

**CITY OF TOMAH
APPLICATION FOR A FARMERS MARKET PERMIT (\$25)**

PLEASE PRINT AND ANSWER ALL QUESTIONS COMPLETELY ON BOTH SIDES OF THIS FORM. SEE ATTACHED RULES, REGULATIONS, AND CITY ORDINANCE.

Driver's License No.: _____ State Issued: _____ Exp.: _____

Last Name: _____ First Name: _____ M.I.: _____

Address: _____
 Street City State Zip Code

Date of Birth: _____ Telephone #(s): _____

Social Security No.: _____ Email: _____

Make, model, license number and State of any vehicle(s) to be used by applicant in the conduct of his/her business: _____

Goods offered for sale or services offered: _____

Names of last three cities, villages or towns where applicant conducted similar business
(IF APPLICABLE):

1. _____
2. _____
3. _____

List all other persons authorized to operate the booth in your absence:

<u>Name:</u>	<u>Address:</u>	<u>City/State:</u>	<u>Date of Birth:</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Have you been convicted of any crime or ordinance violation related to transient merchant business, direct sales or farmers market within the last 5 years? YES: NO:

If answer is YES, list the nature of the offense and the place of conviction: _____

*Continue on back

READ BEFORE SIGNING:

Pursuant to City Ordinance, it shall be unlawful for any individual to engage in the sale of merchandise or goods within the City of Tomah without being registered for that purpose.

Applications must be furnished to the Clerk at least 15 days prior to the issuance of the registration. All registrations shall be valid for one year.

Under penalty provided by law, the applicant states that each of the above questions have been truthfully answered to the best of the knowledge of the signer.

Signer agrees to operate within the City of Tomah according to ordinances of said City.

Failure to abide by these rules and regulations will be grounds for revocation.

Signature of Applicant

Date of Application

OFFICE USE ONLY

Receipt #: _____ Amount Paid \$: _____ Date: _____

Application processed by: _____

Approved by Police Chief: _____ Date: _____

Issue Date: _____ Expire Date: _____

Permit Distributed by: _____ Date: _____

PLEASE READ THE FOLLOWING RULES & REGULATIONS

With the registration form, applicants shall present a driver's license or some other proof of identity as may be reasonably required.

If the business is being conducted from a vehicle or stationary structure, or table, the certificate of registration or facsimile thereof shall be displayed prominently thereon. The placard issued by the clerk's office shall be displayed.

Any registrant with products being sold as organic must display their certified organic certificate next to the registration certificate.

If goods being sold have been purchased elsewhere and are being resold, the registrant is required to have signs indicating which products are not their own (see attached RESALE sign).

The area of the Farmers Market shall be along the Northern side of East Holton Street and Superior Avenue at Gillett Park, restricted to the area between Superior Avenue and Kilbourn Avenue. Overflow of sellers may extend onto the Kilbourn Avenue section between East Holton and Council Streets. Vendors that sell from a vehicle (food truck, trailer, etc.) must park on Kilbourn Ave.

Vendors for the Farmers Market are NOT allowed to park on the 1400 block of the east side of Superior Avenue (E. Holton to E. Cameron Street) or on the 100 block of E. Holton Street (Superior to Kilbourn).

IF SCALES ARE USED: The City requires verification that the applicant's scales were certified within the last year from any registered and independent weights and measures testing firm or company when applicant's business requires use of weighing and measuring devices.

All vendors and participants of the Farmers Market shall comply with the local, state and federal rules and regulations regarding the respective articles being offered for sale. Failure to comply with the rules and regulations or violations of ordinances related to the farmer's market will be grounds for revocation of the applicants registration.

HOURS OF OPERATION: Every Wednesday from 11:00 a.m. to 6:00 p.m. and every Saturday from 6:00 a.m. to 1:00 p.m. with the provision that setup be included in these hours from May 1 through October 31 of each year. The farmers' market may remain open on Wednesday evenings during Music in the Park until 8:30 p.m.

FAILURE TO ABIDE BY THESE RULES & REGULATIONS WILL BE GROUNDS FOR REVOCATION.

ARTICLE III. - FARMERS' MARKET

Sec. 12-61. - Sales of certain goods restricted.

There is hereby established a farmers' market within the city. Except for sales within enclosed structures and business establishments within the city, all persons offering for sale articles for human consumption, such as fruits, vegetables, edible grains, nuts and berries, apiary products, baked goods, maple sugars, syrups, meat products (bison, beef, sausages, etc.) and eggs or nonedible articles, such as cut or potted flowers, arts, crafts, or furniture may offer same for sale only within the designated farmers' market. No such sales as described above shall be made in any other place within the city without first obtaining a transient merchant license.

(Ord. No. 2010-05-01D, § 1, 5-11-2010; Ord. No. 2017-03-04-D, § 1, 3-14-2017)

Sec. 12-62. - Registration required.

