

# Petworth Community Market Rules and Regulations

February 18, 2018

## **Statement of Purpose**

The Petworth Community Market (PCM), Inc. is a non-profit 501.c.3 organization of Greater Petworth community residents that manages a seasonal weekly market in Ward 4 in the District. The market serves as a catalyst and stimulator of economic and social activity for the Greater Petworth community, by providing a venue for the sale and promotion of produce, goods, and services. PCM's goal is to improve the overall quality of life of local residents, producers, artisans, and entrepreneurs by providing access to fresh, local, and healthy foods and information on healthy living and social services available to the community and through celebrations of community's history and cultural diversity.

## **Parameters and Operations of PCM**

Vendors should contact [manager@petworthmarket.org](mailto:manager@petworthmarket.org) with any questions or concerns about any aspect of the PCM Rules and Regulations. To participate in the PCM Vendors must sign the **Vendor Agreement Form**, which is at the back of the Rules & Regulations. Signature certifies that the vendor has read, understands and will abide by the PCM rules & regulations.

### **Details for 2018 Season**

- **Location:** 9<sup>th</sup> Street NW between Upshur and Taylor Streets NW.
- **Dates:** From May 5, 2017 to November 17, 2017 (29 markets).
- **Time:** Saturdays, 9:00 am - 1:00pm weekly.
- **Type:** Rain or Shine. Please see our Inclement Weather Policy on page 5.
- **Contact:** [manager@petworthmarket.org](mailto:manager@petworthmarket.org) with any questions regarding these Rules and Regulations.

**Producer only requirement** - Vendors may only sell items produced by themselves, their spouses, children, siblings, or employees with the exception of limited cooperative marketing arrangements with other local growers pre-approved by PCM management. This includes but is not limited to fresh fruits, fresh vegetables, preserved fruits and vegetables, fresh and dried herbs, frozen and processed meats and poultry products, cheese, nursery and container plants, and honey.

**Regional Origin Requirement** –Only producers within the geographic areas falling within the Chesapeake Bay Watershed may vend at the PCM. This area includes: The District of Columbia, Maryland, Virginia, Delaware, Pennsylvania, and Southern New York.

### **Food Vendor Categories**

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- **Farmer Producer:** *Primarily* produces/grows raw food ingredients (e.g., vegetables, fruits, meat, poultry or fish) or agricultural related food products. May make value-added foods (e.g., sausage, tomato sauce, jams, preserves) with their own or regional ingredients, and may also sell non-food agricultural related products such as nursery and container plants.
- **Secondary or Value-Added Food Producer:** Produces preserves, baked goods, or other products principally from regional ingredients obtained from farmers. Tea, juice, and coffee vendors may be considered at the discretion of PCM management provided a link to the Greater Petworth community is established.
- **Prepared Food Producer:** Prepares ready-to-eat food and drink for consumption on site at the PCM or shortly thereafter.

### **Definitions and Specifications of Food Products that Can Be Sold at the PCM:**

Examples of food products that may be sold at the PCM include fresh fruits, vegetables, herbs, honey, jams and jellies, cheese, vinegars, cider, frozen meats and poultry, maple products, baked goods, breads, and ready-to-eat foods.

- Quality of Produce: Produce should be mature but not overripe and must be free of contaminants. All produce must be of fresh quality, insect-free, and have no residue such as dirt or mud that cannot be removed by normal washing. Produce of lesser quality for use in preserving, canning or jam making may be sold if clearly labeled as such.
- Value-added products: These products include jams, jellies, cider, fruit butters, salsas, pesto, etc.
- Meat Products: Only frozen meat and frozen poultry products that have been processed in a USDA Food Safety Inspection Service (FSIS) licensed and inspected facility and bear the USDA seal of inspection will be sold at the market. Any preparation instructions or suggestions must be compliant with all FSIS food safety requirements. Meat and poultry products sold at the PCM must be kept frozen at a temperature of 0degrees F or below. Calibrated thermometers are to be kept in freezers/storage containers for meat and poultry products at all times when selling at the PCM and will be checked for appropriate temperature by PCM personnel. No fresh meat or fresh poultry products will be sold at the PCM.
- Baked Goods: Baked goods that may be sold at the PCM include pies, cakes, breads, and cookies. Bakers with store-front operations may not sell at the PCM, unless approved by the Market. Manager Baked goods must be handled in accordance with the rules and regulations described by the state and local health department in which your farm/business is located. At the point of sale at the PCM, vendors must comply with District of Columbia food safety regulations. Vendors will be required to submit current kitchen inspection reports, licenses and permits.

