



2017 Rules and Regulations- Boulder and Longmont

Boulder County Farmers' Markets Mission and Vision

The Mission of the Boulder County Farmers Markets is to support, promote and expand local agriculture, making fresh products accessible to our community, and strengthen relationships between local food producers and food consumers.

The Vision of the Boulder County Farmers Markets is to be a Steward of Local Agriculture- a harmonious financially strong organization growing in reputation and cultural relevance, with increased Market sales, solid alignment between Farmers and Food Producers, and recognition as a thought-leader and innovator in the Local Foodshed.

Spirit of the Market

The success of the market is the result of a collaborative partnership between BCFM, the vendors, and the markets' customers. Our mutual objective is to continue to increase the availability of high-quality local foods and the customer demand for those foods. In order to support this objective, preference is given to those vendors who clearly demonstrate adherence to the principles of local. Farmers may sell only the produce (such as vegetables, herbs, flowers, seeds) they grow on their local farms, ranchers may sell only the animal products raised on their local ranches, and packaged and prepared food vendors who use a maximum of locally supplied ingredients are given preference.

Communication

BCFM communicates primarily via email and other electronic means. In order to receive printed communications via USPS you must notify the BCFM staff, in writing, of your wishes. BCFM will make its best attempts to comply with these requests.

Definitions:

Artist/Artisan- An artist or artisan is a person or entity that, through the practice of applied arts and craftsmanship, produces and creates his, her, or its own original artisan products, artwork, or craftwork.

Community Guest- An agriculture or food-related Colorado non-profit corporation who wishes to operate a booth for educational or outreach purposes.

Contractors- Packaged food vendors and prepared food vendors make up the class of contractors.

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Credit Account- All monetary transactions between BCFM and its vendors are recorded in a credit memo/invoice. This includes application fees, space fees, daily fees and any other purchases including supplies. Vendors receive monthly statements via email, and all Vendors are reimbursed each month for overpayments due to the exchange of BCFM cash/EBT alternatives. Cash/EBT alternatives include WIC, SNAP, and BCFM Market Bucks and are to be turned in at the end of each market day. All cash/EBT alternatives are credited to the vendor's Credit Account at full value.

Farm Crafter- A Farm Crafter is a person or entity that sells handmade, agricultural-based crafts made predominantly of material grown or gathered on land owned or leased by the person or entity. The agricultural material must be the focus of the craft product. Farm Crafters generate more than 50% of their annual market income from craft sales.

Farmers- Any organization or individual that grows its own produce (e.g., plants, flowers, herbs, vegetables, fruits, nuts, seeds). BCFM farmers can sell only produce that is grown by them on land they own or substantially control.

Local- In the case of BCFM, "local" is generally defined as being from the front range with preference given to producers and contractors from Boulder County. Specific exceptions, however, can be made by the BCFM Board of Directors such as those organizations that are grandfathered-in or in cases where an organization provides a needed element of supply that is not readily available within the local area. For example, fruit growing organizations from the western slope.

Market Guest- Market Guests are producers and contractors who participate in six or less market days at any respective market (e.g., six days in Boulder and five days in Longmont).

Members- Members consist of BCFM farmers and ranchers. These organizations have the right to vote on various issues as described in the BCFM bylaws. These rights are the result of producers' historic role in establishing and maintaining the market as well as the critical nature of their product on the markets' success.

Producers- Farmers and ranchers are collectively referred to as producers.

Packaged Food- These organizations prepare and package food in a licensed, non-copacking facility for sale at the market and consumption off-premises. Local sourcing is encouraged and preferred.

Prepared Food- These organizations prepare food at the market for consumption on the premises. Local sourcing is encouraged and preferred.

Ranchers- Any organization that raises its own livestock, including but not limited to, beef, poultry, dairy, pork, goat, rabbit, mutton, and lamb, for sale as a processed product or offers animal byproduct (eggs, milk)

Vendors- Vendors are made up of farmers, ranchers, farm crafters, packaged food organizations, prepared food organizations, and artists.

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1. To Become a Vendor of the Market

Participation in all BCFM markets is by application. For the Boulder and Longmont markets, highest priority will be given to Boulder County Farmer/Rancher producers and existing members in good standing. Applications and all required fees are accepted annually, and are subject to annual approval by the Board of Directors (Board).

All BCFM application fees are non-refundable. Notice of application approval will be completed annually, by March 1st. The Board may reject a product if it determines the product does not fit within the mission and goals of the BCFM. An applicant who does not agree with the Board decision regarding a product may appeal the decision to the Executive Committee of the Board.

Producers, Contractors, Farm Crafters

All producers, contractors, and farm crafters wishing to become a vendor, whether new or returning, at the Boulder County Farmers Markets must submit a complete application on an annual basis in accordance with current procedures and deadlines and pay all required fees. In order to be considered as a vendor for the 2017 season, applications must be completed online through Manage My Market and submitted by January 17, 2017. Links to Manage My Market can be found on the BCFM website at www.bcfm.org. A check for the applicable application fee must be received at the BCFM offices by January 23, 2017. Applicable application fees are described in following sections.

All applications are subject to approval by the BCFM Board of Directors. Space fees are not payable until an application has been approved.

To allow for the maximum amount of time for production planning, producers and contractors who have applied by the January application deadline will be notified of approval or rejection of vendor application after February 20, 2017.

