

By-laws of the West Ward Market

Revised March 2022

I. PURPOSE

The purpose of the West Ward Market (WWM) is to provide fresh, high-quality food products directly to the consumer. WWM strives to support local agriculture as well as West Ward businesses. The WWM seeks to address food insecurity and equity in the neighborhood, providing economically accessible food products. WWM offers artists and crafters an outlet for sale of their handmade products, and may serve as an incubator for emerging West Ward businesses. The WWM aims to be a social gathering space for all, connecting the neighborhood around locally focused, fresh food products.

II. ORGANIZATION

The West Ward Market (WWM) is a subsidiary of the Greater Easton Development Partnership (GEDP), a registered 501(c)(3) organization. The WWM is governed by the Easton Market District Advisory Council (EMDAC) who reports to the GEDP. The West Ward Market maintains its own rules, regulations, and criteria for vendor admission, but shares management and works in conjunction with the Easton Farmers' Market (EFM) and the Easton Public Market (EPM), other programs of the GEDP, to cross-promote events and certain programs. Refer to the additional Easton Market District (EMD) governance documents for specific information on EMD's rules, regulations, and mission. GEDP, EFM, EPM, and WWM are equal opportunity organizations. Please refer to the GEDP website for the full Diversity, Equity & Inclusion Statement.

A. The EMDAC is comprised of voting and non-voting members who support market management and provide oversight in the operations of the EMD. See the EMDAC By-Laws for complete detail.

B. The market management team is comprised of the West Ward Community Initiative (WWCI) and Easton Market District managers. Market management is responsible for all WWM operations including vendor relations, liaison with Easton City Health Department and other city departments, volunteer staffing, special events, grants, fundraising, finances, promotion, social media and marketing activities.

III. VENDOR PARTICIPATION

It is recognized that although members of the WWM sell as individuals, the market is a cohesive unit. Its success depends on the cooperation and joint efforts of all the vendors as a whole.

A. The West Ward Farmers' Market (WWFM) is a locally driven market. Pre-qualified resellers offering locally sourced products and/or ethically sourced products deemed integral to the needs of the neighborhood will be supported in conjunction with growers and producers. Resellers must comply with Section IV, Paragraph A.2. Supplemental Products.

B. The West Ward Market accepts vendors who are or who support regional growers and producers. The emphasis is on small, independent businesses whose operations support sustainable agriculture and the humane treatment of animals. The EMDAC reserves the right to determine whether a WWM applicant or vendor qualifies as a small, regional grower or producer, or if a reseller's products align with the market's focus on sustainable agriculture. Supplemental products offered by a WWM vendor must originate with an individual or business that also meets the EMDAC criteria for small, regional growers or fair trade producers.

The EMDAC will use the following criteria as general guidelines:

1. The grower or producer is located within 50 miles of Easton and their distribution focuses on the same area. Businesses located in Easton's West Ward will be prioritized.
2. The grower's farm is not controlled by a major agricultural company or produces product under contract from a major agricultural company.
3. The grower or producer supports sustainable agricultural practices as defined by the USDA (<http://www.nal.usda.gov/afsic/pubs/terms/srb9902.shtml#toc2>).

4. The reseller purchases product from an approved, fair trade and or cruelty free farm

C. All vendors are required to read and sign the Electronic Benefits Transfer (EBT) and Debit Program Participation Agreement and follow all rules contained therein. All vendors are required to accept EBT tokens as permitted by law.

D. Vendor categories are:

1. Produce
2. Dairy
3. Meat & Eggs
4. Bakery & Confection
5. Specialty Food & Beverage
6. Blooms & Botanicals
7. Restaurants & Cafes
8. Local Libations
9. Arts & Crafts
10. Others as approved by the EMDAC

E. Product Prohibitions

1. No Genetically Modified Produce -- Producers may not sell genetically-modified produce. Produce grown from seeds, seedlings, bulbs, root stock, transplants, tubers or grafts which are the product of cell fusion, micro- encapsulation, macro-encapsulation, or recombinant DNA technology (including gene deletion, gene doubling, introducing a foreign gene, and changing the position of genes when achieved by recombinant DNA technology) may not be sold. This prohibition excludes exclusively traditional methods, such as breeding, conjugation, fermentation, hybridization, in vitro fertilization, and tissue culture.
2. No Irradiated Produce -- Sale of irradiated food products is prohibited.

