

Harrah Farmers Market 2023

Rules and Regulations

I. Objectives

- To help local farmers get locally grown produce to the community.
- To provide better access to fresh, safe, locally grown food to the community.
- To encourage, support, and promote local small scale farmers, local growers, and local artisans in the efforts to sell their products to the community.
- Create an atmosphere of community where people can gather on a weekly basis to converse, share knowledge, recipes, and get to know one another.

II. Who May Sell

1. Any vendor wishing to sell at the Harrah Farmers Market must complete a vendor application form.
2. All applications will be approved or denied by the Market Committee.
3. Vendors must reside in Oklahoma and all produce must be grown in Oklahoma. All processed food items must use Oklahoma grown ingredients when possible.
4. Preference will be given to vendors based on distance to Harrah, the goal being to create a market as local to Harrah as possible.
5. Vendors must abide by all city, county, state, and federal guidelines and regulations.
6. Vendors must abide by market guidelines.
7. Vendors are required to have all necessary and applicable permits and licenses and a farm/business inspection may take place before selling.
8. Upon completion of a vendor's application the Market Committee reserves the right to inspect a vendor's farm/ranch/garden/home kitchen/craft shop to verify production, acreage, and/or cleanliness.

III. What May Be Sold And License Requirements

A. Only Oklahoma grown fresh produce and other agricultural products may be sold. Produce should have a good appearance and quality and be clean and free of contamination. Growers must raise at least 90% of the items they bring to the Market on any one day. Growers are allowed to purchase up to 10% 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 if 100% of the produce has been grown by the seller and the produce is whole and unprocessed.

B. A good reference for required licenses can be found at the following location:

https://www.occhd.org/application/files/1116/0635/0271/Farmers_Market_Licensing_Chart_8.5.20.pdf

C. Other products are allowed at Harrah Farmers Market, with market committee approval:

1. Honey

a. Producer's should follow all state laws regulating the production and sale of honey.

<https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=470548>

2. Pecans, Peanuts, and other Nuts and Grains

b. 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, and Forestry: (405) 522-5924,

<https://extension.okstate.edu/fact-sheets/a-guide-to-marketing-locally-produced-eggs-in-oklahoma.html>

4. Meats

a. Vendors must have a licensed mobile unit for transporting and storage of all meats while at the market.

- 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,

<https://ag.ok.gov/wp-content/uploads/2020/11/AgLicensesOMMA.pdf>

7. Canned Fruits and Vegetables, Bake Goods or any Prepared Foods

- a. These items may be sold only if they have been made in a licensed/inspected commercial or mobile kitchen, certified by the appropriate county health department.

8. Prepared Foods from a Home Food Establishment - iaw HB 1032

(Homemade Food Freedom Act, effective Nov 1, 2021)

- a. A Home Food Establishment is: one's primary residence (not just a building on one's property).
- b. Please use this link to find all relevant info about selling baked goods as a Home Food Establishment:

<https://oklahoma.gov/content/dam/ok/en/health/health2/aem-documents/protective-health/consumer-health-services/food-service/food-freedom-act-policy-letter.pdf>

- c. Labels need to be affixed to the baked goods or product with the following information:
 - 1. Name, address, & phone number of baker.
 - 2. Description and name of prepared food.
 - 3. List ingredients including allergens
 - 4. The following statement printed on the label: "This product was produced in a private residence that is exempt from government licensing and inspection."

D. Produce

1. All produce must be sold whole. Produce may be sliced open for display purposes, covered in plastic wrap and labeled for display only. Cut or portioned produce samples are not permitted, unless a handwashing station is accessible.
2. No food may come into contact with or be stored on the ground. All containers used should be clean.
3. Produce may be sold by weight, volume, or counts. If selling by weight, scales are subject to inspection by the Oklahoma Department of Agriculture (405)521-3164.

E. Crafts sales

1. May only comprise of 25% of the markets total sales.
2. Craft items must be made and sold by the vendor.
3. Since craft items sales will be limited, the market committee will select crafts that will prove most beneficial to the market.

F. Other Information

1. Signage & labeling

- a. **SIGNS ARE MANDATORY.** Vendors must post their business sign or farm name in their display area. Lettering must be clearly legible.
- b. Each vendor must post prices on the products being sold. Items purchased from another source must notate the product name, price and location of where the product came from or was produced.
- c. All vendors are encouraged to price their products fairly and not undercut fellow vendors.
- d. Vendors should provide sacks or containers for customers.

G. Nonprofit groups and Educational organizations

1. Fundraising or free educational materials may be offered at the discretion of the market committee when space is available.
2. Only materials that match the market's theme and are not in direct competition with other vendors at the market will be considered.
3. The market is not a venue for political or religious issues, any group wishing to participate must understand this and not create a nuisance in this regard or they may be asked to leave.
4. The market committee will determine if such applying organizations may set up without a fee.

IV. Exchanges and Refunds

Exchanges and refunds will be conducted between the vendor and the customer. Vendors will set their own rules for exchanges and refunds.

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. Vendors are required to clean all trash and waste in their space at the end of each day.

