



Rose District Farmers Market Rules and Regulations

2024

Market Season-The Rose District Farmers Market (“RDFM”) Is 100% producer grown market and is registered with the Oklahoma Department of Agriculture, Food and Forestry (“ODAFF”) as an “OK Grown” Market and Farmers Market Hub. The RDFM is open every Saturday from April – October from 8 a.m. until 12 p.m. and every Tuesday April-December from 4 p.m. until 8 p.m. The City reserves the right to close the market for special events that require the use of the facility or area for other purposes, or for inclement weather. Various events may take place during market hours. During these events, changes may be made to vendor locations, set-up times may change, and various other modifications may be made to suit the event. The RDFM is an equal opportunity provider, no person will be favored or discriminated against because of age, race, color, sex (including pregnancy), disability, religion, national origin, or genetic information.

Vendor Categories: Vendors must fall within at least one of the five following categories: PRODUCE, PREPARED FOOD (“Commercial Kitchen”), PREPARED FOOD (“Homemade”), CRAFT, and/or SERVICE.

In compliance with the Oklahoma Farmers Market and Farmers Hub Act, no more than 25% of the market total sales may be craft related; therefore, space is limited. Producer & Prepared Good Vendors are given preference over Craft & Services. To make our market diverse and appealing, vendors with unique or difficult to find products will have a greater chance of participating in the market. The ODAFF requires no out-of-state products may be sold at the market including but not limited to essential oils, books, club fundraising products, nutritional supplements, etc.

- 1. PRODUCER**- Farmer/Rancher/Gardener that grows/raises 100% of their product on their own Oklahoma Farm.
 - The ODAFF requires that 100% of the fresh produce sold at the market be grown or raised in Oklahoma. The Farmers Market Facilitator will verify production and location through onsite farm visits.
 - **Meat, Poultry, & Fish**- All meat, poultry, and fish must be raised by the vendor offering the product. No meat, poultry, dairy, or egg products from confined animal feeding operations may be sold. Processing of meat, poultry, and fish can be done by a meat processing company (including out-of-state facilities).
 - **Nursery Stock**- Nursery stock may not be purchased out of state for immediate resale. All nursery seedlings must be grown by the vendor for a minimum of four weeks prior to sale. Bare roots or bulbs may not be sold at the market. Vendors will be inspected 4-weeks prior to intended sale date to ensure plants are being grown by vendors. No packaging showing name brands may be used to contain plants, i.e., Bonnie, Atwoods etc.

Vendors can sell items from another farm on consignment upon following the regulations listed in the Oklahoma Farmers Market and Farmers Hub Act. Please inform the Farmers Market Facilitator of intentions to sell consignment items before the market day.

Bill 1785, Oklahoma Farmers Market and Farmers Hub Act:

http://webserver1.lsb.state.ok.us/cf_pdf/2019-20%20ENR/SB/SB1785%20ENR.PDF

2. Prepared Foods (Commercial Kitchen) - All processed items are required to be processed in Oklahoma and when possible, to include Oklahoma Grown ingredients. Prepared foods must be made by the vendor in a certified kitchen. Prepared food vendors must follow the city, county, state laws and federal regulations. Vendors are expected to use as much locally grown or raised ingredients as possible in their products. All prepared food vendors must visibly display a list of all local ingredients and their sources used in their products and/or label the source of the local ingredients on the packaging.

3. Prepared Foods (Homemade) - As of November 1, 2021, Oklahomans will be able to sell homemade food products that do not contain any meat, poultry, seafood, meat by-products, unpasteurized milk, cannabis, marijuana, or is an alcoholic beverage. The allowable earnings for a home food business are \$75,000 each year in sales. Vendors selling products that are time or temperature controlled must complete and hold an approved food safety training certification:

- ServSafe Food Handler Training
- ServSafe Food Manager Training
- For more requirements and information visit:
<https://www.servsafe.com/>

4. Artisan- Craft items must be made in Oklahoma. Once a vendor has been accepted to participate in the market, any new items not disclosed on their application should be discussed with the Farmers' Market Facilitator prior to offering for sale. If items are placed for sale without prior approval by Farmers' Market Facilitator, the vendor may be required to remove said items from their booth.

