



Urban Harvest
FARMERS MARKET

Urban Harvest Farmers Market Rules Revised September 14, 2009

INTRODUCTION/MISSION

The Urban Harvest Farmers Market (the "market") is a Texas Department of Agriculture certified farmers market that will operate weekly, year round, in Houston, Texas for the benefit of both farmers and customers. The market is a project of Urban Harvest, Inc. Urban Harvest is a nonprofit organization that uses fruit, vegetable and habitat gardens to improve quality of life in the greater Houston area. These gardens serve to educate, strengthen community spirit, create therapeutic environments and provide food and income. We teach organic gardening techniques, help neighborhoods build successful community gardens, create outdoor classrooms at schools that teach core curricula, nutrition and respect for the environment, provide fresh, locally grown food, and encourage responsible land use. Our work benefits all of us by improving food, diet and health. It also builds engaging schools, neighborly communities, and valuable local businesses that together sustain and improve our environment. The main goals of the market include:

- promoting the sustainable production, marketing, and consumption of local agricultural produce
- educating the community about local growing conditions and food crops as well as sustainable and organic growing practices
- promoting the nutritious locally grown produce and culinary benefits of eating local produce in season
- strengthening the local economy by redirecting consumers' food dollars to local growers and producers
- incubating new, small, food-based businesses
- providing a community gathering place

The predominant product emphasis will be on locally-produced agricultural products.

DEFINITIONS

Agent: a representative of a producer who is working on contract with the producer and may sell for the producer at the market.

Agricultural products: produce or minimally processed product (such as beef, honey or herbal tea) created from food grown or produced at a farm or ranch operation)

Approved product: a product that has been approved by the Urban Harvest Farmers Market Committee

Board of Directors: the Board of Directors of Urban Harvest

Conventional: This grower uses common agricultural practices. They may or may not use chemical or synthetic fertilizers, or synthetic fungicides or pesticides or added hormones. They may be a large or small grower.

Cooperative: a legally incorporated collaboration of producers or growers who market their produce or agricultural products collectively.

Craft vendor: a person who creates a hand-made craft to sell at the market.

Event Permit: a permit from the City of Houston that allows vendors to serve food or drinks that are prepared onsite.

Executive Committee: The Executive Committee of Urban Harvest.

Executive Director: The Executive Director of Urban Harvest.

Family: the producer's spouse, parents, children, cousins, aunts, or uncles.

Local product: any product grown or produced within 180 miles of downtown Houston.

Market Manager: the Urban Harvest staff member who supervises the operations of the market.

Naturally Grown: This grower practices organic principals of soil enrichment and is certified by a collection of peers involved with www.naturallygrown.com. They cannot use synthetic fertilizers or synthetic fungicides or pesticides or added hormones. Certified Naturally Grown farmers reflect a commitment to work within the natural biological cycles that are necessary for a truly sustainable farming system - a system that works in harmony with micro-organisms, soil flora and fauna, plants and animals, to maintain and increase the long-term fertility of soil, leaving it even more vibrant and alive for the next generation of farmers.

Organic: This grower practices strict organic principals of soil enrichment and pest control and is certified either by the state or a third party certification firm that has been approved by the Market Manager and the Executive Director. They may or may not use natural fertilizers, or synthetic fungicides or pesticides allowed by the law when a natural alternative is not available. Food manufacturers only utilize certified organic ingredients following organic labeling requirements. Guidelines are available at www.ams.usda.gov/nop/nop/standards.html.

Producer: the farmer or grower of any raw agricultural product or the person who produces any value-added, ready-to-eat, or craft product.

Ready-to-eat-or drink products: food and drink prepared (either on-site or off-site) by chefs, bakers, confectioners and beverage makers, and sold by these producers at the market.

Sustainable: Growers using the Sustainable label pledge to use only organic products and practices; however the term Organic is not used on their Urban Harvest provided signage since they are not certified. Urban Harvest advises consumers to ask these growers any questions they might have about their production practices, since it is hard to know how closely organic principles are followed.

