

2016 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 artisanal food producers by providing a venue that allows them to sell their products directly to the public.

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 5 through Sunday, October 2. 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. If you arrive later than 9:00 A.M., you may not be permitted to set up and your space at the discretion of the market manager. The Crested Butte Farmers Market employs a "soft start" – you may begin selling to customers as early as 9:30 A.M. provided no cars are on the street.

The Market Manager or another CBFM volunteer will be on-site at 8:30 a.m. to assist with set-up. Do not arrive earlier than 8:30 A.M. Breakdown is to begin at 2:00 p.m. and must be complete no later than 3:30 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. All vendors are expected to attend the full season. A deposit of \$250 will be charged to new vendors and to previous vendors who did not attend at least 17 of 19 markets. Your deposit will be returned to you at the end of the season if you attended at least 17 of 19 markets.

APPLICATION PROCESS

Only vendors who meet the specific eligibility requirements as outlined below, and have not been subject of consumer complaint found to be valid by the board of directors, disciplinary action and who have consistently maintained their accounts in good order are eligible to apply. Completing the application does not guarantee acceptance. If you are accepted into the market, you will be notified within 45 days of your application.

To apply:

1. Review the eligibility requirements below to determine that you are eligible to sell at the Crested Butte Farmers Market.

2. Complete the online application at CBFarmersmarket.org.
3. Submit a payment of \$150 (\$100 deposit for booth fees and \$50 non-refundable application fee) with your application.
4. Your application will be reviewed and you will be notified of acceptance status within 45 days.
5. The remaining balance of booth fees are due on May 1st, 2016. Failure to pay your balance by this date will result in removal from the Crested Butte Farmers Market 2016 season.

WHO IS ELIGIBLE AND 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 artisanal food producers. 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 in 2007, the Board of Directors reserves the right to make exceptions to this rule.

Only vendors who meet the specific eligibility requirements as outlined below, and have not been subject of consumer complaint found to be valid by the board of directors, disciplinary action and who have consistently maintained their accounts in good order are eligible to apply. Completing the application does not guarantee acceptance. If you are accepted into the market, you will be notified within 45 days of your application.

FARMS: 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.

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.

RANCHES: 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 or in accordance with requirements of the Colorado Department of Public Health.

Required: Please provide a copy of your Retail Food Establishment License.

HOMESTEAD PRODUCERS: BREADS, CHEESE, WINE ETC. The Crested Butte Farmers Market defines homestead producers as those vendors who sell value-added foods like jams, jellies, pickles, breads and cheese that are made primarily from foods grown on their farm or ranch. Farmstead producers are also expected to adhere to organic growing standards or to raise their animals on pasture, as relevant to the products they sell at the market.

Ingredient lists for every item sold at your booth must be available for inspection by the public.

Required: Please provide proof of your commercial kitchen or maintain compliance with the provisions of the cottage foods act.

VALUE-ADDED FOOD PRODUCERS. Value-added food producers are defined by the Crested Butte Farmers Market as those selling prepared foods (e.g. bread, pastries, canned goods, etc.) from primarily ingredients they purchase from external sources. All value-added foods 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.

Ingredient lists for every item sold at your booth must be available for inspection by the public.

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 permits and licenses to CBFM and are encouraged to contact the health department regarding safety guidelines and inspections.

Concessions must be made of Colorado-grown or 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).

Ingredient lists for every item sold at your booth must be available for inspection by the public.

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

Required: You must provide copies of your retail food establishment license and other relevant licenses prior to selling.

NON-FOOD: 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. All new non-food vendors in 2013 and future markets must incorporate Colorado agricultural products into their arts, crafts or services in some way. Non-food vendors who sold at the Crested Butte Farmers Market in at least two of the past three years (2009 – 2012) may be exempted from this regulation by making a request to the board of directors provided they have a good record of attendance and have remained current on booth fees, market fees and taxes throughout their attendance.

SPROUTS. Children aged 16 and younger are eligible to participate in the Crested Butte Farmers Market Sprouts Program. Sprouts must submit an application, signed by their parents, provided at the Crested Butte Farmers Market information booth and the Sprouts Booth. Children may sell anything they make themselves, and are encouraged to use local, organic ingredients.

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, offer items by donation at their booth as well as solicit donations and perform educational outreach. Organizations structured as not-for-profits are only eligible for not-for-profit space, and are not eligible for other booth spaces. Booth space is provided free of charge and these organizations are exempt from the market fee; however, they turn in a record of sales made and donations received at the end of each market day for recordkeeping by the Crested Butte Farmers Market. All sales tax, if relevant, is the responsibility of the not-for-profit and not the Crested Butte Farmers Market.

