

BPMA Farmers Market Policy

PREFACE

The Boston Public Market Association Inc. (BPMA) is a non-profit, charitable corporation formed with the goal of developing a year-round public market in Boston. We opened a year-round, indoor market in July 2015 featuring locally sourced foods brought directly to and from the diverse people that make up Massachusetts and New England. This Boston Public Market MARKET POLICY, hereinafter "POLICY", is for use as the binding rules of the Boston Public Market at Dewey Square ("Market"), which are interim initiatives of the Association.

Those who wish to inquire or raise concerns about laws that impact agriculture and marketing in general, but which are not specific to our POLICY or initiatives, should utilize the following resource list for more information:

MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES

Bureau of Markets, (617) 626-1700,

SALES TAX REGULATIONS

Massachusetts Department Of Revenue, (617) 887-6367

PESTICIDES REGULATIONS

Department of Agricultural Resources/Head of Pesticide Bureau, (617) 626-1776

EMPLOYMENT REGULATIONS

Department Of Career Services, (617) 626-5300

SCALES

Boston Department of Weights and Measures, (617) 635-5328

Local Inspectional Services

SECTION 1: MARKET CLASSIFICATION

COOPERATING SALES SYSTEM:

All products offered for sale by the participating vendor must be grown and/or produced by that participating vendor, or by a supply farmer or supplemental vendor that has been listed on the product list and approved by the BPMA staff. PLEASE NOTE WE DO NOT ACCEPT PRODUCTS FROM OUTSIDE OF NEW ENGLAND OR PRODUCTS THAT COME FROM A DISTRIBUTOR OR WHOLESALE HOUSE.

1. Supplemental products from a supply farmer or supplemental vendor must be registered with the market; and
2. Supplemental products must be identified with APPROPRIATE SIGNAGE. This includes the name of the supply farmer or supplemental vendor, location of vendor (city, state), cultivation practices (if applicable), and price.
3. BPMA staff has the right to regulate how many products from supply farmers/supplemental vendors a participating vendor can sell at the market.

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SECTION 2: MARKET REGULATIONS

1. All vendors must be registered with the BPMA.
2. All vendors are to be in good standing in order to participate in the market.

I. MARKET PARTICIPATION

A. Vendors who wish to participate must submit a completed application annually. All requirements contained in the application packet are considered part of this POLICY. Vendors receive no priority or guarantee of participation based on any participation in previous years.

B. No application will be considered complete until all required application materials are received by BPMA. Incomplete applications will be acted upon and conditional approvals granted at the sole discretion of BPMA. Conditional approvals may be rescinded at any time for any reason.

C. The application process is a written process. Verbal correspondence by any member, director, or representative of BPMA is intended for information purposes only and does not substitute for any of the requirements of the application or this POLICY.

D. All vendors will be selected and placed at market based on standing, the variety, quality, and volume of products for sale as compared to the needs of the market and community, and such other criteria that BPMA feels is in the market's best interests.

E. All vendors must submit within 30 days of their final market day a statement certified by Licensee's president or chief financial officer of the amount of Licensee's gross sales for each day of the season.

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II. MANAGEMENT

A. The Market Manager is the on-site representative of the BPMA. The Market Manager is the official manager at the market having sole and absolute discretion authority to enforce this POLICY and to set and enforce operational rules. If problems arise, the Market Manager will settle disputes. In the interest of promptness, the manager's decisions on any questions shall be enforced until and unless reviewed and altered by the Board of Directors.

III. INSURANCE

A. The Market does NOT supply liability or other insurance protecting the individual vendor.

B. Vendors must carry their own General Liability Coverage Policy in the amount of \$1,000,000/\$2,000,000 Bodily Injury & Property Damage, Workers Compensation \$100,000 Per Disease/\$100,000 Per Accident/\$500,000 Policy Limit and Automobile Liability in the amount of \$1,000,000. A certificate of insurance must be submitted with the annual application for market participation.

C. Any accident or injury must be reported immediately to the Market Manager.

IV. MARKET OPERATIONS

A. If a participating vendor is unable to attend on any given week, he or she must call the Market Manager and inform him/her 24 hours in advance. There will be no reimbursement for absences. Absences negatively affect the market and may result in loss of selling space.

B. Vendors should set up, display, and package products in a way that protects products from the elements. Vendors must also ensure that their physical set up is safe and hazard-free for the vendors, the customers, and other market participants.

C. All vendors are required to have at least 60 lbs of weight on their tents at all times. This is to ensure the safety of all vendors, BPMA employees and the general public. Vendors are not to tie tents to plaza infrastructure or to their vehicles. When weather conditions are particularly windy, the Market Manager has the right to ask all vendors to take down their tents.

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D. In the event of extreme weather that is deemed dangerous, the Market Manager will make the decision on whether to close the market or not. If the market is to be closed, the Manager will do his/her best in making this decision the night before the market if possible.

