



Downtown Fond du Lac Winter Market

Rules, Regulations & Policies

Rules & Regulations

Dates & Location

Saturdays 8:00 a.m. – 12:00 p.m.

- Saturdays in November through February – Days Winter Market is closed are listed on application.
- Located at 16 E. Second Street, Fond du Lac, WI 54935.

Vendor Types

- **Full 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 Saturday of the Market. Full season vendors must commit to attending 10 of all markets in a season to receive the full season vendor rate.
- **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, though this will be avoided whenever possible. Requesting a date on the vendor application form does NOT guarantee a stall space for that day. Weekly requests must be made to the Market Manager or Director of Communications and Special Events by the Wednesday prior to the market they would like to attend.

Product Types-Vendors may sell only product they themselves have helped produce. The sale of any goods not grown or produced by the seller, the reselling of goods, or the sale of foods that have been traded or bartered for is not permitted. All sellers must abide by, and all products must comply with all applicable federal, state, and local regulations. The sale of alcohol, drugs and animals is prohibited. The Market Manager is authorized to interpret the existing market rules and to approve or disapprove products at any time during the season. Brand name products which are processed and sold under a brand name other than the vendor's own are not allowed.

- **"Farm Product"** refers to fresh foods that the farmers plant, grow or care for, and harvest (e.g., fruits, vegetables, nuts, eggs, meats, milk, etc.). This food is not processed or is minimally processed.
- **"Valued-Added Product"** refers to products with one or both of the following two characteristics: (1) The farmers make the foods from raw ingredients and primarily, from ingredients that they plant, grow or care for, and harvest AND/OR (2) they process the foods through baking, cooking, canning, drying, fermenting, preserving, or spinning techniques (e.g., baked goods, cheese, jams, dried fruit, viticulture, pickles, wool yarn, etc.).
- **"Ready-to-Eat Food"** refers to products that agriculture or non-agriculture businesses make from ingredients that they primarily purchase. The food is made at the market for immediate consumption.
- **"Plants & Flowers"** refers to bedding or house plants, herbs, and cut flowers.
- **"Crafts"** refers to products that are made by the vendor themselves. Direct sale and items for resale are not accepted.
- Vendor applications require vendors to provide a product listing to help the market determine the best placement of vendors.
- Vendors are *required* to have a sign with their name and location (city or town); growers must also list prices. Signs must be prominently displayed each week



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Space/Stall Details

- Vendor spaces vary in size. All spaces will allow for **60 square feet of space**. Spaces will be designated to vendors as event operator sees fit to best suit the needs of each vendor.
- Trash, including produce debris and food items must be swept up and disposed of after each market. Trash must be packed out. The Winter Market will not have a dumpster available.

Out of State Products / 20% Rule / Special Allowances

- **Out of State Rule:** To preserve the integrity of the farmers market's focus on locally grown, **NO OUT OF STATE PRODUCE IS TO BE SOLD.**
- **20% Rule:** Allowance is made for vendors to market up to a maximum of 20% of products/locally grown goods not grown or produced by the market vendor each market date. Products must be Wisconsin-grown/produced (*unless prior approval granted-see below*) and signage should be displayed next to item(s) to identify name/location of producer(s). 20% rule is determined by the following:
 - Example: You have 10 items you are selling this week, 8 of the items must be vendor grown/produced. 2 items may be from another producer(s).
- **Special Allowances:** Exceptions to the out-of-state and/or 20% rules will be on a case-by-case basis but limited strictly to products not easily available in our region. Examples of items that would *not* be allowed are out-of-state melons, sweet corn, and tomatoes. Items such as Michigan blueberries, peaches, cherries, et cetera would be considered. Prior to selling these items, vendors are required to contact and get approval by the Downtown Fond du Lac Farmers Market Committee.

