

**Kearney Farmers Market
2024 Rules and Regulations**

NW Corner of 33 and 92 HWY – Kearney, MO
2024 Market Season: Saturdays, May-October, 7am to noon

PRIMARY GOALS OF THE KEARNEY FARMER’S MARKET (KFM)

- To be a profitable outlet for local farmers and artisan vendors.
- To attract additional patrons to the Kearney business district providing additional exposure and interaction opportunities for other local businesses.
- To provide a consistently ample and diverse selection of high quality, fresh, locally grown and produced products to our community.

This document is maintained by the KFM leadership and updated periodically. While local, state, and federal regulations are referenced, these do change and update regularly. It is the responsibility of the vendor to familiarize themselves with all appropriate regulatory bodies and stay up to date on all guidance applicable to their operation.

RULES APPLICABLE TO ALL VENDORS

1. Set-up/Tear-down:

- a. Vendors are required to be set up no later than the opening of the market (7 am). It is highly encouraged to arrive by at least 6:30 am to ensure this can be accomplished.
- b. Those who arrive late three times will lose their designated booth space and will be directed by the Market Coordinator where to set up. No disruptions of the market will be allowed by a late arriving vendor.
- c. Vendors must use tent weights on each pole for safety. KFM is not to be held responsible for damage to people, vehicles, surrounding buildings and inventory due to improper set up.
- d. Tear-down begins at noon. All vendors should depart from the designated Farmers Market area by 1 pm.
- e. All vendors must sweep up their areas before leaving and assist in cleaning the common area used for the market.
- f. Vendors must not discard refuse of any kind in or around trash receptacles.

2. Signage and pricing:

- a. All vendors are required to display a clearly visible sign with the name of their business.
- b. Signage shall include the origin of the produce or product and whether it is grown by the vendor or is a resale product.
- c. All vendors are required to display the bulk of their merchandise on tables with prices clearly marked for each item available for sale.

3. Insurance and liability:

- a. Each vendor will provide a certificate of insurance showing

ownership of a general liability policy for \$1 million dollars and list Kearney Farmers Market the certificate holder and additional insured.

- b. A copy of this will be submitted to the Market Coordinator prior to attending the market.
- c. The KFM is not responsible for sales arrangements or warranties of any sort, expressed or implied, concerning produce or any other item bought, sold, or traded.

4. Locally grown and resale:

- a. Produce vendors are encouraged to sell only agricultural produce grown by themselves on farms within a 110-mile radius from Downtown Kearney.
- b. Produce may be purchased for resale; however, it must be grown by another farmer within a 110-mile radius from Downtown Kearney.
- c. The buyer/re-seller must take responsibility for the quality and safety of the purchased produce, must separate it from their own locally grown produce and must label it as “resale” on the price placard.
- d. The current homegrown to resale ratio is 75% to 25%. The source of products must be made available upon request of KFM leadership and include the origin farm/business name, city, and state. Failure to provide legitimacy will result in discontinuation of the questioned product’s sale.

5. Permitted items for sale:

- a. Vendors must live within a 110-mile radius of Kearney, Missouri.
- b. Farmers are permitted to sell fresh fruits and vegetables, grains, potted/bedded plants and trees, fresh and dried flowers, herbs, and nuts.
 - i. Bedding and potted plants must be grown from seeds, starter plugs, cuttings, bulbs, or bare root.
 - ii. They must be well established in their current container by the seller.
 - iii. No resale of pre—finished plants is allowed. No sale of pre-finished plants purchased in individual re-sellable containers.
 - iv. Production records must be maintained and available to the KFM leadership if requested.
 - v. Sellers of meats, eggs, baked goods, honey, cider, or any other food/beverage items must provide the market coordinator with relevant state and county health permits as required and/or requested.
 - vi. Artisan stalls shall not exceed 30% of the total market unless authorized by the KFM committee. See below for breakdown of product requirements. Contact market coordinator for more information.

