

# **OLD TOWN FARMERS' MARKET REGULATIONS**

Effective January 1, 2014

## **I. History of Old Town Farmers' Market**

Held each Saturday morning year-round, the farmers' market is an event that has been held at the Market Square plaza for over 260 years. In fact, Old Town Farmers' Market is the oldest farmers' market in the country which has been held continuously at the same site. In the 1970's the Market had dwindled to a handful of farmers who sold produce to a faithful following of regular customers. The growth in the number of vendors that occurred in the late 1980's culminated in the adoption of formal policies and regulations by the City Council in May 1989. Policies and regulations served to:

- Establish a Rules Committee with representation by the vendors;
- Assure the safety of the food products sold at the Market;
- Clarify the definitions of various types of vendors and products at the Market;
- Establish vendor attendance standards; and
- Establish various rules regarding the payment of rent and the prohibition of "subletting" of vendor spaces.

The adopted regulations have been effective in helping the Department of General Services manage the Market. The Department of General Services designates a staff person to serve as the Market Manager who assigns spaces, assists vendors and visitors, and enforces the City's farmers' market regulations. In addition, a Rules Committee was established to initiate ideas for improving the Market, to resolve conflicts between vendors, and to make rulings on eligibility of products by applicant vendors.

## **II. Vision for Old Town Farmers' Market**

The vision for Old Town Farmers' Market is to be a landmark destination and community gathering place. This market brings a diverse assortment of healthy, fresh and local foods and artisans that accommodate the needs of the community, all in a festive and family-friendly atmosphere that provides a unique learning experience about sustainable agriculture and the history of the Market for Alexandria's citizens and visitors.

## **III. Mission of Old Town Farmers' Market**

The mission of the Old Town Farmers' Market is to support a healthy diet through fresh, nutritious, local and seasonal foods. This is done by creating a direct outlet for local growers and artisans, who bring the highest-quality produce and handmade goods, and make them accessible to all of Alexandria's residents and visitors. This serves to support sustainable agriculture as well as the health and economic well-being of the community.

#### **IV. Purpose of These Regulations**

The purpose of these regulations is to facilitate the operation, administration and management of the Old Town Farmers’ Market by the City of Alexandria, and to ensure the integrity of the products sold at the market. All vendors are required to abide by the regulations provided in this document.

#### **V. Framework of These Regulations**

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#### **VI. Definitions**

Farmers’ Market (the Market) – The Old Town Farmers’ Market is the City-operated market that is located on Market Square Plaza at 301 King Street. The boundaries are defined by the Market Manager depending on the number of vendors present. In no case, however, will the market occupy the sidewalk or street right-of-way.

Food – Any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or sale in whole or in part for human consumption.

Foods for On-Premises Consumption – Foods prepared or served for on-premises consumption by a caterer, restaurant/caterer, mobile food establishment (push cart or food truck) or temporary food vendor permitted by the Alexandria Health Department. No Health Department permit is required for vendors preparing or serving the following foods for on-premises consumption:

- Hot coffee
- Hot tea
- Hot cider
- Hot water
- Foods or beverages in unopened commercially sealed packaging that do not require temperature control for safety.

Foods Requiring Temperature Control for Safety (TCS foods) – Potentially hazardous foods as defined by the most recent edition of the Food and Drug Administration (FDA) Food Code. These foods include eggs, meats, poultry, fish, dairy products, cut melons, cut tomatoes, cut leafy greens, sprouts, garlic in oil mixtures, and prepared foods requiring temperature control for safety (unless shown by laboratory product assessment not to require temperature control).

Guest Vendor – Individuals, or their representative(s), who sell products which are grown or produced by themselves. Guest vendors may participate in the Market for a period of 1 to 3 months per season, with the possibility of extension, and occupy a vacant space at the Market when a resident vendor is absent.

Home-Prepared Foods Exempt from State Inspection – Foods prepared in private Virginia homes that are exempt from Virginia Department of Agriculture and Consumer Services (VDACS) inspection under § 3.2-5130 of the Code of Virginia.

