

Omaha Farmers Market

SUNDAY MARKET at BAXTER ARENA

2021 Rules & Regulations

Dates & Location

- Sundays 9:00 a.m. – 1:00 p.m., May 2nd – October 10th.
 - Absolutely no public sales before 9:00 a.m. or after 1:00 p.m. No food pick-up or pre-orders before opening bell.
 - There will be a bell signaling the opening of the Market and two bells signaling its end. The first closing bell means that the market is over, and no public sales are allowed. The second closing bell means that you are allowed to bring your vehicle on-site and off-site. You CANNOT bring your vehicle on-site or off-site until the second closing bell has rung. **Do NOT pack up your booth until the end of the market.**
- Due to the pandemic, the Market will be located at Baxter Arena – Lot 26.

Vendor Types

- Season Vendors** are vendors that pay a stall fee for the full season. They are assigned a particular stall that they are permitted to set-up in each Sunday of the Market. Season vendors are generally granted “first right of refusal” to reserve their stall from season to season. New season spaces are available on a limited basis each season. Please read the available FAQs (available at omahafarmersmarket.com) and then contact Kristen at kbeck@vgagroup.com if you have additional questions.
- Weekly Vendors** are scheduled for stall spaces depending on space availability, product mix and market management discretion. Weekly vendors should expect to be in a different stall each week they are scheduled. Requesting a date on the vendor application form does NOT guarantee a stall space for that day. You will receive an email a week or two in advance of the market IF there is a space available for you. Your schedule flexibility is appreciated as we continue to fill last minute cancellations up until Friday evenings.

Space / Stall Details

- Most spaces are approximately 10 feet wide by 10 feet deep with an 6-10-foot space between each vendor to allow for social distancing. Spaces will be monitored weekly to ensure that vendors are not infringing on customer aisles. Most vendor spaces will have dedicated vehicle stalls next to their booth (larger vehicles may not fit in the stall and will need to park in the designated vendor parking lot across from the market booths). There are a limited number of 10 x 10 spaces available.
- Vendor spaces vary, some are sized to accommodate a vehicle, and some are odd shapes and sizes. Please work with the office to determine which type of space will work for you. Market Management will let you know IF a vehicle is permitted when contacting weekly vendors. If you are told it is not a vehicle space do not try to squeeze one in.
- Please be courteous to your neighbors and remember when you encroach on aisles you are taking space from your customers!

Vendors are responsible for working out any “close quarters” concerns with their neighbors.

- Subletting or sharing spaces is not allowed. If a season vendor is absent from the Market, OFM management has the right to fill the space with another vendor. **PLEASE let us know if you are going to be absent** - - this policy allows us to keep our vendor fees low and it helps us to keep the Market full and energized.
- Vendors must notify Kristen Beck (OFM Project Manager) of any absence by the Wednesday (12:00pm) before the Market that will be missed.
- Vendors are provided an empty stall space. You are responsible for bringing your own items for set-up including, but not limited to tables, chairs, tents and necessary weights, signage, cash boxes. The Market does NOT have storage available.
- Tents MUST be properly weighted (especially in inclement weather, this is for the safety of all market attendees).
- Trash, including produce debris and food items **must** be swept up and disposed of after each market. Vendors are responsible for cleaning their own area before leaving. Brooms are available through the information booth. If you have a large amount of trash, the onsite managers will help you haul it to the dumpster if they are available. **Do not fill the Market trashcans with produce or boxes.** Market staff will pull all trashcans 15 minutes before close and will watch for vendors violating this policy.
- If your booth space is not cleaned at the end of each market, management reserves the right to fine vendors a \$20 clean-up cost each incident.
- Vendors are *highly encouraged* to have a sign with their name and location (city or town). Growers/producers should list all prices at their booth. Signs should be prominently displayed each week.

Payments, Billing and Fees

- Please see the Vendor Application for a complete breakdown of stall and electrical fees.
- Season vendors are billed in a three-payment installment plan. Installments are generally due in February, May and July. Season vendors are required to pay the *entire* season fee and associated health department and electrical fees, no exceptions and no discounts if you are absent.

All season payments MUST be in on time! Season payments not received by the scheduled invoice dates may result in the vendor losing their space until payment is made without reimbursement for markets missed.

- Returned checks: First occurrence the vendor will be charged an additional \$15 fee and must pay the entire amount in cash at the VGA office. Second occurrence, the fee will increase to \$25 and the vendor must pay in cash for the rest of the season.
- Lost checks: Vendors will be responsible for the \$32 fee to put a stop on a lost token/vendor check. OFM will reissue a new check with the \$32 fee deduction.
- Cash Payments: Cash payments may only be made in the exact amounts due on invoice (or payment in full). Cash payments need to be turned in at the Market Office (scheduling time to meet for payment is required with Market Manager).