Market Guests

To encourage participation by entities that meet BCFM's criteria but are unable to participate for an entire market season, BCFM allows these organizations to apply as Market Guests at the discretion of the Markets Manager. 2017 Market Guests may apply through Manage My Market by January 23, 2017. Guests may also apply during the market season at the Markets Manager's discretion. These applications must be made no less than two weeks in advance of desired market. A Market Guest may attend no more than six market days per season at each distinct location and all approvals are made by the Markets Manager. Special arrangements may be made solely at the Board's discretion.

Community Guests

To support local non-profits with values similar to those of the BCFM and/or with complimentary programs, we welcome the participation of community groups to our markets for tabling as Community Guests. Community Guests may contact the Markets Manager to receive an

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application and are scheduled at the discretion of the Markets Manager. Community Guests may not sell product or merchandise at the market.

Artists

Artists may apply to sell their art at the BCFM monthly Artisan Shows. Artists who wish to apply may do so by downloading an application from the BCFM website (www.bcfm.org), completing the application, and sending the appropriate fee. All applications and application fees are due by February 28, 2017.

2. To Become a Member of BCFM

BCFM has three types of membership:

Full-Time Members: Producers and Farm Crafters that have been accepted to the market and attend at least 90% of a full market-season (e.g., 30 weeks of 33 week season) are “Full-Time Members” and are eligible to vote on issues in their membership year as described in the BCFM bylaws. Any member who participated in the previous year’s market and did not attend a minimum of 90% of the applicable market days from the prior season will lose the right to membership for the current year. Full-Time Members are eligible to receive an assigned space for the market season. Only one membership will be extended per producer entity.

Part-Time Members: Producers who, due to seasonal restrictions on their crops (e.g., honey, fruit), have a shorter availability than vegetables and other produce and are unable to provide product during the entire season. Part-Time Members must outline their schedule in their application and obtain approval from the Markets Manager. Part-Time Members who attend at least 90% of their scheduled market days are eligible to vote on issues in their membership year as described in the BCFM Bylaws. Part-Time Members are eligible to receive an assigned space during their attendance.

Youth Member: Young farmers, 15 years or younger, who wish to sell their products at the market shall coordinate with the Markets Manager to do so on a space-as-available basis. Youth members do not have minimum attendance requirements, do not have voting rights, and do not qualify for assigned space.

3. Vendor Selection Criteria and Considerations

Vendors are carefully selected to enhance the market environment and offerings. BCFM uses a weighted grading system as described below.

Commitment- BCFM spends considerable resources promoting the markets and establishing customer trust. It is vital that vendors contribute to this trust by supporting the BCFM mission and vision. Highly rated vendors will: participate in and support BCFM programs; be responsive to BCFM outreach efforts; advertise their products truthfully, communicate respectfully with staff, fellow vendors, and the public; offer constructive feedback and act in the spirit of collaboration. (15% of overall grade)

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Sourcing- The BCFM mission is to support local agriculture. Accordingly, highly rated vendors will source 100% of their product within Boulder County, and where ingredients are not available within the county will source within Colorado. (20% of overall grade)

Quality- Customer expectations are for high-quality products and experience. Highly rated vendors will have high-quality products/ingredients such as minimally processed, no mold, healthy products per FDA standards, and a high-quality presentation (clean tent, clear signage, easy access, easy shopping). (20% of overall grade)

Conduct- Every vendor is not only the face of their own organization but also a face of the market in general. Highly rated vendors will be owner-staffed and actively contribute to improving the vitality and viability of the marketplace through excellent customer service and positive interactions with all customers and fellow vendors. They will have few customer/vendor complaints and concerns are handled professionally. (20% of overall grade)

Attendance- Consistency is critical in attracting buying customers to the market. It is important that vendors make a commitment to attend the market at least 90% of their season or better. (15% of overall grade)

Sales- Relative sales are a good indicator of relevancy to the marketplace. In addition to meeting the minimum sales threshold of \$10,000 per market year, highly rated vendors will demonstrate appropriately increasing demand at the market year-over-year. (5% of overall grade)

Variety- Vendor offers a desirable product that is not readily offered by other vendors at the market. (5% of overall grade)

Fee Payment- Highly rated vendors will routinely pay weekly fees at the end of each market. (5% of overall grade)

4. What Can Be Sold

No resale is allowed. All produce and products sold at the markets, with the exception of canned beverages in the food court, must be grown or produced by the vendor. All booth staff, whether owner or employee, shall be held strictly responsible for adhering to this policy.

BCFM recognizes the Cottage Bill of 2012 which amends the Colorado Cottage Foods Act. Markets managers will work with applicants who have questions regarding this act and its applicability.

Any changes or alterations in crop lists or menus must be approved in writing by the Markets Manager before the produce is sold.

Producers and Market Guests may sell:

- Unprocessed Agricultural Products. This category includes fruits, vegetables, grains, flowers, bedding plants, and potted plants. All agricultural products must be grown in Colorado. The seller must grow bedding plants and potted plants from seed, plug,

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cutting, bulbs, or bare-root. No resale of pre-finished plants is allowed. Transplanted plants must be grown to the point where the roots fill the pot (roots hold the soil when the pot is removed).

- Mushrooms. Selling wild-collected mushrooms in any form is prohibited at the Market. Cultivated mushroom growers must comply with all the Rules and Regulations of BCFM and the federal, state, and local authorities.
- Honey. Honey producers must manage 100% of their hives, from which they intend to gather and sell honey at the market, in Boulder County or adjacent neighboring counties during the entire season which bees gather nectar. Priority will be given to beekeepers providing honey for the market that was produced on hives located in Boulder County during the entire period which nectar was gathered. If there are no honey producing hives in Boulder County priority will be given to beekeepers in adjacent counties.

