

TAHLEQUAH FARMERS' MARKET GUEST PRODUCER GUIDELINES

I. OBJECTIVES

The objectives of the Tahlequah Farmer's 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.

II. WHO MAY SELL

- A. A Tahlequah Farmers' Market Guest Producer Booth Application; and photos of the operation and produce are required for Guest Producers to sell at the market.
- B. All Guest Producer applications will be approved or rejected by Tahlequah Farmers' Market Board of Directors.
- C. Guest Producer must reside in Cherokee County or in the adjoining 6 counties (Adair, Sequoyah, Delaware, Mayes, Wagoner, and Muskogee).
- D. All produce offered for sale must be produced in Cherokee County or one of the adjoining counties (Adair, Sequoyah, Delaware, Mayes, Wagoner, and Muskogee).
- E. Guest Producer must abide by all city, county, state and federal guidelines and regulations.
- F. Guest Producer must abide by all market guidelines.
- G. Guest Producer are required to have all necessary and applicable permits and licenses on site.
- H. Guest Producers are not members of Tahlequah Farmers Market and do not have voting rights.
- I. Upon receiving a vendor's application, the Tahlequah Farmers' Market Board of Directors reserves the right to inspect a vendor's farm/ranch/garden 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. All produce is to be sold whole. **Guest producers must raise 100% of the produce they bring to Market on any one day.** 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.

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 SERV Safe 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

- C. Cash Only Transactions or bring your own device for debit/credit (Venmo, Square, PayPal, etc.) to accept electronic payments. TFM Market Management will not be able to accept debit/credit card or EBT transactions on behalf of a guest vendor.
- D. Exchanges and/or refunds are up to the vendor.

IV. SANITATION AND SAFETY REQUIREMENTS

- A. 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.

V. SPACES AND FEES

- A. Guest Producers are required to file an application and pay the Guest Producer fee of \$10.00 per day. Approximately 8x8 space. Carry in only. Bring your own table and chair.
- B. 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.
- C. Guest Producer should notify the market manager in advance if they are not going to be in attendance at the market on scheduled days. Vendors are encouraged to give notification as early as possible, but no later than the start of market.
- D. Guest Producer should try to be in place 30 minutes prior to the market open times. There will not be any sales made until the time designated as opening time. 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.
- E. Guest Producer will be allowed to occupy and sell produce at the Guest Producer booth by reservation. Please email or call to reserve the Guest Producer booth at least one week prior. Subject to available space.
- F. 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 Guest Producer application.

G. 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.

VI. TAXES

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 call contact the Oklahoma Tax Commission, in the Tahlequah area call 918-682-5594 for more information.

VII. CONDUCT AND DRESS CODE

Guest Producer 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.

VIII. COMPLAINTS OR DISAGREEMENTS

To ensure 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.

IX 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 Director

Guest Producer Booth Application 2022

Instructions:

1. It is the vendors responsibility to know what permits, licenses, and certificates are required. ALL must be current and valid. This application is complete only when accompanied by ALL required documents (see checklist on page 3). Only complete applications will be considered.

2. All applications are reviewed by the TFM Board of Directors and the Market Manager. Acceptance of new vendors into the market is at the discretion of the TFM Board of Directors.

Business Name: _____

Name/s: _____

Mailing Address: _____

City, State, Zip: _____

Phone Number/s: _____

E-Mail Address: _____

Farm Address if different: _____

Directions to the farm: _____

Total acres or square feet in production: _____

Is farming your primary income? _____

What is the best way to communicate with you? Telephone _____ E-Mail _____ Regular Mail _____

Do you need Electricity? _____

Please provide a description of your farm/operation: (This information may be used on the TFM Website and/or any advertising and/or promotional events)

Attached is my _____ (please check all that apply)

*All applicable licenses/permits must be submitted in order for your applications to be complete.

****All applicable licenses/permits must be prominently displayed at your booth at the market.**

____ Declaration of Product (required-page 3)

____ Mobile Vendor License (45M) (if applicable)

____ Seasonal License (if applicable)

____ Egg Packers and Processors License (if applicable)

____ Commercial Kitchen License (if applicable)

____ Dairy Processing License (if applicable)

____ Organic Certification (if applicable)

____ Feed and/or Pet Food License (if applicable)

____ Fertilizer License (if applicable)

____ Photos of my farm, garden, produce

____ Other

____ **\$10.00 per day Guest Producer Fee** (Please make checks payable to Tahlequah Farmers' Market)

My signature below certifies that I have read and understand the Tahlequah Farmers' Market Guest Producer Guidelines and agree to abide but those guidelines as well as all city, county, state and federal laws. I understand that my guest application for the Tahlequah Farmers Market can be revoked for cause and that the fee is non-refundable. I also understand that the Tahlequah Farmers' Market has the right to inspect my farm or business.

I agree to abide with all Tahlequah emergency covid rules.

Signature _____

Date _____

Please email your completed application to: TahlequahFarmersMarket@gmail.com

Please mail your completed application to:

Tahlequah Farmers' Market PO Box 1513 Tahlequah, OK 74465

Tahlequah Farmers' Market Use Only Date Application Received _____

Tahlequah Farmers' Market Declaration of Product

Please note:

-Complete this form with all items you expect to produce and sell at the market. Any items that are not declared must receive special permission from the TFM Board of Directors prior to sale.

-Vendors must grow, raise or produce all products declared on this page. If the vendor does not grow, raise or produce the product they are selling, special permission must be granted by the TFM Board of Directors.

-Information on this form is subject to verification.

Business Name: _____

Signature _____ Date _____

Vegetables

Asparagus Beets Broccoli Brussel Sprouts
 Cabbage Carrots Cauliflower Corn Cucumbers
 Eggplant Garlic Green Beans Greens (all types)
 Herbs Kohlrabi Lettuce Micro Green Peas
 Peppers Potatoes Radishes Shallots Spinach
 Summer Squash Sweet Potatoes Tomatoes Turnips Winter Squash
 Mushrooms Okra Onions

Fruit

Apples Blackberries Blueberries
 Grapes Melons Nectarines
 Peaches Pears Plums
 Pumpkins Raspberries
 Strawberries Watermelon

Animal Products

Beef Bison Chicken Cow Milk
 Eggs Fiber Fish Goat Goat Cheese
 Goat Milk Lamb Pork Rabbit Turkey

Other

Bedding/Potted Plants Cut Flowers Honey
 Gourds Grains Molasses Nuts Wine/Beer

Please list value added products or items not listed above.