

BY-LAWS

Mission Statement

The vision is to support the growers and producers of agricultural commodities by offering a location for them to sell their produce to the local community. We hope to enhance the community through building relationships between producers and consumers, to support local economic activity, and to improve the sustainability of growing and producing these farm products and associated goods.

To promote a healthy lifestyle by making available a wide variety of quality, fresh produce and other farm products.

To provide an educational forum for consumers to learn the uses and benefits of high quality locally grown produce and other agricultural products.

To preserve Wisconsin's unique agricultural heritage and the historical role farmers markets have played in that heritage.

Organization Leadership and Market Management

The members will elect the leadership of the organization from farm vendors who sell at the Stevens Point Farmers Market.

The leadership of the organization will consist of five (5) members.

To ensure fair representation, at least one (1) of those members must be from the Hmong community to help with language difficulties and to ensure they are duly represented.

Officers will serve for two (2) years at which time there will be new elections held. Three (3) of the officers will start on odd years and two (2) will start on even years. (In the year of inception, 2011, two (2) leaders will only serve a one (1) year term.) Officers can be re-elected to serve consecutive terms if they wish to run and the members choose to vote for them.

The elected officials are to represent the membership's wishes and shall NOT rule over them. Therefore, major decisions such as to the Stevens Point Farmers Market rules or changes to market location, are to be based on a vote of the members (not made by the elected officers).

The elected officers shall serve in a variety of capacities:

- 1) Liaison to the Association of Downtown Businesses
- 2) Liaison to the City of Stevens Point
- 3) Public Relations and Marketing
- 4) Market Manager for Saturdays
- 5) Market Manager who can speak the Hmong **dialect language**.

6) A third Market Manager for middle of week sales days

The Board of Directors of the Stevens Point Farmers Market Association shall consist of the following officer positions: President, Vice-President, Secretary, and Treasurer. The Secretary and Treasurer may be held by the same person.

Decisions of who shall serve in what capacity shall be left up to the elected officers, unless the membership decides otherwise. *Note: All elected officers shall fill in as Market Managers when one of the three delegated managers is not physically at the market.*

All elected officials shall have their contact information available to the membership.

Market Managers will be responsible for resolving disputes related to the market rules. If questions arise about a vendor not following the rules, the three managers shall collect necessary information and make a collective decision about how to deal with that vendor.

Vendors may have their membership terminated at any point if the Market Managers determine that they are in violation of the established rules. It is recommended that the managers try to resolve the issue before terminating membership.

The elected officers shall meet at least four (4) times throughout the year to address organizational interests.

~~Organization leaders~~ The Board of Directors will review and assign permits on a case by case basis. Emphasis will be given to new vendors on the diversity of products at the market as long as they fall under the rules established by the market by-laws. ~~permits based on a vendor's application relative to the rules of the market (a vendor cannot be denied a permit if they complete an application, agree to follow the rules, and space is available).~~

The organization leaders will be familiar with the Wisconsin Department of Agriculture, Trade and Consumer Protection Plan.

If Market Managers or other leadership team members are believed by the membership to be abusing their positions, a full membership meeting can be called upon two (2) weeks notice to all members and new leaders elected if more than 60% ~~51%~~ of the membership is present.

A By-Law change requires a meeting with two (2) weeks notice of the meeting and at ~~least 60% of the membership is present~~, ~~51% of the membership is present~~ for there to be a quorum. The By-Laws may then be amended by a two-thirds vote of those members or their representatives present.

(Note: Any person listed on the contract and/or their family member or business partner can represent them, or if a member so chooses may designate, in writing, a representative to represent them at the meeting.)

An annual meeting of the membership will be held in April or thereabout.

- This meeting will be used to communicate information about the upcoming market,
- Address any business related to the organization,
- Election of leadership, and
- Provide stall/space assignments.

An earnest effort should be made to notify all members of all membership meetings at least two (2) weeks in advance of all meetings, if possible. An annual meeting of the members will be held in April or thereabouts. This meeting will be used to communicate information about the upcoming market, address any business related to the organization (i.e., election of leadership), include any formal matters that may arise, and provide stall/space assignments.