3. The Easton Market District and subsidiaries support humane treatment of animals. Vendors who own, manage or are in any way financially linked to a Concentrated Animal Feeding Operation (CAFO) will not be permitted to sell at the WWM.

F. Vendor Applications and Annual Meeting

1. Potential vendors wishing to sell in the WWM must, prior to participation in the market, file an application for admission to the market. Vendors must apply to sell at the market under one or more of the nine vendor categories, based on their primary products. Returning vendors wishing to expand into a new category must have their written application approved by a majority vote of the EMDAC.

2. Current vendors must complete an application each season and submit the completed form on or before the application deadline. Vendors in good standing will be invited to return. Market management will make notifications after a review by the EMDAC.

3. If, due to planting changes, crop failure, or other circumstances, there are changes to the specific products listed on a vendor's pre-season application, notification must be made to the market district director. Vendors are accepted based on certain products, and changes/additions to the product line must be approved by market management and the EMDAC prior to bringing different items to market.

4. WWM will strive for a balance of vendor categories. New vendors will be selected to fit the needs of the market by a majority vote of the EMDAC.

5. Additional vendors and new vendor category changes will be added to the market at the beginning of each season, or as need arises, provided that the new vendor agrees to the rules and regulations and is approved by a majority vote of the EMDAC. Reasons for adding a new vendor may include: a shortage of a particular product, adding diversity to the mix of products at the market, overall consumer demand, or open vendor spaces.

6. A vendor meeting will be held annually. All vendors are required to attend the meeting.

G. City of Easton Licenses and Permits Annual Requirements

1. All vendors are required to obtain a City of Easton Business License. Contact City Hall (www.easton-pa.gov) for details.

2. City of Easton Health Permits are required for vendors selling prepared foods, meat or dairy products. It should be noted that vendors must make their application for health permits with sufficient time for review by the City's health department – a minimum of 14 days is required.

3. City health permits and business licenses must be obtained and submitted to WWM prior to the start of the season or the vendor will not be allowed to sell at WWM. Market management will notify vendors each year of the deadline for submitting licenses and permits.

H. Vendor Representation

1. One (1) WWM vendor shall represent the WWM vendor body as a whole on the EMDAC. Vendor representatives shall be selected by the EMDAC. Vendor representatives must be considered a vendor in good standing.

2. A vendor in good standing is defined as a vendor who adheres to the rules and regulations of the market, as well as being a fully engaged and committed participant in the market's operation. Final determination of a vendor's standing is made at the discretion of the EMDAC.

3. Vendors should take market-related concerns or disputes to the designated WWM vendor representatives and the matter will in turn be brought before the EMDAC. If the WWM vendor representative disagrees with a council vote, they may request that additional vendors be brought in to have their case heard before the council. If after the presentation by the vendors a second vote is held on the issue, the EMDAC majority vote will govern and become final.

I. Sales Reporting by Vendors

1. Vendors are required to report their gross sales at the end of the season; this includes cash, checks, credit/debit, and tokens, along with WIC and FMNP transactions. WWM recognizes the sensitivity around gross sales reporting by vendors, but believes compiling market sales statistics is essential to the financial management, efficient operation and public reporting of WWM's impact on the local economy.

2. In order to maintain the highest vendor confidentiality, the following procedures are followed:

- a. Sales data is only viewed by the market district director who is not permitted to discuss the sales tallies for individual vendors.
 - b. Sales data is used to track sales trends such as event days vs. regular market days and also to provide total market sales when applying for government or private grants.
 - c. Raw sales data is incorporated into a spreadsheet by category grouping and not by vendor name, and sales data submitted by individual vendors are destroyed after they are compiled into a spreadsheet.
3. Vendors failing to report sales data in a timely manner and in the format requested by WWM will not be considered a vendor in good standing and will not be allowed to return the following season. (See Section III, H.2.)