General Policies

It is the vendors' responsibility to be familiar with the local, state and federal regulations and permits that govern the products which they sell. The notes and guidelines included in this document are included as a courtesy, but do not take precedence over governmental policy.

Vendors must grow/make their products within a 150-mile radius of the market to be eligible to apply.

Vendors must apply in one of three categories. More information on these categories is provided in the attached "Category Descriptions & Permitted Product Information" sheet. Only one category of product is allowed per stall space. Categories are:

- Farm & Nursery Products and Processed Farm Products
- Value Added Food
- Craft Items

The Omaha Farmers Market is a "green market", and priority will be given to the Farm & Nursery Products and Processed Farm Products and Value-Added Food categories. Product mix is a deciding factor for space assignment.

Vendors must complete the application process through the office before being allowed at the Market.

Weekly vendors are not allowed to come on "stand-by", hoping for a spot. Doing so will result in a violation.

The Market is held rain or shine and refunds are not given unless the Market is cancelled prior to opening and at the determination of OFM management. In this case, refunds will only be considered for Weekly Vendors.

The OFM Onsite Manager arrives at 6:15 a.m. each Sunday. Vendors are allowed to drive onsite between 6:15 a.m. and 8:15 a.m. Vendors arriving after 8:15 a.m. will have to handcart items. All vendors MUST be onsite by 8:30 a.m. this includes vendors with direct street access. Vendors that are not onsite by 8:30 a.m. may have their space reallocated to another vendor.

No vehicles are allowed to enter or exit the site between 8:15 a.m. and 1:00 p.m. If there is an emergency, please work with the Onsite Manager. Not following the listed arrival and times may result in disciplinary action (see rule violation section).

Vendors are not allowed to leave before 1:00 p.m. even if they sell out of product. This includes leaving your booth set up until the end of market. Leaving early may result in disciplinary action (see rule violation section).

Vendors entering/exiting the market with a vehicle must drive cautiously. Vendors driving unsafe may lose privileges of bringing a vehicle into the market & will need to park outside of the barricades and hand cart items in/out for the remainder of the season.

No items offered for sale may be commercially made. All products must be the original work or produce of the vendor.

- **This includes - no sales of commercially made promotional items.**

Definition of "Vendor" – Vendor shall be defined as the producer of goods sold and shall include spouse, siblings, children, parents and employees of the applicant who assist in the cultivation of the same property or assist in the production of items available for sale.

OFM Management reserves the right to conduct on-site inspections of farms, kitchens or other workshops or spaces.

Electricity is unavailable at Baxter Arena. Vendors with electrical needs must be arranged in advance by contacting the office. Vendors must provide their own small generator. If vendors are approved to use electricity it is their responsibility to provide a heavy-duty extension cord and heavy-duty mats to cover the cord. Weekly vendors should confirm that their electricity is approved prior to participation in the market.

No smoking in vendor stalls.

No radios, music, or singing loud enough to be heard by neighboring vendors allowed in vendor stalls.

Non-produce vendors are responsible for collecting, reporting and paying sales tax. Omaha's current tax rate is 7%.

Vendors selling woody plant material or perennials must be licensed with the Nebraska Department of Agriculture, Plant Industry. If you are not, please call the Nebraska Department of Agriculture (402) 471-2351.

No rude or aggressive behavior toward Market staff, other vendors or customers by Vendors will be tolerated. Doing so will result in a violation. Physical threats may result in immediate expulsion from the Market with no refund of stall fees.

Insurance Requirements

- Each vendor is required to submit a certificate of insurance naming the Omaha Public Market, Inc. as an additional Insured. The certificate needs to be submitted prior to the start of the market opening. If you do not submit a certificate, you will lose your deposit and will not be able to participate in the markets.
- The general liability policy must have a minimum coverage of \$1,000,000 individual/\$2,000,000 aggregate
- If you are a farmer and have a farm insurance policy, then contact your insurance agent about adding a rider to your policy to cover the markets.

Additional Insurance Information

- Per our Omaha Public Market's insurance agent, there are policies available for vendors who earn \$0-\$25,000 per year. The minimum premium cost is \$275 per year.
- You may reach out to your personal insurance agent to obtain this insurance policy or below is the information on the Omaha Public Market's insurance agent who does specialize in farmer's markets insurance.

