

# Arbol Farmers Market Rules and Regulations

The Arbol Farm Market serves the North Fork Valley, connecting farmers with the community, increasing food security and community health from the soil up.

In order to achieve our mission, the Arbol Farmers Market Committee, The Learning Council, and the Market Manager will enforce the following rules and regulations through the market season.

## **TUESDAY MARKET TIME AND PLACE**

The Arbol Farmers Market takes place every Tuesday evening from 5–8 pm. The market season begins May 18th and runs through October 12th. To fully cooperate with the Town of Paonia, the market may temporarily move locations or cancel markets at the Town's request. In this case, vendors will be given proper notice as soon as is feasible.

Market set-up will begin no earlier than 3:30 pm. The vendor's booth must be completely set-up and ready to sell by 4:50 pm each Tuesday market evening. If you arrive later than 4:50 pm, you may not be permitted to set up at the discretion of the Market Manager. All vendor vehicles must be out of the market sales area by 4:30 pm. You will not be permitted to drive into the market area after 4:30 pm. The Market Manager will be on-site by 3:30 pm to assist with setup. Please do not arrive earlier than 3:30 pm.

The market breakdown will start at 8 pm and all vendors must be out of the market area by 9 pm. Vendors vehicles are not allowed back into the market area until the market closes at 8 pm. Vendors are expected to remain at the market until all their goods are sold or the market closes, whichever occurs first.

As the season moves into the fall and the hours of daylight become shorter, the market will end at 7 pm. The Market Manager will share this date with you as it approaches, likely in September.

## **APPLICATION PROCESS**

Only vendors who meet the specific eligibility requirements as outlined below should apply. Completing the application does not guarantee acceptance. The deadline to

apply to the market is Friday, April 23th, 2021. You will be notified whether or not you have been accepted by Wednesday, May 5th, 2021.

To apply:

- 1) Review the eligibility requirements below to determine that you are eligible to sell at the Arbol Farmers Market at Paonia Town Park.
- 2) Complete the online application at [thelearningcouncil.org](http://thelearningcouncil.org) by April 23rd.
- 3) Your application will be reviewed by the Arbol Farmers Market Committee and Market Manager.
- 4) You may be asked for additional information to provide more insight about your process and ingredients. In some instances, the Market Manager may audit your business for receipts, licenses, certifications, etc.
- 5) You will be notified if you have been accepted or not no later than May 5th.
- 6) Upon your acceptance into the Arbol Farmers Market, you will be invoiced for your booth and any additional fees. These fees are due by May 31st. If you would like to may payment installations or would like to trade in-kind labor or useful ingredients with The Learning Council, please contact [Alicia@thelearningcouncil.org](mailto:Alicia@thelearningcouncil.org) by May 31st.

## **WHO IS ELIGIBLE AND WHAT CAN BE SOLD**

It is the market's goal to support the farmers and producers of the North Fork Valley. The Arbol Farm Market promotes sustainable, regenerative practices in producing food and goods. In keeping with these goals, vendors must produce their products within a 100-mile radius of Paonia; priority will be given to North Fork Valley producers.

Eligible food producers and vendors must grow and sell food that is Organic Certified, Naturally Grown Certified, or a commitment to grow at that standard or beyond. Nonfood vendors must use certified organic, natural or wild-crafted ingredients, or earth sourced, locally sourced, or recycled materials. More details below under standards on the Arbol Farmers Market requirements for standards.

## **NONPROFIT AND COMMUNITY SERVICE ORGANIZATIONS**

There are several spaces available at each market and are given on a first-come, first-served first-served basis after the application process closes. Each non-profit may attend the market up to three separate dates, except as determined by the Arbol Farmers Market Committee. To sign up for market space, contact the Market Manager. There is no fee for information booths where no goods are sold.

## **VENDORS MAY SELL MERCHANDISE**

Branding items (i.e. tee-shirts, caps, shopping bags) that share the vendor's logo and/or company name may be sold or given away at the market regardless of origin, though the Arbol Farmers Market encourages vendors to source these products from within Colorado and organically grown.