BCFM honey producers must clearly label all jars of honey and/or provide information that conveys information highlighting the manner in which the honey was produced and where it was produced. Because there are no accepted definitions of "raw" honey, honey producers who promote or label their honey as raw must clearly define to their customers what raw means for their product including processing temperatures. This information must be located either on the label or with literature provided at their market booth."

- Value-added Agricultural Products: These products are admitted only with Board approval: including but not limited to raw agricultural products grown by the seller that are processed (e.g., jams, fruit butters, canned goods), or any product the sale of which a government agency regulates (e.g., milk, cheese, oils, vinegars, meats, poultry, eggs, honey, soaps, herbal preparations, etc.). BCFM members must maintain the care and keeping of an animal for a minimum of one year, or half of its life, before its meat may be sold at a BCFM market. The member must make all value-added products predominantly of ingredients grown in Colorado by the member.
- 75% of agricultural products making up wine, fortified wine, and hard cider (other than those sold in the beer/wine garden) including grapes, grape must, other fruits or fruit products, must be grown in Colorado in order to be sold at market. Beginning wineries and distillers or those growers impacted by disaster, however, may make a request to the Board for a temporary waiver for up to two seasons during which to meet the standard (standard must be met by beginning of third season), provided that at no time the percentage of agricultural products grown in Colorado shall fall below 50%. Those products not incorporating 100% Colorado grown agricultural products must clearly display the state of origin of their ingredients at the point of sale. Wines that include agricultural products that are 100% grown on the vendor's property are sold in the producer category. Wine that includes agricultural products not 100% grown on the

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vendors property are sold in the packaged category. As with all products, those incorporating a maximum of local ingredients are heavily favored during the vendor selection process.

- Mead. Honey sourced for the production of mead must meet the honey production standards set forth above.
- Soaps, Lotions, Creams. Eighty percent (80%) of herbal and other plant material in items such as soaps, tinctures, creams and lotions, therapeutic products, scents, toiletries, essential oils, bags, home-care and herbal products must be grown and produced locally. Herbal and plant material includes herbs, distillates, scent or flavoring agents, active ingredients etc. Local raw materials must be used for the non-herbal components of these products to the extent possible.

Soaps, in addition to the above, must be made using at least 25% material grown or produced locally in the base (ingredients used before the trace stage); must be hand made where fats and alkali are mixed on your premises. Melt and pour, and similar production techniques are not permitted; and at least eighty percent of the herbal or other material added after trace must be grown in the local area.

- For each product presented to BCFM, the vendor shall provide a list of all ingredients in the processed item and where they were grown, or the name of the supplier for each ingredient. The vendor shall maintain a verifiable source log for all ingredients in an approved product. The log shall be available for review by the Market management. Failure to maintain a complete and accurate source log is presumptive evidence of noncompliance with the craft rules.
- Producer products that do not meet the value-added standards may be submitted, at the producer's discretion, for consideration as a packaged product in the contractor category.
- Farm Crafts. These products are admitted only with Board approval: Only handmade, agricultural crafts the vendor makes predominantly of material grown will be allowed. The agricultural material must be the focus of the craft product. The product must meet basic expectations of product function and safety. Membership of farm craft sellers in the markets will be limited to no more than 5% of the markets' membership. A farm craft seller will be defined as any producer who generates more than 50% of their annual market income from the sale of farm crafts.
- Wool and Fiber products. The wool and fiber in textile products must come exclusively from the vendor's animals. Necessary trimming materials that do not come from the vendor's animals (fastenings, assembly and tailoring materials) may be used but shall not exceed 20% of the total product.

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- CSA Pickups. Producers are encouraged to have CSA pickups at the market. A CSA pickup is the collection of goods that have been paid, in advance, for the entire season. For tax compliance, any exchange of cash, check, or electronic payment conducted at the market are required to be recorded on the daily fee slip under gross sales. To avoid having to record CSA sales, please ensure your pickups are pre-paid.

Contractors may sell:

- Food products they produce in Boulder County and incidental items that compliment their menu.
- All items, including drinks must be listed upon application and approved before distribution. No drink may be sold in glass containers.
- Preference is given to contractors who use a high-degree of locally grown ingredients in their products.
- No products or beverages with high fructose corn syrup, aspartame, phosphoric acid, and/or artificial flavoring may be sold at market.

5. Vendor Compliance Requirements

A. Licenses/Certifications: Vendors must have all required city, county, state and federal licenses and certificates applicable to their business and its operation at the Farmers' Markets AND must submit a current copy of each license/certificate 30 days prior to first market. Failure to provide required documents will result in loss of market space until such documents are in order.

See Appendix A of your application for a list of required documents. All files must be complete 30 days prior to the first market.

All contractors, and value-added product manufacturers, must have a current commissary agreement.

All beer and wine service personnel who are selling alcohol must be TIPS certified.

All prepared food vendors personnel must be STAR or STAR equivalent certified.

B. Government Regulations: Members are expected to comply with any government regulations that may be in effect for activities that take place at the market. These include certification of scales, health rules applicable to samples and food display, statements about being organically grown, eggs, product labels, etc. Compliance with these various government rules is the member's responsibility, and the market will only monitor them as it can and will seek official input as needed to protect the market and its customers.

C. Signage: Vendors must display signage in a prominent location (truck mounted is allowed) identifying their business name and mailing address or nearest town as it appears on their application.

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Letters identifying your business name must be a minimum of 4" in height.

Only vendors with organic certification are allowed to advertise organic. Vendors without organic certification may not use the word "organic" in their business name or any signage. Examples include signage promoting "Better than Organic" or "Beyond Organic".

If Certified Organic, vendors must display the USDA Certified Organic Logo.

