

Dear Friends,

Quality, locally grown freshness and price are the “big three” when it comes to shopping for food. You can get all three at North Dakota farmers markets, where consumers buy their food from the people who grew it from seed - their friends and neighbors - the people they know they can trust.

Farmers markets provide agricultural producers with additional sources of income, and in some cases, a principal source of income.

Local communities also benefit by attracting people who often stop elsewhere in the communities and spend money on food, fuel and other necessities.

We have compiled this booklet to help individuals, groups and communities organize, promote and operate farmers markets. It covers a wide range of topics from rules and bylaws to permits, location and taxes. If you need more information, please call us at the North Dakota Department of Agriculture (NDDA) at (800)-242-7535.

The North Dakota Farmers Market & Growers Association Inc., (NDFMGA) was started in 2004 to help promote farmers markets and create awareness and educate our communities on locally grown and processed foods that are available right here in North Dakota. If your vegetable/fruit operation or your farmers market is interested in becoming a member of this association, please complete and submit form at the back of this booklet, or you can always call the toll free number listed above for NDDA.

I hope you will take this opportunity to make a difference in your community by helping to organize a farmers market! It's good for you, your community and North Dakota farmers and ranchers.

Sincerely,

Patti Patrie
NDFMGA, President
www.ndfarmersmarkets.com

Acknowledgments

This guide would not be possible without the resources and advice from several sources. First we would like to thank the Grand Forks Town Square Farmers Market for generously allowing us to use pictures from their market and other useful materials that appear in the appendix. Sakakawea Farmers Market gave us permission to publish their bylaws, which appear in the appendix. Patti Patrie of Patrie's Raspberries on the Prairie was also kind enough to allow us the use of pictures from her own pick-your-own operation.

The state departments of agriculture were also valuable resources that contributed a wealth of information that helps make this guide a comprehensive farmers' market resource. Massachusetts, Minnesota and Kansas were especially helpful in this effort.

Lastly, we would like to acknowledge the support of the United States Department of Agriculture (USDA) who provided us with a specialty crop grant that presented us with the financial resources needed to turn the idea of a farmers' market guide into reality.

We truly appreciate everyone that contributed something to this guide and we hope you all enjoy the result of our efforts.

A Farmers Market Defined

The term farmers' market can refer to a variety of things. For instance, it is common to find a sign bearing the words "farmers' market" at a roadside stand, the produce section at a supermarket or a flea market. For the purpose of this guide, however, a farmers' market is defined as a building, structure or place used by two or more vendors assembled together on select days of the week to sell products directly to consumers. A farmers' market is a communal effort. Vendors usually have some democratic control.

Farmers' markets, new or old, serve many functions. They are a place to do business and trade. They also support social and community activities. Their festive atmosphere provides a relaxing and even entertaining place to shop and meet with friends. Farmers' markets provide a pleasant alternative to crowded supermarket shopping. They provide consumers with high quality produce which, because of its freshness, is often more nutritious than produce sold at stores.

Farmers' markets are a direct marketing outlet. By cutting out middlemen, they offer farmers a more profitable way to sell their produce. They also give producers and consumers the chance to interact. In other words, farmers' markets are many things to many people. They help family farmers, preserve agriculture and provide high-quality fresh produce to consumers. Most importantly, they are fun!

Every farmers' market begins differently. If you are thinking about starting a farmers' market in your community, it helps to know why. You may take this for granted, but being able to express it will help you state your goals and form a strategy which will work.

Beginning a Farmers Market

Producers, community members, and even youth can be the initiators of a farmers' market. The purpose of this guide is to help channel the efforts of all interested people.

It is important to formulate specific goals in planning a farmers' market. Do you want to increase your farm income by selling specialty vegetables at retail prices? Do you want to promote local agriculture or encourage community interaction? You may have several goals, and some may compete with each other. It may help to list them in order of importance.

Once you have clearly defined your own goals, recruit others interested in having a farmers' market in your community. Can you find an organization to sponsor the market? They may be

able to provide you with valuable resources like secretarial support or a copying machine. Is there a general sense that there is a need for the market?

To answer these and many other questions, start planning the market well in advance of the growing season. Leave yourself several months for research, development, locating a site, recruiting farmers and promoting your opening.

The *North Dakota Farmers' Market Directory*, a free publication of the North Dakota Department of Agriculture, is a great resource for locating area farmers' markets. Consider visiting with an established farmers' market in your area. They can be a great resource in forming your farmers' market.

First, make sure you have a distinct idea of your goals and can clearly articulate them. Once you have clearly defined your purpose, prepare a short summary of your intentions so that you can leave them with each person you contact. Make certain that your name and phone number is easily identified on the handout. As you set out to measure support for a farmers' market, don't neglect to contact the various groups and organizations in your community.

Developing a Strategy

When you have developed a list of people and groups to be contacted, you are ready to hit the streets. Be sure to take along a pen, copies of your handout and plenty of paper to record vital information. Always obtain good contact information including the name, address, phone number and e-mail address. This information will allow you to quickly mobilize a strong support base as well as provide a mailing list for future market newsletters.

