



1. Operational Rules

1.1 Stall Fees

- All vendors must sign a Vendor Agreement and pay a weekly fee of \$8 per booth/ stall to participate. The vendor must pay the fee the day of Maker's Market prior to setting up. If a vendor wishes to buy a seasonal pass for the entire 21 week season the fee is \$105 (\$5/Day). There is also a 5 Market Day Pass available for \$25. Income generated from stall fees will be used for advertising, insurance, and other expenses associated with the function of the market.

1.2 Stall Assignments & Appearance

- The Downtown Coordinator assigns stall spaces to vendors. Vendors with their stall assignments may occupy their spaces upon arrival. Reserved spaces not occupied 30 minutes prior to opening may be reassigned to another vendor.
- All product and signage must be placed inside of the assigned stall space. The stall should be arranged so that customers are able to shop without invading another vendor's space.
- Stall areas must be kept tidy throughout the market hours and must be left clean at the end of the event.
- Vendors must park in the assigned lots/spaces designated for vendors. There will be no driving through the market selling area 30 minutes before selling begins.

1.3 Attendance

- If a vendor cannot attend the market any given day they must contact the Downtown Coordinator three days in advance. If there is an emergency the morning of market, contact the Downtown Coordinator to let them know. After two "no show & no call" incidents, the vendor loses their selected stall for the remainder of the season and will be assigned a stall based on availability for each subsequent day they come to the market.

1.4 Public Policies

- The farmers market is a smoke-free environment. No firearms, weapons, alcoholic beverages, or drugs will be allowed in the market. Anyone disturbing the peace will be asked to leave.
- The market manager reserves the right to ask a vendor to turn music down or off if it becomes a disturbance to other vendors and shoppers.

1.5 Grievance Policy

- Any grievances regarding another vendor should be directed to the Downtown Coordinator in writing, clearly outlining grievance details. The market manager will handle the issue with the vendor in question. If the Downtown Director is unable to settle the grievance, it shall be directed to the Director of Parks, Recreation, and Cultural Affairs for discussion and action.



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- A first infraction of the rules will be handled by a verbal warning from the Downtown Coordinator. A second infraction will be handled by a written warning. In the case of a third infringement, the vendor will be asked to leave the market for the season. There will be no refunds for booth fees.

1.6 Market Manager

- The market manager is the Downtown Coordinator/Executive Director, whose duties shall be collecting daily fees; assigning market stalls, supervising the market and other duties as assigned by the Farmington Downtown Association. The manager will be the final authority on the day of market – any further inquiries shall be direct to the Director of Parks, Recreation, and Cultural Affairs.
- The Downtown Coordinator will maintain order and cleanliness, start the market, and distribute information to the vendors. It is at the discretion of the manager to ask anyone to leave the market area.
- The Downtown Coordinator shall will determine the number of weeks in the season, advertise the event, and keep vendors informed of any changes.

1.7 Outside organizations

- Outside organizations wishing to appear at the market during selling hours to fundraising, entertain, educate and/or volunteer should meet the approval of the Downtown Coordinator prior to the selling day. If a group is interested in selling food, the item must comply with current market guidelines.
- Outside organizations wishing to fund raise at the market during selling hours will be limited to **1** group per week. The organization's product and/or activity must be approved by the Downtown Coordinator.

1.8 Vendor Conduct

- Vendors at the market shall at all times conduct themselves in a pleasant and courteous manner. Vendors shall avoid using unduly loud, vulgar, profane, or otherwise disagreeable language. They shall further avoid being in an intoxicated condition. They shall avoid belligerent action or actions that lead to or promote disputes, disagreements, or altercations with other vendors, prospective customers, visitors, or any other persons on the market premises.
- All vendors must complete and sign a vendor agreement with the market and pay appropriate fee prior to selling. The market reserves the right to prohibit anyone from selling at the market in the opinion of the Downtown Coordinator has violated the rules governing the market. Participant or member has the right to respond in writing to the Downtown Coordinator to include an explanation of how the violations in question will be remedied. The Downtown Coordinator reserves the right to make a final decision on the response. Fees will not be refunded. Participants or members



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wishing to return to the market following expulsion must apply to Downtown Coordinator of directors for re-admittance and pay appropriate fee(s) prior to selling.