Name identification, Certified Organic, and other signage should be displayed in time for the opening of the Market.

Product description signs must be accurate and truthful.

Each vendor should have clear identification of price per unit for each commodity. All prices must be clearly marked or posted.

D. Marketing Organic Produce or Products: If a grower markets produce or products as being organic, a copy of the current organic certification must be submitted with the membership application each year and must be available for market staff or customer review at the member's stand each market day.

BCFM members are reminded that pursuant to CFR Part 205, Subpart B, Section 205.100 (c)(1), any operation that knowingly sells or labels a product as organic, except in accordance with the Act, shall be subject to a civil penalty of not more than \$10,000 per violation.

While use of the word "organic" in a legal company name or a farm name are not tied to the requirements for organic certification, BCFM members may not display at their market stand a company name or farm name using the word "organic" unless they are certified organic.

Members selling products that are not certified organic shall not use the word organic when selling their products. Members with certified organic farms, selling items that are non-organic, shall label those items as non-organic.

E. Leased Land: For any member to bring to the market items produced on leased ground, s/he must meet all of the following requirements:

- Submit a copy of signed lease documents with the annual membership application.
- A map must be provided indicating where your land is leased. Any parcels outside of Boulder County should be noted.
- Provide receipts for seeds, transplants, or other expenses upon request.
- The member or his or her hired agents must do all planting, cultivation, and harvesting. If a third party is hired for plowing, cultivation or any other farming practice, the Board reserves the right to see payment receipts from this third party.
- Leasing will be allowed only if the member has significant risk and investment in the leased operation.

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F. Animals at Market: We require our vendors to uphold the standards set forth by our market. Our Boulder County markets are pet-free. Please refrain from bringing pets to market.

6. Fees and Fee Types

Application Fees: A one-time \$100 application fee is paid by each vendor for application to BCFM. Applicants may apply to as many markets as desired at no extra cost. Application fees are due at the time of application.

Space Fees: Space fees are of two types: one-time and per occurrence. Producers, Farm Crafters, and Contractors pay a yearly fee at the time of application approval. Market Guests, Community Guests, and Artists pay a fee for each market day attended. The fee amount is based on a 10' x 10' booth footprint and varies depending on vendor type and market as shown in the tables on page 11. Any sub-divided space is priced on a prorated basis. Space fees are due at the time of application approval.

Daily Fees: Daily fees are paid as a percentage of daily gross sales and vary depending on vendor type and market. Gross sales are defined as all revenue received during the course of the market.

We recognize that in addition to supporting local agriculture BCFM supports and often serves as an incubator to local food businesses. In order to ensure we can continue to successfully serve the community in this capacity BCFM is implementing a minimum fee policy for vendors. This minimum fee helps:

- Offset BCFM's expense of hosting a site in those cases where a vendor's sales are too low for BCFM to recover its costs
- Support the growth and future success of low-volume vendors by reducing the importance of gross sales thresholds in future consideration of participation
- Contribute to increased marketing efforts targeted at increasing customer attendance and average purchase amounts

Inaccurate or fraudulent reporting jeopardizes the markets' future. Vendors are expected to report all sales accurately and risk expulsion for failure to do so. BCFM reserves the right to audit vendor sales at any time without prior notice.

All Farmers' Market daily fees are due at the end of each market day. If, for any reason, a vendor cannot turn in a fee bag at the end of the market day, they must notify and make special arrangements with BCFM bookkeeping. Vendors failing to notify bookkeeping will be fined \$5.00 for each occurrence.

A bank bag will be provided during market hours for fee payment. Complete one copy of the form inside, writing clearly, and making sure the company or business name, date, and gross sales figures are on the form. Slip the fee form into the clear window on the front of the bag, folded so that the business name can be read. All the slips inside are the same. Vendors may

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use an extra form as a receipt for record keeping but the remainder of the slips must be left in the bag. Any person who will be filling out fee slips needs to read these instructions.

When ready to pay, the bank bag should be given to the BCFM staff person at the Information Booth. All bags should be returned by the end of each market day. Any vendors turning in a bag(s) later than the following market day will be assessed a \$15 fee. This means that all money should be counted and fees paid. All fees must be paid by check so be sure to bring a check to each market. BCFM does not accept cash payments.

Daily fee calculation example:

Vendor	Gross Sales	Daily Fee Rate	Minimum Fee	Fee Paid
Bob's Bread	\$250	10%	\$35	\$35
Popping Popovers	\$550	10%	\$35	\$55
Roasting Beets	\$1000	10%	\$35	\$100

Fee Summary Tables by Vendor Type and Market

Producers

		Boulder Saturday	Boulder Wednesday	Longmont Saturday	Winter Market
Application Fee <i>one time</i>		\$100			\$25
Space Fee <i>one time</i>	10' x 10'	\$150	\$100	\$100	\$0
	10' x 15'	\$225	\$150	\$150	\$0
	10' x 20'	\$300	\$200	\$200	\$0
	10' x 25'	\$375	\$250	\$250	\$0
	10' x 30'	\$425	\$300	\$300	\$0
	10' x 40'	\$500	\$350	\$350	\$0
Daily Fee (% of gross Sales)		3.5%	3.5%	3.5%	3.5%

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Contractors

		Boulder Saturday	Boulder Wednesday	Longmont Saturday	Winter Market
Application Fee <i>one time</i>		\$100			\$25
Space Fee <i>one time</i>	10' x 10'	\$150	\$100	\$100	\$0
	10' x 15' <i>(prepared only)</i>	\$200	\$150	\$150	\$0
Daily Fee <i>(% of gross Sales)</i>		13.85%	13.85%	10%	10%
Minimum Daily Payment-Packaged		\$45	\$20	\$35	\$20
Minimum Daily Payment-Prepared		\$55	\$20	\$35	\$20