No seller shall engage in sales at the farmer's market within the city without being registered for that purpose as provided herein.

(Ord. No. 2010-05-01D, § 2, 5-11-2010)

Sec. 12-63. - Registration form.

Applicants for registration shall complete and return to the clerk a registration form furnished by the clerk at least 15 days prior to issuance of the registration that shall contain the following information:

- (1) Applicant's complete name, permanent address and telephone number, and temporary address, if any;
- (2) Applicant's age, height, weight, color or hair and eyes;
- (3) Name, address and telephone number of the person, firm, association or corporation that the applicant represents or is employed by, or whose merchandise is being sold;
- (4) Temporary address and telephone from where business will be conducted, if any;
- (5) Nature of business to be conducted and a brief description of the merchandise, and any services offered;
- (6) Make, model and license number of any vehicle to be used by the applicant in the conduct of his business;
- (7) Place where the applicant can be contacted for at least seven days after leaving this city;
- (8) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's participation in a farmer's market within the last five

years, and the nature of the offense and the place of conviction.

(Ord. No. 2010-05-01D, § 2, 5-11-2010)

Sec. 12-64. - Supporting documents.

With the registration form, applicants shall present to the clerk for examination:

- (1) A driver's license or some other proof of identity as may be reasonably required.

(Ord. No. 2010-05-01D, § 2, 5-11-2010)

Sec. 12-65. - Fees.

At the time the registration is returned, a fee in the amount determined by the city council shall be paid to the clerk to cover the cost of the processing of the registration and copying related information.

(Ord. No. 2010-05-01D, § 3, 5-11-2010)

Sec. 12-66. - Registration; term.

Upon compliance with all of the foregoing conditions, including payment of the fee and designation of the registered agent, the clerk shall register the applicant as a farmer's market seller and date the entry. The registration shall be valid for a period of a calendar year from the date of entry subject to subsequent refusal as provided in this section.

(Ord. No. 2010-05-01D, § 3, 5-11-2010)

Sec. 12-67. - Display of certificates and re-sale signs.

If the business is being conducted from a vehicle or stationary structure, or table, the certificate of registration or facsimile thereof shall be displayed prominently thereon. The placard issued by the clerk's office shall be displayed. Any registrant with products being sold as organic must display their certified organic certificate next to the registration certificate. If goods being sold have been purchased elsewhere and are being resold, the registrant is required to have signs indicating which products are not their own.

(Ord. No. 2010-05-01D, § 3, 5-11-2010; Ord. No. 2017-03-04-D, § 2, 3-14-2017)

Sec. 12-68. - Location.

The area of the farmers' market shall be along the Northern side of East Holton Street and Superior Avenue at Gillett Park, restricted to the area between Superior Avenue and Kilbourn Avenue. Overflow of sellers may extend onto the Kilbourn Avenue section between East Holton and Council Streets.

(Ord. No. 2010-05-01D, § 4, 5-11-2010; Ord. No. 2017-03-04-D, § 3, 3-14-2017)

Sec. 12-69. - Hours of operation.

The farmers' market shall be open for operation every Wednesday from 11:00 a.m. to 6:00 p.m. and every Saturday from 6:00 a.m. to 1:00 p.m with the provision that setup be included in these hours from May 1 through October 31 of each year. The farmers' market may remain open on Wednesday evenings during Music in the Park until 8:30 p.m.

(Ord. No. 2010-05-01D, § 4, 5-11-2010; Ord. No. 2017-03-04-D, § 4, 3-14-2017; Ord. No. 2018-04-03-D, § 1, 4-10-2018)

Sec. 12-70. - Compliance required.

All vendors and participants of the farmers' market shall comply with the local, state and federal rules and regulations regarding the respective articles being offered for sale. Failure to comply with the rules and regulations or violations of ordinances related to the farmer's market will be grounds for revocation of the applicants registration.

(Ord. No. 2010-05-01D, § 4, 5-11-2010)

Secs. 12-71—12-86. - Reserved.

Record-keeping

The Division of Food Safety strongly recommends keeping a written record of every batch of product made for sale, to include the following:

- Name of the product
- Recipe, including procedures and ingredients
- Amount canned and sold
- Canning date
- Sale dates and locations
- Gross sales receipts
- Results of any pH test

Sanitation

While inspection is not required, all customers expect good sanitation. Please use the following basic guidelines to meet your customers' expectations:

- Use clean equipment that has been effectively sanitized prior to use
- Clean work surfaces with soap and water followed by a solution of bleach water before and after use
- Keep ingredients separate from other unprocessed foods
- Keep household pets out of the work area
- Keep walls and floors clean
- Have adequate lighting
- Keep window and door screens in good repair
- Wash hands frequently while working
- Consider annual testing of water if using a private well

Where can I find more information?