IV. GENERAL RULES

A. Permitted Items for Sale

1. Items permitted for sale include fruits, vegetables, value-added food products, plants, herbs, cut flowers, baked goods, honey, cider, juice, meat, animal products, ready to eat foods, and crafts.
2. Supplemental Products: WWM vendors are permitted to sell products other than those that they themselves grow, raise, or produce with the express approval from the EMDAC. WWM vendors in good standing may be permitted to sell fruits and vegetables or other products they source directly from another local producer provided that:
 - a. the item(s) is either not currently sold at the WWM or is deemed by the EMDAC to be in limited supply;
 - b. the item(s) is from an approved farm or business, which adheres to the same criteria as WWM vendors; and
 - c. the item(s) is identified with clear signage provided by WWM management with the name and address of the farm/business where the product was grown/produced.

Vendors must complete the Supplemental Product application and submit it to market management at least seven (7) days prior to the item being sold at the market. Approval is made at the discretion of the EMDAC and will be granted for a

period of four (4) weeks. Should sourcing of the supplemental product change at any time during this period, a new application must be submitted.

3. Complementary Products: WWM vendors in good standing may be permitted to sell products they source directly from another local producer provided that:
 - a. the item(s) is not currently sold at the WWM, and it is deemed by the EMDAC to significantly enhance the sale of a vendor's core product(s).
 - b. the item(s) is from an approved local business, which adheres to the same criteria as WWM vendors.
 - c. the item(s) is identified with clear signage provided by WWM management with the name and address of the business where the product was produced.

Vendors must complete the Complementary Product application and submit it to market management with their annual vendor application. Approval is made at the discretion of the EMDAC and will be granted for the period of the regular market season. Should sourcing of the Complementary Product change at any time during this period, a new application must be submitted.

4. Crafts: Crafts are subject to approval by the EMDAC. Handmade and culturally significant crafts, and those with a local connection will be prioritized.
5. Preserves: Preserved items such as jams, jellies, sauces, canned goods, etc. must be custom made. Vendors are encouraged to use as much local product as possible. The amount of local product used may influence acceptance of the product or vendor into WWM.
6. Baked Goods: Baked goods must be produced from scratch by the vendor. Vendors are encouraged to use as much local product as possible. The amount of local product used may influence acceptance of the product or vendor into WWM.

B. Market Fees

1. Market management will review vendor fees each year. After such review, fees may be adjusted for the next market season.
2. Vendor fees must be paid by the date specified on the vendor application. If the vendor fee is not received in the WWM office by the specified date, the vendor will not be allowed to sell at the market.
3. Approved special event-only vendors will pay a fee to sell only during a special event at the WWM. Such fee must be received in the WWM office at least seven (7)

days prior to the event. Special event vendors must obtain a City of Easton Special Events Health Permit at least two (2) weeks prior to the event and must comply with other rules and regulations of the WWM. Special event vendors are excluded from the mandatory attendance rules of regular season vendors. Event-only vendors are not permitted to sell any items that directly duplicate products sold by regular season vendors.

4. Current fee schedules are available from market management.

C. Regulatory Compliance

1. Vendors are personally responsible to be in compliance with all applicable local, state and federal regulations. These include, but are not limited to:

- a. Pesticide licensing and safe use
- b. Certification of scales by the department of weights and measures
- c. Organic certification for products claimed to be grown organically
- d. State sales tax collected as required
- e. Health and labeling regulations that apply to preserves, honey, cider, baked goods, canned goods, eggs, dairy products, meats, etc.

2. City of Easton Health Department officials conduct regular inspections of market stands. Compliance with all health department regulations and recommendations is mandatory. If a violation is noted, the immediate directive of the City Health department official must be followed, which may include denying the vendor the ability to sell at the market that day. City of Easton Health Department officials must re-inspect the stand and confirm the violation has been addressed before the vendor may sell on the next market day. A health violation that requires the vendor to close their stand for that market day automatically results in a written warning from management.