Urban Harvest Farmers Market (UHFM) Committee: A committee of Urban Harvest, having management responsibility for the operation and direction of The Urban Harvest Farmers Market. Its composition is as defined by the Urban Harvest Board of Directors.

Value-added product: a processed food item that is ready to be sold at the market. The item may be edible, such as jelly or pickles, or it may be inedible, such as a wreath from dried okra pods.

Value-added vendor: a vendor who produces food and other products that are derived from agricultural products.

Vendor: a seller at the market.

Vendor Representative: a representative of the vendors who serves on the UHFM Committee.

WHO MAY SELL AT THE MARKET

Who may sell at the market is determined by the UHFM Committee of Urban Harvest as explained below. Decisions of the UHFM Committee are subject to review by the Executive Director and the Urban Harvest Board of Directors.

a. Farmers, growers and producers of agricultural products grown or produced within 180 miles of Houston (*a special exception to this rule may be approved on occasion by the BCFM Committee*), providing:

- their vendor application has been submitted to and approved by the UHFM Committee.
- they are growing or producing their own local product; no re-selling is permitted.
- hold all required permits, licenses, and insurance policies necessary for their business operation.
- sign the indemnity agreement included in the vendor application, holding Urban Harvest harmless.
- allow market representatives to inspect their farm and production facilities prior to selling at the market and from time to time.
- pay the annual vendor fee.

b. Value-added vendors, those who are not growing the ingredients, but who obtain and process ingredients to produce food or craft items within 180 miles of Houston may sell their products at the market, providing:

- they are growing or producing their own local product; no re-selling is permitted.
- hold all required permits, licenses, and insurance policies necessary for their business operation.
- sign the indemnity agreement included in the vendor application, holding Urban Harvest harmless.
- allow market representatives to inspect farms and production facilities prior to selling and from time to time.
- pay the annual vendor fee.

c. Legally incorporated producer cooperatives may be allowed. In addition, farmers, growers, producers, cooperatives and value-added vendors may send family members, employees or members of cooperatives to sell for them at the market.

d. Agents and Partnerships - Future vendors may NOT represent or be represented by other growers or producers as agents. Current vendors working with agents are still allowed to be represented by their agent providing:

- the grower or producer participates in person for the duration of the market day at least twice a year or at least once during the season their produce is sold at the market.

- the product is labeled with the name of the actual producer and signage that identifies that name of the producer.
- they are growing or producing their own local product; no re-selling is permitted.
- hold all required permits, licenses, and insurance policies necessary for their business operation.
- sign the indemnity agreement included in the vendor application, holding Urban Harvest harmless.
- allow market representatives to inspect their farm and production facilities prior to selling at the market and from time to time.
- pay the annual vendor fee.

e. **Non Profit Groups:** Non-profit groups may participate at the market as space permits. Non-profits who are accepted to participate in the market are identified by criteria chosen by the UHFM Committee, but are chosen at the discretion of the Market Manager and the Executive Director. Such groups may set up information-only tables free of charge provided that the non-profit fill out the application and return it to the Market Manager within a minimum of a month before the proposed date of participation in the market.

f. **Gardener’s Corner:** The market will provide a cooperative area of the market for backyard and community gardeners and small producers to sell their produce, provided they complete a Gardeners Corner application before selling. The annual vendor fee is waived. If the sales of such a gardener consistently exceed a certain amount established annually by the UHFM Committee, they must become a vendor as described in section 2a, 2b, or 2c.

g. **Chef’s Corner:** Chefs are allowed to buy and prepare food at the market in the purpose of promoting locally grown and produced food. Chefs are encouraged to interact with the customer, and demonstrate how they are preparing the food. Chefs may pass out information leaflets on their restaurant, but may not sell anything else during market hours. Participating chefs must already be affiliated with a certified kitchen and sign both the Participation and Indemnity Agreement prior to participating in the market. Urban Harvest will provide the chef with a stipend to spend on ingredients at the market, as well as a sanitation station and hand washing station. The chef is asked to make time to speak with the Market Manager or Chef’s Coordinator about further details regarding the demonstration.

