



Crested Butte Farmers Market

2012 Rules & Regulations

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2011 RULES AND REGULATIONS FOR THE CRESTED BUTTE FARMERS MARKET

PLEASE READ THE FOLLOWING RULES AND REGULATIONS CAREFULLY AS YOU ARE EXPECTED TO COMPLY WITH ALL THE RULES AND REGULATIONS SPECIFIED HEREIN.

The Crested Butte Farmers Market (CBFM) was created to support regional farmers and artisans by providing a venue that allows them to sell their products directly to the public. It is CBFM's goal to create a sustainable Crested Butte in an atmosphere that builds community and sustainable commerce while fostering education, cooperation and green living.

TIME AND PLACE

The market will be held on Elk Avenue from 1st to 2nd Streets in the Town of Crested Butte. Markets will be held every Sunday from 10:00 a.m. to 2:00 p.m. beginning Sunday, June 13 through Sunday, October 9. To fully comply and cooperate with the Town of Crested Butte, the market may temporarily move locations or cancel the market at the Town's request. If this is the case, vendors will be given proper notice as soon as is feasible. Market set-up shall begin no earlier than 8:30 a.m. and shall be complete by 10:00 a.m..

The Market Manager or another CBFM volunteer will be on-site at 8:30 a.m. to assist with set-up. Breakdown is to begin at 2:00 p.m. and must be complete no later than 4:00 PM. Vendors are expected to remain at the market until all their goods are sold or the market closes whichever occurs first.

If you are unable to attend a market, please inform the market director at least five days in advance. When you apply to the market, please indicate which dates you can and cannot attend. If you fail to attend a market date for which you have signed up, you will be subject to an additional fee of \$25 except in cases of extreme/inclement weather or personal emergency. If you fail to attend four markets for which you have signed up, CBFM reserves the right to remove you from the market with no refund of fees. If you are not at the market location by 9:00 a.m. you may not be permitted to set up and your space may be given to another vendor.

WHAT CAN BE SOLD

It is the market's goal to help create a sustainable Crested Butte. It is also the goal of CBFM to support local farmers and artisans. In keeping with these goals, all agricultural products, arts and crafts, processed foods, value-added products and concessions must be grown or raised within a 100-mile radius of Crested Butte. In effort to offer variety at the market and to assist those vendors who sold at the 4-way stop prior to the inception of the market, the Board of Directors reserves the right to make exceptions to this rule.

PRODUCE. All produce sold at the market must be grown within a 100-mile radius of the Town of Crested Butte and must be certified Organic or certified naturally grown. If you grow in accordance with these standards but do not currently hold certification, you may request an exemption after CBFM conducts a field inspection of your farm or garden.

Documentation Required: You must provide copies of your organic / certified naturally grown paperwork or apply to CBFM for exemption. If you apply for exemption, you must still grow in accordance with organic / certified naturally grown guidelines.

MEATS/ANIMAL FOODS. All meats and animal foods sold at the market must be raised within a 100-mile radius of the Town of Crested Butte. Meat producers do not need to be certified organic or certified naturally grown; however, only producers adhering to holistic management/grass-/pasture-based systems will be considered. Any meat sold should be processed in a USDA-inspected facility.

ARTS, CRAFTS & SERVICES. All arts and crafts sold at the market must be designed and constructed by the seller, a member of the seller's immediate family or by members of an artists cooperative for which the seller acts as representative. All arts and crafts must be constructed within a 100-mile radius of Crested Butte. Demonstration of your art or craft at the market is encouraged. Simple services (e.g. massage) of use to our customers are also welcomed at the market.

VALUE-ADDED AGRICULTURAL PRODUCTS. Value-added agricultural products (e.g. bread, pastries, canned goods, processed meats etc.) must be processed within a 100-mile radius of Crested Butte though they may contain ingredients from other locations. All ingredients should be sourced within Colorado or should be USDA-certified organic. All value-added products must be made in a licensed and inspected commercial kitchen and vendors must provide proof of that license before selling any value-added products. You are required to label the source of ingredients used for consumers to review.

Documentation Required: You must provide copies of your retail food establishment license prior to selling.