5. Service- A business offering a service that compliments or enhances the Rose District Farmers' market producer's products.

- 90% of raw materials must be sourced from the RDFM produce vendors. All services must be
- approved by the Applications Review Committee. Specific requirements will be determined on a
- case-by-case basis.
- Example: Collecting food scraps from the public for composting.

Educational Booths There will be one booth available each Saturday without charge for community education and outreach on farming, gardening, landscaping, nutrition, health, food and cooking. Educational booth cannot be used for for-profits. Those interested may apply on the RDFM website. Sales, fundraising, and/or solicitations are not permitted at the educational booth. Acceptance is at discretion of the RDFM Facilitator and is limited to a maximum of once-a-month basis.

Application Process

Applications- Applications received beginning November 1st through the City of Broken Arrow's Customer Self-Service portal will be for the following season. Once a profile is created, search for the Rose District Farmers Market applications under licenses. If you want to sell more than one type of product at the market, choose the category that best suits your business and use the "other" text box to list other products. (IE: Farmers wanting to sell craft items to supplement their income will choose the producer license and list craft items in text box)

- https://selfservice.brokenarrowok.gov/EnerGov_Prod/SelfService#/home

- **Returning Vendors-** Vendors that participated within the last three years. Returning vendors are not guaranteed acceptance.

(a) All applications must be completed and accompanied by all required permits, licenses and fees before application will be accepted.

(b) Returning vendors are given booth preference but it is not guaranteed.

- **New Vendors-** Vendors that are new to the RDFM

(a) All new applicants must attend the market meeting held prior to opening of the market to participate.

(b) Preference in choice of booth spaces is given to tenured vendors and those with electrical needs, the remaining booth spaces are then available on a first-come-first-served basis.

2. **Application Review Committee-** The Farmers Market Review Committee will consist of individuals from Community Development Department and the Farmers Market Facilitator. The committee will review and determine which products will be allowed to be sold at the market, which vendors will be accepted into the market, and which vendors will be permitted more than one booth space if requested on their application. In addition, please be aware that space is extremely limited during the winter months (November – February), therefore, the number of vendors permitted to operate during the winter market will be reduced. Selection of vendors for this limited market will be determined by the review committee.

3. **Application Evaluation-** The RDFM focuses primarily on being a producer market and therefore will accept Producer applications once reviewed by the Farmers Market Facilitator. All other applications will then be evaluated by the review committee using the following grading criteria: Location of business, authenticity/variety/uniqueness of product(s), tenure, sustainability, booth appeal, and submitted date of application.

Trial Period- Before granting a returning vendor status, all new vendors will be on a one-year trial period to insure they follow the Rules and Regulations.

Inspections- City staff will inspect ALL vendor operations to ensure compliance to rules and regulations. Inspections will take place intermittently each growing season to keep up with production and product availability. Staff reserve the right to verify the production of any vendor at any time. Both pictures and written statements will be taken at sites as well as inventory of product. Any vendor found to be selling an item they did not grow, raise, or produce from a verifiable Oklahoma source (Oklahoma grown produce) will be required to show proof of purchase. If a vendor is proven to be knowingly selling products from out of state, they will be subject to a disciplinary action. It is within the responsibility of the producer to schedule a farm/ranch visit with the farmers market Facilitator. Failure to comply can result in disciplinary action, including but not limited to, termination of vendor status.

Conduct- Vendors are expected to conduct themselves in a professional manner and in accordance with the Rules and Regulations of the Rose District Farmers Market. All vendors are to treat staff, volunteers, vendors, and

customers with respect and without discrimination. Verbal or physical outburst at the market will result in a disciplinary action.

