



City of Loveland Farmers Market - Rules & Regulations

Statement of Purpose

The City of Loveland Farmers Market seeks to support local food artisans and the community at large by providing a marketplace for fresh, locally grown or raised produce, meats, poultry, dairy and artisan goods to be sold.

City of Loveland Farmers Market (CoLFM) is overseen by the City of Loveland Parks and Recreation Department. The Parks and Recreation Department has adopted the following rules and regulations and at any time may amend, delete or modify them. We request that all participants in the CoLFM treat customers, staff and volunteers in a professional manner to foster community and cooperative involvement. Infractions of any of the rules and regulations listed below will be cause to suspend vendors' selling privileges. The Market Manager has authority to deny selling privileges. Visit the City website at www.CityofLoveland.org/FarmersMarket to learn more about the event, view participating vendors and links to park amenities and more. You are welcome to bring a pop-up tent with a minimum of 10lb weights on each corner.

Operating Hours, Dates & Location

- Sundays from 9:00 a.m. to 1:00 p.m. from June 7 – September 27, 2020
- Located in the north and south pavilions at Fairgrounds Park, 700 S. Railroad Avenue
- Set-up time is 7:30 a.m.

Communication

- Most vendor communication will come through the Manage My Market email. Many email providers mark this as spam since it includes a large number of email addresses. Please double check your spam/junk folders and select allow emails from Kerry.helke@cityofloveland.org.
- The City of Loveland has a very active and popular Farmers Market Facebook page (almost 3000 followers), please follow this and include us in any Facebook promotions you may do that are relevant to the CofL Farmers Market.

Vendor Eligibility

- Vendors must sell horticulture and agriculture related produce (vegetables, fruit, flowers, honey, etc.) from home gardens, small plot non-commercial growers, small plot commercial growers and horticulture-based handicrafts. Exceptions are allowed at discretion of the Market Managers.
- The CoLFM has the right to prohibit anyone from selling at the market.
- Licenses and Health Regulations/Permits
 - All vendors are responsible for the necessary licenses and permits for their booth and must display the original document at each market (no copies allowed).
 - The Loveland Farmers Market requires proof of proper licensing and permits for vendor products if applicable. Please upload documents to your vendor profile on MMM. The CoLFM reserves the right to refuse vendor sales if documents are not obtained.
 - Cottage Food vendors must supply a current copy of their certificate obtained from taking the "safe food handling" course.
 - Roasted chilies must have the original Larimer County Health Department license onsite.

*You will be required to provide the City of Loveland a photocopy or fax of your Health Department permits and licenses for all of the above listed items. **Please upload all documents to MMM.** If you*

have questions regarding food safety and Health Department requirements, call our local Health Department. (Larimer County Health Department: (970) 498-6833).

Approval Process

- The vendor must upload all required documents within 15 days of approval; this includes a Certificate of Insurance listing the City of Loveland as an Additional Insured, relevant licenses, permits and certificates.
- The first round of approvals will be notified by March 20th.
- Vendors will be selected based on the following criteria:
 - Returning vendors in good standing with the Market, if application received by March 15th
 - New vendors with locally sourced and high quality product(s) or service(s) that add variety and are desirable and not readily offered by other vendors at the market
 - Vendors with similar products may be placed on a waitlist and accepted at a later date.
- Priority booth assignments will be given to vendors who participate the entire season.

Allowable Goods

- Unprocessed agricultural products: fruits, vegetables, herbs, grains, flowers, bedding plants, potted plants, compost
- All of the above **MUST** be grown in Colorado! If it can't be grown in Colorado, it cannot be sold at the CoLFM. Resale of products will be considered on a per vendor basis. Proof of where agricultural product was purchased is required. The Market Manager will have final say on what vendors will be allowed to resell.
- Value-added agricultural products: raw agricultural products grown by the seller that have been processed and are in compliance with government agency regulations may be sold, including:
 1. Packaged jerky or other animal products exhibiting the USDA seal
 2. Packaged and labeled honey, baked goods, jams, jellies
 3. Roasted chilies must have the original Larimer County Health Department license onsite
 4. Any processed greens (lettuce, spinach, etc.) sold prepackaged must be processed in a commercial facility
- Artists & Crafters: All arts and crafts products must be preapproved by the Market Manger
- Only those products listed on the vendor's application will be allowed for sale. Vendors wishing to sell a new product not on their original application must obtain approval by the Market Manager.
- The vendor is responsible for monitoring and maintaining proper temperatures in accordance with Larimer Department of Health codes. Vendors who sell products that must be kept refrigerated or frozen must have an accurate thermometer onsite.
- All food for immediate consumption must be approved by the Market Manager.
- The Market Manager will have final say on which vendors will be allowed to sell non-edible products.
- Sponsorships – the Market Manager may offer sponsor booth space(s) to vendors as part of a sponsorship package.

