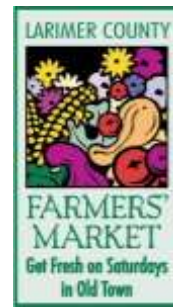


Larimer County Farmers' Market



2018 Vendor Rules and Regulations

www.larimercountyfarmersmarket.org

Email: larimercountyfm@gmail.com

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1.0 INTRODUCTION

The Larimer County Farmers' Market (LCFM) is operated by CSU Extension in Larimer County and Master Gardener volunteers. Larimer County Extension and Larimer County Master Gardeners have adopted the following rules and regulations, and at any time, may amend, delete, or modify these to meet the needs of the LCFM. In order to promote the Market to the community, we ask that all participants in the LCFM treat customers, staff and volunteers in a professional manner to foster community and cooperative involvement.

The LCFM will kick off its 43rd season on May 19, 2018 in Fort Collins! Thank you for keeping us a positive and appreciated aspect of the community.

For initial consideration, application packets must be returned to the Extension Office, postmarked by March 16, 2018. Vendors will be notified of acceptance by early April 2018. Please use larimercountyfm@gmail.com for all correspondence.

The market will be open on Saturdays, 8:00 a.m. to noon, May 19 to October 27, 2018.

Implemented in 2016, the fee changes for missed market dates and no-shows in Section 7.0; fines have increased to \$25 for missed markets and \$50 for no-shows. Implemented in 2018, vendors will be allowed one or two "free passes" depending on how many dates they are selling with LCFM.

Infractions of any of the selling rules and regulations listed in this document will be cause to suspend a vendor's selling privilege. The LCFM will attempt to resolve vendor complaints in a professional manner; when issues are addressed to the best of the LCFM's abilities, continued complaints may result in loss of selling privileges.

1.1. **STATEMENT OF PURPOSE**

The Larimer County Farmers' Market creates links between Colorado producers, artisans and consumers; provides an outlet for large and small businesses, as

well as the small urban gardener or child who wishes to sell his or her products; and educates the public on horticultural and food safety issues through the Master Gardener volunteer program and the Master Food Safety Advisors.

1.2. SELLING REGULATIONS

Vendors are governed by:

- A. Larimer County Farmers' Market "Rules and Regulations"
- B. Farmers' Market Consumer Produce Sampling Guidelines
- C. Farmers' Market Association Safety Guidelines
- D. Retail Food Establishment Interpretation and flowchart
- E. Colorado Cottage Food Act

1.3. HOURS, DATES and LOCATION

- A. The 2018 LCFM will operate Saturdays, 8:00 a.m. to 12:00 p.m. (noon), May 19 through October 27.
- B. The Market is located at the Larimer County Courthouse parking lot, 200 W. Oak Street, Fort Collins, Colorado. See the map in Manage My Market for details.
- C. Setup time will begin at 6:00 a.m. The LCFM requires vendors to **arrive no later than 7:45 a.m.** Vendors with large trucks requiring three (3) or more spaces must be parked and unloaded by **7:15 a.m.**
 - Vehicles arriving after 7:45 a.m. will not be allowed to drive into the market; late vendors must park outside the market and hand-carry items in to their stall space.
 - Vehicles within the market must remain parked until after 12:00 p.m. when the market closes. Driving through the market when it's in operation will not be tolerated.

1.4. NO SMOKING POLICY

Smoking and vaping are **not** allowed by vendors or customers in the Market lot from 6:00 a.m. to 1:00 p.m.; this policy is **strictly** enforced.

1.5. APPLICATION FEE

The 2018 non-refundable application processing fee is \$60. Children under the age of 16 and non-profit organizations are exempt from the application fee.

1.6. VENDOR DOG POLICY

Dogs are **not** allowed behind vending tables during the Market selling hours from 8:00 a.m. to 12:00 p.m.

2.0 ELIGIBILITY OF SELLERS

The LCFM provides an outlet for horticultural and agricultural produce (i.e. vegetables, fruit, flowers and honey) from home gardens, small acreage growers, and horticulture-based handicrafts.

