



# Vendor Packet 2012

## **Thank you for your interest in the Delano Community Farmers Market!**

The Delano Community Farmers Market maintains a focus on locally grown and produced food and agricultural products. We also encourage and support urban gardening. Our mission is to increase the availability of fresh produce, especially in Delano, downtown Wichita and surrounding neighborhoods. The market is held on Wednesday evenings from 5:00 to 7:00 at the Senior Center - 200 S. Walnut.

We allow only locally-grown produce (in and around Wichita preferably, and certainly Kansas-grown) including produce from back-yard gardeners. We also allow vendors selling local meat, eggs, fresh bread and other products that are allowed by local, state and federal regulations governing Farmers' Markets.

If you would like to apply for stall space in the Delano Community Farmers' Market you will need to submit the following:

- A completed ***Delano Community Farmers' Market Vendor Application***
- A completed ***Transient Merchant License Application*** (required by the City)
- A copy of your ***Kansas Retailers' Sales Tax Registration Certificate***
- A check or money order for your ***Market Membership Fee and Stall Rental***  
(Membership Fee and Stall Rental are explained on the back of the application)

The Vendor Application and Transient Merchant Application can be found at the end of this packet. If you apply for a Transient Merchant License in conjunction with a Farmers' Market the licensing fees are waived. If you have misplaced your Sales Tax Certificate you may request a copy from the Secretary of State's office.

Because our market is rather small (limited to only 16 stalls) we have limited the number of non-food vendors to 25% (4 total). In order to keep the market full, we encourage vendors to pay for stall space on a monthly basis. If a vendor can not make it to market, we appreciate at least 24 hours notice so that we can make the space available to vendors wanting a single market day.

*\* Please note that submission of an application does not guarantee stall space in the market. Determination of eligibility is subject to City of Wichita Ordinances, the Market Bylaws, Market Rules and the approval of the Market Board. Non-food vendors whose product relates in some way to food, agriculture or gardening will be given preference in the selection process.*

# **Delano Community Farmers' Market**

## **Bylaws**

(Rev. 3/14/12)

### **ARTICLE I - Name**

The name of this Corporation is the "Delano Community Farmers' Market of Wichita, Inc." and may be referred to in these Bylaws as the "Corporation."

### **ARTICLE II - Purpose & Objectives**

Section 1. The Delano Community Farmers' Market of Wichita, Inc. has been formed to provide healthy, fresh foods and agricultural products to the people of Sedgwick County and surrounding areas, and to encourage commerce, entertainment and trade in the historic Delano district of Wichita, Kansas.

Section 2. To achieve its mission, the Corporation shall do the following:

- a. Establish and operate a farmer's market for the purpose of furnishing a facility for sales of Kansas-grown fresh foods and agricultural products and Kansas-made goods.
- b. Work with the Sedgwick County Agricultural Extension Office and similar organizations to promote the production of Kansas fresh produce and agricultural products in Sedgwick County.
- c. Organize and/or participate in educational and other activities that promote the use of Kansas fresh produce and agricultural products.
- d. Organize and/or participate in those activities that, in conjunction with the operation of a farmer's market, will serve to encourage commerce and trade in the historic Delano district.
- e. Organize and/or participate in those activities that will serve to further the Corporation's mission.
- f. Conduct research necessary to further the development of the farmer's market.
- g. Solicit and receive funds, gifts, endowments, donations, devises and bequests.
- h. Lease and/or purchase property necessary to further the mission of the Corporation.

Section 3. It is hereby provided that the said purposes are not intended to limit or restrict in any manner the powers or purposes of this corporation to any extent permitted by law, nor shall the expression of one thing be deemed to exclude another although it be of like nature.

Section 4. The Corporation is organized exclusively for public purposes as a not-for-profit corporation. Its activities shall be conducted in such a manner that no part of its net earnings will inure to the benefit of any member, director, officer or individual. In addition, the Corporation shall be authorized to exercise the powers permitted not-for-profit corporations under the laws of the state of Kansas as now exists or is subsequently amended or superseded; provided however, the furtherance of the exempt purpose for which it has been organized is as described in Section 501 (c)(3) of the Internal Revenue Code or any amendments or additions thereto.