TEMPORARY FOOD SERVICE ESTABLISHMENTS & CONCESSIONAIRES. Food service items intended for consumption at the market such as those that derive from temporary food service establishments (e.g. restaurant-style booths, food carts etc) are permitted for sale. Concessionaires must provide all current applicable permit and licenses to CBFM and are encouraged to contact the health department regarding safety guidelines and inspections.

With respect to CBFM's goal of creating a sustainable Crested Butte and educating the public about local foods, concessions must be made of Colorado-grown and organic/ sustainably grown ingredients. Concessionaires must make everything they sell (i.e. no canned sodas, bottled water, bagged chips or likewise). Menu items must be approved by CBFM. Additionally, disposable food service items including but not limited to plates, cups, flatware etc. produce the lions share of the waste at CBFM and as such must be minimized in the first place and be compostable or made of materials able to be recycled in Gunnison County when used (e.g. 1 & 2 plastics).

Additional Fee: Due to the excess waste created by concessionaires, concessionaires are subject to additional fees.

Documentation Required: You must provide copies of your retail food establishment license prior to selling.

BRANDING MERCHANDISE. Branding items (e.g. tee-shirts, caps, shopping bags) that bare the vendor's logo and/or company name may be sold or given away at the market regardless of origin though CBFM encourages vendors to source these products from within Colorado.

PROHIBITED ITEMS. Items that are grown, raised or made outside of the state of Colorado (excepting branding and related merchandise) are prohibited. Garage Sale and Flea Market items are expressly prohibited from being sold, though they may be offered for free at the Free Tent. Multi-level marketing products (e.g. Arbonne, Avon, Xocai, etc.) are expressly prohibited. Value-added foods and crafts not produced by the seller are expressly prohibited.

NON-PROFIT AND COMMUNITY SERVICE ORGANIZATIONS. In keeping with the market's goal of building community within Crested Butte, CBFM offers booth space to non-profit and community-service oriented organizations. These organizations are encouraged to educate the public about their organization, sell items that are not in competition with the items sold by any vendors as well as solicit donations. The booth space is provided free of charge and these organizations are exempt from the market fee; however, they must keep track of sales tax on applicable items and turn in a record of sales made and donations received at the end of each market day. There are two non-profit booth spaces available at each market. Not-forprofits are accepted after express invitation from CBFM.

Documentation Required: You must provide documentation of 501(c) status.

RESALE

While CBFM does allow resale items to be sold at the market, one of the market's primary goals is to support local farmers and artisans. Resell items are only permitted under the following circumstances: 1) The item in question is an agricultural product, 2) The item in question is not otherwise represented at market by a primary producer, 3) The item in question has been approved by CBFM manager, 4) The item in question is certified organic, certified naturally grown or the farm of origin has been inspected by a representative of CBFM.

Procedure for applying to resell:

1. Submit a resell request via CBFM's website no later than the Tuesday prior to the Sunday you wish to resell the item(s) in question.
2. The market manager or other CBFM representative will determine whether a primary producer is representing the item(s) in question and whether the item meets CBFM's requirements.
3. The CBFM representative will notify the reseller and all CBFM vendors of his/her determination no later than the Thursday after application by 5:00 PM. If you purchase any agricultural product you are selling, you are required to have a Colorado Resale License from the Colorado Department of Agriculture. State law requires that the sign be displayed at all times during business hours. You must also provide CBFM with this license no later than one week prior to the date you wish to resell an item.

Additional Fee: Due to the increased labor involved in mitigating requests for resale, any vendor applying to resell an item will be subject to a one-time \$100 fee.

Documentation Required: You must provide documentation of your Colorado Resale License.

THE FREE TENT

In an effort to create a more sustainable Crested Butte with less reliance on non-local consumption of mass-produced goods, CBFM is offering the free tent at each market. The free tent is charitable in nature as nothing may be sold, traded, swapped or bartered; rather, community members are encouraged to bring items for which they no longer have use and leave them at the free tent. Conversely, anyone wishing to take an item left at the free tent may do so without giving anything in return. Community members are encouraged to take what they want and leave what they can without any expectation of monetary or other exchange. Goods left at the free tent need not be manufactured in Colorado, nor made by the person doing the giving.

