

TAHLEQUAH FARMERS' MARKET GUIDELINES

I. OBJECTIVES

The objectives of the Tahlequah Farmers' Market include the following:

- To help more farmers get more local foods to more people.
- To increase access to fresh, locally produced, nourishing, and safe foods for all people.
- To encourage, support, and promote the entrepreneurial efforts of local, independent, and small-scale farmers, local growers, and local artisans, seeking to sell their products directly to consumers.
- To provide a place where people can meet, eat, and share stories, recipes, knowledge and tradition in a place dedicated to the cultivation of local products, talents and culture.
- Strive to create an atmosphere that serves not only the market, but also contributes to a prosperous rural area and promotes a sense of community.

II. WHO MAY SELL

A. Membership in the Tahlequah Farmers' Market is required to sell at the market.

B. All memberships are approved or rejected by Tahlequah Farmers' Market Board of Directors.

C. Vendors must reside in Cherokee County or in the adjoining 6 counties (Adair, Sequoyah, Delaware, Mayes, Wagoner, and Muskogee).

D. All products offered for sale must be produced in Cherokee County or one of the adjoining counties (Adair, Sequoyah, Delaware, Mayes, Wagoner, and Muskogee).

E. Vendors must abide by all city, county, state and federal guidelines and regulations.

F. Vendors must abide by all market guidelines.

G. Vendors are required to have all necessary and applicable permits and licenses and a new farm/business inspection must take place before selling.

H. Upon a vendor's application for membership the Tahlequah Farmers' Market Board of Directors reserves the right to inspect a vendor's farm/ranch/garden/craft shop to verify production and acreage. Inspections may also take place from time to time to verify production of new items added to the vendor's list of items being sold.

III. WHAT MAY BE SOLD AND LICENCE REQUIREMENTS

A. Only Oklahoma grown fresh produce and other agricultural products may be sold. Produce should be mature but not overripe; void of decay; have good appearance and quality; be clean and free of contamination. Growers must raise at least 80% of the items they bring to Market on any one day. Growers are allowed to purchase up to 20% of their products from another Oklahoma Grower/Producer. Products bought for resale must be labeled with the Farm Name and Town of the Grower from whom they were purchased.

Vendors may sell produce without a license from the Oklahoma State Department of Health (OSDH) if 100% of the produce has been grown by the seller, and the produce is whole and unprocessed.

B. Other products currently allowed, with respective authorization:

1. Honey

a. Producer's bottling area must be inspected by the County Health Department, where the facility is located, unless exempt from regulation and inspection under the OKLAHOMA HOMEMADE FOOD FREEDOM ACT 2021, Section 7. Beekeepers are encouraged to consult the Oklahoma Homemade Food Freedom Act 2021 to ensure compliance with State law.

b. Honey Products sold under the OKLAHOMA HOMEMADE FOOD FREEDOM ACT 2021 must include an approved label with common name of product, net weight of the honey, the beekeeper's name, current ten digit phone number, an address where the honey or honeycomb was produced, and shall include the statement, "Bottled or packaged in a facility not inspected by the Oklahoma Department of Health." The statement shall be in 10-point type or greater in a color that provides clear contrast to the background label. All other producers must comply with State law in regards to labeling.

2. Pecans, Peanuts, other nuts and grains

a. Whole grains may be customer ground and nuts may be customer cracked after sale. If cracked or ground prior to sale, this processing should take place in a licensed and/or inspected facility. Contact the field sanitation in the County Health Dept. where the facility is located.

3. Eggs

a. Vendors must have an Egg Packer's License from the Oklahoma Dept. of Agriculture, Food, & Forestry: (405) 522-5924, <http://www.oda.state.ok.us/food/epapal.pdf>.

4. Meats

a. Vendors must have a licensed mobile unit for transporting and storage of meats while at the market. Contact Cherokee County Health Department.

b. Animals must be slaughtered and processed in a state or federally inspected facility and show the Mark of Inspection. OK Dept. of Ag., Meat Inspection (405) 522-6114.

c. Packages must be accurately labeled (weight, vendor, handling instructions, etc.)

