



# Farmers Market Policies, Rules & Regulations

## Date & Location Information

- Saturday mornings from 8:00 a.m. – 12:00 p.m.
- Mid-May - final Saturday of October
- Located in downtown Fond du Lac on Main Street, between Western & Forest Avenues.
- The weekly tornado siren testing will serve to indicate the close of the Downtown Fond du Lac Farmer's Market (herein referred to as "The Market") at 12:00 p.m. each Saturday.
- Unless otherwise notified by Market staff, The Market is held rain or shine.

## 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 a minimum of 18 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 does not guarantee a stall space for that day. Weekly requests must be made to the Director of Communications and Special Events by the Wednesday prior to the market they would like to attend.

## Product Types

- Vendors shall sell only products they themselves have helped produce.  
The sale of any goods not grown or produced by the seller, the sale of goods that have been traded or bartered for, and/or the resale of any goods is not permitted. The sale of alcohol, drugs, animals, and/or brand name products which are processed and sold under a brand name other than the vendor's own are prohibited.
- Products sold must fall within one of the following categories:
  - **Farm Products** - 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 Products** - 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 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.
- Vendors are required to provide a product listing within the Farmers Market Vendor Application to help The Market staff determine the best placement of vendors.
- Products must be suitable for a family-friendly audience.
- All sellers and products must comply with and abide by all applicable federal, state, and local regulations.
- The Market staff is authorized to interpret the existing market rules and to approve or disapprove products at any time during the season.



# Farmers Market Policies, Rules & Regulations

## Selling Policies

- Vendors must complete the application process, including submission of payment in full prior to being accepted as a Market vendor.
- 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, and do not take precedence over governmental policy.
- Vendors are required to display a sign with their business name and location (city or town). Growers must display a list of produce prices for each product. Signs must be prominently displayed each week.
- All vendors must provide a description of products on their vendor application. This information is necessary to determine product eligibility and to assist Market staff in separating vendors and businesses selling similar product lines.
- Products and information displayed must be suitable for a family-friendly audience.
- No items offered for sale may be commercially made. All products must be the original work or produce of the vendor.
- Market staff reserves the right to conduct on-site inspections of farms, kitchens or other workshops or spaces.
- Non-produce vendors are responsible for collecting, reporting, and paying sales tax.
- We ask that participating vendors/organizations advertise the market on their websites or in social media outreach. Request a logo or information from: [info@downtownfdl.com](mailto:info@downtownfdl.com)

## Downtown Business Participation

- Our intent is to gain exposure for existing downtown Fond du Lac businesses. Therefore, brick-and-mortar downtown businesses are offered one complimentary 10' x 10' space to sell their merchandise or promote their business. Additional spaces are available for a fee.
- Downtown businesses may be asked for proof that the business license is registered with an address within the Downtown District boundaries.
- If a downtown business would like to grant an affiliated business their free space, their product line must fit within the market guidelines of homemade or homegrown products as well as in line with their typical business sales.  
Example: Gallery and Frame Shop may host an artist they are featuring in their shop; however, they may not have a vendor selling donuts.
- Downtown businesses wishing to be assigned a free vendor space must notify the Downtown Fond du Lac Partnership at least one month prior to the first Farmers Market of the season.
- Downtown businesses must commit to using the space every week to guarantee that the space will not be assigned to a full season vendor. If a business would like to use a space on a week-by-week basis, best efforts will be used to assign an available space that is closest to that business.
- If the downtown business is not within the footprint of the Farmers Market event area, Market staff will work with the business to find a space that is suitable, but not near a direct competitor of the same types of products.



# Farmers Market Policies, Rules & Regulations

## Non-Profit and Community Organizations

- Non-profit and community outreach organizations may request up to six (6) market days throughout the season. Please indicate preferred dates on the application.
- No more than a combination of six (6) non-profits and/or community groups will be invited to participate each week. Dates are reserved on a first-come, first-served basis. A waitlist will be created when all six spaces have been reserved.
- Contact Market staff as soon as possible with any cancellations so space may be allotted to another organization.
- “Bump out” curb spaces are specifically designated for non-profits and/or community groups and can fit a table and chairs. Market staff will assign locations to organizations.
- DFP does not provide any equipment. Organizations are responsible for bringing all necessary materials, including a table and chairs.
- Canopies are suggested, but not required, and are the responsibility of the organization. If a canopy is used, it MUST be properly weighted for safety purposes. Severe wind and weather can cause unweighted tents to become airborne and a serious hazard to market attendees. Please confirm that your canopy or patio umbrella will fit on your designated space.
- Clear signage of non-profit or organizational name on booth is required.
- Non-profit booths are intended for community outreach. We allow limited fundraising sales of tickets, memberships, and merchandise directly related to the cause.
- Items that compete with Market vendors (food, produce, jewelry, crafts) are NOT permitted.
- Donations may be accepted but not aggressively solicited.
- All promotion and information sharing must be conducted within the assigned 10x10 booth space. Organizations may not approach/solicit Market attendees outside of their booth space.
- Organizations out of compliance with general Market policies will be asked to leave.