6. Stall Space:

- a. Stall space width will be limited to increments of 10 feet measured on the parking lot. Depth is left to the discretion of KFM leadership.
- b. Vendors will be notified of stall location once your application has been approved.

7. Pet policy:

- a. No dogs, cats or other pets/animals are allowed in the vendor booth space during market hours with the exception of service animals in accordance with the American Disability Act laws and regulations.

8. No smoking and vaping policy:

- a. Smoking cigarettes, cigars, vapes is prohibited during the set-up, duration and tear-down of the market.
- b. This includes the vendor spaces, sidewalks, and grassy areas of the market footprint of the downtown area.

9. Rules Enforcement & KFM leadership structure:

- a. The KFM leadership consists of the KFM committee, the Market Coordinator, and the Kearney Chamber of Commerce.
 - i. The KFM Committee is organized and overseen by the Kearney Chamber of Commerce and consists of volunteers that have a vested interest in the market, local business development, local food supply, and/or agricultural practice. Vendors and community members are encouraged to participate. Those interested should reach out to the Market Coordinator or the Kearney Chamber of Commerce.
 - ii. The Marketing Coordinator reports to the KFM committee and Kearney Chamber of Commerce. The Market Coordinator is responsible for vendor relations, communications, and rules enforcement on the KFM committee's behalf..

- b. Vendors who fail to abide by the rules and regulations shall be excluded from selling at the Farmers' Market. No refunds will be given.

10. Clay County Health Department:

- a. All KFM vendors are required to familiarize themselves with the laws and requirements laid out by the Clay County Health Department related to [Farmer's Market Regulations](#). Vendors are expected to always abide by these laws and regulations.
- b. The KFM leadership and the Kearney Chamber of Commerce assume no responsibility for enforcing these laws. The Clay County Health Department can and will inspect the market at their discretion.

- c. No sampling is allowed without a Clay County Health Dept. Temporary Food Permit prominently displayed. Contact Clay County Public Health Department at 816-595-4200.

11. Attendance:

- a. The KFM Coordinator will manage the market vendor schedule.
- b. Changes to vendor's schedules shall be promptly reported to the Coordinator to ensure smooth operations, consistent offerings to market patrons, and ample time to fill booth space as required.
- c. Vendors must let the Market Coordinator know if their attendance intention for the next week has changed. Attendance changes can be relayed verbally or by email no later than the Wednesday of the preceding market day. KFM will inquire about the following week's attendance for each vendor at the end of market the week prior.
- d. In an effort to consistently offer a well-organized market with consistent and ample offerings to patrons, the KFM has a strict no call, no show policy. While we understand emergencies do arise, we do not allow no call no shows at the market. You are at risk of losing your booth space if you do not let the Market Coordinator know you will not be attending with sufficient advance notice. No refunds will be given.

12. Food & beverage vendors:

- a. Vendors shall abide by the Clay County Health Department (CCHD) regulations and adhere to safe food handling practices regarding the preparation, handling and presentation of all food and items for sale.
- b. No sampling or production of product on-site is allowed unless a CCHD Temporary Food Establishment permit or a CCHD Farmers Market Food Permit is obtained. Food sampled on-site must adhere to CCHD regulations on the last page of "Requirements for Farmers' Markets." Vendors that do not comply risk being shut down by the KFM Market Coordinator and/or local Health Department. No refunds will be given.

RULES AND REGULATIONS FOR SALE OF SPECIFIC PRODUCTS

THESE GUIDELINES ARE BASED ON REQUIREMENTS FROM THE CLAY COUNTY HEALTH DEPARTMENT'S REQUIREMENTS FOR FARMERS MARKETS AND IN SOME CASES DEFAULT TO STATE OF MO REGULATIONS.