5. Dairy

- a. Raw, unpasteurized dairy products are not allowed to be sold.
- b. Other dairy products should be approved and/or permitted by the OK Dept. of Ag (405) 522-6130.

6. Bedding Plants, vegetable plants, and flowers.

- a. An Oklahoma Department of Ag Nursery Grower License is required to sell plants. (405) 521-3864, <http://www.oda.state.ok.us/forms/cps/cps-nursgrower.pdf>.

7. Prepared foods are required to be produced in:

a. *Home Food Establishment:*

Home Food Establishments are required to follow the OKLAHOMA HOMEMADE FOOD FREEDOM ACT 2021 (See attached *OSU Extension* fact sheet for guidelines and restrictions of products.)

And

Shall be subject to all labeling requirements, safety measures, education requirements and all other mandates set forth in the OKLAHOMA HOMEMADE FOOD FREEDOM ACT 2021

or,

b. *Licensed Food Establishment:*

Licensed Food Service Establishments (commercial kitchens) are required to meet Food Service Establishment Regulation and licensure inspections of *Okla. Department of Health*. (See *OSDOH* for requirements.) Current license must be on file with market application.

8. General rules for produce sales:

a. All produce is to be sold whole. (Produce may be sliced open for display, covered with plastic, and labeled). Produce must be store at least 6 inches off the ground in clean containers.

b. Produce may be sold by weight (scales subject to inspection by *Ok. Dept. of Agriculture*), volume, or count.

c. Vendors must clearly display their business or farm name in their booth area.

d. Prices must be posted. If an item is from another source, it must be labeled with: (name of product, price, and location/name of producer).

9. General rules for prepared food sales: All vendors selling home-prepared foods are encouraged to consult the OKLAHOMA HOMEMADE FOOD FREEDOM ACT 2021 to ensure

compliance with State law. "Homemade food product" shall mean food, including a beverage, which is produced and, if packaged, packaged at a residence: provided, however, homemade food product shall not mean alcoholic beverages or unpasteurized (raw) milk or cannabis or marijuana products.

a. Vendors must clearly display their business name or the name of the organization if fund-raising/non-profit sales.

b. All food must be at least 6 inches off the ground in clean containers and bagged.

c. No unpackaged samples of food products allowed.

d. Post prices for products being sold.

e. Provide sacks or containers for customers if needed.

f. Before a producer produces and sells time- or temperature-controlled-for-safety homemade food products, the producer shall complete and pass food safety training from the list of providers, including the ServSafe Food Handler Training, approved by the Oklahoma Department of Agriculture, Food, and Forestry.

g. The following information shall be provided to the consumer for all homemade food in the format required by Section 3, Subsection B of the OKLAHOMA HOMEMADE FOOD FREEDOM ACT 2021:

1. The name and phone number of the producer,
2. The physical address where the product was produced,
3. A description of the homemade food product,
4. The ingredients of the homemade food product in descending order of proportion,
5. A statement indicating the presence of any of the eight most common allergens, including milk, eggs, peanuts, tree nuts, soy and wheat, and
6. Legible print stating, "This product was produced in a private residence that is exempt from government licensing and inspection."

h. Homemade food products shall not contain seafood or meat, meat by-products, or meat products as defined by Section 301.2 of Title 9 of the Code of Federal Regulations or poultry, poultry products, or poultry food products as defined for the purposes of the federal Poultry Products Inspection Act, alcoholic beverages, unpasteurized milk or cannabis or marijuana products.

ALL VENDORS ARE ENCOURAGED TO PRICE THEIR PRODUCTS FAIRLY

10. Crafts: All crafts must be made and sold by the vendor. Oklahoma grown and/or produced raw materials shall be used when possible and practical. Crafters will submit an application to the Tahlequah Farmers' Market Board of Directors and the board will determine the appropriateness of the craft.

