

Durango Farmers Market
PO Box 3761
Durango, CO 81302
Rules and Regulations
March 2011

The Market Director of the Durango Farmers Market with full support of the Board of Directors shall enforce these Rules and Regulations. The Board of Directors will interpret these regulations according to 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 members, vendors or the public.

In addition to the following Rules and Regulations, all vendors agree to abide by all city, county, state, and federal laws and regulations.

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.

I. Vendors

- a. Agricultural producer
 - i. All products must be grown by the vendor (no reselling or brokering) within the five counties of La Plata, Montezuma, Archuleta, San Juan, NM, and San Juan, CO. Agricultural producers may display and sell “value added” food products, as long as the majority of the ingredients are wild-gathered or grown by the vendor.
 - ii. For an agricultural vendor to maintain their ag. status, 70% of what they are selling must fit the definition of an “agricultural product” (see Sec. II, a).
 - iii. If an agricultural vendor exceeds the allowable ratio of 70% of ag. products (grown/harvested by the vendor) to 30% non-ag. products (value added foods that do not contain a majority of ingredients grown/harvested by the vendor), that vendor will be responsible for applying for and paying for (if approved) an additional booth space in the “Value Added” category.
- b. Non-agricultural producer
 - i. There are a limited number of spaces for these vendors. Applications will be juried based on product, date received, and space availability. The categories and numbers of vendors allowed are: Arts and Crafts (3), Ready to Eat Food (7), Valued Added (3), Herbalists (2), and Other (1). “Other” includes vendors that do not fall into any other category.
 - ii. All non-agricultural products must be produced by businesses that are located in these same five counties (see Sec. 1, a, i).
- c. Value Added vendors will be selected at the discretion of the Board with a

local foods preference. If there is an Ag producer that has a specific product, such as tomato sauce that they have grown, then no Value Added vendor will be allowed for that specific product. If a Value Added food vendor has been approved because there were no Ag vendors selling that product but during the market year an Ag vendor does begin to sell that product and plans to continue selling 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 vendor with the intent to promote local foods.

- d. Craft vendors to apply annually. Applications will be juried with preference for handmade, high quality art with farmers market theme. Participation in previous markets does not guarantee acceptance of application. There will be a rotation of craft vendors throughout the season.

II. Merchandise

- a. Agricultural products must be grown within the five county region. 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.
- b. Ag. Vendors may sell and display promotional items such as, but not limited to, t-shirts, tote bags, caps, etc. Name and logo of the vendor must be permanently affixed to each item.
- c. There will be no reselling of produce or any agricultural products.
- d. Non-agricultural products must be produced in the five county region by businesses that are located in this same five counties.
- e. All vendors are subject to inspection by the Durango Farmers Market Board or appointed entity on their behalf.
- f. Durango Farmers Market reserves the right to allow special promotions and festivals with other agricultural or locally made products on designated occasions.
- g. Only those products listed in the vendor’s application will be allowed for sale. Members wishing to sell a new product must notify the Market Director one week in advance of proposed sale. The DFM Board must approve new products. There shall be no exceptions to this rule.
- h. Meat and Poultry producers will comply with the following requirements:
 - i. **Poultry:**
All poultry shall be owned and cared for by the vendor from an age of two days.
 - ii. **Beef, Elk, Bison:**
All animals must be in possession of and cared for directly by the vendor for a minimum of 6 months.
 - iii. **Lamb and Goat:**
All animals must be in possession of and cared for directly by the vendor for a minimum of three months.
 - iv. **Pork:**
Pigs should be in possession and cared for directly by the vendor for

- a minimum of 2 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. The DFM board must accept this statement.
A statement of minimum age of care shall be included on each vendor's VIC. The lowest common denominator must be used.
- i. Value Added and Ready to Eat Food:
All Value Added and Ready to Eat Food vendors will apply and be evaluated annually, with no guarantee of acceptance to the market based on 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, walnuts, etc.) will not be considered for sale at the DFM unless approved by the board.
All Value Added and Ready to Eat Food vendors will keep a source log to document where their ingredients come from.
- j. Nursery Vendors:
Transplants, plant plugs, ornamental plants, houseplants, and any other plant, must be in the growers possession for a minimum of 30 days.
Nursery businesses that have retail storefronts 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.

III. Fees

- a. All Vendors: cost of one 10-foot X 10-foot vendor space shall be \$300 per regular season.
 - i. Paid in full, or
 - ii. Paid in increments of \$30 per market until \$300 is paid in full.
 - iii. 5-foot wide X 10-foot deep spaces are available for vendors who require less space. The cost shall be \$150 per regular season, paid in full, or in increments of \$30 per market until \$150 is paid in full.
- b. Increment payments will be collected on market day. It will be up to the vendor to present this payment to the Market Director at the Market Booth by the end of the market for that market day. Set up on the next market day will not be allowed until payment is made.
- c. Spaces are not transferable and are assigned by the Market Director
- d. Vendor fees for the Holiday Markets and extra season monthly markets are assessed in addition to the seasonal fee.