Market Guests

		Boulder Saturday	Boulder Wednesday	Longmont Saturday
Application Fee <i>one time</i>		\$50		
Space Fee <i>per occurrence</i>	10' x 10'	\$25	\$25	\$25
Daily Fee-Packaged <i>(% of gross Sales)</i>		13.85%	13.85%	10%
Minimum Daily Payment		\$45	\$30	\$35
Daily Fee-Producers <i>(% of gross Sales)</i>		3.5%	3.5%	3.5%

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Community Guests

	Boulder Saturday	Boulder Wednesday	Longmont Saturday
Application Fee (one time)	\$0		
Space Fee (each occurrence)	\$30	\$30	\$30

Artists (FAFCF)

		Boulder Saturday	Longmont Saturday	Winter Market
Jury Fee (one time)		\$25		\$25
Space Fee <i>Per Occurrence</i>	10' x 10'	\$115	\$115	\$250 \$280 (corner)

7. Taxes

The table on the following page shows various applicable taxes for each market and the party responsible for paying those taxes. In all cases, vendors are responsible for their own taxes. Per BCFM's agreement with the City of Boulder, BCFM will collect tax payments from Producers at the Boulder markets on behalf of the City of Boulder. These collections are paid directly to the City of Boulder. Links to general tax resources are included for your convenience. **The information shown is intended to be a guideline only. You should consult a tax professional for detail on the specific taxes for which your organization is responsible.**

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		Boulder Market Vendors				Longmont Market Vendors			
		Producer	Pkg Vendors	Prep Vendors	FAFCF	Producer	Pkg Vendors	Prep Vendors	FAFCF
		<i>Entity Responsible for Paying Tax</i>				<i>Entity Responsible for Paying Tax</i>			
Tax Authority	City of Boulder	Vendor (collected by BCFM)	Vendor	Vendor	Vendor	N/A	N/A	N/A	N/A
	City of Longmont	N/A	N/A	N/A	N/A	note 1			
	Boulder County	note 2							
	CO State	Vendor	Vendor	Vendor	Vendor	Vendor	Vendor	Vendor	Vendor
	Federal	Vendor	Vendor	Vendor	Vendor	Vendor	Vendor	Vendor	Vendor

note 1: All vendors are responsible for payment of taxes on sales.

note 2: For more information on the Boulder County tax please see <https://www.bouldercounty.org/doc/adminservices/salesusetax.pdf>

For farm federal tax questions: (A farm includes livestock, dairy, poultry, fish, fruit, and truck farms; it also includes plantations, ranches, ranges, and orchards) please reference the Farmers Tax Guide 2013 - <http://www.irs.gov/pub/irs-pdf/p225.pdf>

Food vendors in the City of Boulder, if applicable, pay a food service tax, see <https://bouldercolorado.gov/tax-license/eating-and-drinking-establishments> for more details.

The Boulder County Fairgrounds are located in unincorporated Boulder County and, therefore, city sales taxes do not apply.

Sales Tax for the State of CO: According to the [Colorado Department of Revenue](#), vendors who are “engaged exclusively in the business of selling commodities exempt from state sales tax (such as vegetables, fruit or rice for home consumption) are not required to get a Colorado sales tax license. However, vendors who sell food not for home consumption (freshly prepared food) or “other tangible property” and non-food items such as promotional items, seeds, wool, fiber products, plants, art/crafts, and soaps are taxed at full sales tax rates and must register with the state and have a Colorado sales tax license. Non-food items are taxed at a full tax rate.

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8. Space Allocation

Space allocation has two aspects, square footage and location.

The number of square feet any vendor may use at BCFM markets is based upon prior year's sales. Markets have sales threshold requirements for space size qualification. Sales thresholds are determined annually by BCFM's Board of Directors based upon market sales trends. Members receive notice of changes in sales thresholds in advance of the market season for which they apply.

All markets have limited space and need to accommodate as many vendors as possible for a successful market. In the event a vendor reaches a higher sales threshold but additional space is not available, that vendor will be added to a waitlist and additional space will be allocated as it becomes available.

2017 Producer Gross Sales Thresholds

	Boulder Saturday	Boulder Wednesday	Longmont Saturday	Winter Market
10' x 10'	no sales threshold			
10' x 15'	\$17,500	\$10,000	n/a	n/a
10' x 20'	\$30,000	\$20,000	\$20,000	n/a
10' x 25'	\$45,000	\$27,000	n/a	n/a
10' x 30'	\$60,000	\$35,000	\$50,000*	n/a
10' x 40'	\$90,000	n/a	\$75,000*	n/a

*Due to the regular trees that divide available space at the fairgrounds in Longmont, allocation of 30' and 40' space is dependent on available areas not already assigned.

2017 Contractor Gross Sales Thresholds

	Boulder Saturday	Boulder Wednesday	Longmont Saturday	Winter Market
10' x 10'	\$10,000	\$0	\$7,500	n/a
10' x 15'	\$40,000	\$0	\$25,000	n/a

The Board will consider exceptions to the sales thresholds on a case-by-case basis. The markets retain control of all currently unassigned space. Such spaces will be assigned at the Markets Manager's discretion. If a space is not utilized in its entirety at a market by a vendor, the Markets Manager may fill the space with another vendor or community group.