Locating the producers can be the most difficult part of establishing a farmers' market. While the best contact is person to person, you may have to rely partly on a few well-placed posters, radio announcements, and word of mouth. It is also a good idea to contact the editor of the local newspaper about doing a story on the possibility of starting a farmers' market in the community.

The best candidates for growers are usually small-scale farmers and large-scale gardeners, but neither will participate unless they have an incentive. After you have contacted several interested farmers who have shown some interest, schedule a meeting to get them involved with the initial planning. Share with them the opportunities and advantages of selling at a farmers' market.

Permits

The need for permits will vary from place to place. Check with your local Chamber of Commerce or other relevant community offices to find out if any permits are required. You may have to attend a public hearing to get a special permit for outdoor sales.

It takes time to investigate and obtain all necessary information on permits. Allow at least a two-week safety margin. You may need a business license, liability insurance, approval from your local Health Department and a lease agreement before opening the market.

Insurance

Inquire about necessary insurance policies before opening your farmers' market. Find out whether you are required to have insurance to operate on the site you have chosen. It is recommended to review basic liability policies even if they are not required. Liability insurance is one of the most expensive start-up costs for a farmers' market. It is important that you make every effort to get the best deal for your insurance dollar.

Health

It is always important when selling or serving food at a farmers' market to comply with any applicable health department regulations. In North Dakota, the State Health Department has no regulations concerning farmers' markets. The reason for this is ND Century Code 23-09.2, Food Preparer's Education Act that came about during the 1989 legislature. Under the code, it states:

“because facilities are not always available for the preparation of food on-site for sale to the ultimate consumer at a farmers' market, bake sale, or similar enterprise, it is the intent of the legislative assembly to exempt those persons from preparing food in licensed or approved kitchens...”

Because of this, the State Health Department does not regulate farmers' markets but is available to offer educational support to food preparers. However, your local health unit may have some regulations. **Check with your local health unit to learn about the rules concerning farmers' markets.** Some local health departments may prohibit the selling of prepared food products at farmers' markets. Also, not all cities/counties are covered by a local health jurisdiction. The State Health Department, in that case, will handle any questions you might have.

Following is a listing of the local health units in North Dakota and the phone numbers to call for information on setting up or operating at a farmers' market in those cities/counties:

City of Bismarck	355-1300
City of Fargo	241-8258
City of Grand Forks	746-4636
First District Health Unit, Minot (Bottineau, Burke, McHenry, McLean, Renville, Sheridan, Ward Counties)	852-1376
Custer Health Unit, Mandan (Grant, Sioux, Oliver, Mercer, Morton Counties)	667-3370
Southwest District Health Unit, Dickinson (Adams, Billings, Golden Valley, Bowman, Slope, Dunn, Hettinger, Stark Counties)	483-0171
Upper Missouri Health Unit, Williston	774-6400

(Divide, McKenzie, Mountrail, Williams Counties)

If you would like to read more about ND Century Code 23-09.2, Food Preparer's Education Act, visit: <http://www.legis.nd.gov/cencode/t23c092.pdf>.

Tax

Since many of your growers may have no experience selling directly to the consumer, you will want to inform them of any special tax requirements. Food is a non-taxable item so you will not be required to get a sales tax permit. However, if you are selling crafts or other gift items you will be required to get a sales tax permit. There is also a special event form available for non-food participants who only sell items at one or two events per year. You can obtain more information from the State Tax Department.

As sales tax varies from city to city, tax must be assessed at the rate at the point of sale (city that hosts the market), not the rate at the place of business (city of origin of products). Vendors may either add tax to the purchase price (plus tax) or include it in the purchase price (tax included). It must be made clear to the buyer if the sales tax is included in the purchase price or added to the product price.

The whole issue of collecting sales tax and obtaining seller permits and tax identification numbers will tend to make some growers shy away from direct marketing. However, when someone takes the time to explain how simple the process is, the fears should go away.

Be sure to keep accurate records of income, as this must be reported in your annual income tax filings!

ND Office of the Tax Commissioner

(701) 328-2770

<http://www.nd.gov/tax/>

Funding

Funding is always a concern when starting any community project. There are several avenues you can explore for obtaining funding for developing a community farmers' market. Specialty grants are available through the United States Department of Agriculture or you may submit a proposal for an Agricultural Products Utilization Commission (APUC) grant.

To find more information visit:

www.usda.gov

www.growingnd.com

Under ED&F Services - Ag Products Utilization

Labeling

Other issues to address are labeling requirements on processed foods. Food labeling requirements fall under state and federal regulation. All packaged foods need to be labeled. For questions and concerns regarding labeling and selling of processed foods contact the North Dakota Department of Health.

Product labels must include:

- The name of the product
- The name, address, and zip code of the manufacturer, packer, or distributor
- A listing of ingredients in decreasing order of predominance by weight
- A net weight or volume statement
- Nutrition information if required

Location

It is important to consider a variety of factors when selecting the location of a farmers' market.

