

2024 MUSKOGEE FARMERS MARKET GUIDELINES

I. OBJECTIVES

To provide a place where Oklahoma Farmers, Ranchers, and Gardeners can sell fresh produce and other agricultural products to customers; to provide a place where fresh produce and other agricultural products can be purchased in quantities suited to the needs of customers; to educate the community about the availability, selection and preparation of locally grown, fresh produce and other agricultural products; and to encourage increased production of quality products for local consumption.

The Muskogee Farmers market seeks to encourage local residents to purchase and use locally raised farm products. Administration will work with volunteers and partners to promote the farmers market and its products in local media and to offer cooking demonstrations and taste-testing throughout the season. The market is also committed to working with the City of Muskogee, Muskogee County Transit Authority, and other organizations to help as much of our community as possible have access to the farmers market. We also welcome bicyclists to use existing bike racks and other structures to secure their bikes while shopping at the farmers market.

II. WHO MAY SELL

- A) Oklahoma Growers of fruits, vegetables, livestock, plants and other agricultural products. All produce, plants, meats and agricultural products must be grown or raised in Oklahoma. Growers must raise at least 80% of the items they bring to Market on any one day. Growers are allowed to purchase up to 20% of their products from another Oklahoma Grower/Producer. Products bought for resale must be labeled with the Farm Name and Town of the Grower from whom they were purchased. The Board of Directors reserves the right to inspect a Member's Farm/Ranch/Garden to verify production, acreage and/or other matters.
- B) Food preparers and processors offering ready-to-eat and packaged food items that their business had prepared. Exceptions for other eligible products made in Oklahoma may be allowed on a case by case basis, to best balance the offering of products available at Market.
- C) Crafters and Artisans offering food, garden, agricultural or nature-based products they have made themselves.
- D) Non-profit Groups and Organizations wishing to educate the public and/or conduct fundraising with the following conditions:
 - 1. As space is available.
 - 2. Only selling items consistent w/ the farmers' market theme and standards, and not in direct competition with other vendors or products at the market.
 - 3. Groups selling items will be limited to only attending twice in one season for no charge.

III. WHAT MAY BE SOLD AND LICENSE REQUIREMENTS

- A) Fresh produce and other agricultural products. Produce should be mature but not overripe; void of

decay; have good external/internal appearance; and be clean and free of contamination.

B) Other products currently allowed, with respective authorization:

1. Honey
 - a Beekeepers are encouraged to register with the OK Dept of Agriculture, (405)522-5882, <http://www.oda.state.ok.us/forms/cps/beereg.pdf>.
 - b Oklahoma beekeepers with annual production less than 500 gallons are not required to have additional licensing or inspection, as long as all honey is produced and sold by them or their family.
 - c For labeling requirements and other details, go to <https://www.sos.ok.gov/documents/legislation/54th/2013/1R/SB/716.pdf>.
2. Pecans, Peanuts, other nuts and grains
 - a Whole grains may be customer ground and nuts may be customer cracked after sale.
 - b If cracked or ground prior to sale, this processing should take place in a licensed and/or inspected facility. Contact the Field Sanitarian in the County Health Dept. where the facility is located.
3. Eggs
 - a Vendors must have an Egg Packer's License from the Oklahoma Dept. of Agriculture, Food and Forestry: (405-522-5924), <http://www.oda.state.ok.us/food/epapal.pdf>.
 - b Eggs must be refrigerated to 41deg F or below at all times.
4. Meats
 - a Vendors must have a licensed mobile unit for transporting and storage of meats while at Market. Contact Field Sanitarian Muskogee County Health Dept. (918-683-0321).
 - b Animals must be slaughtered and processed in a state or federally inspected facility and show the Mark of Inspection. OK Dept. of Ag., Meat Inspection (405-522-6114).
 - c Packages must be accurately labeled (weight, vendor, handling instructions, etc.).
5. Dairy
 - a Raw, unpasteurized dairy products are not allowed to be sold.
 - b Other dairy products should be approved and/or permitted by the OK Dept. of Agriculture, Dairy Services (405-522-6130).
6. Bedding plants, vegetable plants, and flowers.

An Oklahoma Department of Agriculture Nursery Grower License is required to sell plants. (405-521-3864, [Oklahoma agricultural licenses](#))
7. Canned fruits and vegetables, baked goods or any prepared foods:
 - a. All vendors wishing to sell these items must refer to the Food Freedom Act to be sure they are in compliance: www.ag.ok.gov/divisions/food-safety/
 - b. The Food Freedom Act of 2021 allows some foods prepared in a home kitchen to be sold at farmers markets. Homemade products sold under this regulation must adhere to labelling guidelines described in the law.
 - [Food Freedom Act Information](#)
 - c. These include homemade food products that do not contain any meat, poultry, seafood, meat by-products, unpasteurized milk, cannabis, or marijuana. Items containing these ingredients may be sold only if they have been made in a licensed/inspected commercial or mobile kitchen, certified by the appropriate County Health Department. Alcoholic beverages are not allowed under this law.
 - d. These products may be limited to 10% of spaces on any given Market Day, depending on the availability of spaces and similar products at the Market, as well as nutritional value of these products.
8. Crafts / Nonfoods

