



# 2021 Rules and Regulations DeSoto Farmers' Market

Market Location: 520 N. Main Street, DeSoto MO 63020

The DeSoto Farmers' Market (DFM) is a project of Get Healthy DeSoto (GHD).

## I. General Market Policies

- A. DFM is managed by the Market Manager, who has authority over all Market operations.
- B. DFM is open for seasonal operation on Saturdays between May 1, 2021 and October 16, 2021.
- C. DFM will open at 8:00 A.M. and close at 12:00 P.M. each Market Day.
  1. Vendors are required to stay till closing.
  2. The public will not be allowed inside the market area before 8:00 AM due to safety concerns.
  3. No Sales, no setting aside or allowing customers picking out products permitted before or after the bell is rung to start or end the Market Day.
  4. Vendors may sell to any other vendors or staff before 7:45 AM.
- D. The Market Manager has the discretion to limit the number of vendors for each category at registration. The Market Manager reserves the right to allow or disallow all items and vendors of any category at his/her discretion.
- E. DFM is smoke-free.
- F. No firearms or weapons are allowed on the market premises.
- G. No soliciting, surveys or campaigning of any kind is allowed unless prior permission is given by DFM.
- H. DFM does not discriminate against individuals because of race, color, creed, national origin, gender, disability or sexual orientation.
- I. Vendor is defined as the actual producer who grows, crafts, bakes or makes the final product to sell. No selling of items that are not produced by the vendor.
- J. Sponsorship Exception: Sponsors who are at the "Garden Champion" Level may be exempt from some guidelines. These exceptions will be on a case by case basis. No charge for using the scale, if available.
- K. All Exceptions to these policies must be approved by the Market Manager.
- L. All vendors and products at the DFM must be local. Local is defined as produced or handmade within a 75-mile radius from DeSoto, MO within the state of Missouri. Exception: fruits and nuts are not limited to the radius but must be produced within Missouri and sold by the grower. This exception does not apply to tomatoes.
- M. Due to health regulations, vendors are not allowed to have animals in or near their booth or pets at the market.
- N. At the discretion of the DFM, temporary food service establishments may be allowed to serve food at the DFM under the conditions of the Jefferson County Food Ordinance.
- O. One space will be made available free of charge for educational activities relating to sustainable agriculture or non-profit, health-related community groups. This space will be made available on a first-come, first-serve basis, but must be approved and booked with the Market Manager in advance. GHD and some sponsors may have access to a booth during market hours when needed.
- P. Anyone not complying with the rules of the DFM may be asked to leave the market.
- Q. Vendors are responsible for compliance with applicable city, county, state, and federal regulations, such as (but not limited to):

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1. Vendors are not required to obtain a city business license.
2. All scales used by Vendors must be certified by the Department of Agriculture and the Approval seal of Weights and Measures be displayed on the scale. Scales are not required unless selling items by weight. Items may be sold by the piece or bundle. Non-certified scales are not allowed to be used at the Market. The Market has a certified scale available for use at the Market office for a cost of \$5.00 per day.
3. Sales Tax: See copy of Senate Bill 727 and what “farm products” are exempt from Sales Tax. Any state, city and county sales tax must be collected on products not exempt. The current rate as of 2021 is 9.850% on non-food items and 6.850% on food items.

For more information on obtaining a Sales Tax license, go to the Missouri Department of Revenue website at: <http://dor.mo.gov/business/sales/>

- R. All items for sale must be priced for sale by labeling each item or having signs posted before the Market is open.
- S. Vendors are required to notify the Market Master on duty or the Market Manager of any incidents that happen on the market premises so appropriate incident reports can be completed.
- T. Vendors will complete a summary report for each day they have a booth at the market.

