



SALEM FARMERS MARKET RULES - 2023

Thank you for your interest in the Salem Farmers Market!

Built in 1992, the Salem Farmers Market (SFM) is owned and operated by the City of Salem as a service to local Vendors and patrons. The SFM is under the leadership of the Market Manager and Market Director. This Market Management is available to answer questions, schedule stall assignments and assist Vendors and patrons. Periodically, special events are also held at the SFM and are scheduled by the City's Parks and Recreation Special Events Coordinator.

The success of the SFM is dependent on our patrons having a positive experience while shopping with us. We expect our Vendors to follow the rules in this handbook, as well as basic rules of respect and compassion listed below:

- Direct, respectful and honest communication with Vendors, patrons & Market Management
- Integrity of products, advertising, and pricing
- Respect of personal and cultural differences
- Basic kindness and consideration to patrons and fellow Vendors
- A spirit of teamwork and cooperation for the success of the SFM as a whole

The SFM participates in the Federal Supplemental Nutrition Assistance Program (SNAP) acceptance program. When funding is available, SNAP participants may be eligible for additional monies to use at the SFM. Through this program, SFM has also been able to accept credit/debit cards. Since its inception at the SFM in 2011, this program has distributed over \$200,000 to its Vendors. For more information see the enclosed flyer.

The Salem Farmers Market can accept SNAP cards, as well as debit and credit cards. Last season, we sold close to \$25,000 in market tokens - that's money that goes directly to market vendors. For more information about this program, please speak with Market Management. This is a very simple process and beneficial to everyone involved. All SFM vendors are EXPECTED to participate in the program.

As an extension of the SNAP acceptance program, Vendors are encouraged to give back to the community by making donations of excess / blemished produce that is still edible. Each week these donations are collected, documented, and delivered to the Salem/Roanoke County Food Pantry to supplement produce grown from the Giving Garden Community Garden, located behind the market parking lot.

The SFM is inspected by the Virginia Department of Agriculture and Consumer Services (VDACS) and the Virginia Department of Health (VDH). **All Vendors must adhere to the state requirements for selling food for public consumption.** We have been told that inspections will take place multiple times this season. Be prepared, know the regulations, follow safe handling procedures.

The local state offices are located at:

VDACS
2943 - E. Peters Creek Road
Roanoke, VA 24019
540-562-3641

The Roanoke County/Salem Health Dept.
105 E. Calhoun Street
Salem, VA 24153
540-387-5530

Sincerely,

- Isaac Campbell, Market Manager
- Jeff Ceaser, Market Director

(540) 541-9356
(540) 375-3028

idcampbell@salemva.gov
jaceaser@salemva.gov

Please read the following handbook carefully and feel free to contact the Market Management with any questions.
The attached application will serve as a binding contract that Vendors have read and understand all regulations in the following handbook and agree to comply with all requirements.

TABLE OF CONTENTS

- I. Types of Vendors
- II. Types of Merchandise
- III. Hours of Operation
- IV. Fees
- V. Lease Agreements and Assignments of Space
- VI. Licenses, Taxes, and Permits
- VII. Parking and Traffic
- VIII. Health, Sanitation, and Safety
- IX. Structural
- X. Special Events
- XI. Termination

I. TYPES OF VENDORS

Vendor - Anyone who is permitted to sell at the SFM.

- Farmer - Vendor who primarily sells produce/plants raised by him/her.
- Food Vendor - Vendor who sells self-made edible products.
- Primary Renter - Vendor who has the first option to occupy a stall for which he/she has paid.

A 48 hour notice is required for all absences other than emergencies* – less notice will result in an absence being treated a no-show. Any Vendor with more than 2 no-shows during the Market season will lose their right to future stall assignments. *Only last-minute circumstances completely out of your control will qualify as emergencies. In the case of inclement weather, Vendor discretion will be honored one hour prior to any Market session. You still need to call to let us know you are not attending.