- 2.1. Products sold at the Market must be grown or produced by the vendor or a cooperating partner. **No resale of products is allowed and is strictly enforced!** If vendors are found to be re-selling items, they will be suspended and fined \$250; a second occurrence will result in loss of selling privileges at the LCFM.

If catastrophic climate conditions affect yields, non-local products may be sold temporarily, *only if pre-approved by the market and only if products are labeled with place of origin within Colorado*. If products are not properly labeled or pre-approved, vendors will be fined \$250 and may lose selling privileges.

For vendors participating in **produce consignment or exchange**, and wanting to sell these products at the market, the LCFM requires prior written permission from the LCFM, a copy of the vendor's current Farm Products Dealers License, a complete list of traded products that the vendor wishes to sell at the market, and the name, address, phone number and email address of the trading partner. All consignment or exchanged produce sold at the market must be Colorado-grown, and cannot have been purchased from a wholesale facility or warehouse. When selling these products at the market, a sign must be placed next to the product that clearly states the farm name and location where the product was grown. Please see Appendix I "Instructions to Vendors on Produce Consignment or Exchanging". This policy was updated in 2015.

Alternatively, the vendor and the trading/consignment partner may submit separate applications and \$60 application fees, and indicate that they will be sharing space at the LCFM. This is a cheaper alternative to obtaining a Farm Products Dealer license. One employee may represent both vendors at the market, but separate check-out forms must be submitted for each vendor at the end of each market.

- 2.2. Due to the popularity of the market and limited space availability, the LCFM may not be able to accept all applications. Vendors will be **notified in early April by email**. Priority will be given to vendors who plan to attend most or all dates of the LCFM and those who have sold with the market in the past. You are making a commitment to the dates you put on your application and the LCFM expects you to be there, regardless of weather or other events. Vendors will be fined for dates that they have committed to but do not attend. Vendors must notify the LCFM (larimercountyfm@gmail.com) of any absences. Emergencies will be considered on a case-by-case basis). See Section 7.0 for more information on the attendance policy.

Repeated failure to attend the market on dates to which you have committed will result in suspension or loss of your selling privileges at the LCFM. The LCFM realizes that weather affects crop availability. If your

products are seasonal, please email the LCFM as soon as possible with your firm date of arrival. (larimercountyfm@gmail.com)

- 2.3. Farm inspections for vendors selling fresh produce may occur prior to and/or during the Market. Farm inspections are a method of ensuring farms are producing sufficient quantities of crops and are being grown on-site. Inspections will be performed by a hired independent consultant to inventory products; all farms may not receive inspections.
- 2.4. The LCFM encourages smaller vendors who cannot commit to all market dates to partner with another vendor(s). It is the responsibility of vendors to find partners with whom to share space; the LCFM does not find a partner vendor for you. Each vendor sharing a space must fill out a separate application and pay the \$60 application fee; list partnering vendor(s) on the application form.
- 2.5. The LCFM allows community supported agriculture (CSA) share pick-up at the market. However, if a vendor sells a CSA share at the market during operation hours, this would be considered a sale and included in the vendor's gross sales at the end of the market day. To avoid paying the selling fee and tax on a CSA share, conduct these transactions at your place of business.

3.0 PRODUCTS THAT MAY BE SOLD AT THE MARKET

Only those products listed on the vendor's application will be allowed for sale. Vendors wishing to sell a new product not listed on their original application must fill out an addendum to their application, and obtain permission from the LCFM before selling any new products.

Marijuana or products containing marijuana may not be sold. At this time, products containing CBD oil may not be sold at the market due to potential liability.

3.1. RAW AGRICULTURAL PRODUCTS

- Fruits, vegetables, herbs, grains, flowers, bedding plants, potted plants, and compost grown or produced by the seller.
- Egg sales at farmers' markets are exempted from licensing and inspection by the Colorado Cottage Foods Act if there are fewer than 250 dozen sold per month. This Act requires that the eggs be transported in a clean and sanitary environment that is between 33° and 41° F. Labels must include the address at which the egg originated and the date the eggs were packaged. Any eggs not treated for salmonella such as by pasteurization must have the following statement on the package: "SAFE HANDLING INSTRUCTIONS: TO PREVENT ILLNESS FROM BACTERIA, KEEP EGGS REFRIGERATED, COOK EGGS UNTIL YOLKS ARE FIRM, AND COOK ANY FOODS CONTAINING EGGS THOROUGHLY." Also "These eggs do not come from a government-approved source" must be on the label.