A full list of members will be provided to the City of Stevens Point each year at the beginning of the farmers market.

When a question arises regarding procedure that is not specifically mentioned in the Association By-Laws, the current issue of Robert's Rules of Order shall be referred to.

Membership

Membership is limited to those farmers who grow their own crops and live within a 30 mile radius of Stevens Point, Wisconsin. *NOTE: An exception is made for crop failure or if a farmer has a shortage of a particular produce item. In those cases the farmer is allowed to fill that void by purchasing such produce from another vendor who also vends at the Stevens Point Farmers Market.*

NOTE: The Market ~~Manager~~ Board of Directors reserves the right to include products outside of that radius if it is a Wisconsin product that is not grown within the radius and inclusion of that product will enhance the market. (Examples: peaches, cherries, wild rice, etc.)

Membership of the Stevens Point Farmers Market Association shall consist of those vendors who sell at the Stevens Point Farmers Market, are willing to abide by the rules and guidelines set down by the Stevens Point Farmers Market Association and who have submitted a completed Farm Vendor Application, which has been approved by the Stevens Point Farmers Market Association. ~~Membership fees shall be ___ annually. All members shall donate \$20 annually to help cover expenses of the Association. Any incidental expenses approved by the association which exceeds the sum of the \$20 per member, shall be shared by those members who specifically agreed to approve such incidental expense.~~ Membership is maintained as long as the vendor abides by the rules and guidelines and continues to sell each and every year since obtaining membership ~~and their membership dues are paid in full.~~

Failing to sell in any given year terminates membership.

~~Vendor applications will be accepted at any time during the year. Vendor applications for the current year will be accepted from January 1st until June 1st of that year.~~ However, any permits issued to vendors who have not yet sold at the market will be issued a permit but will not have voting privileges at the annual meeting. Voting privileges are for those members who have sold

at the market the summer prior to the annual meeting. One (1) vote shall be allowed per farm vendor.

If a farm vendor sells a product which falls under local, state and/or federal regulation, the Market Manager may ask him/her to furnish copies of his/her license to sell such products.

If a farm vendor's regulatory circumstances change after approval of his/her application, he/she is responsible for submitting updated documentation to the Market Manager.

A temporary permit will be issued to new vendors coming to the market and will be good for fourteen (14) days from date of issue to allow for the vendor to apply for a regular permit.

A regular permit to sell at the Stevens Point Farmers Market will be issued by the Stevens Point Farmers Market Association upon completion and approval of signed application by applying vendor. This permit remains valid as long as the vendor abides by the rules and regulations of the Stevens Point Farmers Market Association and the City Ordinances.

Rules Regarding Vendor Stalls

~~Vendors must be a member of the Stevens Point Farmers Market Association to sell at the Stevens Point Market. To sell at the Stevens Point Farmers Market Association, vendors must be members that are in good standing. Or a daily vendor, who agrees to follow the bylaws and policies of the Stevens Point Farmers Market Association and pay a daily vendor fee of \$20.~~

Stall assignments will be determined and available at the annual Stevens Point Farmers Market annual meeting. Assigned stalls are guaranteed as long as the assigned vendor is present before 6:30 a.m. on the day of market. After 6:30 a.m., any vendor with a valid permit has the right to occupy any stall they choose on a first come first served basis.

~~Stalls may be split between no more than two entities, with the split being 75%/25%. The assigned occupant of the stall is the only entity that may claim seniority. Both occupants must abide by the bylaws and policies of the Stevens Point Market Farmers Market Association. A split stall must be approved by the Board of Directors.~~

A stall assignment list will be submitted to the Public Works Department of the City of Stevens Point before the end of May of each year.

