

# Montrose Farmers Market Rules and Regulations

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## **Overview**

The Montrose Farmers Market (MFM) is a program of Valley Food Partnership (VFP), a 501(c)3 organization with a mission to connect local agriculture to local people. The Rules and Regulations will be reviewed on an annual basis.

### MFM Advisory Committee Role

MFM receives guidance and direction from the MFM Advisory Committee (AC). The AC is a collection of MFM stakeholders, including but not limited to vendors, with a priority placed on producers, and shoppers, including food access customers, who will bring unique knowledge and perspective to the organization of the Montrose Farmers Market. The AC does not have formal authority to govern the market or issue directives. Rather, the AC serves to make recommendations and advise MFM personnel. The AC provides input on budget, safe market operations, updates on the Rules and Regulations, and general matters concerning the operations of the Montrose Farmers Market. The AC will also play a key role in public and vendor relations, acting as a liaison for feedback and input from the community and from vendors.

### MFM Personnel

MFM personnel are responsible for the weekly operations and management of the MFM. MFM personnel is hired and supervised by VFP. MFM personnel is considered the onsite manager unless a designated representative is appointed (due to absence, sickness, etc.). The designated representative will be communicated to all vendors.

## **Rules and Regulations**

### Goals

The MFM Rules and Regulations (R&R) provide a framework for informed and appropriate decision making and safe, fair market operations. VFP is dedicated to goals that are in the best interest of optimal market operations, vendor and customer satisfaction and safety. MFM focus areas include providing space for producers to connect directly with consumers, providing business assistance services, providing food access services, and supporting community building.

All vendors agree to abide by all city, county, state, federal laws, and regulations in addition to these R&R.

The R&R are reviewed annually, and notification will be provided to all vendors when changes are made. R&R are subject to change as directed by relevant federal, state, or local laws.

All consumer, vendor, or other stakeholder comments or concerns are welcomed and should be directed to MFM or VFP personnel. Applicable comments or concerns will be given serious consideration and follow-up on decisions communicated to the originator of the comment or concern.

See application and website for market dates and times.

## 1. *Vendor Approval and Requirements*

- A. **Applications:** Applications for the summer market will be available February 1st and for the winter market, applications will be available September 1st.
- B. **Approvals:** MFM personnel will review, accept, and/or reject applications that include all required paperwork, ideally seasonally, and at most, no later than 1 week prior to the next market. MFM may allow exceptions to this timeline in extenuating circumstances and/or on a space available basis. MFM personnel will consult with the AC as needed and VFP reserves the right to accept or deny any vendor application for reasonable cause.
- C. **Insurance:** The MFM requires every vendor to carry product liability insurance and a professional liability insurance policy as necessary depending on the profession.
  - i. **Proof of Insurance:** Vendors must provide proof of insurance with their application. Liability for all products and actions rests solely with the vendor producing and selling them. MFM insurance only covers MFM property. It does not cover individual vendors.
  - ii. **Additional Insured:** Vendor insurance should list Montrose Farmers' Market as an additional insured on their policy.
  - iii. **Insurance Options:** Campbell Risk Management is the MFM Insurance carrier and is a resource for Farmers Markets and vendors. You may also contact your homeowner's insurance provider to see if they can issue a rider. Insurance can be purchased for one day.
  - iv. **VFP Release Waiver:** In addition to vendors needing to carry their own liability insurance, vendors are required to sign the "VFP Release Waiver". This form releases VFP, its employees, and volunteers from all injuries, damages, and losses occurred.
- D. **Licenses**
  - i. **All vendors are responsible for the necessary licenses and permits** required for the sale of their product(s). Copies of these documents must be included with the MFM vendor application including all local, state and federal licenses required to run the business.
  - ii. **Business Licenses:** The State of Colorado does not issue or require a generic general business license. Licenses are issued by various state agencies for specific types of businesses, activities, and professions. The City of Montrose does not require a business license for vendors.
  - iii. **Sale Tax License:** If vendors do not opt into MFM's sales tax service (see section 3.c.), then proof of state and city sales tax is required with the submission of an application. These licenses must also be posted at the vendor's booth.
- E. **Fees:** Fees are due upon approval of application. See application for fee schedule. Day vendor fees can be paid with collection envelope.
- F. **Transfer:** Booth space may not be transferred to another vendor/person except in extenuating circumstances subject to approval of MFM personnel.
- G. **Resources:** All Vendors should refer to the resource page on the MFM website for additional information, <https://valleyfoodpartnership.org>.

