

Durango Farmers Market
PO Box 3761 ~ Durango, CO 81302
Rules and Regulations (revised and adopted October 16, 2018)

The Market Manager of the Durango Farmers Market, with the full support of the Board of Directors, shall enforce these Rules and Regulations. The Board of Directors will interpret these regulations according to what is in the best interest of the market.

OVERVIEW

These rules and regulations may be revised or amended by the Board of Directors from time to time, with or without notice to vendors.

In addition to following these Rules and Regulations, all vendors agree to abide by all city, county, state, and federal laws and regulations, and the By-Laws of the Durango Farmers Market.

The Durango Farmers Market Board reserves the right to deny the acceptance of any application, for any reason, and reserves the right to revoke membership for any reason. The Board, with the assistance of the Market Manager, will evaluate all vendors in the fall and inform them of their status for the following year: good standing; or questionable standing.

A member in good standing is a vendor who demonstrates good attendance, professional attitude, adherence to selling locally produced products, and payment of booth fees and other applicable fees on time. Please be assured that every attempt will be made to run a fair and balanced Market.

Section 1: Vendor Types

a. Agricultural Producer:

- i. All Agricultural Producers must submit an application annually. Applications will be juried using the guidelines stated below.
- ii. All products must be grown by the Agricultural Producer (no re-selling or brokering) within the five following counties: La Plata, CO; Montezuma, CO; Archuleta, CO; San Juan, CO and San Juan, NM.
- iii. Agricultural Producers may display and sell "value added" food products as long as the majority of ingredients are wild-gathered or grown by the Agricultural Producer.
- iv. For an Agricultural Producer to maintain their agricultural status, 70% of what they sell must fit the definition of an "agricultural product" (see Sec. 2:b).
- v. If an Agricultural Producer exceeds the allowable ratio of 70% of agricultural products (grown/harvested by the vendor) to 30% non-agricultural products (value added foods which do not contain a majority of ingredients grown/harvested by the vendor) they will then be responsible for applying and paying for (upon board approval) an additional booth space in the "Value Added" category.

b. Non-Agricultural:

- i. There are a limited number of spaces available for Non-Agricultural vendors. Agricultural Producers always have first right of refusal for available booth space. In the event there is booth space available after all Agricultural Producers have been booked, any available booth space will be filled using the guidelines outlined for each type of Non-Agricultural vendor. The vendor will be chosen by the Market Manager.
- ii. All Non-Agricultural vendors must submit an application annually.

Applications will be juried in the following order of importance: space availability, the vendor's use of local products, and seniority.

- iii. The categories and number of vendors allowed in each category are as follows: Artisan (3); Ready to Eat Food (5); Beverage (3); Value Added (3) and Services (2); and Informational (3) "Services" include massage, tool sharpening, etc. "Informational" includes groups such as KDUR, Master Gardeners, Government Entities, and rotating Community Groups. No for-profit sales are allowed from info booths. They are for the distribution of information and fundraising only.
- iv. All Non-Agricultural products must be produced by businesses that are located in the five counties defined in Section 1:a.

c. Ready to Eat and Beverage:

- i. All Ready to Eat and Beverage vendors must submit an application annually. Applications will be juried in the following order of importance: space availability, the vendor's use of local products, and seniority.
- ii. Ready to Eat Food must be prepared by the vendor, and they must include as many local ingredients as possible in their products, preferably using as many ingredients (vegetables, fruits, meats, cheeses, flour, honey, etc.) as possible which are produced by the agricultural producers who participate in the Durango Farmers Market.
- iii. Ready to Eat Food vendors are required to list all local ingredients used in their products. Their list must be displayed at every Market for customers to read.

d. Value Added:

- i. All Value Added vendors must submit an application annually. Applications will be juried in the following order of importance: space availability, the vendor's use of local products, and seniority.
- ii. If there is an Agricultural Producer that has a specific product, such as tomato sauce, which is made from produce they have grown, then no Value Added vendor will be allowed to sell that specific product.
- iii. If a Value Added vendor has been approved because no Agricultural Producer is selling their product, then the vendor is eligible to participate in the Market. However, if during the course of the Market season, an Agricultural Producer begins to sell the same product and they plan on continuing to sell that product, then the Value Added vendor will not be able to sell that product the next market year. Preference will always be given to the Agricultural Producer.

e. Artisan:

- i. Artisan vendors are required to submit an application annually. Applications will be juried with preference being given to handmade, high quality goods that are relevant to the Farmer's Market theme of local production, using sustainable and/or organic materials whenever possible. Participation in previous markets does not guarantee acceptance of an application. Newly juried Artisan applicants will be accepted when space at the Market is available.
- ii. There will be an Artisan Schedule outlining the rotation of Artisan Vendors throughout the season, allowing all Artisans access to the 3 allotted Artisan spaces. The Artisan Schedule will be created by the Market Manager with Veteran Vendors receiving the majority of "peak season" dates. Veteran Artisan Vendors will also be given "first right of refusal" throughout the season whenever the market has extra space available.

