

**FARMERS MARKET RULES OF OPERATION
DOWNTOWN LEE'S SUMMIT MAIN STREET INC.**

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1. Market Management:

The Downtown Lee's Summit Farmers Market (the "Market") is operated by Downtown Lee's Summit Main Street Inc., a Missouri 501c3 nonprofit corporation ("DLSMS"). DLSMS's Executive Director is Donnie Rodgers. The Market Manager is Jenny Gale, who also is the DLSMS Assistant Director.

Downtown Lee's Summit Main Street

13 SE Third Street, Lee's Summit, MO. 64063

Phone: 816-246-6598

Website: downtownls.org

Email: jenny@downtownls.org / donnie@downtownls.org

Social Media: FB & Instagram: @downtownlsfarmersmarket

2. Market Dates and Hours

The specific dates and hours of operation of the Farmers Market will be set forth on the DLSMS website. The dates and hours are subject to change. The DLSMS staff will notify vendors of any changes to dates and hours of operation. The operating hours of the Farmers Market for 2024 will be as follows:

April 13th -November 2nd

Saturdays 8am-noon

Wednesday 8am-noon

Special Events: Spring Celebration May 11th and Harvest Festival October 5th

3. Location

- The Market is located at 113 S.E. Douglas St., in the public parking lot at the corner of Second and Douglas streets, Lee's Summit, Missouri.
- DLSMS reserves the right to change the location of the market to ensure the safety of vendors and customers. Vendors will be notified prior to a change in location.

4. Farmers Market Advisory Committee

- The Farmers Market Advisory Committee assists the DLSMS Assistant Director in managing the Farmers Market. Vendors can volunteer to be on the committee if they regularly attend the Farmers Market and are the primary contact for their booth.

- Attendance at committee meetings will be recorded by the Assistant Director. Members must attend a minimum of 50% of scheduled meetings per year in order to remain on the committee.
- Meetings are scheduled for the second Monday of the month. All vendors are welcome and encouraged to join.

5. Compliance with Rules and Regulations:

These Rules of Operation apply to all aspects of the Market, and each Market participant will operate under these Rules. **Any violation of these Rules of Operation may result in the immediate forfeiture of the vendor's Market rights and any paid fees.**

6. Application and Assignment

A. Overview

- The Market will be open to people who desire to sell products of quality and value that preferably have been grown or made by the vendor. Flea-market-type items and hawking are not permitted. Sales of jams, jellies, eggs, meat, baked goods, flowers, fruits, vegetables, locally produced or locally sourced products and specialty items are permitted if in compliance with the Jackson County Health Department.
- As recommended by the Missouri Department of Agriculture, DLSMS strives for an 80/20 balance wherein: 80% of the market vendors must sell farm raised products (meat, produce, flowers, and honey) and 20% sell other locally sourced products such as: (baked goods, canned goods, and other locally produced or locally sourced products).
- Resellers (vendors that purchase products that they do not grow themselves), are allowed at the farmers market. All items must be listed on the application. Any changes or additions after approval are subject to approval by DLSMS BEFORE selling at market. Signage must be clearly labeled to denote the point of origin of each product and must be originally grown/raised within 150 miles of Lee's Summit.
- Priority is given to farmers market vendors that are directly and actively involved in the planting, growing, harvesting, production and/or raising of agricultural products/animals/goods.

B. Application Process

- All vendors must apply annually, including returning vendors.
- Applications are available in November, each year prior to market season, at downtownls.org. Early applications will be offered to current farmers market vendors. After November 1st, current market vendors are subject to the regular application process.

- c. Applying does not guarantee acceptance in the Farmers Market. Additionally, applying does not guarantee the stall space assignment or number of stalls indicated on the application.
- d. Vendors are required to list ALL products to be sold at the Market on their application. All items, along with changes or additions are subject to approval by DLSMS.
- e. **Application deadline December 31, 2023.** Must be in-hand to the DLSMS office by 12/31 in-order to be reviewed on 1/8.