## **PROHIBITED ITEMS**

Garage Sale and Flea Market items are expressly prohibited from being sold. Multi-level marketing products (i.e. Avon, Doterra, Arbonne) are expressly prohibited. Value-added foods and crafts not produced by the seller are expressly prohibited.

## **RESALE**

As the goal of the market is to directly support farmers and food producers of our region, resale is not allowed at the Arbol Farm Market. Resale is not permitted of any products: agricultural, value-added, cottage food, nonfood and body products, crafts, etc.

## **BOOTH SPACES**

Each vendor will have 12'x12' of space to set up their entire booth. If you need more space, you may be subject to pay a larger market fee for the season.

## **FEE STRUCTURE**

The vendor fee is \$200 per season or the equivalent in in-kind donations. The purpose of these fees is to pay for the venue space at Paonia Town Park imposed by the Town of Paonia.

Vendors may also trade in-kind donations for their booth space. In-kind donations may include labor (i.e. helping the Market Manager with procedures, helping The Learning Council in the kitchen or with set-up or breakdown) and may also include a donation of useful ingredients with The Learning Council. To arrange an in-kind donation as a part of the fee structure, please contact [Alicia@thelearningcouncil.org](mailto:Alicia@thelearningcouncil.org).

Scholarships to cover fees may be available for farmers upon request. If you feel the annual fees are creating a barrier for you as a vendor, please contact us.

Vendors must also cover their own vendor's insurance and Colorado Sales Tax License. See more details below under "INSURANCE" and "TAXES".

## **MARKET PARTICIPATION**

Any vendors wishing to sell at the market must submit an application. By submitting the application the vendor agrees to abide by all the terms set forth in these Rules and Regulations and any verbal or written directions given by the Arbol Farmers Market committee and the Market Manager. Anyone found to be willfully violating any of these provisions will forfeit further participation in the market with no refund of fees.

Vendors are expected to attend all markets. If vendors are not able to attend a market, the Market Manager must be notified 48 hours in advance. If you miss more than three markets in the entire season, you will be asked not to return as a vendor. Some flexibility around this rule may be allowed, please contact the Market Manager as soon as possible to arrange.

Any vendor who displays any harmful or divisive activity is subject to consumer complaint will have his or her membership reviewed by the board of directors and may have his or her membership revoked and/or ask to leave the market. In such cases, any fees will not be refunded. The Arbol Farmers Market committee reserves the right to review and revoke membership and vendor participation whenever deemed necessary.

Vendors cannot engage in aggressive selling, barking, hawking, or calling out to customers in an aggressive way. Vendors should stay within their booth space during the market and not walk up to customers to “pull them in”.

Vendors may be able to use electrical outlets near the bleachers and other areas of the park during market hours.

### **POTENTIAL HAZARDS AND YOUR SELLING AREA**

Each vendor is responsible for making sure that their selling area is safe. You must remove all potential hazards from your selling area, maintain its cleanliness and remove all trash prior to leaving the market area. All canopies and umbrellas must be weighted down by 40-pound weights on each leg. Failure to weigh down your tent before the market opens to the public will result in a potential fine.

Pets, including vendors' animals, are allowed at the market but must be on a leash at all times.

### **ZERO-WASTE**

The Arbol Farmers Market is a zero-waste market. Before leaving, please be sure your area is clean and trash-free. Trash cans will be available at the market venue along with recycling bins.

One-time use utensils, dishes, carry-out containers must be biodegradable or

compostable. Plastic bags to sell produce in should be biodegradable.

Reusable shopping bags will be made available by the Arbol Farm Market Informational Booth. Please direct customers to this booth if they need a bag to carry your products with.

## **INSURANCE**

All vendors must provide proof of commercial general liability policy and submit a waiver of liability, indemnifying the Arbol Farm Market, committee, staff, and volunteers against any and all claims arising from their participation in the market. Vendors must further name the Arbol Farmers Market as an additional insured on their policies. Insurance options for food vendors available (but not limited to) through [FLIP](#). Insurance options for non-food vendors available (but not limited to) through [ACT](#).