## II. Allowable Products

### A. Food Items

1. Fruits, Vegetables and Nuts
  - a. Whole, uncut, fruits and vegetables only.
  - b. Whole nuts (not cracked or shelled). Roasted nuts are allowable.
2. Honey, syrups.
3. Baked goods (see [Baked Goods](#) below for prohibited baked goods)
  - a. Uncut baked goods. However, whole loaves of sliced bread are acceptable. Sweet breads are not included.
  - b. Samples cut or uncut may be offered but cut samples must be cut in a certified kitchen, inside Market building or at home. The samples must be served in individual containers or if given out by the vendor, a service utensil must be used by the vendor. All samples must be kept covered.
4. Jellies/Jams/Preserves—May not be made with artificial sweeteners. No Pepper jellies or those with vegetables are allowed.
5. Wine—Must have appropriate license to sell
6. Value-added products\*—Examples: Soup mixes, Baking mixes, sugar-coated nuts, dried packaged herbs & spices.
  - a. Homemade candy—Such as Fudge, Brittle, Hard sugar candies, Divinities.
  - b. Eggs Noodles dried in an oven. (Air dried noodles are not allowed.)
  - c. Mushrooms—must be an acceptable vendor approved by the Jefferson County Health Department.
  - d. Bath and Body products (Lotions, soaps, lip balm, etc.) are allowed but must have a label of the ingredients and contact information. No health or beauty claims can be made for products per Jefferson County Health Department.
  - e. Meat products are permitted as allowed by the Jefferson County Health Department. Please call the Environmental Section at 636-797-3737, extension 3.

\*Non-value-added products will not be permitted for sale at the market. This includes the repackaging of spices and herbs. No Independent Distributors.

- f. Eggs
  - i. Eggs may be sold if the vendor has proper licensure. This includes a Limited Retail License from the Missouri Department of Agriculture.
  - ii. All egg cartons must be labeled with the date eggs were packed, name and address of dealer or approved dealer identification number.
  - iii. All crates used for transport and sale of eggs must be provided by the vendor.
  - iv. Eggs must be candled and graded prior to sale.
  - v. Eggs must be transported and kept at proper refrigeration temperature (45°F) through point of sale at the market.

To obtain a complete copy of Missouri Egg Laws & Regulations, call the Missouri Department of Agriculture, Division of Weights and Measures at 573-751-5639 or visit their website at [www.mda.mo.gov](http://www.mda.mo.gov).

#### B. Non-Food Items

1. Vendors selling crafts or bedding plants do not need overhead protection. The following are allowed for sale:
  - a. Herbs (dried or fresh)
  - b. Flowers
  - c. Bedding plants
  - d. Approved crafts (homemade by vendor)
  - e. Trees and bushes (Plant License needed from Missouri Department of Agriculture. See their website)
  - f. Small animals and livestock (dogs and cats are prohibited) Must be 50' from food Vendors.
  - g. Soaps, Cosmetic Items-You must get approval from the Food and Drug Administration and the Jefferson County Health Department before you sell any of these items. Refer to Sec II, C, e. Must have proper label. (See [Pre-packaged Food Items](#))
2. Limitation—for any new product not listed, contact Market Manager for approval before selling.

### III. Prohibited Goods

#### A. Baked Goods

1. All cream filled pies, including Boston cream pies (pudding filled cake)
2. All whipped cream or meringue topped pies
3. Cheese cakes or cheese Danish (all cream cheese products are prohibited unless baked within the product such as a muffin or bread for example. Cream cheese cannot be on top, part of the icing or the main ingredient).
4. Custard or custard pies made from a milk product including Pumpkin pies.
5. Pudding or pudding pies
6. Mince filled cookies or pies
7. Flan
8. Cakes, cookies, cupcakes etc., made from boxed mixes. Must be made from scratch.

