

Festhalle Market Platz
Cullman Farmers Market
Rules & Guidelines
2012

Introduction:

Cullman's Festhalle Market Platz, referred to as the "Market" in this document, was constructed by the City of Cullman for the purpose of providing a venue by which local producers may sell their products directly to the general public. Recognizing that Cullman County is the No. 1 Agricultural county in the State of Alabama, it is the objective of the market to provide local farmers a market place for local produce and agriculture-related products, to educate citizens about the agricultural importance of Cullman County, to promote the abundance of fruits and vegetables in our rural community and improve the economic impact of agriculture on small farmers and our community.

Features:

The market, which consists of a 7,250 square feet (42 feet by 152 feet) European-style timber frame structure, serves as a multi-purpose pavilion/farmers market featuring 32 individual vendor spaces (16 on each side) measuring 8 feet by 16 feet. The spaces are separated by a six-foot open walkway down the center.

The clear span (no interior columns) facility features a metal roof which simulates European clay tile for low maintenance and long life, and a concrete floor.

Also included on site is a separate restroom/storage/office building.

An additional display/sales area is available around the perimeter of the market structure.

Location:

The market is located at the corner of First Avenue and Arnold Street Northeast in a historic area of downtown Cullman, Alabama, known as the Warehouse District.

The 2012 Farmers Market Season will run from Tuesday, April 3 through Saturday, Oct. 27. Then beginning in November, the Festhalle will host a "Thursdays Only" extended season (10 a.m. to 3 p.m.) for farmers with late season produce and crafts vendors. There is no space rental fee for the extended season but all other applicable market rules and regulations apply and all first time vendors must contact Manager Jimmy Simms in advance.

Days and hours of operation from April 3 through Oct. 27 are:

Tuesday, Thursday and Saturday from 8 a.m. to 3 p.m. daily.

The market will be open on designated days rain or shine.

Permits and Fees:

Anyone selling produce at the Market must have a valid growers' permit. Permits are available at no charge from the County Extension Office. The purpose of the certificate is to ensure that the products sold originate with the producer, his or her family, employees or partners, or designated agents. This allows the producer and the customer to be exempt from state and local taxes for goods sold. If you are selling products that do not allow you to be classified as a grower, i.e.; baked goods, you are required to have a business license from the City of Cullman, Cullman County and the State of Alabama and are responsible for collecting and remitting related sales taxes.

Any fees collected by the market are for the express purpose of promoting and operating the Market. This includes, but is not limited to, advertising and promotion of market and special events, as well as upkeep, maintenance and management of the facility.

Space Assignments and Reservation Policies:

It is preferred that vendors reserve a space a minimum of a day in advance of each market day. Spaces will be reserved on a first come, first serve basis and Cullman County farmers will be given priority. Vendors will be allowed to rent a space on market days, provided space is available. To reserve a space, contact Jimmy Simms, Market manager, at 256-775-7207 or jsimms@cullmancity.org.

Vendors will be licensed to sell from only one vehicle and must occupy only one space as assigned by the Market manager unless an additional space has been assigned and payment received. Maximum vehicle size is a 1-ton pickup truck or van unless prior arrangements have been made. Displays must be confined to the assigned space. If the vendor is using a trailer to display and sell goods, the towing vehicle must be disconnected and moved out of the area. If a trailer or display is obstructing vehicular or pedestrian traffic, or is judged to be a safety hazard by the Market manager, it must be moved.

Producers and approved vendors may lease a space for the entire season by paying a fee of \$350. Daily rentals (Tuesday, Thursday and Saturday) are \$10. Checks should be made payable to: Cullman City Parks & Recreation.

The Market reserves the right to adjust rental rates prior to the beginning of the next market season.

Space rentals include the use of a display table, which will be provided by the Market. Additional tables are available for use by vendors based on availability at a daily fee of \$1 (one dollar). Only tables provided by the Market may be used by producers and vendors for display unless otherwise approved by the manager.

Setup for the Market can begin at 7 a.m. on Tuesday, Thursday and Saturday. All producers and vendors must be setup and in place ready to sell by no later than 8 a.m. The only exceptions will be market day arrivals on a space available basis or seasonal vendors who call in advance to let the manager know they will be late. Each seller is expected to stop selling at 3 p.m. Sellers are to have all produce and other products,

boxes, containers, etc. loaded for removal within a half hour of the market closing. Market hours may be extended at the discretion of the Market manager.

As a courtesy, all vendors expected to sell at the Market on a given day are asked to call Market Manager Jimmy Simms at (256) 590-2003 prior to 8 a.m. the morning of the market if they are running late or if they will not be selling at the market that day.

The Market manager designates the vending location for all producers and vendors with or without vehicles, and if the Market manager judges it necessary, may require a producer to relocate.