Market Manager – A person appointed by the Director of General Services to administer the market and enforce the market regulations.

Mobile Food Establishment – A food vendor (push cart or food truck) permitted by the Alexandria Health Department who prepares or serves food for on-premises consumption.

Non-Food Farm and Garden Products – Cut flowers, plants, plant cuttings, non-edible seeds, non-edible herbs, Christmas trees, holiday wreaths and similar plant products.

Non-Food Artisan Products – Handcrafted products made from manufactured materials provided that most of the product's value results from the crafting of the vendor or the vendor's family.

Prepared Foods Not Requiring Temperature Control for Safety (Non-TCS foods) – Foods including:

- Foods that, as outlined in the FDA Food Code, have a combination of pH and water activity (Aw) such that they are unable to support pathogenic microorganism growth or toxin formation;

- Foods demonstrated by a product assessment by a certified food microbiology laboratory to be unable to support pathogenic microorganism growth or toxin formation; and
- Foods in unopened hermetically sealed containers that are commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution.

Produce – Edible herbs, grains, edible seeds, edible nuts, uncut (whole) fresh fruits, and uncut (whole) fresh vegetables except sprouts.

Resident Vendor – Individuals, or their representative(s), who sell products which are grown or produced by themselves, and are assigned a regular space at the market.

Rules Committee – The Rules Committee of the Old Town Farmers’ Market will consist of the Market Manager, the Director of the Department of General Services, or his/her designee, a representative of the Finance Director, a representative of the Health Department, and an ex officio, non-voting member designated by the City Manager. Additional members include three vendor representatives, one from each product category (Food Products, Non-Food Farm and Garden Products, and Art, Crafts and Handmade Goods), who will be selected biennially in July by a vote of the vendors.

Temporary Food Vendor – A food vendor permitted by the Alexandria Health Department to operate, for no more than fourteen days annually, and who prepares or serves food for on-premises consumption. Some non-profit organizations are exempt from permit requirements.

## **VII. Roles and Responsibilities**

### *A. Department of General Services*

Old Town Farmers’ Market was established by the City of Alexandria and is administered by the Department of General Services. The daily operation of the Market is supervised by the Department of General Services through the appointment of a Market Manager.

### *B. Old Town Farmers’ Market Rules Committee*

The Committee will meet to review and resolve vendor appeals, product eligibility issues, disciplinary actions/suspensions, and issues the City Manager wishes to resolve; and to review and draft changes to the market regulations.

### *C. Market Manager*

The Market Manager is responsible for managing the Old Town Farmers’ Market, enforcing all market regulations and cooperating with the Health Department and Virginia Department of Agriculture and Consumer Services (VDACS) officials. The Market Manager will impose the disciplinary actions

described in Section XVII for vendors who repeatedly fail to follow market regulations and for vendors who sell products that do not comply with guidelines contained in this document or the requirements of the Health Department.

*D. Resident and Guest Vendors*

The role and responsibilities of Resident Vendors and Guest Vendors shall be to:

- Pay their rent, comply with the Market regulations, and sell only eligible items as defined in Section IX below.
- Comply with the Market regulations as well as all other regulations, codes, and statutes that govern the growing, preparation, and sale of products defined in these regulations.
- Cooperate with the Market Manager regarding the assignment of space, use of City property, use of parking spaces, etc.
- Maintain a clean assigned vending area, dispose of all refuse and trash at the end of the market, and take care not to deface or damage City property.
- Pay rent timely to the City of Alexandria.
- Be responsible for the safety of the products being sold, and shall hold the City of Alexandria harmless from any liability whatsoever that results from their activities on Market Square.
- Collect and report all sales tax to the Commonwealth of Virginia. Produce vendors who are home-based or have a physical location in the City of Alexandria may apply for an exemption from the City business tax.

*E. Nonprofit Organizations and City Departments*

- Nonprofit organizations and City Departments will be accommodated at the Market based on space availability. Requests for space at the Market must be made in advance to the Market Manager.

