

West Cape May Farmers Market Rules and Regulations 2023

This is the **22nd season** of the highly successful West Cape May Farmers Market!
The Market is held, rain or shine, at the beautiful Backyard Park
of the Municipal Complex, 732 Broadway, West Cape May.
A full **TEN weeks** are scheduled for 2023.

Tuesday, June 20th – Tuesday, August 29th from 3:00 pm – 7:30 pm
****Exception: No Market on July 4th****

I. Mission

The West Cape May Farmers Market supports and fosters local agriculture by providing a direct market for producers, providing consumers an opportunity to purchase locally produced agricultural goods, and educating the community about the importance of local agriculture.

II. Statement of Purpose

- To give agricultural producers of South Jersey alternative marketing opportunities that help them to sustain their local, family businesses;
- To serve as a business incubator by giving producers an opportunity to test and refine their products and marketing skills with minimal investment;
- To build community by bringing farmers and consumers together to deal directly with each other, allowing them to trust, know, and learn from one another;
- To improve the variety, freshness, taste, and nutritional value of produce available in the South Jersey area;
- To provide an educational forum for consumers to learn the uses and benefits of quality, locally grown, and prepared food products;
- To support a clean environment through good agricultural practices, which preserves open space, water, soil, and biodiversity, and reduces fossil fuel use by minimizing the distance that food travels;
- To contribute to the local economy by keeping food dollars in the community;
- To enhance the quality of life in the greater West Cape May area by providing a community activity that fosters social gathering and interaction.
- To ensure food security – by supporting local farms today, there will be farms in the community tomorrow and future generations will have access to nourishing, flavorful, and abundant food.
- To enable the Borough of West Cape May Shade Tree and Environmental Commissions to generate revenue to sustain their goals and missions without utilizing tax generated funding sources.

III. Committee of Volunteers

The West Cape Farmers Market (WCMFM) is a function of the Borough Shade Tree and Environmental Commissions and is currently directed by a Committee of Volunteers (COV). The Committee is comprised of one member of each Commission, the Public Works Manager, a member of the Governing Body, and the Market Coordinator. Membership may be altered at the discretion of the West Cape May Governing Body.

IV. Application Process and Fees

- A. Applications must be received by **April 17th, 2023** and include:
- Completed and signed application, by which the vendor agrees to abide by the 2023 West Cape May Farmers Market Rules and Regulations.
 - Evidence of liability insurance per Section V below.
 - Deposit by check or money order, payable to “Borough of West Cape May Farm Market”.
 - Copy of all applicable licenses and permits necessary to sell.
- B. All vendor applications will be reviewed by the COV.
- C. All vendors must receive written approval by the COV before selling at the market. No vendor will receive written approval prior to receipt of all application components. The COV has the right to accept or reject any applicant. If an application is rejected, all fees will be refunded.
- D. Vendors requesting to share a booth must submit a complete application for each vendor and provide details of the proposed sharing agreement.
- E. Applications submitted after the application deadline will be reviewed and admitted as space permits and as proposed product fits into overall market mix.
- F. Vendors are accepted into the market on an annual basis. Acceptance into the market in a previous year does not ensure that vendor will be accepted in future years.
- G. **The Market is scheduled Rain or Shine. No refunds will be given under any circumstances.**
- H. Booth Fees must be paid in full by June 16, 2023 (**Friday before the first Market**) to be eligible for the 10% reduction in Seasonal Rate.

PAYMENT OPTIONS (per single booth space)

Paid in Full by June 16th (receive a 10% discount):

- 25% due by April 17th
- 25% due by May 8th
- Balance due by June 16th

Weekly Payments (no discount):

- 3-week deposit due by April 17th
- Weekly payments due beginning the FIRST MARKET
- Deposit weeks will be credited to the last three weeks of the season
- By paying weekly, you are committing to a full 10 weeks. Payments are due even if you do not show up and set up.

Pop-Up Vendors:

- Upon availability, spaces are not guaranteed.
- Payment due the week of set up.

I. Booth Rates

VENDOR TYPE	WEEKLY RATE	SEASON RATE	PAID IN FULL BY 6/16
Farmer	\$35	\$350	\$315
Artist / Crafter	\$35	\$350	\$315
Antique / Resale	\$35	\$350	\$315
Food	\$65	\$650	\$585
Winery	\$65	\$650	\$585
Non-Profit*	N/C	N/C	N/C
Non-Profit Fundraiser*	\$35 or 50% of daily profit, whichever is less		
Electricity*	N/A	\$50	N/A