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Any vendor without an assigned space will be provided a space by the Markets Manager. Preference will be given to Boulder County growers if there are more applications than space available. The assignment is for that market day only and may vary from week to week. Since all markets are at or near capacity, it may not be possible to accommodate requests for space changes.

Booth location is determined by the BCFM staff and approved by the Board of Directors. BCFM seeks to obtain a vendor mix that is optimal to attracting customers and driving sales at all corners of the market. The contributing factors include traffic flow, ingress and egress to the market space, product mix, and vendor appeal. The previous location of vendors with a long history at the markets may be given preference due to a consumer preference for consistency.

9. Time and Place

Market: Boulder Saturday

Location: 13th Street between Canyon Blvd and Arapahoe in Boulder

Dates and Times: Every consecutive Saturday, from 8:00 a.m. until 2:00 p.m. from the first Saturday in April through the last Saturday before Thanksgiving.*

Market: Boulder Wednesday

Location: 13th Street between Canyon Blvd and Arapahoe in Boulder.

Dates and Times: Every consecutive Wednesday from 4:00 p.m. until 8:00 p.m. beginning the first Wednesday in May through the first Wednesday in October.

Market: Longmont Saturday

Location: Boulder County Fairgrounds in Longmont

Dates and Times: Every consecutive Saturday, from 8:00 a.m. until 1:00 p.m. beginning the first Saturday in April through the last Saturday before Thanksgiving.*

*Note- Attendance at the markets held after the first Saturday in November is voluntary and will not affect your attendance record. Sales at markets held after the first Saturday in November will be included in your gross sales figure and apply towards next year's space allocations.

Market: Artist Shows

Boulder Saturday shows occur every 2nd Saturday, April to October.

Longmont Saturday shows occur every 4th Saturday, April to October.

10. Special Events (please ask your Markets Manager for details) - Open to regular season vendors and guests at the discretion of the Manager and include:

- Winter Market (first full weekend in December)
- Beer and Wine Gardens at Boulder Wednesday evenings beginning mid-May
 - Beer Vendors daily fees are 40%

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- Wine Vendors daily fees are 25%
- Mixed Drink Vendors daily fees are 40%

11. Market Currencies

All members are required to accept the following forms of currency for qualifying purchases. Vendor questions regarding use of currencies should be directed to the BCFM Bookkeeper. All WIC, SNAP, Harvest Bucks and Market Bucks must be turned in at the end of each market day and will be credited to the vendor Credit Account at full value. If more currency is collected than fees owed for the day, the amount is deposited into the Credit Account. All financial transactions are recorded in the Credit Account, and vendors will receive a monthly statement via email of the transactions in their Credit Account midway through the following month.

Producers are reimbursed for any balance in their Credit Account on a monthly basis. Contractors are reimbursed for any balance in their Credit Account on a seasonal basis. Any requests for changes in reimbursement schedule must be made to the Finance Manger. Changes will be processed at the beginning of the next month. For monthly reimbursements, BCFM policy is to make a payment for a value over a \$100.00 balance, unless notified otherwise by the vendor. Vendors choosing to be reimbursed on a monthly basis with a balance due at the end of the month of less than \$100.00 will be rolled over to the next month.

BCFM will not reimburse your business if you accept the wrong currency. It is the vendors responsibility to know what currencies they can and cannot accept.

Market Bucks: Many vendors do not currently accept direct credit card payments. Market Bucks are a BCFM generated currency that are provided as a service to both customers and vendors to permit customers who do not have cash to purchase market products. Market Bucks shall be accepted by vendors for any purchase at the market.

WIC (Women, Infant and Children): This BCFM WIC currency can be used to purchase fruits, vegetables, meats, dairy, and eggs. For clarification, other allowed items include grains, mushrooms, herbs, tubers, edible bulbs, legumes, edible flowers, pods, and micro-greens. **Items not allowed include prepared foods, honey, non-edible items, alcohol, potted plants, and plant starts.**

SNAP (Food Stamps): Food Stamps, now called SNAP (Supplemental Nutritional Assistance Program), can only be accepted for food items but not food designed for immediate consumption. All items that can be taken home safely for future consumption, including plants that will produce food, can be purchased with SNAP.

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Double SNAP/Harvest Bucks: These coupons are issued to SNAP and WIC users. Double SNAP can be used to purchase fruits and vegetables ONLY. Purchase of meats, dairy, packaged products, prepared products, and non-edible items is not allowed.

12. Market Day Procedures

A. Arrival/Departure

Vendors must arrive and be ready to sell by 8:00 a.m. on Saturdays, and by 4:00 p.m. on Wednesdays. Vendors shall start and stop all selling promptly at the opening and close of the markets.

If a contractor plans to not attend a particular market day, s/he must provide 48 hours advance notice prior to the beginning of the market to the Markets Manager or Market Coordinator. If a producer plans to not attend a particular market day, s/he must provide 24 hours notice prior to the beginning of the market to the Markets Manager or Market Coordinator. Failure to provide notice shall result in a \$75 fine per occurrence charged to your Credit Account. Exceptions for medical emergencies may be made at the staff's discretion.

At the Boulder Saturday market street access for setup is between the hours of 6:00 to 7:30. Street access will be closed to motor vehicle traffic at 7:45 a.m. Tear down is between 2:00 and 3:30. Vendors must be off of the street by 4:00. For safety reasons, departure of motor vehicles prior to 15 minutes after closing time is not allowed

At the Boulder Wednesday market street access for setup is between 2:00 and 3:30 p.m. Street access will be closed to motor vehicle traffic at 3:50 p.m. Tear down is between 8:00 and 9:30. Vendors must be off of the street by 10:00. For safety reasons, no vehicles will be allowed on or off 13th Street in Boulder until 2:15 p.m.