Consider the following:

- Where is it located?
- Does it provide adequate space for the market at its current size?
- Does it provide adequate space for growth?
- Is it publicly or privately owned?
- What are the zoning regulations that apply to it?
- What permits will be required to use it?
- What liability policies must be purchased to insure it?
- Does it have convenient parking nearby?
- Is it handicapped accessible?
- Is it highly visible?
- Is it in or near an area with lots of pedestrian and/or vehicular traffic?
- Does it provide certain amenities (such as shade trees, electricity or a restroom)?
- Is it in the downtown area?
- What are the advantages and disadvantages of using this site?
- Is there ample parking?

Pricing

Pricing is one of the most challenging tasks for both individual vendors and a group of vendors collaborating at a market. While it is important to recognize the rights of each vendor to establish prices for products, it is equally important to recognize the effect of pricing on the market as a whole. Vendors, particularly those selling produce, are vulnerable to price undercutting, referring to the action of one or more vendors establishing prices for their products that are marked below those of comparable products. It is a tactic often used to dump large quantities of vegetables quickly. Experienced farmers' market vendors identify this practice as the single biggest threat to the health of a market as a whole.

The association of vendors must carefully consider whether it should dictate the terms by which prices are established. Sometimes this can be done informally by consulting with other vendors and agreeing on a price. Other markets elect to formalize this process by including a section in the bylaws of the market.

Market Rules

Operating a market efficiently requires a lot of hard work. A clearly defined set of rules will contribute to higher productivity and less hassles once the market is established. It will also eliminate confusion and many of the problems a new market may have.

The rules should generally include: the name of the market, the market's dates and hours of operation, products for sale, allowable products (including non-food items), set-up time for market vendors, stall assignments, available remaining space requirements, vendor responsibilities, what is provided to the vendors, market fees, and the rights and privileges of the market.

Clearly defined rules will help a market run smoothly. There will be less room for questioning and more productivity in the market if the rules are obeyed.

Market By-laws

Bylaws clearly define the market rules. The bylaws give the organization a formal process that they can refer to on how to operate the market. The purpose, location, operating hours, and listing of officers should be included within the bylaws. A brief description of each officer's duties can also be helpful. This guideline will help newly elected board members know exactly what is to be expected of them.

The bylaws also contain the foundation for decision making. This section can include information on membership, meetings, elections, amendments, dues, liquidation, and fees. Bylaws set a standard for the market.

It is important to continually revise your market's bylaws. Make it work for your own local farmers' market. Although most of the things listed here will apply to most farmers' markets, it is always important to customize the bylaws to your own organization. Bylaws can be amended to reflect changes in your market at any time.

Sample Bylaws

(Enter your Farmers' Market Name)

Article I. Name

The name of the association shall be (Enter Your Farmers' Market Name).

Article II. Election Procedures

(Or some method of selection of officers)

One vote per grower, family or partnership

Officers will be elected by majority vote

Officers will be elected for (put in number) year term

If a vacancy on the Board of Directors appears, the remaining board members shall fill the vacancy by appointment until the next annual meeting at which time membership shall elect someone to complete the remainder of the term.

Article III. Board of Directors/Officers

(Not necessary to have a Board, but some type of delegated group to make decisions.

The Board of directors shall consist of (number of members) members, including (suggestions: Chair, Vice-Chair, Secretary/Treasurer and/or separately.) Directors shall serve (number of years) terms.

Article IV. Roles and Duties of Board of Directors/Officers

(These duties need to be done for market operation. Below are suggestions on titles and roles.)

The Board of Directors/Officers shall set the policies of the organization. This must include deciding the rules, location, hours of operation, dues and/or fee structure and membership requirements and enforcement procedures.

Chair – shall preside at all meetings; oversee the management, organization and execution of the business of the market.

Vice-Chair – shall perform the duties in the Chair's absence.

Secretary/Treasurer – shall record the minutes of all proceedings of the market. He/she shall perform all duties pertaining to the Office of Treasurer and present a complete statement of the financial affairs of the organization to the annual meeting.

Article V. Meetings

The regular annual meeting shall be held at such time and place as determined by the Board of Directors/Officers.

Notice of annual meetings shall be published to membership at least 30 days prior to date of annual meeting.

The Farmers' Market shall meet at least annually.

The Market Manager

Organizing a market can be time-consuming and stressful at times. A farmers' market in any community helps cultivate a social atmosphere that is positive for anyone who attends the market -people of all ages enjoy farmers' markets. However, creating a fun and welcoming atmosphere at a farmers' market can be hard work.

This is where the role of the market manager can be beneficial to the farmers' market. Is there someone willing to take on the extra responsibility of managing the farmers' market? A market manager takes care of many details and makes sure that the market is running smoothly and efficiently.

A market manager can have many responsibilities. To do the job well, the market manager should be able to relate with both the producers and consumers.