C. Required Application Paperwork

- a. 2024 Application
 - 1.Note: DLSMS has the right to deny certain products on the submitted product list at any point in time.
- b. Read and signed agreement for application and Rules & Operations (last page of application.)
- c. Must have all applicable certificates required by Jackson County. Refer to jacksongov.org/eh for questions related to your product. *Only USDA certified organic certificate needed for DLSMS, if applicable.
- d. Copy of your Employee Identification Number (EIN) or Missouri Sales Tax ID.

D. Selection and Assignment

- a. Vendor stalls are assigned on an annual basis with any remaining stalls assigned by DLSMS staff and the Committee based upon product offered and product diversity.
- b. Selection of vendors will rely on a variety of market-related factors including, but not limited to the following:
 - 1.Farmers Market goals and objectives.
 - 2.Farmers Market policies and procedures.
 - 3.Farmers Market product and vendor mix.
 - 4.Locally made products will be given preference over non-locally made products.
 - 5.Vendor's Farmers Market history (past participation and compliance or lack thereof with these rules and regulations).
 - 6.Vendors who attend both days (Saturday & Wednesday) may take priority over a vendor with local food who is only selling a few months out of season or vendor who only sells on Saturdays.

E. Acceptance

- a. **Vendors will be notified by January 12, 2024.**
- b. A single stall shall consist of a single parking space. Dimensions are listed on the map. A maximum of two annual stalls may be granted to a vendor at the sole discretion of DLSMS.

- c. **Downtown Days: The market will be closed the week of the Downtown Days Festival in Downtown Lee's Summit on June 5-9, 2024. The dates of these markets are Wednesday, June 5, 2024, and Saturday, June 8, 2024.**

F. Vendor Fees

- a. Full Season rates are \$215 for Wednesdays and \$375 for Saturdays per stall. The daily rate is \$40 for Wednesdays, \$60 for Saturdays, and \$75 for special events.
- b. **If a vendor is accepted, payment in full will be due February 1st, 2024. If you prefer an online payment method, specify on the application and an invoice will be sent via email.**
- c. For accepted vendors, the booth fees are non-refundable.

G. Daily Stalls

- a. Daily vendor applications will be reviewed throughout the season and accepted on a case-by-case basis. Must be submitted at least one week in advance.
- b. No daily stalls will be available during the week of Downtown Days, the first full weekend in June.

7. Requirements

A. Compliance with Law

- a. Sales tax must be collected as required by Missouri State law. It is the sole responsibility of each vendor to pay sales tax to the Missouri Department of Revenue.

B. Compliance with Jackson County Health Codes, State of Missouri, & Federal regulations

- a. Vendors must comply with all Jackson County Health Department Guidelines, including but not limited to mask mandates, sanitizing equipment, permits, etc.
- b. The sale of all food items must comply with state of Missouri, local laws and health codes, and federal regulations.
- c. It is up to each vendor to obtain any necessary permits and certifications required based upon their product. Please see **Jackson County Health Department at jacksongov.org/eh or 816-881-6690** for all requirements and questions. All permits and licenses must be available upon request when Health Department attends the market to verify.
- d. Farmers Market Stall Permit is required to be allowed to give out samples of fruits and vegetables. Each vendor is responsible for any permits needed.
- e. **Contact the Jackson County Health Department at 816-881-6690 or jacksongov.org/eh for questions.**

C. Vendor Bio- Each Vendor must submit a bio questionnaire upon acceptance into the LS Farmers Market. The Bio form will be emailed out and must be submitted before

the start of the season. Information collected will be utilized in the promotion of the market and individual vendors.

