



BOULDER COUNTY FARMERS' MARKETS 2007 RULES AND REGULATIONS



APPLICABILITY

The rules and regulations set forth herein apply equally to the Boulder Farmers Market (BFM) and the Longmont Farmers Market (LFM) (except where variation is noted) which are owned and operated by Boulder County Farmers' Markets (BCFM).

1. STATEMENT OF PURPOSE

Boulder County Farmers Market was founded on the belief that local agricultural production is very important. Issues of food quality, appropriate resource use, and local economic support are all elements of this belief. As such, the Markets attempt to support local agricultural producers by providing a direct market for their products and by educating the community about the importance of local agricultural production.

2. TIME AND PLACE

The BFM will be held every consecutive Saturday, from The first Saturday in April to the First Saturday in November, April 7th to November 3rd, 2007 and every consecutive Wednesday from The first Wednesday in May to the first Wednesday in October, May 2nd to October 3rd, 2007, at 13th and Canyon Blvd. in Boulder, Colorado. The Market hours will be from 8:00 a.m. until 2:00 p.m. on Saturdays, and from 4:00 p.m. until 8:00 p.m. on Wednesdays. The Market Manager will check in all members and will direct members without assigned spaces to available spaces.

The LFM will be held every consecutive Saturday, from First Saturday in May to the last Saturday in October, May 5th to October 27th, 2007 at the Boulder County Fairgrounds in Longmont, Colorado. The Market hours will be from 8:00 a.m. until 1:00 p.m. The Market Manager will check in all members and will direct members without assigned spaces to available spaces.

3. WHO CAN SELL

In accordance with the Boulder County Farmers Market's stated purpose of supporting local agriculture, and preventing the further exodus of agriculture from Boulder County, membership in the markets will be limited to producers from Boulder County and "grandfathered" Weld, Larimer, Delta and Mesa Counties as of December 4, 1999. New applicants from outside Boulder County may be admitted to the Markets at the board's discretion.

To ensure variety at the Markets, and until there is adequate local production of fruit, fruit growers from other Colorado counties are invited to apply for membership in the Markets. These growers will be allowed to sell tree-fruit and/or tree-fruit products, plus, with Board approval, products listed on the "niche list", and will be admitted in accordance with the November 1999 General Policy for Fruit Selection and

Supply.

The Boulder County Farmers Markets reserves the right to prohibit anyone from membership or selling at or otherwise using designates space or facilities at markets it owns or operates.

4. WHAT CAN BE SOLD

All products sold at the market must be grown or produced by the member. No resale of products is allowed. Members may sell:

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

B. Value-added Agricultural Products: These products are admitted only with Board approval. They include raw agricultural products grown by the seller that have been processed, or any product, the sale of which a government agency regulates. Examples are milk, cheese, oils, vinegars, meats, poultry, eggs, honey, soaps and herbal preparations. The member must make all value-added products predominantly of material grown or gathered by the member. Agricultural products licensed, inspected or otherwise regulated by the federal government, the State of Colorado, Boulder County, the City of Boulder, or the City of Longmont may be sold only upon the Markets' receipt and acceptance of required documentation of compliance. Members must abide by all applicable federal, state and local health regulations. In addition, they must adhere to federal guidelines on all labels.

C. Crafts: Craft products are admitted only with Board approval and approval must be renewed annually. Only handmade, agricultural-oriented crafts that the Member makes predominantly of material grown or gathered will be allowed, such that the agricultural material is the focus of the craft product. Such items may include, but are not limited to, wreaths, swags, dry flower arrangements, pressed flowers, scented sticks, and potpourri. The product must meet basic expectations of product function and safety. Membership of craft sellers in the markets will be limited to no more than 20% of the Markets' full-time membership. A craft seller will be defined as any member who generates more than 25% of their annual market income from the sale of crafts. Craft sellers may join the market as full-time members. Craft sellers will be admitted as space allows and at the discretion of the Board. During the Market season the Market holds monthly a Fine Arts and Craft Fair, All rules above apply during the FAF with the exception the product does not have to be made of agricultural material.