- H. **Attendance:** Vendors are required to notify the designated MFM Personnel as soon as they know they will be absent from the MFM. Notification is to take place no later than Thursday evening prior to the market. Vendors who miss more than three markets per season, with notification, may be assigned to a new booth space or replaced in the event of a sold-out season. Vendors who miss more than three markets per season, without notification, will be assessed a \$25 fee at the following market. In the event of an emergency, please notify MFM personnel as soon as possible.
- I. **Annual Meeting:** Vendors are strongly encouraged to attend the annual vendor's meeting to hear updates as well as offer feedback, input, and ideas for the following market season.

## 2. **Vendor Classification:**

See section 7 for Product Type, Definitions and Requirements for more details

- A. **Goods:** A goods vendor shall be anyone selling agricultural, value-added, prepared foods, and artisan/craft products. Only products grown or made locally (ideally containing local, raw goods) and operating on the Western Slope of Colorado will be considered. Exceptions may apply to products that support the sale of your local products (see section IV.F.)
- B. **Services:** Businesses that provide a receivable service at market (face painting, massages, etc.) may qualify for a booth space. Businesses that do not provide services receivable at market do not qualify for a vendor space, unless as a MFM sponsor. Exceptions may be made for MFM events (ex. Entertainment).
- C. **Non-Profit, Informational, and/or Fundraising:** Approved applications for Non-profit organizations, schools, clubs, or youth organizations may have informational and/or fundraising booths, on a space available basis. MFM encourages these entities to promote programs, education or events that support local food, agriculture, or health related topics including gardening, cooking, nutrition, health and/or wellness.
  - i. **Fundraising:** Activity must be in support of a non-profit, community, educational or youth organization.
  - ii. **Youth organizations:** Required to always have adult supervision.
  - iii. **Political activity:** Political activity is not allowed inside the market and needs to be at least 150 ft. away from the market.
  - iv. **Religious organizations:** Religious organizations may apply for a booth if they are promoting a program, education or event that supports local food, agriculture, or health focused topics such as: gardening, cooking, nutrition, health, and wellness.

## 3. **Fees and Sales Tax Collection:**

- A. **Collection Sheet/Envelopes:** All vendors are to submit their collection envelopes to MFM personnel at the end of each market day with completed collection forms and payment. MFM personnel will initial they have received the envelope and corresponding monies are present in the envelope. A thorough accounting of monies will occur after the market in a private location, ideally the VFP offices.

- B. **Day Fees:** Day fees may be included in the submission of the collection envelope.
- C. **Sales Tax Services:** MFM provides vendors with a sales tax service for a yearly fee (May-April). Those who opt into this service must complete this section in its entirety on the collection sheet.
- D. **Vendors are responsible for maintaining sales tax records and totals for tax purposes. It is not MFM's responsibility to keep sales tax records for vendors.**
- E. **Prepared Food and Food Trucks:** Prepared food vendors are solely responsible for payment of city, county, and state taxes per the City of Montrose. The tax service mentioned above is not offered to prepared food vendors.
- F. **Sales Tax Payments:** MFM personnel will compile the City/State sales tax reports and pay the sales tax by the 20th of the month following the market sales.
- G. **Alternative Currency:** See Section 6 for more information. To receive reimbursement for SNAP, DUFB, WIC, LFRx, etc., these monies are to be listed and categorized on the collection sheet with corresponding submission of the monies into the collection envelope.
  - i. **Reimbursement:** Vendors will be reimbursed twice a month (15th and last day of month). Reimbursement checks will be mailed to the address noted on the application.