**Limited availability for Non-Profits, Fundraisers and Electricity*

V. Insurance

- A. **Requirements:** Due to requirements of the Borough’s Insurance carrier, all vendors and non-profit groups will continue to be required to provide West Cape May Farmers Market with evidence of *Liability* insurance, naming the **Borough of West Cape May** as Certificate Holder, **and Borough of West Cape May, WCM Farmers Market, and WCM Shade Tree Commission** as Additional Insured in the amounts as follows:

Home Business type*	\$100,000 liability
Non-Profit/Charity type	\$300,000 liability
Business	\$1 million liability

** May use Homeowner Policy*

- B. **EVIDENCE OF INSURANCE MUST BE ACCURATE, COMPLETE AND PROVIDED TO THE BOROUGH BY JUNE 16, 2023 IN ORDER TO PARTICIPATE IN THE MARKET ON OPENING DAY, JUNE 20, 2023.** *Please check with your insurance carrier for information on your specific needs. If coverage expires during the course of the market, an updated certificate showing active coverage must be provided to the Borough or the vendor may not be permitted to set up on the next available market date.
- C. **Multiple Event Certificate:** In an effort to simplify the vendor insurance requirements that apply to ALL Borough sponsored festivals (Farmers Market, Tomato Festival, Lima Bean Festival and Community Christmas Parade) we offer vendors the ability to provide **just one certificate to cover any/all events you plan to participate in this year.** If you would like to take advantage of this single certificate option, the following named Additional Insureds should be included as well as those listed in item A above:

WCM Tomato Festival WCM Lima Bean Festival WCM Community Christmas Parade

VI. Vendor Products

- A. **VENDORS ARE EVALUATED AND ACCEPTED ON A FIRST COME FIRST SERVE BASIS.**
- B. WCMFM reserves the right to limit vendors with duplication of inventory in order to retain diversity of product sales at the market.

- C. WCMFM reserves the right to accept or reject any vendor. Acceptance into WCMFM will be based on the following list of acceptable products:
1. Agricultural Products - that are grown in the state of New Jersey and which may include:
 - a. Vegetables and fruits
 - b. Flowers, herbs, plants, and nursery crops
 - c. Nuts, seeds, and grains
 - d. Meat, eggs, and unprocessed dairy products (further regulations may apply)
 - e. Honey, wool, and other animal products
 - f. Wine, craft beer, and craft spirits
 2. Arts & Crafts
 - a. Local artists & crafters will receive priority admission to the WCMFM.
 3. Prepared, Processed and Pre-Packaged Food
 - a. All processed food must be produced in a health department-approved kitchen and vendor must have a license in their individual or company name. Licenses and/or permits must be on file with the COV and on display at the market or available for review at all times.
 - b. All products sold at the market must be produced by the vendor or his/her company. Repacking and co-packing are not permitted.
 4. Food Vendors
 - a. All food vendors must comply with all applicable local, County and State and Federal health regulations. All food vendors MUST have prior approval from the Cape May County Department of Health to participate in the market. Licenses and/or permits must be on file with the COV and on display at the market or available for review at all times.
 5. Antique/ Resale
 - a. All vendors are required to abide by all applicable Local, County, State and Federal requirements.
 - b. Product inventory must be identified with application including a complete list of any and all items to be sold through the season. Additions to the list must receive written approval through the COV or Market Coordinator at least 1 (one) week prior to selling. Photographs of product inventory are encouraged. The WCMFM reserves the right to limit vendors with duplication of inventory in order to retain diversity of product sales at the market and request vendors remove inventory not pre-approved.
 6. Non-Profit Organizations
 - a. Non-profit organizations offering services and information of general interest to WCMFM customers will be admitted by WCMFM based on space availability and compatibility with WCMFM.
 - b. Non-profit booths may sell products after obtaining the COV written approval.
 - c. Non-profit organizations will be required to submit an application and proof of insurance.
 7. Local Clubs/Organizations
 - a. Local clubs or organizations involved in fundraising projects will be considered based on space availability and compatibility with WCMFM.
 - b. Local clubs or organizations will be required to submit an application and proof of insurance.

- c. Local clubs or organizations are required to pay either the weekly Vendor Booth fee or 50% of their daily profit, whichever is less, at the close of each market day.

VII. Market Day Operations and Rules

A. Space Assignments

1. On the first day of market season, vendors will be assigned spaces by the Market Coordinator.
2. Attempts will be made to assure vendors maintain the same approximate space each week.
3. Due to concerns of market esthetics, vendor's spaces may be moved by the Market Coordinator throughout the season.
4. Space assignments may be moved due to late arrivals, special events, and fluctuation in overall size of the market.
5. Vendors must occupy their assigned space(s) at least 30 minutes prior to the opening of the market or the market manager may assign the space to another vendor.
6. Vendors are expected to notify the Market Coordinator of intended absences at least 24 hours in advance.
7. Two absences or late arrivals without prior notice will result in revocation of seasonal space assignments.
8. All on-site decisions by the Market Coordinator are final and binding. Any appeals must follow the procedures outlined in "Section IX."

