



Michigan Department of Agriculture

Generally Accepted Agricultural and Management Practices for Farm Markets

January 2010

Michigan Commission of Agriculture
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In the event of an agricultural pollution emergency such as a chemical/fertilizer spill, manure lagoon breach, etc., the Michigan Department of Agriculture and/or the Michigan Department of Environmental Quality should be contacted at the following emergency telephone numbers:

Michigan Department of Agriculture: (800) 405-0101
Michigan Department of Environmental Quality: (800) 292-4706

If there is not an emergency, but you have questions on the Michigan Right to Farm Act or items concerning a farm operation, please contact the:

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PREFACE

The Michigan legislature passed into law the Michigan Right to Farm Act, (Act 93 of 1981, as amended), which requires the establishment of Generally Accepted Agricultural and Management Practices (GAAMPs). These practices are written to provide uniform, statewide standards and acceptable management practices based on sound science. These practices can serve producers in the various sectors of the industry to compare or improve their own managerial routines. New scientific discoveries and changing economic conditions may require revision of the Practices. The GAAMPs are reviewed annually and revised as considered necessary.

The 2010 GAAMPs are the following:

- 1) Manure Management and Utilization
- 2) Pesticide Utilization and Pest Control
- 3) Nutrient Utilization
- 4) Care of Farm Animals
- 5) Cranberry Production
- 6) Site Selection and Odor Control for New and Expanding Livestock
Production Facilities
- 7) Irrigation Water Use
- 8) Farm Markets

These practices were developed with industry, university and multi-governmental agency input. As agricultural operations continue to change, new practices may be developed to address the concerns of the neighboring community. Agricultural producers who voluntarily follow these practices are provided protection from public or private nuisance litigation under the Right to Farm Act.

The website for the GAAMPs is at <http://www.michigan.gov/gaamps>.

INTRODUCTION

Over the past 20 years farmers have increasingly developed value-added products as a means to increase profits. One aspect of this trend has been direct marketing of farm products to consumers resulting in an expansion in agricultural tourism (agritourism), including farm markets. As farm operations engage in more on-site retail activity, conflicts have arisen regarding oversight of these emerging on-farm businesses.

Since the mid-20th century, farmers sold commodities in bulk to wholesale buyers. As farming returns declined, some farms were not situated to continue operations selling exclusively into wholesale markets. Many farmers sought a means to capture more value from their production through activities that included providing transportation to deliver their commodities to wholesale buyers, installing packing operations to provide more retail-ready produce to wholesale buyers, etc. Some farmers recognized the financial opportunities of selling directly to consumers. In doing so, they were able to maintain their farming operations and the benefits of those operations to local communities, including economic activity, provision of jobs, open space, carbon sequestration, water filtration, fresh produce, plants, etc. As the consumer trend toward buying locally produced products continues, so does the importance of direct marketing to local communities. Farm markets and roadside stands are an important component of direct marketing, adding value by offering customers a visit to the farm and the opportunity to purchase products from the people who grew them.

The Michigan Right to Farm (RTF) Act defines a “farm operation” as meaning the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products. This definition includes, but is not limited to, marketing produce at roadside stands or farm markets.

Although the RTF Act includes farm markets in the definition of a farm operation, specific marketing activities within this definition are not defined or described. These GAAMPs for Farm Markets were developed to provide guidance as to what constitutes an on-farm market and farm market activities.

Definitions

Farm Market - A “farm market” is a place or an area where transactions between a farm market operator and customers take place. This includes roadside stands. It does not necessarily mean a physical structure such as a building and is considered part of a farm operation. At least 50 percent of the products marketed and offered for sale at a farm market (measured as an average over a five year timeframe) must be produced on and by the affiliated farm. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales in accordance with Michigan laws, and then sold at the affiliated farm market, as long as allowed by local, state and federal regulations. The farm market may operate seasonally or year-round, and may include marketing activities to attract customers and facilitate retail trade business transactions.