A market manager's duties may include:

- Recruiting farmers
- Pricing
- Space allocation
- Ensuring quality, home grown products
- Promotion and advertising
- Encouragement
- Securing permits/licenses

Recruiting farmers - To operate a successful market, you must have the farmers there to sell produce! A market manager can aid in the recruitment of producers. Ask the North Dakota Department of Agriculture for listings of farmers/growers in the area. The county extension office should be able to offer names to contact as well. Agricultural groups often have newsletters. Advertise! Let them know you want growers to participate in a farmers' market.

Pricing - The farmers can either set their own prices or the market manager can help set the prices. Either way, inform the farmers of local prices of produce or give them copies of weekly agricultural price reports. Set rules for the producers - the prices should be displayed! This eliminates feelings of suspicion between the market vendors. Work with all members of the farmers' market. Decide together what system for pricing would work best for the market.

Space allocation - Set guidelines and discuss them with all members. Make sure you adhere to them strictly. This eliminates problems in the long run. Make sure these rules become a part of your bylaws.

Ensuring quality, home grown products - Make sure the rules are specific. Do you want to set a rule stating that all products available must be sold and grown only from the seller? Customers like to know where the produce is grown. This rule makes decision making easier. Set guidelines on selling uniform products. Produce should all be cleaned and sold in the same manner.

Promotion and advertising - Think of creative ways to entice the press to do a story on your farmers' market. Make it newsworthy. The best publicity is free publicity! Have a grand opening for the season. Try to entice people from all over your community to participate. Community support is essential to the success of a farmers' market. In addition, if the people in the community like the farmers' market, they will advertise by word-of-mouth.

Develop an advertising budget, evaluate results, and adjust future promotions accordingly. Advertising is important, and you'll want to start right away. Don't wait until it's too late. Many newspapers, magazines, and radio stations set deadlines for advertising. You may need to submit an ad many days in advance in order for it to appear in time to adequately promote your farmers' market.

Encouragement - Encourage communication, creativity and participation. Reward members for creative booth designs, hard work, and dedication to maintaining the successful farmers' market.

Securing permits/licensing – Request information from the fire department, tax department and police department to determine the patents/licenses necessary to operate the market. Be sure to distribute any information to all market vendors.

Advertising and Promotion

The success of your farmers' market depends on gaining exposure. No matter what method you use, the message must be both informative and motivational. Develop a media mailing list including all local newspapers, radio stations, television stations, and organizational newsletters. Free publicity in the form of public service announcements on radio, television, and in newspapers is usually the most effective.

Some forms of publicity are:

- Press Releases
- Public Service Announcements
- Circulars/Fliers/Posters
- Commercial Advertising
- Displays

Press Releases - The basic vehicle for getting your message to the media is a press release. Your first press release should accomplish several things. It should inform the public that a market is forming, it should solicit growers, and it should invite interested persons to your first meeting.

Basic press release guidelines:

- Don't be wordy. Be concise and to the point.
- The lead sentence should contain the main point of the story.
- Be sure to provide the who, what, when, where, why and how information.
- The release should be typed, double spaced, and have at least a one-inch margin on all sides.
- At the top of the page type the name, address and telephone number of your organization's contact person.
- Also at the top, type FOR IMMEDIATE RELEASE or specify a release date.
- Ensure that everyone has a copy at least one week before you wish your press release to appear.
- Follow up the mailing with phone calls asking if they can use the story or need additional information.

Public Service Announcements - Public Service Announcements (PSA) are free radio and television spots for community activities. Consider preparing a PSA to increase the awareness of your farmers' market. Prepare your PSA much as you would a press release, except note the time it takes you to read the announcement aloud. Radio stations usually want PSAs that are either 10, 15, or 30 seconds in length. Another avenue to consider is utilizing a community's local access channel on cable television. Talk with the station's director to learn exactly what format is required.

Circulars/Fliers/Posters - Since printed circulars and posters cost money to produce and distribute, volunteer labor and donations can be very helpful. If your organization has the resources, circulars can effectively publicize a market. They serve as a more permanent announcement that can be kept for future reference. Keep your circular or poster direct and simple. Only include information necessary for conveying your message. A cluttered or rambling circular will detract from the main point and discourage people from reading. Location, time, dates, parking and contact information should always be included.

Commercial Advertising -There may be times when paid advertising is deemed necessary. You can decide between newspaper, radio, television or a combination thereof. While these mediums may be more expensive, their benefits are long lasting. Commercial advertising is often the most beneficial and cost effective during the first year of the market. While free community sponsored publicity will help to announce the opening of the market, commercial advertising will serve as a reminder to the public that the market is an on-going event that will last throughout the summer. Ads should make an effort to publicize popular seasonal produce. These items will tend to draw bigger crowds and all growers will benefit.

Displays - The physical appearance of each producer's display can greatly influence a customer's perception. In order to convey a positive experience, be sure each display is clean, the shopping environment is hazard-free, and the display conveys an overall pleasant experience. Vendors should be encouraged to care for their area and present themselves professionally. Each display should also prominently identify the producer's name.