Section 5. The Corporation shall be nonsectarian and nonpartisan.

### **ARTICLE III - Membership**

Section 1. Any person interested in and who supports the purpose and objectives of the Corporation shall be eligible for membership.

Section 2. The Corporation shall encourage participation by a broad cross section of the community which it serves, including but not limited to representatives from business, government, agriculture, and education.

Section 3. Criteria for membership shall be established by the Corporation Board of Directors.

## **ARTICLE IV - Officers**

Section 1. The Officers of the Corporation shall be the President, Secretary and Treasurer. Officers are elected by the membership at the beginning of each season to serve until the following election. Officers shall serve a one (1) year term and may not serve more than two (2) consecutive terms in any one position.

Section 2. Election of Officers

- a. Candidates for Office must be members in good standing of the Corporation.
- b. At the first meeting of the season nominations are solicited
- c. A slate of candidates is produced and circulated to the members along with a meeting notice.
- d. Additional nominations will be accepted up until the time of the election.
- e. The election is held at the second membership meeting of the season.
- f. The winners of the election are installed in office immediately.

Section 3. It shall be the responsibility of the President to call and conduct all meetings of the Corporation's Board of Directors. The President will appoint, subject to the approval of the Board of Directors, the Chairpersons of all Corporation committees. The President shall be the principal spokesperson for the Corporation and shall represent it at those programs and activities at which the Corporation is to have representation.

Section 4. The Secretary shall preside at meetings upon the absence of the President and shall assume the duties of the President upon his/her inability to fulfill the duties of his/her office as determined by the Board of Directors. The Secretary shall also serve as the Corporation's parliamentarian and shall be responsible to the Corporation to insure that the Corporation's business is conducted in an orderly fashion. Unless otherwise determined, meetings of the Corporation shall be conducted in accordance with Robert's Rules of Order.

Section 5. The Treasurer shall be responsible for the prudent management of the Corporation moneys and for making the financial transactions necessary to conduct the business of the Corporation. The Treasurer shall be responsible for providing a regular accounting of the Corporation moneys and financial transactions.

Section 6. The Secretary shall be responsible for notifying the members and the Board of Directors of upcoming meetings. The Secretary shall be responsible for recording the actions taken by the Board of Directors and Executive Committee at their meetings. The Secretary shall be responsible for distributing correspondence and other information/material as may be necessary to conduct the business of the Corporation.

## **ARTICLE V - Board of Directors**

Section 1. Except as otherwise provided for by law, by the Articles of Incorporation, or these bylaws, the Board of Directors shall exercise the powers of the Corporation, conduct its business affairs, and control its property. The Board is also expressly authorized to make appropriate delegations of authority through management agreements.

Section 2. The Board of Directors shall assume responsibility for setting the goals of the Corporation, reviewing and approving the Corporation's operational and strategic plans and evaluating operational and strategic performance. No capital acquisitions or divestitures over \$100 shall occur without prior approval of the Board.

Section 3. The Corporation's Board of Directors shall be composed of the Officers of the Corporation and any additional appointed positions authorized by the Board.

Section 4. The Board of Directors shall meet at least once per calendar quarter, but additional meetings may be scheduled as required to conduct the business of the Corporation.

Section 5. A quorum of the Board of Directors will be constituted with the presence of more than fifty percent (50%) of the Board positions that are filled at the time of a meeting for which proper notice has been served.

Section 6. The Board of Directors shall establish attendance, participation and/or ethical standards and may from time-to-time amend same, to which Officers and Directors must adhere to maintain their membership on the board.

Section 7. The Board of Directors may fill an unexpired term of an Officer or Director by a vote of more than fifty (50%) percent of the Directors in attendance of a meeting at which a quorum is present.

Section 8. Notice of a Board of Directors meeting is to occur by written correspondence (letter, e-mail or facsimile) and is to be received no less than seven (7) days prior to the meeting.

#### **ARTICLE VI - Committees**

Section 1. The Corporation's Board of Directors may establish any committees deemed to be necessary to conduct the business of the Corporation.