50 Percent of the Products Marketed - For purposes of determining the percentage of products being marketed, the primary measure will be 50 percent of the retail floor space used to display products offered for retail sale during the affiliated farm’s marketing season. If measurement of floor space during the marketing season is not feasible, then 50 percent of the gross sales dollars of the farm market will be used.

Affiliated – Affiliated means a farm under the same ownership or control (e.g. leased) as the roadside stand or farm market, but the roadside stand, market or facility does not have to be located on the same property where their production occurs. However, the market must be located on land where local land use zoning allows for agriculture and its related activities.

Processed – A farm product or commodity may be processed, in accordance with state and federal laws, to convert it into a value-added product that is more marketable for direct sales. Processing may include packing, washing, cleaning, grading, sorting, pitting, pressing, fermenting, distilling, packaging, cooling, storage, canning, drying, freezing, or otherwise preparing the product for sale. These activities can be used to extend a farm market’s marketing season beyond its production season.

Farm - A “farm” means the land, plants, animals, buildings, structures, (including ponds used for agricultural or aquacultural activities), machinery, equipment, and other appurtenances used in the commercial production of farm products.

Farm Product - A “farm product” means those plants and animals useful to humans produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock (including breeding and grazing), equine, fish and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur as determined by the Michigan Commission of Agriculture.

Physical Characteristics of a Farm Market

Use of space

A farm market may be a physical structure such as a building or tent, or simply an area where a transaction between a customer and a farmer is made. The farm market must be located on property owned or controlled (e.g. leased) by the producer of the products offered for sale at the market. The property on which the farm market is located does not have to be the land on which the products offered for sale are produced. For example, a farmer with a farm located far from normal traffic patterns may acquire control of land near a more heavily travelled road on which to locate the market. However the market must be located on property where local land use zoning allows for agriculture and its related activities.

Buildings

If the farm market is housed in a physical structure such as a building or structure as defined and regulated by the Stille-Derossett-Hale Single State Construction Code Act (Act 230 of 1972), the structure or structures must comply with the Stille-Derossett-Hale Single State Construction Code Act (Act 230 of 1972). The placement of the structure must comply with local zoning ordinances, including set-backs from property lines and road right-of-way areas.

Parking

The farm market operator should maintain a parking area that may be located on grass, gravel, or pavement. One vehicle parking space should be provided for every 200 square feet of interior retail space. For outdoor activities, one space per 1,000 square feet should be provided. If the market has a special event (e.g., fall harvest festival) there should be adequate parking off highways to ensure customer safety. Space should be provided for visitors to the farm market or event to turn off the public road to access the farm market or event parking area.

Driveway

If access and egress to the parking areas is from roads that are under the jurisdiction of the Michigan Department of Transportation (MDOT), a permit from MDOT must be obtained. Examples of these roadways include U.S. Routes (US 127, US 10, etc.), State of Michigan routes (M-57, M-66, etc.), or interstate business connections (BR I-94, BR US 31, etc.). Information about permits can be obtained from any one of the many MDOT Transportation Service Centers. Likewise, farm markets located adjacent to county or local roads must comply with the access and egress requirements for the appropriate governmental agency.

For driveways, MDOT issues an "Individual Application and Permit For Use of State Trunkline Right of Way", Form 2205. Further information regarding the general driveway permit process can be found at the following website:

http://www.michigan.gov/mdot/0,1607,7-151-9623_26662_26679_27267_48606-182161--,00.htm

Signage

The operator of the farm market is responsible for contacting the Michigan Department of Transportation (MDOT), county, and/or township government regulatory authority to determine applicable sign regulations and must comply with all applicable local, state and federal regulations for signage located outside the farm market.

External Lighting

The farm market operator should provide lighting adequate for public safety if business will be conducted during non-daylight hours, and must comply with all applicable local, state and federal regulations for lighting located outside the farm market.