There shall be no selling either direct or implied at the free tent. Additionally, the free tent is not to be used in anyway for marketing, advertising, sampling or otherwise encouraging sales.

While the free tent presents a good opportunity for community members to discard items for which they no longer have use, it is not a dumping ground for garbage or trash. People are encouraged to retrieve any goods that have not been taken at the end of each market. Goods left at the free tent after 2:30 on the day of the market

become the property of CBFM to be used, disposed of or donated to a worthwhile charity as the directors and managers of CBFM see fit.

SIGNS AND PRODUCT REPRESENTATION

To provide information to consumers and to identify individual vendors, each vendor must have an identifying sign at least 8.5" x 11" in size. The sign must include the vendor's name and the location of business. Further information is at the vendor's discretion. The sign must be placed in a highly visible location at the vendor's booth.

ORGANIC LABELING

Those vendors who wish to identify their products as "Organic" must enclose a current copy of the Organic Certification from an approved certifying agency with their application and should have an additional copy available at their booth for inspection by customers.

RESALE AND CONSIGNMENT

All resale and consignment items must be identified with a sign no less than 5.5" x 8.5" which details the name, location and phone number original grower or producer.

CONCESSIONS & VALUE-ADDED PRODUCTS

Concessionaires must identify the source of each ingredient used in their meals on their menus.

BOOTH SPACES

Each space at the market is at least 10' x 12'. CBFM will make every effort to maintain continuity for vendor; however, vendors should note that spaces are subject to change. Arts, crafts and non-produce food vendors will be assigned one space. Produce vendors may request an additional space sized 24 feet by 10 feet as well as room for cooling trucks.

APPLICATION AND FEES

CBFM charges a booth fee as well as a market fee of 5% of gross sales. The purpose of these fees are to pay for market costs including but not limited to business licensing fees imposed by the Town of Crested Butte and the State of Colorado, special event and clean up fees imposed by the Town of Crested Butte, advertising, supplies etc.

PROCEDURE

At the beginning of each market day you will be given an envelope with an enclosed market earnings form. At the end of the day you are required to tally your total earnings and the sales tax you collect as well as any donations (for non-profit and community service booths). You are then required to deliver this form with your market fee to the Market Manager or his/her designee before leaving. The form must be received before the opening of the next market or late fees of \$25 per week will accrue. Vendors failing to return forms after one month will be subject to a \$150 fine and may also be subject to dismissal from the market.

BREAKDOWN OF BOOTH AND MARKET FEES

FOOD-FOR-FEES. CBFM encourages all farmers and ranchers to use the food-for-fees program, if desired. Vendors selling agricultural products may pay their daily market fee with food in the amount equivalent to the dollar amount owed. Only fresh produce, meats and cheeses will be permitted to be exchanged in the food for fees program. Food paid to CBFM in lieu of fees is used to 1) compensate volunteers, 2) to supply food banks for low-income residents and 3) to provide for CBFM events, fundraisers and dinners. Procedure for remitting fees, redeeming market/wic vouchers and participating in food-for-fees:

1. Fill out the market sales form, noting gross sales and any applicable sales tax withheld.
2. Calculate the daily market fee.
3. Deduct any redeemed WIC Vouchers or Market Bucks and include them in your envelope.
4. If the amount of redeemed WIC Vouchers/Market Bucks exceeds the amount you owe the market in daily fees, CBFM will issue you a check within thirty days.
5. If the daily fee exceeds the amount of WIC Vouchers/Market Bucks redeemed, please pay the market by check for the difference. If you are participating in Food-for-fees, you may pay the market in fresh produce, meats or cheeses in an amount equivalent to the amount owed.
6. Any Town of Crested Butte sales tax withheld cannot be paid in-kind through the foodfor-fees program.
7. Remit your completed form with vouchers, food or check to a market volunteer before the start of the next market. For most vendors, it is easiest to remit this form and payment at the end of the market day before leaving. You may also mail the form, with payment, to CBFM, PO Box 2313, Crested Butte CO 81224.