- a Limited to garden, food, agricultural or nature-based/related craft items, handmade by the Seller.
 - b Craft-only Vendors are limited to 10% of spaces available on any given market day, subject to the Manager's discretion.
 - c Crafts that are applied to the skin are regulated by the FDA or EPA and must have proper labeling and adhere to those Laws (see <http://www.fda.gov/Cosmetics/CosmeticLabelingLabelClaims> for more information on claims made regarding these products when selling to the public).
- B) Vendors are encouraged to donate unsold food products to local shelters or food pantries, such as Gospel Rescue Mission, Catholic Charities, or the Muskogee Community Food Pantry. Market staff or volunteers will provide information and help coordinate for vendors wishing to donate.

IV. HOW PRODUCTS MAY BE SOLD

- A) Produce may be sold by weight, volume or count. If selling by weight, scales must be commercial quality designed for retail sale. For more information, contact Okla. Dept. of Agriculture, Weights and Measures Program (405-522-5968).
- B) Each Grower should post prices on the products being sold. Items purchased for resale from another Oklahoma Grower should be identified as such with blue tags indicating the Farm Name and Town of the Grower. These signs can be obtained from the Market Manager.
- C) Growers should provide sacks, bags or containers for their customers. The Market Manager has resource information if requested. The best local source is Sadler Paper (918) 683-5666.
- D) Each Grower/Vendor must post a sign with their Business or Farm Name at their display area. Lettering should be clearly legible.
- E) In order to reduce customer confusion and promote our commitment to ***Oklahoma Grown***, produce boxes and baskets printed with any State or Country other than Oklahoma will not be allowed in the market area or parking lot.
- F) Muskogee Farmers Market participates in the following food assistance programs: SNAP/EBT, Double Up Oklahoma, Senior Farmers Market Nutrition Program, OKFresh, Veggie Bucks. Vendors with eligible products shall participate in these programs by accepting the relevant tokens or vouchers as payment for those products. Farmers market administration will provide a means of accounting for these payments and reimbursing vendors from program funds.

V. EXCHANGES AND REFUNDS

Exchange of produce and/or refunds is up to the Grower. Growers and other Vendors are strongly encouraged to offer 100% satisfaction to their customers.

VI. SANITATION AND HEALTH / SAFETY REQUIREMENTS

Each Grower/Vendor is responsible for ensuring the food safety integrity of their products and keeping their area in a clean, neat manner throughout the day, and before departing at the end of the market day. Failure to do so will result in a \$50 fine or forfeiture of the Right to Sell at the Market. Both actions may be imposed. Boxes, flats, umbrellas and other possible obstacles must be safely located out of customer paths. Signs, Display Items and Shade Structures must also be safely secured.

The Muskogee Farmers Market is tobacco free. No one is allowed to smoke, vape, or use tobacco products anywhere in the market area, including vendors and visitors, at any time immediately before, during, or after market hours. A vendor's signature on the vendor application confirms that the vendor agrees and will comply with all market guidelines, including this tobacco-free policy.

VII. SPACES AND FEES

A) Membership Dues for the Association are \$50 per year per business/household and will be assessed at the preseason kickoff meeting or when the Member otherwise joins. Each Member is required to pay a **space fee of \$15 for Tuesday and \$20 for Saturday** for a single space (**\$30 for double**) under the pavilions (one vehicle width, two vehicle lengths). Members using a single pavilion space with sales of less than \$150 on a Tuesday or \$200 on a Saturday may report their total sales for that day and pay 10% of it as their stall fee. The maximum space fee for a non-pavilion space (approximately 10' by 10') will be \$15 on Saturdays. All money collected is used for operating and promoting the Market.

1. Each Grower must sell from a chosen or assigned space. Space assignments are made at the meeting just before the Market season opens. Order of space selection is determined by seniority from the previous year's attendance plus years of membership, and then by category (produce, meat, dairy, egg, and plant vendors have priority). To select a space, new Members or someone on their behalf must be present and be up to date on all dues and fees. At the Manager's discretion, Annual Dues may be paid in installments.
2. Six double and seventeen single spaces are available under the Pavilions. Only one of the double spaces may be allocated to a non-agricultural vendor. The other remaining double spaces will be for produce, plants, dairy, meat, or eggs.
3. Craft vendors and baked good vendors shall each be limited to 10% of vendors on any single market day. These vendors may be required to rotate use of a space with one or more other vendors on a monthly schedule determined in agreement with the vendors and the Market Manager.
4. When all available spaces under the pavilions are allocated (Saturday markets only):
 - a) Vendors with agricultural products will be placed first at the south end of the Pavilions (5 available spaces), then in the center aisle between the two Pavilions, then elsewhere as deemed appropriate. These spaces will be 10' x 10'; however, some leniency is allowed on a week-by-week basis, when these areas are not fully occupied. Vendors should speak with market management about using additional space.
 - b) The space fee for a single overflow space will be \$15 on Saturdays (or 10% of sales if less

than \$15). Vendors using end or center aisle spaces must be completely unloaded with their vehicle removed by 7:30 a.m. No vehicles will be allowed in the center aisle area after this time, until Market ends at noon.

