

Berthoud Main Street Program

Preserving Our Downtown's Past and Planning For Its Future

A Colorado Main Street Community: Member of Downtown Colorado Inc. and the Colorado Farmers' Market Association

Market Rules and Regulations

2011 Berthoud Farmers Market

FM Management

- Eric Boyd is the Director of the Berthoud Main Street Program (BMSP) and the Manager of the 2011 Berthoud Farmers' Market (FM).

Location, Dates, Times, Set-Up and Selling

- Markets are held in Railroad Park at NE corner of 3rd & Mountain Ave, Town of Berthoud.
- Market will be 14 weeks, held every Thursday, June 30 through September 29 from 3:00 to 7:00 pm. Although during the month of September as the sun sets earlier, the market usually closes at 6:30p.
- Sellers must sell at every Market, or provide notice of absence one week in advance. Seller must not exceed three absences in 2011 without prior arrangements approved by BMSP.
- For a last-minute absence, sellers must call the BMSP or its designee by 12 noon on Market Day. 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 be set-up and ready to sell by 3pm and may sell while setting up. Set-up on-site is between 1:30pm and 2:45pm.
- Sellers must sell until 7pm, except for September when the market closes at 6:30p.
- Sellers must clean their sales area thoroughly at the end of the market day.
- 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.
- 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.

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.

Goods to be Sold

- Sellers must agree that they will sell only goods that they or their families have produced locally. 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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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.
- Sellers must pay in full weekly at the close of each Market Day.
- 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.

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 in writing for the exemption.
- 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.
- 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 2011 Berthoud Farmers' Market.