Since the primary goal of the Farmers Market and the Farmers Market Association is to sell fresh fruits and vegetables, no more than 10% of the stall spaces will be granted to non-farmers. These stalls, upon approval by the Farmers Market Association, can be filled by those who sell specialty prepared food items to be consumed at the market, demonstrate and teach others about the benefits and use of fresh produce, or offer services to the farmers market consumers and vendors. *(Example of such "services" are: How to prepare foods that the vendors sell, how to store and preserve these foods, fresh produce food safety tips, occasional entertainment for consumers while at the market as long as it does not become too loud to make communication difficult for vendors and customers to communicate. Note: One (1) booth is set aside for such*

services.) These vendors must have a permit and a reserved stall, based on seniority of their vendor class. These vendors must set up in their reserved stall and are liable for damages to the stall. The concrete must be protected from grease and stains. All required permits and licensing must be up-to-date. Total number of stalls shall be four (4). These stalls are separate from the farm vendor's stalls. Stalls shall be no more than 10 feet wide and 10 feet deep and if tents or covering structures are used, these shall be safely erected and weighted down to prevent injury to the public or other vendors. Vendors may also use their parking space as additional stall space, if it is adjacent to their 10' X 10' stall.

The leaders of the association will map out the selling area and number the stalls. This map will be available to the Public Works Department and to the membership of the association.

Vendor stalls shall be assigned by the leadership. Preference is given to those vendors who previously had a reserved stall and have been selling every year since receiving their stall assignment based on their seniority at the time of stall assignment. All new vendors will be accepted based on their seniority of continued annual selling at this market at the annual meeting. All vendors who have a reserved stall will maintain their seniority rights as long as they continue to sell at this market. *NOTE: ~~Failure to sell in any given year means the vendor forfeits his seniority and their rights to a reserved stall.~~ Saturday vendors who miss more than 3 Saturday markets between June 1st and September 30th will forfeit their stall assignment. extenuating circumstances reviewed by the market Board may result in an exception.*

Farm Vendor Stall Guidelines and Conduct

- A. Assignments.** Most vendors have reserved stalls for the season. New vendors are assigned a temporary farm vendor stall on a first-come, first-served basis by the Market Manager after 6:30 a.m. on the day of market. The new vendor must fill out an application for a selling permit, if they wish to sell more than one time in a given year.
- B. Parking.** Adjacent parking for vendor vehicles is limited. Vendors who come with more than one vehicle shall not park their second vehicle around the center portion of the Square. Vendors without an assigned stall may or may not have the ability to park closely to their stalls.
- C. Stall Set-Up.** For those who want their reserved stall, they must be present before 6:30 a.m. After 6:30 a.m. all vacant stalls can be filled by any farm vendor present who holds a valid permit. VENDORS SHALL NOT TAKE MORE THAN ONE (1) STALL PER PERMIT HOLDER.
- D. Size.** Stall sites are 10 feet wide by 10 feet deep. A vendor may use his parking stall as additional market space if they choose. A 5' wide area for customer traffic must be kept open along the front of all stalls.
- E. Display.** Vendors are expected to provide their own stall furnishings including tents, tables and chairs. Vendors provide their own signage. NO personal vendor signage is allowed at the market outside of their personal stall area.

