



Bylaws of the Easton Farmers' Market

Revised October 2015

I. PURPOSE

The purpose of the Easton Farmers' Market (EFM) is to provide fresh, high quality, local produce and food products directly from regional farms and businesses to the consumer. EFM strives to support local agriculture and preserve the region's agricultural heritage while promoting direct connection with the farmers who grow the food. EFM also offers artists and crafters an outlet for sale of their handmade products. As a key part of Easton's downtown Market District, the Easton Farmers' Market serves as an important local economic driver and social hub.

II. ORGANIZATION

The Easton Farmers' Market (EFM) is a subsidiary of the Greater Easton Development Partnership (GEDP), a registered 501(c)(3) organization. The EFM is governed by the EFM Advisory Council (EFMAC) who reports to the GEDP. The Easton Farmers' Market maintains its own rules, regulations, and criteria for vendor admission, but shares management and works in conjunction with the Easton Public Market (EPM), another program of the GEDP, to cross-promote events and certain programs. Refer to the Easton Public Market governance documents for specific information on EPM's rules, regulations, and mission.

- A. The EFMAC is comprised of voting and non-voting members who support market management and provide oversight in the operations of the EFM. See the EFMAC By-Laws for complete detail.
- B. The market management team is comprised of two market managers and the market district director. Market management is responsible for all EFM operations including vendor relations, liaison with Easton City Health Department and other city departments, volunteer staffing, special events, grants, fundraising, finances, promotion, social media and marketing activities.

III. VENDOR PARTICIPATION

It is recognized that although members of the EFM sell as individuals, the market is a cohesive unit. Its success depends on the cooperation and joint efforts of all the vendors as a whole.

- A. The EFM is a producer-only farmers' market: vendors must be growers or producers of the items they present for sale at the market. The resale of items purchased by the vendor is not permitted at the EFM except as noted in Section IV, Paragraph A.2. Supplemental Products. Vendors must be full or part-time producers of accepted products that are permitted for sale at the market.
- B. The Easton Farmers' Market accepts vendors who are regional growers and producers; who operate as small, independent (often family-run) businesses; and whose operations support sustainable agriculture and the humane treatment of animals. The EFMAC reserves the right to determine whether an EFM applicant or vendor qualifies as a small, regional grower or producer whose products align with the market's focus on sustainable agriculture and direct-to-consumer sales. Supplemental products offered by an EFM vendor must originate with an individual or business that also meets the EFMAC criteria for small, regional growers or producers.

The EFMAC will use the following criteria as general guidelines:

- 1. The grower or producer is located within 150 miles of Easton and their distribution focuses on the same area.
 - 2. The grower's farm is not controlled by a major agricultural company or produces product under contract from a major agricultural company.
 - 3. The grower or producer supports sustainable agricultural practices as defined by the USDA (<http://www.nal.usda.gov/afsic/pubs/terms/srb9902.shtml#toc2>).
 - 4. The grower or producer focuses on direct-to-consumer sales.
- C. All vendors are required to read and sign the Electronic Benefits Transfer (EBT) and Debit Program Participation Agreement and follow all rules contained therein. All vendors are required to accept EBT tokens as permitted by law.
- D. Vendor categories are: vegetables, fruits, baked goods, cut flowers, live plants, meat and other animal products, crafts, prepared foods, and other as approved by the EFMAC.
- E. Product Prohibitions
 - 1. No Genetically Modified Produce -- Producers may not sell genetically-modified produce. Produce grown from seeds, seedlings, bulbs, root stock, transplants, tubers or grafts which are the product of cell fusion, micro- encapsulation, macro-encapsulation, or recombinant DNA technology (including gene deletion, gene doubling, introducing a foreign gene, and changing the position of genes when achieved by recombinant DNA technology) may not be sold. This prohibition excludes exclusively traditional methods, such as breeding, conjugation, fermentation, hybridization, in vitro fertilization, and tissue culture.
 - 2. No Irradiated Produce -- Sale of irradiated food products is prohibited.
 - 3. The Easton Farmers' Market supports humane treatment of animals. Vendors who own, manage or are in any way financially linked to a Concentrated Animal Feeding Operation (CAFO) will not be permitted to sell at the EFM.
- F. Vendor Applications and Annual Meeting
 - 1. Potential vendors wishing to sell in the EFM must, prior to participation in the market, file an application for admission to the market verifying that they are the actual grower or producer of the specific items they intend to sell. Vendors must apply to sell at the market under one or more of the nine vendor categories, based on their primary products. Returning vendors wishing to expand into a new category must have their written application approved by a majority vote of the EFMAC.

