Farmers Market
LEGAL TOOLKIT

Annual Legal Check-Up for Markets

Checklists are one way that markets can actively address legal risks while also providing your market with a record that you have done your due diligence, should an issue ever arise.

Your annual legal check-up provides a checklist of tasks to make sure your market's practices and records are all up to date. The list below isn't exhaustive, but is meant to give you ideas of tasks you might include. Note: If your market shifts locations with the season, you might consider having more than one check-up each year or completing the tasks on your list for each location.

Once you have a checklist written for your annual legal checkup, pick a specific date to complete the checklist and assign a person to be responsible for completing it.

1 Business Filings

☐ Make sure you file any annual paperwork or pay any fees required for your market's business structure:

Business Structure & Annual Maintenance Obligation

Sole Proprietorship: Few to no annual maintenance obligations. Sole proprietorships generally have no annual maintenance obligations in terms of business meetings or reports to the state, aside from taxes.

Partnership: Few to no annual maintenance obligations. General partnerships generally have no annual maintenance obligations in terms of business meetings or reports to the state, aside from taxes.

LLC: Annual paperwork, which usually involves an annual fee, is required to maintain the LLC.

Corporation: Annual paperwork, meetings, and meeting notes are required to maintain the corporation. Filing annual paperwork with the state may involve a fee.

Nonprofit: Annual paperwork, meetings, and meeting notes are required to maintain the nonprofit corporation. Annual audits and federal reporting are required by the IRS to retain the tax exempt status. Annual filings with the state may be required.

Cooperative: Annual paperwork, which usually involves an annual fee, is required to maintain the cooperative.

2 Insurance Updates

☐ Revisit your market's insurance terms. Has anything changed at your market that would warrant a change in terms (e.g., addition of new property)?

☐ If market contacts or board members have changed, update your insurance policy.

☐ Make or update an inventory of market property (tents, tables, signage, A/V equipment, etc.).

☐ If your market requires vendors to list the market as an additional insured on the vendors' insurance policies, make sure you have proper documentation showing that each vendor has done so.

☐ If your market has changed or is planning to change location, update your address with your insurance company.

3 Host Site

- ☐ If the market doesn't own the property, contact the landowner to keep the lease/rental agreement up to date. If your lease/rental agreement needs to be reviewed annually, ensure that the land can be used for the upcoming season.
- ☐ If possible, walk the space with the landowner to review its current condition. Otherwise, take photographs and share them with the landowner. If there are certain changes the landowner agrees to make, try to get confirmation of the change and the timeline in writing.

4 Internal Market Documents & Practices

- ☐ Review and update your market rules, including vendor regulations, rules for visitor behavior, etc. Markets can solicit feedback on these rules, such as whether pets should be allowed at the market, but incorporating that feedback should be tempered by the real need to control risks.
- ☐ Review and update other market materials (e.g., vendor applications, participation agreements, etc.) to maintain consistency with any updates to the market rules
- ☐ Review and update your Market Day Checklist.
- ☐ Ensure that market staff are trained in emergency procedures (including first aid, emergency response, extreme weather, bomb threat, etc.) and that the market is coordinating with local authorities on emergency planning.
- ☐ Inform or remind vendors of disciplinary procedure for failing to correct unsafe conditions in a timely manner.
- ☐ Add new or file updated documents in your market's legacy binder.

If your market accepts SNAP benefits:

5 SNAP Compliance

- ☐ Make sure your responsible official's information is up to date with FNS.
- ☐ If your market uses a market currency system, review your practices for tracking and accounting for market currency.
- ☐ If your market uses a market currency system, reconcile outstanding market currency liabilities in consultation with an accountant.
- ☐ If your market uses a market currency system, provide updates about your system to all vendors and train new vendors on how your system works.
- ☐ If your market's bank account information has changed, update FNS.
- ☐ If your market has changed or is planning to change location, update your address with FNS.

Find more legal resources for farmers markets at farmersmarketlegaltoolkit.org

VERMONT LAW SCHOOL | CENTER FOR AGRICULTURE & FOOD SYSTEMS

FARMERS MARKET COALITION

USDA NIFA
United States Department of Agriculture
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