- If you plan to sell eggs for “retail only” and you produce less than 250 dozen per month, then your operation would be exempt from regulation by the Department of Agriculture. “Retail only” means a stand at your home, or selling to friends and neighbors at the place of production, or at a farmers’ market, CSA or similar venue where the eggs are sold directly to the final household consumer of the eggs.
- All eggs must be washed and sanitized as per Colorado Department of Agriculture guidelines. Refer to “Washing and Sanitizing Eggs” at <https://www.colorado.gov/pacific/aginspection/egg-producers>
- Egg cartons may not be reused; all eggs must be in new cartons.

3.2. VALUE-ADDED AGRICULTURAL PRODUCTS (Raw agricultural products that have been processed)

- A. Packaged jerky or other animal products exhibiting the USDA seal may be sold; fresh meat must be kept frozen at the specified Health Department temperature.
- B. Baked goods, packaged honey, cheese, jams, jellies and roasted chilies must be produced in a commercial kitchen or facility that has a current Retail Food Establishment (RFE) license, or produced under the Cottage Food Act (CFA) legislation. Copies of required documentation must be included with the application.
- C. Any processed greens (lettuce, spinach, etc.) sold pre-packaged must be processed in a commercial facility and have proper licensing.
- D. Only those products listed on the vendor’s application will be allowed for sale. Vendors wishing to sell products not on their original application must fill out an addendum to their application. New products must be approved by the LCFM.
- E. Please contact the local health department with questions. The phone number for the Larimer County Health Department is 970-498-6775.

3.3. CRAFTS

- A. High quality crafts made by the vendor may be sold at the LCFM. Craft producers who have sold at the market in the past will be given priority; however, this is not a guarantee. There may not be space available for new craft vendors.

4.0 VENDOR RESPONSIBILITIES

4.1. PUNCTUALITY AND CRITICAL TIMES

- A. Vendors with large trucks requiring three (3) or more spaces must be parked and unloaded by **7:15 a.m.**
- B. All vendors must arrive between 6:00 a.m. and 7:45 a.m., with set-up complete by 8:00 a.m.

- c. **Vendors arriving after 7:45 a.m. will not be allowed to drive into the market; vendors must hand-carry products and booth items to their space.**
- D. To ensure the safety of Farmers' Market patrons, vendors are not allowed to move vehicles within the market during operation hours (8:00 a.m. to noon). Please be aware of pedestrian traffic within the market area. A number of near-miss instances have occurred in the past.
- E. Vendors may continue to sell to customers beyond the 12:00 p.m. closing time to accommodate customers; please complete sales no later than 12:30 p.m. It is required that vendors check-out before cleaning up stalls.

4.2. VENDOR BOOTH AND ORGANIC LABELING

- A. The LCFM will not provide change for vendors.
- B. Vendors must provide their own signs, money, packaging, tables, tents, chairs, etc. for sale of products.
- C. To sell products as "Certified Organic," vendors must have the USDA approved certification clearly displayed on site.
- D. Produce should be priced by piece, package, bunch, etc. Sales made by weight must be measured with scales that have a current valid seal of approval from the Colorado State Department of Agriculture Weights and Measures Division.
- E. In the application, consider uploading a copy of the USDA certification.

4.3. VENDOR TENTS

- The LCFM requires that each corner of a 10' X 10' vendor tent be weighed down with 40 pounds (equivalent to a five-gallon bucket of water). In questionable weather, the LCFM has the right to close vendor stalls if booths are not properly secured.
- There are design instructions on how to create sturdy tent weights. Please refer to the LCFM website www.larimercountyfarmersmarket.org or the document on Manage My Market.

4.4. QUALITY STANDARD

- A. Produce must be clean and fresh; vehicles, tables and containers must be clean. **No products will be sold off the ground or pavement.** *If blankets are used underneath products, please make sure they are clean and stay clear from customer traffic.* (Please remember that this is a dog-friendly market!)
- B. Make every effort to provide wholesome products to the consumer. If chemicals are used, please follow proper harvest intervals before their sale. This information should be listed on all labels for the products used.
- C. Be cordial and courteous to vendors and customers. Please stay within designated areas assigned.
- D. Keep display areas clean and attractive.