B. Vendor Booth

1. Each booth space is approximately 10' x 10'. Vendors requiring more than one (1) booth are required to pay for each additional space.
2. Any and all Food Trucks or Vendor Trucks must provide the trucks' exact dimension, including the hitch
3. Multiple spaces are not guaranteed and should be reserved early. Booth space requirements will be permitted based on availability at the time of COV receipt of fully completed application.
4. Vendors requiring electricity shall be subject to an additional \$50 seasonal charge. Electricity has limited availability therefore electrical requirements will be permitted based on availability at the time of COV receipt of fully completed application.
5. Resale or sub letting of Vendor Booth is strictly prohibited and are grounds for suspension from the market and forfeiture of fees paid.
6. Sharing of booths must be pre-approved by the COV and will be limited to like vendors (for example: artist and artist). The booth may be shared each week or vendors may alternate weeks in the booth throughout the season.

C. Market Safety

1. Vendors may not begin setting-up until 1:00pm and breakdown may not begin until 7:30pm Exceptions may be granted on a case-by-case basis at the discretion of the Market Coordinator and the COV.
2. Vendors will sell at designated booth space and maintain the space in a sanitary and safe condition.
3. All vendors MUST remove their trash and recycling from booth area and WCM property. Trash and recycling are not to be left on site or deposited in or by Borough receptacles.
4. Vehicles may park behind booth space that can accommodate a vehicle without disrupting the market. For booth spaces that cannot accommodate a vehicle, vendors may bring in vehicles for

unloading, provided the vehicle is removed from the market area at least 30 minutes prior to market opening.

5. Vendors unable to park their vehicle behind their booth space **should plan to park OFF of the Borough Property**, on one of the numerous side streets in order to retain maximum parking availability for market patrons. Your cooperation will help ease parking lot congestion and likely increase your sales!

6. Late arrival participation will be contingent on available space. Vendors who arrive late must park outside of designated market boundaries and carry product to booth space.

7. Vendors are responsible for the safety and behavior of their staff, children and animals.

8. Vendors are responsible for weighting and/or tying down their tents and umbrellas to sufficiently eliminate wind disruption and danger. Vendors are liable for any damage occurring from their personal property.

D. General Market Rules

1. Vendors may not begin selling before the market opens.

2. Pre-market sales, post-market sales, and early breakdown are only allowed with permission of the Market Coordinator.

3. All permits necessary to sell must to be on display or available for review at all times.

4. All scales must bear a current seal from the Dept. of Weights and Measures.

5. Signs will be accurate and truthful.

6. Vendors who market their products as "Organic" must provide proof of certification to the market manager and have certificate on display.

7. Music played must not be disruptive to neighboring booths or to the overall market.

8. All straws, packaging and bags must comply with [P.L. 2020, C. 117](#).

VIII. Enforcement of Market Rules

A. Vendors and management are expected to maintain high standards of honesty and respect toward one another and customers and to conduct themselves in a courteous and helpful manner. Rudeness and dishonesty are grounds for suspension from the market.

B. The Market Coordinator and COV Governing Body Member have discretion to make any on-site decisions regarding market violations.

C. Any vendor violating the above stated rules and regulations of the WCMFM or the regulations of Cape May County Health Department or other local, state, or federal agencies may be issued a written or verbal warning for market violations. Verbal warnings will be recorded and if the problem is not corrected in a timely manner, a written warning will be issued. Continued or repeated non-compliance shall result in a written advisement of expulsion from the market. It is possible for all of this to occur in a single market day. Expulsion is permanent until the vendor is reinstated by the COV.

D. Violation of WCMFM rules may result in a written warning or advisement of expulsion depending on the severity of the violation. Vendors who are expelled from the market may not return until they are reinstated by the COV. Vendors who are expelled from the market due to violations will not be refunded any application or booth fees.

E. Any person wishing to file a complaint about the market or an individual vendor must do so in writing to the COV.

F. Any serious violations or illegal activity will be reported to the proper authorities.

IX. Appeals

A. Vendors have the right to appeal any decision of a notice of violation or expulsion to the COV.

B. Appeal Process

1. Appeals must be received in writing by the COV within two weeks of the violation/expulsion date.
2. Appeals should contain an explanation of the situation, grounds of the appeal, and proposed solution.
3. The COV will respond to the appeal.
4. An in-person meeting between the vendor and the COV may be granted to discuss the appeal at the discretion of the COV.

B. Decisions of the COV are final and binding.

C. Vendors who are expelled from the market may only be readmitted by a majority vote of the COV.