3. Organic Labeling & Production Methods

- a. All items sold as organic must meet the requirements of the National Organic Program. Sellers of organic items must have a current copy of their certification on file with market management as well as with them when selling at the market. Only certified organic growers may display signs using the word organic.
- b. Other producers who are not certified organic are welcome to verbally inform consumers about their growing practices but may not use the word

organic on signage. Per the National Organic Program, written claims with the word organic by growers who are not certified are illegal. All verbal or written claims must be honest and accurate.

- c. If a vendor makes any other statements requiring third party verification (including, but not limited to, Certified Naturally Grown, Kosher, Food Alliance Certified, Animal Welfare Approved) copies of that certification must be provided to market management.

D. Operation of Market Stands

Vendors have the right to operate their stands as they choose after meeting the following minimum standards:

1. Canopies/Tents & Tables: Vendors are required to have a commercial-grade canopy/tent and tables; backyard tents are not permitted. For safety reasons, straight legged commercial-grade canopies are required. All vendors who use an open flame onsite at the market must have a fire-rated canopy as required by the Easton Fire Department.
2. Canopy Tent Weights/Roping: Canopies/tents must be weighted down or tied securely at all times during every market day.
 - a. Weights must be at least 25 lbs. each and evenly distributed; i.e., one canopy requires four(4) weights (one located at each tent corner), and two canopies, which shall be strapped together, require six (6) weights (one at each outside corner and where two legs meet in front / back center).
 - b. Weights must be unloaded and appropriately positioned prior to erecting any canopies/tents.
 - c. Canopies/tents must be immediately secured upon setup and must stay secured until takedown.
 - d. Weights must be secured to the canopy/tent frame at the upper corners. Sandbags that wrap tent legs must be secured to the upper canopy of the tent.
 - e. Ratchet straps, cam buckle straps, strong ropes/cords or chains are recommended to secure weights. All equipment used to attach weights must be in good condition.
 - f. Vendors who use roping, straps or ground anchor spikes to secure their canopy must ensure the ability of their system to keep the canopy in place and not subject to movement by the wind.

E. Location of the Market

The WWM is located at 100 N. 12th St. Easton, PA

F. Market Schedules

The WWM maintains the following market schedule:

1. Tuesday Market: begins the first Tuesday in June and continues through the last Tuesday in September. Regular hours are 3p.m.- 7p.m.
2. Market hours may be extended for certain special events. At the beginning of the season, vendors will be notified of the event dates and times.
3. All vendors must set up-and be ready for business 15 minutes prior to the market's opening time. It is understood that vendors may require at least one hour for setup. Market management will keep a log of late arrivals and provide written warnings to the vendor for each instance of tardiness. After three (3) late arrivals the issue will be brought before the EMDAC.
4. Vendors are required to remain set up until the designated closing time unless prior permission to depart early has been granted by market management. Leaving the market prior to the designated closing time may result in immediate loss of vendor's license.
5. Vendor parking is available on site or in designated areas as assigned by market management.

G. Vending Space Assignment

1. After all required licenses have been obtained from the City of Easton and all market fees have been paid as specified above, the vendor will be assigned an appropriate space in the market. A vendor's space is not guaranteed year-to-year.
2. New vendors will be assigned spaces that are available in such a way as to create a good product mix.
3. A maximum of two vendors may apply to share one vending space. Both vendors must complete an application form, although only one fee for the season is required to be paid. Both vendors are required to follow all the rules of the market.

H. Educational and Community Activities

Space may be made available free of charge for pre-approved market, educational, or community promotional activities as needed. Community Tent guidelines are listed on the WWM website.

I. Marketing/Promotional Imagery

1. WWM (GEDP and their licensees) may publish logos and links to vendor websites and use photos of the market vendors on the WWCi West Ward Market, weekly e-updates, other marketing materials, and social media. By participating in the market, vendors consent to the use of their likenesses and photos of their market stands for promotional purposes, without additional cost or remuneration to the vendor.

