



Farmers' Market Vendor and Market Rules

Farmers' markets often have handbooks or specific rules for vendors that guide market operation. These requirements, however, vary greatly between different markets, depending on the unique characteristics of a specific market, as well as the needs of the individual vendors and local communities involved.



What is this?

This assessment of vendor and market rules provides a variety of policies across locations in Kansas, including urban and rural communities, as well as both private and public markets. This resource provides a checklist and guide for those interested in working with local Kansas communities to establish a new market or support the development of an existing farmers' market.

How should this information be used?

This information provides a general guide to the different operational rules a farmers' market might want to consider for the market, recognizing that each community will need to evaluate how best to support its markets based on its own unique local and legal context. This information can be used to facilitate a conversation about the current state of a community farmers' market and develop potential goals and objectives. Feel free to write answers to

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these questions directly on the document to serve as a template for action. The chart, below, identifies specific areas that could be included in the internal rules a farmers' market creates for its operations. See

attached "Local Government Regulation of Farmers' Markets in Kansas" and "State Laws Impacting Farmers' Markets in Kansas" for further information on any questions regarding state or local law.

Farmers' Markets Vendor and Market Rules

This information was compiled through a review and analysis of several Kansas farmers' market handbooks and internal rules. Use this key to identify which state and local laws or market rules may impact a market's operation.

	STATE LAW MAY HAVE IMPLICATIONS	LOCAL LAW MAY HAVE IMPLICATIONS	MARKET RULES MAY HAVE IMPLICATIONS
Establishing a farmers' market			
FEES TO PARTICIPATE			
Is there a single day fee vs a seasonal pass? Discount for seasonal vendors?			
Are there variants in prices, i.e., a sliding scale fee?			
<ul style="list-style-type: none"> ■ Corner stall vs middle stall? Discounted second stall price? ■ More expensive for prepared food vs produce? ■ Are these fees discounted for particular community partnerships? 			
Is there a way for farmers to participate if the fee cannot be met (i.e., volunteering hours)?			
Is there an advertisement fee?			
Is there a fee for electricity?			
FARMERS' MARKET ORGANIZATIONAL STRUCTURE			
Who composes the organizational team?			
<ul style="list-style-type: none"> ■ Market Manager/Coordinator? A Market Board with voting members? ■ What is the process for contacting them? 			
Are the vendors voting members (with an annual fee for membership)?			
Does this market want to partner with or incorporate food assistance programs?			
Who owns the property on which the farmers' market operates?			
<ul style="list-style-type: none"> ■ Is the land public or private? ■ If the market does not own the land, is there a formal contract between the parties granting the market permission to use the land? <ul style="list-style-type: none"> – MOU? Lease? – How long does the contract last? 			

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ESTABLISHING A FARMERS' MARKET (continued)			
VENDOR APPLICATION PROCESS			
How are vendors chosen? Is there an application process?			
<ul style="list-style-type: none"> Can the Market Manager refuse vendors in the application process? 			
Where is the vendor application found? To be returned?			
<ul style="list-style-type: none"> Is there a deadline? Who reviews them? What else must be turned in with the application (i.e., fee, sales tax status, proof of insurance)? 			
Are there market guidelines/forms that vendors must sign when applying?			
Do vendors need to reapply annually?			
VENDOR REQUIREMENTS			
Who is eligible to apply/participate as a vendor?			
Only vendors from Kansas? Only vendors from a certain mile radius?			
<ul style="list-style-type: none"> Are vendors required to also be the procurer/grower of the produce/product being sold? 			
Do the vendors need to be over 18 years old?			
Can vendors have a staff?			
<ul style="list-style-type: none"> Are vendors responsible for educating their staff about market regulations? 			
TAXES			
Signage?			
<ul style="list-style-type: none"> Do the vendors need to display a Kansas State retail tax certificate when selling? Do vendors need to display signs indicating "tax included" or "plus tax" at stall? 			
Are vendors required to obtain a sales tax #/ID before being accepted into the market?			
Who is responsible for paying the sales tax for individual vendors?			
INSURANCE			
Is insurance a requirement? Market insurance? Product liability insurance?			
Does proof of insurance need to be submitted to the market?			
Do vendors need to submit proof of car insurance for the vehicles that will be in the market?			
<ul style="list-style-type: none"> Is there a requirement to the cap on the insurance for both Commercial General Liability and Automobile Insurance? I.e., \$250,000? Are these proofs kept on file? 			
INSPECTION			
Is there a regular inspection? How often?			
<ul style="list-style-type: none"> For the farm/place of procurement? Stall? Certified kitchen? 			