Section 2. Committee Chairpersons shall be members of the Board of Directors. Committee Chairpersons shall serve as result of an appointment by the President with approval of the Board of Directors.

Section 3. Persons interested in serving as a member of a Corporation Committee shall be eligible to serve upon meeting the membership requirements established in these bylaws or by the Board of Directors. It is not necessary for such persons to be a member of the Board of Directors.

#### **ARTICLE VII - Staff Services**

The Board of Directors may from time-to-time engage an individual or organization to provide staff services to the Corporation. The Board will provide those so engaged with a scope of work, reasonable compensation, and periodic (not to be less frequent than once every twelve (12) months) evaluation of their efforts to accomplish the scope of work.

#### **ARTICLE VIII - Finances**

Section 1. The Corporation shall use its funds only to accomplish the purpose and objectives specified in these bylaws, and no part of said funds shall inure to the benefit of, nor be distributed to the members of the Corporation.

Section 2. The Corporation's fiscal year shall coincide with the calendar year.

Section 3. All monies received by the Corporation shall be deposited to the credit of the Corporation in such financial institution or institutions as may be designated by the Board of Directors.

Section 4. Solicitation of funds shall not be authorized without prior approval of the Board of Directors.

Section 5. No obligation of expenses shall be incurred and no money appropriated without prior approval of the Board of Directors.

Section 6. Upon approval of an annual budget, the Treasurer or other persons as authorized by the Board of Directors shall have the authority to make disbursements on accounts and expenses provided for in the budget without additional approval of the Board of Directors.

Section 7. Disbursements shall be made by check signed by the Treasurer, another Officer or any designated person who has been authorized by the Board.

Section 8. The Board of Directors may from time-to-time cause an audit to be conducted of the Corporation's books and accounts. Such audits are to be conducted by a certified public accountant, and upon its completion, the audit report shall be presented to the Board of Directors.

#### **ARTICLE IX - Dissolution**

Upon dissolution of the Corporation, any funds remaining shall be distributed to one or more regularly organized and qualified charitable, educational, scientific, or philanthropic organization as selected by the Board of Directors.



# **Delano Community Farmers' Market**

## **Market Rules**

(Rev. 2012)

The Delano Community Farmers' Market is intended to provide healthy, fresh produce and other assorted nutritional foods to the residents of, and visitors to, the community and surrounding area. Both small and large vendors of produce and food items will find a supportive outlet for the sale of their goods. The Market will encourage commerce, entertainment and trade in Delano, and help display the district's history, uniqueness, charm and potential.

### **MARKET RULES**

All vendors must fill out a Vendor Application and be approved by the Market Manager. Vendors will then be issued a Vendor's Permit.

### **VENDOR EQUIPMENT AND SUPPLIES**

Each vendor is responsible for providing and removing any and all equipment and supplies he or she requires to do business on the Market site. This includes Tents or canopies, signs, tables, chairs, products and equipment utilized for clean-up purposes.

### **SIGNS**

All signs must remain within the allotted vendor's exhibit space and must not block traffic or pedestrian ingress or egress, or interfere with other vendors' display or views.

### **EXHIBIT SPACE**

Market management has full authority to assign exhibit space. Requests for particular sites will be given consideration but management reserves the right to assign and locate all vendors.

Stall space will be assigned by 3:00 pm on the day preceding Market day for all vendors whose fees are paid by that time, and may be confirmed by calling 316-706-6283 between 3:00 pm and 5:00 pm on the day preceding Market day.

### **HOURS OF OPERATION**

The Market shall operate every Wednesday from 5:00 pm - 7:00 pm. All vendors must remain at the Market site until closing, unless authorized to leave early by the Market Manager.

### **SET-UP, CLEAN-UP AND BREAKDOWN**

Set-up starts at 4:00 pm and must be completed by 5:00 pm unless prior arrangements have been made. Vendors are responsible for removing all garbage from their stall space area. Stall spaces are to be left in the same condition as when rented. Breakdown starts at 7:00 pm and must be completed and stalls vacated by 8:00 pm.