Regulations:

Only producers may sell at the Market and all produce available at the Market must be “homegrown” by the individual(s) (as a licensed grower) selling the produce. A producer is defined as the person who grows or makes the product and may also include the producer’s immediate family, *partners or employees upon prior review and approval. ***“Partner”** is defined as a person who personally contributes to the production of the produce to be sold at Festhalle market both in the form of labor and financially. A “partner” must demonstrate that he or she has contributed financially to the farming operation in question and as a result has a real and verifiable financial risk connected to said operation. Proper documentation of financial contribution and/or risk is required before any produce can be sold at the Market. Any falsification of claims or documents constitute grounds for appropriate disciplinary action by the Market Manager.

Buying produce from a peddler, pick-your-own operation or other market for resale at the Cullman market is strictly prohibited.

No produce may be trucked in or otherwise transported to the market by means other than a private automobile, pickup, two-wheeled trailer, or van.

Producers and vendors are prohibited from sub-letting their space to another vendor.

Arts and crafts and live animals are not permitted for sale at the market unless otherwise approved by the Market manager.

Producers may sell their own 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. NOTE: Many items are subject to Health Department regulations. It is the responsibility of the producer to abide by the Health Department regulations. Contact the agency for inspection and approval. 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. Market management, Steering Committee members, City or County officials shall not be held accountable for the products offered by vendors. Product and liability insurance are the responsibility of the producer and each producer must sign a hold harmless agreement in regard to liability

with the City of Cullman as well as sign a release affirming they have read and fully understand the rules and guidelines of the Market.

To obtain a space for selling produce or other products, the following requirements must be met:

A. The grower must present a valid and current grower's permit as issued by the local Cooperative Extension Office.

B. The producer must furnish proof of liability insurance on each vehicle used at the market. NOTE: An agent or employee selling for the grower must also furnish proof of liability insurance on his vehicle if used at the market.

No electrical outlets will be provided at the market.

Solicitation for political campaigns, products, services, or charitable contributions not specifically addressed or approved by the Market manager are not permitted.

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.

Growers who use the market for the sale of produce are subject to field inspections to verify the source of all produce offered for sale.

Farmers may only sell first quality produce they have grown. No one can sell produce at the market without prior approval of the Market manager.

Fraudulent, dishonest, or deceptive merchandising, disruptive behavior, or collusion to set prices among vendors 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 Market manager.

Produce vendors are asked to refrain from "Dumping," the term often used to describe the practice of lowering prices on market items near the end of the sales day. "Dumping" damages a market and is viewed by Festhalle management as an unethical practice that robs vendors who maintain their prices throughout the day, as everyone should, of the opportunity to sell their produce. What a vendor sells his produce for at 8 a.m. should also be the selling price at 3 p.m. Festhalle Market management and staff do not and will not set prices for vendors, but at the same token there is no acceptable excuse for adjusting that price down because the sales day is nearing an end and you have produce left on your table. Non-compliance with this request could result in disciplinary action to be determined by management.

All profane, abusive, discourteous, and boisterous language and/or conduct at or about the market area are prohibited.

Use or possession of alcohol or drugs, gambling, or possession of firearms at or about the market area is prohibited.

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. A dumpster will be provided on site. All trash and debris is to be properly bagged and placed in the dumpster at the end of the Market day. Vendors are prohibited from placing any farm produce in either the market's public (Green) trash receptacles or in any trash barrels provided by market management for public and vendor general refuse. Any vendor failing to clean up leased areas or anyone placing farm produce in any public trash receptacle other than the market's designated trash dumpster, may be assessed clean-up fees as deemed appropriate by the market manager.

The market manager shall have full authority to enforce all rules and regulations within the market area as authorized by the Mayor and City Council. Failure by any vendor to comply with these rules and regulations can result in the forfeiture of the right to do business of any kind for a length of time specified by the Market manager for each offense.

Guidelines:

- * It is recommended that vendors use safe, natural and colorful displays with an emphasis on visibility and eye appeal for the expressed purpose of drawing attention to your display.
- * Tablecloths are required and must be provided by the producer and/or vendor. Studies have shown that the use of tablecloths, rather than the use of a bare, unattractive table, has a greater appeal to customers.
- * Signage identifying the grower, farm or vendor is required. All signs are restricted to the front of the display table. Above table signage is less attractive and could interfere with product visibility. Signs for producers, vendors and other decorations are to be approved by the Market manager.
- * One display table will be provided at no cost to vendors for each rental space. Additional tables (provided by the Market) are available at a charge of \$1 each per day as supply allows.
- * Public restrooms are located on site.
- * Public parking is available just south of and adjacent to the Market on First Avenue Northeast and across the street on First Avenue Northeast. On street parking is also available along First Avenue, as well as Arnold Street Northeast and in the vicinity of Depot Park.