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Establishing a farmers' market — INSPECTION (continued)			
<ul style="list-style-type: none"> To see if following licensing practices? 			
Who inspects?			
Can inspections be unannounced?			
Operating a farmers' market			
SET UP, HOURS OF OPERATION, AND MARKET OPENING			
Is this a morning, afternoon, or evening market?			
Does the market just stay open until sellout?			
Do the hours vary with the season and/or day?			
Are there rules around whether a vendor can leave early (i.e., if they have sold out)?			
Is there a bell to signify market opening?			
Are early sales permitted?			
Who is permitted to be in the market before it opens?			
What is the minimum setup time? Maximum?			
Are cars allowed into the market? Can products be sold from a trunk/truck bed?			
Is there a time by which a vendor must show up for the day?			
<ul style="list-style-type: none"> Will vendors be fined if they do not notify the Market Manager of absence? Can their spot be given to a different vendor if they do not show up by certain time? 			
Are there barricades that restrict cars from exiting/entering after the market opens?			
STALL SPACE AND EQUIPMENT			
Are there specific dimensions for the stall space?			
Are the stalls marked or painted?			
Are the spaces assigned or first come, first served?			
How far are stalls permitted to extend out of the stall space?			
What equipment is provided by the market?			
<ul style="list-style-type: none"> Tents? Tables? Displays? Are the tents and displays adequately weighted for the weather conditions? 			
Who is responsible for tear down?			
Are vendors allowed to share stalls?			
VEHICLES			
Are vendor cars allowed to be parked within the market?			
<ul style="list-style-type: none"> Is there a barricade that prevents this during market hours? Can vendors sell out of cars? 			

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Operating a farmers' market — VEHICLES (continued)			
■ Must cars be clean?			
Is overnight parking allowed?			
Rules regarding the transportation of food or food products?			
SIGNAGE AND LABELING REQUIREMENTS			
Are there requirements that must be met for certain claims?			
■ Homegrown? Organic? Locally purchased?			
Do vendors need to post all prices?			
Label with expiration dates?			
Are vendors required to indicate the origins of their products?			
■ Are vendors willing to share the growing information with market patrons?			
■ Do they have receipts from the sales?			
HOW CAN ITEMS BE SOLD?			
By weight? Volume? Count?			
With price clearly listed?			
■ Can prices be bargained?			
■ Is price fixing allowed?			
Must vendors use official USDA weights and measures?			
WHAT ARE THE RULES ON CLEANLINESS AND SANITATION?			
Who is responsible for the cleanliness and neatness of stall?			
Are there requirements around the storage/display of products?			
■ I.e., does produce need to be kept clean and cool? In a covered container?			
Who is responsible for the removal of trash and waste within the stalls?			
Who provides the trash containers?			
Must produce be "a reasonable distance" above the ground? I.e., 12 inches?			
What are sanitation expectations around preparation area?			
■ I.e. For knives, cutting boards and washing practices?			
What about vendors with communicable disease?			
What are the requirements of hand washing?			
WHAT IS EXPECTED BEHAVIOR?			
Are there regulations around noise or odors?			
Are there regulations around vendors' children? Must they stay in the stall or are they free to roam?			
What restrictions exist for pets in the market?			