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Baked goods vendors who are registered with District of Columbia Department of Health as cottage food producers must provide copies of their registration.

- **Eggs:** Shell eggs packed for the consumers are to be stored under refrigeration at a temperature of 45 degrees F or below at all times while selling at the PCM. Shell eggs must be intact and free of cracks. Eggs must be from the farmer's own fowl. Egg cartons must be properly labeled in accordance to the state regulations where the eggs are produced. Resale of another farmer's eggs is not allowed.

## **Non-Food Vendor Categories & Products**

- **Nursery sales:** Flowers, bedding and potted plants
- **Artist/Crafter:** Produces non-edible items for purchase.
- **Service:** Local business providing mission-driven services (e.g., wellness, sustainable landscaping, composting).
- **Other:** The PCM Board of Directors will consider vendors that do not fit the above criteria. Preference is given to those meeting the PCM mission.

## **Resales**

The resale of items purchased by participating farms/businesses will not be permitted except for vendors selling baked goods and value-added products in which the items have been approved by PCM management.

## **Vendor and Booth Requirements**

### **VENDOR REQUIREMENTS**

#### **Commitment to PCM**

PCM vendors must commit to the entire market season unless other arrangements have been made with PCM management. Product availability may limit participants' beginning and ending dates; therefore, PCM management will develop a schedule prior to the start of the market season documenting the PCM vendor's commitment to the PCM. If the PCM vendor is not able to commit to the entire market season then PCM management has the option to share the space with another PCM vendor. PCM management can terminate the participation of PCM vendors that repeatedly miss market days.

#### **Hours of Operation**

The PCM is open every Saturday from May 5, 2017 until November 17, 2017. The hours of operation are 9:00am until 1:00pm. Vendors MUST arrive no later than 8:30am to set up each Saturday. Vendors

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may not drive any vehicles through the market area after 8:30am. Vendors may not leave early unless approved by PCM manager.

### **Time Commitment**

Vendors must be open for business from 9:00 am-1:00 pm and arrive at least 30 minutes before opening. Vendors may not leave early unless advised by the Market Manager.

### **Absences -Notification of & Consequences**

**Notification:** PCM vendors must give 48-hour notice if he/she cannot attend on market day and knows this in advance.

**Absences** - If a PCM vendor repeatedly misses market days or continuously arrives late to the PCM, it can result in termination of PCM participation.

### **Inclement Weather:**

The PCM is open rain or shine. To maintain a viable farmers market, it is important that each vendor has a consistent and strong presence each and every week at the PCM and vendors are expected to attend in poor and rainy weather. However, PCM vendors have discretion to participate on market days where the weather reports are calling for severe inclement weather, such as high winds, severe thunderstorm, tornado warning, etc. Vendors must notify PCM personnel of their decision as soon as possible. Where there is a call for severe inclement weather, PCM management reserves the right to cancel the PCM for the safety of the vendors and customers. If PCM market management cancels the PCM due to severe inclement weather, PCM market management will notify vendors of the closure within 24 hours by telephone and/or email where possible.

### **Participation in Farmers Market Nutrition Programs & Gleaning**

#### **Participation in Nutrition Programs**

PCM management strongly encourages all farmers/growers of fruits and vegetables to accept Farmers' Market Nutrition Program coupons for low-income Women, Infants and Children (WIC) and Senior's Farmers' Market (SFMNP) coupons from customers for qualifying purchases. WIC/SFMNP certificates of participating farmers must be properly displayed at their market stands. To apply to be eligible to accept coupons in DC and MD contact: Sabrina Lewis, FMNP Coordinator, District of Columbia Department of Health at (202)-442-9367 or [sabrina.lewisi@dc.gov](mailto:sabrina.lewisi@dc.gov).

PCM's EBT/SNAP Coordinator operates EBT/SNAP (Food Stamp)/Debit/Credit Card machines, which swipes a customer's card in exchange for tokens that can be spent at PCM stands. PCM reimburses

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farmers/producers for tokens accepted for payment at the PCM. All farmers/growers and producers must agree to participate in the EBT/Debit/Credit program and accept tokens as a form of payment.

### **Participation in Gleaning Program**

The PCM participates in a “gleaning” program whereby vendors can donate fresh, useable produce and other food products that have not been sold at the end of the market to DC Central Kitchen. Participation is voluntary but encouraged. More information about gleaning can be found at <http://www.dccentralkitchen.org/going-gleaning/>. Vendors can obtain receipts for donated foods from DC Central Kitchen and can contact the Internal Revenue Service or a tax advisor for information about tax deductions for gleaning.