5. TO BECOME A MEMBER OF THE MARKET

To sell at the Markets, a seller must submit an application with an application fee and pay other fees and dues as required to become a Member. Every application is subject to approval of the Board of Directors every year, except Youth memberships and Temporary Memberships that may be approved by the Market Managers. Only one membership will be extended per farm entity. Membership fees and space fees will be refunded if membership is denied. Five categories of membership are available: Full-time, Temporary, Youth, and Special Arrangements.

A. Full-time Membership

Renewal for Full-Time Members:

To be considered for a Full-Time membership renewal in the Boulder County Farmers Markets a grower must submit a completed renewal form on or before the Annual Meeting. Requests for permanent space

assignments must be made on the renewal form. Full-Time members of the BCFM may be considered for permanent space assignment, are eligible to vote at the General Membership meetings and may serve on the Markets' Board of Directors.

New Full-time Members: Applications for new Full-Time membership will be accepted on a space available basis until May 1, unless otherwise provided. Processing, Board review, and notice of approval or rejection for membership may take up to one month. If applying after May 1, please refer to the Temporary Membership section below.

Full-Time Membership Fees: The membership/space fee structure for all full-time members is as follows:

<u>Member Status</u>	<u>Membership Fee*</u>	<u>Daily Sales Fees</u>
Renewing members:	\$50.00	Boulder: 5% of gross sales Longmont: 7% of gross sales
New members:	\$100.00 *Due with application	Boulder: 5% of gross sales Longmont: 7% of gross sales

B. Temporary Membership: To encourage local Boulder County gardeners and farmers to become more involved in the BCFM, the Markets allow temporary members to sell at the market. Temporary membership is granted at the discretion of the Market Managers. This Temporary membership will be considered provisional until reviewed and confirmed by the Board of Directors at the next regularly scheduled meeting following the first market the applicant attends or unless Full-Time membership is requested and subsequently reviewed. Anyone wishing to be a Temporary member needs to contact the Market Manager at least one week before any market they wish to attend. Temporary members must comply with the rules pertaining to what and who can sell as noted above. The fees for each market day are \$10.00 plus 15% of gross sales. Temporary members are not eligible to vote at general membership meetings.

C. Youth Membership: Youth Members (15 years or younger) must submit an application to the Market Manager at or before the first market attended. Youth Membership market day fees are 7% of daily sales. Youth Members must grow their products separate from any other market member, may not sell crafts, will be assigned to only 4' to 10' spaces, and are not eligible to vote at General Membership meetings.

D. Special Arrangements: The Board of Directors may grant nonprofit or charitable organizations special consideration as to dues and daily fees.

6. MARKET DAY FEE CALCULATION AND COLLECTION

All Members must remit daily fees to the Market Manager at the close of each market day. MEMBERS FAILING TO PAY FEES AT THE END OF THE DAY WILL BE FINED \$10.00 FOR EACH OCCURANCE. Fees are calculated based on your type of Membership.

To determine your fee, round your daily sales off to the nearest dollar (i.e., \$254.30 in sales rounds to \$254.00) and record that figure on a Market Fee Envelope available from the Market Manager. Next, fill out the Fee Envelope with requested information thereon and calculate that percentage of your daily sales figure that is due. Include any Market Bucks, EBT coupons, or WIC coupons in the envelope and note on the envelope the value of the coupons and Market Bucks. Reduce the fee by the value of coupons. If the value of coupons exceeds your fee you will a credit account will be created for you. See the Market Manager for complete instructions. Remit your fee by placing a check to BCFM in the Fee

Envelope and depositing it into the Fee Envelope Lock Box provided by the Market Manager. Remittance of less than \$5.00 may be made in cash. Remittance of greater than \$5.00 must be made by check. A \$25.00 fee will be charged for any checks returned due to insufficient funds.

