



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*



Annual Market - Vendor Communication Checklist

Communicating the major details of the market season with your vendors is not only key to making sure your market runs smoothly on opening day, it is also an important risk management strategy. One way to communicate important details for a smooth operation is by developing a market – vendor communication checklist. The following list is useful for informing new vendors and reminding returning vendors of critical information that will help your market be a success. Make a plan for when you'll communicate this information. Sharing it before the start of your season(s) is a best practice, either as an email/letter or as a hand-out at an all-vendor meeting.

Remind your vendors of:

1 Rules and Expectations

- ☐ **Key dates and times for the season** - E.g., opening and closing days, regular market hours, any weeks with unusual schedules, what time vendors can arrive to set up, how long vendors must stay at the market, etc.
- ☐ **Updated market rules** - Draw attention to any changes from the previous season's rules. Inform or remind vendors of disciplinary procedures for failing to correct unsafe conditions in a timely manner.
- ☐ **Request for vendors' paperwork** - E.g., proof of insurance, certifications, etc.

2 Market Season Communications

- ☐ **Important contact information and when to use it** - Some markets have different contacts on market day or prefer to be contacted via email for certain issues and phone for others. Being specific about how and when vendors contact the market will help streamline these communications.
- ☐ **Planned communications** - If your market plans to communicate regularly with your vendors, let them know when and how they can expect to hear from you so they know to look out for it.
- ☐ **Plans for emergencies or extreme weather events** - Explain how and when decisions will be made about whether a market day will be canceled.

3 Vendor Set-up

- ☐ **Set-up and packing-up details** - Let vendors know where they are expected to park, what times they are allowed to drive into the market to unload, etc.
- ☐ **What vendors are expected to bring** - E.g. canopy weights (if you have specific requirements, it's important to note them), tables, etc.

4 For markets with SNAP benefits

- ☐ **Review the details of your market's system** to ensure that your vendors are complying with FNS regulations about the program. Details to include are how customers can use SNAP at your market (market operated vs. vendor operated); if you have a market currency or receipt system, how it works; and a reminder of what products are eligible for purchase with SNAP benefits.



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Market Day Checklist Guidance

Market day checklists are lists that market personnel can follow during a routine, pre-market walkthrough to provide your market with documentation that you did your due diligence to ensure a safe environment should a legal risk arise. These lists primarily focus on creating a safe environment, helping avoid common risks of injury and damage so your market is in a strong legal position. Good safety procedures and evidence that those procedures are followed can help the farmers market defend against claims of negligence, should that become necessary.

1 Parking & Vehicle Use

- ☐ Motor vehicles are properly parked, not obstructing access to fire hydrants, fire lanes, and other emergency vehicle access points.
- ☐ Unloading and loading times for vendors are observed and enforced.
- ☐ Parking spaces are free of potholes and other obstructions, or any obstructions are clearly marked and cordoned off.
- ☐ Curb bumps/parking blocks are properly secured and highlighted.
- ☐ Speed bumps are well marked.
- ☐ Vendor vehicles such as large trucks, vans, etc. have wheel chocks or blocks to help prevent movement.
- ☐ Parking areas are well lit.



2 Walkways & Pedestrian Safety

- ☐ Walkways are even and clear of obstructions. Any remaining tripping hazards are clearly marked (e.g., potholes, changes in elevation, lawn sprinklers, and abrupt surface edges).
- ☐ Any cords are clearly marked and secured (e.g., taped down) to prevent them from becoming a tripping hazard.
- ☐ Debris is removed from walking surfaces.
- ☐ Handicapped access is provided, including ramps where necessary.
- ☐ Sidewalk and customer area boundary lines are properly identified and enforced.
- ☐ Policy on use of bicycles, scooters, skateboards, etc. is established and posted.
- ☐ Vegetation, including tree branches, shrubs, etc., are kept from obstructing sidewalks, parking lots and common areas.
- ☐ Areas under construction, repair, or modification are properly fenced off, with appropriate warning signage, lights, etc.
- ☐ Customers and employees are restricted from fenced/barricaded construction areas.
- ☐ Walkways are well lit.

3 Equipment Safety

- ☐ Display tables are properly arranged and filled within reasonable load capacity.
- ☐ Electrical equipment, including extension cords, wiring, etc., are properly rated for outdoor use.
- ☐ Electrical outlets are equipped with ground fault circuit interrupters to reduce shock hazard.
- ☐ Tarps, tents/canopies, table legs, etc., are properly installed and secured to reduce tripping hazards and risk of collapse.
- ☐ Vendors' equipment (e.g., display tables, supports, awnings, umbrellas) comply with the market's rules for vendor booths.

4 Food Safety

- ☐ Containers of food for sale are managed per state health and safety codes.
- ☐ Hand-wash stations are available, where required.

5 Emergency Preparedness

- ☐ Emergency barricades, orange warning cones, etc. are available in case of emergency.
- ☐ Fully stocked first aid kit and fire extinguisher are available at market manager's booth.

6 Other

- ☐ Market's pet policy is posted.
- ☐ Appropriate "NO SMOKING" and "OPEN FLAME" signs are clearly displayed, as necessary.
- ☐ Appropriate licenses (e.g., State Department of Agriculture, Health Department, etc.) are clearly displayed, as necessary.
- ☐ Trash containers are available for public use, as appropriate.



In addition to the substantive checklist items above, consider the following design features when developing a market day checklist:

Add space on the checklist for the market personnel conducting the walkthrough to fill in his/her name, the date and time, and a checkbox for each inspection item to be checked as it's inspected (or another way to indicate that the standard is satisfied/not satisfied).

Organize the safety checklist in logical order with regard to your market's layout, for the convenience of the individual conducting the safety walkthrough.

Add a column to one side of the list and/or provide a space below the checklist (and checkboxes) for notes or needed follow up regarding specific items.

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Call for Help

Keep the following phone numbers readily available on market days. They should be added to the incident report form before printing or sharing copies to use on market days.

Emergency: 911

Local Law Enforcement: _____

Market Manager Cell: _____

Poison Control: _____

Market Security: _____

Market Insurance Provider: _____

Market Information

Market name & location:

Person completing incident report:

Name: _____

Telephone: _____

Email: _____

Market day(s) & hours:

Contact Information for People Involved:

Injured party

Name: _____

Telephone: _____

Address: _____

Witnesses:

Name: _____

Telephone: _____

Address: _____

Witnesses:

Name: _____

Telephone: _____

Address: _____

Witnesses:

Name: _____

Telephone: _____

Address: _____

Incident Details

Date & time: _____

Incident location: _____

Pictures taken? Y / N

Describe area if needed: _____

Emergency responders contacted:

- | | | |
|--|---|---------------------------------------|
| <input type="checkbox"/> 911 | <input type="checkbox"/> Emergency contacts | <input type="checkbox"/> Landlord |
| <input type="checkbox"/> Fire department | <input type="checkbox"/> Market personnel | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Police | <input type="checkbox"/> Insurance company | _____ |

Description of incident & injuries:

For descriptions from witnesses, note which witness made the statement and indicate when when using direct quotations.

Market personnel involved: _____

Action taken by market personnel: _____

Medical attention requested and/or provided: _____

Property damage: _____