### **Insurance & Indemnification**

- **Proof of Insurance.** All food vendors must provide proof of Liability Insurance. PCM and its Board of Directors MUST be listed as additional insured on the vendor’s insurance.
- **Indemnification** The vendor shall agree to indemnify and hold harmless the PCM, including its incorporators and Board of Directors, the Market Manager, and the District of Columbia, from any and all liability for damage, injury or loss to any person or goods for any reason related to the operation of the PCM.

### **Health, Safety & Labeling Compliance**

All vendors must abide by all applicable federal, state, and local health regulations. For products that originate outside the District of Columbia and are brought to and sold at the PCM, vendors must comply with the regulations within their respective state that include regulations pertaining to the harvesting, food preparation and safety, and labeling of products. While transporting to and selling food products at the PCM, vendors must comply with food safety regulations in the District of Columbia including displaying prepared foods, food storage, and food sampling, etc.

All permits, licenses, certificates and inspection reports must be current for the entire market season.

### **Permits, Licenses & Certificates:**

The PCM is responsible for obtaining both the Vending Business License and Public Space Permits needed to operate the PCM in the District of Columbia government. Vendors whose products originate or are prepared outside of the District must be licensed by the jurisdictions in which the product originates. Vendors whose products originate or are prepared in the District of Columbia must be licensed or registered (in the case of Cottage Foods) in the District of Columbia. Vendors will be responsible for obtaining and paying for any other permits, licenses or certificates required by the District of Columbia, such as registering scales with the Weights & Measures Office in the District, see Section 5 PCM Operations pages 5 and 6).

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## **Payment of Fines or Re-inspection Fees**

A vendor is responsible for paying any re-inspection fee charged by the District where the vendor has failed to comply with applicable laws and regulations.

## **Reporting Sales, Sales Tax, and Other Applicable DC Taxes**

There is no food tax on produce and foods that are not prepared before or at sale at the PCM. There is a tax on ready-to-eat foods. Vendors are responsible for collecting and reporting all applicable taxes.

## **Miscellaneous Prohibitions at the PCM Not Listed Elsewhere in this Document**

- Alcoholic beverage consumption
- Smoking
- Behaving discourteously while operating at the PCM
- Hosting raffles, selling tickets, etc. *(except by and for the PCM)*

## **Farm/Business Visits**

The PCM reserves the right to visit producers' farms or businesses, including leased property, to verify compliance with the Producer Only Rule, with 24 hours notice. All potential and participating farm/business vendors are subject to visits. PCM personnel reserve the right to inspect the farm or establishment to confirm crops and products being sold at the PCM are in compliance with PCM rules and regulations. Vendors must submit a map and directions to their farm/business location along with their PCM application. If a farm/business is found not to be compliant with the PCM rules & regulations, the vendor will be subject to consequences as listed in the non-compliance section of the PCM rules & regulations.

**On-site Inspection.** The market Manager will inspect areas during the market and before vendors leave.

**Cleanup.** Vendors must assist in the cleanup of the general area of the market at its close. Market vendors are responsible for maintaining their space in a clean and attractive manner with attention to public safety and respect for the use of this public space by others following the end of the market day. Market vendors are responsible for cleaning all trash and waste including sweeping up of any debris within and around their allotted space. On-site trash receptacles are provided for consumer and market vendor use.

**Safety.** Keep valuables and cash protected during market operation. The PCM is not responsible for losses or theft.

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**Documentation.** Vendor must have all applicable license, permits, certificates and insurance documentation on hand at the market.

## **BOOTH AND FARMSTAND REQUIREMENTS**

### **Booth Requirements**

- Vendors must meet generally accepted practices of sanitation at their booths.
- **Assigned Booth Space and Parking:** Assigned stall space sizes are 10' x 10'. The Market Manager will assign a space to each vendor given what the manager determines the best layout for a given market day to be. Vendors must occupy only the space assigned unless otherwise directed by the Market Manager.
- **PCM Equipment/Supplies:** PCM management does not supply PCM vendors with equipment. Each PCM vendor will be responsible for providing canopies, tents, tables, tablecloths, certified scales, signs, containers, and change.
- **Setup:** Vendor must set up his/her own booth and must provide tables, chairs, and tents. PCM requires each vendor occupying a 10'x10' or larger space to use a sturdy tent that is properly secured for windy conditions.

Every effort is made to minimize market vendor movement, but space adjustments can be made at the discretion of PCM management, if deemed necessary. Parking will be provided for one vehicle. Parking on the PCM space will be assigned based on the availability of space. If the PCM vendor has an assigned parking space on the PCM lot, his/her vehicle must fit within the assigned parking space. All other vehicles must be removed from the PCM premises.