Section 2: Products and Merchandise

- a.** All vendors must follow current federal, state, county, and city regulations in regard to the products and merchandise they sell at the Durango Farmers Market.
- b.** Agricultural products must be grown by the vendor (no reselling or brokering) within the five following counties: La Plata, CO; Montezuma, CO; Archuleta, CO; San Juan, CO, and San Juan, NM. All products must be grown or wild-gathered by the farmer/vendor or their on-farm assistants. Agricultural Producers may display and sell "Value Added" and "Ready to Eat" products as long as the majority of the ingredients in those products are wild-gathered or grown by the vendor.
- c.** Agricultural vendors may sell and display promotional items such as, but not limited to, t-shirts, tote bags, caps, etc., as long as the name and logo of the vendor is permanently affixed to each item.
- d.** Re-selling or brokering of produce or any agricultural, artisan, or value-added product will not be permitted.
- e.** Non-Agricultural products must be produced in the five county regions as stated above by businesses that are located in these same five counties.
- f.** All vendors are subject to inspection by the Durango Farmers Market Board or a designated representative.
- g.** Durango Farmers Market reserves the right to allow special events and festivals with other agricultural or locally made products on designated occasions i.e. Iron Horse Chef Events.
- h.** Only those products listed in the vendor's application will be allowed for sale. Vendors wishing to sell a new product must notify the DFM Market Manager one week in advance of proposed sale. The DFM Board must approve new products.
- i.** Meat and Poultry Producers will comply with the following requirements:
 - i.** Poultry: All poultry must be owned and cared for by the vendor from the age of two days.
 - ii.** Beef, Elk, Bison: All animals must be in the possession of and cared for directly by the vendor for a minimum of six months.
 - iii.** Lamb and Goat: All animals must be in the possession of and cared for directly by the vendor for a minimum of three months.
 - iv.** Pork: Pigs must be in the possession of and cared for directly by the vendor for a minimum of two months.
 - v.** All meat and poultry vendors must provide a written disclosure statement as to where their animals were born and raised, and when the vendor took ownership of those animals.
- j.** Value Added and Ready to Eat Food: All Value Added, Ready to Eat, and Beverage vendors will apply and be evaluated annually with no guarantee of acceptance to the market based on their history as a vendor. Priority will be given to Value Added and Ready to Eat Food vendors with the most locally raised ingredients in their products. Primary ingredients should come from local sources with a goal of working toward 80% of those primary ingredients coming from local sources. Value Added and Ready to Eat Food products with primary ingredients that cannot be produced locally (i.e.: bananas, oranges, lemons, nuts, etc.) will not be considered for sale at the DFM unless approved by the board.
- k.** Nursery Vendors: Transplants, plant plugs, ornamental plants, houseplants, and any other plant, must be in the growers possession for a minimum of thirty days. Nursery businesses that have retail store fronts will not be allowed at the DFM. Exempt from this will be those growers who have farm stands on their own farm or land used for production.

Section 3: Fees

a. Vendor Booth Spaces:

Vendors pay per each market attended based on the size of their booth. First and second year agricultural vendors pay for up to 9 markets of the summer season. If first or second year agricultural vendors attend more than nine markets in the summer season those markets are free. All other vendors pay for up to 11 markets in the summer season. The Thanksgiving and holiday markets are paid for separately.

