be held accountable for the products offered by vendors. Product and liability insurance is the responsibility of the producer.

RELISH-- a cooked, uncooked or pickled sauce usually made with vegetables or fruits and often used as a condiment; can be smooth or chunky, sweet or savory and hot or mild, and must have an acidity level less than 4.6pH. [Authors: Don Wambles, Patrick B. Moody Statutory Authority: Code of Ala. 1975, §§2-5A-1 et. seq. History: New Rule: Filed February 12, 2014; effective March 19, 2014];

This rule effectively excludes farmers markets from regulatory requirements of the ADPH regarding non-potentially hazardous home processed foods. Certain home processed foods for example baked breads, rolls, cookies, cakes, brownies, fudge, double-crust fruit pies, traditional fruit jams, jellies, marmalades and relishes, candy, spices or herbs, snack items such as popcorn, caramel corn and peanut brittle, may be sold at farmers markets with appropriate labeling. The label of a food in packaged form shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor.

The acidity of foods is measured by pH. The range of pH is commonly considered to extend from zero to 14. A pH value of 7 is neutral, because pure water has a pH value of exactly 7. Values less than 7 are considered acidic, while those greater than 7 are considered basic or alkaline. Acidic foods are usually tart and sour, all fruits are acidic: tomato, lemon, peach, apple, etc. The FDA rule for acid foods states that a food must have a pH below 4.6 to be sold as a minimally processed food. The reason for this is bacteria do not grow at this level of acidity.

This exclusion shall not be construed as allowing the sale of low acid foods (pH >4.6) in hermetically sealed containers (i.e. such as home-canned green beans, peas, tomato relish, salsa, etc.) when such food is not prepared in a permitted establishment. The finish product will need to be tested, if the ph level is unknown.

Food Product Testing Requirements:

(1). A small sample (at least 1 cup) of the product is required for testing. The cost is approximately \$40.00 per sample. Checks may be made payable to: Alabama Cooperative Extension System or ACES. The sample should be carefully and safely packaged and mailed/sent to:

Regional Extension Agent
Alabama Cooperative Extension
221 Poultry Science Building
260 Lem Morrison Dr.
Auburn University, AL 36849
Alabama Cooperative Extension System
Food Product Testing Services

(2).The product must include the following information: Contact Person, Mailing Address, City/State/Zip, Phone/Fax, Email, and Product Name

Fishermen/Seafood

Any vendor wishing to sell fresh or frozen seafood, either retail or wholesale, through the Fairhope Farmers Market must have a valid Alabama Seafood Dealer's License and follow all rules and regulations associated with the selling of seafood. This does not apply to vendors that are preparing finished or value added products such as cooked seafood that has been purchased through a licensed dealer. Seafood at the market must be local seafood, caught in the Gulf Of Mexico. Applications and information are available by contacting the Alabama Marine Resources Division at 251-968-7576 or 251-861-2882.

Baldwin County Health Department requirements, in order for the fisherman to sell seafood under an open shed, all the seafood must be sold as pre-packaged. The person cannot open the package to add or remove any seafood product. The fisherman will need to bring to the Baldwin County Health Department (BCHD) office in Robertsdale:

MEAT SALES: Only raw meats that are processed, packaged, and labeled at an inspected facility or are otherwise exempt from inspection may be sold at a farmers market. Exempt meats: rabbits, quail and bison.

Beef, pork, poultry and lamb products sold at farmers markets must originate from livestock slaughtered in a government (federal or state) inspected facility; All meat and poultry products must be wrapped and labeled with the seal of inspection on package;

Meat products must be brought to the market in frozen condition and kept frozen until sold. Selling packaged meat at the Farmers market requires sanitary handling and temperature control. A mechanical unit capable of maintaining the meat and poultry products in the frozen state is recommended to be used. For example, a freezer could be used.