### **PERMIT DISPLAY**

All vendors must display their permit in order to occupy a stall site. Permits shall remain on display during Market hours.

### **VEHICLES AND PRODUCT DISPLAY**

No vehicle may remain running during Market hours other than for purposes of refrigeration of product. The use of canopies, awning and sun-umbrellas are encouraged.

## **PERMITTED MARKET ITEMS**

Fresh produce, plant items, flowers, baked goods, jellies, jams, preserves, and other non-commercial food items may be sold. All items sold at the Market must conform with all USDA rules and any applicable laws from the Federal, State and Local governments.

The Delano Community Farmers' Market was formed with a focus on food and agricultural products. Non-food items (such as arts, crafts, clothing, etc.) may be sold only with approval of the Market Board. Items with some connection to food or agricultural products (such as gardening products or artwork with plants or food as the subject matter) will be given priority in the approval process. Non-food vendors will be limited to 25% of the total number of vendors at the Market.

All items sold at the Market must be grown or manufactured in the state of Kansas.

No soliciting or political or religious activities shall be permitted within the Market area. Displays of public interest, such as nutritional, health or consumer information, may be displayed with the permission of the Market Manager. All vendors must utilize tables, shelves, cases or other structures for display and sale of their products.

The Market Manager will resolve any doubt as to the suitability of an item.

## **ENFORCEMENT OF RULES**

The Market Manager is responsible for enforcing the Market rules. Possible violations will be discussed and resolution attempted. Vendors selling prohibited items will be asked to remove those items from sale or leave the Market. Unresolved problems will be referred to the Market Board. Continued violations will result in being banned from the Market with no reimbursement of fees paid.

Any vendor challenging another vendor's product's legitimacy or conduct must bring it to the attention of the Market Manager, giving the name of the vendor and the product or situation they feel may not be in compliance with Market policies. The Market Manager will attempt resolution. If resolution is not possible, the complaint may be made in writing to the Market Board. The complaint must be dated and signed by the complainant.

## **FEES**

Vendors paying on a per Market day basis must pay their fee by 5:00 pm on the Tuesday preceding Market day and may pick up their permit when they arrive. Payment on a monthly fee basis must be made prior to the first Market day of the month. The fee schedule will be decided by the Market Board.

No reimbursement will be made for fees paid if a vendor decides to no longer participate at the Market. The Market Manager shall consider reimbursement in case of illness or death. Vendors may call the Market Manager at 316-706-6283 concerning Market closure due to inclement weather. Vendors shall be credited for fees paid if inclement weather causes cancellation of a Market day.

## **INSURANCE**

Vendors are encouraged to consider obtaining individual liability insurance for products sold.

## **MISCELLANEOUS**

Vendors are responsible for collecting and remitting their own sales tax. Vendors are responsible for all permits required by Kansas or Sedgwick County to sell their products. The sale or consumption of alcoholic beverages on the market site is prohibited.

All rules may be revised by the decision of the Market Board.



# Delano Community Farmers' Market

## Membership, Vendor Criteria and Stall Rental Fees 2012

### Membership

Membership is open to any person interested in supporting the market and who pays the annual dues:

**Annual Dues for 2012** **\$40.00**

***Early Bird Special (paid before March 15th)*** ***\$30.00***

*A FREE 2-Week Trial Membership is available for new vendors wanting to try our market before committing to the entire season. Stall Rental Fees still apply. Ask us for details.*

### Vendor Criteria

We allow only locally-grown produce (in and around Wichita preferably, but must be Kansas-grown) including from back-yard gardeners. We also allow vendors selling local meat, eggs, fresh bread and other products that are allowed by local, state and federal regulations governing Farmers' Markets.

Because our market is rather small in size (16 stall spaces) we have limited the number of non-food vendors to 25% of the total number of vendors (a maximum of 4 non-food vendors). Non-food vendors whose product relates in some way to food, agriculture or gardening will be given preference in the selection process.

Vendors must become members of the Delano Community Farmers Market and have paid their membership and stall rental fees before they will be allowed to sell at the market. Fees will be refunded if inclement weather causes the cancellation of the market.