Direct Marketing

Farmers do have other options available to them when considering selling directly to the consumers in the market. Direct marketing encompasses farmers' markets, pick-your-own operations, roadside markets and home deliveries.

Pick Your Own Operations

In a "Pick-Your-Own" (PYO) or "U-pick" operation customers drive to a farm to personally select and harvest a crop. This eliminates most of the harvest and transport work for the grower. Most successful PYOs are known for a specialty crop, such as strawberries, raspberries, corn or others.

Customers are attracted to the farm-fresh products and "farm experience" PYOs offer. Successful PYO operators have quality products and prices, the willingness and patience to work with consumers and a commitment to working long hours and weekends.

Some advantages to the farmer include saving harvest labor and storage costs, possibly less discarded product and more return per acre. People are less critical of fruit or vegetable quality when they pick their own versus when they judge produce on the shelf.

Have a good location. Since the customer must go to the farmer, a favorable location is crucial to the PYO operator's success. Your farm should be easy to find or have good signs and directions to locate the farm.

Make harvesting easy. Consider a succession of same-crop plantings for a longer harvest season. The family that picks a bushel of tomatoes in July may want to come back for more in August. Consult crop production guides, like those available through the Extension Service for crop management information.

Provide disposable containers such as deep cardboard trays for harvesting berries or beans or reusable containers, such as two-to-four quart pails. If you sell by weight, standard containers that weigh the same will save you time when you figure the actual cost of produce picked. If you sell by volume, provide half-pint, pint, bushel and other standard container sizes. Encourage

people to bring their own containers. They'll save money and you'll save time and trouble stocking containers. A PYO operator needs to provide suitable parking, check-in and check-out stations, transportation to picking sites and supervision of customers.

Provide supervision. You need supervision in any area where you allow customers, not just for liability reasons, but for better business. Supervisors should direct people to the exact locations where they can pick and should show them how to harvest and handle produce without damaging crops. Employees should be able to answer questions about product growth, storage, and preparation. They should be knowledgeable about pricing, specials, container sales, and other policies.

Offer recreation. Enhance the recreational value of your business by making the picking experience comfortable and fun for the customer. Provide drinking water, picnic areas, large trash cans, wash areas and toilets. Add to your income by selling pre-picked produce, snacks, soda and other items.

Pick-Your-Own Keys to Success:

- Have the ability and desire to work with people and children
- Be willing to work dawn to dusk and weekends
- Grow top quality produce and sell at competitive prices
- Have a good location
- Be known for a specialty item
- Promote heavily, especially the recreational value of the farm experience
- Have good risk prevention and adequate insurance

Roadside Markets

The roadside "stand" can be a portable wagon, truck or just a cash box on a table next to a bushel of corn. Some roadside stands attract many tourists, depending on their proximity to parks, resorts and other attractions. But the bulk of business must come from local consumers in order for most stands to be successful.

Roadside sellers must be friendly and knowledgeable about product ripeness, preparation and storage. They must stick to regular prices, days and hours. The stand or market must offer quality products, variety and attractive displays. An attractive roadside market can supplement family income, but it is usually not the only income source.

Choose a prime location. Location is critical to the roadside marketer's success. The business must be easily accessible. Impulse buying by passing motorists is usually not sufficient to generate a profitable sales volume. A well-traveled road or highway off the farm may be a desirable location. Contact your county/local officials for any regulations and to obtain any necessary building permits.

Start with a simple design. A simple sturdy small portable stand that allows easy access by customer and seller but keeps rain, wind and sun off you and your display may be all you need. Display produce on or in front of counters or on tables.

Roadside Market Keys to Success:

- Good visibility and accessibility to the road
- On the farm or in a farm setting
- Cater to local customers
- Quality produce
- Attractive, clean displays
- Well-informed, friendly employees
- Clear pricing policies
- Steady business hours

Home Delivery

Many consumers who receive home-delivered farm goods value the convenience of the services and like to believe the delivered products are of superior quality.

Profits from home deliveries must cover the additional time and transportation costs this marketing alternative requires. The business relies on imagination, ingenuity and strong advertising. Word-of-mouth, creative newspaper ads and direct mail can tell customers you are willing to home-deliver.

Many successful home delivery companies maintain good customer relations to make their customers feel special and to promote loyalty. If you are just starting out, call your customers personally to find out whether they are satisfied with your product. If you have a solid customer base, try publishing a quarterly newsletter with articles about product uses and recipes, nutrition, health, area recreation and more.

Home Delivery Keys to Success

- Have unique products with a reliable supply
- Frequent mailings or visits to keep in touch
- Ways to list products and services
- Reliable delivery methods

Sample By-Laws

Sakakawea Farmers' Market Bylaws

Preamble:

The objective of the Sakakawea Farmers' Market shall be to provide surrounding communities with quality, fresh home grown and home made products in a timely manner in convenient locations. This organization will also provide information to encourage and improve marketing and production of such products and promote farmers' markets in any way that it can.

Article I: Name

This Association shall be known as Sakakawea Farmers' Market.