- i. A 10-foot wide by 10-foot deep vendor booth space shall be \$440.00 (or \$360.00 for first and second year agricultural vendors) per regular season to be paid as follows:
 - Paid in full prior to season start or on start date.
 - Paid in increments of \$40.00 per market until \$440.00 (or \$360.00) is paid in full.
 - ii. 5-foot wide by 10-foot deep vendor booth space shall be \$220.00 (or \$180.00 for first and second year agricultural vendors) per regular season to be paid as follows:
 - Paid in full prior to season start or on start date.
 - Paid in increments of \$20.00 per market until \$220.00 (or \$180.00) is paid in full.
 - iii. 15-foot wide by 10-foot deep vendor booth space shall be \$660.00 (or \$540.00 for first and second year agricultural vendors) per regular season to be paid as follows:
 - Paid in full prior to season start or on start date.
 - Paid in increments of \$60.00 per market until \$660.00 (or \$540.00) is paid in full.
 - iv. 20-foot wide by 10-foot deep vendor booth space shall be \$880.00 (or \$720.00 for first and second year agricultural vendors) per regular season to be paid as follows:
 - Paid in full prior to season start or on start date.
 - Paid in increments of \$80.00 per market until \$880.00 (or \$720.00) is paid in full.
- b. Incremental payments will be collected on market day. Vendor will present this payment to the Market Manager at the DFM Info Booth no later than 11:00 am on the market day. Set-up for the next market day will not be allowed until payment is made in full for any outstanding balance.
 - c. Booth spaces are non-transferable and are assigned only by the Market Manager.
 - d. Vendor fees for the Holiday Markets and extra season monthly markets are assessed in addition to the regular seasonal fee.
 - e. Booth spaces are to be paid by cash, check, or credit card only. Market Bucks or any other market currency may not be used for booth fee payments.
 - f. There is a \$25.00 non-refundable application fee required with all submitted applications.
 - g. There is a \$25.00 non-refundable late fee for all applications received after the current due date.

Section 4: Insurance

The DFM requires every vendor to carry their own liability insurance. Vendors must provide proof of insurance to the Market Manager no later than one week prior to the first day of participation. The DFM strongly suggests vendors carry product liability insurance. Liability for all products rests solely with the vendor producing and selling them. Liability for vendors' actions rests solely with the vendor.

Section 5: Licenses

- a. All vendors must provide a copy of their current business license to the Market Manager no later than one week prior to the first day of participation.
- b. All vendors must display in full public view, at their booth, their current Durango city business license.
- c. All vendors are responsible for the collection, reporting and payment of all appropriate taxes to the City of Durango, County of La Plata and State of Colorado.
- d. All vendors are responsible for the necessary licenses and permits required for the sale of their product(s).

Section 6: Health Regulations

- a. All vendors must follow La Plata County and the State of Colorado's current Health Code Regulations. It is the responsibility of the vendor to ensure compliance.
- b. All Value-Added, Ready to Eat, and Beverage vendors are responsible for the appropriate inspections by the applicable licensing authorities and must have the approved certification, permits and licenses on display at their booth. These documents must be included as part of their application.
- c. Smoking by any vendor will not be permitted at the market.

Section 7: Vendor Booths

- a. All vendor booths must have a tent, canopy or umbrella.
- b. Weighting of each vendor tent or canopy is required using 40 pound weights attached to each corner of the tent or canopy. Weighting of an umbrella is required using a 40 pound weight at the base. Penalties can be assessed for failure to comply.
- c. Saturday set-up must be completed no later than 8:00 am, and 9:00 am in October. Vendor vehicles must be gone from the Market area by 7:40 am, and 8:40 in October.
- d. Vendors are to unload, park, and then return to set-up, allowing other vendors access.
- e. Saturday Market will open sharply at 8:00 am, and 9:00 am in October. The Market Manager will ring the opening bell. No sales to the public are allowed before this time.
- f. Saturday Market will close sharply at 12:00 pm. Vendors are not to break down booths prior to 12:00 pm.

Section 8: Location

- a. The Saturday market will be held in the TBK Bank parking lot, located on the south side of the building, across the street from the post office. The physical address is 259 West 9th Street, Durango. The parking lot is not guaranteed to be empty of cars.
- b. Any mid-week market locations will be announced.
- c. Thanksgiving and Christmas market locations will be announced.

Section 9: Penalties

- a. Vendors will be assessed a fine in the amount of \$25.00 for failure to remove their vehicle from the Market area by 7:40 am on Saturday, and 8:40 in October.
- b. Vendors will be assessed a late fee in the amount of \$25.00 for failure to set-up by 8:00 am on Saturday, and 9:00 am in October.
- c. Vendors are required to notify the Market Manager if they will not be attending the Saturday market. Notification is to take place no later than the Wednesday evening prior to the market, before 5:00 pm. Failure to notify before this time will result in a charge equal to the value of the unoccupied booth space(s) at the discretion of the Market Manager.