There are two non-profit booth spaces available at each market and are given at random after the application process closes (May 1, 2016). Each not-for-profit may attend market up to four separate dates, except as determined by the Crested Butte Farmers Market Board of Directors. All not-for-profit spaces and dates are awarded on a first come, first serve basis.

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. 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. Crafts that do not incorporate Colorado agricultural products (except as listed above) are prohibited.

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:

Resell is considered purchasing an item from another producer for resell at the market. Selling items from properties you actively manage are not considered 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.

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

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. If you do not comply with the above schedule, you will be charged a further \$100 per incident in which an item not specifically approved using the procedure above is found at your booth.

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

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.

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. Non-food vendors and not-for-profits will be assigned only one space. Produce vendors may request a space up to 36 feet by 10 feet as well as room for cooling trucks (24 feet by 10 feet).

The Crested Butte Farmers Market will not accommodate any requests for specific booth spaces or sides of the street.

FEE STRUCTURE

CBFM charges a booth fee as well as a daily 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, labor, etc.

Required Fees

Vendor Category	Application Fee	Booth Fee	Market Fee	Misc. Fees
Farm	\$50 (non-refundable, to	\$225 (single)	5% (up to \$50 can be paid	None
Ranch		or		None

Farmstead Producer	be applied to booth fees)	\$325 (double) or \$450 (triple)	with food)	None
Value-added Food Producer			5% (not eligible for food-for-fees)	None
Concessions				\$100 Waste Fee
Non-food				None
Not-for-profit	None	None	None	None

Note: All vendors, excluding not-for-profits, are required to submit a \$150 (\$50 non-refundable administrative fee and \$100 booth fee deposit) deposit for booth fees at the time of application. The remaining booth fees are due by May 1st. A deposit of \$250 will be charged to all new vendors and all returning vendors who sold at fewer than 17 of 19 markets in 2015. The deposit will be returned to vendors who attend a minimum of 17 markets in 2016 by the end of the year.

FEES FOR ADDITIONAL REQUESTS

Optional Fee	Amount
Truck space or “elbow room” (24 feet by 10 feet)	\$75
Resale fee for anyone wishing to resell items	\$100

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. Only those selling meats, cheeses, bread and fresh produce are eligible for the food-for-fees program. Vendors selling agricultural products may pay their daily market fee with food in the an 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 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. If you are participating in Food-for-fees, you may pay the market in fresh produce, meats, bread or cheeses in an amount equivalent to the amount owed.
4. Any Town of Crested Butte sales tax withheld cannot be paid in-kind through the food-for-fees program.
5. Remit your completed form with 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 2241, 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 may 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.

Vendors cannot engage in aggressive selling, barking, hawking or calling out to customers in an aggressive way.

Vendors are expected to attend market sober and maintain sobriety for the duration of set-up, the market operational hours and breakdown.

Electricity is not provided by the Crested Butte Farmers Market and vendors may not plug into the electrical outlets of neighboring businesses or homes.

Vendors are not permitted to bring pets to market. Any vendor bringing a pet to market will immediately be asked to leave for the day.

Fines

The following fines will be issued to those in violation of the Crested Butte Farmers Market rules and regulations. Fines apply to all vendors, including not-for-profits.

Violation	Fine
Failure to follow resale application procedure (per item).	\$100
Failure to weigh down tent on all 4 legs with 40-lb weights. (per incident)	\$25
Failure to remit market fees/sales tax before the start of next market.	\$25 per week
Failure to remit market fees/sales tax for greater than 4 weeks.	\$150

Procedure for Handling Violations.

Except as otherwise specified in this document, 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 managements 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** within 7 days of the alleged infraction by emailing info@cbfarmersmarket.org or by mailing a letter of complaint to CBFM, PO Box 2241 Crested Butte, CO 81224.
2. CBFM will review and investigate the complaint within ten days and the Board of Directors will issue a response within 30 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. Failure to weigh down your tent by 10:00 A.M. will result in a \$25 fee.

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 provide proof of commercial general liability policy in the amount of \$1,000,000 and 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. Vendors must further name the Crested Butte Farmers Market, Inc. as an additional insured on their policies.

TAXES

The sales tax in Crested Butte is 8.5%, including state, county and Town of Crested Butte tax. Vendors are required to collect and remit their own state and county sales tax to the State of Colorado, as applicable. All vendors are required to collect and remit their Town of Crested Butte Sales tax through the Crested Butte Farmers Market on a weekly basis, regardless of whether or not they also hold a Town of Crested Butte business and sales tax license.

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 *Sampling Guidelines for Colorado Markets*. 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 of all booth fees and deposits less the \$50 non-refundable application fee no later than May 1st, 2016. Refunds will not be issued after this point for any reason.

QUESTIONS

Questions may be directed to:

Crested Butte Farmers Market
PO Box 2241
Crested Butte CO 81224

615.594.4676

info@cbfarmersmarket.org