Marketing Organic Produce/Products

If a grower markets produce or products as being “organic,” they must have the USDA-approved certification clearly displayed onsite.

Insurance Requirements

All applicants must have a liability insurance policy with a minimum coverage of \$1 million per occurrence **with the City of Loveland added as an additional insured.** A certificate of insurance must be uploaded to your vendor profile on MMM.

Market Fees Calculation & Collection

Application Fees are as follows and are due within 15 days of approval into the market to confirm you booth space:

1. **Standard Vendor Sunday Market-** A \$50 one-time fee must be paid upon acceptance into the market to confirm and hold your booth space.
2. **Community/Non-profit** - A \$20 one-time fee must be paid upon acceptance into the market to confirm and hold your booth space.
3. **Commercial/broker** - A one-time \$75 application fee must be paid upon acceptance into the market to confirm and hold your booth space.
4. **Artist Market at the Farmers Market** – A one-time \$20 application fee must be paid upon acceptance into the market to confirm and hold your booth space: this will be applied to your first market.
5. **Young Entrepreneurs/Young Farmers** – A \$5 application fee must be paid upon acceptance into the market to confirm and hold your booth space; this fee will be applied to your first market.

Daily Market Fees are as follows:

Upon arrival at the market, all vendors must check in with the Market Manager to confirm their booth location. Towards the end of the market day, a CoLFM employee will distribute checkout packets to collect daily fees, please use the plastic bag within the packet to avoid money falling out of the envelope.

1. **Standard Vendors** are required to pay 10% of gross sales at the end of each market day attended (7% for market, 3% for City of Loveland Sales Tax). **A minimum fee of \$15 will be charged at each market if sales are less than \$150.** Vendors with a City of Loveland Business License may choose to pay taxes on their own.
 2. **Community/Non-profit -not selling anything.** Vendors are required to pay \$10 at the end of each market day attended. Community/non-profits are limited to one 10x10 booth per week.
 3. **Community/Non-profit -Selling** – *a change has been required by the City of Loveland tax department. All non-profit vendors must collect and pay taxes. The non-profit is viewed as a pass through organization and while the non-profit may be tax exempt, the paying customers are not.* Vendors are required to pay 10% of gross sales at the end of each market day attended (7% for market, 3% for City of Loveland Sales Tax). **A minimum fee of \$10 will be charged at each market if sales are less than \$100.**
 4. **Commercial/broker** are required to pay 13% of sales (10% market, 3% sales tax) at the end of each market day attended. A minimum fee of \$20 will be charged at each market if sales are less than \$200. Commercial/Broker space is subject to availability after all other vendors have been vetted.
 5. **Artist Market at the Farmers Market** - A flat fee of \$20 per appearance is required. This is only valid for Artist vendors participating in selected artist market weeks. Artists that sell on a regular basis during the market season will be considered a “standard vendor”.
 6. **Young Entrepreneurs/Young Farmers** – A flat fee of \$5 per appearance is required.
- State and county sales tax is the responsibility of the vendor.
 - All vendors must remit daily fees to the Market Manager at the close of each market day. Vendors failing to pay/report fees at the end of the day will be fined \$50 for each occurrence.
 - All Market Bucks, SNAP & DUFB coupons will be reimbursed to vendor. Funds will not be available for reimbursement on that Sunday. Funds will either be deducted the following week or a check will be issued at the end of the month and/or end of the market season.

- Any non-eligible vendors taking SNAP or DUFEB will not be reimbursed. Tokens or coupons from other markets will not be reimbursed.
- Vendors must honestly and completely report all sales made by the vendor or vendor's agents at each Market. Documentation may be requested to verify transactions. If discrepancies are suspected, the Market Manager will have the authority to challenge, question and possibly remove vendor from market.

Arrival, Departure & Selling Time

- Vendors may begin setup no earlier than 7:30 a.m. Market hours are 9:00 a.m.-1:00 p.m.
- **For safety reasons, driving into market sales area after 8:15 a.m. for unloading is not allowed. Vehicles may return after 1:30 p.m. for loading.**
- Vendors must be set-up by 8:45am, vendors arriving after 8:30am may lose their "regular" space. The market manager has the authority to adjust spaces after 8:30am in the best interest of the market.
- In order to allow customers to park close to the Market, please park additional vendor vehicles in the overflow dirt lot to the north, there is easy access to the pavilions via the pedestrian bridge

Attendance Policy & Penalty Fees

- **Cancellations** - All vendor cancellations must be received by e-mail before 5:00 p.m. the Wednesday before the Sunday market. If notification is given after 5:00 p.m. on the Wednesday before, a \$30 fee will be added to your checkout sheet the following week and an invoice will be sent.
- In case CoLFM has to cancel a market due to unforeseen circumstances, you will be contacted by phone, e-mail or facebook.
- Vendors who do not show up two or more times at a market during their designated season may lose their space reservation and are subject to a \$30 fine per occurrence.
- If you are unable to attend a market due to unforeseen circumstances or emergency, you must e-mail or call. Potential inclement weather is not an unforeseen circumstance.
- Vendors arriving late and not set-up by 8:45am will be fined \$30 for each occurrence, plan accordingly. Habitual tardiness is cause for dismissal.
- Leaving a market early will result in a fee of \$30/market.
- Vendors' additional spaces will be charged from their start date to the end of market season.
- Repeated failure to attend markets will result in the review of eligibility in the CoLFM and may result in suspension or dismissal from the market.

