

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES  
MARKETING  
ADMINISTRATIVE CODE

CHAPTER 80-8-4  
MONTGOMERY STATE FARMERS MARKET

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**80-8-4-.01      Market Operation.**

(1)            The overall supervision of the Montgomery State Farmers Market has been assigned by the Commissioner of Agriculture and Industries to be under the Marketing Division of the Department of Agriculture and Industries.

(2)            The supervision of the market itself, its personnel, the collection of fees, and other general supervisory duties shall be under the market manager who shall be assigned to and work under the Marketing Division. It shall be the duty of the manager to enforce the rules pertaining to the market and its operation.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-3-23.

**History:** Filed March 13, 1986.

**80-8-4-.02      Prices Charged For Market Use.** The following fees to be charged for market use are maximum fees. The Commissioner of Agriculture and Industries is granted the authority to reduce any fee set out in this rule or any other rule appearing in Chapter 80-8-4, but no reduction in fees may be made below \$2.00 for any vehicle or space.

(a) Maximum rental charges for space in the **Retail Building** shall be at the rate of \$10.00 per day per assigned space of 10 feet by 20 feet.

(b) Persons entering the market with any type item or produce for purposes of sale or resale shall pay the following maximum gate fees for each size vehicle described below:

<u>Description</u>	<u>Maximum Fee</u>
Automobile, van	\$ 8.00
Pickup Truck to include Rancheros, etc.	8.00
One-ton truck	10.00
Ten-wheeler truck	14.00
Tractor trailer	18.00

(c) The Commissioner is authorized to also prescribe differing fees for the above described vehicles, depending upon the load carried by the vehicle so long as these fees do not exceed the above maximum rates.

(d) Delivery trucks delivering freight, soft drinks, candy, snack bar supplies and supplies for the restaurant and garden center shall be exempt from the above fees.

(e) The above gate fees under paragraph (b) above are good for 24 hours or until the load is sold. If the load is not sold by the end of the 24-hour period, space will be assigned on a space rental fee basis for an additional 24-hour period or until the load is sold. When the load of produce is sold, the space shall immediately revert back to the market for use by incoming vehicles.

(f) Truckers or wholesalers making deliveries to the market may obtain a yearly delivery permit for a maximum rate of \$250.00. These permits shall expire December 31 of the year purchased.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-3-23.

**History:** Filed March 13, 1986.

**80-8-4-.03      Assignment Of Market Space.**

(1)            Stalls and spaces in **Retail Building** and under the **Truckers Shed** shall be rented on a first-come, first-serve basis, and shall be assigned by the manager or his authorized agent.

(2)            Vendors failing to clean up leased areas may be assessed clean-up fees as deemed appropriate by the market manager.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-3-23.

**History:** Filed March 13, 1986.

**80-8-4-.04      Storage And Parking Fees.**

(1)            Owners who leave vehicles on the market for more than one day shall be charged a daily rate equal to the amount charged for the vehicle to enter the market.

(2)            Parking fees for vehicle storage shall be established by the market manager.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-3-23.

**History:** Filed March 13, 1986.

**80-8-4-.05      Prohibitions.**

(1)            The use of profane or abusive language on the market premises is prohibited and is punishable by expulsion from the market, and/or criminal action.

(2)            Along with any other legal action available to him, the market manager shall also have authority to order from the market any person gambling or under the influence of intoxicants or disorderly in conduct.

(3)            No person shall make any public outcry, do **hawking** or give any musical or other entertainment for the purpose of drawing customers or attracting attention, or shoot fireworks or display firearms at any time.

(4) The use of the market and its facilities for a sleeping establishment or **homesteading** is prohibited and persons found homesteading on the market will be expelled.

(5) Any renter or user of space on the market must keep his immediate premises reasonably clean, sanitary, and orderly. Persistent failure to carry out the market manager's orders in this respect shall constitute just and sufficient cause for the revocation of the renter's or user's permit.

(6) No buyer, vendor, renter or user or other person shall abandon produce, vehicles or other articles on the market. If such is done, the manager may have such item(s) removed from the market at owner's expense or the manager may donate to a person who will dispose of such items or articles.

(7) All vehicles must enter and leave the market area through entrances and exits so marked.