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Operating a farmers' market — WHAT IS EXPECTED BEHAVIOR? (continued)			
How can the vendors themselves act?			
<ul style="list-style-type: none"> Restrictions on hawking and/or barking at customers? 			
<ul style="list-style-type: none"> Use of profane language? Inappropriate clothing? 			
<ul style="list-style-type: none"> Interaction with other vendors (i.e., threaten, harass, intimidate, etc.)? 			
Is smoking permitted in the market?			
<ul style="list-style-type: none"> By vendors? In general? 			
<ul style="list-style-type: none"> Any restrictions on other tobacco products? 			
Restrictions around using tobacco products in the market?			
Restrictions around the selling and/or consumption of alcohol within the market?			
Are bikes allowed in the market?			
Rules about discrimination due to race, religion, color, sex, national origin, age, disability, orientation, ancestry, veteran status, or low income?			
WHAT ARE THE RULES AROUND SAMPLING?			
Is sampling permitted? For all foods? Can vendors charge for samples?			
Is there a restriction on the number of times in a calendar year that sampling may occur?			
What are the sanitary rules required for sampling?			
<ul style="list-style-type: none"> Are there certain temperatures? Requirement of shade? Toothpicks? 			
WHO ADDRESSES GRIEVANCES?			
Are they directed to the Market Manager?			
If there is a market board, do they have any role in assuaging complaints?			
Is there a Grievance Form for larger violations? Is there an outlined process for this?			
Is there some type of "3 Strikes" rule for vendors?			
Are there fines for misconduct?			
Who is responsible for litigation brought against the market? Against a vendor?			
MUSIC, WEB RELEASE, AND PHOTOGRAPHS			
Will there be live music at the market?			
<ul style="list-style-type: none"> If so, are vendors required to contribute part of their profit to them? 			
Are vendors permitted to play their own music?			
Are any claims to photographs taken at the market and/or of the vendors waived?			
<ul style="list-style-type: none"> Is this listed in the registration? 			

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Food & product considerations			
WHICH PRODUCTS MAY BE SOLD?			
Is there a required regional restriction? A certain mile radius? Within the county? State?			
Are potentially hazardous products (i.e., eggs, meat, milks, cheeses, etc.) permitted?			
<ul style="list-style-type: none"> What safety requirements must be met for these? 			
Packaging and storage requirements?			
<ul style="list-style-type: none"> Are local food ingredients required to be used within prepared food? Does prepared food follow KDA Rules and Regulations? Does the vendor have a food license for prepared food? Is the maintenance of temperature important for safety? 			
Does the market require a certified kitchen for the production of the prepared food?			
Are sales of live plants and/or animals permitted?			
Are there certain categories of products permitted at the market?			
Are hand-crafted items permissible?			
<ul style="list-style-type: none"> Do they require the use of local supplies? Allotted number of vendors that may sell crafts? 			
Can produce be sold as halves/portions (i.e., full vs halved melon)?			
Does the market allow wholesale and/or certified business?			
Are vendors allowed to sell tobacco products?			
WHAT ABOUT ITEMS NOT PRODUCED BY VENDOR?			
Are they permitted at all? Is there a percent of vendor products or sales that are allowed?			
<ul style="list-style-type: none"> Is it permitted so long as it is not in competition with other vendors' products? 			
Do they need regular approval by the board of directors?			
WHAT LICENSING RULES MUST VENDORS FOLLOW?			
License and/or rules for certain foods? I.e., eggs, meat?			
License and/or rules for processed or baked foods?			
<ul style="list-style-type: none"> Preparation requirements? 			
License and/or rules for live plant sales?			

This resource incorporates information from the rules of the following Kansas farmers' markets. The selection

of these specific market rules was based on information provided by the Kansas Department of Agriculture.

Kansas Farmers' Markets	City	City Population	County Population
Allen County Farmers' Markets	Iola	5,698	13,319
Cottin's Hardware Farmers' Markets	Lawrence	89,512	112,864
KCK Green Market	Kansas City	147,268	159,129
Lawrence Farmers' Markets	Lawrence	89,512	112,864
Leavenworth Farmers' Markets	Leavenworth	35,815	77,739
Medicine River Farmers' Markets	Medicine Lodge	2,006	4,861
Overland Park Farmers' Markets	Overland Park	178,919	559,913
Shawnee Farmers' Markets	City of Shawnee	63,622	559,913
Topeka and Shawnee Public Library Monday Farmers' Markets	Topeka	127,939	178,991

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