2. Current vendors must complete an application each season and submit the completed form on or before the application deadline. Vendors in good standing will be invited to return. Market management will make notifications after a review by the EFMAC.
 3. If, due to planting changes, crop failure, or other circumstances, there are changes to the specific products listed on a vendor's pre-season application, notification must be made to the market manager. Vendors are accepted based on certain products, and changes/additions to the product line must be approved by market management and the EFMAC prior to bringing different items to market.
 4. EFM will strive for a balance of vendor categories. New vendors will be selected to fit the needs of the market by a majority vote of the EFMAC.
 5. Additional vendors and new vendor category changes will be added to the market at the beginning of each season, or as need arises, provided that the new vendor agrees to the rules and regulations and is approved by a majority vote of the EFMAC. Reasons for adding a new vendor may include: a shortage of a particular product, adding diversity to the mix of products at the market, overall consumer demand, or open vendor spaces.
 6. A vendor meeting will be held each year in March. All vendors are required to attend the meeting.
- G. City of Easton Licenses and Permits Annual Requirements
1. All vendors are required to obtain a City of Easton Business License. Contact City Hall (www.easton-pa.gov) for details.
 2. City of Easton Health Permits are required for vendors selling prepared foods, meat or dairy products. It should be noted that vendors must make application for health permits with sufficient time for review by the City's health department – a minimum of 14 days is required.
 3. City health permits and business licenses must be obtained and submitted to EFM prior to the start of the season or the vendor will not be allowed to sell at EFM. Market management will notify vendors each year of the deadline for submitting their licenses and permits.
- H. Vendor Representation
1. A minimum of three (3) EFM vendors (two growers and one multi-market vendor), but no more than four (4) EFM vendors (two growers, one non-grower and one multi-market vendor) shall represent the EFM vendor body as a whole on the EFMAC. Vendor representatives shall be selected by the EFMAC. Vendor representatives must be considered a vendor in good standing.
 2. A vendor in good standing is defined as a vendor who adheres to the rules and regulations of the market, as well as being a fully engaged and committed participant in the market's operation. Final determination of a vendor's standing is made at the discretion of the EFMAC.
 3. Vendors should take market-related concerns or disputes to one of the designated EFM vendor representatives and the matter will in turn be brought before the EFMAC. If two or more EFM vendor representatives disagree with a council vote, they may request that additional vendors be brought in to have their case heard before the council. If after the presentation by the vendors a second vote is held on the issue, the EFMAC majority vote will govern and become final.
- I. Monthly Sales Reporting by Vendors
1. Vendors are required to report their gross sales at the end of each month (includes cash, checks, credit/debit, and tokens); WIC and FMNP transactions are reported at season-end only. EFM recognizes the sensitivity around gross sales reporting by

vendors, but believes compiling market sales statistics is essential to the financial management, efficient operation and public reporting of EFM's impact on the local economy.

2. In order to maintain the highest vendor confidentiality, the following procedures are followed:
 - Sales data is only viewed by the market manager who is not permitted to discuss the sales tallies for individual vendors.
 - Sales data is used to track sales trends such as event days vs. regular market days and also to provide total market sales when applying for government or private grants.
 - Raw sales data is incorporated into a spreadsheet by category grouping and not by vendor name, and sales data submitted by individual vendors are destroyed after they are compiled into a spreadsheet.
3. Vendors failing to report sales data on a monthly basis and in the format requested by EFM will not be considered a vendor in good standing and will not be allowed to return the following season. (See Section III, H.2.)