(8) Every person operating a vehicle on the property of the market shall drive such vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or do physical harm to any person. All parking signs, speed limit signs and other posted signs shall be observed. Violators may be expelled from the market.

(9) All market lessees, renters or users are required to use all possible care in the operation of mechanical equipment used on the market property.

(10) The parking of automobiles and other vehicles of market renters and lessees and their employees shall be confined to spaces designated by the manager. Such automobiles shall not be parked on the market pavement where they will obstruct traffic or take up space necessary for the orderly operation of the market business. Vehicles shall not be parked in areas that would be detrimental to grass or landscape arrangements.

(11) No person shall sell produce which is unsound or unwholesome or which fails to meet the standards or requirements of federal, state, or local laws and regulations. All Alabama regulatory laws applying to weights, measures, marking of containers, sanitation or other legal requirements will be obeyed by all market tenants. In no case will produce be offered for sale that contains a total of more than 10 per cent decay, shriveling and/or other blemishes. The market manager may make or cause to be made any inspection or inspections of produce which may be necessary and may prohibit the sale of any produce which does not conform to legal and stated market standards.

(12) No buyer or seller on the market shall enter into any price agreement or join any organization for the purpose of raising, lowering, or fixing abnormal or artificial prices of products on the market, or for the purpose of keeping products off the market, and no person shall assist others in any way to accomplish this purpose.

(13) Fraudulent, dishonest, and deceptive practices carried on at the market are prohibited and may be punishable as provided by law.

(14) No vendor shall do any act or use any language which insults or tends to insult another vendor or shopper or to intimidate a shopper into purchasing the produce which is his.

(15) Persons who make or circulate false reports tending to upset or destroy the operations of the market or that may cause upset or damage to vendors in loss in prices shall be subject to expulsion from the market.

(16) The market manager and all other employees of the market shall not engage in the business of buying or selling of any produce on the market, and shall not receive any tips or gratuities from any buyer or seller on the market.

(17) Vendors on the market shall not approach a buyer for the purpose of making a sale while said buyer is in conversation with another vendor.

(18) The piling and display of produce in the retail building shall be confined to the space leased to the tenant.

(19) The manager may require that all produce sorted out as culls or otherwise considered of no commercial value shall be placed in containers and destroyed or removed from the market premises. The disposition of such products shall be the responsibility of the person or firm in whose possession the produce may be.

(20) Children under 16 years of age shall not roam or wander about around the market unless accompanied by an adult who shall be responsible for the conduct of such minor. Wholesalers, retailers, truckers, farmers and buyers who bring children under 16 years of age to the market with them or allow them to visit with them shall be responsible for carrying out this provision. The riding of bicycles or other similar devices on the market by anyone is strictly forbidden.

(21) Tenants are not permitted to keep animals on the market.

(22) Salamander heaters are prohibited on the market.

(23) No lessee or renter shall use any false pack. As used herein, false pack means the topping or facing of containers with the best products exposed and poor products concealed underneath.

(24) Holding space by use of parked vehicles, or small amount of produce, etc., is prohibited.

(25) There shall be no preparation of food or drink on the market premises, with the exception of approved restaurant facilities.

(26) All produce sold at the market, with the exception of produce sales at the retail building, or any seed and feed retail establishment, shall be sold by the container and not by the pound. This prohibition shall not apply to corn, melons, or any other type produce sold by the bunch or count. Nor shall it apply to produce sold by bulk or load. If the container in which the produce is sold is represented to be a bushel or fraction thereof, then the provisions of Rule 80-13-3-.03, **Ala. Admin. Code**, must be met.

(27) With the exception of sales at the retail and wholesale buildings, produce shall not be completely unloaded from the truck or other conveyance prior to its sale. Reasonable display samples, to be determined by the market manager, may be unloaded and displayed prior to sale.

(28) No sign, whose main purpose is to advertise the price of produce, shall be displayed on the market whose length exceed 12 inches or whose height exceeds 12 inches.

(29) No produce being offered for sale on the market shall be left unattended.

(30) The willful violation of any of the above prohibitions, along with any other remedies available under the law may result in expulsion from the market of the violator. The market manager shall have the discretion as to when the violator shall be allowed to return to the market.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-3-23.