*F. Alexandria Health Department (AHD)*

The role and responsibilities of the Alexandria Health Department shall be to:

- Review and approve food vendor registration statements to assure that all food products sold at the Market are from safe, approved sources.
- Provide guidance to Market food vendors on how to safely store, transport, hold, display, vend and/or serve their food products.
- Provide periodic food safety training to Market food vendors.
- Provide food safety guidance to the Market Manager.
- Periodically inspect the food vendors at the Market to assure the safety of the foods sold at the Market.
- Enforce the food safety provisions of these regulations and, when applicable, the Food and Food Handling Code of the City of Alexandria.
- Investigate food safety complaints about food products sold at the Market.

*G. Virginia Department of Agriculture & Consumer Services (VDACS)*

The roles and responsibilities of the Virginia Department of Agriculture and Consumer Services (VDACS) shall be to:

- Annually conduct a joint inspection of the food vendors at the Market with the Alexandria Health Department to assure the safety of the foods sold at the Market.
- As requested, provide food safety guidance to the Market Manager.
- Assist the Alexandria Health Department in determining if food products from Virginia are from a safe, approved source.

**VIII. Hours of Operation**

The Old Town Farmer’s Market hours of operation are from 7:00a.m. to 12:00p.m. each Saturday. During the winter months, the Market Manager may move the Farmers’ Market into the covered garage below Market Square.

**IX. Items That May Be Sold in the Market**

Only “Food Products, Non-Food Farm and Garden Products, and Art, Crafts and Handmade Goods”, as defined below and in Appendix E and/or related addendums, may be sold at the Market. Resale vendors must limit their items to farm and garden products only. To qualify as a handcrafted product, a substantial part of the value of the item must be attributable to the artisan’s handiwork.

**A. Food Products**

1. Uncut fruits, uncut vegetables (except sprouts), nuts, grains, edible herbs, and edible seeds
  - a. Note: Mushrooms must be from a safe source
2. Food products requiring temperature control for safety
  - a. Sprouts
  - b. Cut melons, cut tomatoes, or cut leafy greens
  - c. Eggs
  - d. Meat
  - e. Poultry
  - f. Fish
  - g. Prepared foods requiring temperature control for safety
3. Prepared foods not requiring time or temperature control for safety after preparation
  - a. Food products prepared in inspected food facilities
  - b. Food products which can be produced in unregulated home kitchens under §3.2-5130 of the Code of Virginia.

4. Prepared foods for on-premises consumption
  - a. Hot coffee, hot tea, hot cider, or hot water (hot = >165°F), and foods or beverages in unopened commercially sealed packaging that do not require temperature control for safety.
  - b. Other prepared foods for on-premises consumption
    - 1) Prepared by a restaurant/caterer or a caterer in a licensed food facility
    - 2) Prepared by a licensed caterer, restaurant/caterer, or mobile food unit at the farmers' market
    - 3) Prepared by a temporary food vendor permitted in the City of Alexandria

**B. Non-Food Farm and Garden Products**

1. Cut flowers
2. Plants and plant cuttings
3. Non-edible herbs
4. Non-edible seeds
5. Holiday wreaths and similar plant products
6. Christmas trees

**C. Art, Crafts and Handmade Goods**

1. Jewelry
2. Framed/mounted paintings, photos and collections
3. Sculpture, woodworking, pottery and stone creations
4. Soap and candles
5. Wearable art
6. Music
7. Signature Alexandria products & apparel
8. Other handcrafted items

**X. Selection of Market Vendors**

New market vendors shall be selected and new vendor spaces shall be allocated based upon a combination of factors including: availability of space, vendor category and value, uniqueness and quality of product.

**XI. Allocation of Vendor Spaces**

According to the United States Department of Agriculture (USDA), a farmers market provides a common area where farmers/growers gather on a recurring basis to sell a variety of fresh fruits, vegetables and other farm products directly to customers. Based on this definition and to the extent reasonably possible, the overall goal for the use of the spaces at the Market is to achieve at least 60% farmers and food vendors. This percentage may vary day-to-day depending on guest vendors and other circumstances.