#### B. Other Prohibited Products

1. Home canned items. Example-tomatoes, salsa, barbeque sauce, pepper jelly, any vegetables, etc.

2. Meat jerky and dog snacks unless approved by the Jefferson County Health Department and have proper licensure from the Missouri Department of Agriculture. Contact 573-751-4310.
3. Milk of any kind. No signs for selling from the farm or home are allowed to be displayed at your booth.
4. Dried noodles/egg noodles if air dried. Oven-dried noodles are allowable.
5. No repackaging of items, bought or donated, that are not made or grown by the Vendor.

**IV. Special Policies for Producers and Food Item Vendors**

- A. Vendors selling food items must be under overhead protection and have a table for their product. All produce or other food-related products must either be displayed on a table or in a container if at the ground level.
- B. Producers selling products they refer to as ‘organic’ must display a sign giving their organic grower’s certification and their certifying body, unless exempt from certification due to scale of operation.
- C. Producers should clearly separate and label organic and non-organic products in the same display.
- D. Vendors selling food items such as baked goods or jellies, butters etc. must have a sign at their table and label the product that indicates their products have not been inspected by the Jefferson County Health Department. (See Sample.)
- E. Shade structures shall be secured to the ground via clearly marked blocks, sandbags, or other heavy objects in order to prevent damage to products and injury to others.
- F. Food safety, sanitation, health permits, and labeling requirements pertaining to the items for sale are required.
- G. Honey labeling must contain the statement: “Do not feed to infants under 1 year of age”.
- H. Produce must be thoroughly cleaned and may be sold in opened plastic bags. The bags cannot be closed unless there are air holes in the bag.
- I. Pre-packaged items must be labeled with the following information. This includes value-added, baked goods, jams, jellies, honey, i.e. all pre-packaged food products.)
  1. List all ingredients in descending order.
  2. A statement that indicates the product was not inspected by the Jefferson County Health Department.
  3. Name, address and phone number of the vendor or person who manufactured the product.

*Sample Label*

Ingredients: Flour, eggs, milk, pecans, salt  
 This product was not inspected by Jefferson County Health Department

Name and Address of Vendor/Producer:  
 Justin Case  
 555 Apple Lane  
 Anywhere, USA 11111  
 (Phone #)

**V. Application & Reservation Policies**

- A. All vendors must complete and submit to the Market Manager the items below before being permitted to sell at the market each week. The Market Manager must receive all required paperwork before the vendor is permitted to sell at the market.
  1. Completed DFM Application Form—this form can be retrieved from the Market Manager. Please email [market@gethealthydesoto.org](mailto:market@gethealthydesoto.org). The application is also available online at [gethealthydesoto.org](http://gethealthydesoto.org) and on Facebook (DeSoto Farmers’ Market) \$15.00 processing fee.

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2. Proof of Vehicle Liability Insurance—each vendor is required to have and maintain liability insurance to operate a vehicle within the DFM. A copy of the insurance ID card is required to be submitted with the vendor application.
- B. Vendors must apply and be approved by the Market Manager no later than the Friday before Market Day at 12:00 noon. The Market Manager will not approve new vendors on Saturdays.
- C. Vendor signature on the Vendor Application verifies the vendor has carefully read, understands and agrees to the DFM Rules and Regulations. Booth assignments, determination of suitability of items offered for sale and collection of booth rental fees are the responsibility of the Market Manager.
- D. Each Vendor Booth will be inspected by the Market Manager on your 1<sup>st</sup> week of attendance and the Market reserves the right to inspect at any time to verify compliance with the Jefferson County Health Department and Market Regulations.
- E. The weekly vendor fee is \$15.00. Payment of all fees is to be paid by check, cash or money order to “DeSoto Farmers’ Market”.
- F. The Market requires that each Vendor complete and hand in a Sales Record each week to help the Market collect statistics to obtain grants. Sales Records are anonymous.
- G. If you have reserved a booth and need to cancel, you must call before 12:00 Noon, Friday before the day of the market to cancel and receive a refund. If a cancellation is not received, you will be considered a “no-show” and will be billed and owe for that date or will lose your prepaid fee.
- H. Any outstanding bill from the market must be paid before the next reservation is made.
- I. Any vendor writing a bad check will be charged \$25 per check and no future checks will be accepted. Bad check fees must be paid in full prior to renting future space.
- J. If paying on the day of the market, payment must be taken to the Market office before the market opens and a receipt will be issued.
- K. DFM will not tolerate late payments or unpaid fees. Any late payments will be recorded with the possibility of probation and/or suspension.