8. Vendor Categories

- A. **Farmers** are persons actively involved in the planting, growing, harvesting and/or raising of agricultural products/animals on owned, rented, or leased land.
 - a. Farm products are those items grown or raised by the farmer upon land that s/he controls through ownership, lease, rental, or other legal agreement. These products are fruits and vegetables, nuts, honey, eggs, dairy, grains, herbs, flowers, plants, meat, fish, and animal derived products.
 - b. Bedding plants and potted plants must be grown from seed, starter plugs, cutting, bulbs or bare root, and be well established in its current container, by the seller. No resale of pre-finished plants is allowed. No sale of prefinished plants purchased in individual re-sellable containers.
 - c. All slaughter animals shall be in the vendor's immediate custody, care, and control a minimum of 50% of the animal's life at time of slaughter. Vendors must abide by all applicable federal, state and local regulations, inspection regimes, and adhere to federal or state guidelines on all labels. No meat should be resale of trade or sale barn livestock and no livestock from any condemned or "for slaughter only" herds shall be sold in any form. No resale of packaged meat. No live animals are to be sold at the market.
- B. **Farmer Processors** are persons actively involved in the processing of product sold at the market that was grown/raised by the member. A farmer processor may sell processed farm goods, value-added processed farm foods, and on-premise prepared farm foods.
 - a. Processed Farm Products are products made from scratch, using raw agricultural products a majority of which are grown/raised and then produced by the member. These products include all farm products that were in some way processed including cheeses, dairy, meats, dried fruits and vegetables, juices, jams, and jellies, canned goods, baked goods, prepared foods or other processed agricultural and livestock food products.
- C. **Non-Farmer Processors** process farm products that are not grown by the processor, but process products which the vendor made from raw ingredients which have then been cooked, canned, dried, baked, preserved, or otherwise significantly treated.
 - a. Processed non-farm products are made from scratch, using raw ingredients, not grown by the member. These may include cheeses, dairy, meats, dried fruits and vegetables, juices, jams, canned goods, baked goods, prepared foods or other processed agricultural and livestock food products.
- D. **Artisan Producers** are persons actively involved in the creation of unique, high quality; hand-crafted products not meant for consumption.
 - a. Artisan products are agriculturally related or body products, made from scratch using raw ingredients not grown by the member. Every effort must be made to obtain ingredients from other LS vendors.

9. Rules

A. Vendors

- a. Every Market vendor is subject to these Rules of Operations. A vendor is defined as the primary person signing the agreement and/or operating a Market stall.
- b. The primary person on the application must be involved in the production and/or sales of items. Anyone who is working or assisting in the business must abide by the Rules.
- c. Each stall must have an adult 18 years of age or older at the booth at all times, unless prior arrangements have been made with DLSMS and proper insurance has been provided. Minors must be supervised by an adult at all times.
- d. You are not allowed to sell product before the market opens at 8:00 a.m.

B. Vendor Arrival/Departure

- a. Vendors should be in place no later than 7:30 a.m. Attendance will be taken.
- b. No one may drive into or out of the parking lot after 7:30 a.m. for the safety of our customers and vendors. If arriving after 7:30, the product and setup must be walked into the market instead.
- c. Vendors must not drive out of the lot before the closing of the market, unless there is an emergency. If then, use escort to leave safely.
- d. A vendor who is not set up by 8:00 a.m. when the market opens, will receive a warning each time. Each late arrival/start time will be one warning. After four warnings (one verbal, three written), vendor will be required to forfeit the remaining rights to the stall for the season, including all paid fees. An exception may be made if the market manager is notified ahead of time.
- e. Under no circumstance are vendors allowed to drive over the curb of the parking lot in order to get in or out of their space.
- f. If vendor sells out before end of market, the vendor may tear down stall if able to do so safely and without interruption to other vendors or customers. The vendor **MAY NOT** drive out of the market area before close of market hours. Only during an emergency should a vendor leave before close of market and if so, should have an escort (person walking alongside vehicle to help clear pedestrians) to ensure safety.

C. Absence

- a. Vendors must notify the Farmers Market manager if the vendor will not be attending the Farmers Market for the week. Notification must be done no later than 4pm Monday for Wednesday market and 4pm Thursday for Saturday market.

- b. In the event of unforeseen circumstances on the Farmers Market Day, vendors must notify the Farmers Market Manager as soon as possible.
- c. If market day temperatures exceed a temperature you are comfortable with or there is a chance for severe weather, you are allowed to forgo attending the market that day. Please contact the Market Manager if you plan to be absent for excessive heat or severe weather. This will not count against your attendance of the market.
- d. If finishing the season before the official end of the Farmers Market season, notification of last week should be given to the Market Manager.
- e. It will be up to the discretion of the market manager and needs of the market if a replacement vendor will be made for the open stall.
- f. If a vendor of an annual stall does not attend the market a minimum of twice a month from June through September, the vendor may be required to forfeit the remaining rights to the stall for the season, including all paid fees, and the stall may be sold to another vendor. Exceptions may be made at the discretion of DLSMS and the Committee.

