

2019 City of Olathe Farmers' Market Guidelines

Purpose: The City of Olathe sponsors an invitation only Farmers' Markets to provide a means by which individuals may sell locally grown (within 250 miles of Olathe) fresh produce (before Memorial Day and after Labor Day product may be brought in from outside regions.) The intent of the market is to offer primarily for retail sale only produce that can be grown in this geographic area and is not refined and/or made into another product. This market is not intended to operate as a wholesale outlet.

1. In order to obtain a vending space, a 2018 Olathe Farmers' Market application must be correctly completed including copies of: current Kansas State Tax Number, certificate of insurance confirming your Commercial General Liability/Farm Liability Insurance (Food Vendors), vehicle insurance and signed 2016 Olathe Farmers' Market Guidelines, with payment to the City of Olathe prior to attaining a space. All applicants should be aware that filling out and submitting an application does not guarantee an offer to participate in the market. Your everyday and past performances are a key factor of the invitation process. Just because a vendor is in the market this season, it does not guarantee a spot in the next season. TRUTHFUL REPRESENTATION: Vendor agrees to completely and truthfully disclose the sources of all produce and items they are offering for sale at the Market (to customers, the Farmers' Market Manager or City staff), specifically, the source of the produce/items and where they were grown.
2. The vendor must be parked in their space no later than 7:00 a.m. for the Saturday and the Wednesday markets. In the event that you are not able to be present on a market day or will not arrive on time, you must call your Market Manager (Dennis Gibbs – 913-259-0674 or Tricia Gibbs – 913-259-2957) as soon as possible! If you fail to call and arrive after 7:00 a.m. you will not be allowed to sell that market day. Being consistently late (even if you call) will result in you not being able to sell for at least 1 market day. Consistently late is defined as you not being on time on three occasions during the market season! Vendors are allowed to sell prior to the 7:30 a.m. start time. By 7:30 a.m. all tents and tables must be set up, samples of all products must be displayed, all extra vehicles moved from customer parking area and all signage (reflecting cost of product) must be in place. If a vendor must leave before regular end of day, they must notify the market manager as soon as possible, so they can be escorted out of the market safely.
3. For 2019, produce from outside of the 250 mile radius will be allowed before Memorial Day and after Labor Day. Vendors must also offer for sale products that can be grown in our geographic region. During this time vendors must have at least 50% locally grown produce on their table. From Memorial Day to Labor Day only local grown produce will be allowed. Locally grown merchandise is defined as any item that is grown within a 250 radius of Olathe. **This does not mean produce that is grown outside the 250 radius and then brought in to the 250 mile radius!** Produce pricing labels will be clearly marked and in place by the 7:30 a.m. start time. If it is determined that you are not telling our customers the origin of your products, the City of Olathe reserves the right to revoke your permit. Any other signs that you wish to post in your area will be clean, legible, concise and in good taste. The Market Manager or the Market Supervisor will determine whether your additional signs are appropriate. The word "Organic" cannot be used unless certification can be provided. All local product must be must be displayed separate from shipped in product before Memorial Day and after Labor Day and be labeled appropriately.
4. Items that may be sold at the market are limited to the following: (1) fresh vegetables, (2) fresh fruits, (3) honey and herbs (must be natural with no preservatives), (4) plants and fresh cut flowers, (5) baked goods to include, but not limited to cookies, breads, cakes, rolls, cinnamon rolls and fruit pies, (6) jams and jellies, (7) eggs, (8) frozen beef, chicken and pork from USDA inspected plants and Kansas State inspected plants, (9) and locally produced crafts. Any vendor who sells beef, chicken or pork will have a USDA license and a Kansas State license on hand at the

market. Baked goods, jams and jellies must be protected from the effects of direct sunlight. Baked goods, eggs and jams and jellies will be labeled according to the labeling requirements outlined in the Kansas Rural Center Publication. In addition, all beef, poultry and pork fall under the guidelines outlined in the Kansas Rural Center Publication.

