



It is important to make sure your market is in compliance with all federal, state and local (such as municipality/borough) laws. These laws help keep your market and your customers safe from unnecessary legal actions. Following are some legal items to research before starting your market.

Zoning Requirements and Permits

Each municipality/borough has specific planning and zoning requirements, and a manager from each market needs to contact the borough planning and zoning departments before beginning a market. Some municipalities/boroughs have specific requirements for farmers markets that may not be included in or may differ from general requirements.

Following is the contact information for some of the larger boroughs, but only use the website for general guidance. Call the planning department to get specifics before proceeding.

1. Anchorage Code Question Hotline:
(907) 343-8380
http://www.muni.org/Departments/OCPD/Planning/zoning/selfHelp/Pages/SH_ZoningBuilding.aspx
2. Fairbanks Community Planning:
(907) 459-1260
<http://co.fairbanks.ak.us/CommunityPlanning/>
3. Juneau Community Development Department:
(907) 586-0715
<http://www.juneau.org/cddftp/divisions.php>
4. Kenai Peninsula Borough Planning Department:
(907) 714-2200
<http://www.borough.kenai.ak.us/planningdept/>
5. Mat-Su Borough Planning Department:
(907) 745-9556
<http://www.matsugov.us/planning/>

Insurance

Getting liability insurance for your farmer's market can potentially save you and the market in the event that a customer chooses to sue your market for any reason.

Identifying liability insurance providers for farmers markets in Alaska has proven challenging. So far we have only identified two sources of liability insurance for farmers markets (listed below) with Valley Insurance specifically

advertising to insure "your Agritourism Operation." Both are listed below.

1. Valley Insurance Services LLC
An independent insurance agent/broker
(907) 746-7374
Email: lisa@vis-alaska.com or
khrista@vis-alaska.com
2. Country Insurance & Financial Services has agents at offices throughout Alaska

The mention of these companies is not an endorsement and should be considered a starting point for further investigation.

Another consideration for the market manager regarding insurance is to decide whether or not to require participating vendors to have product liability insurance and/or require that the market be listed on the farm's insurance policy, requirements that are practiced by some markets in the Continental U.S.

Road Sign Law

Signs are the standard way to help customers find your market and know when the market is open. However, it is imperative that markets follow all road sign laws. Alaska state law maintains that signs cannot be set on state roads. Municipalities and boroughs may have additional laws. As a manager, it is important to research local signage laws prior to the first market day, in order to ensure the market is in total compliance.

Following is a summary of Alaska Statute Title 19 Chapter 25 Section 105: "Limitations of Outdoor Advertising Signs, Displays, and Devices":

1. Signs may not be erected or maintained within 660 feet of the nearest edge of the right-of-way (road) and visible from the interstate, primary or secondary highways. The exceptions to this rule are:
 - a. Directional and other official signs and notices, such as signs pertaining to: natural wonders, and scenic and historic attractions. All signs must follow Federal Standards for interstate and primary road signs.
 - b. Signs advertising sale or lease of property. Sign



- must be on the property for sale or lease.
- c. Landmark signs, such as signs pertaining to: farm structures, and natural surfaces of historic or artistic significance.
- d. Directional signs and School signs
- e. Signs on bus benches, bus shelters and adjacent trash receptacles if have permit issued under AS 19.25.200 if the benches are located within the borough or unified municipality and the bus operates year round.
- f. If the sign had been present on January 1, 2005, the sign may remain unless the removal of that sign is required by federal highway funding requirements imposed on the state by federal law, unless an encroachment permit for the sign is denied under AS 19.25.200(c).

For the full statute, visit: <http://www.legis.state.ak.us/basis/statutes.asp#19.25.105>

Music Copyright Permissions

Does your market want to have music playing in the background of the market? If so, where are you planning on getting the music from? Most music is copyrighted and permission needs to be obtained before a market can play the music at their market. Many individuals are unaware of copyrighted music being an issue at farmers markets, but it is an issue that has recently been brought to the forefront in other states and therefore is worth mentioning specifically.

US copyright law, codified in 1976 as Title 17 of the U.S. code, sets out a number of separate rights afforded to copyright owners. The most relevant one is the right “to perform the copyrighted work publicly”. 17 U.S.C 106(4)

According to Section 106(4):

“To ‘perform’ a work means to recite, render, play, dance or act it...”

And

*“to perform...a work ‘publically means –
(1) to perform...it at a place to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered;*

or

(2) to transmit or otherwise communicate a performance...of the work to a place specified by clause (1) or to the public, by means of any device or process...”

What this means is that Farmers Markets that are open to the public cannot play copyrighted music without permission from the copyright owners.

If your market would like to play music, one option is to obtain a license from either Broadcast Music, Inc. (BMI). <http://www.bmi.com/> or the American Society of Composers, Authors & Publishers (ASCAP) <http://www.ascap.com/about/>. By getting a license, your Farmers Market will have permission to play any music whose artist has an agreement with BMI or ASCAP. Both have agreements with a variety of music, such as: pop, rock, alternative, country, R&B, rap, hip-hop, Latin, film music, television music, folk, roots, blues, jazz, reggae, gospel, contemporary Christian, new age, theatre, cabaret, dance, electronic, symphonic, chamber, choral, band, concert, educational and children’s music artists.

A Farmers Market can also obtain permission directly from the copyright owner, but this doesn’t give the Farmers Market as many musical options and can potentially be more expensive.

If the Farmers Market does not play music, then this is not an issue.

If you have more questions or request additional information, please contact the Division of Agriculture

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www.dnr.alaska.gov/ag/