Larry Spilker
Campbell Risk Management
(800) 730-7475 ext. 203
www.campbellriskmanagement.com

Parking Lot Rules

- Use of the parking lot is through an arrangement with Baxter Arena. It is exceptionally important that we follow these rules and be courteous "tenants" each Sunday.
 - If you are allocated a vehicle spot, you may park in your stall space. Vehicles that do not fit by their booth must park on the farthest southeast section of the lot (near the restrooms and dumpster). Vendors are NOT to park in any other area of the lot – these spaces are reserved for customers.
 - Trash, including produce debris and food items **must** be swept up and disposed of **in the dumpster** (not the market trashcans) after each market. Vendors are responsible for cleaning their own area before leaving. Brooms are available through the information booth. Only NON-FOOD cardboard may be recycled. Please break down all boxes. We want to be good neighbors to the downtown businesses.
 - Vendors must vacate the parking lot no later than 2:00 p.m. each Sunday.

Food Displays and Packaging

- All food items must be free from harmful pesticide residues and free from insects and spoilage. All produce must be washed.
- All food items, including produce, must be stored and displayed at least 6 inches above the ground.
- Pre-packaged produce must be in NEW food-grade plastic bags or plastic food wrap. Produce sold by piece or per quantity may be sold in NEW paper or plastic bags.
- Only legal scales with state permit stickers will be allowed at the Market. Vendors without legal scales must sell by the piece or per quantity. If you wish to sell produce by weight, but do not have a legal scale, consider weighing and packaging items at home, but sell 'by the bag' or 'by the package.'

Douglas County Health Department

- Only products in compliance with the regulations of the Douglas County Health Department may be sold at the Market.
Vendors are responsible for securing all necessary permits and approvals. *The Health Department will notify the Market when they approve you to sell at the Market.*
- Season** vendors pay fees directly to the Health Department. **Weekly** vendors requiring a temporary event permit for selling prepared, time/temperature control food will pay fees directly to the Health Department (this permit is good for 2 weeks).

Sunday Market at Baxter Arena

Rules and Regulations

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- SEASON Vendors - The fees that you pay directly through the Douglas County Health Department *may* cover you for other Douglas County Farmers Markets held during different hours or on different days, but the fees **do NOT cover you for other markets that take place on overlapping days and times** nor do they cover you for other Douglas County public events. Please contact the Health Department for additional policy information and to secure your necessary permits.
 - WEEKLY Vendors selling whole, uncut fresh produce, bread, cookies, fruit pies, jams, jellies, honey, apple butter, and syrups made with sugar fall under the Omaha Farmers Market umbrella permit. These vendors do not need a separate temporary permit from the Douglas County Health Department. This does not cover you for any other events or markets.
- Fresh produce, meat, poultry, eggs, game animals, and commercial bakeries items must have a Douglas County retail permit. Nebraska Department of Agriculture permits are not an acceptable alternative unless expressly stated by Douglas County.
 - Vendors selling meat products must display proof of USDA inspection and a current manufacturer's license/permit, on-site, each week during the Market.
 - Perishable produce and other food items must be maintained at appropriate temperatures with heating and cooling devices. Eggs must be kept in a cooler at 41 degrees.
 - Vendors selling **approved** products prepared in a non-regulated, non-inspected kitchen must clearly display a sign at their stand indicating such. The sign must be clearly visible and clearly worded. A sample of acceptable wording is: "Food items were prepared in a kitchen that is not subject to regulation or inspection by the Foods Division of the Nebraska Department of Agriculture." **Only certain items (primarily baked goods) are eligible for this option, please contact the Health Department for clarification and details. DO NOT assume that your product is covered by this exemption just because you bake it. Cheesecakes, for example, are not eligible for this exception.**
 - Vendors selling items produced in a regulated kitchen must display their license at every Market. **All** food items (except produce and **eligible** baked goods) must be prepared in a licensed kitchen. This includes, but is not limited to: salsa, jellies, sandwiches, enchiladas, etc.
 - Sampling must meet Douglas County Health Department code. Please contact the Health Department for details.
 - The guidelines and application for a retail farmer's market permit can be found at www.douglascountyhealth.com.
 - Additional pandemic rules and policies not included may apply.