D. Vehicles

a. Parking

- 1. Any vendor, their employees and/or helpers with extra vehicles must park them in the public parking garage on Second Street across from the Market. This garage is located on the corner of Second and Green streets and is provided to the public free of charge.
- 2. If a vendor needs special accommodations, supporting documentation of such must be presented to DLSMS for other arrangements to be determined.
- 3. Vendors are not to use any surrounding lot or on-street parking spaces for their vehicles. These spaces shall be used for customers only.

b. Trailers

- 1. No trailers are allowed.

c. Appearance

- 1. Each vendor's vehicle will be kept clean and presentable.
- 2. Vendors cannot sell out of their vehicle and must have a table setup. (May re-stock table from vehicle).

E. Vendor Stalls

- a. No vendor shall share, resell, sublet or lend their stall. All stall assignments and items sold must be approved through DLSMS.
- b. Setup

1. The Market does not provide any set-up equipment or supplies. Vendors must bring their own tents, tables, and chairs. All tents must be adequately weighted down to ensure safety.
2. Vendors are responsible for setting up, displaying and bagging their products in a saleable manner that is sanitary and attractive. Vendors are required to keep their stalls clean.
3. Each vendor must display and sell products from within the confines of the assigned stall (a canopy no wider than 10 feet and a table are encouraged for each stall).
4. Vendors must display pricing of all products offered.
5. A vendor is required to keep all vehicles, contents, products, and byproducts in the boundaries of his/her assigned stall at all times, no matter how many empty stalls might be located throughout the Market.
6. Nothing can encroach on aisle space, common areas, fire lanes or neighboring stalls. Any exception to this policy will be at the discretion of the market manager. A driving lane must be maintained within the Market area at all times for safety reasons & emergency vehicles.
7. A vendor is to keep all spare stock, packing materials, cardboard boxes and bags in an orderly fashion at all times.
8. Produce or other food-related items must be displayed or stored at least 6 inches above the ground or in a hard non-porous container, per the Jackson County Health Department.

c. Trash

1. Each vendor is responsible for disposing of the vendor's own trash at home or another location. Vendors may not dispose of trash in the trashcan located in the Market area, as this is solely for the use of customers and pedestrians.

d. Pets

1. Vendors are not allowed to have pets at the Market, with the exception of service animals.

e. Pricing

1. Prices to be charged will be fair and at then-current market prices. The vendor and the customer will negotiate sales. DLSMS is not responsible for sales arrangements or warranties of any sort, expressed or implied, concerning produce or any other item bought, sold or traded. The vendor is responsible for payment of all sales taxes, if applicable.

F. Product

- a. Vendors may have 10% of their table filled with items from the other category, excluding baked goods, as long as they are listed on their application and have been approved by DLSMS. Exceptions will be made for the first two weeks of the market and the last two weeks of the market at which time the vendor may fill 30% of their table with items in the other category.
- b. **All produce, plants, or meats must be grown or raised in Missouri or grown within 150 miles of Lee's Summit.**
- c. Sale of live animals and used items is not permitted.
- d. All meat sold must be raised by the vendor. (See 8. Vendor categories; A.; c.) Resale of packaged meat is prohibited.
- e. Homemade baked goods and locally produced or locally sourced products related to a Farmers Market are allowed if approved by DLSMS and proper documentation is provided.

G. Marketing

- a. Signage Requirements
 1. Each vendor must display the name and location of his or her farm or business at their booth.
 2. Home Grown: Produce grown by the vendor can be labeled as "homegrown."
 3. Only those approved can utilize "organic" signs and must provide supporting documentation and certification to DLSMS.
 4. Resell: If a vendor is reselling products not grown by them, it must be clearly labeled and easily read by the customer. Resell vendors can choose to use the sign template provided by Downtown Lee's Summit Main Street. Signage, at a minimum, should be 3" x 5" and easily read. If the majority of product being sold is not grown by the vendor, one sign indicating the source (minimum of 8" x 10") is sufficient. Item name, price, and source must be included on all signage.
- b. No political signage allowed at the market.
 1. In order to respect the beliefs and views of all vendors and customers, no political signage or apparel will be allowed at the market.
 2. Anyone wishing to pass out materials and/or collect signatures will be directed outside of the market boundaries.