Vending Policies (Expectations)

NOTE: It is the vendors' responsibility to be familiar with the local, state, and federal regulations and permits that govern the products in 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 complete the application process through the office before being allowed at the Market.
- No items offered for sale may be commercially made. All products must be the original work or produce of the vendor.
- Market Management reserves the right to conduct on-site inspections of farms, kitchens or other workshops or spaces.
- No smoking.
- Non-produce vendors are responsible for collecting, reporting, and paying sales tax.
- The Market Manager arrives at 7:00 a.m. each Saturday. Vendors are allowed to enter the building between 7:15 a.m. – 8:00 a.m.
- Vendors may park in Lot 3A or Lot 4. Please view the downtown parking map available on the Downtown Fond du Lac Partnership website <https://downtownfdl.com/doing-business/downtown-parking/>
- Vendors may enter the Winter Market from Lot 3A using the doors at the back of the building.
- Vendors may leave non-perishable items such as tables and chairs at the Winter Market. The DFP is not responsible for lost or stolen items.
- **Vendors are not allowed to leave before 12:05 p.m., even if they sell out of product.**
- Vendors may begin cleaning up their vending space at 12:00 p.m. and must be finished by 12:30 p.m.



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Food Displays and Packaging

- All vendor products must comply with, all applicable federal, state, county and local laws and regulations.
- All produce shall be sold by legal weights and measures. Vendors are responsible for having their scales certified for compliance. (See WI State Food Code.) To contact the Madison DATCP weights and measures call 608-224-4942 or email DATCPWeightsandMeasures@Wisconsin.gov
- Vendors are responsible for obtaining all licenses or permits required for the sale of the product to the public. Copies of such licenses/permits shall be submitted to the Downtown Fond du Lac Partnership annually. The county health inspector will make periodic checks to make sure you have these documents on hand. If you have questions regarding your licensing, please contact Danielle Vollendorf at 920-929-3085.
- Sampling must meet County Health Department code. Please contact the Health Department for details.

Payments, Billing and Fees

- Please see the Vendor Application for a complete breakdown of pricing.
- Returned checks: First occurrence the vendor will be charged an additional \$15 fee and must pay the entire amount in cash at the DFP office. Second occurrence, the fee will increase to \$25, and the vendor must pay in cash for the rest of the season.

EBT & Credit Market Bucks Programs (See Attached Informational Sheet)

- Both Full Season and Weekly vendors are required to accept Credit/Debit Market Bucks and, if applicable, EBT Market Bucks from customers, even if you have your own credit card machine. Vendors are reimbursed full face value of Market Bucks; there are no fees for vendors to participate.
- Market Bucks Reimbursement may be done at the Information booth until 11:45 am. on Saturdays.
- Market Bucks may be kept in cash boxes to use to make change from week to week.
- Market Bucks reimbursement will be done by check for large amounts, if market staff does not have sufficient cash to complete the reimbursement on the market day. Checks will be issued and mailed before the following week's market.

Code of Conduct

Market attendees, participants and their employees shall conduct themselves in a pleasant and courteous manner towards all market patrons, volunteer, and staff. Threatening behavior, both verbal and physical, and acts of violence at the market, office or by electronic means will not be tolerated. Hate speech or symbols and acts of discrimination are considered to be threatening and violent. Any person who engages in this behavior shall be warned and/or removed from the premise. The use of drugs and alcohol are prohibited.

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 will result in a verbal or written warning, which may be issued by any member of the Market Management team including the On-site Manager.
- 2) Second violation will result in expulsion from the Market without refund for that day.
- 3) Third violation will result in expulsion without refund for the remainder of the Market season and possible expulsion from all DFP future events.



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Violations resulting in a police report or protection order being filed against a vendor may result in said vendor's immediate and permanent expulsion from the Market without refund of vendor fees.

The Downtown Fond du Lac Partnership is not liable for any injury, theft, or damage to either the buyer or seller, or their property, arising from or pertaining to preparation for or participation in the Downtown Farmers Market. Regardless of whether such injury, theft, or damage occurred prior, during, or after the Downtown Farmers Market. Organizations and individuals further agree to indemnify and hold The Downtown Fond du Lac Partnership harmless for and against any claims for such injury, theft, or damage.