5. Vendors who select a space at the kick-off meeting shall inform the Market Manager of the date by which they intend to begin coming to market for the season. If their first expected date at Market comes after the Market Opening Date, their space may be used by another Vendor, until the assigned Vendor begins coming to Market. If the assigned Vendor is unable to attend after missing 3 consecutive full weeks beyond the stated date, the space may be forfeited to other Vendors according to the process in #6 below.
 6. Any space left vacant for 3 (three) consecutive full weeks (Tuesday and Saturday) after a Vendor begins coming to Market may be forfeited. That space will be available to any Member interested. If more than one Vendor wants this space, it will be assigned based on the previous year's attendance. If only new Members are interested, the space will be assigned based on the current year's attendance. If neither new Member has yet attended, the date of initial Market Membership will be used. If there is a tie, a drawing will be necessary. A Member whose space is forfeited will be reassigned a new space when they return to sell, if one is available.
- B) Tables or like structures, with tablecloth for displaying merchandise for sale are preferred. Large items such as melons, pumpkins, or bulk times such as corn, may be sold from vehicles or trailers in your assigned space.
- C) Market spaces should be attended to at all times. The Vendor assumes responsibility for any losses of product or money from the Market site.
- D) Market fees must be paid at the end of each sales day by completing the accounting sheet provided for each vendor in the box kept at the market booth. Vendors are responsible for picking up and dropping off their accounting sheet with an accurate count of tokens received and space fee paid, with space fee paid in cash or check. The accounting sheet serves as receipt of payment for space fees.

VIII. TAXATION

Vendors selling **only** produce, meat, or eggs grown on their own farm are exempt from this requirement. All other vendors must have an **Oklahoma Sales Tax Permit** in order to sell at the Farmers Market, issued by the Oklahoma Tax Commission, and a copy of the permit shall be kept on hand in case enforcement agents come to the market. The Vendor is responsible for assessing the appropriate City, County and State Sales Tax on all products sold, and remitting their Sales Tax to the OTC. Sales Tax cannot be collected on SNAP, Senior Farmers' Market and WIC sales. **The Muskogee Farmers Market Association is not responsible for collection or remittance of Sales Taxes.** Each Vendor should contact the Oklahoma Tax Commission to obtain a Business Registration Packet. Call 918-581-2399 for the Tulsa office, or go to www.tax.ok.gov/btforms.htm.

IX. WHEN THE MARKET WILL OPEN

- A) The 2024 season will begin on Saturday, April 6th, and continue every Saturday through at least the end of September. Mid-week markets will take place on Wednesday mornings beginning the first Wednesday in May, and ending at the end of August.
- B) Market hours are 8am – Noon on Saturdays, and 8am – 1pm on Wednesdays. Vendors are asked to set up at least 30 minutes prior to the open time of Market.

X. CITIZENSHIP, COMPLAINTS AND DISAGREEMENTS

- A) Vendors reflect upon the Muskogee Farmers Market, City of Muskogee and the community while at the Farmers' Market. Therefore, any information given to the public must be accurate and positive in nature.
- B) To insure fairness for both parties the following Guidelines must be followed in any disagreements or complaints by Vendors. All complaints must be provided to the Market Manager or a Member of the Board of Directors.
 - 1. Complaint must be in written form with names of both the Offending Party and the person filing the Complaint, as well as the specific offense.
 - 2. Three written Complaints, by three different Members, of the same Offense and same Offender, must be submitted before any action will be taken by the Board of Directors.
 - 3. The Board of Directors reserves the right to take any action they deem appropriate, including revoking Market Membership and/or prohibiting the Offending Party from selling at the Market.

XI. CONDUCT AND DRESS CODE

Conduct will be above reproach while selling at the Market. Clean and comfortable clothing is suggested. The market reserves the right to refuse membership to anyone for reasons which might jeopardize the safety of market members, customers or volunteers and/or compromise the integrity of the market.

XII. ALCOHOL BEVERAGES OR DRUGS

No consumption of alcohol is allowed by Vendors while on premises. Vendors displaying behavior indicating an alcohol or drug problem may be asked to leave the premises and/or to cease attending.

XIII. ENFORCEMENT OF RULES

The *Board of Directors* has the responsibility of enforcing these Guidelines. Any Grower or Vendor who fails to comply shall have his or her spaces declared vacant at the discretion of the Market Manager or Board of Directors.