THIS DOCUMENT CAN BE FOUND HERE:

[HTTPS://WWW.CLAYHEALTH.COM/DOCUMENTCENTER/VIEW/322/FA_RMERS-MARKET-REQUIREMENTS-PDF?BIDID=](https://www.clayhealth.com/documentcenter/view/322/FA_RMERS-MARKET-REQUIREMENTS-PDF?BIDID=)

RAW FRUITS AND VEGETABLES:

- (a) Must not be processed or altered.
- (b) Vendors may sell a mixed bag of produce or vegetables, but may not process, including chopping or shredding the fruits or vegetables without a processing license and approved processing procedures.
- (c) Producers are encouraged to wash all produce which could be consumed whole raw. Please reference G.A.P. protocols and FDA regulation 3-302.15.
- (d) Raw foraged fruits and vegetables are not allowed.
- (e) Stored to prevent contamination, at least 6” off the ground.

BAKERY GOODS:

- (a) Revised: Baked goods sold at a vendor’s booth must be from a CCHD “Approved Source.” All baked goods sold at the market must be produced in a facility that is both licensed and inspected. Proof of the baked good source (resale) and/or bakery license (vendor selling D2C) must be provided to the market manager upon request so that s/he can investigate the licensing of said facility.
- (b) The vendor may not sell items made from purchased pre-made dough, batters, crusts, or dry ingredient mixes. For example, the shortening (fats and oils), the leavening and the salt must be added by the vendor to comply with this rule.
- (c) The vendor may use pre-made frostings and fillings, but if the vendor does so, they must prominently post for the customer the fact that pre-made frosting and/or fillings have been used.
- (d) The vendor must keep all recipes on file and must be able to produce them at an in- house inspection.
- (e) Product must be labeled, and label must include:

- 1) Common name of the food

A list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives, if contained in the food

- 2) The name and place of business of the manufacturer
- 3) Major food allergens contained in the food, if not named in the ingredients
- 4) An accurate declaration of the quantity.

EGGS:

- (a) An egg license is required from the Missouri Department of Agriculture.
- (b) Eggs must be maintained at a temperature of 45 degrees or less.
- (c) Eggs must be in cartons that contain the same name and address of the producer.
- (d) Vendor must follow state regulations as outlined in “Requirements for Shell Eggs Sold in Missouri.”

MEAT AND POULTRY:

- (a) Labeling rules listed in (BAKERY GOODS) apply to the sales of meat and poultry.
- (b) All meat and poultry must be USDA inspected (if produced in Kansas) or approved by the Missouri Department of Agriculture.
 - 1. Each package must have a mark of USDA inspection.
 - 2. No exempt products allowed or sale of wild game.
- (c) A mechanical freezer is required to store the meat and poultry. All meat and poultry must be kept frozen.**
- (d) A CCHD Farmers Market Food Permit is required to sell meat and poultry.**
- (e) Dried meats (e.g. beef jerky) are allowed if labeled and produced in licensed facilities.

DRIED FRUITS, VEGETABLES & JERKY (DRIED MEATS):

- (a) Labeling rules listed in (BAKERY GOODS) apply to the sale of Dried Fruits & Vegetables
- (b) All Dried Fruits & Vegetables sold at the market must be produced in a facility that is both licensed and inspected. Proof of the Dried Fruits & Vegetables source (resale) and/or Dried Fruits & Vegetables license (vendor selling D2C) must be provided to the market manager upon request so that s/he can investigate the licensing of said facility.

JAMS, JELLIES & HONEY:

- (a) Labeling rules listed in (BAKERY GOODS) apply to the sale of Jams, Jellies and Honey.
- (b) State statute RSMo 261.241 exempts inspection if annual sales are less than \$30,000.
- (c) A "Placard" must be clearly visible informing the consumer at the point of purchase that the food is prepared in a kitchen that is not subject to regulation and inspection by the Clay County Health Department (if applicable).
- (d) No sugar free or no sugar added jams or jellies unless from inspected facilities.
- (e) No resale of jams. "Sold by manufacturer directly to end consumer."- CCHD.