DAIRY SALES: All dairy products, including cheese, must be processed, packaged, and labeled at a facility permitted and inspected by the Alabama Department of Public Health's Milk and Food Processing Branch. Product must have the proper labeling with vendor contact information or have information posted so the consumer will know who to contact if necessary;

Sale of raw milk for human consumption is not legal in Alabama and cannot be sold at markets;

SHELL EGGS SALES:

Shell eggs are considered farm products and may be sold at farmers markets with proper labeling information on package. Information required is: name and address of egg packer, date eggs were packed, grade and weight. Carton or egg container and egg product itself must be sanitized and free from fecal matter and other farm filth.

Space Assignments and Reservation Policies

Each space is approximately 12 foot wide by 32 foot deep. Some vendors will be allowed additional depth on the grassy area in front of their vehicles, which is where they will present their product for sale.

Season vendors, those who reserve their spot by paying for the full season up front, will be assigned a particular spot in which they are permitted to set-up in each week at the market. Spots will be clearly marked.

Weekly Vendors are vendors that pay on a weekly basis and are assigned a spot in which they are permitted to set-up in each week based on availability. These vendors will not be promised the same location for each week. Spots will be clearly marked.

Subletting or sharing space is not allowed.

Vendors are responsible for bringing their own set-up items, including but not limited to: Table, chairs, 10x10 tent, signage etc. The City of Fairhope has tents available and will be set-up for vendors at the discretion of the COF Special Events Coordinator on a first come, first served basis. The city will be responsible for the set-up and tear down of the rented tents. Vendors are welcome to bring their own tents to set-up in their designated location. COF Special Events Coordinator reserves the right to cancel a tent rental for any reason at any time without refund. Electrical generators are not allowed at the market. There are a limited number of power outlets available. These are on a first come, first serve basis. Vendors must bring their own all-weather extension cords and should arrange for a space near the power outlet. Electrical cords must not be a safety hazard.

Vendors will be licensed to sell only from occupied space as assigned by the COF Special Events Coordinator unless an additional space has been assigned and payment has been received. Vendors will not be allowed to walk around the market selling or advertising their product(s).

Regulations & Guidelines

Each motor vehicle used at the market must be covered by liability insurance and proof of that insurance must be available on-site at each market day.

Live animals are prohibited for sale at farmers markets in Alabama.

Solicitation for political campaigns, products, services or charitable contributions not specifically addressed through the COF Special Events Coordinator are not allowed.

Vendors must be 16 years of age or older. Younger children are welcome and encouraged to participate, but must be accompanied by an adult responsible for the child's conduct and safety.

Fraudulent, dishonest, deceptive merchandising, or disruptive behavior, may be grounds for forfeiture of the right to do business of any kind in the market for a length of time to be determined by the City of Fairhope.

Vendors will be solely responsible at all times for the cleanliness within their vending area regardless of the origin of the debris in that location. Each vendor is required to leave the space clean at the end of the day. Trashcans will be provided at the market.

The COF Special Events Coordinator will have the full power to enforce all rules and regulations within the market area as authorized by the City of Fairhope. Failure by any vendor to comply with any of these rules and regulations can result in the forfeiture of the right to do business of any kind in the market for a length of time determined by the City of Fairhope. The City of Fairhope reserves the right to terminate participation for any reason at any time without refund of the registration fee.

It is recommended that vendors use safe, natural and colorful displays. Be aware of tripping hazards in the walk area. It is best to raise all displays (especially food items) at least 24 inches from the ground. These vertical levels of display will dramatically increase product visibility.

Public restrooms are located inside the Fairhope Welcome Center, the Fairhope Museum of History and the Fairhope Public Library.

Complaints

Any complaints filed with the COF Special Events Coordinator concerning violation of food production regulations or origin of produce or goods will be investigated by the COF Special Events Coordinator. Complaint resolution matters of this nature is the responsibility of the COF Special Events Coordinator who shall determine what type of investigation if any shall be conducted in response to the written complaint *All complaints will be kept confidential with the COF Special Events Coordinator, however, anonymous complaints WILL NOT be addressed.*