- **Electrical Outlets:** There is no vendor access to electricity at the PCM. Generators are not permitted for use at the PCM without PCM management approval. If extension cords are used, they must be safely secured and out of the way of consumer foot traffic. Check with PCM management to ensure that you are using an approved outdoor cord. If the appropriate cords are not being used then they can be removed from your stall and impact your market sales.

### **Signage for Vendor Stalls:**

PCM vendors must clearly display signs that show the name of their farm/business, products, prices, and their enrollment in any Federal nutrition assistance programs. Prices must be legible and visible for customers to see. Prices of items for sale must utilize one or more of the following techniques:

- Individual price stickers on each item

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- o Individual price signs for each type of item
- o A list of prices on a large sign or board

### **Scales:**

The DC Department of Consumer and Regulatory Affairs (DCRA) is responsible for scales inspection at the PCM. DCRA will check scales for accuracy during the first month of the market opening. Scales must be clearly visible and readable to customers at all times. Any problems identified by DCRA must be corrected. If you have any questions regarding your scales, please contact the Department of Consumer and Regulatory Affairs Weights and Measures, 1110 U Street, S.E., Washington, D.C. 20020. The phone number is (202) 698-2138.

### **Food Safety Requirements: General**

Storage - Vendors must store all food items at least 6 inches off the floor/ground.

Dispensing Ice - Ice used for consumption must be dispensed by appropriate scoops/utensils.

Time and Temperature Control - Adequate equipment must be used to maintain foods that require time and temperature control for safety (potentially hazardous foods) at the appropriate temperature to prevent risk of illness. Foods that require cold holding refrigeration must be kept at 41 degrees F or below. Foods that require hot holding heat must be kept at 135 degrees F or above.

Food Sampling - Food samples must be presented in a safe and sanitary manner and comply with DC Department of Health Food Safety standards. If the samples are being prepared in the District, vendor must provide for handwashing. Vendors must provide toothpicks for consumer use if providing samples of their products. Signs are to be clearly displayed stating *"Please use toothpicks when sampling"* and *"Toothpicks are for single use only."*

### **Food Safety Requirements : Baked Goods & Ready-to-Eat Foods**

Display, Storage & Handling - Prepared/ready-to-eat foods may not be displayed for sale without being properly wrapped, covered or protected by an appropriately designed sneeze guard. All food items must be kept covered and kept at a proper temperature prior to selling.

Baked Goods Items must be individually wrapped and labels must include: product name | all ingredients (from most to least abundant) | producer or business name | item net weight. Vendors cannot handle exposed, ready-to-eat foods directly with their bare hands. Utensils such as deli paper, tongs, or disposable gloves may be used to prevent bare hand contact with exposed, ready-to-eat foods. Disposable gloves that handle money should not come in direct contact with



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ready-to eat-foods. Gloves must be discarded when they become damaged or soiled or when vendor is switching tasks.

Hand washing- Vendors will have access to on-site hand washing station that allow them to wash their hands with soap, rinse their hands with potable water and dry their hands with clean towels.

Vendors should familiarize themselves with the DC DOH, Farmers Market Guidance document, available at the DOH web site. DOH also has Fact Sheets, which are relevant to food safety at Farmers Markets.

- [Bare Hands Contact \[PDF\]](#)
- [Certified Food Manager \[PDF\]](#)
- [Food Thermometers \[PDF\]](#)
- [Hot and Cold Holding \[PDF\]](#)
- [Ice as a Food \[PDF\]](#)
- [Proper Glove Usage \[PDF\]](#)

## **Marketing and Media Requirements**

### **Cooperative Marketing:**

Farms/businesses are permitted to share space with another PCM vendor or sell another farm/business product if the PCM board deems the arrangement beneficial to the PCM. Such cooperative market arrangements MUST be pre-approved by PCM management before they are implemented at the PCM. The only products that will be considered for sale under cooperative market arrangements are those that are not currently being sold by existing vendors in the PCM. Products must be clearly labeled with the farm/business name and location.

### **Media Communications:**

The PCM is on public property and has been the subject of articles by writers, media personnel and reporters. PCM vendors have the option to not be photographed and it is at their discretion to answer questions or participate in interviews. If a PCM vendor does communicate with the public/media, he or she is required to inform PCM personnel immediately, so that appropriate personnel can be informed and prepared to take any necessary follow-up action.

## **Administration of Rules & Regulations**

### **Reasons to disallow participation:**

Efforts will be made to accommodate all vendors who apply; however, a vendor may not accepted as a PCM vendor for reasons such as insufficient space, excess supply of the product(s) to be sold, and

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failure to submit the required license or permit for PCM participation. Further, continuous late arrival and refusal to adhere to PCM rules & regulations may result in expulsion from the market.