## **XII. Vendor Contracts**

Each returning resident vendor will be required to sign a contract in the form of a lease agreement prior to each market season, effective January 1. Vendors selling food products must obtain approval from the Health Department prior to signing the lease agreement.

Guest vendors are required to have an application approved by the Market Manager on file no later than one month prior to the vendor's scheduled occupation of space at the Market. All required permits from the Health Department must be approved and in-hand prior to the vendor's scheduled occupation of space at the Market.

## **XIII. Vendor Fees**

1. The rental rate is established by City Council and for resident vendors is currently \$45.00 per month, or \$540.00 per year, for each 8 x 10 foot vendor space.
2. The rental rate for guest vendors is currently \$25.00 per week for each 8 x 10 foot vendor space.
3. Payment is due no later than the first day of the month or, on or before the first day of the market season (January 1).
4. Vendors that are 30 days, or more, in arrears will have their licenses terminated. In the event a vendor's license is terminated for any reason, there will be no refund of any fees paid.
5. Vendors may not sublet or "loan" their assigned space to another person, regardless of whether that person is already a Market vendor.

## **XIV. Vendor Attendance**

Resident vendors are required to participate in the Market for a minimum of six months per season. Resident vendors will complete and submit a yearly calendar to the Market Manager prior to the market season and are expected to attend 85% of the market days listed on their calendar. If a vendor does not comply with that time, or does not respond with valid reasons such as illness or other extenuating circumstances, then that vendor's license will be terminated. In the event that a vendor's license is terminated, there will be no refund of any fees paid. In June of each year, which reflects the sixth month of the market season, vendors will be provided the opportunity to review and revise the yearly calendar that they submitted to the Market Manager to reflect any changes to their schedule for the remainder of the market season (June through December).

The Market Manager may fill any empty vendor spaces on the market with another entity on those days that the resident vendor has indicated that he/she will not be present at the Market.

## **XV. Market Rules**

### *A. General Standards of Conduct*

1. Vendors are required to cooperate with the Market Manager and other Farmers' Market staff.
2. The market hours are from 7:00 a.m.-12:00 noon. Vendors must be fully set-up for business by 7:00 a.m.
3. Vendors must notify the Market Manager of their planned attendance schedule and notify the Market Manager of all schedule changes per Section XIV above.
4. Each vendor is responsible for setting up their own space and display as well as cleaning up their area at the close of the Market.
5. Vendors are responsible for maintaining their space in a safe and clean manner. Displays should be arranged to minimize trip and fall hazards with attention to public safety.
6. Umbrellas and tents may be used year-round provided they do not extend beyond the vendor's designated space. Larger tents and canopies should be used only during inclement weather. When in use, all tents, canopies and umbrellas must be safely secured to the ground by using sufficient weight on each leg for tents/canopies or on the base for umbrellas.
7. Inappropriate or offensive language/conduct is not permitted and could be grounds for immediate dismissal from the Market.
8. Hawking of goods or calling out to customers is not permitted.
9. Smoking within market boundaries or use of alcohol or illegal drugs is prohibited.
10. No vendor will be permitted to use any fuel burning devices in their designated space.
11. The use of electric devices shall be approved by the Market Manager.

### *B. Display of Products*

Prices of all products must be clearly marked. See Appendix E for additional information on display requirements.

### *C. Safety of Food Products*

1. All food vendors shall file an annual Food Vendor Registration Statement with the Alexandria Health Department listing all the food products that they will sell (See Appendix D).
2. The Alexandria Health Department will review each Food Vendor Registration Statement to ensure that the foods come from safe, approved sources.
3. The Alexandria Health Department will provide each approved food vendor with a letter describing the foods that they have been approved to sell and the food safety practices they must follow in order to ensure food safety.
4. Food vendors shall display their approval letter from the Alexandria Health Department at the point of food sale.