Additionally, when customers are still on the street, s a BCFM staff member must walk in front of the departing vehicle, clearing the road of customers and ensuring their safety.

Artists may begin arriving at 5:00 a.m. and must be unloaded and off of the street by 6:00 a.m. on Art Show days.

B. Space Clean Up

Vendors shall maintain sanitary conditions around their market stand. Vendors shall have appropriate sanitation equipment and supplies to remove all debris and properly clean up their space at the end of each market. Vendors shall actively support BCFM and Eco-cycle's effort to maintain "Zero Waste" Markets, and dispose of all trash in appropriate areas and receptacles. Vendors are responsible for their own trash and compost. Some vendors may be required to provide a tarp to protect the ground under their booth from oil and other possible stains. We will charge your Credit Account for any cleaning BCFM or the municipal entity deems necessary.

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C. Parking

Boulder is a busy market and has a customer perception of crowding and poor parking. This perception is supported when close-in parking is not available to customers, discouraging them from shopping. To maximize the perception of convenience and the number of buying customers, Boulder vendors and their staff shall not park in the parking lots accessible from 14th St and shall not block traffic or use handicapped spaces while unloading or loading. Vendors parked in these areas will be fined \$50 per day for not moving vehicles after one verbal notification by BCFM staff. Parking passes (Boulder High School - East parking lot) are available for vendors to purchase for \$35 from BCFM.

LFM venue has no parking restrictions.

D. General Prohibitions

No playing of electronic music or sound recordings at vendor stands is allowed during market hours. Vendors that wish to have live music at their stands must arrange this with the Markets Manager.

Requests to bring live animals for educational purposes may be made to the Markets Manager. Requests must be submitted to the Markets Manager at least two weeks in advance of the affected market. Live animals are permitted only with express and written approval (email acceptable) from the Markets Manager and their display must be coordinated with market staff. The vendor shall take all steps necessary to ensure the public's safety and the animal's well-being during its time at the market.

E. CSAs and Deliveries

Any member who distributes CSA shares shall distribute only prepaid and prepackaged shares of BCFM members' products and must be setup primarily to sell to non-CSA customers. BCFM allows members to make CSA distributions as a benefit to members and does not encourage the active solicitation of market customers away from other members and into CSAs.

Pre-arranged wholesale deliveries/pickups made during market hours are not subject to market fees. In Boulder, customers picking up deliveries may not drive onto the market street between 6am and 4pm on Saturdays or between 2pm to 10pm on Wednesdays.

F. Sampling

Sampling at market stands must comply with all city, county and state health department regulations and requirements. Except by special permission, vendors may not offer for sample any products or produce they are not selling at the market that day.

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13. Set Up and Safety

- Tents, canopies, tables and displays must fit within the assigned space, and tents must be weighted down with at least 30 pounds per leg, for safety. Failure to weigh tents as described will result in a fine.
- All cords in walkways or public areas shall be appropriately taped down or routed, as directed by BCFM Markets Manager and staff.
- Health Department certification and license must be current and clearly displayed while selling
- If Certified Organic you must display USDA sign. Certified organic growers may purchase USDA Certified Organic signs from BCFM, at cost.
- Contractors shall maintain sanitary conditions around their market stand, have proper equipment and supplies to remove all trash and debris, and properly clean up their space at the end of each market. Contractors shall maintain foods at proper temperatures as required by state and local health regulations and observe all proper handling procedures.
- Food court vendors as well as those vendors selling products with seeds, oils, vinegars, or any other product that may stain the concrete when spilled are required to have protective covering on the ground. Such coverings may include drip trays or tarps.
- All spills are the responsibility of the vendor and must be reported to the Markets Manager. Any food stains are the responsibility of the vendor to have removed according to guidelines recommended by the Lessor of the Marketplace (City of Boulder, Boulder County).
- BCFM reserves the right to charge any vendor for stains not tended to or fully cleaned within three business days of occurrence.
- All prepared food vendors (food for immediate consumption) are required to have a hand washing station and follow proper food handling guidelines.

14. Vendor Visits

BCFM reserves the right to visit any vendor's farm or place of business and authorizes its staff to conduct such visits. The primary purpose of a visit shall be to determine whether the vendor is producing the products the vendor is selling at the Market. Vendor visits shall be carried out on behalf of BCFM's Board of Directors by BCFM staff or their designees. Vendors shall be notified in advance of visitations. Visits shall be scheduled as follows:

1. All new vendors shall be visited in their first year at the market; Samples shall be requested from contractors.
2. Every vendor shall be visited no less than once every five years, preferably once every three years;

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3. Vendors who make significant changes to their operations including, changing or adding farm sites, and/or product categories, e.g. meats, dairy, etc. may be visited following such change(s) at the staff's discretion.
4. BCFM reserves the right to visit a vendor's facility more than once in the same season.
5. BCFM reserves the right to request invoices of seed and ingredient purchasing history.
6. The resale of any products that are not grown or produced by the vendor, except as expressly allowed in the Rules and Regulations, is strictly forbidden and is cause for TERMINATION of membership. A notice and hearing procedure has been established by the Board and will be used if a vendor or customer believes a rules violation is occurring. See the BCFM Bylaws for details.

15. Penalties, Behavior, and Liability

A. Conditions: By becoming a market vendor, s/he agrees to the terms of the Rules and Regulations, the Bylaws of the Boulder County Farmers' Markets, and any amendments, changes, or revisions thereto. The vendor further agrees to permit inspections of his or her farm or facility to assure compliance with the Rules and Regulations of the markets.

