

## **2020 RULES AND REGULATIONS** **VILLAGE OF HAMILTON FARMERS MARKET**

The Village of Hamilton Farmers' Market will open **on Saturday, May 2nd** and will close on **Saturday, October 31st**, but will not operate on **July 4th**.

Hours of operation are **8:00 AM until 1:00 PM**. The Village Board of Trustees has given permission for all vendors to stay at your site and sell your product until 2:00 PM., every week if you wish.

**All vendors must apply and obtain a permit from the Village of Hamilton in order to sell at the Farmers Market.**

Once a site has been assigned, that space is yours. Under no circumstances will a vendor be allowed to relocate or transfer to another area without permission from the Village Office. No more than two vendors per site or permit.

**The following items must be licensed by NYS Dept. of Agriculture and Markets and can be sold at the Hamilton Farmers' Market including, but not limited to: See attached checklist**

**Plants:** only one nursery license is required & must be posted in public view at time of sale.

- Plants and Nursery Products- i.e. bedding plants, potted plants or field grown plants.
- NYS Department of Agriculture & Markets Nursery Growers License, if engaged in the production of plant material intended for sale
- Valid NYS Sales Tax Certificate

Contact: NYS Department of Agriculture & Markets Division of Plant Industry or visit their website at: [www.agriculture.ny.gov](http://www.agriculture.ny.gov) or phone at: 1-518-457-2087

**Eggs:**

- No permits, licenses or certificates required, for cleaned shell eggs maintained at 45 degrees F or less. Eggs must be from Farm owned hens (not purchase eggs).

**Honey, Maple Syrup:**

- No permits, licenses or certificates required, if single ingredient products
- Article 20C License from NYS Dept. of Agriculture & Markets, if additional ingredients are added to the products, i.e. maple mustard, maple cotton candy, etc.

**Baked Goods:**

- 20C Exemption from NYS Dept. of Agriculture & Markets if home baked, non-hazardous: i.e. Bread (no breads containing fruits or vegetables), rolls, cookies, cakes, brownies, fudge & double crust fruit pies (Quickbreads are considered potentially hazardous and cannot be done under 20C Exemptions.) No internet sales or advertising allowed.
- Article 20C License from NYS Dept. of Agriculture & Markets on all other baked products provided the business does 51% of its sales at wholesale. (Requires a separate, commercial kitchen.)
- All other baked goods must come from a licensed NYS Department of Health facility

**Cider/Fruit Juice:**

- Article 20C License from NYS Dept. of Agriculture & Markets for manufacturers/bottlers.
- All cider and fruit juices must be pasteurized, UV treated, or high pressure treated.

**Mushrooms:**

- Cultivated mushrooms, sold whole or otherwise processed, require no license.
- Cultivated mushrooms, sliced, chopped, washed and identified as ready to eat or any other processing requires an Article 20-C license.

**New York State Micro-Breweries:**

- Must obtain a no-fee permit from the NYS Liquor Authority:
- <http://www.sla.ny.gov/system/files/BrewerOffPremisesPermit.pdf>

**New York State Wines:**

- Farm Winery Permit, issued by the NYS Liquor Authority
- Valid NYS Sales Tax Certificate

**Processed Foods:**

- Home Processors are eligible for an Article 20-C Exemption from NYS Dept. of Agriculture & Markets, for non-hazardous foods only, including fruit jams, jellies and marmalades;

candy (excluding chocolates); spices and herbs repackaging only); and snack items such as popcorn, caramel corn and peanut brittle. Information on registering as a Home Processor in New York can be found on the website, <http://www.agriculture.ny.gov/FS/consumer/processor.html> or by calling one of the regional offices.

- Article 20C License from NYS Dept. of Agriculture & Markets, prepackaged and labeled in accordance with NYS Food Labeling Law; identity of food in package form; name of manufacturer, packer or distributor; place business; ingredient declaration in descending order of predominance by weight; and net quantity of contents
- County Board of Health Permit if processing is on-site; i.e. cutting of baked goods to be sold by the piece, slicing of cheese to be sold by the pound; cooking and selling ready-to-eat foods
- Home processing of canned fruits and vegetables is NOT permitted. All canned fruits and vegetables must be done under 20C License and registered with the Federal Government as a food processor.
- Article 20C License from NYS Dept. Of Agriculture & Markets is required for dehydrating herbs and spices or for blending of nay spices for repackaging.
- Food processing (portioning, packaging, etc.) is NOT allowed at the farmers market.