The City of Wichita requires all vendors to have a Transient Merchant's License. ***THERE IS NO COST*** for this license when the application is submitted in conjunction with a Farmers Market.

### Stall Rental Fees

Stall Rental Fees are based on the size of the stall. Fees are collected monthly at the start of each month. All applicable fees must be paid before a vendor will be allowed to sell at the market.

There are two sizes of stall available:

**Standard Size (9 x 18) - the size of 1 parking space** **\$ 30 / month (\$10 / week)**

**Large Size (13.5 x 18) - the size of 1 1/2 parking spaces** **\$ 40 / month (\$15 / week)**

Each vendor also has the use of 10 feet extending into the aisle in front of their stall space. Some of our vendors park their vehicle in their space and use the area in front of it to set up their booth.

If a vendor will be unable to make it to market, we appreciate at least 24 hours notice so that we can make the space available to new vendors wanting to try our market. *(Refunds for missed markets will be considered on a case-by-case basis)*

*\* Please note that submission of an application does not guarantee stall space in the market. Determination of eligibility is subject to City of Wichita Ordinances, the Market Bylaws, Market Rules and the approval of the Market Board.*

## Delano Community Farmers Market Vendor Application - 2012

Business Name: \_\_\_\_\_ Ks. Sales Tax #: \_\_\_\_\_

Business Owner: \_\_\_\_\_ Phone #: \_\_\_\_\_

Address: \_\_\_\_\_ E-mail: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Location (address) of Farm/Production: \_\_\_\_\_

Crops or Products you will be selling: \_\_\_\_\_

Please supply the following information as applicable

Meat/Poultry License # \_\_\_\_\_ Egg Stamp ID # \_\_\_\_\_

Certified Kitchen # \_\_\_\_\_ Scale Certification Date: \_\_\_\_\_

Have you participated in other Farmers Markets? (circle one):    Yes    No

If yes, please tell us which ones: \_\_\_\_\_

### **Membership Conditions**

By submitting this application, along with applicable fees, the undersigned agrees to the following:

1. I have read the Delano Community Farmers Market Bylaws and Market Rules and agree to abide by them, as well as any decisions made by the Market Manager or Market Board.
2. I agree to sell only Kansas grown or produced products (Simply Kansas certification by the Kansas Department of Commerce is accepted).
3. To hold harmless and release from all liability the Delano Community Farmers Market, Inc., the City of Wichita, managing partners, representatives and agents.

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

Market fees for 2012 are:    Membership Fee - \$40 / year (Early Bird Special - \$30 before 3/15/12)  
    Stall Rental (Standard - 9 x 18) - \$10 / week or \$30 / month.  
    Stall Rental (Large stall - 13.5 x 18) - \$15 / week or \$40 / month.

Make checks payable to:  
**Delano Community Farmers Market**  
**905 W. Douglas**  
**Wichita, KS 67213**

<i>Office Use Only:</i>	<i>Tax Cert:</i>	<i>TM App.:</i>
Membership Paid		
Stall Assignment		

**TRANSIENT MERCHANTS**

---

**BASIS** A person shall be deemed a transient merchant and the requirements of this chapter shall be applicable to such person regardless of whether the person is sponsoring or operating the activity in question or is participating in the activity as a seller or exhibitor. "Merchandise" means any goods, wares, food, food products, agricultural produce, flowers, or any product of any kind that can be bought and sold.

Any person engaged in the business of:

1. Transacting any temporary or transient business of selling or delivering any merchandise within the City.
2. Exhibition and sale of such merchandise who hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, boat, public room in hotels, lodging houses, apartments, shops or any real estate within the City.
3. Selling or offering for sale merchandise from locations within doorways, lobbies or areaways shall be included in the definition of these terms and shall be subject to the provision of this chapter only when such sales or merchandise are to pedestrians on or within any public right-of-way.