Violations- It is the policy of the RDFM to provide a high quality of service by the safe, efficient, and orderly operation of the market. Behavior indicative of a violation of rules and regulations may result in disciplinary action including a warning, reprimand, suspension, and/or termination of vendor status, including loss of any submitted fees.

Licenses and Permits- All vendors are responsible for obtaining all licenses and permits that are required by various government entities, such as the Oklahoma State Department of Health, Tulsa Health Department, ABLE Commission, Oklahoma Department of Agriculture, Food, & Forestry, as well as the City of Broken Arrow. All participants selling at the market must abide by all applicable federal, state, and local regulations.

Supplemental Nutrition Programs- The RDFM uses two different supplemental nutritional program tokens: - Supplemental Nutrition Assistance Program (“SNAP”) & Seniors Farmers Market Nutrition Program (“SFMNP”). RDFM also supports Double Up Oklahoma (“DUO”) tokens which match the value (up to \$20 per day) of SNAP dollars spent. All vendors with items eligible for purchase with SNAP, SFMNP & DUO tokens are required to participate in the programs. Before accepting tokens, vendors and employees are required to understand how each token can be used. When accepting tokens vendors should make sure they are accepting RDFM tokens only. Reimbursement will not occur for non-RDFM tokens. ALL RDFM tokens will have the logo on one side.

SNAP (formally known as Food Stamps) is a government program, and the rules and regulations will be strictly enforced. Tokens will come in \$1 increments.

- Abuse of the SNAP program can result in termination of vendor status. Vendors will not be reimbursed for non-eligible products. Eligible products are defined by the USDA Food & Nutrition (“FNS”).
- The following products are deemed ELIGIBLE:
 - Breads & cereals
 - Fruits & vegetables
 - Meats, fish, & poultry
 - Dairy products
 - Honey & nuts
 - Packaged prepared foods
- The following products are NON-ELIGIBLE:
 - Wine
 - Vitamins & medicines
 - Ornamental plants
 - Non-food items, such as:
 - Pet foods
 - Soaps
 - Paper products
 - Household supplies
- SNAP purchases must not include sales tax. The vendor is exempt from paying sales tax on SNAP sales, so it must not be included in the sales price of SNAP purchases.
- Change may not be given for SNAP purchases that total an uneven dollar amount. Extra product may be added to the purchase to total an even dollar amount.
- Vendors who wish to accept SNAP must sign the Vendor SNAP Contract

- Be aware that the USDA FNS may conclude random “secret shopper” inspections to determine that the program rules are being enforced.

DUO is a government program, and the rules and regulations will be strictly enforced. Tokens will come in \$1 increments. Tokens are silver and metal and are labeled on both sides with “Double Up Oklahoma.”

- Abuse of the DUO program can result in termination of vendor status. Vendors will not be reimbursed for non-eligible products. Eligible products are defined by the USDA Food & Nutrition (FNS).
- The following products are deemed ELIGIBLE:
 - Fruits that are fresh, frozen, canned, or dried with no added salt, sugar, or fat
 - Vegetables that are fresh, frozen, canned, or dried with no added salt, sugar, or fat
 - Fresh herbs
 - Plants that grow food
- The following products are NON-ELIGIBLE:
 - Breads & cereals
 - Fruits & vegetables
 - Meats, fish, & poultry
 - Dairy products
 - Honey & nuts
 - Packaged prepared foods
 - Wine
 - Vitamins & medicines
 - Ornamental plants
 - Non-food items, such as:
 - Pet foods
 - Soaps
 - Paper products
 - Household supplies
- DUO purchases must not include sales tax. The vendor is exempt from paying sales tax on
- DUO sales, so it must not be included in the sales price of DUO purchases.
- Change may not be given for DUO purchases that total an uneven dollar amount. Extra product may be added to the purchase to total an even dollar amount.
- Vendors who wish to accept DUO must sign the Vendor DUO Contract
- Be aware that the USDA FNS may conclude random “secret shopper” inspections to determine that the program rules are being enforced.