4.5. STALL CLEAN-UP

- A. Vendors must leave their sales areas clean, or a **\$50 clean-up charge** will be deducted from the following week's sales.
- B. **Vendors must provide their own trash receptacles and haul away their garbage. Trash cans on site are not for vendor garbage.**

4.6. HEALTH DEPARTMENT PERMITS AND LICENSES

- A. **All vendors are responsible for obtaining necessary licenses and permits and displaying them at each market.** Please complete the Larimer County Health Department application (for both RFE vendors and Cottage Food Producers) and submit it to the Health Department to ensure proper licensing for sale of products at the LCFM. Cottage Food Producers must complete the "Colorado Cottage Food Producer Application" form.
- B. **A copy of current licenses and permits must be returned to the LCFM by May 4, 2018 (before the opening market).** The LCFM reserves the right to refuse vendor sales if documents are not obtained. If there are delays with your paperwork, please notify the LCFM at larimercountyfm@gmail.com.

4.7. INSURANCE

- A. For 2018, the LCFM is not requiring vendors to carry liability insurance, except for individuals selling under the Cottage Food Act (see 4.7C). The Market has a liability policy that covers personal injury and property damage caused by market-owned or operated activities. This policy does not cover vendor-owned equipment or vendor products. Individual market sellers and their employees are not covered for claims related to their products, equipment malfunctions or any damage they may cause while at the market.
*For example, a vendor-owned canopy blowing over and damaging a car or hurting a person **would not** be covered by the Market's general liability policy. A canopy owned by the LCFM is covered.
- B. It is **strongly recommended** that vendors obtain liability insurance. Please contact an insurance agent for pricing and options. Visit www.cofarmtomarket.com for additional insurance information. For a list of possible insurance providers, please visit www.larimercountyfarmersmarket.org or Manage My Market.
- C. For individuals selling under the Cottage Food Act, liability insurance is required, listing the Larimer County Farmers' Market as an additional insured; submit copies of your insurance with your application.
- D. Many businesses/small farms already carry this insurance; please submit copies with your application.
- E. It is recommended you include the Larimer County Farmers' Market as an additional insured.

5.0 MARKET CURRENCY

5.1. CASH—vendors are responsible for their own cash box and change. The LCFM will not make change for vendors, except at check-out.

5.2. SNAP Coupons (Supplemental Nutrition Assistance Program—formerly food stamps). Vendors who sell products that qualify for SNAP **must** agree to accept SNAP coupons at their booth.

- A. SNAP **can** be used to purchase breads, baked goods, fruits, vegetables, meats, fish, dairy products and seeds and plants intended to grow food.
- B. SNAP **cannot** be used to purchase hot foods (including tamales and breakfast burritos), ice cream, jewelry, pet food, soaps, cosmetics, lotions, pottery and other nonfood items. If a vendor accepts SNAP for these items, the vendor will not be reimbursed.
- C. SNAP purchases, as per Federal law, cannot be charged state or local sales tax.
- D. **Individual vendors will not be able to accept the SNAP (EBT) Quest cards.** SNAP transactions can be processed at the Larimer County Master Gardener tent, located under the flagpole.
- E. SNAP benefits are in \$1 amounts; **change (cash) cannot be given back for purchases with SNAP** (e.g. If the total price of vegetables comes to \$3.50, the purchase must be either rounded down to \$3.00, or up to \$4.00.)
- F. All SNAP coupons must be turned in at the end of the market each day.
- G. All SNAP transactions will be recorded separately at check-out; **do not include SNAP sales in daily gross sales**; there is a separate line to record SNAP on the check-out form.
- H. All SNAP coupons must be marked for the “2018 Larimer County Farmers’ Market”; if the vendor accepts SNAP from another market, the vendor will not be reimbursed.
- I. SNAP coupons will be reimbursed during check-out on a weekly basis.
- J. The LCFM will continue participate in the Double Up Food Bucks (DUFb) program through LiveWell Colorado. This grant-based program has separate currency that will differ from the LCFM’s SNAP coupons, but **can only be used to purchase fresh fruits and vegetables**. Double Up Bucks collected by vendors will be exchanged for cash at the end of the market.