Booth Space

- All vendors will be assigned a booth space
- All approved vendors will be granted one booth space; which is approximately 10' x 10'; additional 10 x 10 spaces as requested in your application will cost \$7 per space per market.
- Vendors are required to note the maximum spaces needed on their application form; vendors who rent more than one space shall rent that space for the entire season. During times with fewer sale items, this may require vendors to spread out product in order to utilize all spaces. For example, if a vendor needs a maximum of three spaces in August, but only uses one space in July, that vendor needs to pay for the additional two spaces at every market. A maximum of four spaces will be allowed initially. After all applications are in and the market has additional space, more than four spaces can be requested.
- Although vendors are assigned a booth space, the Market Manager reserves the right to move or relocate vendors as necessary to accommodate the market's needs.
- Attention will be given during space assignments to maintain an even distribution of vendors and products.
- If accepted to the market, vendors will receive a confirmation e-mail.
- Market Manager will have the final say regarding all booth areas.
- Electricity is available at no extra charge. Vendor must provide safe and adequate cords for hookup and adequately tape down or cover as necessary to avoid safety hazards.

- Vendors are allowed to sell from their designated space only or with authorization from Market Manager.
- The Market Manager will do their best to leave booths in the same location throughout the season if the vendor sells for the entire season, with the exception of the month of June. The Market Manager may use only 1 pavilion to ensure a more “full” feel depending on the number of vendors and the produce available at that time.

Artist Market at the Farmers Market

- The Artist Market will be held in conjunction with the Farmers Market the last Sunday of each month, 6/28, 7/26, 8/30 & 9/27
- All approved vendors will be granted one booth space; which is 10' x 10'; additional 10' x 10' spaces as requested in your application will cost \$7 per space per market.
- Artist will not be under the pavilions, a 10x10 pop-up tent is strongly encouraged. Tents must be weighted down with a minimum of 10lbs on each corner.
- Attention will be given during space assignments to maintain an even distribution of vendors and products.

Samples

All samples must meet the following criteria:

- Samples must be kept in clean, covered containers approved by the Dept. of Public Health
 - Toothpicks or disposable utensils must be used to distribute the samples
 - Clean, disposable plastic gloves must be used when handling any samples
 - Cutting surfaces must be smooth, non-absorbent and easily cleanable.
 - Producer must have control over samples at all times.
 - There must be a waste container in a prominent place adjacent to the sampling area for public use.
 - Health Department rules and regulations require hand-washing station for all vendors offering samples.
- Failure to abide by these sampling requirements may result in the loss of sampling privileges for that day. Second offenses will result in revocation of sampling privileges.

Signage & Vendor Set-Up

- Sellers must furnish their own signage, money, packaging, chairs, drop cloths, tents, canopies, tables and displays, which must fit within the assigned space. The use of drop cloths is required for all vendors selling products that can potentially cause damage to or stain plaza surfaces.
- All products must have proper signage, including the following: price per unit, package, bunch, product name and variety, and if it is not grown in a field, please indicate method (e.g., hydroponics).
- Sales made by weight must be measured with scales that have a current valid seal of approval from the Colorado State Department of Agriculture Weights and Measures Division.
- All tents must be securely weighted with a minimum of 10 lbs. at each corner to withstand rainy or windy conditions or be subject to immediate removal.
- No signage shall impede or hide other spaces.

Space Clean Up

- Before leaving the market, each vendor must remove all matter and debris from their area. This includes the area around the stall and in the common walkway. Trash must be completely removed without regard to whether the litter originated in the vendor's area and must be disposed of. Vendors who fail to clean up properly face fines of \$50 that will be added to the following week's fees. Trash receptacles will be provided onsite. Please use compost and recycle containers whenever possible to dispose of your waste. If a trash receptacle needs attending to, please notify the market manager.