Policies

Baked Goods Sales

- No more than \$5,000.00 in sales per year
- Retail only (direct from producer to consumer)
- Only at community or social events, such as bazaars or at farmers markets
- Signs and labels required
 - Certificate of Vendor Insurance available on site & on file with the market
 - Sign at the point of sale stating, "These baked goods are homemade and not subject to state inspection."
 - Product labels must include:
 - Name and address of the person who did the baking
 - Date of baking
 - All ingredients in descending order of prominence, including the common name for any ingredient that originates from milk, eggs, fish, shellfish, tree nuts, peanuts, wheat or soybeans. These are ingredients that can cause severe allergic reactions in some people, who must be able to recognize when they are present.
- Record-keeping suggested. Written record of every batch of product made for sale including:
 - Recipe, including procedures and ingredients
 - Amount baked and sold
 - Baking Date
 - Sale dates and locations
 - Gross sales receipts
- Sanitation: Inspection is not required, but customers expect good sanitation. Here are some factors you should consider:
 - Use clean equipment that has been effectively sanitized prior to use
 - Clean work surfaces and then sanitize with bleach water before and after use
 - Keep ingredients separate from other unprocessed foods
 - Keep household pets out of the work area
 - Keep walls and floors clean
 - Have adequate lighting
 - Keep window and door screens in good repair to keep insects out
 - Wash hands frequently while working
 - Consider annual testing of water if using a private well.



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Wisconsin Pickle Bill

- No more than \$5,000.00 in sales per year
- Retail only (direct from producer to consumer)
- Only at community or social events, such as bazaars, or at farmers markets
- Signs and Labels Required
 - Sign at the point of sale stating, "These canned goods are homemade and not subject to state inspection."
 - Product labels must include:
 - Name and address of the person who did the canning
 - Date of canning
 - All ingredients in descending order of prominence, including the common name for any ingredient that originates from milk, eggs, fish, shellfish, tree nuts, peanuts, wheat or soybeans. These are ingredients that can cause severe allergic reactions in some people, who must be able to recognize when they are present.
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Egg Policy

Shell egg of chicken, duck, goose, guinea, quail, ratite or turkey

A DATCP food processing license is required on the farm for washing, packaging, and cold holding the eggs.

Exceptions

- The eggs are produced at a farm licensed at a DATCP-Wisconsin Dairy Plant per ATCP 70.03(7)©
- The producer has 150 birds or less and sells directly to consumer on the farm, at a farmers market, or on an egg sales route

At the Winter Market

- A FDLHD license is required
- If you are selling in multiple counties, a DATCP Mobile Retail license is required instead of the FDLHD license

Storage and Display

- Store eggs in a unit that can maintain 41 degrees Fahrenheit or below (provide a thermometer)



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- Foods for display (not for sale) must be labeled “Display Only”
- Provide a canopy and cover unpackaged foods to protect from contamination
- Transport foods in clean equipment and vehicles. Store food 6 inches off the ground
- Handle unpackaged foods with gloves, tissues or utensils

Labeling

- Name and address of packer, distributor or processor
- Grade and size or “ungraded and uninspected” statement
- Date of pack
- Expiration/sell by date (not to exceed 30 days including day of pack). Required for producers with >150 birds
- Product name and quantity
- “Keep Refrigerated” statement
- Safe Handling Instructions
 - To read: To prevent illness from bacteria: keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly.

For more information, please contact DATCP, Division of Food Safety (608) 224-4700 <http://datcp.wi.gov>

Rule Changes

The Downtown Fond du Lac Partnership has established these rules and regulations, which are subject to change. Complaints or concerns regarding the Downtown Fond du Lac Farmers Market should be addressed to the Market Manager or other DFP staff.

By signing and submitting the vendor application, vendors agree to the above rules & regulations. **This document was approved on 4/11/2022 by the Farmers Market Steering Committee**