1.9 Insurance

- The market only carries liability insurance for the market area. Vendors are strongly encouraged to have their own policy.

2. Regulatory Rules

2.1 Sales Tax

- Each vendor is responsible for his or her own sales tax license and sales tax payments. Sales tax licenses must be displayed each week at the market.

2.2 Weights & Measures

- If products are sold by weight a NM certified scale must be used. The use of non-certified scales is prohibited.

2.4 Processed Foods

- If a vendor is selling processed food either produced in a home-based kitchen or certified commercial kitchen they must adhere to the policies, procedures, and regulations of the NMED and possess all proper licenses and certifications related to food preparation.

Commercial Regulations:

https://www.env.nm.gov/fod/Food_Program/regulations.html

Home-Based Regulations:

https://www.env.nm.gov/fod/Food_Program/HomeBasedProcessing.htm

2.5 Food Trucks

- All food trucks must have completed the food truck permitting process set forth by the City of Farmington.

3. Product Rules

3.1 Product Approval & Claims

- All vendors must abide by applicable state and local regulations regarding each product they sell.
- Vendors must be willing to allow inspections of their operation by a market representative in order to ensure compliance of the rules of the market.

3.2 Defining Permissible Products

- The following products may be sold at the market: vegetables, herbs, fruit, jams,



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jellies, honey, cider, baked goods, potted plants, cut or dried flowers, fruit or plant arrangements, eggs, retail-ready frozen meats, personal care products, artwork, and artisan goods. Products not sanctioned above must receive board approval before sale.

1. Raw Fruits, Vegetables, and Herbs:

- a. Must be grown from cuttings grown by the vendor or from seeds or transplants and the final product may not be purchased or bartered for. The vendor must have tended the perennial crops from leased, rented or owned land for one growing season prior to the sale of the product.
- b. Processed products must be done so according to local health regulations and with appropriate licensing.
- c. Wild gathered materials may be used with written permission of landowner and the Downtown Coordinator.

2. Nuts and Grains:

- a. The product must be obtained from the vendor's own trees, seeds, transplants or cuttings and cannot be purchased or bartered for.
- b. If gathered wild, you must provide written permission from the landowner and get Downtown Coordinator approval.
- c. Processed products must be done so according to local health regulations and with appropriate licensing.

3. Bedding Plants, Houseplants, and Herb Plants:

- a. Must be grown by the vendor from seeds, cuttings, or plugs.
- b. Purchased plant materials must be grown on the vendor's premises for at least 30 days before they can be offered for sale at the market.

4. Cut Flowers and Ornamentals:

- a. Must be grown and gathered by the producer on their own land or leased land.
- b. Wild gathered materials may be used with written permission of the landowner and Downtown Coordinator approval.

5. Eggs:

- a. Must be produced by hens that have been raised by the vendor for 50% of their production weight.
- b. All products must be processed and stored according to local and state regulations for safe handling of eggs.
- c. There are no licenses required for selling ungraded eggs in New Mexico farmers' markets, but ungraded egg vendors are required to register with the New Mexico Department of Agriculture. This registration is free of charge and



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can be done through the following website:

<http://www.nmda.nmsu.edu/scs/licenseregistration/egg-licensing/>

- d. To sell graded eggs, vendors must obtain an egg dealer license based on their production size. Licenses range in price from \$10 to \$50. The application is available at the above web address. For questions regarding selling eggs, contact Raymond Johnson with NMDA Standards & Consumer Services at (575) 646-1616 or by email bccs@nmda.nmsu.edu

6. Honey:

- a. Must be produced by bees kept by the vendor. Vendor must assure all honey processed from outside vendors is from their bees.
- b. Pure honey is defined as a raw agricultural commodity. Therefore, pure honey producers are not required to obtain a food processor permit. Honey producers do, however, come under the NM Food Act, requiring them to label their products and prohibiting adulteration of their products. Honeys with additives such as herbs are, however, subject to food processing regulations, as these additives may change the chemistry of the honey and affect its anti-microbial properties.

https://www.env.nm.gov/fod/Food_Program/regulations.html

For more information, contact Ken Hays of the New Mexico Bee Keepers' Association at (505) 869-2369.

