

January 15, 2021

Thank you for your interest in the 2021 Westside Community Market (WCM). Please read through all Market Rules before completing the 2021 Application, as revisions have been made by the WCM Board of Directors.



Please take note of the following regarding the 2021 Application process:

- Stall Fees have increased by \$50 for a full season single and \$100 for a full season double. Stall fee increases work to cover rising market operation costs and additional expenses for our COVID-19 safe operating practices.
- The 2021 season will begin with the same safe operating practices for COVID-19 that were utilized during the 2020 season. An informational sheet will be sent out to accepted applicants with a reminder of those practices. The market will scale back these practices when it is deemed safe by Public Health.
- The Westside Community Market is a *Wisconsin Producer-Only* market. While we do not require the producer to be present at the market, we do encourage it.
- Complete the **Product Information check-off section of the Application realistically and accurately** based on what you would grow or produce for sale at WCM – it is vital to WCM maintaining its reputation as a well-balanced farmers’ market, with a diverse product offering. WCM assesses product compatibility during Application review. **Current vendors hoping to add new products must include these on the application for approval by the WCM Board of Directors.**
- Completed applications shall be mailed to **WCM's P.O. Box by March 1<sup>st</sup>, 2021.**

**Only completed application packets will be considered.** Completed application packets include:

- ✓ Completed “2021 Application for Membership” (attached)
- ✓ Copies of all current, applicable license and permit documents, and labels for processed products.
- ✓ Check for 2021 membership fee and stall fee based on desired stall size and session participation. ***Please note that the \$55 membership fee is required from all members along with your stall fee.*** We appreciate your continued membership in the market.
- If your application is **not accepted** for the 2021 season, your check will be returned to you uncashed.
- The market will notify each applicant when their application has been received.
- Questions can be addressed to the Market Manager (see next page for contact information).

**Westside Community Market, Inc. - a vibrant community of farmers, food and plant artisans, and their customers.**

# 2021 RULES

## WESTSIDE COMMUNITY MARKET, INC.

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P.O. Box 5115, Madison WI 53705-5115

### **Market Location and Time:**

The Westside Community Market is held in the Rear Parking Lot of the UW Health Digestive Health Center, on the corner of University Row and University Avenue, Madison, Wisconsin, 53705. The 2021 season will run every Saturday, rain or shine, from April 17<sup>th</sup> to November 6<sup>th</sup>. Advertised sale hours are from 7 am to 12:30 pm.

### **Contact Information:**

For further information regarding the Market policies and regulations within, or for general inquiries about the market contact the Market Manager or a member of the WCM Board of Directors:

#### **Market Manager:**

Ben Zimmerman, 608-628-8879, [manager.wcm@gmail.com](mailto:manager.wcm@gmail.com)

#### **Board of Directors:**

President: Kevin Oppermann, Highland Spring Farm  
414-659-2676, [highlandspringfarm@gmail.com](mailto:highlandspringfarm@gmail.com)

Vice President: Mary White, Honey Bee Bakery  
608-698-2401, [honeybeecollective@gmail.com](mailto:honeybeecollective@gmail.com)

Secretary & Community Board Member: John Shadle, SAS Institute, Inc.  
[john.shadle@gmail.com](mailto:john.shadle@gmail.com)

Treasurer: Tasha Bynum, Urban Gourmet  
608-520-0067, [madurbangourmet@gmail.com](mailto:madurbangourmet@gmail.com)

Board Member: Diana Murphy, Dreamfarm  
[diana@dreamfarm.biz](mailto:diana@dreamfarm.biz)

### **Tolerance:**

The Westside Community Market does not discriminate against Members, or potential members, on the basis of sex, religion, color, national origin, ancestry, age, handicap, marital status, physical characteristics, source of income, arrest record, conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, or student status.

### **Rule Change Policy:**

**Please note the procedures listed here may be changed during the Market Season with thirty (30) days written notice to all Vendors.**

# Table of Contents

Market Location and Time:	2
Contact Information:	2
Tolerance:	2
Rule Change Policy:	2
1.0 INTRODUCTION	1
Founding Goals	1
2.0 MEMBERSHIP DUTIES AND PRIVILEGES	1
Eligibility	1
How To Become A Member	1
A complete application packet consists of:	1
1. Completed, signed, current WCM Application For Membership form (attached);	1
Membership	2
Seniority	2
Operating From More Than One Stand	2
3.0 OPERATIONS	3
Market Day Vendor Times	3
Vendor Set Up	3
Vendor Pack Up	3
Unscheduled Vending	3
4.0 STALLS	3
Stall Availability	3
Stall Location	3
Stall Size	3
Parking	3
5.0 INSURANCE	4
6.0 FEES	4
7.0 RULES APPLICABLE TO ALL VENDORS AND PRODUCTS	4
7.1 Producer Only	4
7.2 Licenses and Permits	4
7.3 Samples	4
7.4 Cross Promotion	5
7.5 Prohibited Items	5
7.6 Brand Names	5
7.7 Trash Management	5
7.8 Weights and Measures	5
7.9 Pets	5
7.10 Parking	5
7.11 Documentation	5
7.12 Potentially Hazardous Foods	5
7.13 Product Temperature	5
7.14 Noise and Emissions	6
7.15 Organic Labeling	6
8.0 RULES FOR SALE OF SPECIFIC PRODUCTS	6
8.1 Raw Fruits and Vegetables	6
8.2 Nuts and Grains	6
8.3 Plants	6
8.4 Flowers and Ornamental	6
8.5 Eggs	7
8.6 Honey and Beeswax	7
8.7 Sorghum	7

8.8 Juices.....	7
8.9 Meat, Fish, and Poultry.....	7
8.10 Animal Products.....	7
8.11 Prepared Food Products (other than 8.11).....	8
8.12 Wild Gathered (Non-Cultivated) Items and Maple Syrup.....	8
8.13 General Rules for Exempt Products.....	8
8.14 Additional Rules for Bakeries.....	8
8.15 Additional Rules for Cheese Vendors.....	8
8.16 Additional Rules for Chocolate or Confection Vendors.....	8
8.17 Additional Rules for Butter Vendors.....	9
8.18 Additional Rules for Cured Meat, Smoked Meat & Cased Sausage.....	9
9.0 PROCEDURE TO CHANGE RULE TO ALLOW A PRODUCT.....	9
9.1 Request to Sell a New Product.....	9
9.2 Appeal Process Following Denial.....	9
10.0 VENDOR CONDUCT .....	9
11.0 INSPECTION .....	9
12.0 ENFORCEMENT OF MARKET POLICIES AND RULES .....	9
Membership Agreement .....	9
Reporting Violations And Follow-up .....	9
Procedural Violations .....	10
Product Legitimacy Violations .....	10
13.0 RIGHT TO APPEAL.....	10
14.0 COVENANT TO HOLD HARMLESS.....	10
Resource Contact Information.....	10
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# 1.0 INTRODUCTION

## Founding Goals

The Westside Community Market, Inc. is an organization founded to pursue the following goals:

To give growers and producers of Wisconsin agricultural commodities and other farm-related products alternative marketing opportunities;

To promote the sale of Wisconsin-grown farm products;

To improve the variety, freshness, taste and nutritional value of produce available in the Madison area;

To provide an opportunity for farmers and consumers to deal directly with each other rather than through third parties and to thereby get to know and learn from one another;

To provide an educational forum for consumers to learn the uses and benefits of quality, locally grown or prepared food products;

To provide educational opportunities for producers to test and refine their products and marketing skills;

To enhance the quality of life in the Greater Madison Area by providing a community activity that fosters social gathering and interaction;

To preserve Wisconsin's unique agricultural heritage and the historical role which farmers' markets have played in it; and

To provide a balance between Vendor profitability and a full product availability to WCM customers.

# 2.0 MEMBERSHIP DUTIES AND PRIVILEGES

## Eligibility

Any individual whose goods are in compliance with Market Rules and guidelines who wishes to participate in the Market is eligible to apply to become a Member of (Vendor at) the Market.

## How To Become A Member

An individual must submit a complete Application packet to the Market each year to be considered for Membership, which lasts a year and runs from April 1<sup>st</sup> to March 31<sup>st</sup>. The WCM Board of Directors selects Vendors for Membership using a number of criteria, including diversity of product in the Market and Vendor seniority.

## A complete application packet consists of:

1. Completed, signed, current WCM Application For Membership form (attached);
2. Copies of all current, applicable, required licenses, organic certification, permit documents and labels for processed products for your business and for products you wish to sell at WCM, and a list of all production locations;
3. Check for sum of: Stall fee, based on requested stall size (single or double) and sessions, and \$55 for annual membership fee. (See 6.0 Fee herein, and see Application)

WCM will cash your check when/if WCM Board accepts applicant for membership. Denied applicants will have checks returned to them by WCM.

Applicants are responsible for knowing which licenses and permits are required to meet state and local laws. The WCM Application For Membership form (attached), along with revised WCM Rules (this document) is mailed in January to all Members in good standing as of end of previous year and to others who express interest in vending. Applications must be postmarked or date stamped by March 1, 2021 to be considered at that time. Mail completed application packets to:

**Westside Community Market, P.O. Box 5115, Madison WI, 53705-5115.**

## **Membership**

One Membership is issued to an individual entity.

The Membership year runs from April 1<sup>st</sup> to March 31<sup>st</sup>.

To be eligible to share in a Membership, each individual entity must fulfill all of the following:

1. Be listed by name and address on only one application; and
2. Participate in the actual production of the Membership's product(s) at a shared location(s) which is (are) described on the application; and
3. Have a proven ownership interest in the entire enterprise. The business form and percentage of ownership of all named co-Members shall be described on the application.

**An Owner/Member is not required to be present at stall during Market, but anyone selling at Market for the Member must abide by the Market Rules.**

A Member or anyone selling at Market for a Member must be 16 years of age, or older, for the Member to exercise its rights to vend at a Market. The Market Manager may waive the minimum age upon request if the younger Member/co-Member or representative is capable of responding to all requests for information by the Market Manager or Market customers, capable of handling any problems that are likely to arise, and that such waiver will not place other Members or the Market's customers at undue risk.

All partners of a Membership shall share the one Membership. No individual may have a financial interest in more than one Membership. A Member who violates this rule will be terminated upon discovery of the violation. Marketing cooperatives where Members produce products separately and merely market them together are not allowed. Persons who desire to sell product produced by a franchise are not eligible for Membership. For purposes of this section "franchise" is defined as a business or operation, which pays compensation for use of another party's system or name for marketing goods or services. Membership privileges include the right to sell at the Market, seniority, the right to vote, meeting participation, the opportunity to hold office, season stall eligibility, and access to records.

A Member in good standing is considered to hold a "stall permit" for the Markets that they are approved to vend.

**Absences/empty stalls hurt the market.**

**Regular attendance is expected. Owner/Members are expected to notify manager of upcoming absences.**

Members who vend at any Market must have available for inspection, at each Market by the Market Manager or the public, any licenses or permits required for any product(s) they sell. This is in addition to providing copies of licenses and permits with their annual Application.

## **Seniority**

Each year each Member's seniority will be determined at the time their application is accepted. Seniority ranking will be considered when the market manager and board evaluate member requests including but not limited to membership renewal, stall placements, double stall assignments, lapses of membership or leaves of absence, but in and of itself is not a guarantee.

A one-year leave of absence may be permitted to members as determined by the board. The fee for an approved leave of absence is based on prior year attendance and current year rates and membership fees. Requests for leave must be submitted along with payment within the yearly application window, no later than March 1.

Seniority ranking is determined by the three attendance factors:

1. The number of years of Membership out of the total number of years the WCM has been running; and
2. The number of sessions vended since the start of the Membership; and
3. The combined daily attendance since start of Membership.

Termination of Membership due to rule violation(s) will result in seniority on a subsequent application as if a first-time member.

## **Operating From More Than One Stand**

Due to limited space and the Market's desire to provide selling opportunities to as many Members as possible, no Member may be involved in the operation of more than one stall on any one Market date, unless a Member under one Membership holds a double stall permit. Members who operate or have financial interest in more than one stall at any one Market shall be immediately expelled from the Market, with the loss of all Membership rights and privileges.

## 3.0 OPERATIONS

### Market Day Vendor Times

The Westside Community Market is held in the Rear Parking Lot of the UW Health Digestive Health Center, on the corner of University Row and University Avenue, Madison, Wisconsin, 53705. The 2021 season will run every Saturday, rain or shine, from April 17<sup>th</sup> to November 6<sup>th</sup>. Advertised sale hours are from 7 am to 12:30 pm. Vending Members use this schedule:

### Vendor Set Up

Vendors set up in stalls between **6:00 am – 6:45 am**.

Parking only for sellers holding stall permits. WCM's operating permit **prohibits vendors from entering the lot before 5:30 am**. If stall permit holder arrives later than 6:45 am Market Manager will assign stall(s) if available.

### Vendor Pack Up

Vendors must pack up stalls and exit lot by **2:00 pm**.

This 2:00 pm rule will be monitored and enforced by the Market Manager.

### Unscheduled Vending

To vend at Market on a date other than one already applied and accepted for, Member must obtain the explicit permission of Market Manager **no later than the Thursday preceding the Market in question**. Only a Member or pre-approved non-member daily vendor may make such a request, and vending space is **NOT automatic**. Daily stall permit fees required.

## 4.0 STALLS

### Stall Availability

As the market strives to keep a variety of Wisconsin products in balance, the market maintains **no waiting list**. This, in part, is an effort to prevent the market from being flooded by one type of vendor or another. The result is a dynamic market that has a broad selection of products for our customers, whilst remaining a viable and productive market for our vendors. We encourage all applicants to apply annually.

### Stall Location

Attempts will be made to keep vendors in the same location or general area as prior market seasons. However, there is no guarantee that a vendor will receive the same stall location each year. The Market Manager has the power to change Vendors' stall locations in order to create a market product mix that attracts more customers.

### Stall Size

Width of a parking stall is 11 feet and width of a single stall vending area is 10 feet (allowing for one-half foot space on either side, for total of one foot between Vendors).

Each single stall is 11 feet wide.

Each double stall is 22 feet wide.

No stall shall exceed these limits.

The WCM operational permit issued by UW Health, limits the total footprint of the Market. For this reason, **requests for double stalls cannot be guaranteed**. The Market Manager and WCM Board will consider various factors in deciding whether a double stall will be granted, including but not limited to: space available, product diversity needs of the market, and seniority.

All tent, umbrellas, and canopies must be tightly secured and adequately weighted at all times, with **at least 25 pounds per canopy leg**.

### Parking

Vendors and employees should park their personal vehicles on the north side of the lot, well away from the vending and customer parking areas.

## 5.0 INSURANCE

Sellers are responsible for their own personal liability and product liability insurance. The Market **requires** Vendors to obtain personal liability insurance.

## 6.0 FEES

### Vendor Stall Fees – 2021 WCM

Membership fee ( <b>Required from all members</b> )	(\$55.00)	
Full Season, single stall, April 17 <sup>th</sup> – November 6 <sup>th</sup>	\$550.00	*The Market does not anticipate having the
Full Season, double stall, April 17 <sup>th</sup> – November 6 <sup>th</sup> *	\$1,100.00	capacity to grant new double stall requests.
Session I, single stall, April 17 <sup>th</sup> – June 19 <sup>th</sup>	\$220.00	UW Health limits the footprint of the
Session II, single stall, June 26 <sup>th</sup> – August 28 <sup>th</sup>	\$220.00	market and the number of Vendors per
Session III, single stall, September 4 <sup>th</sup> – November 6 <sup>th</sup>	\$220.00	Market day in our Use Permit.
Single Session, double stall *	\$440.00	
Special Products/Short Season, 2 to 4 weeks	\$22.00/\$30.00 per Market Day (Members)/(Non-Members)	

## 7.0 RULES APPLICABLE TO ALL VENDORS AND PRODUCTS

### 7.1 Producer Only

Members may display, sell, deliver, and take order for only those Westside Community Market-approved products they themselves produce. The sale of any goods not grown or produced by the seller, the reselling of goods, or the sale of goods that have been traded or bartered for is not permitted. All sellers must abide by and all products must comply with all applicable federal, state, and local regulations.

- Member producers are encouraged to be present in their stall but a Member is **not required** to be present.
- Any pre-orders or CSA sales and displays at the WCM must be secondary to public sales and displays. All CSA products distributed at the WCM must comply with all WCM rules.

### 7.2 Licenses and Permits

It is the responsibility of the Vendor to obtain and provide to the Market Manager copies of all licenses and permits required for the sale of Vendor's products at the Market along with their Application For Membership.

### 7.3 Samples

All samples offered by Vendors must meet the following criteria:

- Samples must be stored in rigid containers and **covered until serving**.
- All samples must be pre-cut in a licensed kitchen facility, with facility documentation available at the Market stall each time samples are served.
- Sample should be of adequate size and proportionally spaced to minimize customer handling.
- All samples must be held and dispensed under clean and sanitary conditions. (i.e. toothpicks provided for sampling).
- All Vendors giving free samples **must provide a waste container** in a prominent place and labeled for use by the public.



## **7.4 Cross Promotion**

Cross promotion among Market Members is allowed and encouraged. Monetary transactions among Vendors for cross promotions are prohibited.

## **7.5 Prohibited Items**

The sale of hobby-ware, art objects, all types of crafts, clothing and animals is prohibited. The Market Manager is empowered to interpret the existing Market rules and to approve or disapprove products of craft-like nature.

## **7.6 Brand Names**

Products which are processed and sold under a brand name other than the Vendor's own are not allowed.

## **7.7 Trash Management**

Vendor must not discard refuse of any kind in or around receptacles, must clean up their sales areas completely before leaving, and haul waste home. Leaving stalls with litter or refuse will be considered a procedural violation and the procedures outlined under "Enforcement Of Market Policies" will be followed. **Failure to clean up properly will result in a \$20 fine payable to the Market for services rendered.**

## **7.8 Weights and Measures**

All produce to be sold in the Market will be sold by legal weights and measures. Vendors are responsible for having their scales certified for compliance annually. The use of a non-certifiable scale at the market is a procedural violation.

## **7.9 Pets**

Sellers must not bring pets into the Market for health and safety reasons.

## **7.10 Parking**

Vendors must discourage (a) sales to people in vehicles or (b) lengthy parking not in slots by customers for picking up purchased items. The practice of customers not parking in designated slots is a potential safety hazard.

## **7.11 Documentation**

Documentation of a product's legitimacy must be submitted upon request.

## **7.12 Potentially Hazardous Foods**

Potentially hazardous foods are so defined by the Department of Health, "Potentially Hazardous food means any food which consists wholly or in part of milk, milk products, eggs, meat, poultry, fish, shellfish, edible crustacean, or other ingredients, and which is capable of supporting rapid and progressive growth of pathogenic, infectious or toxigenic microorganisms." It is the responsibility of the Vendor to abide by the Department of Health regulations concerning the vending of such products.

## **7.13 Product Temperature**

The Vendor is responsible for monitoring and maintaining proper temperatures in accordance with health codes. Vendors who sell foods that must be kept refrigerated or frozen must have an accurate thermometer at the Market.

## **7.14 Noise and Emissions**

No loud or disturbing noises shall be made or action taken on the grounds which will interfere with the rights, comfort or convenience of other Vendors or the public. The running of any gasoline or diesel motors or engines, including all vehicles, is not permitted. Because of the safety hazard, gas or charcoal grills, or any open flames are prohibited at the Market.

## **7.15 Organic Labeling**

All Vendors using the term “organic” must follow the federal regulations, with appropriate organic certification on file with the Westside Community Market and available at the Vendor's stall.

## **7.16 Smoking Prohibited**

Smoking is prohibited on market grounds. Vendors must leave market site if wishing to smoke.

# **8.0 RULES FOR SALE OF SPECIFIC PRODUCTS**

Each variety of a product in these categories (e.g. duck vs. chicken, swiss cheese vs. cheddar cheese) is considered a separate product for product legitimacy purposes.

## **8.1 Raw Fruits and Vegetables**

(1) Must be grown from cuttings grown by the Vendor or from seeds or transplants, and the final product may not be purchased or bartered. The Market Member must have tended perennial crops from leased or rent land for one growing season prior to sale of the product.

(2) Must not be processed or adulterated. Vendors may sell a mixed bag of produce or vegetables but may not process, including chopping or shredding, the fruits or vegetables without a processing license and approved processing procedures.

## **8.2 Nuts and Grains**

(1) If cultivated, must be grown from trees, seeds, transplants or cuttings taken by the Vendor and cannot be purchased or bartered.

(2) If gathered wild, must conform to rule 8.12.

(3) Must not be processed or adulterated.

## **8.3 Plants**

(1) Plants grown by the vendor – there is no holding period required for plants grown from seed, or plants grown from cuttings and divisions from mother plants maintained by the vendor.

(2) Purchased plants transplanted into a larger container:

(a) Cuttings, rooted cuttings, small plugs – purchased plant materials must be grown on the Vendor's premises for at least 30 days before they can be offered for sale in the Market. (Small plugs are defined by those fitting 50 or more in a standard 10.5” x 21” tray.)

(b) Herbaceous bare root, herbaceous division, large plugs – purchased plant materials must be grown on the Vendor's premises for at least 45 days before they can be offered for sale in the Market. (Large plugs are defined by those fitting fewer than 50 in a standard 10.5” x 21” tray.)

(3) Purchased plants NOT transplanted to a larger container must be grown on the Vendor's premises for at least 60 days before they can be offered for sale in the Market. (This includes purchased woody bare root plant material, woody divisions and pre-planted material.)

(4) Plants must be grown in the Vendor's nursery.

(5) Labeling must be informational and not promote a non-vendor's brand.

(6) Containers must be utilitarian and not decorative.

(7) Vendor must have a Nursery and Grower License for woody and perennial plants.

## **8.4 Flowers and Ornamental**

(1) Must be grown or gathered (see rule 8.12) by the Vendor.

- (2) Must not be treated with any substance other than a clear lacquer spray. If so treated, must be labeled "Not Edible." Dyes and paints are prohibited.
- (3) The value of the arrangements may not be increased by the use of decorative fasteners, hangers, bows, ribbons or containers.
- (4) Decorated circular wreaths that use mixed elements will be allowed. The support frame and all elements must be grown, formed and decorated by the Vendor.
- (5) Braids must be edible. Vendors are allowed to include in the braid more than one material, as long as all of the materials are edible.
- (6) Swags (upside-down bouquets) must follow the same rules as those applying to arrangements. Bales, shocks and bundles may be sold under the same rules applying to arrangements.
- (7) The use of glue is prohibited.
- (8) Potpourris must be 100% of the Vendor's productions, including the oil and fixative.

## **8.5 Eggs**

Must be produced by hens which have been maintained by the Vendor.

## **8.6 Honey and Beeswax**

(If wild gathered, refer to rule 8.12)

- (1) Must be produced by bees kept by the Vendor in the State of Wisconsin.
- (2) Must not be adulterated, except honey sticks, which may be flavored.
- (3) Raw beeswax must not be adulterated with dyes, fragrances, etc.
- (4) Raw beeswax may be formed into blocks, tapers, votive, or cylindrical-type candles only. Specialized molds, forms, honeycomb tapers, or otherwise decorative candles are strictly prohibited.
- (5) Vendor/honey producer must manufacture the candles him/herself.

## **8.7 Sorghum**

May sell no more of the final product than can be processed from the amount of raw materials that the Vendor grows and delivers to the processing plants.

## **8.8 Juices**

- (1) Must be grown and processed by the Vendor OR,
- (2) The Vendor may not sell more juice than could be produced by the amount of fruit Vendor has grown and delivered to the processing plant. All juices must be processed in a licensed plant. All juices processed must meet Federal Regulations for pasteurization.

## **8.9 Meat, Fish, and Poultry**

- (1) All stock held for sale shall have been raised by the Vendor for at least 75% of the live weight or for eighteen months at slaughter.
- (2) For meat products processed by others (for example, sausage) the Vendor must produce the meat ingredients.

## **8.10 Animal Products**

- (1) Must be in their natural state, except as specified below.
- (2) Hides or pelts must be tanned to garment quality and must not be stored or transported in contact with food products.
- (3) Products must be in a sanitary condition. No manures or compost products may be sold.
- (4) Products must be from domesticated animals and may not be wild gathered. Products must come from animals held by the Vendor for one year or from the offspring of those animals.
- (5) Wool/Mohair:
  - (a) 100% of the product must come from the Vendor's own flock.
  - (b) The animals may be professionally sheared.
  - (c) The raw product may be sent out for processing.
  - (d) Only clean wool/mohair, roving, yarn, or batts may be sold. All wool displayed and/or sold must be in its natural color; bleached wool but not dyed wool may be sold.

## **8.11 Prepared Food Products (other than 8.11)**

- (1) The processing Vendor must produce the major ingredient. **Fifty-one Percent (51%) Rule:** If the product is processed other than by the Vendor, the Vendor must raise the first ingredient on the label and raise 51% of the product by weight. Any major recipe changes must be filed with the Market Manager.
- (2) Vendor must have photocopies of all necessary licenses for the production of the processed product and must have them filed with the Market at the time of application.

## **8.12 Wild Gathered (Non-Cultivated) Items and Maple Syrup**

- (1) Vendors selling wild-gathered items must:
  - (a) have an application to sell filed with the Market prior to arrival at the Market and either have proof of land ownership or show written permission from the land owner to gather the item; and
  - (b) must provide the location and amount of land from which items are gathered.
- (2) Items may not be purchased or bartered.
- (3) Vendors who do not adhere to these rules may not sell the item at the Market.
- (4) Maple syrup must be produced by the Vendor from sap that they collect.

## **8.13 General Rules for Exempt Products**

Because historically certain products contributed to the foundation of the Market, they have been exempt from the general “Vendor must grow or produce” rule. These include cheese, cured meat, smoked meat, cased sausage, bakery goods, pasta, candy, and butter. The following rules apply to these products:

- (1) The Vendor shall participate on a regular basis in the physical production of the product.
- (2) No Vendor of exempt products may have an ownership or interest in an enterprise other than the Membership enterprise that sells the same category of exempt products.

## **8.14 Additional Rules for Bakeries**

- (a) The Vendor may not sell items made from purchased pre-made doughs, batters, crusts, or dry ingredient mixes. For example, the shortening (fats and oils), the leavening, and the salt must be added by the vendor to comply with this rule.
- (b) The Vendor may not use pre-made frostings or pre-made cream/fruit fillings.
- (c) The Vendor must keep all recipes and receipts for ingredients on file and must be able to produce them at an inspection.
- (d) All baked goods must be made in a licensed facility.

## **8.15 Additional Rules for Cheese Vendors**

- (a) A Vendor must operate the processing plant and must participate on a regular basis in the physical making of the cheese, which they sell at the Market. Such Vendors may sell only cheese made from milk produced by contracted milk producers.
- (b) One of the Market Members must be a licensed cheesemaker, unless, as with a farmstead cheesemaking operation, the State Department of Agriculture permits the Vendor to make cheese just from their own milk in a licensed plant on the farm to sell directly to customers.

## **8.16 Additional Rules for Chocolate or Confection Vendors**

- (a) All chocolate candy products sold must be made with chocolate tempered at a licensed location.
- (b) Chocolate candies may contain other products, such as nuts, fruits, fondant, or nut butters, as long as the first condition is met.
- (c) The use of coloring in the production is an acceptable practice.
- (d) The use of compound coatings is acceptable, as long as they are melted and molded or mixed with other ingredients at a licensed location.
- (e) All compound coatings (chocolate containing other vegetable fats, not cocoa butter) must be clearly marked so customer will know the difference.
- (f) Confections that are judged to be craft-like in nature rather than products primarily intended for consumption are not allowed.

### **8.17 Additional Rules for Butter Vendors**

- (a) A Vendor must operate the processing plant and must participate on a regular basis in the physical making of the butter, which they sell at the Market. Such Vendors may sell only butter made from the cream produced by the contracted cream producers or as a by-product of cheesemaking.
- (b) One of the Market Members must be a licensed butter maker and butter grader.

### **8.18 Additional Rules for Cured Meat, Smoked Meat & Cased Sausage**

- (a) Meat used must be sourced from Wisconsin.

## **9.0 PROCEDURE TO CHANGE RULE TO ALLOW A PRODUCT**

### **9.1 Request to Sell a New Product**

Requests for new products that are not currently eligible for sale at WCM must be submitted in writing to the WCM Board of Directors for consideration. Such requests must be submitted well in advance of the expected sale of the new product. Requests for new products will be reviewed periodically by the WCM Board of Directors.

### **9.2 Appeal Process Following Denial**

In the event the WCM Board of Directors denies a Member's request to allow the sale of a new product, the Member may appeal the Board's decision in the following manner:

- (a) The Member may request from the Market Manager a written decision from the WCM Board of Directors.
- (b) The Member may submit an appeal statement, which shall re-state the Member's request for approval of the new product for sale at the Market and any other related materials the Member desires to include for the information of the WCM Board of Directors.
- (c) The Member will be notified of the approval or non-approval of the new product within thirty (30) days.

## **10.0 VENDOR CONDUCT**

Vendors shall conduct themselves in a manner that is courteous to other Vendors, Market personnel and the public. Behavior that is threatening, abusive or harassing shall constitute a violation of Market rules. Repeated violation may result in disciplinary action by the Board of Directors.

Committing a criminal act at the Market and/or failure to comply with any regulating agencies may cause the Vendor to be expelled from the Market, which means a termination of vending privileges, seniority and Market Membership.

## **11.0 INSPECTION**

Representatives of the Market shall have the right to conduct an on-site inspection of the production areas of those products sold by a Vendor at the Market. An inspection may include ownership information and any other information relevant to determining product legitimacy. Failure to allow such an inspection will constitute a violation of Market rules, and the procedures outlined under "Enforcement of Market Policies and Rules" will be followed.

## **12.0 ENFORCEMENT OF MARKET POLICIES AND RULES**

### **Membership Agreement**

All Members who sell in the Market will complete an "Application For Membership" prior to selling in the Market. This application will constitute an agreement between sellers and the Market to abide by the policies and rules governing the Westside Community Market. Should any questions arise regarding the observance of Market policies and rules, the procedures outlined below will be followed.

### **Reporting Violations And Follow-up**

A Vendor, Market customer, or the Market Manager may submit to the Market Manager or a Board Member a complaint against a Vendor where there is reason to believe a violation of Market rules exists. The identity of the complainant will not be revealed by the Market.

Vendors have the responsibility to report to the Market Manager when they witness and/or suspect an infraction of Market rules. The Market Manager will conduct an initial investigation of any complaint, which could include an on-site inspection. The investigation will include an attempt to obtain detailed information from the complainant, the alleged violator and other witnesses before a determination is made that a violation occurred.

### **Procedural Violations**

Procedural violations include actions such as early parking, violation of maximum stall width, failure to properly license or label, use of a non-certified scale, failure to adequately weigh down tent, and other non-product legitimacy violations. The Market Manager will bring violations to the Vendor's attention for immediate remedy. Continual procedural violations may result in expulsion.

### **Product Legitimacy Violations**

If a Vendor offers a product for sale at the Market and it is determined that the Vendor did not produce the product, the Vendor's membership and vending privileges will be immediately terminated. A Vendor will not be eligible to re-apply for Membership in the Market until at least 12 months have expired since the date of the final termination determination and then only if the Member's application is approved by a two-thirds vote of the Board.

## **13.0 RIGHT TO APPEAL**

Any member whose vending and Membership rights have been terminated or who has been assessed penalty points may appeal the determination.

- The Member will have fourteen (14) days from the date of receipt of the written determination to file a written appeal with the Market Manager.
- The WCM Board of Directors (not including the Market Manger, though they may be present) or a committee of at least three WCM Board Members appointed by the WCM Board will hear the appeal within fourteen (14) days of the Market Manager's receipt of the Member's appeal request.
- If the determination is reversed on appeal, the Vendor's Membership and vending privileges will be immediately restored.
- In no event shall any person be entitled to recover damages from the Market for being denied vending privileges based on a good faith enforcement of the Market's rules.

## **14.0 COVENANT TO HOLD HARMLESS**

The Vendor agrees to indemnify and hold the Westside Community Market harmless against and from any and all claims, damages, costs and expenses, including reasonable attorney's fees, arising from the conduct or management of the business conducted by a Vendor at the Westside Community Market. A Hold Harmless statement is included in the application; signature is required as part of a complete application.

### **Resource Contact Information**

**Weights & Measures, Department of Agriculture, Trade and Consumer Protection (DATCP)**  
(608) 224-4942, [datcpweightsandmeasures@wi.gov](mailto:datcpweightsandmeasures@wi.gov)

**Information on Licensing, Inspections, Food Safety, and Processing**  
(608) 224-4720, [DATCPDFSLicensing@wi.gov](mailto:DATCPDFSLicensing@wi.gov)

**Women, Infants & Children (WIC) Farmers Market Nutrition Program**  
608-266-9824, [DHSWICFMNP@wisconsin.gov](mailto:DHSWICFMNP@wisconsin.gov)

**Wisconsin Department of Revenue – Sellers Permits**  
(608) 266-2776 [DORBusinessTax@wisconsin.gov](mailto:DORBusinessTax@wisconsin.gov)

# 2021 Application for Membership Westside Community Market

*(Fill out all five pages completely. Please type or print CLEARLY.)*

**1. Membership Information**

**Business Name**  
\_\_\_\_\_

**Name of Member contact**  
\_\_\_\_\_

(Name used for WCM records.)

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip code \_\_\_\_\_

Primary Phone (\_\_\_\_\_) \_\_\_\_\_ Secondary Phone (\_\_\_\_\_) \_\_\_\_\_

E-mail \_\_\_\_\_ Fax \_\_\_\_\_

English-speaking contact, if necessary: Name \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_

Business Website Link \_\_\_\_\_

**Ownership Partners** (if applicable): Each person must have proven ownership to be recognized as partner with the primary WCM Member.

<i>Name</i>	<i>Address, if different</i>
Member	_____
Member	_____
Member	_____
Member	_____

**Documentation of Ownership Partners (IMPORTANT -if you have a business partner.)**

WCM Rules require each partner have (a) a proven ownership of the enterprise and (b) substantial participation in production. The intent is to show that each partner is “at risk” and involved.

1. Please provide **written documentation** of your partnership (other than spousal partnership). Documentation may include a written partnership agreement and other related documentation such as: a joint loan, joint checking account, receipts for production materials, or other evidence of ownership for each claimed partner).
2. Additionally:

-If the business is a federal partnership (1065), submit each members's K-1 form for the previous year.

-If the business is a corporation (includes LLC), provide documentation of the total number of share and the number that each market member owns.



**2. Production Information**

**Location of land or production facility:**

Section \_\_\_\_\_ Town of \_\_\_\_\_ County \_\_\_\_\_

AND Address \_\_\_\_\_

**Owner of land or production facility:**

If owner is not one of the above listed partners, list complete address and phone number of landowner:

**Size of Growing Area** if applicable: (please state approximate size in acres) \_\_\_\_\_ Acres

**Location, size, and number of greenhouses** (if applicable):

**Name of processor and location of plant** (if applicable):

**3. License, Permit, Labeling and Permission Information**

**Record appropriate license/permit number AND provide copies of licenses and permits issued by regulatory agencies, as required. Provide a copy of the product label for all processed products to be sold.**

Nursery \_\_\_\_\_ Required if you sell perennials

Growers \_\_\_\_\_ Required if you sell perennials

Processing \_\_\_\_\_ Required to process food in an inspected facility  
(licensed kitchen, meat processing, cheesemaking, juice processing, etc.)

Mobile Retail License \_\_\_\_\_ Required if you sell potentially hazardous food.

Warehouse License \_\_\_\_\_ Required if you sell potentially hazardous food.

WI Retail Sellers Permit \_\_\_\_\_ Required if you sell any cut flowers, bakery  
goods, ornamentals and other taxable items.

Organic Certification, list certifying agency and number \_\_\_\_\_

Title and numbers of other documents you have enclosed required by the WCM:

Other Issues:

**Liability Insurance** – Vendor is responsible for their own personal and product liability insurance.

**Labeling** – Vendor is responsible for meeting all labeling requirements. This includes stall signage if a Declaration of Responsibility is not provided on product labels.

**Certified Scale** – Vendor is responsible for meeting scale certification requirements.

**Wild gathered items and maple syrup**

Identify the location(s) where items are gathered or tapped and attach permission of property owner where gathered or tapped. (Add additional pages as needed.)



#### 4. Product Information

This information is important in planning a well-balanced market with a wide variety of items available to customers. Please be as accurate and realistic as possible. Include only what you would grow or produce for Westside Community Market. Admission to the Market will be partly based on the prospective member providing a product compatible with the Market's needs.

#### Check the products you plan to sell at WCM.

- Nuts
- Houseplants
- Herb plants (license required if a perennial)
- Perennials/wildlings (license required)
- Eggs
- Maple Syrup
- Bedding plants (license required if a perennial)
- Herbs (fresh cut)
- Nursery stock (license required)
- Cut flowers (**Required: attach a list of varieties to sell**)
- Honey
- Sorghum
- Wild gathered items (attach location & permission of landowner) (Including wild mushrooms)
- Heirloom varieties (attach list of types and varieties)
- Animal products other than meat (list)

#### Processed Goods

- Baked Goods     Pasta             Candy             Sauerkraut/Kimchi/Curtido/etc
- Cheese             Pesto             Jams/Jellies     Shrub/Drinking Vinegars
- Herbal Oils       Herbal Vinegars
- Pickles and Relishes
- Canned Sauces
- Other \_\_\_\_\_

#### Meat (check all that apply)

- Chicken     Turkey     Goose     Rabbit
- Pork         Beef         Venison     Lamb
- Duck         Fish         Emu         Ostrich
- Other \_\_\_\_\_

#### Raw (unprocessed) Fruit

- Apples         Cherries     Cranberries     Pears         Plums         Raspberries
- Strawberries     Blackberries     Apricots         Elderberries     Grapes         Currants
- Other \_\_\_\_\_

#### Raw (unprocessed) Vegetables

- Asparagus         Beans         Beets         Bok Choy         Broccoli         Brussel Sprouts
- Cabbage             Cantaloupe     Carrots         Cauliflower         Corn (Sweet)     Corn (popcorn)
- Corn (Indian)       Cucumbers     Eggplant       Garlic             Gourds             Greens
- Kohlrabi             Leeks         Lettuce         Cultivated Mushrooms     Okra             Onions (sweet or storage)
- Onions (Green)     Peas (shell)     Peas (snap/pod)     Peppers             Potatoes         Pumpkins
- Radishes             Rhubarb         Rutabaga       Soybeans (edible)     Spinach         Squash (Summer)
- Squash (Winter)     Tomatoes       Turnips
- Watercress         Watermelon     Shelled Peas or Beans (dried)
- Other \_\_\_\_\_

If you need more space attach any additional sheets.

**5. Fees**

**Membership fee for all vendors is \$55.00 for 2021. This fee is required from all members in 2021.**

**Market Stall Fees:**

<b>Full Season, single stall, April 17<sup>th</sup> – November 6<sup>th</sup></b>	<b>\$550.00</b>
<b>Full Season, double stall, April 17<sup>th</sup> – November 6<sup>th</sup> *</b>	<b>\$1,100.00</b>
<b>Session I, single stall, April 17<sup>th</sup> – June 19<sup>th</sup></b>	<b>\$220.00</b>
<b>Session II, single stall, June 26<sup>th</sup> – August 28<sup>th</sup></b>	<b>\$220.00</b>
<b>Session III, single stall, September 4<sup>th</sup> – Nov. 6<sup>th</sup></b>	<b>\$220.00</b>
<b>Single Session, double stall*</b>	<b>\$440.00</b>
<b>Special products/short season – 2 to 4 weeks –</b>	<b>\$22.00/\$30.00 per Market Day</b>
	<b>(Members)/(Non-Members)</b>

\*The Market does not anticipate having the capacity to grant new double stall requests. UW Health limits the footprint of the market and the number of Vendors per Market day in our Use Permit.

**6. Covenant to Hold Harmless**

The Vendor agrees to indemnify and save the Westside Community Market harmless against and from any and all claims, damages, costs and expenses, including reasonable attorney's fees, arising from the conduct or management of the business conducted by a Vendor at the Westside Community Market.

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

**7. Affidavit**

I have read the Rules, regulations and policies as described for the Westside Community Market and hereby agree to abide by them. Further, I agree to sell at the WCM only such items as those listed above. I also acknowledge those products must be of my own production and produced at the locations described on my application. I acknowledge full responsibility for all my activities in the Market (and for those assisting me) throughout the term of this season's permit. I acknowledge the authority of the Market Manager to immediately settle any disputes regarding product legitimacy, procedural and vendor conduct violations subject to appeal under the procedures set forth in the Market Rules. I agree to allow for inspection of my records and of the premises where the products offered for sale are produced. The Market Manager and/or representatives of the Market will carry out these inspections at any time. Failure to allow an inspection will constitute a violation of Market policies. I understand that the WCM does not carry any insurance policies to cover individual participants and that I may be required to carry such insurance.

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

- Stall Fee for 2021 (See Rules page 4 to calculate) \$ \_\_\_\_\_

- Membership Fee (\$55 REQUIRED FROM ALL MEMBERS) \$ \_\_\_\_\_ + \$55

**Total \$ \_\_\_\_\_**

**Make check payable to: Westside Community Market-**

**Return completed application packet and check for all fees to:**

(Please retain a copy of completed Application for your records)

**Westside Community Market  
P.O. Box 5115  
Madison WI 53705-5115**

**Applications must be postmarked or date stamped by March 1<sup>st</sup>, 2021. Total amount must be included with Application for consideration. If your Application is denied, your check will be returned to you.**

**Questions about the WCM Application for Membership or Market Rules? Contact the Market Manager or a member of the WCM Board of Directors:**

**Market Manager:**

Ben Zimmerman, 608-628-8879, [manager.wcm@gmail.com](mailto:manager.wcm@gmail.com)

**Board of Directors:**

President: Kevin Oppermann, Highland Spring Farm  
414-659-2676, [highlandspringfarm@gmail.com](mailto:highlandspringfarm@gmail.com)

Vice President: Mary White, Honey Bee Bakery  
608-698-2401, [honeybeecollective@gmail.com](mailto:honeybeecollective@gmail.com)

Secretary & Community Board Member: John Shadle, SAS Institute, Inc.  
[john.shadle@gmail.com](mailto:john.shadle@gmail.com)

Treasurer: Tasha Bynum, Urban Gourmet  
608-520-0067, [madurbangourmet@gmail.com](mailto:madurbangourmet@gmail.com)

Board Member: Diana Murphy, Dreamfarm  
[diana@dreamfarm.biz](mailto:diana@dreamfarm.biz)

**NOTE: INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED.**