II. TYPES OF MERCHANDISE

Produce: Vendors are encouraged to sell only what they personally grow/produce on their own property or leased property. Growing is defined as “the complete care (planting, feeding, tending, harvesting, cleaning, and hauling) of the plant in the season that it is sold.” **Only locally produced products will be permitted to be sold at the SFM.** Local is defined as grown within a 100 mile (as the crow flies) radius of the City of Salem. Market Management may approve any exceptions to this rule.

1. Vendors must sign an agreement which allows the SFM staff to visit their farms or leased properties to verify that products sold at the SFM are being grown on-site. (Self-made food items may be exempt from site visits). Farms may be visited by Market Management anytime during Market season and will be coordinated with Vendor. Business partners, local suppliers, and other sources of produce will go towards the 25% supplementing produce rule seen below. This is an effort to support our producer-only Vendors. A **Permission to Visit** form must be submitted with every application.
2. To maintain diversity, Vendors may purchase up to 25% of what they sell. However, those products must still meet the “locally grown by a local farmer” requirements. (Example: no out of season tomatoes unless they are grown in a local greenhouse facility). **Resale products should be clearly labeled with a card designating the farm/facility of origin and/or general location of production. This is to maintain integrity with our patrons.** Any resale items must be accompanied with a receipt of purchase from the grower for Market Management to inspect. Receipts should have the name of the farm/facility, a contact name, and a telephone number. Purchases **shall not** be made from a commercial produce wholesaler or retail store.
NOTE: Dishonesty about the source of produce being sold at the Market or blatant disregard for the rules is grounds for stall reassignment, Market suspension or immediate dismissal. Dishonesty to patrons or Market

Management about where an item is produced will NOT be tolerated. Complaints of suspected violations of this rule must be submitted & signed (in written form) by the complainant and given to Market Management.

3. The main function of the SFM is to sell local produce, which will take priority over all other items. Market Management will have the authority to approve/disapprove any food or craft items sold at the SFM in order to maintain desirable product ratios. Focus on locally grown and produced items is **strongly** encouraged for all Vendors.

The following merchandise may also be sold at the SFM:

Food Items – Locally grown produce, honey, cheeses and eggs are acceptable, provided that they meet all local, state, and federal governmental regulations for retail sale and are maintained at an approved temperature until sold. Each of the above items has state-regulated labeling requirements. All VDACS requirements must be met in order to sell these items. For more information, please speak to the Market Management or contact the Roanoke VDACS office directly.

Self-Made Food Items - Cakes, breads, brownies, pies, breads, etc. are acceptable. No cream filled pastries, custards or items filled with dairy products. No ready-made mixes. Unless approved by Market Management, all items must be wrapped and properly labeled (see details below).

Canned Goods- Most jellies and jams are acceptable if they are labeled properly. Canned foods (low acid) products such as vegetables, meats, etc. **may not** be sold. Certain canned foods (highly acidified) vegetable products such as pickled cucumbers, pickled beets, chow-chow, salsa, pepper jellies, etc. are allowed by VDACS as of July 1, 2013 (an equilibrium pH of 4.6 or lower is achieved and proper records must be maintained). Additional restrictions may apply. Please speak to Market Management before attempting to sell canned items.

Note: Food items are strictly regulated by VDACS and is a major focus of the Market inspection. Improperly labeled food items are not allowed and will be removed from the Vendor's stall table.

According to the Virginia Home Kitchen Bill SB 272, there are four categories of food that can be processed without a state inspection:

- Candies
- Jams and jellies not considered to be low-acid or acidified low-acid food products
- Baked goods that do not require time or temperature control after preparation
- Honey (certain requirements apply; for more information call VDACS, 804-786-3520)

Products other than those listed above are NOT exempt and are subject to state inspection by VDACS. If you are producing a product considered to be exempt, but have it inspected then it does not need to carry the statement listed above on the label. The exemption applies only for foods that are direct marketed.