#### 4. *Vendor Booths*

- A. **Vendor booth spaces:** 10 feet wide by 10 feet deep. An additional fee may be assessed to vendors who require additional space. Double booth spaces are available upon request and with corresponding fees.
- B. **Appearance:** All vendors are responsible for the upkeep and cleanliness of their market space and surrounding area. 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. **Tents/Weights:** All tents or canopies are required to have weights. Canopies/tents must be anchored with 40 lb. weights (min.) on each of the four legs. Umbrellas are also required to have a weight at the base. If vendors do not have the correct weight on their tent, they may be asked to rent a set from MFM at \$15/day (if available) or take down their tent for safety reasons.
- D. **Signage:** Each vendor must display a sign clearly identifying the business name and location of the business. If vendors file their own sales taxes, the sales tax license must also be displayed.
- E. **Set-Up and Tear Down:** Vendors are to be promptly set up and ready to sell by opening time and are not to break down booths prior to closing time. Vendors who have not arrived by opening time, are considered late and will be marked with strikes. After 3 strikes, the vendor will be issued a fee of \$25 per market they are late to.
- F. **Bad weather is the exception:** While we are a rain or shine market, in the event of bad weather (thunder, lightning, heavy rain, snow, floods, etc.), MFM personnel will provide guidance for evacuation, tent removal, etc.
- G. **Parking/Space Requirements:** If there is an increased number of vendors and/or limited space, parking next to booths may not be feasible. Vendors will be given 72-hour notice regarding the parking situation. Street parking or parking in the public parking lot may be required.
- H. **Weekly Inspection.** All vendors may be subject to a weekly site inspection by MFM Personnel and/or an AC member

## 5. *Vendor Suspension & Behavior*

- A. MFM vendors are expected to always operate in a professional and courteous manner. Derogatory language directed at customers, other vendors or their products, and/or MFM personnel will not be tolerated. If a vendor has a legitimate concern, they should immediately contact MFM personnel.
- B. Vendors may be suspended from selling at the MFM by MFM personnel with the full support of VFP for failure to comply with these R&R's. Fees paid to the MFM by the suspended vendor may or may not be refunded and will be reviewed on a case-by-case basis.

## 6. *Food Assistance Programs:*

- A. Valley Food Partnership and MFM are committed to ensuring local, fresh food is available to all members of the community, regardless of economic status. To that end, we offer several food assistance programs through the MFM.
  - i. All eligible vendors are required to accept SNAP DUFB, and WIC currency. MFM reimburses vendors for each of these forms of currency.
  - ii. All alternative currencies should be treated as a valid form of currency.
  - iii. SNAP/DUFB ARE NOT SUBJECT TO SALES TAX.
  - iv. No change will be given for alternative currencies.
- B. **SNAP:** The MFM participates in a federal food assistance program called Supplemental Nutrition Assistance Program (SNAP), previously known as food stamps. MFM has an EBT machine for SNAP customers at the MFM booth each week. The EBT machine is used for swiping/scanning the customer's card and determines the amount of SNAP currency benefits available for each customer. MFM Personnel provides SNAP dollars to be exchanged with vendors for purchase. This is a year-round program.
  - i. **Validation:** All SNAP currency must be validated by the MFM Personnel prior to use. It is the responsibility of the vendor to check for the MFM stamp. Invalid SNAP dollars from other markets are not eligible for reimbursement by the MFM.
  - ii. **Eligible Products:** The following food may be purchased with SNAP currency:
    - Fruits and vegetables;
    - Meat, poultry, and fish;
    - Dairy products;
    - Breads and cereals;
    - Other foods such as snack foods and non-alcoholic beverages, seeds and plants, which produce food for the household to eat.
  - iii. **Ineligible Products:** The following items MAY NOT be purchased with SNAP currency:
    - Beer, wine, liquor, cigarettes, or tobacco
    - Vitamins, medicines, and supplements. If an item has a Supplement Facts label, it is considered a supplement and is not eligible for SNAP purchase.

- Live animals (except shellfish, fish removed from water, and animals slaughtered prior to pick-up from the store).
  - Foods that are hot at the point of sale
  - Any nonfood items such as: pet foods, cleaning supplies, paper products, and other household supplies, hygiene items, cosmetics
- C. **DUFB** - The MFM participates in a state food assistance program called Double Up Food Bucks (DUFB). This enables SNAP recipients to receive double their SNAP dollars with DUFB food dollars up to \$20/day for fresh fruit and vegetables only. This is a year-round program
- D. **WIC** - The MFM participates in Farmers' Market Nutrition Program (FMNP) which is associated with the Special Supplemental Nutrition Program for Women, Infants and Children, popularly known as WIC. Eligible WIC participants are issued FMNP coupons in addition to their regular WIC benefits. These coupons can be used to buy eligible foods: fresh fruits, vegetables, and cut herbs.
- i. WIC vouchers may only be accepted within the timeframe they are approved for.  
Vendors who accept WIC vouchers after their expiration date will not be reimbursed.
- E. **Local Pharmacy Rx (LFRx)** - LFRx is a VFP produce incentive and nutrition program for low-income residents. Participants receive LFRx vouchers when they attend classes. These vouchers may be spent at MFM for fresh fruit and vegetables only.
- F. Other forms of currency may be implemented through the MFM, including but not limited to Montrose Bucks, Colorado Farmers Market Association Bucks, etc. When this occurs, MFM personnel will communicate with all vendors the process and procedures by which to accept and be reimbursed for these currencies.