WHAT CAN BE SOLD

a. Agricultural products grown or produced by the seller, including but not limited to:

- vegetables
- fruits, nuts, berries
- ornamental plants and flowers
- eggs
- milk and cheese
- meat and poultry
- seafood, either farm-raised or wild-caught
- honey
- firewood
- edible plants and plant starts
- other agricultural products

b. Value-added products produced by the seller, including but not limited to:

- prepared foods
- jams and jellies
- pickles, vinegars, salsas
- seasoning mixes, sauces
- dried flower arrangements
- baked goods
- herbal lotions, soaps, teas, etc

Vendors of other goods and services may be admitted at the discretion of the UHFMC Committee if they enhance the variety and appeal of the market as a whole.

All vendors must comply with all applicable city, county, state, and federal health regulations at all times. The Market Manager will keep in each vendor's file copies of all applicable permits and licenses. It is each vendor's responsibility to provide current copies to the Market Manager, as well as to keep copies with them at the market to be available for inspection by government officials.

5. Market Operations

- a. The market will operate year round, rain or shine. Market times will be established by the UHFMC Committee.
- b. The market will operate at locations approved by the Executive Director.
- c. A stall is a selling area 10 feet wide and 10 feet deep. The Market Manager may permit a vendor to occupy more than one stall if the amount of product brought justifies it and if the market can accommodate it. Requests for additional stall space must be made in advance.
- d. The Market Manager will assign stalls based on the best interests of the market as a whole, as well as criteria identified by the UHFMC Committee. While vendors may have a customary location, this location is subject to change at the discretion of the Market Manager. The Market Manager will consider the various needs of particular vendors and accommodate them to the extent possible, particularly for space to park a truck containing backup merchandise and for need for access to electricity.
- e. Vendors must pay a day fee for each market attended. Each additional stall incurs an additional day fee.
- f. Each vendor must supply the Market Manager with their best estimate of gross sales at the end of each market. This data will be collected in order for the market to provide reports of total aggregate sales to various funding sources and no individual information will be released.
- g. Vendors will determine their own pricing.
- h. All vendors must represent their products in honest and non-deceptive manner at all times, both in written form on signs and in oral form during conversation.
- i. All items sold or labeled as organic must meet the requirements of the National Organic Program. Only certified organic growers or as allowed by law may display signs using the word "organic." If a vendor offers both organic and non-organic items in the same stall, individual signs should make it clear which items are organic and which are not.

j. Prepared foods, unless sold by a licensed mobile food vendor, should be labeled with the name of the product, producer's name and address, a list of all the ingredients, with the highest proportion ingredients listed first in descending order and quantity or weight of contents as required by the State of Texas.

k. As part of the application and vendor approval process, produce vendors will be provided with an educational sign that must be displayed in a consistent and predetermined location during market hours. Urban Harvest will provide a sign to all farmers about what their growing practices are: conventional, certified naturally grown, certified organic, and sustainable. Each vendor must display a large sign or banner identifying their farm or business to be allowed to participate in the market beyond a two week period. Additional educational signs and materials will help their sales and are strongly encouraged, including photos of the farm, descriptions of growing practices, history of the farm, biographies of the growers, and other material likely to be of interest to customers. Farm open house days are strongly encouraged as well. If a vendor fails to show up with an adequate sign identifying their farm or business and growing or manufacturing practices, they must buy a temporary sign from Urban Harvest for a nominal fee that approximates its cost. The sign will be completed with their name and will identify their growing practices using the standardized terminology reflected in UHFM's "Terminology of Growing Practices." Please refer to the "Terminology of Growing Practices" definition page for further information.

l. Vendors that choose to bring products that fall under more than one growing practice category are required to purchase a separate 10x10 booth space for each additional category represented on that day. Additional booths purchased for multiple products must be side by side booths; like a storefront.

m. No reselling is permitted. Vendors may only sell products that they have grown, raised or produced themselves or as defined in 3(d).

n. All vendors must keep their stall in a safe, clean, and hazard-free condition. At the end of market, each vendor must leave their selling area clean, with all trash removed.

