

## **Berthoud Main Street Program**

Preserving Our Downtown's Past and Planning For Its Future

A Colorado Main Street Community, Member, Colorado Community Revitalization Association and Colorado Farmers' Market Association

# **2006 Berthoud Farmers' Market Rules and Regulations**

### **FM Management**

- Eric Boyd is the Manager of the Berthoud Main Street Program and the Manager of the 2006 Berthoud Farmers' Market (FM).
- Members of the Berthoud Main Street Program's (BMSP) Board of Directors make up the sub-committee for the 2006 Berthoud FM.
- The BMSP will notify any seller if someone will serve as Coordinator of the 2006 Market season.

### **Location, Dates, Times, Set-Up and Selling**

- Markets are held in parking lot at SE corner of 3rd & Mountain Ave, Berthoud, CO, in Larimer County.
- Markets is 19 weeks, held every Thursday, June 15 through October 19 from 3:00 to 7:00 pm.
- Sellers must sell at every Market, or provide notice of absence two weeks in advance. Seller must not exceed three absences in 2006 without prior arrangements approved by BMSP.
- For an emergency absence, sellers must call the BMSP or its designee by 10am on Market Day or be fined \$20. This ensures smooth Market operations and consumer credibility, i.e., consistent seller space placement in Market and advance promotion of sellers by BMSP.
- Sellers must check in and out with the FM Manager or designee each Market day.
- Returning sellers may reserve same spaces as 2005 Market. New seller spaces will be determined by the FM Manager or designee.
- Sellers must be set-up and ready to sell by 3pm and may sell while setting up. Sellers may load in and out on-site between noon and 2:50pm. No vehicles allowed in Market area during selling hours, except vehicles approved by BMSP to sell, parked in place before 2:50pm. Sellers not parking vehicle in place on-site must park their vehicles at least two blocks away from site to ensure ample customer parking.
- Sellers may stay after closing hours and add proceeds to the next Market day.
- Sellers must clean their sales area thoroughly or be charged \$25 for each incident.
- Everything edible must be kept off of the ground. Sales by weight must be done on a certified scale.
- Sellers must have a booth sign with seller name, town, phone number, and product information.
- Spaces are 10 ft x 10 ft. Tents must be secured on all four corners or on all sides with weights or equivalent holding mechanism. BMSP requires sellers to remove their tents if not secured.
- No seller will consume, or be under the influence of alcohol or drugs while participating in the Market.

### **Goods to be Sold**

- Sellers must agree that they will sell only goods that they or their families have produced locally in Boulder, Larimer, Morgan, Adams and/or Weld counties. Growers selling produce may also sell their own craft items.
- Sellers shall sell nothing that has been purchased from others for resale, except noncompetitive produce such as Western slope fruit (i.e., peaches, pears, apples, cherries and apricots) or processed foods, or items approved at the discretion of the BMSP sub-committee for the Farmers' Market. Western Slope growers may not sell any Front Range competitive produce such as sweet corn, tomatoes, chili's, etc.
- Growers selling canned goods must grow and provide the main ingredient in the canned product.
- A limited number of processed food sellers (bread, kettle corn, salsa, snow cone, coffee or beverage, food carts, etc.) will be allowed at the discretion of the BMSP, depending on space and uniqueness of product.
- When a grower/seller's operation is compromised due to an act of God, a special exemption may be created for that year only, allowing the grower/seller to purchase, for resale, product that is not locally grown. This exemption is not to be issued indiscriminately, but only in times of emergency, subject to the regulations and definition on Page 2 of these rules.

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### **Review and Acceptance of Seller Applications**

- Applications are provided with these rules, for review by BMSP, who reserves the right to reject or accept any sellers. Applications must be received by BMSP by May 5, 2006. Mail or deliver to address below.
- BMSP may produce promotional materials; sellers approved after May 11, 2006 may miss deadlines.

### **Licenses, Taxes, Insurance and Fees**

- Processed food sellers must have proper Colorado Health Department licenses and equipment in compliance with Larimer County Health Department guidelines and prepare food samples according to Colorado Health Department standards.
- Each seller is strongly advised to carry and supply a copy of their liability insurance to BMSP, which carries its own liability insurance for overall *common* areas of the Market only. Seller will sign a "release and hold harmless" statement referring to the BMSP and others in their application.
- Fees and payment requirements for each Market day: *Commissions*: 7% of gross sales, plus all applicable state, county and town sales tax; *Space Fees*: \$5 per space per Market day; *Dues*: None.
- The FM Manager or designee will provide a sales sheet to each seller to track sales each week. At the end of each Market day, fees and taxes must be recorded and turned in to the FM Manager or designee.
- New sellers to the 2005 Market must pay in full weekly at the close of each Market Day.
- Returning sellers may pay weekly or monthly but in either case must submit a weekly sales sheet. If paying monthly, payment must be made on June 29, July 27, August 31, September 28 and October 19 for all fees and taxes due from sales made in each of those specific months.
- In all cases, BMSP will provide receipt for cash payment. If payment is by check, make payable to the Berthoud Main Street Program; the check will serve as receipt. The FM Manager or designee will collect payments due when sellers check out of Market each week.
- Checks returned for insufficient funds shall be reimbursed to BMSP for amount due and any bank fees.
- Sellers suspected of dishonest sales reporting can be audited and selling privileges revoked by a review of the BMSP's sub-committee for the Farmers' Market.

### **Disputes**

- If any conflict arises between the FM Manager or designee and a seller, or two sellers at a Farmers' Market, and the conflict cannot be resolved between the parties, a brief hearing with them and at least one BMSP board member not involved in the dispute will be held immediately.

### **Regulations Pertaining to Act of God**

- An Act of God is a natural event, e.g. drought, hail, flood, etc. which severely and adversely compromises the productivity of a grower's/seller's members land or facility.
- The grower/seller must petition the Farmers' Market Manager and sub-committee in writing for the exemption. A field inspection by a sub-committee member will be required.
- The grower/seller purchasing items for resale must have the appropriate license(s) to do so (a Colorado Dept. of Agriculture produce-selling permit).
- Product purchased for resale must be for only those commodities that the member would have historically brought to market under normal growing conditions for at least 3 years.
- The member seeking items for resale must first attempt to purchase said items from Colorado growers, and in all cases, products must be grown in the USA.
- A vendor selling purchased items must clearly state so in writing to the customers of the Farmers' Market.

**These rules and regulations are attached to and made a part of a completed and signed seller application approved by Berthoud Main Street Program for participation in the 2006 Berthoud Farmers' Market.**