IV. GENERAL RULES

A. Permitted Items for Sale

1. Items permitted for sale shall include locally grown or produced items including fruits, vegetables, plants, herbs, cut flowers, baked goods, honey, cider, juice, meat, animal products, and crafts.
2. Supplemental Products: EFM vendors are not permitted to sell products other than those that they themselves grow, raise, or produce except with the express approval from the EFMAC. EFM vendors in good standing may be permitted to sell fruits and vegetables or other products they source directly from another local producer provided that:
 - a. the item(s) is either not currently sold at the EFM or is deemed by the EFMAC to be in limited supply;
 - b. the item(s) is from an approved local farm or business, which adheres to the same criteria as EFM vendors; and
 - c. the item(s) is identified with clear signage provided by EFM management with the name and address of the farm/business where the product was grown/produced.

Vendors must complete the Supplemental Product application and submit it to market management at least seven (7) days prior to the item being sold at the market.

Approval is made at the discretion of the EFMAC and will be granted for a specific time period.

3. Crafts: Crafts are subject to approval by the EFMAC and must be handmade by the vendor.
4. Preserves: Preserved items such as jams, jellies, sauces, canned goods, etc. must be custom made. Vendors are encouraged to use as much local product as possible. The amount of local product used may influence acceptance of the product or vendor into EFM.
5. Baked Goods: Baked goods must be produced from scratch by the vendor. If the baked goods contain fruit or vegetables, the vendor must use locally grown produce when they are in season. This rule does not apply to processed products. Vendors are encouraged to use as much local product as possible. The amount of local product used may influence acceptance of the product or vendor into EFM.

B. Market Fees

1. Market management will review vendor fees each year. After such review, fees may be adjusted for the next market season.
2. Vendor fees must be paid by the date specified on the vendor application. If the vendor fee is not received in the EFM office by the specified date, the vendor will not be allowed to sell at the market.
3. Approved special event-only vendors will pay a fee to sell only during a special event at the EFM. Such fee must be received in the EFM office at least seven (7) days prior to the event. Special event vendors must obtain a City of Easton Special Events Health Permit at least two (2) weeks prior to the event and must comply with other rules and regulations of the EFM. Special event vendors are excluded from the mandatory attendance rules of regular season vendors. Event-only vendors are not permitted to sell any items that directly duplicate products sold by regular season vendors.
4. Current fee schedules are available from market management.

C. Regulatory Compliance

1. Vendors are personally responsible to be in compliance with all applicable local, state and federal regulations. These include, but are not limited to:
 - Pesticide licensing and safe use
 - Certification of scales by the department of weights and measures
 - Organic certification for products claimed to be grown organically
 - State sales tax collected as required
 - Health and labeling regulations that apply to preserves, honey, cider, baked goods, canned goods, eggs, dairy products, meats, etc.
2. City of Easton Health Department officials conduct regular inspections of market stands. Compliance with all health department regulations and recommendations is mandatory. If a violation is noted, the immediate directive of the City Health department official must be followed, which may include denying the vendor the ability to sell at the market that day. City of Easton Health Department officials must re-inspect the stand and confirm the violation has been addressed before the vendor may sell on the next market day. A health violation that requires the vendor to close their stand for that market day automatically results in a written warning from EFM management.
3. Organic Labeling & Production Methods
 - All items sold as organic must meet the requirements of the National Organic Program. Sellers of organic items must have a current copy of their certification on file with market management as well as with them when selling at the market. Only certified organic growers may display signs using the word organic.
 - Other producers who are not certified organic are welcome to verbally inform consumers about their growing practices but may not use the word organic on signage. Per the National Organic Program, written claims with the word organic by growers who are not certified are illegal. All verbal or written claims must be honest and accurate.
 - If a vendor makes any other statements requiring third party verification (including, but not limited to, Certified Naturally Grown, Kosher, Food Alliance Certified, Animal Welfare Approved) copies of that certification must be provided to market management.