IV. Insurance

The DFM requires every vendor to carry liability insurance. Vendors must provide proof of insurance on or before the first day of participation. The DFM strongly recommends vendors also carry product liability insurance, but liability for all products rests solely with the vendor producing and selling them. Liability for vendors' actions rests solely with the vendor.

V. Licenses

- a. All vendors are responsible for the necessary licenses and permits required for their product(s).
- b. All vendors are responsible for collection and payment of appropriate taxes to the state, county, and city.
- c. All vendors must have on display their City Business License.

VI. Health Regulations

- a. All vendors must follow Health Code Regulations, and it is their responsibility to be in compliance.
- b. All Food Vendors are responsible for the appropriate inspections by the applicable licensing authority and must have the appropriate certification, permits, and licenses. These documents must be included in the vendor's application.
- c. No smoking by the vendors will be permitted at the market.

VII. Vendor Booth

- a. All vendors must have a canopy or umbrella.
- b. Saturday set-up must be completed by 8:00am. No vendor vehicles will be allowed in the pedestrian walkways after 8:00am.
- c. Saturday market will open at 8:00am. The Market Director will ring the opening bell. No sales are allowed before this time. No exceptions.
- d. Weighting of each vendor tent is required. 40# weights attached to each corner of the tent or canopy is expected. Because this is a significant safety consideration, penalties will be assessed for failure to comply.

VIII. Location

- a. The Saturday Market shall be located at the First National Bank parking lot, 259 W. 9th Street in Durango. Locations of mid-week and winter markets to be announced.
- b. The parking lot is not guaranteed to be empty of cars.

IX. Penalties

- a. Any vendor will be assessed a late fee of \$25 if the vendor is not set up by 8:00am.
- b. Vendors are required to notify the Market Director if they will not be present. If the vendor does not notify the Market Director, they will be charged the cost

of the loss of that space (\$30). Notification by 5:00 pm the day before the market will void the charge.

- c. Vendors must notify the Market Manager if they are going to be late or absent due to uncontrollable circumstances. Notification will void the charge.

X. Quality Standard

- a. All products and produce must be of top quality, to be determined by the Market Director.
- b. Any prepared foods sold at the market must be prepared in compliance with the Health Department Guidelines.
- c. Liability for all such products rest solely with the vendor producing and selling them. Durango Farmers Market strongly recommends that each vendor have his or her own product and general liability insurance.
- d. Vendors are encouraged to profile their farming practices. Tell people who you are with photos, written accounts, and verbal information.

XI. Upkeep

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

XII. Consumer Comments

- a. All consumer comments should be directed to the Market Director to be brought before the Board of Directors for discussion.

XIII. Vendor Comments and Concerns

- a. All suggestions, complaints, and comments must be presented in writing to the Board of Directors, signed by the member with their name, address and telephone number.
- b. A suggestion box will be located at the Market Booth.
- c. All suggestions, complaints, and comments will be considered at the next scheduled Board meeting.

XIV. Vendor Suspension

- a. Any vendor may be suspended from selling by action of the Market Director and/or Board of Directors for failure to comply with the Rules and Regulations of the Durango Farmers Market.
- b. Any vendor who challenges the authority of any staff 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 Director. The Farmers Market Board may permanently ban such an offender from the Market, or impose a lesser penalty at its sole and unlimited discretion.

- c. Durango Farmers Market members 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 legitimate concern they should immediately contact the Market Manager. If the Market Manager is not available, the vendor may contact any Board member.
- d. Durango Farmers Market, its staff and representatives, are not liable for any damages, loss of earnings, or other recovery by a vendor subsequent to application of the Rules and Regulations of the Farmers Market, nor are said parties liable in any manner for their non-adherence to these Rules which shall be interpreted and applied at their sole discretion.

XV. Vendor Information Card

- a. All vendors are required to submit the required information for their Vendor Information Card (VIC) along with their completed application. Returning vendors that have no changes to make to their VIC do not need to submit with application.
- b. All vendors will be required to display their Vendor Information Card in the designated location every market day and for the duration of the market. VICs will be provided at the beginning of the season or upon you first appearance at the market. A \$10 replacement cost
- c. will be collected if the need arises.

XVI. Electronic Benefits Transfer (EBT) Program

- a. The Market will participate in the Colorado Farmers' Market Association EBT (Food Stamp Program).
- b. Vendors who sell Food Stamp-eligible items must accept Food Stamp coupons and are required to sign an EBT agreement and submit with Application.