**Meats:** - License is required if grinding or processing. License is NOT required for cutting

**Red Meat (Beef, Lamb, Goat)**

- USDA slaughtered and/or processed must have USDA legend
- Article 28D License required if warehousing for wholesale
- Must be maintained at 0 degrees F or below and sold frozen

**Chicken (Must be frozen)**

- License NOT required to sell 250 turkeys or 1000 birds of other species\*
- No license required if USDA slaughtered
- Article 28 License if warehousing for wholesale accounts
- Article 5A License required if selling over 250 turkeys or 1000 birds of other species\*
- \*250 turkeys or 1000 birds of other species processed annually

**Exotic Meat (Must be frozen)**

- Must be slaughtered at an Article 5A licensed establishment
- Must be labeled "Processed at an NYSDAM facility"
- Article 28 License required if warehousing for wholesale accounts, if not licensed under Article 5A.

**Processed Meats (Shelf stable processed meats (dry, fermented sausage) only)**

- Article 20C license from the NYS Dept. of Agriculture & Markets

**Fish (If processed (fileted, etc.) – Must be frozen)**

- No permit, license or certificate is required if a freshwater fisherman is selling only whole, non-protected species.
- Article 20C License from NYS Dept. of Agriculture & Market if fish is pan-ready.
- NYS DEC hatchery permit required if selling protected freshwater species.
- NYS DEC permit required if re-selling any protected freshwater species
- NYS DEC Food Fish License to catch and sell marine fish.
- NYS DEC Food Fish and Crustacean Dealers & Shippers License to resell marine fish purchased from a licensed fisherman.

**Dairy**

**Cheese & Other Dairy Products (such as yogurt, butter, sour cream)**

- For producers, Part II Permit, issued by the NYS Dept. of Agriculture & Markets Division of Milk Control and Dairy Services.
- If cut and wrap cheese, need Part II Permit issued by Division of Milk Control and Dairy Services unless part of a food establishment by Division of Food Safety, in which case just need Article 20C License

**Milk and Fluid Milk Products (such as 2%, 1% and non-fat milk)**

- Milk must be pasteurized.

- Producer must have Part II Permit issued by Division of Milk Control and Dairy Services.
- Producer and any distributor must have a Milk Dealers license issued by Division of Milk Control and Dairy Services unless amount handled is less than 3000 pound per month.

**Grains and Legumes (prepackaged-cannot be packed on site)**

- No permit, licenses or certificated are required

**Fresh Cut/Dried Flowers**

- Valid NYS Sales Tax Permit

**Crafts**

- Valid NYS Sales Tax Permit

It is the responsibility of the vendor to provide to the Village of Hamilton proof of your Dept. of Health License when the vendor application is submitted.

Contact:

Madison County Department of Health  
 Environmental Health Dept.  
[www.healthymadisoncounty.org](http://www.healthymadisoncounty.org)  
 315-366-2526

**Sales Tax Registration**

It is the responsibility of the vendor to obtain a sales tax permit if they sell non-food items. A representative from NYS does visit markets periodically to check for permits. If a vendor is found to be in violation, there is a significant fine that NYS will enforce upon each vendor.

Contact:

New York State Department of Taxation and Finance  
 518-485-2889  
[www.tax.ny.gov](http://www.tax.ny.gov)  
 Form DTF-17

There are some items that are prohibited from sale at the Farmers' Market including, but not limited to: books and magazines not authored by a resident of the Village of Hamilton or any immediate nearby towns, appliances, cleaning products, assorted merchandise, etc.

**Licenses, Registrations and Permits**

It is the responsibility of the vendor to display all necessary licenses, registrations and permits for New York State inspectors, Madison County inspectors, Village of Hamilton personnel and Consumers.

**Craft/Art items or Baked Goods**

All baked goods and craft items must be handmade by the vendor and may not consist of items purchased for resale.

**Re-Sale of Produce**

Theoretically, the Village of Hamilton would like to require that produce vendors home grow all their fruits and vegetables, but in reality, it is not possible to get the variety of produce that our customers are looking for. Allowing produce vendors to sell resale, allows customers to purchase off-season products locally. All vendors who sell produce for re-sale are required to pay an additional fee if they choose to sell produce from other areas.