## 7. *Product Type, Definitions and Requirements*

- A. The goal of the MFM is having vendors who sell agricultural products that are locally grown and produced including: fruit, vegetables, meat, and value-added products. All products and produce must be high quality and will be monitored by MFM personnel. Second-quality produce must be clearly labeled and may be available for budget conscious consumers.
- B. **Agricultural** include raw food or fiber grown by vendors who live on the Western Slope of Colorado. "Western Slope" is defined as any county that is located in (or partially) west of the continental divide and ideally within the Uncompaghre, North Fork, Gunnison or San Miguel River watersheds.
- i. **Organic:** Any vendor claiming products as "organic" or uses organic in their marketing, must have an organic certification from a qualifying certifying agent. The certification must be displayed during the market day. You must also include a copy with your membership application. If a vendor does not have an organic certification, they may not use the word organic in their signage, logo, or other materials (i.e. "not organic but use organic practices", "not organic but use organic methods", etc.).
- C. **Value-Added Products** are food or craft items that feature a qualifying agricultural product or products. These products support agriculture on the Western Slope. Examples include soap

made from Western Slope goat milk and jam made from Western Slope fruit. Preference will be given to products that are sourced from MFM vendors, regional producers, or Western Slope products. All value-added products must be created by a vendor on the Western Slope of Colorado.

- D. **Prepared Food Products** are processed, edible items that are easily transported for later consumption. Examples of prepared food products include breads, candy, and pies. All prepared food products must be created by the vendor on the Western Slope of Colorado. There will be no resale of prepared food products.
- E. **Food Trucks** may prepare food ahead of time, or onsite, for consumption at the market or to be taken home. Preference will be given to products that are sourced from MFM vendors, regional producers, or Western Slope products.
- F. **Artisan and Craft Products** are non-food items (typically jewelry, arts, or crafts) that do not fall under the agricultural, value-added, prepared foods, or food truck categories. Artisan products must be created by the vendor on the Western Slope of Colorado. Items should be of high quality and will be approved by MFM personnel.
- G. **Reselling products.** There will typically be no re-selling of products. Vendors may submit a written letter to MFM personnel requesting permission to re-sell a product that the vendor did not grow or make. Permission may be granted when it supports the sale of their locally grown or handmade products.
- H. **New Products.** Only products listed on the vendor's application will be allowed for sale. Vendors wishing to sell a new product must notify and receive approval from MFM Personnel at least one week prior to the date of sale.
- I. **Hemp & CBD Products**
  - i. **Documentation:** Vendors must have documentation- a Certificate of Analysis from a licensed cannabinoid testing facility showing that each product being sold has 0.3% or less THC after production. There is a *Zero Tolerance* policy for THC levels higher than 0.3% at the MFM. Discovery of a THC product or THC in any product with levels higher than 0.3% will result in the immediate termination of the vendor's selling privileges for 2 years. There can be no THC in consumable products.
  - ii. **Origin:** Vendors must provide documentation showing/defining the origin of the hemp that the CBD products are derived from. This documentation must show all sources of hemp for products.
- J. **Alcohol Sales**
  - i. All alcohol vendors must abide by state and city regulations.
  - ii. Vendors must obtain proper permits from the City of Montrose for the sale of alcohol.

## 8. *Health Regulations*



- A. **Health Code Regulations:** All vendors must follow the County of Montrose and the State of Colorado's current Health Code Regulations. It is the responsibility of the vendor to ensure compliance.
- B. **Inspections:** The Montrose County Health Inspector does come to the MFM from time to time and may show up unannounced.
- C. **Food samples:** All food samples must be offered in accordance with Montrose County Health and Human Services guidelines for sampling.
- D. **Dogs Safety:** All dogs or animals brought to the MFM must comply with the City of Montrose leash laws. Owners are expected to have animals on a leash or confined in some way. Owners are required to pick up after their animals in, near and around the market.
- E. **Resources:** Please visit MFM web page ([www.valleyfoodpartnership.org](http://www.valleyfoodpartnership.org)) for additional information on where to obtain food safety training such as GAP, Cottage Foods, ServSafe training.