

Downtown Pomeroy Market

Guidelines for Vendors:

Some of these rules are from The Pomeroy Industrial Corporation, some are dictated by the State of Iowa and some are just plain common sense. For the governmental rules, please refer to:

<http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5062527>

Page 17 of that document gives good guidelines for what requires a food license and what doesn't.

A quote

"Farmers' market" means a marketplace which seasonally operates principally as a common market for fresh fruits and vegetables on a retail basis for off-the-premise consumption." Code of Iowa Section 137F.1.5

A. Food Establishment/Food Processing Plant license Licenses

"A vendor who offers a product for sale at a farmers' market shall have the sole responsibility to obtain and maintain any license required to sell or distribute such products." Code of Iowa, Section 137F.8

The following products may be sold at a farmers' market without being licensed under the

Code of Iowa, Section 137F.8:

1. Baked goods which are non-potentially hazardous* or shelf-stable bakery products (non-perishable items that do not require refrigeration for food safety reasons). The term baked goods is limited to: breads, cakes, doughnuts, pastries, buns, rolls, cookies, biscuits, and pies (except meat pies).
2. Wholesome fresh eggs that are kept at an ambient temperature of 45 F or below.
3. Pre-packaged, shelf stable food products such as honey, jams, jellies, or dried noodles. These products must be properly labeled.
4. Non-potentially hazardous food products, shelf-stable products, prepared on the premise of a residence.
5. Fresh fruits and vegetables.

B. Farmers' Market Potentially Hazardous Food License

Applies to vendors who wish to sell potentially hazardous food (perishable food) at farmers' markets.

1. Note that a separate seasonal license must be obtained in each county that the vendor wishes to sell potentially hazardous foods at farmers' markets.
2. The license is only valid at farmers' markets.

C. Food Processing Plant –

With the sole exception of jams and jellies, no "home style canned goods can be sold at farmers' markets, since food in a hermetically sealed container, shall be obtained from a food processing plant. (Section 3-201.12 Food Code, adopted by Code of Iowa, Section 137F.2).

D. Labeling: Packaged food shall be labeled with the following information:

1. Name of Product.
2. A list of ingredients, if the product has more than one ingredient.

3. Name and address of where the food is prepared.
4. Net weight, volume, or numerical count.

*Code of Iowa, Section 137F.1(13) defines "Potentially Hazardous Food" as a food that is natural or synthetic and is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms, or the growth and toxin production of clostridium botulinum. "Potentially Hazardous Food" includes an animal food that is raw or heat-treated, a food of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, and garlic and oil mixtures.

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For more information, contact: Department of Inspections and Appeals
Inspections Division
Lucas State Office Building
Des Moines, IA 50319
(515) 281-

Sales Tax: (from the directory page 18)

"Retail Sales Tax

Currently there is a five-percent retail sales tax imposed on gross receipts of the sale of tangible personal property. Local jurisdictions can impose an additional local sales and services tax of up to one percent on sales subject to the state sales tax. Currently there is no retail sales tax collected on the sale of fresh fruits and vegetables.

Subsection 422.53(6) (Iowa Code) Permits – applications for

"Persons who are not regularly engaged in selling at retail and do not have a permanent place of business, but who are temporarily engaged in selling from trucks, portable roadside stands, concessionaires at state, county, district or local fairs, carnivals and the like, shall report and remit the tax on a nonpermit basis, under rules the director shall provide for the efficient collection of the sales tax."

Subsection 422.45(12) (Iowa Code) Exemptions

"Gross receipts from the sale of all foods for human consumption which are eligible for purchase with food coupons issued by the United States department of agriculture pursuant to regulations in effect on July 1, 1974, regardless of whether the retailer from which the foods are purchased is participating in the food stamp program. However, as used in this subsection "foods" does not include candy, candy-coated items, and other candy products, beverages, which do not contain a primary dairy product or dairy ingredient base of which contain less than fifteen percent natural fruit or vegetable juice; foods prepared on or off the premises of the retailer. "Foods prepared for immediate consumption" include any food product upon which an act of preparation, including but not limited to, cooking, mixing, sandwich makings, blending, heating or pouring, has been performed by the retailer so the food product may be immediately consumed by the purchaser.

For more information contact: Iowa Department of Revenue and Finance
Taxpayer Services
Hoover State Office Building
Des Moines, IA 50319
(515) 281-3114
www.state.ia.us/tax "

Booth selection

Vendors for the first market on the 2nd Saturday in September 2009 will choose booths on a first come - first served basis. For subsequent 2nd Saturdays, vendor booth choice will be done on a seniority basis. Vendors accumulate seniority points by attending consistently. For example with vendors A, B & C if vendor C attends 4 consecutive 2nd Saturdays that vendor will have 4 seniority points. If Vendor B Attends the 1st, 3rd and 4th events that vendor will have 3 seniority points but will lose 1/4 point for each market missed. So the net points will be 2.75. If Vendor A doesn't start until the 2nd market, but attends the 3rd and 4th that vendor will have a total of 3 points and thus pass vendor B in seniority. Consistency is important! To select your booth, stop in and see me at 106 S Main for the first market September 12, 2009. After that, booth selection is done at the end of a market day for the next one.

Sale hours are from 9:00 A.M. until 12:00 noon on the 2nd Saturdays of each month. Fees are \$5 per event.

No more than 6' of table. The areas were designed for 1 - 6 foot table. 2 card tables will also work.

To help sort out all the rules:

Do NOT sell canned fruits and vegetables, homemade butter, raw milk, meat products, relish, custard and cream pies, out-of-state or shipped in produce.

Unless you have a way to keep them at 45 degrees, do NOT sell eggs. If you do, they must be clean, fresh and candled.

Baked goods may be sold if they are labeled with the name and address of maker, list of ingredients and are properly wrapped.

Bread is exempt from sales tax. Candy is not. If you're selling anything subject to sales tax, get a temporary permit if you don't already have a retail sales tax permit.

Food items must be displayed at least 1 foot off the ground.

Demonstrating artists and artisans may sell only their own creations and they must be willing to show how they work. Demonstrating an interesting skill increases sales. Just showing a table of things you've made detracts from the festival ambience we wish to provide.