**Weekly Permits**

Weekly permits will be issued only for seasonal produce, i.e. pumpkins, apples, sweet corn, etc. A permit cannot be issued for a single Saturday unless it is for sale of these seasonal produce items.

### **The Importance of Market Attendance**

The strength of any farmers' market depends on the presence of many vendors and diversity of products. When you commit to be a vendor you become part of a larger group and collectively everyone benefits. Not only do our customers appreciate your regular attendance, but also your fellow vendors depend on you being there to make the market successful. Your continued attendance is very important.

Customers do attend the market and shop on days with inclement weather. We do understand that there will be times when the weather is so unpleasant that your product could be damaged or you may have personal reasons, vacations, etc.

Lack of attendance (13 missed Saturdays for full-season, 7 missed Saturdays for half-season) may result in loss of site for the next season.

### **Political Parties or Religious Organizations**

Committees promoting a specific political party or religious group must occupy a paid vendor space.

### **Non-Profits**

Non-Profits wishing to be at the market for more than 2 consecutive weeks will now be required to purchase a permit for a fee (see application for prices)

### **Fund-raising**

The sale of raffle tickets, raising money for a specific charity or non-profit organization will be allowed only in a community space.

### **Pets**

Vendor-owned pets are **NOT** allowed within the Market area, except for Wanders Rest, Rescue Me or service animals. In addition, the sale of live animals is not allowed at market by vendors or visitors.

### **Restrooms**

Restrooms for vendors and customers are available at the Hamilton Public Library during 10:00-1:00 or the port-a-john behind the Library.

### **Refuse/Recycling**

Each permit holder will be assigned a designated site and shall be responsible for keeping their space free from all refuse during market hours. No booth stands or other selling fixtures, materials, or equipment shall be erected prior to 7:00 a.m. on the market day. All vendor activities must be conducted in an orderly fashion and the vendor's space should be kept neat, orderly, and safe. **Each vendor must clean and remove all material, litter and debris from their area within one-half hour after the close of each market day.**

All vendors are required to protect their area from damage, i.e. cooking spills, tent stakes, etc. Costs and repairs will be billed to the vendor. This will be enforced per inspection on the following business day.

**It is the expectation of the Village Board of Trustees that when vendors are showing wear on grassy areas at their site that they bring a protective mat or carpet to protect the grass. Failure to comply will result in a fee to be determined by the Board.**

### **Parking**

As we are aware of the parking limitations in the Village of Hamilton, we require you, the vendor, to unload your craft at the curb and relocate your vehicle for the remainder of the market hours to another location to allow prospective customers to more freely have a place to park. This is not the responsibility of the market monitor, but he has the authority to ask you to move your vehicle if he sees the need. When the market is over, after 1:00pm, you may then bring your vehicle curbside again to load the remainder of your items. Please feel free to use the parking lot behind the Village Office if spaces are

available. This does not apply to curbside vendors along East Broad Street. We appreciate your patience and understanding of this rule.

**Tobacco**

The Village of Hamilton Board of Trustees is requesting that vendor's refrain from using tobacco products at their sites while at the market.

**Complaint Procedures**

All vendors are to comply with all provisions of the Village of Hamilton Farmers' Market Local Law (section 66-11) and its related regulations. This includes the Village of Hamilton Violence in the Workplace Policy that states that all businesses that utilize Village property are expected to maintain a working environment free from violence, threats of harassment, intimidation or coercion. Failure to comply with any regulations or policies of the Village of Hamilton will result in a verbal warning for the first offense and if there are additional offenses in the same season, the Village of Hamilton Board of Trustees may choose to revoke the permit or fine any vendor.

To enforce these rules and regulations the village has hired a Market Monitor to be available.

**SPECIAL WEEKENDS for 2020**

**May 9th**-Mother's Day Weekend

**May 16th**-Colgate Graduation Weekend

**May 23rd**-Memorial Day Weekend

**May 30th**-Colgate Reunion Weekend

**June 20th**-Father's Day Weekend

**August 22nd**-Colgate First-Year Students Arrive

**September 5th**-Labor Day Weekend

**October 17th**-Homecoming

**October 24th**-Family Weekend