**VI. Set-up/Pricing Policies**

- A. Vendors must be set up by 7:45AM. Late arrivals may be turned away.
- B. Process fee for application \$15 (see above V.A.1) This is an administrative fee.
- C. The Market Manager will determine space and parking designations. All vendor spaces will be 10’x10’. Vendors must stay within their 10’x10’ designated space. Vendors going outside their space will be required to pay an additional \$15.00 per 10’x10’ space or any part outside their designated space.
- D. Sponsorship Levels
  - a. Garden Champion: \$500 or more contribution; includes free booth space for market season (\$390 value), business name on market advertisements, name on market building, logo and link on market website.
  - b. Harvest Hands: \$250-\$499; includes one free booth space each month of the market season (\$90 value), business name on market advertisements, name and link on market website.
  - c. Green Helper: \$100-\$249; includes on free booth space at the market once during the season, business name on market fliers, business name on website.
  - d. Seedling: \$25-\$99; includes your business name listed on the market website.
- E. Advertising Cost Share: these are optional advertising fees. To help support the market and promote vendors, the market will subsidize half of a promotional ad for vendors on the following schedule:

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- a. Facebook 5-day promotion (\$25): \$12.50 vendor cost with vendor name listed in advertisement.
  - b. Leader Newspaper 1/16-page ad in color (\$91): \$45.50 vendor cost with name listed in advertisement.
  - c. Featured Leader Newspaper 1/8-page ad in color (\$145): \$72.50 vendor cost. This cost share is only available for Garden Champion sponsors.
- F. Tents or tent structures are not permitted under the pavilion due to safety issues. Other structures, with approval, may be used.
  - G. Vendors must clean-up the area around their vehicles and booth before leaving the site each market day. This includes trash or parts of produce on the ground. Brooms and dustpans are available for your use.
  - H. Vendors should park on the designated parking lot if you are not able to park adjacent to your booth.
  - I. Radical price cutting of top-quality products is not permitted. All Vendors will sell at Fair Market Value. Vendors may choose to discount their products the last 30 minutes before the Market closes.
  - J. Signs identifying the name and location of the vendor's business must be posted before sales begin.
  - K. Signs, boards, tags, or labels listing prices of all products for sale must be posted prior to the beginning of sales.
  - L. It is the responsibility of the vendor to provide any/all tables, overhead protection (if not under Market pavilion), chairs, change, cash registers, scales, signage, etc. necessary to do business. Some equipment is available for rent on a first come first come basis.
  - M. A vendor is required to keep all vehicles, contents, products and by-products in the boundaries of his/her assigned stall at all times, no matter how many empty stalls are located throughout the market.
  - N. A vendor is to keep all spare stock, packing materials, cardboard boxes and bags in an orderly fashion at all times within their booth or vehicle.
  - O. The Market is not a bank and does not keep cash on hand. Vendors should provide their own change for customers.

**VII. Inclement Weather**

- A. If the weather is bad, we may have a rain delay until the storm passes, but we will not cancel the Market immediately. We will opt instead to wait out the storm. If the storm is severe, does not pass and is not predicted to pass, we will cancel at that time. If a vendor decides not to come because of the weather, they must notify the Market Manager before 8am in order to not be charged for that week. You will be e-mailed or called with the cancellation. Vendors are welcome to call the Market Manager if there is a question about the weather conditions.
- B. If the market is cancelled prior to 10:00AM, vendors will be refunded their vendor fee for the week. If the market is cancelled after 10:00AM, no vendor fee refunds will be given.