Marketing Characteristics of a Farm Market

At least 50 percent of the products offered for sale at a farm market must be produced by the farm that is owned or controlled by the person who owns and controls the farm market. This means that 50 percent or more of the retail floor space during the marketing season must be devoted to products produced on and by the farm. If measurement of floor space during the marketing season is not feasible, then the determination will be based on 50 percent of the gross sales of products at the farm market. The farm market operator is responsible for collecting and maintaining documentation of products produced on and by his/her farm operation, and the percentage of the retail floor space used to display products offered for retail sale within their farm market; and when applicable, maintain records of gross sales for products sold at their market.

The determination of retail floor space used to display products offered for retail sale and/or gross sales of products should be made during the usual marketing season for the farming operation. The marketing season is typically during the production season, and may be extended by the sale of farm processed products.

Community Supported Agriculture or CSA is a marketing strategy in which a farm produces vegetables for a group of farm members or subscribers who pay in advance for their share of the harvest. Typically the farm members receive their share once a week, sometimes coming to the farm to pick up their share; other farms deliver to a central point. In addition to vegetables, CSA shares may include fruit, eggs, flowers, meats, value-added products, etc.

A U-Pick Operation is a farm that provides the opportunity for customers to harvest their own farm products directly from the plant. Also known as pick your own or PYO, these are forms of marketing farm products to customers who go to the farm and pick the products they wish to buy.

The operators of farm markets often conduct other activities and services designed to attract and entertain customers while they are at the farm market, and broaden goods and services offered for sale to the public. While some of these activities are beyond the scope of these management practices, the following activities are sometimes conducted in conjunction with farm markets, and are subject to local zoning ordinances, state and federal laws, and associated rules and regulations. This is not considered an all inclusive list.

Cooking demonstrations (cooking only, no food service)

Corn mazes

Farm education programs

Farm tours

Fishing pond

Hay rides

Horseback riding

Petting farms

Picnic areas

Riding stables

Other activities that may be conducted at on-farm markets but regulated by other governmental bodies include:

| <u>Activity</u> | <u>Activity regulated by:</u> | | |
|--------------------------------|-------------------------------|---------------------|---|
| | <u>Federal</u> | <u>State</u> | <u>Local</u> |
| Bakery | | MDA if selling only | Health Dept. if on-site food consumption |
| Bonfires | | | Safety |
| Camping | | | Safety |
| Carnival Rides | | | Safety |
| Cheese Production | | MDA | Health Dept. if on-site food consumption |
| Cider Mill (non-alcoholic) | | MDA if selling only | Health Dept. if on-site food consumption |
| Concerts | | | Traffic, noise |
| Cooking Demos | | | Health Dept. if on-site food consumption |
| Farm Bed & Breakfasts (B & Bs) | | | Health Dept. for on-site food consumption and hotel (depending on size) |
| Festivals | | | Safety, Health Dept. for on-site food consumption |
| Food Retreats | | | Health Dept. for on-site food consumption |
| Haunted Barns/Trails | | | Safety |
| Hunting Preserves | | DNR/MDA | |
| Meat Processing | USDA | MDA | Health Dept. |
| Mud Runs | | | Safety |
| On-farm Dairy | | MDA | Health Dept. if on-site food consumption |
| On-farm Distilleries | ATTB | MDA/MLC | |
| On-farm Weddings | | | Health Dept. for on-site food consumption |
| Play-scapes | | | Safety |
| Processing | USDA/FDA | MDA | |
| Winery | ATTB | MDA/MLC | |

Farmers who plan to conduct these activities are responsible for obtaining and maintaining regulatory approval from appropriate government agencies.

REFERENCES

Abbreviations used in this document:

| | |
|-------------|--|
| MDA | Michigan Department of Agriculture |
| RTF or RTFA | Right to Farm Act (Act 93 of 1981, as amended) |
| DNR | Michigan Department of Natural Resources |
| ATTB | Alcohol and Tobacco Tax and Trade Bureau |
| MLC | Michigan Liquor Control Commission |

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Community Supported Agriculture in Michigan, www.csafarms.org.

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