SNAP, Double Up Food Bucks & Credit Token Programs

- Both Season and Weekly vendors are **required** to accept SNAP, Double Up Food Bucks (DUFEB) and Credit tokens/vouchers from customers, even if you have your own credit card machine. Vendors are reimbursed FULL face value of tokens; there are no fees for vendors to participate. There is a separate packet about SNAP, DUFEB and Credit tokens available for printing and review at www.omahafarmersmarket.com.
- SNAP Tokens are GREEN and come in \$1 increments. They may only be redeemed for eligible FOOD items. Do NOT give customers change on SNAP purchases and do not sue them in trade with other vendors.
- SNAP Tokens **CANNOT** be given as change for other token or cash transactions.
- DUFEB Vouchers (Double Up Food Bucks) are **ONLY** to be redeemed for FRUITS, VEGETABLES and HERBS. Vendors will be responsible for cashing their own DUFEB vouchers. Vendors can deposit the vouchers through their bank like a check or cash.
- CREDIT Tokens are BLUE and come in \$5 increments. They are basically "Farmers Market Gift Cards" and you give change as though the customer paid in cash. They are redeemable on any item at the Market including both food items and craft items.
- Season Vendor Token Reimbursement – Season Vendors will be allowed to turn in their tokens every three weeks. There will be an email reminder before each "token turn in weekend." Season vendors are required to turn in all tokens in the labeled and re-usable zipper pouch they receive at the beginning of the season. The pouch will be returned the following Sunday before the Market opens. All vendors are responsible for turning in their tokens to the information booth. If tokens are not turned in on the designated "token turn in weekend," vendors must wait until the next designated "token turn in" to submit their tokens. Please remember that it is your responsibility to turn in your tokens. Reimbursement checks will be delivered as soon as possible.
- Weekly Vendor Token Reimbursement – Weekly Vendors may turn in tokens at the end of each Market. Onsite managers have Ziploc baggies, counting slips and markers available at the Info Booth. Please make sure you label the outside of the bag with a permanent marker AND include a counting slip in your bag. Bags will be held in the office and reimbursed after the Season Vendor turn in on the third Sunday of the month. Reimbursement checks will be sent in the mail.
- DO NOT turn in your DUFEB vouchers with your tokens- OFM management cannot reimburse you.

Information Booth & Other Amenities

- There will be an on-site information booth and an on-site manager to help vendors and customers with things including lost and found, vendor locations, token sales, souvenir sales and other Market related questions.
- The Market will provide onsite porta-johns to be used by our vendors and staff ONLY.
- Market vendors have an opportunity to donate produce and baked goods to Omaha's less fortunate through the donation cart located near the information booth. Market management has an arrangement with Produce from the Heart to pick up donations.

Rule Violation Policy

- Violation of any of the Rules and Regulations or policies laid out in this or future notices will be handled as follows:
 - 1) First violation results in a verbal warning, which may be issued by any member of the OFM Management team including the Onsite Manager.
 - a. If the onsite manager provides a write up at the market for failing to follow rules, the OFM Project Manager will be notified immediately.
 - 2) Second violation results in a written warning issued by the Event Manager or Executive Director of the Market.
 - 3) Third violation results in expulsion from the Market without refund for that day.
 - 4) Fourth violation results in expulsion without refund for the remainder of the Market season.
- Violations resulting in a police report or protection order being filed against a vendor may result in said vendors immediate and permanent expulsion from the Market without refund of vendor fees.
- Market Management reserves the right to evaluate each rule violation and respond with appropriate fines/warnings.

Resources

- Douglas County Health Department, Inspectors: Robin Wright (402) 444-7248 or Dan Ludwig (402) 444-3347.
- State of Nebraska Department of Revenue (402) 595-2065.
- Nebraska Department of Agriculture, Food Safety & Consumer Protection, Weights & Measures (402) 471-3422.
- Nebraska Department of Agriculture, Plant Industry (402) 471-2351.
- OFM strongly encourages qualifying produce and food vendors to accept WIC Program and Farmer's Market Senior Nutrition Program coupons for qualifying purchases. For more information on becoming a participating vendor in these programs please contact (402) 471-2781 (WIC) or (402) 471-4876 (Senior Nutrition) or Casey Foster at (402) 471-6857 or casey.foster@nebraska.gov.

Omaha Farmers Market Contact Information

- Vic Gutman & Associates Office (402) 345-5401
- Kristen Beck, Event Manager extension #115 or via email kbeck@vgagroup.com
- Vic Gutman, Executive Director, extension #101 or via email at vgutman@vgagroup.com
- www.omahafarmersmarket.org
- Facebook, search "Omaha Farmers Market" to become a fan or www.facebook.com/omahafarmersmarket
- Instagram, search "Omaha Farmers Market" to follow
- Omaha Farmers Market
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