

**21—50.8(159,175B) Farmers' market, farmstand, and community supported agriculture (CSA) authorization and priority.**

**50.8(1)** A farmers' market/farmstand/CSA shall be eligible for authorization based in part upon the submission of assurances by a representative who has the legal authority to obligate the farmers' market/farmstand/CSA. Farmers' market/farmstand/CSA assurances shall be submitted in a manner outlined by the a department and shall provide evidence of willingness by a person(s) associated with the farmers' market/farmstand/CSA to implement all FMNP/SFMNP requirements.

**50.8(2)** Assurances submitted by a farmers' market/farmstand shall include, but not be limited to, all of the following:

- a.* The name(s) of certified vendor participant(s).
- b.* Posted hours and days of operation to be maintained each week, specifically detailed to cover any anticipated fluctuations in operations over the course of the season. A farmers' market/farmstand must be actively operating a minimum of two consecutive hours each week.
- c.* Season of operation which ensures the farmers' market/farmstand is actively operating on the same day, on a weekly basis, for a majority of the weeks of the season.
- d.* Accessibility and consistency of farmers' market/farmstand site over the course of the season.
- e.* Local rules that do not overly restrict the number of certified vendors who may participate in the farmers' market or operate a farmstand.
- f.* Department is notified if the farmers' market/farmstand changes the posted hours and days of operation prior to the end of the authorization period.

**50.8(3)** A CSA program shall:

- a.* Provide such information as the department may require for its periodic reports to USDA-FNS.
- b.* Ensure that SFMNP recipients receive only eligible foods.
- c.* Provide eligible foods to SFMNP shareholders at or less than the price charged to other customers.
- d.* Ensure that the shareholders receive eligible foods that are of equitable value and quantity to their share.
- e.* Ensure that all funds from the department are used for planting of crops for SFMNP shareholders.
- f.* Provide to the department access to a tracking system that determines the value of the eligible foods provided and the remaining value owed to each SFMNP shareholder.
- g.* Ensure that SFMNP shareholders/authorized representatives provide written acknowledgment of receipt of eligible foods.
- h.* Accept training on SFMNP procedures and provide training to farmers and any employees with SFMNP responsibilities for such procedures.
- i.* Agree to be monitored for compliance with SFMNP requirements, including both overt and covert monitoring.
- j.* Be accountable for actions of farmers or employees in the provision of eligible foods and related activities.
- k.* Offer SFMNP shareholders the same courtesies as other customers.
- l.* Notify the department immediately when the CSA program is experiencing a problem with its crops and may be unable to provide SFMNP shareholders with the complete amount of eligible foods agreed upon between the CSA and the department.
- m.* Comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Department of Agriculture regulations on nondiscrimination contained in Parts 15, 15a and 15b and FNS instructions as outlined in Part 249.7 of Title 7 Code of Federal Regulations, as of May 26, 2005.
- n.* Notify the department if any CSA program ceases operation prior to the end of the authorization period.

**50.8(4)** The department shall give priority to a farmers' market/farmstand/CSA with previous involvement in FMNP/SFMNP, provided the farmers' market/farmstand/CSA does not have a high incidence of certified vendor noncompliance, suspensions, or disqualifications.

**50.8(5)** A principal factor in determining farmers' market authorization shall pertain to the number of eligible applications received by the department prior to April 15 that indicate the intent to participate in the given farmers' market. A standard of three eligible certified vendor applications, indicating intent to participate in the farmers' market for the majority of weeks of the season, is required for a farmers' market to receive authorization.

**50.8(6)** The number of farmers' markets/farmstands/CSAs authorized for publication in the directory shall be determined by the department no later than May 1 prior to each season. Additional farmers' markets/farmstands/CSAs may be authorized no later than June 30.

**50.8(7)** An authorized farmers' market must ensure that at least one certified vendor remains at the authorized farmers' market during the posted days and hours of market operation. Failure to comply will result in a warning citation from the department. Repeated noncompliance could result in the revocation of the farmers' market authorization.

**50.8(8)** A farmstand authorized to participate in the FMNP/SFMNP shall be operated from a permanent building that is primarily used for the sale of eligible foods, is not moveable and remains in the same location year-round. The building shall have at least a roof, sidewalls, and solid floor to protect produce and people. Wood post frame, stud frame, rigid-frame metal, and concrete block construction are suitable farmstand construction. The building must be maintained in a manner consistent with standards generally accepted for this type of business. The structural requirements for a permanent building do not apply under either of the following circumstances:

*a.* The farmstand not meeting the structural requirements is authorized to participate in the FMNP/SFMNP and is primarily used for the sale of eligible food and has operated from a structure at the same location for a minimum of five consecutive years and has also been operating the majority of the market season from June 1 through October 31 for a minimum of 11 consecutive weeks annually. The vendor must submit with the vendor's application a letter of support acknowledging five years or more of operation at that location from a municipality, county or governmental agency.

*b.* Up to two moveable farmstands that do not meet the requirements of permanent farmstands may be authorized in cities and villages that are not located within ten miles of an authorized farmers' market.

**50.8(9)** If three or more applications for moveable farmstands within the same city or village are received by the department, the applicants shall be required to meet the authorization requirements of a farmers' market.

**50.8(10)** An authorized farmstand must be staffed during all hours of operation. Failure to comply will result in a warning citation from the department. Repeated noncompliance could result in the revocation of the farmstand authorization.

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