Article II: Membership

Section 1. Membership is available to any person that offers home produce items for sale. Each seller must have membership and pay their dues and assessments before selling at any farmers' market. Officers reserve the right to refuse membership to anyone who does not meet the standards of this organization.

Section 2. Membership dues and fees will be set by the membership at the annual meeting; they currently are \$50.00 dues per year and a \$50.00 advertising assessment due on July 1st if deemed necessary by the members. There will be a \$25.00 fee for non-selling members, if non-selling dues are not paid, renewal of membership is up to a vote of the membership.

Section 3. Members may be expelled from membership with cause by majority vote of the membership at any meeting. Notice with respect to any expulsion must be made at least five days prior to such meeting. Members not paying annual dues and fees shall forfeit all rights to membership and have their names taken from the roll.

Article III: Officers

Section 1: Officers shall consist of a President, a Vice President, a Secretary, and a Treasurer, whom shall have one year terms of office to be elected by the membership at the annual meeting.

Article IV: Meetings

Section 1: The regular annual meeting shall be held in the first quarter of each calendar year at such time and place to be determined by the officers. There shall be a minimum of one meeting per calendar quarter thereafter.

Section 2: Special meetings may be held upon call of the President or by majority of the officers.

Section 3: Notice by phone of special meetings shall be made to each member at least 7 days prior to the meeting. The date, time, and place, as well as the nature of the business to be transacted, shall be included in the notice. Regular meeting time, date and place will be set at previous meeting.

Section 4: Each direct member of this organization shall be entitled to one vote on all matters submitted to a vote of the members.

Section 5: Direct members in good standing shall be eligible to hold any office in this organization.

Section 6: Twenty-five members or 50% of the membership, whichever is less, shall constitute a quorum at any regular or special meeting.

Article V. Responsibility of Officers

Section 1: The President shall preside at all meetings of this organization. He shall sign any contracts or documents executed on behalf of the organization. He or she shall perform all duties incident to this office.

Section 2: The Vice President shall perform the duties of the President in case of absence. He or she shall perform other duties as designated by the members.

Section 3: The Secretary shall record the minutes of all proceedings of the organization and shall receive the file proceedings of committees. He or she shall hold all official documents and sign, along with the President, any contracts executed on behalf of the organization. The Secretary shall perform all other duties incident to the office of Secretary and be responsible for the roll of the members.

Section 4: The Treasurer shall account for all receipts and disbursements of the organization. He or she shall perform all duties incident to the office of Treasurer and present a complete statement of the financial affairs of the organization to the annual meeting.

Section 5: No obligation of expenses shall be incurred and no money shall be appropriated without prior approval of the membership. All checks issued for this organization shall be signed by the Treasurer and the President or other member designated by the officers.

Section 6: The books of the Treasurer may be requested to be presented to the Officers at any time for audit. The books of the Treasurer shall be presented to the membership at the annual meeting.

Section 7: The officers are authorized to solicit and accept contributions or donations as may be needed to develop or carry out the program of activities of this organization.

Section 8: The Officers are authorized to hire an executive coordinator to serve this organization.

Article VI: Committees

Section 1: The Officers may appoint committees from the direct membership to work on projects which are in the best interest of the organization and its members. The Officers shall determine the number of members on each committee and the function and duties of said committee.

Section 2: The direct membership may direct the Officers to appoint committees to work toward the purposes as outlined in the preamble of this organization.

Article VII: Markets

Section 1: Market dates and times shall be set by the membership; they currently are:

Hazen 3:00 pm MT Monday All Season's Arena

Beulah	3:00 pm MT	Wednesday	South of Cenex
Pick City	3:00 pm MT	Friday	Main Street

Section 2: Market starting times will be strictly enforced. First offense is a verbal warning, second offense is a \$10.00 fine, third offense is a \$50.00 fine. All fines must be paid before selling at the next market.

Section 3: Members must sell only products produced themselves, no members will be allowed to sell products brought in from non-members or shipped in. Selling sub-standard products will not be allowed.

Section 4: Each member will set their own prices but are encouraged to follow this organization's guidelines. There will be no price gouging or product dumping at the market.

Article VIII: Market Standards

Section 1: Each member is responsible to keep their areas neat and clean. Areas must be cleaned up after each use.

Section 2: No one under the age of 14 will be allowed to sell without adult supervision.

Section 3: Each seller must have an individual membership and pay their own dues and fees; this includes all organizations, charitable or otherwise.

Section 4: Each member must guarantee their products as represented; failure to make good on any product that is sub-standard will be grounds for expulsion from this organization.

Section 5: Each member shall be responsible for their own liability insurance. Sakakawea Farmers' Market will not carry insurance for each individual member.

Section 6: Definition of seller: Any person or group of people offering home produced items for sale.

Section 7: Members may be removed from this organization by the officers if they willingly and knowingly violate the provisions of these by-laws. There will be no refunds of membership dues or fees if any member is expelled for any reason.