- a. Items that may not be sold at the market include the following: (1) fish and shellfish, (2) live animals and fowl, (3) commercially produced food products, (4) collectibles or items normally sold at garage sales or flea markets, such as clothing, books and tools.
5. The pricing of the merchandise should be in line with the local retail market and consistent with the other Olathe Farmers' Market vendors. The price will reflect the quality of the product and be marked accordingly. The vendor is responsible for setting the price of their own commodities and collecting and remitting the appropriate sales tax to the State of Kansas. You are required to have a Kansas Sales Tax Number to participant in the 2018 Olathe Farmers' Market. Call 785-296-4937 for information regarding registration for a sales tax number. In addition, all vendors will be required to submit a Certificate of Liability confirming Commercial General Liability/Farm Liability Insurance listing the City of Olathe as additional insured. It must be a minimum coverage of \$300,000 per occurrence and aggregate (Food Vendors). All vendors must, also, show proof of automobile coverage.
6. The season fee vendors shall be assigned a designated space at the beginning of the market season by the Market Manager. The vending space is not transferable and the vendor shall not assign their designated space to any other vendor unless authorization has been granted by the Market Manager/City prior to the use. If for any reason a vendor cannot make a market day, they must contact the Market Manager/City the day or evening before market time. If the vendor is not in place 30 minutes prior to the start of the market, the City shall have the authority to reassign the space for use during that vending day. Individual season fee vendors shall not sublease or permit non-registered vendors from selling merchandise at their stall.
7. Vendors must park within their designated space and not protrude into the customer aisle way. If a vehicle and/or trailer cannot fit into the designated space without protruding into the customer aisle way, the vendor must park that vehicle outside of the market area and away from where our customers park! All other extra employee vehicles will be moved to the proper parking before the market begins (7:30 a. m.). Also, all shade structures erected by the individual vendors will be of the 4 leg tent variety with an adequate restraint for each leg. Restraints are defined as "weights that are sufficient to keep your tent from blowing over, but safe for our customers". Your tent(s) will be presentable and in good repair. Your tent must fit within their designated space and not protrude into the customer aisle way. Patio umbrellas will not be permitted.
8. Vendors should display all items for sale above ground level (minimum - 18 inches) except for melons, pumpkins, and potted plants, and should abide by Public Health Regulations.
9. No "hawking" or "yelling" out to customers is permitted.
10. All vendors and employees/representatives must be knowledgeable about the Rules, Regulations and Resources for the Kansas Farmers' Markets. Be knowledgeable about your products; be courteous, professional, presentable and appropriately dressed. A vending space shall be supervised by an adult at all times during market hours. Children may assist an adult in selling within the market, but must always be under the direct supervision of an adult 18 years of age or older.
11. Vendors are responsible for cleaning their designated space after the market concludes and leaving it clean from any debris. The vendors may utilize the City's sanitation hopper located within the parking lot of the market area. All

vendors are required to have a trash receptacle close to your tables so that trash, debris, toothpicks and product samples can be disposed of properly. This receptacle will be in good repair and clean at the start of each market!

12. In order to promote a healthy lifestyle, the City does not allow smoking or chewing of tobacco products within the stall or in the defined Market areas. No cereal malt beverages or alcoholic liquor shall be consumed or permitted within the market area or the parking lots.
13. If a question arises about another vendor, the complainant should contact the Market Manager to express their concerns. The Market Manager will report the alleged complaint to the Parks & Recreation Department Designated Representative for further review.
14. It is the vendor's responsibility, not the City of Olathe, to be in compliance with the Kansas Department of Agriculture, the Kansas Department of Health and the Environment, the Kansas Division of Weights and Measures and the Kansas Department of Revenue pertaining to the sale of produce within the market area. You will be provided with a copy of the Kansas Rural Center Sustainable Agriculture Management Guides as a general guide to assist you. This info is also available at the following website: <http://www.olatheks.org/parksrec/Farmers>
15. The Market Manager has the authority to enforce the guidelines. Vendors concerned about a specific situation should contact the Market Manager after the market for a remedial action. The Market Manager shall be responsible for mediating any disputes that arise between (1) vendors or (2) vendor and customer. No vendor shall exhibit abusive or insulting language or behavior towards the Market Manager, the customers or other vendors. Do not under any circumstances talk about another vendors produce in a negative or condescending way.
16. The City of Olathe reserves the right to take disciplinary action; including temporary suspension of selling privileges, and/or revoking vendor privileges in participating in the market at any time if said vendor does not comply with these established guidelines. A "Notice of Violation/Compliant Form" will be used to determine what unacceptable performance and/or behavior has occurred. No refund from the market permit fee shall be given to any vendor whose privileges have been revoked.

Normal hours of operation are:

Saturday(s) 7:30 a.m. until Sold (or 2:00 p.m.) and Wednesday(s) 7:30 a.m. until Sold (or 2:00 p.m.)

2019 Dates

Saturdays April 20- Oct. 12 / Wednesdays May 1 – Aug. 28

My signature indicates that I have read, fully understand and will comply with the 2018 Guidelines of the City of Olathe's Farmers' Markets.

Signature_____

Print Name _____

KS Sales Tax Number_____ Date_____