Consequences for violating the PCM rules and guidelines will result in the following:

- First offence: verbal warning
- Second offence: written warning (written notice may be electronic)
- Third offence: suspended for one market day (written notice may be electronic)
- Fourth offence: suspended for the remaining market season (written notice may be electronic and by certified mail). More than three consecutive unexplained absences will constitute abandonment of booth space. No refunds.

Egregious violations of PCM rules and regulations will result in immediate suspension from participation in the PCM under authority of the market manager. Suspension may lead to expulsion from the PCM based on review and decision by the PCM board of directors.

PCM personnel reserve the right to refuse acceptance or dismiss any PCM vendor or product that does not adhere to the rules and regulations as stated in this document.

All complaints/concerns, whether it is from the PCM vendor or consumer, should be reported in writing to PCM personnel. The issue will be and addressed appropriately by PCM management.

### **Vendor Application Process and Fees**

#### Vendor Application Process

- [Submit an online application](http://petworthmarket.org) and documentation to PCM at [petworthmarket.org](http://petworthmarket.org). **PCM management will give preference to applications received by March 1, 2018.** If accepted as a full or half-season PCM vendor, full season's payments must be received prior to the first market of the season. Make checks payable to *Petworth Community Market*.
- The application packet must contain the following mandatory information and documentation:
  - List of all products that will be sold during the market season. New products not listed and submitted with the application must have prior approval from PCM management before bringing/selling the product(s) at the PCM.
  - Liability Insurance information
  - Copies of Organic certification, Certified Naturally Grown, Animal Welfare Approved or other similar certifying agency documents (if applicable),

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- Copies of all food safety forms, inspection reports and licenses/permits/certificates applicable to the sale of your product(s). Vendors are responsible for knowing which requirements apply to their product(s). These specifically include:
  - **Proof of Business License.** All food vendors must provide a copy of their business license and Tax ID.
  - **Extension Agent Certification.** All Farmers must provide a signed Certificate from their applicable Extension Agent certifying the operation as a true producer. For questions, contact [manager@petworthmarket.org](mailto:manager@petworthmarket.org).
  - **Proof of Commercially-Approved Kitchen.** All Secondary (Value-added) and Prepared Food Producers must provide proof of a commercially-approved kitchen from their jurisdiction's health department or regulating agency. Cottage Food Producers in the District must provide copy of their registration with the District.
  - **Copy of signed Vendor Agreement Form** if accepted as PCM vendor.

### Fees

All fees are based on a 10' x 10' space.

- **Full season** - \$775 (for additional 10' x 10' space add \$125 per space)
- **½ season** - \$500 ½ season vendors must provide attendance schedule before the 1<sup>st</sup> market of the season)
- **Single market** (Pop-up Vendor) - \$50 (Market manager will provide the vendor with the scheduled date for PCM attendance)

50% of the vendor's total fee will be required 1 week before the first market attended.

Full payment will be due at the end of the first market attended. PCM tokens will not be accepted as payment for fees.

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## PETWORTH COMMUNITY MARKET VENDOR AGREEMENT

This page must be signed and returned **only** if you have been selected as a vendor to participate in the 2015 market season.

### **Parties Intent**

Vendor \_\_\_\_\_ is an independent contractor/seller of goods or services and desires to rent space consisting of a stall (s) at the Petworth Community Market (hereinafter called PCM) at the times and places specified in the Market Rules & Regulations and intends to sell certain approved food or non-food items incident to the operation of the PCM. It is the desire of PCM and Vendor to enter into a space rental agreement, which will enable Vendor to sell, for profit, goods or services at said market. In accordance with the laws of the District of Columbia the parties enter into this Vendor Agreement, which shall be governed by the laws of the District of Columbia.

### **Notices**

Notices required to be given as required by this Agreement may be served on the PCM by personal delivery to the Market Manager at Petworth Community Market | 1380 Monroe St NW #439 |

Notices required to be given as required by this Agreement may be served on the Vendor at:

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Vendor Address

### **Compliance**

All participating market vendors must adhere to the Rules & Regulations as stated in this document. By signing below, I certify that I have read, understand and agree to adhere to all applicable Market Rules & Regulations as stated in this document. I further understand that should I fail to comply with these specified Rules & Regulations, my participation in the PCM could be terminated.

Date \_\_\_\_\_

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Market Representative Name (print)

Title (Print)

Signature

Date \_\_\_\_\_

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PCM Representative Name (print)

Title (Print)

Signature