## Payments, Billing and Fees

- Please see the most current Market Season vendor application for a complete breakdown of pricing.
- Vendor applications are not considered complete nor will the vendor be approved or assigned placement at the Market on any Market day until payment for the entire Market Season has been received in full.
- Any additional fees incurred throughout the season (ex: DATCP scale certification, etc.) will be invoiced and should be paid promptly, within seven (7) business days of receipt.
- Returned checks will be handled as follows:
  - First occurrence – Vendor will be charged an additional \$15 fee, and will be required to pay all fees for the current Market season in cash.
  - Second occurrence – Vendor will be charged an additional \$25 fee, and will be required to pay all fees for the current Market season, as well as any future Market season payments in cash.



# Farmers Market Policies, Rules & Regulations

## Set Up & Tear Down Policies

- Vendor spaces are available in two sizes: 10x10 or 10x20 (20 ft. in depth). Vehicles are not permitted in 10x10 spaces and will require the use of a 10x20 space. Additional stalls may NOT be purchased simply to park a vehicle. Please work with Market staff to determine which type of space will work for you.
- All vendors must be onsite by 7:30 a.m., including vendors with direct street access. Vendors that are not onsite by 7:30 a.m. may have their space reallocated to another vendor.
- Vendors may not begin booth set-up until road barricades are in place and thru traffic has ceased.
- Market staff arrives and street barricades are placed at 6:00 a.m. the morning of The Market. Vendors may drive onsite for set-up starting at 6:15 a.m. Vehicles used for set-up of any 10 x 10 space must be offsite by 7:30 a.m. Vendors arriving after 7:30 a.m. will have to handcart items.
- All vendor vehicles must drive from north to south when unloading or loading. Vendors should enter Main Street from the cross street immediately to the north of their site to ensure all vendor traffic flows one way.
- No vehicles are allowed to enter or exit the Market site between 7:30 a.m. and 12:05 p.m. If there is an emergency, please work with Market staff.
- In the event of a weather delay, if possible, the street barricades will be put in place at the usual time. When severe weather has passed, vendors may set up as usual. If a significant number of vendors are absent, vendors may move closer together and condense the overall footprint of the market at the discretion of the market staff.
- 20 feet of clearance must be maintained down the center of Main Street to accommodate emergency vehicles. Market staff and security will enforce this rule before and during the market.
- Tents MUST be properly weighted for safety purposes. Severe wind and weather can cause unweighted tents to become airborne and a serious hazard to market attendees.
- Vendors shall park vehicles and trailers at least one block away from The Market to leave prime parking spots available for customers.
- Vendors are not allowed to leave before 12:05 p.m., even if they sell out of product.
- After the Market, booth space must be completely disassembled before bringing a vehicle into the Market area for loading. Vehicles must be removed from The Market as soon as they are loaded and may not be left parked in the Market area. Street barricades will remain in place until 1:00 p.m. or until all vendors have vacated the street.
- Vendors are responsible for cleaning their own area before leaving. Trash, including produce debris and food items, must be completely removed from the area after each Market. Vendors are responsible for disposing of their own waste - public trash containers are for customer use only and grease and other hazardous materials cannot be poured down the city sewer system.

## Pet Policy

- The Downtown Fond du Lac Farmers Market is a pet-friendly market. However, if your animal exhibits signs of anxiety or aggression, please consider that the Market may not be a good fit for your pet.
- All pets must be leashed (6 ft. or less) and under human control at all times.
- Pets must be kept far enough away to avoid any potential licking or “marking” of vendor items.
- Please pick up after your pet.
- If your pet exhibits signs of aggression and/or is otherwise not behaving in accordance with policy rules, Market staff and volunteers reserve the right to request the owner remove the pet immediately.