5. Food vendors may not sell food products that have not been approved by the Alexandria Health Department or which are not listed on their registration statement.
6. Food vendors must follow the food safety practices outlined in their approval letter from the Alexandria Health Department. Appendix E of these regulations contains general food safety guidance for food vendors.
7. If inspection by the Alexandria Health Department, Virginia Department of Agriculture and Consumer Services, or the Market Manager identifies a food product posing a potential health risk to the public, the vendor shall immediately remove that product from sale to the public.
8. If a food vendor repeatedly fails to follow the food safety practices required by the Alexandria Health Department, the Health Department may make a recommendation to the Market Manager that the vendor's participation at the Market be terminated.

*D. Market Sanitation and Maintenance*

The City of Alexandria will provide and empty all public litter containers at the Market. Vendors are responsible for the collection and proper disposal of all refuse, grease and trash generated from their spaces.

*E. Animals in the Market*

Pets are not allowed on the plaza during the Old Town Farmers' Market hours of operation.

*F. SNAP/EBT Program*

All farmers/growers and eligible food vendors at Old Town Farmers' Market are required to participate in the Supplemental Nutrition Assistance Program (SNAP), formerly known as the food stamp program. The City of Alexandria operates a central point-of-sale machine that accepts Electronic Benefits Transfer (EBT) cards. A SNAP customer can swipe their EBT card in exchange for tokens that can be used to purchase eligible food products at the Market. Vendors will receive a check from the City of Alexandria for the dollar amount of tokens redeemed. See Appendix F for more details.

*G. Parking*

Each vendor occupying or utilizing an on-street parking space must have and display a City-issued parking hangtag.

*H. Special Events*

The Department of General Services may modify the Market hours of operation to accommodate City-scheduled special events or activities on Market Square and/or the streets that border Market Square.

*I. Modification of Market Hours*

Hours are subject to change with notice by the Market Manager for reasons such as inclement or hazardous weather.

*J. Use of Market Square Stage*

Individuals, nonprofit groups and organizations wishing to present or to promote activities consistent with the vision of the Market may utilize the Market Square stage during Market hours of operation. Use of the Market Square stage falls under the discretion of the Market Manager following approval of the application found in Appendix G.

**XVI. Bylaws of the Rules Committee**

*A. Term of Vendor Representatives*

Vendor representatives will serve a term of no more than two years. Vendor representatives will be selected from the three nominees receiving the highest number of votes in each product category. Elections are held biennially in July by a vote of the vendors.

*B. Removal and Resignation of Committee Members*

Committee members may be removed for cause, e.g. misconduct or neglect of responsibilities, with a majority vote of the Committee members present. Failure to attend 50 percent of the Rules Committee meetings without a reasonable excuse is considered neglect of duty and grounds for removal. The decision of whether or not an absence is reasonable is within the discretion of the majority of the Rules Committee. Vendor representatives must remain in good standing and in compliance with market regulations. Vendor representatives not in good standing or not in compliance with the market regulations may be removed from the Committee with majority vote of the Committee members present.

Any Committee member may resign at any time by giving written notice to the Rules Committee for acceptance. Acceptance shall be by affirmative vote of the majority of the Rules Committee at the first meeting following receipt of the notice of resignation.

In the event a vendor representative resigns, that vacancy will be filled with the vendor who received the next highest number of votes in that category. If that vendor is not willing to serve, a special election will be held and the elected representative will serve for the remainder of the term.

*C. Frequency of Meetings*

Rules Committee meetings take place once a month, or as needed, to initiate ideas for improvements to the Market, to resolve conflicts between vendors, rule on disciplinary matters, and to rule on the eligibility of products by applicant vendors.

*D. How Meetings Are Called*

Rules Committee meetings are held the second Thursday of each month. Committee members are notified of upcoming meetings via email, at least seven days in advance of the meeting.