Section 10: Quality Standard

- a. Liability for products rests solely with the vendor producing and selling them. Durango Farmers Market strongly suggests that each vendor have his or her own product insurance and requires each vendor have their own general liability insurance that names the Durango Farmers Market as an "Additional Insured."
- b. All products and produce must be of top quality, and available for review by the Market Manager.
- c. Vendors are encouraged to profile their farming practice with photos, written accounts and verbal information.

Section 11: Upkeep

- a. Vendors are responsible for the upkeep of the market area located near or in their booth area.
- b. Upon leaving the site, vendor's booth area must be as clean, or cleaner, than they found it at the beginning of the day.
- c. Vendors are responsible for bringing large trash receptacles to hold all of the possible trash that could be generated from their booth. Vendors are responsible for disposal of this trash.

Section 12: Consumer Comments

All consumer comments should be directed to the Market Manager. The Market Manager may bring such comments to the Board of Directors for discussion.

Section 13: Vendor Comments and Concerns

All suggestions, complaints and comments may be presented to a member of the Board, in writing, and must be signed by the vendor with their name, address and telephone number. All such suggestions, complaints and comments will be considered by the Board of Directors at the next scheduled Board meeting. Any anonymous concerns may be mailed to the PO Box, and will be considered by the Board of Directors at the next scheduled Board Meeting.

Section 14: Vendor Suspension and Disciplinary Action

- a. Any vendor may be suspended from selling by action of the Market Manager and/or the Board of Directors for failure to comply with the Rules and Regulations or By-Laws of the Durango Farmers Market.
- b. Any vendor who challenges the authority of any DFM staff member, board member or inspector, or who behaves in a rude, violent, threatening, or intimidating manner toward any person at the market may be immediately expelled for the day by the Market Manager. Any such behavior must be documented in writing by any Board member or DFM staff, with a copy to be kept on file with the Market Manager, and a copy to be mailed to the offending vendor. The Durango Farmers Market Board of Directors may permanently ban such an offender from the Market, or impose a lesser penalty at its sole and unlimited discretion. Decisions must be documented in writing, with a copy to be kept on file with the Market Manager and a copy to be mailed to the offending vendor.
- c. Durango Farmers Market vendors are expected to behave in a professional and courteous manner at all times. Maligning and derogatory language directed at other vendors and/or their products will not be tolerated. If a vendor has a concern, they should immediately contact the Market Manager. If the Market Manager is not available, the vendor should then contact a member of the Board.

Section 15: Vendor Information Card

- a. Agricultural vendors are required to submit the required information for their Vendor Information Card (VIC) along with their completed application.
- b. Agricultural vendors are required to display their DFM issued Vendor Information Card on the front of their booth every market day and for the duration of the market season.
- c. VICs will be provided at the beginning of a vendor's first market season. A vendor's first VIC will be provided free of charge by DFM. Thereafter, any updates, changes or replacements will cost \$10.

Section 16: S.N.A.P. and DUFB Program

- a. The Durango Farmers Market will participate in the Colorado Farmers Market Association food stamp program called S.N.A.P. and LiveWell Colorado program called Double Up Food Bucks.
- b. Vendors who sell food stamp and DUFB eligible items must participate in the program through the Durango Farmers Market and be willing to accept the S.N.A.P. and DUFB coupons presented by the customer.
- c. Coupons come in one-dollar increments. No change can be given.
- d. Coupons received by the vendor will be turned in to the Market Manager, by 11:00am, on the last market day of each month. Vendors will be reimbursed for said coupons by the bookkeeper within two weeks from the collection day.
- e. All coupons must be redeemed within the current market year.

Section 17: Durango Farmers Market Bucks

- a. DFM Bucks are a certificate used to purchase items from any vendor at the market. The DFM Buck is designed to help promote market awareness, market attendance and market promotion.
- b. DFM Bucks come in \$5.00 increments and can be purchased individually or in larger lots. All DFM Bucks are to be treated as cash received from the customer, with change given accordingly.
- c. All DFM Bucks received by the vendor are to be turned in monthly, on the last market day of that month, no later than 11:00 am to the Market Manager. Vendor will be redeemed for said Bucks by the bookkeeper within two weeks from the collection day.
- d. All DFM Bucks must be redeemed within the current market year.

Section 18: Community Sponsorship Program

The Durango Farmers Market Board of Directors shall adopt, amend and direct a Community Sponsorship Program to assist in raising funds for the market as well as to further promote the market in our community. A set of guidelines for the administration of the program will be approved by the Board of Directors and kept on file with the Secretary and Market Manager.