D. Operation of Market Stands

Vendors have the right to operate their stands as they choose after meeting the following minimum standards:

1. Vendors are required to have a tent. For safety reasons, straight-legged tents are required. Vendors must ensure the safety of their display and tent. Tents must be weighted down or tied securely at all times.
2. Vendors are required to have a professionally made banner clearly listing the name and address of their farm/business. The banner should span the length of the vendor's tent and be hung on the interior as a backdrop. Vendors are encouraged but not required to have an additional banner on the outside of their tent (facing traffic) in order to take advantage of the high volume of cars passing through the Circle.
3. Signage and written materials at vendor stands are limited to business and product related matters. Market management must approve any other signage or written materials. As outlined above, section C. Regulatory Compliance, only certified organic vendors may use the word organic in signage.
4. Vendor attendance at the market is mandatory. Saturday vendors will be limited to four (4) excused absences per market season and Wednesday vendors to three (3) excused absences per market season. Vendors must contact market management about a planned absence two (2) weeks in advance of the date of absence so customers can be informed via website in weekly emails. In the event of illness or unforeseen emergencies, the vendor should inform market management of their absence as soon as possible. Unexcused absences may result in the termination of the vendor's participation in the market.
5. Due to extenuating circumstances (such as a prolonged illness or crop failure) a vendor may need to request a leave of absence from the market. Requests must be submitted to market management in writing and reviewed by EFMAC who shall decide on a case-by-case basis if the leave of absence request will be granted. A granted leave of absence does not automatically result in a return of the vendor fee.
6. Optional attendance may be allowed for extended market days due to special events. Market management will inform vendors as soon as possible which market days are optional. If a vendor elects not to be present on those days, the vendor will not be charged with an absence.
7. By majority vote of the EFMAC, individual vendors may be approved for a different but regular attendance requirement as in the case of a single crop grower (e.g. strawberries, mushrooms, corn, etc.)
8. Vendors will strive to sell only products of the highest quality and freshness in keeping with the market's desired image.
9. All vendors are responsible for cleaning up their market site at the end of the market day. Large quantities of refuse may not be disposed of in the City of Easton garbage cans located in the Centre Square area.
10. Prices for all items on display must be clearly marked with individual price tags, signs or large legible signboards.
11. All pricing will reflect typical market value.

E. Location of the Market

The EFM is currently located in the Circle (Centre Square), Easton, PA.

F. Market Schedules

The EFM maintains two separate market schedules:

1. Saturday Market: begins the first Saturday in May and continues through the Saturday before Thanksgiving. Regular hours are 9 a.m. to 1 p.m.
2. Wednesday Market: begins the first Wednesday in May and continues through the last Wednesday in September. Regular hours are 5 p.m. to dusk. Closing time for the

Wednesday evening market varies over the course of the season. Market management will inform vendors of closing times as needed.

3. Market hours may be extended for certain special events. At the beginning of the season, vendors will be notified of the event dates and times.
4. All vendors must set up, remove their vehicles from the Circle, and be ready for business 15 minutes prior to the market's opening time. It is understood that vendors may require at least one hour for setup. Market management will keep a log of late arrivals and provide written warnings to the vendor for each instance of tardiness. After three (3) late arrivals the issue will be brought before the EFMAC.
5. Vendors are required to remain set up until the designated closing time unless prior permission to depart early has been granted by market management. Leaving the market prior to the designated closing time may result in immediate loss of vendor's license.
6. Vendor parking is available in designated parking lots as assigned by market management. Vendors are not allowed to park at metered parking spaces in or near Centre Square as to keep more spaces open for customer parking.

G. Vending Space Assignment

1. After all required licenses have been obtained from the City of Easton and all market fees have been paid as specified above, the vendor will be assigned a 12'x12' space in the market. A vendor's space is not guaranteed year-to-year.
2. New vendors will be assigned spaces that are available in such a way as to create a good product mix.
3. A maximum of two vendors may apply to share one vending space. Both vendors must complete an application form, although only one fee for the season is required to be paid. Both vendors are required to follow all the rules of the market.
4. A single vendor may not purchase more than two vending spaces.