FARM TOURS

Field inspections will be performed as needed by one or more members of the Crested Butte Farmers Market board of directors to ensure that the vendor's items come from the stated point of origin and that any claims regarding those items are dutifully met. Prospective participants who are unwilling to have a field inspection should not apply for participation. If a field inspection indicates that the vendor is not complying with the Rules and Regulations of the Crested Butte Farmers Market the vendor will no longer be permitted to return to market and any fees paid to the market will not be refunded.

Please note that CBFM market manager does personally tour the farms and ranches of any new applicant.

MARKET PARTICIPATION

Any vendor wishing to sell at the market must submit an application. By signing the application the vendor agrees to abide by the terms set forth in these Rules and Regulations, the Guidelines for Food Sampling at Colorado Farmers Markets and any verbal or written directions given by the CBFM Market Manager or his/her designee or the CBFM Board while at the market. Anyone found to be willfully violating any of these provisions will forfeit further participation in the market with no refund of fees.

Any vendor who displays any harmful or divisive activity or 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 be asked to leave the market. In such cases, any fees will not be refunded. The Board of Directors reserves the right to review and revoke membership and vendor participation whenever deemed necessary.

Procedure for Handling Violations.

If a vendor is in violation of this agreement, the following action will be taken:

1. The vendor will be asked by market management to immediately rectify the violation.
2. If the violation occurs again, the vendor will be asked by market management to immediately rectify the violation and a letter will be issued to the vendor reminding him or her of the market's policies, rules and regulations.
3. If the violation occurs a third time, Market Management will issue a letter of dismissal to the vendor. The vendor may request a review by the Board of Directors within ten days but will be unable to attend market again until the board of directors reviews the situation.

Procedure for Handling Complaints

Market Management cannot respond to complaints and product challenges unless you notify market management of violations you see; however, due to egregious use of the complaint process in the past, if you wish to file a formal complaint against another vendor, you may use the procedure below. Your complaint will be kept

anonymous during investigation. There is a \$100 fee for filing a complaint against another vendor. In the event that your complaint is confirmed, the \$100 is returned to you.

1. Notify CBFM Market manager of the nature of your complaint IN WRITING by emailing info@cbfarmers-market.org or by mailing a letter of complaint to CBFM, PO Box 2313 Crested Butte, CO 81224.
2. CBFM will review and investigate the complaint within ten days.

POTENTIAL HAZARDS AND YOUR SELLING AREA

Each vendor is responsible for making sure 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 or tied down by forty pound weights on each leg. NOTE: Gallon-sized water jugs DO NOT provide sufficient weight. If your tent is not properly weighted down, you will be asked to take it down immediately.

ZERO-WASTE

CBFM is a zero-waste market. Before leaving, please be sure your area is clean and trash free. Trash is not to be disposed of at the market site. Pack it in and pack it out. Bins for compostable materials, and materials recyclable in Gunnison County will be made available at the market and a CBFM representative or volunteer will remove these items and take them to appropriate compost or recycling centers on a weekly basis.

INSURANCE

All vendors must either provide proof of commercial general liability and personal injury insurance or submit a waiver of liability, indemnifying CBFM, its board of directors, its volunteers and its employees against any and all claims arising from their participation in the market.

TAXES

Vendors are required to collect and remit their own sales tax to the State of Colorado, as applicable. Vendors holding Town of Crested Butte business licenses should remit Town sales tax directly to the town of Crested Butte, though are not required to do hold said license. The Crested Butte Farmers Market, through an arrangement with the Town of Crested Butte, will remit Town of Crested Butte sales tax collected by CBFM vendors who do not hold town licenses on said vendors behalf.

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

Vendors may offer samples of their produce and value-added foods provided that they practice good hygiene, proper sanitization and cleanliness. Vendors must obey the Farmers Market Produce Sampling Guidelines. Vendors are not allowed to roam the market while giving away samples of their goods. Samples may only be offered at the vendor's booth.

VENDOR SELECTIVITY

CBFM 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 demand, applicable laws and health codes, the rules and regulations of the Crested Butte Farmers Market and at the board of directors' discretion. Rules and regulations are subject to change for special event days and/or at the discretion and judgment of the board of directors.

NON-SEVERABILITY

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 CBFM, 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.

VENDOR REFUNDS

A vendor may request a refund no later than June 1st, 2012. Refunds will not be issued after this point.

QUESTIONS

Questions may be directed to:

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