5.3. CREDIT CARDS, DEBIT CARDS, AND “MARKET BUCKS”

- A. The LCFM will run debit/credit transactions on a wireless terminal for customers—Market Bucks in \$5 increments, will be distributed to the customer; each Market Buck is like a \$5 bill.
- B. **All** market vendors agree to accept Market Bucks via the application.
- C. The 2018 Market Bucks are for use at the Larimer County Farmers’ Market **only**; they are hot pink in color.
- D. **Previous years’ Market Bucks for the LCFM will be accepted; encourage customers to exchange them for 2018 currency prior to their purchase.**
- E. **Acceptance of wooden coins or other forms of Market Bucks from different markets will not be reimbursed upon check-out. It is the vendor’s responsibility to accept only Market Bucks for the 2018 Larimer County Farmers’ Market. Refer to the examples in Manage My Market.**

- F. Change can be given back for Market Bucks (e.g. If an item is \$3.00 and the customer pays with a \$5.00 Market Buck, \$2.00 can be returned in cash).
- G. Vendors are to redeem all Market Bucks at the end of each market.
- H. Market Bucks must be included in gross sales calculations to determine accurate market fees.
- I. Consumer debit and credit cards can be used at individual vendor booths if the vendor has the ability to process credit cards. These sales must be included in the vendor's total gross sales.

6.0 ASSIGNED SELLING AREAS

- A. If accepted to the market, vendors will receive a confirmation email by early April. Market dates and space assignments will be emailed to vendors in April. All vendors will be assigned a selling area, approximately 10 feet wide. Vendors must stay within their assigned selling area and may not move to a different location unless requested to do so by the LCFM.
- B. Vendors may not extend more than five (5) feet beyond the parking stall painted lines. This allows for proper customer traffic flow and also for cars to enter the parking spaces during set-up.
- C. Additional spaces **as requested in the vendor application** will cost \$5 per 10 feet wide space per market. Requests for additional spaces on the application should be accompanied by justification of necessity; requests will be granted on a case-by-case basis by LCFM management.
- D. 10' wide selling areas for the 2018 market will be marked in chalk on the pavement. Please be respectful of adjacent neighbors and stay within the allotted space. Spreading out **will not** be allowed, unless approved or requested by the LCFM.
- E. **As per the vendor application, all requested extra spaces will be charged the \$5 fee per space at each market the vendor attends.** During times with fewer sale items, this may require vendors to spread out products in order to utilize all of their assigned space(s). The LCFM is striving to eliminate vendor gaps in the market area.
- F. The \$5.00 per extra space fee only applies when the vendor is physically present at the market. For example, if a vendor sells only in August and September, the vendor will only pay for extra spaces in August and September.
- G. Vendors with large trucks requiring three (3) or more spaces must be parked and unloaded by 7:15 a.m.
- H. While the LCFM would like to accommodate vendors to keep "their spot" from previous years, this may not be possible, depending on market logistics.
- I. Attention will be given during space assignments to maintain an even distribution of vendors and products (i.e. five peach sellers will not be placed next to each other). Because the majority of LCFM vendors sell produce, it is inevitable that produce sellers will be located near other produce vendors.
- J. If there are vendor conflicts, please discuss them in professional manner. If neighborly discussions do not resolve the issue(s), the LCFM will arbitrate.

- k. To accommodate the maximum number of vendors in a comfortable environment, **the LCFM will have the final say regarding all selling areas, and reserves the right to move or relocate vendors as necessary to accommodate the Market's needs.**