7. Meat, Fish, Poultry:

- a. All items must be grown and/or processed by the vendor. No repackaging is allowed.
- b. Meat and poultry producers and processors are regulated by the New Mexico Livestock Board. Meat (beef, pork, lamb, ostrich, emu and other ratites) offered for sale within the state must be slaughtered and processed at a state (or federal) inspected plant. A list of state-inspected plants is available from the Livestock Board. (**<https://www.nmlbonline.com/>**) *Custom-cutting plants are not inspected, and can only process meat for personal consumption.* Meat that is processed in an inspected plant will be packaged and labeled according to state regulations.
- c. Poultry comes under different rules. Producers who raise their own birds, and produce and slaughter fewer than 20,000 birds per year, are exempt from inspection by either the State or the Federal government. They must still be registered, however, with the New Mexico Livestock Board (**<https://www.nmlbonline.com/>**), and meet the guidelines for custom exempt plants. Poultry products should be labeled with the net weight, producer name, product name, and their NM Livestock Board registration number.
- d. Game meat, which includes buffalo, deer, and elk, is also exempt from state and federal requirements. The NM Livestock Board offers a voluntary



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inspection and registration process, which enables producers to comply with the NM Environment Department's rule that meat producers must come from an "approved source."

- e. Meat and poultry producers who sell meat at farmers' markets and who do not cut meat do not need a license from the NM Environment Department, although they are still subject to the Food Act, ensuring that the food is stored and handled safely. As a potentially hazardous food, meat must be kept at 45 degrees F or below. Anybody who cuts meat in any way after it has been processed is regulated as a "meat market" under the Food Service Sanitation regulations.
- f. Live animals. Sellers can take orders for live animals which can then be processed at a custom plant as a service to the customer. Such animals must follow Livestock Board rules on proof of ownership and branding.
- g. For more information visit the NM Livestock Board on the web at <http://www.nmlbonline.com/> or call (800) 432-6889.

8. Animal Products:

- a. Must be in their natural state, except as specified below.
- b. Hides or pelts must be tanned to garment quality and must not be stored or transported in contact with food products.
- c. Products must be in a sanitary condition.
- d. Products must be from domesticated animals and may not be wild gathered. Products must come from animals held by the vendor 50% of the production time of the finished product.
- e. Wool/Mohair must be 100% from the vendor's flock, be humanely sheared and in its natural color. The raw product may be sent out for processing.

9. Prepared Food Products:

- a. All items must be grown and/or prepared by the vendor. No repackaging is allowed.
- b. Vendors must have photocopies of all necessary licenses for the production of the prepared product and must have them filed with the market before offering any prepared item for sale.
- c. Complimentary food items (i.e. hamburger buns, pop, bottled water, etc.) will be allowed for those selling prepared food items.

10. Bakeries:

- a. The vendors may not sell items made from purchased pre-made doughs, batters, crusts or dry ingredient mixes.
- b. The vendor must be able to demonstrate that all processed food is made from scratch and if asked, produce proof of purchase of raw materials used in producing goods.



11. Dairy:

- a. All items must be grown and/or processed by the vendor. No repackaging is allowed.
- b. Every facility that produces dairy products in the State of New Mexico must hold a current Grade A Permit issued by NMDA's Milk Inspection Division. The application form and detailed instructions on how to apply for a Grade A Permit are available at the following website:
<http://www.nmda.nmsu.edu/dairy/dairy-facility-permit/>
For more info, contact NMDA Milk Inspection Division at (575) 841-9425.

12. Artisans, Antiques, Repurposed:

- a. Products must be handmade and the vendor must produce more than 50% of the value of the product. Reselling of products is not allowed except in the case of antiques and collectibles.

3.3 Product Source Restriction

- Produce must be grown by the seller. The sale of products not grown or produced by the seller, the reselling of goods, or the sale of goods that have been traded or bartered are only permitted if there is currently not a vendor providing the item. These items will be voted on by the discretion of Downtown Coordinator.

3.4 Reselling Restriction

- The market is restricted to those actively engaged in the production of accepted products, whether on a full or part-time basis. All items displayed must be produced by the vendor, members of his or her family or by his or her employees. Any item not produced by the vendor must be approved for sale by the board of directors on an individual, weekly basis.

3.5 Pricing

- Product pricing should be conducted in a manner that protects the overall stability and friendly competition at the market.
- Vendors should strive to price products at their fair market value and avoid heavily undercutting other vendors.