# Farmers Market Policies, Rules & Regulations

## Amplified Music Policy

- Amplified music is not allowed unless pre-approved by Market staff.
- Buskers must have an approved application on file.
- Market staff reserves the right to modify the volume level of any amplified music.
- Approval of amplified music is based on musical value and relevance.

To show consideration to all cultures and religions, approved music must represent a position of neutrality, neither promoting nor inhibiting any particular religious, cultural, or political views. Market staff and steering committee will review any public comments/concerns related to musical content on an as needed basis.

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

- All full season and weekly vendors are required to accept Market Bucks and, if applicable, EBT Market Bucks from customers. This is applicable even if the vendor is able to accept card payments on their own.
- Vendors are reimbursed for the full face-value of Market Bucks and EBT Market Bucks.
- Vendors shall provide change to all customers paying with Market Bucks by way of Market Bucks in smaller denominations, or by cash.
- Vendors shall provide change to all customers paying with EBT Market Bucks by way of EBT Market Bucks in smaller denominations.  
If smaller denominations are not available, customer may exchange their EBT Market Bucks for smaller denominations at the information booth until 11:45 a.m., or can choose to decline change.
- Vendors will not incur fees to participate in the Market Bucks or EBT Market Bucks programs.
- Market Bucks and EBT Market Bucks may be kept by vendors in cash boxes to use to make change from week to week.
- Market Bucks and EBT Market Bucks can be turned in for reimbursement at the information booth until 11:45 a.m. on any Market Saturdays during the Market season.
- Market staff reserves the right to reimburse large amounts of Market Bucks and EBT Market Bucks via check if Market staff does not have sufficient cash on-site to complete the reimbursement on the Market day.  
In the event check reimbursement becomes necessary, checks will be issued and mailed prior to the following week's market.
- After the Market season, Market Bucks may be turned in for reimbursement at the DFP office (131 S. Main St., Ste 101, Fond du Lac, WI 54935) up until the end of the Market calendar year.

## Cancelling the Market

- Cancellation may occur if the National Weather Service indicates severe weather warnings during part or throughout the entire scheduled Market time, however, the Downtown Fond du Lac Partnership reserves the right to cancel The Market due to poor weather conditions at any time.
- In the rare event of a cancellation, Market staff will make a specific and reasonable effort to notify vendors and customers in a clear and concise manner. Typically, this communication will take place on our Downtown Fond du Lac Partnership Facebook page (<https://www.facebook.com/DowntownFDL>) and our Downtown Fond du Lac Farmer's Market Facebook page (<https://www.facebook.com/FondDuLacFarmersMarket>), but is not limited to such. Emails may be sent to vendors, dependent upon the lead time of such decisions.
- No refunds are given in the event of a cancellation; however, weekly vendors may request an alternative weekend to attend.





# Farmers Market Policies, Rules & Regulations

## Community Donations

Vendors have an opportunity to donate produce and baked goods to those in need in the Fond du Lac area. Donations can be made at the information booth after 11:45 a.m. Market staff arranges with local food pantries to pick up the donations each Saturday.

## Code of Conduct

- Market attendees, participants, vendors and their employees shall conduct themselves in a pleasant and courteous manner towards all market patrons, volunteers, and staff.
- Verbally and/or physically threatening behavior, and/or acts of violence at The Market, DFP office, within downtown businesses, or by electronic means will not be tolerated. Hate speech and symbols and/or acts of discrimination are considered to be threatening and violent. Any person who engages in this behavior will be reprimanded and/or removed from the premises.
- No smoking, alcohol consumption, and/or illegal activities are prohibited within vendor stalls.
- Vendors participating in the Market are free to exit their vending space during The Market, but may not engage in any solicitation or sales, or conduct business or sharing of information outside of their assigned vending space.

## Rule Violation Policy

- Violation of any of the Downtown Fond du Lac Farmer's Market Policies, Rules and Regulations will be handled as follows:
  - First violation - Verbal or written warning, which may be issued by any member of the market staff
  - Second violation - Expulsion from The Market without refund for that day.
  - Third violation - Expulsion without refund for the remainder of the Market season, with possibility of expulsion from all Downtown Fond du Lac Partnership future events.
  - Violations resulting in a police report or protection order being filed against a vendor may result in immediate and permanent expulsion from the Market without refund of vendor fees.

## 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 staff of the Downtown Fond du Lac Partnership.

## Disclaimer

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 Fond du Lac 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.

