

Model Rules for Farmers' Markets

1. Market Location: _____
2. Market Dates: _____
3. Market Hours (Rain or Shine): _____

The Department of Agricultural Resources (“Department”), in an attempt to assist and foster farmers’ public markets, sets forth the following model rules to assist farmers’ market managers in establishing operating rules for the running of a farmers’ market. While markets may be similar, a market manager controls the operation of each market and the rules should be specific to such market. Accordingly, these model rules are provided only as a guide for adopting market rules and should be reviewed carefully and adjusted to specific market conditions.

These model rules and all associated documents are provided as informational only and intended only for such purposes. The Department does not imply any warranty of any kind, either expressed or implied, and cannot provide legal advice as it relates to a particular market’s rules or the interpretation, enforcement, or other issues that may result at a market.

I. Terms and Conditions of Sales

1. All persons desiring to sell items at the [Name of Specific Market] (“Market”) will submit a completed Farmers’ Market Application/Inventory List (“Application”) on a form provided by the Market and each person must sign a statement indicating that they have read, understand, and agree to abide by the rules of the Market. See sample [Farmers’ Market Application/Inventory List](#) attached.
2. All persons submitting an Application must provide an Inventory List of items to be sold at the Market (“List”). The submitted List will be examined at the time of application review and an approved List will be issued by the Market Manager. Persons approved to sell at the Market (Vendors) may only sell items from their List.
3. In the event that a Vendor would like to modify his/her List, an amended inventory list must be submitted to the Market Manager for approval. New items identified on the amended inventory

list may not be sold prior to the market manager's approval.

4. Only the following, Massachusetts-grown or produced items that meet all applicable federal, state and local rules and regulations and approved by the Market Manager may be offered for sale:

- A. Fresh fruits
- B. Fresh vegetables and herbs
- C. Plants and flowers
- D. Honey and maple syrup
- E. Fresh cider
- F. Dairy products
- G. Poultry and meat products
- I. Baked goods in which the majority of the ingredients are produced by the Vendor.
- J. Massachusetts-produced specialty food products
- K. Other

5. Farmer grown and produced shall mean the following:

A. Pertaining to all the items mentioned in Paragraph 4 above, all pruning, spraying, fertilizing, and harvesting is undertaken by the farmer, members of the farmer's household or persons directly employed and paid by the farmer. This may include items grown on land under written lease or license, provided that the farmer who leased or licensed the land undertakes all of the above activities.

B. Any farmer intending to sell products grown on leased or licensed land must furnish a copy of the lease or license agreement to the Market Manager at the time of submitting his/her List.

6. All items offered for sale at the Market must be first quality, unless they are expressly posted as “seconds.”
7. Only products certified by a USDA National Organic Program accredited certifying agent that certifies farm operations and processors may be labeled “organic.”
8. All processed foods should comply with the requirements set forth by federal, state and local laws, regulations and rules.
9. Items may be sold by the pound, bunch, piece, or measured container.
10. Scales utilized at farmers’ markets must be inspected and sealed annually by the Sealer of Weights and Measures.
11. Vendors are urged carry insurance to cover the extent of their operations and liabilities.
12. Vendors are required to comply with all federal, state, and local laws and regulations.

II. Prices and Signs

1. Prices for all items for sale shall be posted clearly on a sign. No item shall be sold unless the price of the item is clearly displayed.
2. Prices for items shall be established only by individual Vendors.
3. Collusion among vendors to raise or lower prices, or to exert pressure or persuasion to cause any vendor to increase or decrease selling prices is prohibited.
4. Each vendor must post the name and location of his/her farm or business at his/her assigned

selling area in the Market.

III. Daily Operation

1. If a vendor cannot attend the market, the Market Manager must be notified at least 24 hours in advance at telephone number: _____.
2. Selling at the market shall begin promptly at _____AM/PM, and no selling may take place before this time.
3. Vendors shall arrive no earlier than _____AM/PM to set up displays.
4. Vendors must agree to sell for the entire market day.
5. Vendors must vacate the selling area no later than _____AM/PM and all clean-up must be completed.
6. No vendor shall engage in solicitation, collection drives, political or religious activities in the market. No loud hawking of items is allowed.
7. Vendors must keep the vicinity in and around their selling area clean at all times and remove all refuse and unsold items at the end of each Market day.
8. Vendors must provide an approved trash receptacle when selling ready-to-eat items.
9. Vendors must be courteous to other vendors and to the public at all times. Vendors and their agents, employees and representatives must maintain a neat and clean personal appearance at all times.

10. No vendor shall smoke tobacco, drink alcohol and/or possess or use any controlled substance while at the Market.

11. No vendor shall discriminate against any member of the public or other vendors on the basis of race, ethnicity, gender, religion, national origin and sexual orientation. Such discrimination is prohibited under both state and federal law. Allegations of discriminatory actions, if proven to be true, will not only result in the Vendor's expulsion from the Farmer's Market and may also result in further legal action for civil rights violations.

IV. Grievances

1. In the event of a dispute regarding any aspect of the Market, the Market Manager shall make a decision. Any failure to abide by the Market Manager's decision may be sufficient grounds for excluding the vendor from the Market.
2. A vendor may file an appeal from the Market Manager's decision, in writing, to a committee made up of officials, vendors, sponsors, community groups or like entities of the market and established by the Market ("Grievance Committee"). Any appeal must be filed within ten (10) days of a decision.
3. Upon receipt of an appeal, the matter will be reviewed expeditiously.

The Grievance Committee will take no more than ten (10) days from receipt of the appeal to make its decision. During this time, the Vendor must adhere to the original decision of the Market Manager with no right to restitution for any losses.