E. Vendors should arrive at the market 30-90 minutes before opening, and should be ready to sell five (5) minutes before opening. If you arrive late, where or if you can set up is at the discretion of the Market Manager. If you know you will be late, you are required to inform the Market Manager by phone or email as soon as possible. Continuous tardiness may result in loss of selling space.

F. No goods are to be sold before the market officially opens or after it officially closes.

G. Each vendor must keep the area in and around his or her space clean at all times. Each vendor must leave his or her assigned space in broom-clean condition by market closing. All refuse must be taken home with the vendor.

H. Parking will be provided to all vendors, assuming that vendors arrive at the appropriate times. While all vendors are guaranteed a space, at no time are vendors guaranteed a space directly behind their tents. The Market Manager will make the determination of where vehicles should be parked. This decision is based upon safety, The Rose F Kennedy Greenway regulations and efficiency of plaza space.

I. Electrical outlets will be provided to some vendors. Vendors who are allotted electricity must bring their own electrical cords and strips. **No vendor is to connect electrical cords without permission from BPMA. Cords are not to be hung or adhered to any plaza infrastructure.**

J. The market extends past Daylight Savings in November and thus vendors are responsible for providing additional lighting for their tents. Note, not all vendors will have access to electricity so battery powered lighting may be required.

V. PRODUCTS

A. Vendors are responsible for complying with all requirements of, and obtaining all necessary permits and approvals from, the relevant town or city, the State of Massachusetts, and the Federal Government (including the USDA, FDA, and potentially other agencies).

B. All products must have appropriate signage, including price (and source if it was not produced by your business).

C. Only products certified by the Northeast Organic Farmers' Association (NOFA) as organic may be labeled as 'organic'.

D. All products should be of top or grade A quality; any seconds or canning quality may be offered but must be labeled as such. The Market Manager has the right to ban any inferior products from the sales area.

E. Vendors can only sell what has been listed on their product list and approved by the Market Manager. Products that are being sold at the market and have not been approved, will be asked to remove such items immediately. In an event that a vendor would like to modify his/her list, an amended inventory list must be submitted to the Market Manager for approval.

VI. REGULATION

A. Vendors planning to use a scale must have it sealed by an official city or State Sealer of Weights and Measures.

B. Solicitations, collection drives or political and/or religious activities are not permitted in the market area without the prior approval of the Market Manager. No loud hawking of items is allowed.

- C. The BPMA is not responsible for the arrangements made between any vendor and any customer. No warranty of any sort, expressed or implied is made by the BPMA on behalf of vendors, or the market.
- D. Each vendor is responsible for his/her own compliance with any applicable local, State or Federal laws and regulations.
- E. Vendors are prohibited from the use of or being under the influence of drugs or alcohol while in attendance at market.
- F. Vendors are prohibited from smoking within the market boundaries.
- G. All pets are prohibited from attending farmers markets with vendors due to health and safety risks.
- H. Vendors are prohibited from engaging in any behavior not appropriate for a public setting including, but not limited to, physical violence or the use of obscene or abusive language.

I. All vendors are required to abide by the City of Boston's bag ban regulations. For full details visit www.boston.gov/departments/environment/understanding-plastic-bag-ordinance

VII. GENERAL PAYMENT SCHEDULE

- A. All space fees must be paid in accordance with the following schedule in order for a vendor to participate in the Market. Any late payment is subject to a default rate.
- B. All outstanding debts to BPMA, its subcontractors, or assigns from any previous year must be paid in order to receive an application and to be considered for the Market.

2023 Market Fees:

\$32.40/10x10 tent space per market day

\$50.40/10x20 tent space per market day (farms only)

Payment Options:

Pay 100% total due by March 31st, receive at 10% discount on total amount due.

Pay 50% total due by April 30th, pay remaining 50% by July 10th

Payments:

Please mail payments to:

Boston Public Market Association

PO Box 130457

Boston, MA 02113

You cannot participate in the Market without submitting a minimum deposit of 50% of your total payment due for the season.

Missing payment deadlines: Missing any payments may result in immediate loss of selling space(s). Loss of selling space may occur at any time after notice from either the Market Manager or the BPMA.

Alternative Payment Plans:

Alternative payment plans may be granted upon written request to the BPMA regarding payments. The written request must include your circumstances, a suggested payment plan with payment dates and amounts of payments that you are willing to commit to, and your signature. Missing any alternative payment plan dates may result in immediate loss of selling space(s).

SECTION 4: SALE OF PROCESSED FOODS

Intent to sell processed foods must be indicated on the vendor's market application by accurately completing the Product List (see below).

Most processed goods are regulated by local, State, or Federal health laws, and require a permit or license and certain labeling procedures. It is the responsibility of the vendor to comply with any such laws. Any permits or licenses required for the sale of a processed food must be submitted to BPMA along with the vendor's application prior to sale of the processed goods at the farmers market.

The Market Manager has the right to require that a participating vendor remove a processed food from the selling display if appropriate permitting, licensing, or labeling is not apparent.

Please email BPMA with any questions at gcassara@bostonpublicmarket.org