The Downtown Fond du Lac Partnership staff reserves the right to deny a Farmers Market applicant if said applicant's goods, services or organization ideals do not align with the mission and views of the Downtown Fond du Lac Farmers Market.



# Farmers Market Policies, Rules & Regulations

## Farmers' Product Policies

The Market Farmers' Product Policies are determined by State of Wisconsin or County Health Department Guidelines

### Out of State Produce Rule / 20% Rule / Special Allowances

- Out of State Rule: To preserve the integrity of The Market's focus on locally grown. **No out of state produce is to be sold.**
- 20% Rule:
  - Allowance is made for vendors to market products or locally grown goods not grown or produced directly by the vendor, to a maximum of 20% of the vendors total marketed goods per Market day.
  - 20% rule is determined by the number of items being sold on any given Market day. Example: If a vendor has 10 items for sale, 8 of the items must be vendor grown/produced and 2 items may be from another producer(s).
  - 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).
- Special Allowances:
  - Exceptions to the out-of-state and/or 20% rules will be on a case-by-case basis, limited strictly to products not easily available in our region, and must be approved by the Downtown Fond du Lac Farmers Market Steering Committee prior to offering the items for sale at The Market.

### Food Displays and Packaging

- All vendor products display and packaging 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](mailto:DATCPWeightsandMeasures@Wisconsin.gov)
- Market Management will make best efforts to arrange for a DATCP representative to visit The Market in mid-July each season to certify scales. Vendors who utilize this service will be invoiced for the full cost the certification.
- Vendors are responsible for obtaining all licenses or permits required for the sale of food products 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.



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### Food Sampling

- Food sampling must meet County Health Department code. Please contact the Fond du Lac County Health Department for details.
- All vendors giving free samples must provide a waste container in a prominent place and labeled for use by the public.
- Free food sampling will not require a permit as long as the following are met:
  - Samples are prepared in the operator's licensed facility or the operator purchases the foods from a commercial facility.
  - No cooking or food preparation onsite, only portioning and serving.
  - Samples do not exceed 2 ounces and are adequately sized to minimize handling using such items as toothpicks, portion cups, etc.
  - Samples are free – no samples are being sold.
  - Samples are safely dispensed under clean and sanitary conditions to the public.
  - No bare hand contact with the food is allowed. Gloves or utensils are required to be used.
  - Temporary hand washing station is set-up.

### CBD Policy

The Downtown Fond du Lac Farmers Market allows the sale of CBD products under the following conditions:

- CBD products are limited to hulled hemp seed, hemp seed oil, topical CBD, and smokable CBD flower. No viable seed, starts, or plants can be sold at The Market.
- CBD vendors need a Hemp Growers license.
- All CBD products must be below .3% THC tested by USDA.
- All hemp and CBD products must originate from hemp grown in Wisconsin.
- All CBD products must be labeled.
- CBD Policy is subject to change in accordance with local regulations at any time.





# Farmers Market Policies, Rules & Regulations

## Farmers' Product Policies

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### Baked Goods Sales

Baked goods may be sold at The Market under the following conditions:

- Retail sales only (direct from producer to consumer)
- No more than \$5,000.00 in sales per year
- Vendor must have a Certificate of Vendor Insurance available on site & on file with The Market
- Vendor must display a 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.



# Farmers Market Policies, Rules & Regulations

## Farmers' Product Policies

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### Wisconsin Pickle Bill

Pickled goods may be sold at The Market under the following conditions:

- Retail sales only (direct from producer to consumer)
- No more than \$5,000.00 in sales per year
- Vendor must display a 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.
- 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



# Farmers Market Policies, Rules & Regulations

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### Egg Policy

The sale of eggs is permitted at The Market under the following conditions:

- Includes shell egg of chicken, duck, goose, guinea, quail, ratite or turkey.
- Licensing:
  - Vendor must have a DATCP food processing license on the farm for washing, packaging, and cold holding the eggs. For more information, please contact DATCP, Division of Food Safety: (608) 224-4700, [www.datcp.wi.gov](http://www.datcp.wi.gov)
- **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
- A FDL Health Department license is required; If you are selling in multiple counties, a DATCP Mobile Retail license is required instead of the FDL Health Department license
- Storage and Display
  - Eggs must be stored in a unit that can maintain at 41 degrees Fahrenheit or below (provide a thermometer)
  - 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
- Product labels must include:
  - Name and address of packer, distributor or processor
  - Grade and size or "ungraded and uninspected" statement
  - Date of packing
  - 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.