7.0 NON-ATTENDANCE

- A. Verbal notifications of missed dates to staff at the market are NOT an accepted form of communication; absences must be provided in writing by sending an email to larimercountyfm@gmail.com.
- B. If a vendor is able to come to a different market date that they had not signed up for, then there are no fines to switch dates.
- C. Vendors who are scheduled for eighteen (18) dates or more will have two "free passes" for the season. If they call or email two (2) weeks prior to the market date they cannot attend, then they do not have to pay a missed market fee.
- D. Vendors who are scheduled for seventeen (17) dates or less will have one "free pass" for the season. If they call or email two (2) weeks prior to the market date they cannot attend, then they do not have to pay a missed market fee.
- E. After the free passes have been used, vendors will be fined \$25.00 if they call or email before 5 p.m. the Wednesday prior to the market that they cannot attend.
- F. Vendors will be fined \$50.00 if they call or email after 5 p.m. the Wednesday prior to the market that they cannot attend.
- G. Emergencies will be considered on a case-by-case basis. Please communicate with the market regarding your situation.
- H. Repeated failure to attend the market on dates a vendor committed to on the application form will result in suspension or loss of selling privileges at the LCFM.

8.0 MARKET DAY FEE CALCULATION AND COLLECTION

- A. Each vendor will be assigned a vendor ID number. Each Saturday, all vendors must **check-in at the entrance, and provide their business name.**
- B. The vendor name, ID number, and the number of extra spaces will be filled out on the check-out form by LCFM staff, and delivered to each vendor after the market opens, after 8:00 a.m.
- C. There are two vendor forms:
 - a. Yellow Produce form (tax at 2.25%)
 - b. Pink Craft form (tax at 7.4%)
- D. **All vendors must remit daily fees to the LCFM at the close of each Market day.** *Vendors failing to pay/report fees at the end of the day will be fined \$50 for each occurrence.*
- E. The Check-out form will include:
 - a. A line to report total gross sales for the day (not including SNAP coupons accepted). Report SNAP sales on the left-hand side of the form.

- b. A line to calculate the LCFM selling fee (6.5% of total gross sales).
- c. A line to calculate applicable city tax (2.25% tax of total gross sales for grocery food; 7.4% tax of total gross sales for all other products).
- d. Vendors who wish to pay their own City of Fort Collins sales tax, rather than having the LCFM deduct and pay this tax, must upload a copy of a valid City of Fort Collins sales tax license (not a state or county tax license) with their application in Manage My Market, and must inform the LCFM by email before the first market that they wish to pay the city tax themselves.
- e. A line to report extra fees or fines (e.g. extra space fees, missed date fine, and/or late notice fine).
- f. A section on the yellow produce form to report Market Bucks, SNAP, and Double Up Food Bucks (DUFB) sales. Please note: SNAP and DUFB sales should NOT be included in total gross sales.
- g. A line for total Market Bucks and SNAP redeemed.
- h. A line for the total due.
- i. A signature and date line for the vendor to verify the accuracy of reported sales.

Please bring forms to the check-out table near the flagpole after each Market; the calculations will always be checked by market volunteers. To speed up check out, please have your sales, Market Bucks, SNAP, and DUFB recorded on your check-out form.

Vendors must honestly report all sales made by the vendor or vendor's agents at each Market. "Total gross sales" is defined as total sales for the day prior to paying booth staff salaries and city sales tax.

The money generated from the LCFM helps support the Larimer County Extension Office, the Master Gardener Program and necessary LCFM logistical costs, such as insurance, personnel, marketing, rental, management, etc. Therefore, it is required that all vendors report their sales and pay their sales percentage honestly. If discrepancies are suspected, the Extension Office finance manager will have the authority to audit receipts for verification of sales.

9.0 PARKING

- A. There are two entrances for vendor check-in; one is located on Howes Street and the other is on Oak Street. Your confirmation letter and map will indicate which entrance to use.
- B. **Vendors are allowed one vehicle in their assigned 10 foot wide space providing the vendor's vehicle, tables, tent and product all fit within the assigned space, and do not extend beyond five feet beyond the parking stall painted lines.**
- C. **Please park additional vehicles in the former Steele's Market parking lot, located west of the market, across Howes Street. Any vendor cars parked in customer parking will be asked to move.**

10.0 VENDOR RESTROOMS

- A. All vendors' children under the age of 12 must be accompanied by an adult when using the restroom facilities.
- B. The LCFM will be providing portable chemical toilets for market customers and vendors.

11.0 EDUCATIONAL MATERIAL

Educational material from Colorado State University Extension is provided by Master Gardeners and Master Food Safety Advisors during the Farmers' Market. Try to direct people with gardening or food preservation questions to these groups—they will be happy to help!