**LEGAL**

**REFERENCE** Chapter 3.95, Code of the City of Wichita, Kansas

**REGULATIONS** Application must be made at least 5 business days prior to the date(s) the activity is scheduled. Licenses are valid only between the hours of 7:00 a.m. and 12:00 midnight. License is nontransferable to any other person, firm, or corporation. Cannot be used for any other activity or location except the one listed on the application. Must provide a current sales tax license from the State of Kansas or proof of exempt status. Must provide a sketch or drawing of the proposed site showing the approximate dimensions of the area being used, the proximity to buildings, parking lots, right-of-ways or other such areas, and a description of any structure, implement, stand, display prop, or other such items used for the activity, including signs, banners or other attention getting devices. Must provide the name, address, telephone number and written permission of the owner, or the tenant in possession of the location described in the application, upon which the applicant intends to offer goods, merchandise, or personal property for sale. **The approval time of this license is 5 days** and failure to make a decision, within 10 days, shall cause the license to be considered approved.

**ENFORCING AUTHORITY**

Central Inspection, Environmental Health (if food is involved)

<b>FEES</b>	Per day or any portion thereof .....	\$ 10.00
	Per week .....	\$ 35.00
	Per month.....	\$ 50.00
	Per 6 months.....	\$100.00

***Attention Farmers Market Applicants!***

The City of Wichita requires that merchants at Farmers Markets obtain a Transient Merchant license before they can sell anything. If the application is turned in with the Farmers Market license then there is **NO COST - but we still need the paperwork filled out completely.**

Leave the top part where it talks about fees blank. Start with Individual Proprietorship line.

Address where you will operate is: ***Delano Community Farmers Market - 200 S. Walnut.***

***Transient Merchant Application is on the back of this page***



**TRANSIENT MERCHANT LICENSE APPLICATION**

*(Must be submitted at least 5 days prior to the activity date)*

*Complete in duplicate*

CITY LICENSE  
(316) 268-4553

Date \_\_\_\_\_

\_\_\_\_\_ \$10.00 per day or portion of day – date needed \_\_\_\_\_ Times of sale \_\_\_\_\_  
 \_\_\_\_\_ \$35.00 per week – dates needed \_\_\_\_\_ Times of sale \_\_\_\_\_  
 \_\_\_\_\_ \$50.00 per month – dates needed \_\_\_\_\_ Times of sale \_\_\_\_\_  
 \_\_\_\_\_ \$100.00 per 6 months – dates needed \_\_\_\_\_ Times of sale \_\_\_\_\_

\_\_\_\_ Individual Proprietorship      \_\_\_\_ Partnership      \_\_\_\_ Corporation

**APPLICANT INFORMATION:**

Name		Date of Birth	
Physical Description	Weight	Height	Hair Color
			Eye Color

Complete the information below for the following persons:

- Transient Merchant
- If a corporation, the officers of the corporation
- If a partnership, association or other entity, the members of the partnership, association or entity.

If more space is needed, use the reverse side of this application or attach a separate piece of paper to this application.

Full Name			
Address			
City and State		Zip Code	

If a corporation, the name and permanent address of the registered agent or office:

Full Name			
Address			
City and State		Zip Code	

**BUSINESS INFORMATION:**

Business Name		Phone	
Business Address			
City, State		Zip Code	
Nature of Business			

Address where the business will operate: \_\_\_\_\_

List the merchandise to be sold: \_\_\_\_\_

Will any food be sold: \_\_\_\_\_

I, \_\_\_\_\_, applicant, within the two years prior to this application:

\_\_\_\_\_ have not been convicted of any felony, misdemeanor, or violation of any municipal ordinance regulating transient merchants,

\_\_\_\_\_ was convicted of a felony, misdemeanor, or a violation of a municipal ordinance regulating transient merchants:

- the nature of the offense \_\_\_\_\_
- the city and state of the offense \_\_\_\_\_
- the punishment and penalty assessed \_\_\_\_\_

I, \_\_\_\_\_, the applicant, of lawful age, state that upon signing this application, I understand and agree to the provisions set forth in Chapter 3.95, the Code of the City of Wichita, Kansas, and certify that the information and answers herein contained are complete and true to the best of my knowledge.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**FOR OFFICIAL USE ONLY**

	Approved	Disapproved	Date
Central Inspection			
Police Records			
Environmental Health			
License #		Date Issued	