NOTE: *This procedure is necessary to ensure the safety of the Markets' staff and the Markets' proceeds. Your fees pay for the operation and promotion of the Markets, and additionally for the BFM, your portion of the City of Boulder sales tax (3.41%). Inaccurate or fraudulent reporting jeopardizes the Markets' future and your individual success at the Markets. Members are expected to report accurately all sales, and risk expulsion for failure to do so. The BCFM reserves the right to audit member sales at any time without prior notice.*

Any member who wishes to distribute their Community Supported Agriculture (CSA) shares must distribute only prepackaged "shares", and must be set up primarily to sell to non-CSA customers. Note: The Markets allows BCFM members to make CSA distributions as a benefit to BCFM members and does not encourage the active solicitation of Market customers away from other BCFM members and into CSA's.

Pre-arranged wholesale deliveries made during Market hours are not subject to Market fees.

7. Space Fee: NOTE: This section does not apply to LFM; consult the LFM Market Manager for current space fee structure.

To encourage new applicants and smaller growers, the first ten feet (as space allows) of space is included in the membership fee. The space fee shall be paid at the time of application. New members are allowed a maximum of ten-foot spaces. No member may have more than 25 feet of space. All members must fit in their spaces, as shown on the space map, or request to move to a space where they can fit. To accommodate pop-up type canopies, ten, fifteen and twenty five foot spaces have been created and will be assigned as they become available. (See the following Space Fee Table.)

<u>SPACE SIZE</u>	<u>SPACE FEE</u>	<u>SALES FEE</u>
Up to 10 feet	Free	5%
15 feet	\$125.00	5%
20 feet	\$250.00	5%
25 feet	\$325.00	5%

(note 12 and 24 foot spaces are no longer available)

8. SPACE ASSIGNMENT: NOTE 1: Except as noted, this section does not apply to LFM; consult the LFM Market Manager for current space assignment method.

Any Full-Time Member who attends a minimum of 60% of the Saturday market days in the preceding year may request a yearly assigned space at the Saturday Market. To be assigned a new space a member representative must attend the annual 'space meeting'. Yearly assigned space assignments of ten feet (10'), fifteen feet (15'), twenty feet (20'), and twenty-five feet (25') are available. (Note: Members currently using 12' or 24' will retain the same size space location but the spaces have been reshaped to 15' or 25'.)

To qualify for a 15-foot space a grower must have reported Saturday gross sales of \$9,000.00 or more in the previous year.

To qualify for a 20-foot space a grower must have reported Saturday gross sales of \$15,000.00 or more in the previous year.

LFM: To qualify for a 20-foot space, a grower must have reported gross sales of \$10,000 or more in the previous year.

To qualify for a 25-foot space a grower must have reported Saturday gross sales of \$20,000.00 or more in the previous year.

LFM: To qualify for a 30-foot space, a grower must have reported gross sales of \$15,000 or more in the previous year.

The Board of Directors may consider exceptions to the above requirements on a case-by-case basis. The Markets retain control of all currently unassigned space openings. Such spaces will be assigned for the BFM using the latest Space Assignment Procedure; and for the LFM at the Market Manager's discretion.

Any Member without an assigned space will be provided a space by the Market Manager, on a first come - first served basis. 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.

NOTE: Since the Market is at near capacity, requests for space changes may be impossible to grant.

9. Market Day Arrival/Departure Procedure

Members ***must arrive at the Markets and be ready to sell by 8:00 a.m. on Saturdays and, at the BFM, 4:00 p.m. on Wednesdays.*** If a Member plans to not attend a particular Market day, then the Member must notify the Market Manager by 5:00 p.m. of the preceding day.

NOTE: The street will be closed to motor vehicle traffic at 7:50 a.m. on Saturdays and, at the BFM, 3:50 p.m. on Wednesdays. For safety reasons, departure of motor vehicles before closing time will not be allowed.

10. SIGN CODE

For uniformity, every member must make an identification sign, which must be brought to Market by the member each week, which includes the following information:

A. Name: Farm name or member's name

B. Address: Town, mailing address or nearest town

Lettering must be at least two inches tall. The sign must be mounted in a prominent location at the member's stand (truck mounted is satisfactory). Additional signage is allowed.