As a condition of participation, the vendor agrees to release and hold the Boulder County Farmers' Markets, its directors, officers, agents, and employees harmless from any and all claims related to or arising from such membership. The Boulder County Farmers' Markets reserves the right to prohibit anyone from participation, membership, or selling at or otherwise using designated space or facilities at markets it owns or operates.

B. Termination: Anyone who fails to comply with the Rules and Regulations or the BCFM Bylaws may have her/his right to participate revoked with no refund of dues or fees. Any outstanding dues or fees must be paid within seven days of date of termination.

C. Harmful Actions: Because the BCFM is a membership organization, it is incumbent upon the members to refrain from action that is harmful to its purpose or mission. Members whose actions do, or likely will cause harm to the purpose or mission of the BCFM shall lose membership privileges or may have their membership revoked pursuant to BCFM Rules and Regulations and BCFM Bylaws.

Examples of harmful actions include, but are not limited to: operating competing farmers' markets in the same locale as an existing BCFM market; attempting to displace BCFM from existing sites; entering into contracts that controvert the BCFM purpose or mission.

D. Grievances and Challenges: In order to ensure your concerns and feedback are properly addressed, BCFM has appropriate forms available on its website. For general grievances, whether related to another vendor, a staff member, or the organization visit our website to complete the Grievance Form and return it via mail or email to community@bcfm.org. For resale concerns, download and complete the Product Challenge form and return it via mail or email to community@bcfm.org. All sections of the Product Challenge Form must be completed. The

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identity of the challenger will remain confidential and will only be known to involved BCFM staff and/or board members.

D. Fines and Penalties: Fines and penalties regarding noncompliance with BCFM Rules and Regulations include:

1. Failure to leave space clean or improper disposal of waste - \$25
2. Failure to be at the market by opening time - \$35
3. Failure to depart the market by the designated time - \$25
4. Failure to call Markets Manager with required notice when not attending the market - \$75
5. Failure to use tent/umbrella weights as required- \$25 per tent/umbrella
6. Selling before market opening or after market close- \$25
7. Having a pet at your market booth that is not providing service as a service animal- \$50
8. Inspection Fee (to be levied if violation of Rules and Regulations occurs) - \$25
9. Health Violation Fee- \$35
10. Returned checks - \$35
11. Daily fees not paid by the beginning of next market day - \$15
12. 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 BCFM management. The BCFM Executive Committee may permanently ban such an offender from the market, or impose a lesser penalty at its sole and unlimited discretion.
13. Licenses- Failure to provide copies of legal and health department required documents will result in loss of market space until such documents are in order.
14. BCFM 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. Vendor concerns should be directed to the Markets Manager.
12. Boulder County Farmers Market, its staff and representatives, are not liable for any damages, loss of earnings, or other loss by a vendor subsequent to application of the Rules and Regulations of Boulder Farmers Market. Nor are BCFM, its staff and representatives liable in any manner for their non-adherence to these rules which shall be interpreted and applied at their sole discretion.
13. Insurance: All vendors are required to provide a Certificate of Liability Insurance in the amount of one million dollars (\$1,000,000) or greater for each market attended. BCFM must be named as an "Additional Insured" on the Certificate as demonstrated below:

Boulder County Farmers Market
1435 Yarmouth, Suite 102
Boulder, CO 80304

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17. Credit Accounts:

Market Bucks, SNAP Coupons, and WIC Coupons turned in to BCFM after each market are credited to your account at full face value. Any excess tender above your daily market fee is credited to your Credit Account. Credit Accounts are reconciled weekly and vendors may request monthly reimbursement of any accrued credit balance or elect to receive a single reimbursement at the end of the market season.

18. BCFM Website Information:

BCFM maintains a list of BCFM vendors on its website (<http://www.bcfm.org/our-vendors/>). We would like to help your customers learn more about you by providing information about your farm or business, methods of production, etc. Because we draw content from vendor profiles in Manage My Market, it is important to keep your information on Manage My Market current at all times of the season. Additionally, you can email us a descriptive paragraph about you, pictures (500-900 pixels – JPEG or PNG only), and anything else you'd like your customers to know. You can email the information and relevant files to marketing@bcfm.org OR write out information including the content below:

Website address: <http://www.>_____

Contact information for website: Email: _____

Contact Name: _____ Business Name: _____

Phone: _____ Fax: _____

BCFM reserves the right to change these Rules and Regulations at any time as necessary to meet any and all legal, compliance, or operational requirements.

Resale is strictly prohibited at BCFM markets.

I have read, understand, and agree to comply with the Boulder County Farmers' Markets 2017 Rules and Regulations. Furthermore, I will not resell any products at the Boulder County Farmers' Markets, except as expressly permitted in the Rules and Regulations.

Sign: _____ Date _____

Print Name: _____

Print Business Name: _____

Staff Contact Information: Please provide information for the individual(s) responsible for the set-up and management of your contractor operations for all markets to which you are applying. Let us know if this changes during the season.

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Knowing the names/contact info of your staff help us communicate with both them and you. This section is important to complete and return.

Market	Manager's Name	Home Phone	Cell Phone	Email address
Boulder Sat.				
Boulder Wed.				
Longmont Sat.				

Menu / Product(s) List: Contractors may sell only what has been pre-approved by BCFM.

Please submit a product list and describe all menus/products you propose to sell at the market, including your retail prices.

Changes & additions to a Contractor product list require BCFM approval before products can be sold at the Market. Previous BCFM participants: use a highlighter to identify all changes and new items in proposed product list for 2017. Explain why new products are being added and how they add value to the market.