CAN / JAR PRODUCTS (SALSA, PICKLES, BBQ SAUCE, ETC.):

- (a) Labeling rules listed in (BAKERY GOODS) apply to the sale of Can/ Jar Products
- (b) Compliance with applicable state and federal regulations (DHSS, FDA)
- (c) Manufacturer must have process reviewed by a process authority.
- (d) Manufacturer must attend a Better Process Control School
- (e) All Can/ Jar Products sold at the market must be produced in a facility that is both licensed and inspected. Proof of the Can/ Jar Products source (resale) and/or Can/ Jar Products license (vendor selling D2C) must be provided to the market manager upon request so that s/he can investigate the licensing of said facility.
- (f) Sellers of can/ jar products must source locally grown ingredients when feasible.

MISC - SHAVED ICE, SNOW CONES, ICE CREAM, POPCORN, KETTLE CORN, CANDIED/ ROASTED NUTS, DRIED SOUP MIXES, PRE-PACKAGED FOODS (CANDY, SNACKS, BEVERAGES), FERMENTED FOODS:

- (a) Farmers market food permit required if time/temperature-controlled food.
- (b) All MISC sold at the market must be produced in a facility that is both licensed and inspected (if produced off-site). Proof of the MISC product facility license must be provided to the market manager upon request so that s/he can investigate the licensing of said facility.
- (c) No resale allowed.
- (d) Washing facilities and wastewater holding facilities must be supplied.
- (e) Labeling rules listed in (BAKERY GOODS) apply to the sale of MISC.
- (f) Sellers of MISC must source locally grown ingredients when feasible and products must be produced within 110-mile radius of Downtown Kearney

COTTAGE PREPARED FOODS (RSMO 196.298.1) & RAW MILK:

- A. Are permitted in accordance with CCDH and Missouri Food Code's guidance which can be found here:
<https://www.clayhealth.com/DocumentCenter/View/1492/Cottage-Food-Law---MO?bidId=>
- B. The majority of the foods that can be produced in a home setting are covered within the food code, by a section of the definition of what a **food establishment** 'is' or 'is not'. The section below provides the requirements to qualify for the exception to the definition of a food establishment that allows for production of foods in a home setting. Where local codes allow, individual stands in which only foods meeting the following conditions are sold, sampled or served:
 - a. Non-potentially hazardous processed food, except low acid canned and acidified foods as specified in 21 CFR 113 and 114 respectively, including, but not limited to breads, cookies, fruit pies, jams, jellies, preserves, fruit butters, honey, sorghum, cracked nuts, packaged spices and spice mixes, dry cookie, cake, bread, and soup mixes;
 - b. The seller is the individual actually producing the food or an immediate family member residing in the producer's household with extensive knowledge about the food;
 - c. The seller only sells, samples or serves the food directly to the end consumer;
 - d. All processed packaged foods bear a label stating the name and address of the manufacturer/processor preparing the food, common name of the food, name of all the ingredients in the food in order of predominance, the net weight of the food in English or metric units, and a statement that the product is prepared in a kitchen that is not subject to inspection by the department. It is recommended that honey manufacturers/processors include this additional statement to their product label: "Honey is not recommended for infants less than twelve (12) months of age"; and
 - e. The consumer is informed by a clearly visible placard at the sales or service

location that the food is prepared in a kitchen that is not subject to inspection by the department if the foods specified in Part 3. H. (I) of this definition, are sold, sampled or served in unpackaged, individual portions. The department shall have the final authority in determining whether a food is non-potentially hazardous and may enjoin individuals who violate the provisions of this subparagraph from selling, sampling or serving these foods.

INEDIBLE AGRICULTURAL PRODUCTS (HORTICULTURE, DECORATIVE PLANT MATERIAL, CUT FLOWERS, PUMPKINS, SEEDS):

- (a) Sale is allowed at the Farmers' Market
- (b) No resale, products must be grown by selling farmers within 110 mi of Downtown Kearney.
- (c) Sellers of live plants must be registered as Nursery Growers or Dealers, see FM manager for more details.