o. All vendors must conduct themselves in a courteous and professional manner. Vendors must treat all customers, staff and volunteers of Urban Harvest, and fellow vendors with respect at all times.

p. No loud or aggressive promotion is permitted. Radios or stereos may only be operated with the permission of the Market Manager.

q. No smoking is permitted at the market. No consumption of alcohol beverages or illegal drugs is allowed at the market.

r. Vendors must arrive a minimum of thirty minutes prior to the start of the market. Vendors must remain set up until the close of market, even if they have sold out.

s. Vendors must supply their own tents, tent weights and tables. For the safety of all present at the market, tent weights must be a minimum of 25 pounds PER tent leg. Urban Harvest will rent tent weights for \$30 per leg, per market, to vendors without tent weights. Cement, sand and dumbbells are acceptable forms of tent weights. Unacceptable forms of tent weights include the bumper of a car, a bucket of water and sharp objects. Bungee cords can only be used to make sure that the tent weight will not rock back and forth in the wind. Because of how bungee cords

stretch out, they cannot be used to connect the weight to the top of the tent. Ropes that connect the weight to the tent must be taut at all times to prevent the tent from blowing around in the wind. Tent weights must be attached IMMEDIATELY after pitching the tent.

t. Vendors must inform the Market Manager by 5pm on Friday if they are unable to make it to the market on Saturday. Unless prior timely notice is given, vendors will be required to pay their booth fee even if you are unable to make it to the market. Market Manager will work with a vendor if something comes up at the last minute.

u. No storage space for vendors is available at the market site. Vendors should be prepared for all kinds of weather.

NON-COMPLIANCE

Non-compliance with market rules will result in disciplinary action at the discretion of the Market Manager and Executive Director. Such disciplinary action may include exclusion from the market for a period of time as well as termination of the vendor's participation in the market. Any vendor aggrieved by the Market Manager's decision may appeal for review to the Executive Director of Urban Harvest.

COMPLAINTS AND SUGGESTIONS

Suggestions for market improvement are always welcome. Complaints or grievances should be brought to the attention of the Market Manager or a vendor representative, who will investigate the issue and if a problem is found, address it. Vendor complaints must be made to the Market Manager *in writing*. Upon request, the Market Manager will provide an update on the status of the effort to resolve the complaint, to the extent that vendor confidentiality permits. The Market Manager will respond to the complaint in writing within 14 days of receipt of the written complaint, and will promptly provide all parties involved a copy of the complaint. In most situations, vendor problems will *not* be addressed during market hours.

If a vendor has a complaint or a grievance which they feel the Market Manager has not sufficiently addressed, he/she may appeal in writing to the Executive Director.

GOVERNANCE

The Urban Harvest Board of Directors governs the market and has final authority in regard to all matters relating to the market.

The Market Manager will be a staff member of Urban Harvest. The Market Manager shall conduct the day-to-day operations of the market. The UHFM Committee approves vendor applications, considers and proposes changes to the market rules, acts in an advisory role to the Market Manager, and addresses vendor appeals of the Market Manager's decision(s). The UHFM Committee will be comprised of three Urban Harvest Board members, three vendor representatives, one member of the public, the Market Manager and the Executive Director as established by the Board of Urban Harvest in conformance with State and local regulatory requirements for Farmers Markets.

The Market Manager will hold an annual meeting for all participating vendors to report on and discuss the market's performance and to facilitate election of vendor representatives to the BCFM Committee. The elected vendor representatives may organize additional meetings of market vendors. Vendor representatives will have two year terms, with no more than three terms.

Vendor representatives must be an owner of the business, and not an employee. The vendor representatives are delegates for three categories: 1) Value Added, 2) Conventional Growing Methods, and 3) Sustainable, Naturally Grown and/or Organic Growing Methods. Category assignments for UHFM vendors are based on annual sales volume per category. For example, if you make \$100,000 a year annually in sales, and \$80,000 would be in value added, and \$20,000 would be in conventional vegetables, then as a vendor, you would fall under the value added category.

Amendments

The market rules may only be amended with the approval of the Urban Harvest Board of Directors. The UHFM Committee may update market procedures and criteria at any committee meeting.