- E. Quorum*  
Official meetings of the Rules Committee require at least four of the seven members to be present.
- F. Opportunities for Vendor / Public Comment*  
Vendors and/or customers are permitted to submit comments, questions or recommendations to the Market Manager via letter or the City's email address at [OldTownFarmersMarket@alexandriava.gov](mailto:OldTownFarmersMarket@alexandriava.gov). The Market Manager will respond via email or letter within one week.
- G. How Decisions Are Made*  
Decisions by the Rules Committee are made final and are approved based on a majority vote when a quorum is present.
- H. How Decisions Are Communicated to Vendors / Public*  
Decisions made by the Rules Committee are communicated to vendors via the vendor representatives, the meeting minutes, email, or if required, by letter or City Council docket item.
- I. Review of Disciplinary Actions*  
Per Section XVII (D), the Rules Committee will review all suspensions to determine the length of the suspension, or termination of the vendor's license, dependent on the severity of the offense. The Committee will consider the suspension prior to its being implemented, if possible.
- J. Appeals*  
Any vendor or customer may appeal the interpretations of the Market regulations or the decisions of the Market Manager by submitting a written appeal to the Market Manager. The appeal will be considered within two weeks by the Rules Committee and a written response returned to the appealing vendor or customer. If the decision of the Rules Committee is deemed unsatisfactory by the vendor, the vendor may appeal the Rules Committee decision to the Director of General Services.

## **XVII. Disciplinary Actions**

- A. Notices of Rule Violation by Market Manager*  
Except as otherwise provided in these regulations, vendors who violate any of the regulations contained herein will be subject to the following disciplinary actions:  
1<sup>st</sup> violation: Verbal warning with a Rules Committee member as witness  
2<sup>nd</sup> violation: Written warning  
3<sup>rd</sup> violation: Suspension and/or termination from the Market. All suspensions will be reviewed by the Rules Committee. Three violations over any 12-month period is cause for termination. All terminations will be voted on and approved by majority of the Rules Committee.

*B. Notices of Rule Violation by the Health Department*

The Health Department will conduct periodic inspections of the food vendors at the Market. Vendors who violate Market rules governing the safety of food products (Section XV.C.) or the Health Department's food safety guidance (Appendix E.) will receive written notice in the form of an inspection report from the Health Department. The Market Manager will also receive a copy of each inspection report. If a vendor receives three or more notices of violation for the same food safety issue within a three year period, the Health Department will recommend that the Market Manager remove that product from sale and may make a recommendation to the Market Manager that the food vendor be suspended from the Market.

*C. Emergency Actions by the Market Manager*

In an emergency and in the interest of maintaining health and order, the Market Manager may have a vendor or customer removed from the Market. In exercising this authority, the Market Manager may request the assistance of the Police Department if required, and will notify the Director of General Services or his/her designee as soon as possible.

*D. Hearings and Disciplinary Actions by Rules Committee*

All suspensions will be reviewed by the Rules Committee, which will determine whether the suspension is temporary or permanent. In the event that the Rules Committee terminates a vendor's lease, there will be no refund of any fees paid.

*E. Appeal of a Rules Committee Decision*

Vendors may appeal the interpretations of these regulations or the decisions of the Rules Committee by submitting a written appeal to the Director of General Services. The appeal will be considered within three days by the Director of General Services and a written response returned to the appealing vendor.

**XVIII. Adoption and Amendment of Market Regulations**

The Rules Committee is responsible for reviewing, drafting and recommending changes to the market regulations. Any change to the regulations that govern the fees and hours of operation of the Market must be approved and adopted by the City Council. All other amendments to the regulations must be approved by the City Manager.

**Appendices**

Appendix A – Fee Schedule

Appendix B – Vendor Space Layout Diagram

Appendix C – Vendor Application Form (to Market Manager)

Appendix D – Food Vendor Registration Statement (to Health Department)

Appendix E – General Food Safety Guidance for Food Vendors

Appendix F – SNAP/EBT Program

Appendix G – Application for Use of Market Square Stage