LEGAL AND LICENSING REQUIREMENTS:

- Wisconsin Department of Agriculture, Trade & Consumer Protection
608-224-4682
datcp.wi.gov

CANNING PROCESSES AND RECIPE INFORMATION:

- UW Extension, 608-263-7383
foodsafety.wisc.edu/preservation
- foodpreserving.com
- uga.edu/nchfp



Products you CAN sell without a license

Home-canned fruits and vegetables that are naturally acidic or have been acidified by pickling or fermenting.

The products have an equilibrium pH of 4.6 or lower. This is a measure of acidity. The lower the pH number, the more acidic the food.

Examples of allowable canned products:

- Pickled fruits and vegetables (NOT refrigerator pickles)
- Salsas and chutneys
- Sauerkraut and kimchi (also spelled kimchee or gimchi)
- Fruit-based jams and jellies
- Cherries, peaches, applesauce and other fruits



Selling Home-Canned Foods



Do It Safe, Do It Legal

Wisconsin Department of Agriculture, Trade & Consumer Protection



Wisconsin Department of Agriculture,
Trade & Consumer Protection
Division of Food Safety
2811 Agriculture Drive, PO Box 8911
Madison, WI 53708
datcp.wi.gov

Wisconsin Act 101, commonly referred to as the Pickle Bill of 2010, allows you to sell select home-canned foods without a license under certain limited circumstances.

It is important to remember that all food processors are legally liable for what they sell, regardless of licensing.

Please note that this is a narrow exception to the law; most foods sold in Wisconsin must be produced in a licensed facility.

Products you CANNOT sell without a license

Processed fruits or vegetables with an equilibrium pH higher than 4.6

Examples of prohibited products with a pH higher than 4.6:

- **Low-acid vegetables:** artichokes, asparagus, corn, all types of beans, beets, broccoli, Brussels sprouts, cabbage, carrots, cauliflower, horseradish, eggplant, mushrooms, peas, most peppers, potatoes, squash, spinach

Processed non-fruits or non-vegetables with an equilibrium pH lower than 4.6

Examples of prohibited products with a pH lower than 4.6:

- Fish, meat, pickled eggs, lemon curd, pesto, sauces, dressings or condiments

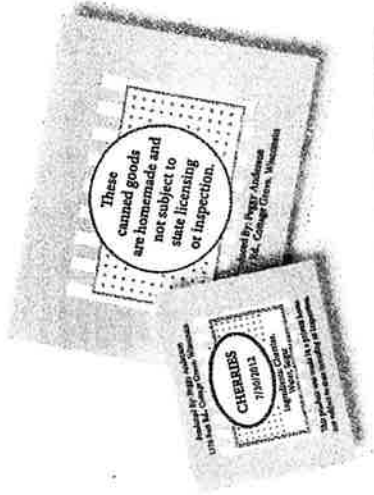
Bakery items, dried or packaged foods or other processed foods

Sales Permitted

- No more than \$5,000 per year per person
- Retail only (direct from producer to consumer)
- Allowed at community or social events, flea markets or farmers' markets in Wisconsin

Sales NOT Permitted

- Out of your home
- Wholesale (resale by someone else)
- On consignment
- Via the internet or out of state
- Of exempt foods (pickle bill products) along with licensed foods



Signs and Labels Required

Sign at the point of sale, stating the following "These canned goods are homemade and not subject to state inspection."

Product labels must include:

- Name and address of the person who did the canning
- Date of canning
- Statement: "This product was made in a private home not subject to state licensing or inspection," including the common name for any ingredient that originates in descending order of prominence, including the common name for any ingredient that originates from milk, eggs, fish, shellfish, tree nuts, peanuts, wheat or soybeans as these are ingredients that can cause severe allergic reactions in some people, who must be able to recognize when they are present.

Training and Recipes

The Division of Food Safety strongly encourages attending proper training and the use of standardized recipes for canning allowable products. It is recommended, that you:

Complete an at-home canning safety course offered by University of Wisconsin-Extension or other training approved by the Food Safety Division

- Or use recipes and processes from:
- The Ball Blue Book (available in bookstores and online)
 - The Ball Complete Book of Home Preserving (available in bookstores and online)
 - The Ball web site
 - The National Center for Home Food Preservation web site
 - The University of Wisconsin-Extension
 - Or use recipes and processes reviewed by a person who is recognized by the Division of Food Safety as an authority on preparing and canning food.

Testing pH

The Division of Food Safety strongly recommends testing your finished product for equilibrium pH to ensure it is 4.6 or lower

- Test the first batch of each recipe you make during the production season.
- Review the University of Wisconsin-Extension information about pH and choosing a pH meter.
- Ensure the pH meter is properly calibrated on the day of use.
- Alternatively you may use short-range paper pH test strips (litmus paper) if the product normally has a pH of 4.0 or lower and the paper's range includes the pH of 4.6.



RE-SALE