If a grower makes a claim of being *certified organic*, they must have at their stand, available for inspection, a copy of their current certificate. A copy of the certificate must accompany the application each year. A *non-certified organic* grower shall only sell, label, or represent products as "*organic*" if the grower's gross agricultural income from organic sales totals \$5,000 or less annually and the grower complies with applicable organic production and handling requirements. BCFM members should be aware 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.

Signs designating BCFM-recognized "certified organic" will be available at cost to certified organic

growers.

11. LEASING REGULATIONS

A. Members MAY NOT bring to the market any item grown outside Boulder County on leased or owned ground without the prior written consent of the Board of Directors.

B. For any member to bring to the market items produced on leased ground, they must meet all of the following specific requirements:

1. Submit a copy of the signed lease document (enclosed) with membership application every year
2. A receipt for seeds or seedlings or other expenses must be provided upon request.
3. Either the member or a disinterested third party must do all planting, cultivation, and harvesting. If the third party is hired for plowing, cultivation or any other farming practice, the Board reserves the right to demand to see payment receipts from this third party.
4. Leasing will be allowed only if the member has significant risk and investment in the leased operation, as determined by a review of the lease documentation each year.

12. FARM INSPECTION

BCFM reserves the right to inspect any member's farm. The primary purpose of a farm inspection will be to determine whether the member is in fact producing all that he or she is selling at the market. The resale of any products that are not grown or produced by the member is strictly forbidden and is cause for TERMINATION of your membership. All new members' operations shall be inspected. A notice and hearing procedure has been established by the Board and will be used if a member or customer believes a rules violation is occurring. See Article VI, Section 5, in the BCFM Bylaws for details.

13. MISCELLANEOUS

A. Space Clean Up

Members must maintain their spaces in a clean and sanitary condition. Each member shall remove containers, waste and trimmings before leaving the Market.

B. Boulder County Farmers Markets WIC Coupons, EBT and Market Bucks

All Market members are required to accept Boulder County Farmers Markets Nutrition Program coupons (WIC) from customers for qualifying purchases (fruits and vegetables only). All Market members must accept EBT coupons for qualifying purchases (perishable items not designed to be consumed on the premises). All Market members must accept Market Bucks for any purchase. See the Market Managers for an explanation of the required procedures.

C. Collection of Sales Tax

Payment of Colorado State Sales Tax for taxable items is the responsibility of the individual member.

D. General Prohibitions

No electronic music/sound recordings. No hawking (calling out). No vendor pets.

14. EFFECT OF MEMBERSHIP

A. Conditions By becoming a Member, the member agrees to the terms of the Rules and Regulations

and the Bylaws of the Boulder County Farmers Markets and any amendments, changes or revisions thereto. The Member further agrees to permit field inspections of his or her farm or growing sites to assure compliance with the Rules and Regulations of the Markets.

As a condition of membership, the member 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 membership or selling at or otherwise using designates space or facilities at markets it owns or operates.

B. Termination Anyone who fails to comply with the Rules and Regulations or the Bylaws may have their membership terminated with no refund of dues or fees. No member of the BCFM may be expelled or suspended, and no membership in the BCFM may be terminated or suspended, except pursuant to the BCFM Bylaws, Article VI, Section 5.

C. Harmful Actions Because the BCFM is a membership organization, it is incumbent upon the members to refrain from action that is harmful to the Purpose or Mission of the BCFM. 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 this Rule 14 of the BCFM Rules and Regulations.

Examples of harmful actions include, but are not limited to: operating competing Farmers markets in the same locale as an existing BCFM site; attempting to displace BCFM markets from existing sites; entering into contracts that controvert the BCFM Purpose or Mission. BCFM believes in free enterprise promoting local agriculture, but in view of the Purpose and Mission, it must also assume the obligation to promote a balance between sustaining success for its members at current markets and endorsing competing markets that members might attend to the detriment of BCFM.

D. 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.

15. MEMBER SABBATICAL

Any member in good standing (all past fees paid) and a member for at least three years may request that the Board grant a sabbatical leave for as long as one full season.