- F. **Signage.** Within the stall space, vendors shall display signage with the name of his/her business and its location. Organic products may be advertised provided they meet USDA guidelines as organic. The Market Manager may ask to see a vendor's organic certificate or proof of organic growing practices at any time.
- G. **WIC/Senior Vouchers.** Approved WIC and/or senior voucher vendors may display signage informing their customers of their approved WIC and/or senior voucher status.
- H. **Vendor Representation.** Vendor representatives must be listed on the vendor application. Market Managers must be informed of any changes.
- I. **Behavior.** Vendors are expected to conduct themselves in a courteous manner to other vendors, Market personnel and Market patrons. Threatening, abusive or harassing behavior constitutes a violation of the Farmers' Market rules and constitutes grounds for dismissal from the market.
- J. **Sales Time.** Market sales hours are from 6:00 a.m. to 5:00 p.m., except on days when other events on the Square take place. On those days the market will shut down at 2:00 p.m.
- K. Vendors are not allowed to bring their pets to the market.
- L. **Sales Practices.** Vendors must follow all appropriate practices required by law including the use of scales certified for legal trade, proper handling of potentially hazardous foods, etc. Enforcement of these practices is left to the proper local, state and federal agencies. Market Managers may, on occasions, get involved in problems arising from those who fail to abide by the law.
- M. Leftover produce may NOT be placed in the city trash bins. Vendors must take their entire personal trash home with them. Talk to other vendors - they may be interested in using it for compost. Upon leaving for the day all debris from your stall shall be cleaned up.
- N. **Smoking.** Smoking is not permitted anywhere in or near the vendor stalls.
- O. **Noise.** Loud or disturbing noises are not allowed in the Market area. No generators, radios, music or hawking is allowed. The operation of motors or engines is generally not permitted.
- P. All preparation of produce such as washing of vegetables, major cutting and trimming of flowers, etc., shall be done at home or in your vehicles. Dumping water or debris on the cement or in the planters is not allowed. *Note: Wiping off or polishing vegetables with a damp rag, misting vegetables with a spray bottle to keep them moist, and arranging of flowers is acceptable.*

- Q.** Vendors shall display their permit to sell at the market and shall show it when requested to do so. The permit, along with their name and address shall be clearly displayed in their booth while selling.
- R. Disciplinary Action.** The Market Manager uses his/her reasonable discretion regarding the enforcement of market rules. The Market Manager has the right to dismiss any vendor from the market for any violation of rules set forth in this document and/or any violation of any regulatory code or law with approval by the consensus of a majority of members of the elected body of managers.

Any vendor dismissed from the market surrenders their permit and any contributions made to the association.

List of Approved Products

- A.** All agricultural products must be grown or produced by the vendor and come from within a 30 miles radius of Stevens Point, Wisconsin. (Exception is made for crop failure or shortage as stated in City ordinance. In those cases a vendor can purchase and sell produce from another vendor who sells at the Stevens Point Farmers Market.) The Market Manager reserves the right to include products outside of that radius if it is a Wisconsin product and inclusion of the product will enhance the market.

Farm products welcome at market include:

- All agricultural produce such as fruits, vegetables, grains, etc.
 - Animal products such as meats, eggs, cheese, fiber and any other marketable product from the farmer's animals.
 - "Farmer value added products" produced by the farmer such as bakery items, candy, dried foods, decorative items, soaps, craft items, etc. (Value added food items by the vendors must be produced in a licensed commercial kitchen.)
 - Canned fruits and vegetables (vendor produced in a licensed commercial kitchen). *Note: Those items such as jams and jelly, which fall under the "pickle law", do not require a licensed kitchen.*
 - Honey, sorghum, syrup and molasses.
 - Cider.
 - Plants: annuals, perennials, nursery stock, house plants, fresh and dried flowers, and fresh and dried herbs.
 - Any items made by the farm vendor and the vendor's immediate family as long as they continue to sell agricultural products which they grow themselves.
- B.** Products outside of the "list of approved farm products" are not allowed to be sold at market without the expressed permission of the Stevens Point Farmers Market Association.

Selling Produce Below A Reasonable Cost of Production Is Prohibited At The Farmers Market

The Wisconsin Unfair Sales Act (s. 100.30 (3), Stats.) prohibits sales below cost, known as “loss leader sales”, for all merchandise. The Act outlines the policy underlying this prohibition: Support of fair competition promotes stability, prevents disruption, and creates consumer benefit through sustained long-term competition (s.100.30 (1), Stats.). Under the Act, loss leader sales are a form of unfair competition. The Act prohibits loss leader sales made with the intent or effect to induce the purchase of other merchandise, divert trade, or otherwise injure a competitor (s. 100.30 (3), Stats.). A classic loss leader strategy would be to attempt to force a competitor out of business through near-term below cost sales in order to create and take advantage of a less competitive long-term market.