All Self-Made Items and Canned Goods must be labeled with the following:

Name of product, net weight (or count), ingredients in order of predominance, manufacturer's name & address, date the item was produced. If being prepared without a VDACS kitchen inspection, label must also include verbatim:
"NOT FOR RESALE - PROCESSED AND PREPARED WITHOUT STATE INSPECTION"

Here is an example of a correct label:



Meats - The SFM allows the following meats to be sold with proper approved application permit: grass finished beef, poultry, goat, lamb, buffalo, and pork. All meat products must be 100% from animals raised from weaning by the farmer. Animals may be butchered or processed off-farm. Meat must be certified and/or inspected. Products meet all local, state, and federal governmental regulations for retail sale and are maintained at an approved temperature until sold. Proper labeling and necessary processing inspection reports are required for sales, and paperwork must be available for Market Management if requested.

Beef - must be pasture raised, finished on grass, and receive no hormones, preventative antibiotics.

Animals are raised on pastures that are rotationally grazed, free of pesticides and herbicides.

Poultry - special exemptions for poultry exist in the Commonwealth of Virginia. See Market Management for more details on selling processed poultry at the SFM.

Goat and Lamb - must be pasture raised and receive no hormones or preventative antibiotics. Animals are raised on pastures that are free of pesticides and herbicides. Animals are not supplied with feed or supplements containing any animal by-products, antibiotics, chemical wormers, or any other drugs.

Pork - must be free of preventative antibiotics, synthetic hormones, or pesticides in production. Feed given should have contained no antibiotics, chemical wormers, or any other drugs. Animals should be allowed regular access to outdoors, with plenty of room to move around and express natural behaviors.

Other - any non-amenable species (buffalo, rabbit, elk, etc.) will be handled on an individual basis. Contact Market Management for more information.

- NO LIVE ANIMALS ARE PERMITTED TO BE SOLD AT SFM

Non-food Items - Products not sold for consumption but made of locally produced and harvested base materials. For example: dried herb/flower crafts, fresh greenery, live plants, beeswax candles, handmade soaps, lotions, or fragranced items or any other self-made product from locally grown or collected materials. Approval required from the Market Management. *Note: Artificial plants and flowers are not allowed, nor are items made of synthetic materials. Exceptions to this rule may be allowed during the holiday season (November -December). This is at the discretion of the Market Management and will vary seasonally, depending on availability.*

The Salem Farmers Market may make exceptions and allow goods to be sold from outside of the 100- mile radius in order to add product diversity available at the market. However, vendors at the market cannot bring in goods from outside of the 100-mile radius that directly compete with local agricultural producers. Two examples of these exceptions are:

- Regional and/or sustainably raised or harvested seafood. Although the products do not have to originate within the 100-mile radius, the vendor must reside within this radius.
- Packaged coffee, grown elsewhere in the world, may be sold at the market. However, the coffee must be roasted and packaged within the 100-mile radius by a roaster who operates within this radius.

III. HOURS OF OPERATION

1. The SFM allows Vendors to set-up and sell Monday through Saturday from 6 a.m. until dark. The SFM season is from April 1 through December 31. Evening hours may vary by necessity to allow setup for certain special events. Any changes in schedule will be posted in a prominent location at the SFM and will be advertised in the media as appropriate.
2. The Market Director may be reached from 8 a.m. - 4 p.m. Monday through Friday at (540) 375-3028.
3. The Market Manager may be reached throughout the week, as well as Friday & Saturday mornings at (540) 541-9356.

IV. FEES

- **First-time Application** - For all potential Vendors who have not applied in the last 3 years (since March 2020), a one-time processing fee of \$35 is required with the application. *Please make checks out to the City of Salem.*
- Daily Vendor: \$5/Fridays - \$10/Saturdays
- Monthly Vendor: \$35.00 per month (Please note anticipated months on application)
- Full Season Vendor: \$30.00 per month for the full season from April 1 December 31
(Two payments accepted--\$135.00 due by April 1 and September 1)

The Full Season rate is only available to:

- Vendors selling local/farm-grown products, or
- Vendors who have been selling at the SFM for more than five years

V. LEASE AGREEMENTS AND ASSIGNMENT OF STALL SPACE

All Vendors must contact Market Management before occupying a stall space at the SFM. Only those Vendors with assigned stall spaces will be allowed to sell at the SFM. No Vendors will be allowed to sell on the SFM without submitting a signed application.