H. Vendor Conduct

- a. Vendors must be truthful and honest at all times in disclosing the origin of products being sold and their production practices. Fraudulent, dishonest, and

deceptive practices carried out at the Downtown Lee's Summit Farmers Market may be punishable by cancellation of selling privileges without a refund and potentially banned from selling at the market.

- b. Vendors and their employees will be neat, suitably dressed, and communicate in a courteous and appropriate manner.
- c. No smoking is allowed in the Market, including vape/e-cigs.
- d. No alcohol is allowed on the premises.
- e. All vendors and patrons will show others respect at all times. Foul language will not be tolerated.
- f. Vendors, employees, helpers or patrons who arrive inebriated during Market hours, use foul language, or act in a confrontational manner will be asked to leave the Market immediately, and will need approval from DLSMS to return.

I. Indemnity and Hold Harmless

- a. Each vendor will be responsible for and will pay for any personal injuries, property damage or cleanup costs caused by activities of the vendor or anyone helping the vendor; and each vendor, by signing the application agreement, hereby holds harmless the City of Lee's Summit, the Lee's Summit R-7 School District, Downtown Lee's Summit Main Street Inc. and the Farmers Market Committee members for any such damages.
- b. The vendor further agrees to pay any claims against the City of Lee's Summit or Downtown Lee's Summit Main Street Inc. for personal injuries that are the fault of the vendor or anyone helping the vendor (this includes the costs of any lawsuits, out-of-pocket expenses, and attorney's fees).

J. Purpose, Amendment, and Interpretation of Rules.

- a. These Rules are intended to create a safe and successful Farmers Market and shopping environment. They may be amended or modified, when necessary, by DLSMS. DLSMS staff has the authority to interpret, when necessary, and enforce the Rules of Operation

10. Rule Violations

Violations of any of these Rules as determined by DLSMS may result in suspension from the Market, warnings, or revocation of Market privileges with forfeiture of any paid fees and prohibition from purchasing a stall in future years. Upon determination that a vendor has violated any of these Rules, DLSMS shall determine the appropriate response action.

A. Minor violations of these Rules and Regulations will result in warnings against the offending vendor. Examples of warnings include but are not limited to missing more than two market days in a month during peak season, tardiness, missing or inaccurate signage, selling before the market opens at 8:00am, and stall set-up violations.

- a. If a vendor receives four warnings (1 verbal & 3 written warnings) in the same season, he/she may be expelled from the Market. Verbal warning is given first.
- B. Based on the severity of the infraction, a vendor may be immediately expelled from the market, without prior warnings.
- C. DLSMS has the authority to deny any person the privilege of operating at the Downtown Lee's Summit Farmers Market who, in DLSMS's judgment, is using methods that are detrimental to attendance at the Market, or contrary to the Market's policies, standards and mission.

11. Disputes or Complaints

- A. If a problem arises during market hours, please contact the on-site Farmers Market Committee Chair, Committee Members or DLSMS. Disputes will be settled according to the Market Rules of Operation. The Committee's decision will be final. Appeals can be directed in writing to: DLSMS, 13 SE Third Street, Lee's Summit, MO 64063, and will be settled prior to the next scheduled Market day after receiving the complaint.
- B. The decisions of DLSMS are final. Any other customer or vendor complaints should be submitted in writing to 13 SE Third Street or jenny@downtownls.org.
- C. If complaints are submitted via phone or in person, a written account will be documented with DLSMS.

12. Vendor Safety

- A. Vendors must be 18 years or older to sell at the Farmers Market (alone).
- B. Vendors are responsible for educating their staff about these Rules and Regulations.
- C. No "hawking" or yelling out product items or prices to customers is permitted.
- D. The playing of any music in vendor stalls/spaces may be permitted at the discretion of the Farmers Market manager and surrounding vendors.
- E. Vendors who have issues regarding other vendors and/or specific Rules and Operations complaints must report such issues to DLSMS in a professional and non-confrontational manner. DLSMS will determine if a violation has occurred or if any issue needs to be addressed by the other vendor.
- F. Vendors are expected to manage their own stall/space and staff. Vendors are responsible for the actions of their staff.
- G. Vendors must comply with all applicable federal, state, and local statutes, ordinances, regulations, and laws. No vendor shall discriminate against any person in the performance of their work because of race, religion, color, sex, national origin, age, disability, sexual orientation, gender identity, ancestry, veteran status, or income level.