**History:** Filed March 13, 1986. **Amended:** Filed November 30, 1990.

**80-8-4-.06      Market Hours.** The market shall remain open 24 hours per day. The Commissioner of Agriculture and Industries shall have the authority to personally amend or make reasonable changes in the above listed market hours if, in his opinion, circumstances warrant such changes.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-3-23.

**History:** Filed March 13, 1986.

**80-8-4-.07      Practices Requiring Permission Of Market Manager.**  
The following practices require prior permission of the market manager:

(a) The designation of another to represent a lessee or renter at a rented space;

(b) Subletting of leased market facilities or space;

(c) The parking of stationary vehicles designated for storage and/or refrigeration;

(d) The usage of electricity for purposes other than that approved by the market;

(e) The erecting of any facility upon the market grounds or its buildings;

(f) The selling of food or other items on the market by organizations, to include churches or civic groups;

(g) The distribution, scattering about or posting on the market advertising signs, pamphlets, cards, handbills or other printed matter.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-3-23.

**History:** Filed March 13, 1986.

**80-8-4-.08      Payment For Leases And Rentals.** Payments for leases and rentals shall be payable in advance. All payments for leases and rentals for which there is a signed contract shall be handled and paid as per the terms of the contract. All other payments due in the absence of a signed rental agreement other than a daily basis must be paid within 10 days of due date, otherwise the agreement will be considered null and void and the renter shall forthwith be asked to vacate the rented space.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-3-23.

**History:** Filed March 13, 1986.

**80-8-4-.09      Produce Quality.** The market manager has the authority to examine any produce being offered for sale at the market and if, in his opinion and at his discretion, said produce is of low quality, this produce shall be marked and sold as **second quality produce.** The method of labeling second quality produce shall be at the discretion of the market manager.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, § 2-3-23.

**History:** Filed March 13, 1986.

**80-8-4-.10      Damage To Market Property.**

(1) Persons inadvertently or negligently causing damage to market property shall be financially responsible for the cost of repairs or replacements. Such damage shall include, but not be limited to buildings, grounds, fences, gates, vehicles, and any other property owned and/or operated by the market.

(2) Persons willfully or deliberately damaging or defacing any of the buildings, pavement, or other physical equipment of the market shall be immediately expelled from the market and shall also be subject to any other available criminal or civil action to include being held financially responsible for the damage.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-3-23.

**History:** Filed March 13, 1986.

**80-8-4-.11      Abandoned Produce.** Produce or containers that have been deliberately abandoned by a tenant for at least 24 hours after the lease or the rent has expired become the property of the market, to be handled or disposed of as the market manager sees fit.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-3-23.

**History:** Filed March 13, 1986.



**80-8-4-.12      Signs And Price Tags.** All signs and price tags used by vendors and lessees must comply with the directions given by the market manager or his authorized agent as to printed matter on the sign or tag, size of the sign, and where it is displayed.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-3-23.

**History:** Filed March 13, 1986.

**80-8-4-.13      Authority Of Manager To Remove And Bar Persons.**

The market manager, or any of his supervisors, shall have the authority to have removed by any legal means any person violating any provision of Chapter 80-8-4. They shall also have the authority to deny entry into the market of anyone who, in their opinion, would create disruption on the market.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-3-23.

**History:** Filed March 13, 1986.

**80-8-4-.14      Satisfaction Of Complaints.** It is the responsibility of all lessees and renters on the market to satisfy customer complaints. Upon receipt of more than one complaint concerning the same lessee or renter, the market manager may cancel the marketing privileges of the offending lessee or renter.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-3-23.

**History:** Filed March 13, 1986.

**80-8-4-.15      Removal Of Property.** All lessees, renters or any other users of the market shall remove any vehicle or any other item of property from the market premises upon orders of the manager or his authorized agent, when it is deemed necessary by the manager for betterment of market operations.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-3-23.

**History:** Filed March 13, 1986.

**80-8-4-.16      Lessees Are Responsible For Their Agents.** All lessees and renters of market premises, for purposes of this Chapter, shall be held responsible for the actions of their

employees, agents, or persons working in concert with the lessees or renters.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-3-23.

**History:** Filed March 13, 1986.