Stall assignments will be made based upon the following criteria:

- Type of Vendor
- The Vendor history at the SFM (length of time, consistency, quality of merchandise, complaints, etc.)
- Type of goods being sold
- Neighboring stalls - to maintain diversity and spread out competition
- Availability

Vendors will only be allowed to sell from the constructed stalls and from designated areas in the market parking lot. Only Market Management can assign stalls - upon a Vendor's absence it is the discretion of Market Management to re-assign this space to another Vendor.

1. If Vendor has not occupied assigned stall by 8:00 a.m. each day, the stall may be rented to another Vendor for that day. Spaces may be held for tardy Vendors who notify Management.
2. Vendors are not allowed to buy/resell items from non-market Vendors on the SFM property at any time.
3. Extenuating circumstances, safety and sanitation requirements, or approved special events may require and authorize Market Management to relocate Vendors.
4. Sharing of stall space must be approved by Market Management prior to set-up. Due to potential issues, sharing of stall space will only be allowed in special circumstances. Only one Vendor is allowed to sell from a stall in the same day.
5. Proper attire for a public setting will be required by all Vendors - clothing containing profanity or other obscenities will not be allowed.
6. Proper language for a public setting is also expected - profanity will not be tolerated.
7. No person shall make a public outcry or give any musical/other entertainment for the purpose of drawing customers or attracting attention without prior permission from the Market Management.
8. All Vendors (lessees) shall be solely held responsible for the actions of themselves, employees, agents, or any other persons working in concert with the Vendor.
9. A daily stall opening will be rented on a "first-come, first-serve" basis. Any monthly or seasonal openings will be offered to Vendors according to their previous years' service.
10. Compliance with requests made by City staff while performing their duties during City maintenance operations, repairs, set-ups for special events, promotions, or any other tasks is expected from Vendors.

VI. LICENSES, TAXES, AND PERMITS

1. Any person using the SFM for the purposes of selling or offering for sale any items on the premises must comply with all federal, state, and local tax ordinances. *Vendors are responsible for their own product liability insurance. SFM strongly recommends that vendors obtain liability insurance to protect themselves and market patrons.* Contact market management if you have any questions or would like more information or resources.
2. The collection and filing of all related taxes will be the responsibility of the individual Vendor.
3. Regular produce Vendors must have secured a current Growers Permit from the Virginia Cooperative Extension

service and have it notarized by a Notary Public before their application will be approved. *The local VCE office is located at 3738 Brambleton Avenue SW Roanoke, VA 24018, (540) 772-7524.*

4. Vendors selling for not more than 1 day during the season must submit an application, but do not need to set up a collection account with the Virginia Dept. of Taxation. However, Vendors selling more than once during the season must obtain a temporary sales license (Form ST50) from their local state sales tax district office (804) 367-8037.
5. If Vendors are re-selling produce (25% supplemental amount outlined above), an Itinerant Merchants license must be secured from the City's Commissioner of the Revenue's office located at *City Hall, 114 N. Broad St.*
6. All weighing scales must have a current valid certification sticker signed by the Inspector from the Virginia Department of Weights and Measures. The SFM will typically have a representative from this office visit in the spring, prior to the Market season.
7. If Vendors are selling prepared foods, a Prepared Food and Beverage Tax application AND an Itinerant Merchants license are required. These must be secured from the Commissioner of the Revenue.

Note: Vendors who sell on a regular basis need to contact the City of Salem's Commissioner of the Revenue at (540) 375-3019, the Virginia Department of Taxation at (804) 440-2541 or (804) 367-8037, and the City of Salem's Finance Department (540) 375-3061 for information that will be pertinent to them.

Remember, you the Vendor are responsible to make sure that you are operating legally! Take the time to get the information that you need from the appropriate tax offices.

VII. PARKING AND TRAFFIC

1. Vendors will not be allowed to park overnight (in the Market area) in preparation for the next day's sales.
2. Vendors may back their vehicles into their assigned stall space; any second vehicles must be parked in the parking area behind City Hall.
3. Drivers of vehicles must comply with all traffic signs, either marked on the pavement, erected on standards, or placed on buildings. They must also comply with the directions and orders of the Market Management, Law Officers and any other City employee tasked with traffic-management.
4. Any person found in violation of the above traffic regulations and provisions shall be subject to citation or vehicle towing.