SFMNP is a government program, and the rules and regulations will be strictly enforced. Tokens will come in \$1 increments and a different color than SNAP. The color of the token will be determined later.

- Abuse of the SFMNP program can result in termination of vendor status. Vendors will not be reimbursed for non-eligible purchases.
- SFMNP tokens can ONLY be used to purchase fresh fruits, vegetables, and honey.
- SFMNP purchases must NOT include sales tax. The vendor is exempt from paying sales tax on
- SFMNP sales, so it must not be included in the sales price of SFMNP purchases.
- Change may NOT be given for SFMNP purchases that total an uneven dollar amount. Extra product may be added to the purchases to total an uneven dollar amount.
- A Vendor SFMNP Contract must be signed and submitted to the market Facilitator before

- vendors can accept SFMNP tokens. Be aware that the USDA FNS may conclude random “secret shopper” inspections to determine that the program rules are being enforced.

Booth Information- There will be a \$40 annual fee invoiced to your Customer Self-Service Portal account to be paid before attending the farmers’ market. Additionally, at the end of each month, vendors will be billed fees of \$20 per booth space per market. Invoices must be paid within 1 month of issue date or vendor will not be permitted to attend market until fees are paid. If you call out within 24 hours or less, you will be charged regardless of missing the market. Refunds for bad weather will only be issued if the City of Broken Arrow cancels the market. There will be a 10% discount offered to those that pay for the whole season, however there will not be any refunds issued for missed markets and other fees will be issued if you request additional spaces throughout the season.

Regular booth spaces are 10x10 and clearly marked. Please stay within your assigned area. Vendors will be asked to anonymously report their monthly sales to allow the City of Broken Arrow to track sales tax revenue through the market for future development projects.

Multiple spaces under the pavilion will ONLY be granted to farmers or ranchers and only if the facilitator deems the need for additional space necessary and only if there is an additional space to give.

Supplies and Equipment Vendors must provide the following:

- Tables, chairs, and shade canopies (If needed)
- Tent weights will be required. There shall be no less than 20lbs per tent leg.
- If electricity is used, vendors are responsible for safe covering of cords. Cords may not stretch across pathways. If cords are on the ground, they must be duct taped or covered.

Vendors will also be responsible for providing their own vegetable/fruit bags. We ask that these be environment friendly.

Additional Set-up Information-

- Vendors will no longer be allowed to set-up after 3:30 p.m. on Tuesdays and 7:30 am on Saturdays unless special circumstances occur. Vendors are encouraged to stay for the extended hours during special events.
- Additionally, vendors will not be permitted to leave early. Please plan ahead and bring enough product so you do not run out. If you run out, plan to continue to interact with market goers and give out information about your business. If there is an emergency, call the Market Facilitator and let them know you will be late. It will then be decided whether you will be allowed to set up.
- No vehicles will be allowed in the market area during market hours. No vehicles are permitted underneath the south pavilion or plaza grounds, including sidewalk areas.
- Vendors must secure their canopies and other booth materials. Weights must be used on legs. No stakes are allowed. Vendors are responsible for any damage caused by their booth. Tents or shade covers may not exceed 10x10 unless they have more than one booth space.
- There shall be no more than 4 people per 10x10 booth space.
- Additional booth spaces will not be issued to those wanting to use for additional signage.
- You are required to have a “spotter” while driving into or out of the main pavilion.
- Loading and unloading on market grounds-To facilitate the amount of people loading & unloading we are asking that you follow these simple instructions.
- Unloading- remove all items from vehicle into booth space, remove your vehicle then set up your booth space.

- Loading- have all items already packed and ready to load, bring your vehicle up and load in a quick and efficient manner.

Main street parking- if you are unloading from Main Street, once unloaded, your vehicle needs to be parked elsewhere, Main Street parking is for customers.