2. Vendor may submit its logo, website links and photographic and illustrated imagery to the WWM for use by WWM (GEDP and their licensees) on its websites, weekly e-updates, other marketing materials and social media, provided, and vendor represents and warrants, that all such logos and photographs and illustrated imagery on vendor's own website and marketing and promotional materials and as submitted to WWM are the vendor's property or properly licensed by the owner in accord with all applicable copyright and trademark laws. Vendor agrees to and shall hold harmless and indemnify WWM (GEDP and their licensees) for any damages, losses, costs, expenses incurred, including without limitation, attorney's fees, in connection with vendor's violation of this provision and vendor's violation of any trademark and copyright laws.

J. Social Media Policy

Vendors must comply with and follow GEDP's Social Media Policy and Guidelines.

Refer to GEDP Website for full Social Media Policy and Guidelines.

V. NON-COMPLIANCE AND DISCIPLINARY PROCEDURES

A. Market management will notify a vendor in writing of non-compliance to the rules as outlined in Section IV, General Rules above. This includes but is not limited to:

1. Exceeding allowed number of excused absences.
2. Failing to give advanced notification for planned absences.
3. Tardiness.
4. Not having a tent (canopy), tent weights and/or table(s).
5. Not having a professionally made banner.
6. Not displaying pricing.
7. Posting or circulating non-related product or market materials.
8. Packing up and/or leaving the market prior to the designated closing time.
9. Not cleaning up market stand area at the end of the market day.
10. Approaching, intimidating, or questioning the selling, growing or production practices of another vendor or a market applicant.

B. Disciplinary Procedures

After three (3) written warnings the vendor's case will go before the EMDAC for review. Repeated failure to adhere to any of the market rules and regulations may result in suspension from the market, fines, or immediate termination of participation in the market without refund of fees. The terminated vendor may apply in writing within seven (7) days for re-entry. The EMDAC will consider the request within two (2) weeks of receipt of the request and respond within 21 days of receipt of the request. A two-thirds 'yes' vote by the EMDAC is required to reinstate.

VI. MARKET CERTIFICATION AND VENDOR GRIEVANCES

A. Market Certification: The WWM is a market focused on increasing access to fresh food in the neighborhood, and as such, prioritizes sourcing locally grown fruits and vegetables, but will not operate as a "producer only" market. Product approval and vendor selection will follow the criteria set forth in these by-laws and at the discretion of the EMDAC. EMDAC will create an inspection committee and/or hire independent experts to conduct inspections if necessary.

B. Vendor Grievances

1. Any complaint against any vendor regarding the origin of their produce or products, violations of market rules or any other matter, must be directed to the attention of market management in writing. A formal grievance will then be brought before the EMDAC for discussion.
2. Vendors may submit a complaint jointly.

C. Complaint Resolution

1. Upon receipt of a written complaint or evidence of reselling, market management will bring the issue before the EMDAC.
2. The EMDAC will schedule a facility inspection, or in the case of a crafter request a demonstration before the council.
3. If the EMDAC deems there is sufficient evidence that the vendor is not producing the products in question, the vendor will receive a written warning and be asked to immediately remove said products.
4. Failure to comply will result in expulsion from the market.

D. Vendor Behavior and Harassment Policy

1. Vendors are expected to behave in a professional manner and treat other vendors and WWM volunteers with respect.
2. No vendor may inappropriately approach, intimidate, or question the selling, growing or production practices of another vendor or a market applicant.
3. All vendor concerns should be brought to the attention of market management.

VII. LIABILITY AND INSURANCE COVERAGE

Although GEDP maintains insurance, the market does not provide any insurance to cover activities of vendors, their employees or agents.

A. Each food vendor must carry a minimum of \$1,000,000 worth of liability insurance. Each farmer or crafter must carry a minimum of \$300,000 worth of liability insurance.

B. All vendors must provide insurance riders naming (1) City of Easton, 123 So. Third Street, Easton, PA 18042, and (2) Greater Easton Development Partnership, 325 Northampton Street, Easton, PA 18042, as additionally insured for the duration of the market season (Regular Season: June through September).

C. Market management must receive proof of such individual insurance coverage each year prior to the start of the season or the vendor will not be allowed to participate in the market. Market management will notify vendors each year of the deadline for submitting proof of insurance.

VIII. AMENDMENTS

Amendments to these by-laws require a majority vote of the Easton Market District Advisory Council.

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