Selling Regulations

Vendors are governed by:

1. City of Loveland Farmers' Market Rules and Regulations

2. Farmers' Market Consumer Produce Sampling Guidelines <http://www.coloradofarmers.org/wp-content/uploads/2013/06/Sampling-safely-at-Farmers-Markets-n01308.pdf>
3. Farmers' Market Association Safety Guidelines <http://www.coloradofarmers.org/safetyguidelines/>
4. Retail Food Establishment Interpretation and flow chart <https://www.colorado.gov/pacific/cdphe/retail-food-resources#rfLogs>

Standards of Conduct – Vendors and Their Employees

- Be knowledgeable about products (how it is grown, used, produced, etc.).
- Unreasonable, outrageous or disruptive activities and behavior are prohibited.
- Be courteous, professional and presentable at all times. No alcohol consumption, smoking, yelling, hawking, throwing of objects, swearing, name-calling, slanderous remarks or disparaging comments will be tolerated.
- Producers experiencing difficulty with customers are encouraged to refer the matter to the Market Manager.
- Complaints about other vendors or the market rules and regulations must be made in writing to COLFM Manager.
- Distribution of printed materials (other than pre-approved vendor brochures), petitions, religious or political advertisements is disallowed.
- Committing a criminal act will cause immediate expulsion from the market and is subject to appropriate legal action.
- Loitering or solicitation is strictly prohibited.

Discipline or Removal of Vendors

Vendors who do not comply with market rules and regulations shall forfeit selling privileges at CoLFM and may be subject to fines and penalties. CoLFM will provide adequate written warning prior to taking any disciplinary action during the market season. Appropriate County Agricultural Commissioner's and State Department Food and Agricultural inspection services will also be notified. A vendor may be removed or suspended from any market or have selling privileges in the market limited by CoLFM for any of the following reasons:

1. Failure to obey and conform to State, local government or CoLFM market rules and regulations.
2. Inadequate documentation of product not produced by the vendor. It is the vendor's responsibility to provide proper documentation if requested.
3. Causing or maintaining unsafe or unsanitary conditions.
4. Repeated failure to attend markets.
5. Behavior that obstructs any other vendor's commerce or ability to conduct business

If COLFM receives a legitimate complaint pertaining to questionable quality, conduct or business practices regarding a vendor, the following actions will be taken:

1. A written warning will be given to the vendor, including the date, time and nature of complaint.
2. A second complaint may result in the vendor being subject to a two-week suspension of selling privileges.
3. A third complaint from a customer may result in a minimum 30-day suspension and/or permanent removal from the CoLFM.
4. Vendors or producers are required to satisfy any customer complaint in any circumstance. Vendors must accept returned product.
5. Violating the Colorado Weights and Measures regulations will be subject to a penalty. No refunds will be given as a result of any infraction of any local or State government laws or market rules and regulations. It is the responsibility of the vendor to abide by Larimer Department of Health guidelines concerning the vending of potentially hazardous products. These include but are not limited to: meats, poultry, dairy products and cheese. If any vendor is deemed to be in violation of health codes pertaining to such products, the following measures will be taken:
 - a. The vendor will be immediately removed from the market for that day.
 - b. Penalties may be assessed against the vendor for selling a hazardous food product
 - c. The proper regulatory agency will be notified.

The severity of any penalty or discipline imposed by CoLFM will be directly related to the gravity and/or repetition of the violation. A vendor is responsible for the actions of its representatives, employees or agents. The decision by CoLFM regarding all of the above matters shall be considered final; however, a written appeal of any CoLFM decision will be welcomed and considered.

Miscellaneous

- Smoking is prohibited at the CoLFM
- Sale produce must be clean and fresh; vehicles, tables and containers must be clean. No products will be sold off the ground or pavement. If you are using a blanket underneath your products, please make sure it is clean and that it stays clear from customer traffic.
- Vendors must maintain clean booth spaces
- For health and safety reasons, vendors' **personal pets are not allowed.** The sale or giving away of animals at any market also is prohibited. A \$50 fine per occurrence will be assessed for violations.

Contact Information

Larimer County Department of Health
Environmental Health Division
970.498.6775
970.498.6776

Larimer County Health Department: 970.498.6833

The Department of Consumer Services (Scale Certification)
303.480.9236
2331 W. 31st Ave.
Denver, CO 80221-3859

Kerry Helke, Market Manager
City of Loveland
970.962.2446
700 E. Fourth St.
Loveland, CO 80537
kerry.helke@cityofloveland.org

RELEASE AND INDEMNITY: By signature below, the undersigned hereby:

- (i) releases and forever discharges the City of Loveland and its officers, employees and agents, from any and all claims of any kind whatsoever arising out participation of the undersigned in the City of Loveland Farmers' Market; and
- (ii) agrees to indemnify, save, and hold the City, and its officers, employees, and agents, harmless against any and all liability, loss, costs, charges, obligations, expenses, attorney's fees, judgments, damages, claims, and demands of any kind whatsoever arising from or out of the participation of the undersigned in the City of Loveland Farmers' Market.

Signature

Date