CRAFT PRODUCERS/ CRAFTERS PRODUCTS:

- (a) Sale is allowed at the Farmers' Market if craft is assembled within a 110-mile radius of Downtown Kearney.
- (b) No resale is allowed, craft must be assembled by vendor or their employees.
- (c) Any products that depict images or representations that are not public domain must be licensed to reproduce.
- (d) Products offered must go through the application process with item inspection by the Market Coordinator or a designated crafters advisor before acceptance to be a member of the market.
- (e) Craft items made by farmer producer members may be sold on up-to 25% of their produce table space averaged across all market days and are subject to the same approval process as listed above.

SPROUTS, MICROGREENS, WILD & CULTIVATED MUSHROOMS:

- (a) All sprouts sold at the market must be produced in a facility that is both licensed and inspected. Proof of the product facility license must be provided to the market manager upon request so that s/he can investigate the licensing of said facility.
- (b) No resale of sprouts, microgreens or cultivated mushrooms.
- (c) Wild mushrooms will need to be certified by an expert- see MO Food Code.

MARKET OPERATION, VIOLATIONS AND APPEAL PROCEDURES

1. The Market Coordinator, who will report to the Kearney Farmers Market Committee, will be selected to represent, and manage the market.
 - a. The Market Coordinator will be responsible for enforcing compliance of the market rules and regulations and will assist in day-to-day operation of the market.

- b. In the event of limited booth space, generally, farmers will get preference.
 - c. Considerations such as seniority, booth size, products sold, and vendor types will all factor into the decision of space allocation.
 - d. The Coordinator has the authority to make decisions about prospective vendors and booth layout.
2. A vendor, market consumer or the Market Coordinator may submit to the Kearney Farmers Market Committee, a signed written complaint against a vendor where there is cause to believe a violation of the market rules and regulations exists.
 - a. The identity of the complainant will not be revealed to the market vendors.
 - b. The Market Coordinator will conduct an initial investigation of the complaint. The investigation will include an attempt to obtain detailed information from the complainant, the alleged violator and other witnesses before a determination is made of whether a violation has occurred.
 - c. For an immediately correctable violation, violators will be given oral warning indicating the offense and requesting compliance with market Rules and Regulations. The Market Coordinator will record the issuance of the warning. If the problem is not corrected by the following market day, the Market Coordinator will issue a written warning.
 - d. If a product legitimacy violation occurs, arrangements will be made for a farm inspection within the next week.
 3. A vendor may appeal against the Market Coordinator’s decision to the Kearney Farmers Market Committee in writing. Pending review, the vendor may be prohibited from selling in the market. The Committee shall begin to hear the appeal within 14 days of the exclusion of the vendor from the Market.
 4. Rules and Regulations of the market may be changed during the year based on the recommendations of the Farmers’ Market Committee arising from circumstances unforeseen at the time of the creation of this document.
 5. If for any reason, the Market Coordinator asks a vendor to leave the market; their fee is non- refundable. If something happens beyond the vendor’s control and they must leave the market, fees are refunded but prorated through the date the vendor leaves the market.
 6. 2024 fees for participation in the market will be paid using the following schedule:

Per space fees will be charged as follows (non-refundable):

| | |
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| Annual per space fee (Pay by April 26th, 2024) | \$250.00 |
| Twice a month per space fee(12 Weeks) | \$150.00 |
| Once a month per space fee(6 Weeks) | \$100.00 |
| Daily per space fee(one time) | \$50.00 |

*Daily space fee must be submitted by the Wednesday before the market to attend the following Saturday’s market. The same goes for the monthly fees.

Special Markets:

Special Markets, if any, will be determined by the Kearney Farmers Market Committee. Fees for special markets will be set at the time of designation.

By signing below, I agree that I have read, understand, and will abide by the 2024 Rules and Regulations for the Kearney Farmers Market.

Signature:

Date:
