Title 2: Agriculture and Commerce
Part 1: Rules of the Mississippi Department of Agriculture and Commerce
Subpart 5-Central Market Board
Chapter 05- Rules Governing The Farmers Market

100 Definitions:

1. **Crafts** – Products that have been developed by the handiwork of artisans and crafters to create a value-added good.
2. **Home-based processor**- means a person who, in his or her home, produces or processes whole fruit and vegetables, missed-greens, jams, jellies, sweet sorghum syrup, preserves, fruit butter, bread, fruit pies, cakes or cookies.
3. **Market Manager** – A state employee designated by the Board to supervise the daily operations of the Mississippi Farmers' Market and to implement the guidelines and decisions of the Mississippi Central Market Board.
4. **Mississippi Central Market Board** – Governor appointed individuals in cooperation with the Mississippi Commissioner of Agriculture as outlined in Section 69-7-103 of the Miss. Code Ann. .
5. **Nursery/Landscape** – Horticultural and arboricultural plant materials used for aesthetic purposes.
6. **Potentially hazardous goods**-are those goods as defined in section 1-201.10 of the current U.S. Food Code.
7. **Produce** – Raw, horticultural and agronomic products to include all varieties of fruits, vegetables, herbs, nuts and cut flowers.
8. **Specialty Foods** – Processed goods derived from raw commodities to include but not to be limited to refined, baked, canned and cooked foods, honey, and eggs.
9. **Stall** – Pre-designated space for rent on the market premises.
10. **Vendor** – One who meets the requirements of the Mississippi Farmers' Market certification process and sells produce or other approved products at the Market.

(Amended February 28, 2008.)

Source: *Miss. Code Ann.* §69-7-109.

Purpose

101 The Mississippi Farmers' Market ("the Market") is created to promote and provide a marketplace for Mississippi grown fruits, vegetables, plant materials, and other products made in Mississippi. These rules apply only to the Market on Jefferson Street. The primary objectives of the Market are to offer a diverse product selection, attract a large and repeating customer base, and afford farmers a profitable location to sell produce and other goods.

Source: *Miss. Code Ann.* §69-7-109.

Time Of Operation

102 The Mississippi Central Market Board ("the Board") shall have the authority to establish days and hours of operation of all sectors of the Farmers' Market at the Fairgrounds with monthly reevaluation of such operating guidelines. All participating vendors must adhere to hours of operation.

Source: *Miss. Code Ann.* §69-7-109.

Vendor Certification And Selection Priority

103.01 All vendors must complete the Market Certification Form upon annual application for participation in the Market.

1. Mississippi Department of Agriculture and Commerce staff will evaluate submitted certification forms and approve those deemed eligible.
2. A copy of the approved certificate must be posted in plain view during operation for all vendors at the market.
3. All items intended for sale shall be listed on the certificate, and only those items approved for sale will be allowed.
4. It is the intent of the certification process to ensure all products for sale are produced by those actively involved in the production process and that only those individuals may become eligible vendors at the Market.

103.02 Vendors shall be selected and stalls allocated to promote equity, diversity, and a competitive environment to benefit both vendors and customers.

103.03 Mississippi Department of Agriculture and Commerce staff shall perform inspections on vendor property after certifications have been completed.

Source: *Miss. Code Ann.* §69-7-109.

Operating Guidelines

104 The following guidelines apply to Market operations:

1. The Board shall have the authority to set rent rates for vendors on Market grounds and shall reevaluate such rates on an annual basis. Rates shall be set to support financial stability of the Market and to encourage participation in the Market.
2. Each vendor, whether in cooperation with other growers or not, shall individually pay a stall fee. Rental fees will be paid on a daily basis for each stall space occupied.
3. Vendors must use the space as authorized by the Market Manager.
4. Vendors must notify the Market Manager before delivering, engaging in business, or occupying space on the market grounds.
5. At no time may a vendor's display restrict the view of other vendors at the market.
6. No vendor may sub-lease or sub-let their space at any given time.
7. The Market Manager must approve signage.
8. Vendors may have coolers, as approved by the Market Manager, in the rented space.
9. The Market will provide waste containers and basic electrical service. The Market will not provide electrical cords or other electrical extensions.

10. The Market will also provide water connections for the vendors. The Market will not provide hoses or other connection equipment needed to dispense water.
11. Hoses and other watering apparatuses must be put away and turned off immediately upon termination of use and must not pose a threat to others.
12. Standing water must be swept to the nearest drain.
13. No vendor shall enter into price agreements to raise, lower, or fix prices for products on the Market. Vendors are not to influence other vendors to sell lower or higher other than through natural competition.
14. Each vendor operates privately and separately, and it is the individual responsibility of each vendor to comply with all city, county, state and federal laws and regulations concerning packaging, labeling, taxation, food safety and sanitation, etc.
15. No vendor is to approach customers while at the location of another vendor. No calling out of prices will be permitted.
16. Use of the product label "Organic" must be in accordance with all Federal and State laws, rules, and regulations.
17. No live animals shall be offered for sale at the Market.
18. No smoking or tobacco use shall be allowed in the building.
19. No alcohol, intoxicating beverage or narcotic, nor any person under the influence thereof, shall be allowed on the market premises.
20. Loitering in or around the Market after designated operating hours is prohibited.
21. No eighteen-wheelers shall be allowed on Market grounds.
22. No repairs on vehicles, other than emergency repairs, may be performed on Market grounds.
23. All vehicles belonging to or used by the vendor must be parked directly behind their rented stall or in customer parking, and must be moved on a daily basis (cannot stay after Market closes).
24. No soliciting of products other than approved items will be permitted.
25. No pets are allowed in the building with the exception of dogs aiding the handicapped.
26. No loading or unloading of products in a stall in front of the customer walkway is allowed.
27. No person shall deface or damage the Market building.
28. Vendors are responsible for the actions, behavior, and dress of their representatives, employees or agents. Shoes and shirts must be worn at all times.
29. All vendors and vendor personnel are responsible for a daily proper disposal and removal of refuse, discards, and garbage from their rented space, including, without limitation, the ten feet in front and rear of rented space and five feet on all sides of any vehicle parked at a rented space.
30. Vendor displays and storage must be kept sanitary on a daily basis.
31. The Market is not liable and assumes no responsibility for any personal items or property in or around the stall(s).
32. The Mississippi Department of Agriculture and Commerce has the right to invite any outside vendor for temporary, promotional events with those individuals adhering to only the 'Operational Guidelines.'
33. To the fullest extent allowed by law, each vendor shall indemnify, defend, save, hold harmless, protect and exonerate the Board, its directors, employees, agents,

representatives, the Market Manager, and the State of Mississippi from and against all claims, demands, liabilities, suits, actions, damages and losses for personal injury, death or property damage, including, without limitation, court costs, investigative fees and attorneys' fees arising out of such vendor's operations on the Board's grounds, and whether caused by the vendor or his agents, employees or subcontractors. Each vendor shall be solely responsible for all costs and/or expenses associated with such defense.

34. Vendors may leave their products and other property in the stall space over night only if the rental fee has been paid in advance.
35. Upon departure, all space for which tenant is responsible, as described above, must be left clean.
36. If the vendor has been absent from Market and rent has accrued, tenant must, upon his return to the Market, pay all delinquent rent and/or fees before engaging in business again.
37. The Market Manager reserves the right to eject from the grounds any individual who interferes with the commerce and operation of the Market.
38. If a vendor violates any of these rules, he may be debarred by the Market Manager from operating as a vendor at the Market.
39. If the Mississippi Legislature or the United States Congress fails to appropriate the funds necessary to operate the Market, the Market Manager may debar any or all of the vendors from operating at the Market.
40. The Market Manager may debar any or all of the vendors from operating at the Market at the convenience of the Market Manager.
41. Based on variation in market products and seasonal changes of available products, the Board gives the Market Manager, with the Board's approval, the flexibility to set the ratio of Mississippi producer grown products and the non-MS producer grown products available for sale at the market.
42. No person or organization may solicit money, votes or signatures or engage in a protest, demonstration or political activity/speech, including distribution of written materials, in the Market building or on the sidewalk leading up to or around the building. Such activities must be conducted at least 50 feet from the Market building or in an area specifically designated by the Market Manager. Such person or organization must register with the Market prior to a protest, demonstration or political activity/speech. The Market Manager reserves the right to eject from the grounds any individual who interferes with or disrupts the commerce and operation of the Market.

(Adopted January 20, 2011.)

Source: *Miss. Code Ann.* §69-7-109.

Produce

105 The following rules and regulations are only applicable to those vendors selling fresh produce, nuts, and cut flowers and foliage.

1. A single vendor may rent a maximum of three consecutive stalls, with approval by the Market Manager.

2. Produce products will receive preference for space over plant materials and other goods available at the market.
3. Trees and produce shall not be sold from the same stall.
4. Pre-packaged items sold by weight must be labeled in a manner pursuant to *Miss. Code Ann.* Section 75-27-41 of the Mississippi Weights and Measures Law.

Source: *Miss. Code Ann.* §69-7-109.

Nursery/Landscape

106 The following rules and regulations are only applicable to those vendors selling plant materials classified as either Nursery or Landscape.

1. If available, a single vendor may rent a number of consecutive stalls, with approval by the Market Manager.
2. Vendors, if deemed eligible by the Market Manager, may expand the size of their operation for an additional fee by utilizing the parking area behind the stall. Expansion displays must not block the driving space of other vendors at the market and must adhere to the width and length restrictions of the rented stall(s).
3. At no time may the vendor expand beyond the side and front lines of the stall(s).
4. A tent or other shading structure that has been approved by the Market Manager maybe placed directly behind the stall to expand the rented stall.
5. Re-stocking is permitted. Vendors may be subject to a surcharge in an amount determined by the Board and reviewed annually for every truckload brought in. Payment will be given to the Market Manager immediately upon delivery.
6. The Bureau of Plant Industry must certify all vendors selling nursery plant materials before entering the market. Proof of certification and licensing must be provided and on file with the Market Manager.
7. All plant materials sold at the market must have been grown in Mississippi. Plugs and other starter plants not originating in Mississippi may be considered a Mississippi product if and only if it is finished in the state. For such consideration, the plant material must not be in its original container, and it must have matured in Mississippi for a minimum of four weeks.
8. All plant materials must be disease and pest free.
9. Vendors may water plants as necessary but may not spray fertilizer, pesticides, or any other chemicals at any time at the Market.

Source: *Miss. Code Ann.* §69-7-109.

Specialty Foods

107 The following rules and regulations are applicable only to those individuals selling goods that have been processed altered from its original form as well as to those individuals selling farm raised eggs.

1. In the event a stall is vacant and vendors selling produce or nursery/landscape materials are not available or a lack of variety is present at the market, the Market Manager may rent a stall to a vendor selling specialty foods.

2. Government approved methods for preparing, storing, handling, and packaging of food products must be adhered to.
3. All processed foods products are to be packaged, covered, sealed, or wrapped at all times.
4. Complaints regarding quality, unsafe practices, or reports of illness must be given directly to the Market Manager.
5. All products are subject to revocation by the Market Manager.

(Amended February 2012.)

Source: *Miss. Code Ann.* §69-7-109.

Home-based processors

108.01 A home-based processor may sell non-potentially hazardous goods at the Mississippi Farmers' Market provided the following conditions are met:

1. All finished product containers are clean and sanitary and are labeled to show:
   a. the name and address of the home-based processor;
   b. the common or usual name of the food;
   c. if the food is prepared from two or more ingredients, the ingredients of the food product in descending order of predominance by weight;
   d. the net weight, standard measure or numerical count;
   e. the date the product was processed; and
   f. a statement that the product was home processed
2. All goods processed by home-based processors are neither adulterated nor misbranded.
3. Glass containers for jams, jellies, marmalades and similar products are provided with suitable metal covers.

(Adopted February 28, 2008.)

108.02 Potentially hazardous goods may be sold at the market if the vendor has a permit from the State Health Department and meets the labeling requirements in subsection 108.01(1)(a)-(f)).

(Adopted February 28, 2008.)

108.03 The following chart provides examples of what home-based processed products are non-potentially hazardous. The list is not exclusive

Non-potentially hazardous goods
• Jams • Jellies • Sweet sorghum syrup • Preserves • Fruit butter • Fruit pies

- Cakes
- Cookies
- Breads (that do not contain meat and/or seafood)

(Adopted February 28, 2008.)

Source: *Miss. Code Ann.* §69-7-109.

Arts and Crafts

109 Vendors with handcrafted items and/ or art must complete the Art & Craft Vendor application. Once submitted the application and potential products will be reviewed for approval by the Arts and Crafts Standards Committee. Notification of approval will be communicated to the applicant within two weeks of the review committees' decision.

1. All arts and craft vendors must complete the Mississippi Farmers Market Application for Certification. Individuals making products using inputs sourced directly from a Mississippi farm and Members of the Craftsmen's Guild of Mississippi will be given first preference. Other applicants will be reviewed and must be approved by a Standards Committee appointed by the Central Market Board. The Standards Committee will conduct reviews twice per calendar year and will rate applicants work based on criteria of design, creativity, craftsmanship and overall impact. Applicants work must be approved to qualify for active vendor status.

2. Only crafts that are handcrafted by the vendor will be allowed.

(Amended February 2012.)

Source: *Miss. Code Ann.* §69-7-109.