Sampling- Samples given out during the market must comply with Oklahoma Department of Agriculture and Forestry (ODAFF) and Tulsa Health Department regulations and guidelines. Each vendor is responsible for educating themselves on compliance of sampling rules. In addition, Vendors sampling products must complete and hold an approved food safety training certification:

- ServSafe Food Handler Training
- ServSafe Food Manager Training
- For more requirements and information visit:
<https://www.servsafe.com/>

Vendor Displays-

Name and Location-

- Must be clearly displayed at your booth(s)
- Lettering must be legible and must be always visible.
- Signage cannot obstruct traffic flow

Prices- Visible and determined before opening of the market.

- Must be clearly marked for every item being sold.
- Prices may not be increase, only decrease during the market.

Organic- Must be certified organic by ODAFF

- Only vendors that are certified organic with the ODAFF may label, advertise, or describe their products as organic.
- All certified organic vendors must present a copy of their certification along with their annual membership application.
- ODAFF Organic Certification must also be posted at their stand at each market.
- Vendors whose income from organic sales totals \$5,000 or less annually must post a copy of their notarized attestation on file with the Oklahoma Organic Section of ODAFF.
- If a vendor sells both organic and non-organic items, they must be physically segregated and clearly labeled to differentiate organic and non-organic products as regulated by the National Organic Program (“NOP”).

Music-

- Vendors may not play music at their booths.
- Live music will be provided at each Saturday market.
- Musicians will also apply to perform at the market.
- Musicians are scheduled to play from 9am-noon on Saturdays and may take as many breaks as necessary.

Pets- Vendors are not permitted to bring pets to the market. Guests to the market are permitted to bring pets as long as the following conditions are met:

- Always remain on leash; and

- No excessive barking, fighting, growling or any aggressive behavior

Guests with pets may be asked to leave the RDFM area if they do not comply with the aforementioned conditions.

Solicitation and Panhandling- Solicitation and/or loitering is not tolerated. Anyone attempting to sell products on market grounds are prohibited from doing so unless you are an official market vendor. Panhandling is not tolerated.

Trash- All vendors are responsible for cleaning up their booths. Vendor trash may only be disposed of in the large dumpster behind the museum. Vendors may not use market trash cans. Filling these trash cans with food and waste from booths attracts bees. Recycling bins are also located by the dumpsters for vendor use.

Smoking- Smoking is not permitted in the restroom facilities. Please refrain from smoking in the Rose District Plaza.

Complaints or Issues- All arguments, complaints, or issues of any kind arising between customers or vendors must be immediately reported to the Farmers Market Facilitator. Such issues will be taken in writing and reviewed and/or investigated.

Cancellations To maintain adequate attendance our market, it is very important that you contact the Farmers Market Facilitator if you must miss a scheduled market day. If you miss a market day without notifying the Farmers Market Facilitator, you will be charged your normal booth fee. If you miss more than two consecutive market days without notifying the Farmers Market Facilitator, your booth will be reassigned to another vendor. A vendor may be reinstated, but location is not guaranteed.

Inclement Weather-

- The market may be closed if severe weather is forecasted for Broken Arrow during market hours.
- Public safety is a priority when it comes to decisions on closure of the market. If there is an imminent threat forecasted, we will close the market and vendors will not be allowed to set up and try to brave the storm.
- This decision is not made by the Farmers Market Facilitator. It is however made by our Emergency Manager which has many resources at his disposal to make an educated and most accurate decision.
- Vendors will be notified via email only. Each vendor will need to insure they provide the Farmers Market Facilitator with their best email for accurate communication.
- Final decision concerning closure of the market will be made no later than 3 p.m. on Tuesdays and 7 a.m. Saturday.

Associated Organizations- The Rose District Farmers Market works in conjunction with the Tulsa City/County Health Department (“TCCHD”) and the Oklahoma Department of Food, Forestry and Agriculture (“ODAFF”) to regulate sales of food products. Vendors are required to comply with all applicable requirements to participate at the RDFM. If you have questions about the rules and regulations, additional information can be found on their websites.

TCCHD <https://www.tulsa-health.org/>

ODAFF <https://www.oda.state.ok.us/>