Article IX: Amendments

These by-laws may be amended by a majority vote of the direct membership at any annual or special meeting provided the contents of the proposed changes are included in the call of the meeting.

Article X:

These by-laws have been adopted on April 9, 1999 by the members of Sakakawea Farmers' Market.

Sample Market Rules

Town Square Farmers' Market – Vendor Guidelines

Updated 3/14/08

2008 Season Dates: 15 Saturdays running from June 21st to Sept 27th, 9:00am to 2:00pm

The Town Square Farmer's Market (TSFM) provides a local outlet for producers to sell their products. In return for fees paid, vendors are supplied with venue and established clientele, advertising, marketing and promotions. Each vendor must supply their own tables, chairs, tablecloths, signs, money for change and bags.

The following items may be sold at TSFM Market:

- Fresh produce, honey, wood products, herbs, eggs, flowers and other agricultural products
- Baked goods from a certified kitchen (questions about certified kitchens should be directed to the Grand Forks Health Department at 701-787-8100).
- Hand-crafted items
- Prepared foods from a certified kitchen
- Other products and/or services as approved by the Market Steering Committee. If you have an item or product you would like considered, please contact a member of the Market Steering Committee at 218-779-1382 or via e-mail: tsfarmersmarket@yahoo.com

GUIDELINES

1. Items sold are limited to regionally-produced agricultural products and food/crafts manufactured by local vendors. All produce and goods should be of high quality.
2. The Market is held in Grand Forks Town Square (3rd Street and DeMers, downtown Grand Forks). **Advertised market hours are Saturdays from 9:00am to 2:00pm but sales may begin as soon as you are ready. Unloading and setup for vendors may begin at 7:00am on Saturdays. We encourage all vendors to be ready for sales by 8:30am as many customers come early.** Vendors will be assigned spaces on a day-by-day basis so please seek out the TSFM Manager upon arrival.
3. **Vending Space will be assigned based on arrival time at the market. The TSFM Manager will not 'hold' or 'guarantee' a space.** Seasonal Vendors must notify the TSFM Manager by 3:00pm Friday if they are not attending the next day's Market. More advance notice is preferred. **If a vendor does not communicate regarding attendance at the market, their 'regular' space may be assigned to another vendor as early as 8:15am.**
4. All displays and signs should be appropriate and in keeping with the spirit of the Market.
5. During the season, vendors may be asked to submit gross sales figures (rounded off to the nearest dollar) to the Market Manager. If a vendor sells in more than one category, a gross receipt slip must be filled out for each category. These figures are confidential; only aggregate figures will be available to the public. Vendors will be notified prior to market session if gross receipts will be collected for that day.
6. Each vendor must maintain a clean and orderly area on all sides of their display (including the area behind their display). Vendor display and storage areas shall not extend beyond the space allowed. **All electrical cords must be taped down.**
7. The Market Manager is responsible to implement Operations Policies during Market Sessions and as determined by the Steering Committee.
8. Each Market day, your space must be cleared of debris when you leave. Any significant amount of debris shall be taken home with the vendor and will not be deposited in the public

trash barrels in the Town Square. Under no circumstances are vendors to pile up debris on the ground within Town Square.

9. The Market is run by member volunteers, TFSM Steering Committee and Market Vendors. Vendors are encouraged to help out in the functioning of the Market and have one vote each in determining Market policies that arise for membership consideration.
10. New vendors are subject to a jury prior to selling at TFSM. Eligibility for selling all products and/or services will be determined by the Steering Committee.
11. Vendors are responsible for meeting local, state and federal government requirements regarding their sales activities with TFSM. **TFSM is required to submit vendor information to the North Dakota State Tax Commissioner. For more information regarding ND Sales Tax please visit www.nd.gov/tax**
12. The TFSM may request proof of insurance from vendors; this insurance is each vendor's responsibility.
13. Memberships are non-transferable. Season vendors are not allowed to "sublet" their vending spaces. If you are absent, the Market Manager will reassign your spot.
14. **The TFSM does not guarantee or reserve parking for vendors.** Vehicles are not allowed on the cobblestone in the square. Please be prepared with carts to carry your merchandise. Please treat other vendors with courtesy and respect when loading and unloading.
15. **FOOD TRAILER: If you are a food vendor in a trailer, wagon or other free standing operation:** While an area can be blocked off for food wagons, these spots are neither reserved nor guaranteed. Any food trailer must be approved by the Grand Forks Public Health Department, 701-780-8100.

VENDING SPACE FEE SCHEDULE

Canopy Area: Available as Season Pass Only

Small canopy (14' x 10')	\$250.00
One Half of Large canopy (approx. 10' x 9')	\$200.00
-This is a shared space with another vendor	

Open Courtyard Area: Non-covered space (average 12' x 10')

Season Pass	\$175.00
Single Session Pass (One Day)	\$20.00
Three Sessions (Three Days)	\$45.00

Must Pay in Advance to Receive the 3-Day Rate

Special Youth Vendor rate - \$5 per Market session

Ages 15 and under, open courtyard only

There is a high demand for canopies with the right of first refusal from previous year's seasonal canopy vendors. After each year's initial deadline, open canopies will be assigned according to the date which applications were received.