It is anticipated that a portable handwashing station will be available for the 2023 season which will allow for samples to be allowed.

VI. Spaces and Fees

1. The Harrah Farmers Market **requires all vendors to use a pop up canopy**. Rentable canopies are available through the market committee. Please see the on duty market committee volunteer before the market opens each day for space assignment and to pay for your space.
2. There will be an annual fee of \$30 per vendor that will be paid when registering for the Farmers Market. Spaces will be approx. 10 feet by 10 feet and price per space will be There will be an additional \$5 per day if a vendor needs to rent a canopy. If more space is needed and the market has available space it can be provided at no charge with the understanding that if the market becomes full on a regular basis the market committee may have to either begin charging for multiple vendor spaces or regulate how much space vendors take.
3. Vendors needing to sell from a truck or trailer, like for watermelons or pumpkins, will be charged the standard fee of \$10 per day and will not be required to use a canopy. Arrangements for this type of set up will need to be verified and arranged with the market committee volunteer before the market opens for the day.
4. Vendors must unload their product, and then park in the overflow parking lot across the street from the market, to ensure there is plenty of room for public parking.

5. Market spaces should be attended at all times. The vendor is responsible for any losses of his or her products or money while not at their market space.
6. Vendors are required to post all required licenses or permits for all products they sell. This is in addition to providing copies of licenses and permits with their vendor application form.
7. Vendors are required to provide their own tables, chairs, containers, and other items needed to sell their product. Harrah Farmers Market is not responsible to provide these items nor is Harrah Farmers Market responsible for any damage or injury related to vendor items or products not being properly secured or used improperly.
8. Vendors must have their booth set up and vehicles in their final space 15 minutes prior to the market opening. Late arrivals will be turned away.
9. Sales are not to occur until the market opens and not to occur after the market closes.

VII. Taxation

Each vendor is responsible for having a Sales Tax I.D. number if they are required to pay sales tax. The vendor is responsible for reporting the appropriate city, county, and state sales tax on all products sold at the market. This is required by the Oklahoma Tax Commission. The Harrah Farmers Market is not responsible for collection of sales taxes. Each vendor must contact the Oklahoma Tax Commission for more info.

Some vendors may be exempt from paying sales tax please use this info when speaking with the Oklahoma Tax Commission to find out.

http://www.oar.state.ok.us/oar/codedoc02.nsf/frmMain?OpenFrameSet&Frame=Main&Src=75tnm2shfcdnm8pb4dthj0chedppmcbq8dtmmak31ctijuirgcln50ob7ckj42tbkdt374obdcli00_

1. Go to view code on the left hand side.
2. Scowl down and click on Title 710 Oklahoma Tax Commission
3. Go to and click on Chapter 65 Sales and Use Tax
4. Click on Subchapter 13 Sales and Use Tax Exemptions
5. Click on Part 3 Agricultural Transactions
6. Click on Sections 710:65-13-19 Sales at or from the farm and sales at farmers markets

This is the link for the final location:

<http://www.oar.state.ok.us/oar/codedoc02.nsf/frmMain?OpenFrameSet&Fra>

[me=Main&Src= 75tnm2shfcdnm8pb4dthj0chedppmcbq8dtmmak31ctijujrgcln50ob7ckj42tbkdt374obdcli00](http://me=Main&Src=75tnm2shfcdnm8pb4dthj0chedppmcbq8dtmmak31ctijujrgcln50ob7ckj42tbkdt374obdcli00)

VIII. When the Market Will Open

The Harrah Farmers Market will be open on the first and third Saturday of each month from May thru September, with the exception of July 1st and Sept 2nd. Hours for the market will be 9 a.m. - 12 p.m.

IX. Conduct and Dress Code

Vendors are expected to present themselves in a professional clean manner and appearance. All vendors are expected to treat the market committee volunteers, other vendors, and customers with respect and without discrimination.

X. Complaints or Disagreements

To insure fairness for all parties the following guidelines must be followed in any disagreement or complaint.

1. Vendors are encouraged to resolve disputes amongst themselves, if they are unable to resolve the problem, a written complaint MUST be given to the market committee either on a market day, via facebook messenger or at harrahfop@gmail.com, with the following info. The name of the offending party, the person filing the complaint, and the specific offense. The market committee will make the decision on how to resolve the complaint. This complaint must be made within 4 days of the Market Day of the dispute to allow the Market Manager to resolve the problem prior to the next Market Day.
2. If a customer has a complaint with a vendor they will be advised to bring the problem to the market committee volunteer to resolve the issue.
3. If a vendor receives too many complaints or the rules violation is serious enough the vendor may be asked to leave by the market committee and may not be allowed to return.

XI. Enforcement of Rules and Regulations

The market committee has the responsibility of enforcing these rules and regulations. The market committee reserves the right to make necessary changes to the rules and regulations as needed.

The market committee volunteer will collect booth rentals the morning of each market, and at the end of each market the volunteer will need an estimate of total sales for each vendor for the purposes of reporting to the Dept. of Agriculture at the end of the 2023 season.

Vendors are responsible for their own licenses, permits, and sales tax payments. Neither the market committee or the City of Harrah are responsible for these items.