H. Educational and Community Activities

Space may be made available free of charge for pre-approved market, educational, or community promotional activities as needed. Community Tent guidelines are listed on the EFM website.

V. NON-COMPLIANCE AND DISCIPLINARY PROCEDURES

A. Market management will notify a vendor in writing of non-compliance to the rules as outlined in Section IV, General Rules above. This includes but is not limited to:

1. Exceeding allowed number of excused absences.
2. Failing to give advanced notification for planned absences.
3. Arriving late for set up at the market.
4. Not having a tent (canopy), tent weights and/or table(s).
5. Not having a professionally made banner.
6. Not displaying pricing.
7. Posting or circulating non-related product or market materials.
8. Not removing vehicles from the Circle 15 minutes prior to the market's opening time.
9. Packing up and/or leaving the market prior to the designated closing time.
10. Not cleaning up market stand area at the end of the market day.
11. Approaching, intimidating, or questioning the selling, growing or production practices of another vendor or a market applicant.

B. Disciplinary Procedures

After three (3) written warnings the vendor's case will go before the EFMAC for review. Repeated failure to adhere to any of the market rules and regulations may result in suspension from the market, fines, or immediate termination of participation in the market without refund of fees. The terminated vendor may apply in writing within seven (7) days for re-entry. The EFMAC will consider the request within two (2) weeks of receipt of the request and respond within 21 days of receipt of the request. A two-thirds 'yes' vote by the EFMAC is required to reinstate.

VI. MARKET CERTIFICATION AND VENDOR GRIEVANCES

A. Market Certification: The EFM is a producer-only farmer's market. This is a guarantee to the consumer that the market is comprised of local farmers and producers selling only what they grow on their farms or produce locally. The EFMAC reserves the right to inspect vendor facilities to verify the "producer-only" status of market vendors. The EFMAC will create an inspection committee and/or hire independent parties with specific expertise to conduct inspections.

B. Vendor Grievances

1. Any complaint against any vendor regarding the origin of their produce or products, violations of market rules or any other matter, must be directed to the attention of market management in writing. A formal grievance will then be brought before the EFMAC for discussion.
2. Vendors may submit a complaint jointly.

C. Complaint Resolution

1. Upon receipt of a written complaint or evidence of reselling, market management will bring the issue before the EFMAC.
2. The EFMAC will schedule a facility inspection, or in the case of a crafter request a demonstration before the council.
3. If the EFMAC deems there is sufficient evidence that the vendor is not producing the products in question, the vendor will receive a written warning and be asked to immediately remove said products.
4. Failure to comply will result in expulsion from the market.

D. Vendor Behavior and Harassment Policy

1. Vendors are expected to behave in a professional manner and treat other vendors and EFM volunteers with respect.
2. No vendor may inappropriately approach, intimidate, or question the selling, growing or production practices of another vendor or a market applicant.
3. All vendor concerns should be brought to the attention of market management.

VII. LIABILITY AND INSURANCE COVERAGE

Although GEDP maintains insurance, the market does not provide any insurance to cover activities of vendors, their employees or agents.

- A. Each food vendor must carry a minimum of \$1,000,000 worth of liability insurance. Each farmer or crafter must carry a minimum of \$300,000 worth of liability insurance.
- B. All vendors must provide insurance riders naming (1) City of Easton, One S. Third Street, Easton, PA 18042, and (2) Greater Easton Development Partnership, 325 Northampton Street, Easton, PA 18042, as additionally insured for the duration of the

market season (Saturdays: May through mid-November, and Wednesdays: May through September).

- C. Market management must receive proof of such individual insurance coverage each year prior to the start of the season or the vendor will not be allowed to participate in the market. Market management will notify vendors each year of the deadline for submitting their proof of insurance.

VIII. AMENDEMENTS

Amendments to these by-laws require a majority vote of the EFM Advisory Council.

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