VIII. HEALTH, SANITATION, AND SAFETY

1. All public litter containers at the SFM are for REASONABLE use by Vendors and patrons. Excessive or improper use by the Vendors is not permitted.
2. The City of Salem will provide, designate the location of, and empty all public litter containers for use by Vendors and patrons.
3. Vendors will be held responsible to see that their stall is left reasonably clean and orderly at the end of each selling day. Failure to clean up the assigned area will result in a \$10.00 fine.
4. Use of chewing tobacco, alcohol, and snuff products will not be allowed at SFM. Smoking is not allowed underneath the stall structures - only in the designated public areas.
5. No Vendor shall permit seepage or leakage of water or fluids from any part of their stall into the aisles or into other stalls.
6. The SFM/City of Salem will not be responsible for damage or loss of any personal belongings.
7. Due to the dense pedestrian/automobile traffic throughout the SFM, small children accompanied by Vendors must be kept within the Vendors' leased area or under the supervision of a designated adult.
8. Dogs are not permitted in Vendor stalls. Please leave all pets at home when selling at the market.
9. Lessee and his/her representatives agree to protect and hold the Lessor (City of Salem) harmless and to indemnify the Lessor, its officers, and employees from any and all claims demands, suits, actions, judgments, and recoveries for or on account of damage, theft, or injury (including death) to property or person occurring as a result of lessee's use of the leased property, including loss or injury resulting in the Lessee as the result of electrical or equipment failure, or any other cause whatsoever.

IX. STRUCTURAL

1. Vendors must provide their own equipment and any additional set-up materials for display of items. Vendors may not use fasteners or other set-up materials which may permanently alter stall space.
2. No signs or advertisements are to be attached to the buildings or tables by staples, screws, nails, etc. Any sign/banner that a Vendor wishes to use, must first be approved by Market Management. Signs in the grassy area or along sidewalks are not allowed.
3. No signs shall be used for commercial promotional activities of an advertising nature designed to attract public attention or support for a product, commodity or service which is not available for sale at Vendor's stall. The promotion of any other business or political, controversial, or commercial entity is prohibited.
4. Tables are not to be removed from the stall area.
5. Any needed repairs, hazardous conditions, or problems should be reported to Market Management.
6. The sidewalk must always remain clear. Products, additional tables and/or signage that impede pedestrian travel are not allowed.

X. SPECIAL EVENTS

The Market has several special events during the season. Some of the events such as the "Salem After 5" concerts are held at the Market, but not sponsored by the SFM. Set-up time or safety considerations may require closing of the SFM at 2 pm or partitioning-off of the Market's parking areas. Anytime either of these is required, changes in schedule will be posted in a prominent location for Vendors, and patrons will be notified through the media as appropriate. A schedule of events is available to all Vendors upon request.

XI. TERMINATION

1. The Market Director shall have the authority to terminate the lease of any Vendor who fails to comply with all rules and regulations of the SFM. Each situation will be handled on an individual basis to determine the necessary action that is in the best interest of the SFM.
2. Market Management shall have the authority to request removal any person involved with or displaying any of the following acts: public drunkenness, inciting a riot, disturbance of the peace, loitering in certain areas, physical/verbal altercations, obstructing traffic or pedestrian travel, use of obscene or abusive language, loud or unreasonable noise or any other behavior that goes against public decorum. Persons refusing to leave the premises after being requested to do so by Market Management will be considered to be trespassing and will be reported to Salem Police. The City reserves the right to immediately deny or revoke any stall lease of Vendors exhibiting/participating in the above-mentioned acts, when it is considered in the best interest of the SFM.

The City of Salem Farmers Market is open to all eligible Vendors regardless of race, color, national origin, sex, gender, creed, religion, age, disability, political beliefs, sexual orientation, or marital/family status. We welcome all Vendors who enjoy producing local and selling local in a community setting.