11. Nonprofit Groups and Organizations wishing to educate the public and/or conduct

fundraising with the following conditions:

- a. As space is available.
- b. Only selling items consistent with the farmers' market theme, and not in direct competition with other vendors or products at the market.
- c. Groups selling items will be limited to only attending once a month for no charge.

IV. EXCHANGES AND REFUNDS

Exchanges and/or refunds are up to the vendor.

V. SANITATION AND SAFETY REQUIREMENTS

Vendors are responsible for maintaining their area in a clean, neat manner throughout the day with attention to public safety. They are responsible for cleaning all trash and waste in their space at the end of the day.

The Tahlequah Farmers' Market will ensure proper sanitation as set forth by OSDH guidelines and regulations.

VI. SPACES AND FEES

A. Vendors are required to file an application and pay a \$35.00 membership fee prior to market setup. The basic fee is 5% of your sales each week, NO GREATER THAN \$30.

B. Tables or like structures, with tablecloth for displaying merchandise for sale are preferred. Large items such as melons, pumpkins, or bulk items such as corn, may be sold from vehicles parked only in designated areas.

C. Fire safety regulations prohibit open flames except grills. Portable fuel containers are acceptable if permitted by the proper authority and have a fire extinguisher in the market area.

D. Market spaces should be attended at all times. The vendor assumes responsibility for any losses of his or her products or money from the market site.

E. Vendors are required to post all required licenses or permits for all product(s). This is in addition to providing copies of licenses and permits with their annual membership application.

F. If used, vendors are required to have canopies, tables and other booth materials, adequately secured. Vendors are responsible for any damage caused by their booth or tent.

G. Vendors should notify the market manager if possible in advance if they are not going to be in attendance at the market on a given day. Vendors are encouraged to give notification as early as possible, but no later than the start of market.

H. Vendors should try to be in place 30 minutes prior to the market "open times". Movement

of vehicles under the pavilion needs to cease 30 minutes prior to the market “open times” and cannot begin again until 15 minutes after “closing time”. This is for safety reasons. There will not be any sales made until the time designated as “opening time”.

VII. TAXATION

Each vendor must have a Sales Tax I.D. number. The vendor is responsible for reporting the appropriate city, county and state sales taxes on all products sold at the market. This is required by the Oklahoma Tax Commission. The Tahlequah Farmers’ Market Association is not responsible for collection of sales taxes. Each vendor must contact the Oklahoma Tax Commission,(call 405-521-3160) for more information.

VIII. WHEN THE MARKET WILL OPEN

A. The spring/summer market will open in April. The TFMBOD will announce the actual opening date.

B. The winter market is subject to participation and any opening date will be announced by the Board of Directors.

IX. CONDUCT AND DRESS CODE

Members and vendors are expected to present themselves in a professional clean manner and appearance and in accordance with these guidelines. All vendors are expected to treat the market manager, other vendors, and customers with respect and without discrimination. All animals need to be either leashed or penned.

X. COMPLAINTS OR DISAGREEMENTS

To insure fairness for all parties the following guidelines must be followed in any disagreement or complaint. If member disputes cannot be resolved between the members themselves, the complaint must be turned into the Market Manager.

1. Complaints must be in written form with names of both the offending party and the person filing the complaint as well as the specific offense.
2. Two written Complaints, by two different Members must be submitted before any action will be taken by the Board of Directors.
3. If not resolved, the dispute will be reviewed on a case-by-case basis by the Board of Directors. The Board of Directors reserves the right to take any action they deem appropriate, including revoking Market Membership and/or prohibiting the Offending Party from selling at the Market.

XI. ENFORCEMENT OF RULES

The Board of Directors has the responsibility of enforcing these Guidelines. Any Grower or Vendor who fails to comply with these guidelines shall be asked to leave at the discretion of the Market Manager or member of the Board of Directors.