If, during a Market Session a canopy becomes available, it may be utilized by another vendor for a nominal up charge at the discretion of the Market Manager.

2008 Season Dates: 15 Saturdays running from June 21st to Sept 27th, 9:00am to 2:00pm

Sample Vendor Application

**Town Square Farmer's Market
2008 VENDOR APPLICATION
Town Square Farmer's Market**

Please return this application to:
PO Box 13954, Grand Forks, ND 58208-3954

For office use only:	
<u>Dates</u>	<u>Paid</u>

Contact Name: _____

Business Name (if applicable): _____

Address: _____

Phone (required): _____

We appreciate additional numbers such as cell phones, alternate numbers, etc.

Email: _____

What products do you plan to bring for sale at the market? *Circle one*

Agricultural Food Crafts Other

If other, please describe: _____

If selling baked goods or preserved items, they must be prepared in a certified kitchen and you must also sign and return the required release form (on back side). The Town Square Farmer's Market is subject to impromptu inspections by the Grand Forks Health Department. Please see Vendor Guidelines for a listing of products that may be sold at the market.

What type of pass are you purchasing? *Circle one* DAILY SEASONAL

Daily passes only – What days do you plan on attending (if known):

Memberships are non-transferable. Space will be assigned when payment is received.
2007 Season Pass vendors have right of first refusal on their canopy spaces.

Signature: _____ Date: _____

Print Name: _____

2008 Season Dates: 15 Saturdays running from June 21st to Sept 27th, 9:00am to 2:00pm

2008 Rate Information: Seasonal Canopy \$250.00 Seasonal ½ of Large Canopy (shared) \$200.00

Courtyard Season Pass: \$175.00 Daily Rate: \$20.00 daily or **Pay in Advance**, three days for \$45.00

No rainout refunds. The Market goes on, rain or shine!

Sample Liability Release Form

Town Square Farmers' Market

For prepared/processed food vendors - certified kitchen use form

I understand that all food prepared or processed for resale in the State of North Dakota at the Town Square Farmer's Market must comply with the State of North Dakota's rules and regulations for such items.

Therefore, all foods must be prepared in a certified and inspected kitchen.

All food prepared or processed in any state other than North Dakota must comply with all federal rules and regulations to include nutrifacts labeling as well as the use of a federally inspected kitchen.

It is the seller's responsibility to ensure compliance with all regulations including on site at the Town Square Farmer's Market.

The Town Square Farmer's Market will not be held liable for any failure of the seller to comply with applicable regulations.

Violation of these guidelines which result in any liability will be grounds for forfeiture of membership and selling privileges until proof of compliance is received.

More information about pertinent rules and regulations can be obtained from the Grand Forks Public Health Department at 151 South 4th Street, Suite N301, Grand Forks, ND 58201 (701-787-8100).

A list of Certified Kitchens is available from the Grand Forks Health Department upon request.

Signature: _____

For Business: _____

Date: _____

Sample Press Release

FOR IMMEDIATE RELEASE

(Contact Name)
(Address)
(City, State, Zip)
(Phone Number)
(Website)
(Email Address)

Calling all fresh produce lovers! The (*farmers' market name*) will begin another season of farmers' markets on (*date*) at (*time/location*). This summer, consumers will be able to enjoy a regular supply of locally grown produce each (*week/month*) by shopping at the (*farmers' market name*).

The president of the (*farmers' market name*), (*name*), says “(*quote*).”

If you would like to receive more information about the (*farmers' market name*) please contact (*name*) at (*phone number*).

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Resources

The North Dakota Farmers Market & Growers Association, Inc.
www.ndfarmersmarkets.com

North Dakota State University Extension Service
<http://www.ag.ndsu.edu/extension/>

Link to information on growing fruits/vegetables; food safety; food preservation and much more!

United States Department of Agriculture
Farmers' Market Resources
www.ams.usda.gov/farmersmarkets/

North American Farmers' Direct Marketing Association
www.nafdma.com

The New Farmers' Market
Farm-Fresh Ideas for Producers, Managers & Communities
New World Publishing, Auburn, Ca.
Vance Corum, Marcie Rosenzweig & Eric Gibson

How to Organize and Run a Successful Farmers' Market

Massachusetts Department of Agriculture
www.state.ma.us/dfa/markets/farmersmarkets/Start_a_market.htm

Minnesota Farmers Market Association
www.mfma.org/

Starting a Seasonal Open-Air Market in Kansas - A Market Organizer's Field Guide
Kansas State University Agricultural Experiment Station and Cooperative Extension Service
www.oznet.ksu.edu/library/hort2/S140.pdf

North Dakota Department of Agriculture
600 East Boulevard Avenue, Department 602
Bismarck, ND 58505-0020
Ph: (701) 328-2231 Fax: (701) 328-4567
Website: www.agdepartment.com
E-mail: ndda@state.nd.us