## **TAXES**

The sales tax to sell products at Paonia Town Park is 8.7% for general merchandise and 5.8% for food for home consumption. In general, ready-to-eat foods, crafts, body products fall will owe 8.7% sales tax. In general, agricultural producers will owe 5.8% sales tax. To learn more about Colorado Sales/Use Tax Rates, see form [DR-1002](#).

Each vendor is responsible for having a Colorado Sales Tax License. Vendors will file their owed taxes to the state. To apply for a sales tax license, [visit My Biz Colorado](#).

## **SCALES**

Scales must be certified by the State of Colorado and must have the current approved seal of the State of Colorado Measurements and Standards Section.

## **SAMPLING**

Sampling food at the Arbol Farmers Market is currently not allowed at the market due to COVID-19 restrictions. This status is subject to change with the possibility of Delta County moving into the “green zone” of COVID-19 regulations.

## **FINES**

The following fines will be issued to those vendors in violation of the Arbol Farmers Market Rules and Regulations. Fines apply to all vendors including nonprofits. The Market Manager has the ability to use their discretion on rule enforcement and fines. The penalties that can incur fines are as follows:

1. Market absence notification to the Market Manager must be made 48 hours in advance, otherwise, a \$20 fine will be imposed.
2. A no-show, no call on Tuesday evening will incur a \$40 fine.
3. Arriving late to the market is not acceptable. Any vendor showing up after 4:50 pm will not be allowed to drive into the market and a \$20 fine will be imposed.
4. Failure to weight your tent will result in a \$20 fine.

The Arbol Farmers Market committee and Market Manager may enforce these fines as they see necessary. Continued violation of Rules and Regulations could result in being excused as a vendor from the market with no refund. It is your responsibility to know and understand these rules and share them with any employee who may be working at the market in your palace. If you have questions about the Rules and Regulations, please ask the Market Manager.

### **VENDOR SELECTIVITY**

The Arbol Farmers Market reserves the right to prohibit anyone from selling at the market or to prohibit any product from being sold there. These determinations will be made based on market demands, applicable laws and health codes, the rules and regulations of the Arbol Farmers Market, and at the committee's discretion. Rules and regulations are subject to change for special event days and/or at the discretion and judgement of the Arbol Farmers Market committee.

### **NON-SERVABILITY**

In the event that any one or more provisions contained herein shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of these Rules and Regulations nor any agreement between the vendor and the AFM, but these shall be construed as if such invalid, illegal, unenforceable provisions had never been contained herein unless the deletion of such provision or provisions would result in such a material change so as to cause completion of the transactions contemplated to be unreasonable.

### **MARKET STANDARDS FOR ALL PRODUCTS**

As a vendor, you must sell products that are in alignment with the Arbol Farmers Market Standards. Please carefully read the standards listed below. If you have questions, please contact us.

### **Agricultural Producers**

- All meat vendors must sell frozen products, no fresh meat allowed
- Meat vendors must process at a USDA facility or State-approved facility
- All dairy must be processed at a licensed facility
- Growers must produce food at Organic Certified, Naturally Grown Certified, or a commitment to grow at that standard or beyond
- Vendors are allowed to sell their own merchandise i.e. branded hats, totes, etc.

### **Value-Added Foods and Cottage Food Vendors**

- Value-added foods must be prepared in a commercial kitchen or in compliance with Cottage Food Industry regulations
- Ingredients must be sourced from Organic Certified, Naturally Grown Certified, or from growers who produce at that standard or beyond. 75% of ingredients need to be sourced locally (oil, salt, pepper can be excluded from this total)

### **Nonfood/ Body Products**

- Body care items should be made from scratch and use certified organic, natural or wild-crafted ingredients
- Preference for body products in which plant materials, honey, beeswax, etc. are locally sourced
- Preference is given to organically sourced carrier oils and alcohol

### **Craft Vendors**

- Priority to crafters whose items are earth sourced, locally sourced, or recycled materials