- H. No vendor will harass, threaten, or intimidate another vendor, another vendor's staff, DLSMS staff, any customer or any member of the public.
- I. Vendors are not allowed to enter into any price-fixing.
- J. No propane, gas, or kerosene is allowed.
- K. The farmers market is a rain or shine market. In the event of a severe weather event, shelter is located at the public parking garage on the corner of Green and 2nd Streets. Vendors are allowed to leave the market lot early IF your market lead allows, all other vendors are leaving, and no customers are left in the market lot. You may not leave unless there is severe weather. Please plan accordingly if your products cannot get wet and do not attend the market that day.

13. Web Release and photographs

- A. The DLSMS website at www.downtownls.org will include a list of Farmers Market vendors. Each vendor's name, city and state, identification as to what type of vendor, individual Farmers Market dates, product list will be available to the public on the website. This information must be provided and maintained by the vendor.
- B. Photographs of vendors at the Farmers Market are taken. As part of the consideration for the use of a stall/space, vendors and vendor's staff participating in the Farmers Market authorize DLSMS to use any photograph(s) taken of said persons during the Farmers Market day activities and waive any and all claims that said persons may have or claim to have resulted from such photos or reproduction of them.

14. Definitions:

- A. Farmers Market Vendor-** A local farmer and/or producer who is accepted into the Farmer's market to sell their products to the local community; ensures compliance of all rules and regulations; maintains a positive and professional relationship with DLSMS staff, other vendors, and shoppers; aids in the marketing of their products at the Farmers Market.
- B. Homegrown-**Product is planted, grown, and harvested by the Farm vendor and/or staff on the farm vendor's (owned or leased) property.
For the purposes of these rules and regulations, "homegrown" may also apply to animal products (for example, beef, pork, lamb, poultry, eggs and dairy) when the animals are raised, cared-for and monitored on a daily basis by the Farm Vendor or staff on the Farm Vendors (owned or leased) property.

Note: A Farm Vendor may be considered 100% homegrown if everything the vendor sells is "homegrown" except for one or two products that are supplemented, as long as such products are an added-value product to the Farmers' market and have been listed & approved by DLSMS.

- C. Locally Purchased-** Products purchased by the Farm Vendor directly from a known farmer who has planted, grown, and harvested the products within a 150 mile radius of the Farmers Market. When applying animal products, the animals must be raised, cared-for and monitored on a daily basis within a 150 mile radius of the Farmers Market.
- D. Organic or USDA-Certified Organic-**Products grown by a USDA-Certified Organic farm. (Certification must be on file with DLSMS.)
- a. Note: Farm vendors who are not USDA-Certified Organic may not use the term “organic” on any signs or verbally when talking to customers to describe their products and/or practices. Vendors may use alternative marketing phrases such as “no sprays”, “all natural”, or “pesticide free”.
- E. Resell-** The vendor did not grow or produce items themselves and selling it out of stall is reselling. Resell vendors are responsible for knowing where any product he/she sells is coming from & must be clearly labeled for the customer. Resellers must verify where the product is being grown, before selling it at the market and able to confirm and prove the origination of the product. Vendors must carry receipts of all resell items and upon request the vendor must be able to provide the farm name, address, and phone number for where the product was grown or purchased: Auction receipt or auction house records may also be reviewed.
- F. Stall-** A space within the market area that vendors may use for displaying their produce or products. Stalls are assigned at the beginning of the market season by the committee and cannot be bought or sold as part of a farm or business.
- G. Escort-** additional person walking beside moving vehicle to help clear the path of pedestrians in order to safely exit the market during operating hours. Only to be utilized during emergency situations, otherwise vehicles are prohibited to drive around during market hours.