

2017 BELLEVUE FARMERS MARKET

RULES AND REGULATIONS



Welcome to the fourteenth season of the Bellevue Farmers Market! The Market is a non-profit organization dedicated to bringing fresh, quality produce grown by Washington small farmers into the city of Bellevue. The two primary goals of the Market are to provide a means for Washington's farming families to directly sell their products and to provide farm-fresh goods to the residents of the Bellevue area. We are committed to providing a desirable and successful marketplace where farmers and consumers can interact in an enjoyable and beneficial environment. The following Rules and Regulations are designed to ensure that the Market is a safe, friendly place where Bellevue residents can buy exceptional produce and build relationships with farmers, bridging the gap between urban and rural.

As a seller at the Bellevue Farmers Market, we welcome your participation and wish you an abundant season!

It is essential that each vendor carefully read these Rules and Regulations and sign their agreement to comply with them. FAILURE TO COMPLY MAY RESULT IN TERMINATION OF THEIR PERMIT TO SELL.

Mailing & Site Address:

Bellevue Farmers Market
1717 Bellevue Way NE
Bellevue, WA 98004

Market Director:

Natalie Evans
natalie@bellevuefarmersmarket.org
(425) 454-8474
(303) 928-0485 (cell)

Market Manager:

Vivian Yang
(425) 281-1588

Market Dates

The Thursday Market will open Thursday, May 18 and run for 22 consecutive Thursdays through October 12th, 2017. These dates are set forth in the following table.

THURSDAYS 3:00 p.m. – 7:00 p.m.

May	18	25			
June	1	8	15	22	29
July	6	13	20	27	
August	3	10	17	24	31
September	7	14	21	28	
October	5	12			

Rules and Regulations Content:

- I. Who Can Sell
- II. Product Policies and Guidelines
- III. Stall Assignments
- IV. Licenses, Insurance, and Permits
- V. Vendor Participation and Performance
- VI. Market Director

I. Who Can Sell

Only Washington State farmers and other state producers as listed may sell at the Market. The principal vendor may send family members, partners or employees to the Market in their place, provided they are listed on the Application as being authorized to do so. The vendor is responsible for making their on-site representatives aware of all Market rules and policies. All on-site representatives may be asked to sign an agreement that states that they understand and agree to comply with Market rules and policies. The Market Director and/or the Market Board reserve the right to prohibit anyone from selling or any product from being sold. There will be no discrimination according to race, color, creed, sex, religion, sexual orientation, age, or nationality.

II. Product Policies and Guidelines

- **Fresh Farm Products.** These include fresh fruits and vegetables, berries, herbs, nuts, dairy products, honey, eggs, poultry, meats, fish and shellfish, mushrooms, fresh flowers, plants and nursery stock. All fresh farm products must be grown or produced in Washington State or in counties bordering Washington State. Each vendor is required to list **ALL** crops and products that their farm/business produces on their application. **Vendors may only sell the items that are listed on their applications.** The vendor must be the actual owner or operator of the farming operation and may not be operating it under a franchise or similar agreement. The vendor must propagate all plants and flowers from seed, cuttings, bulbs or plant division. **ANY PRODUCER WHO SELLS PRODUCE THAT IS NOT HIS OR HER OWN PRODUCTION, WHILE CLAIMING THAT IT IS, WILL BE EXPELLED FROM THE MARKET.**
- **Value Added Farm Foods.** These include jams, preserves, jellies, cheese, syrups, cider, salsas, smoked meats or fish, sausage, dried fruit, flours and salad dressings. **ALL VALUE ADDED FARM FOODS MUST BE MADE FROM PRODUCTS/INGREDIENTS, A MAJORITY OF WHICH ARE GROWN AND PRODUCED BY THE VENDOR AND MUST BE PRODUCED FROM RAW INGREDIENTS.** Vendors must have personally cooked, canned, preserved, baked or otherwise treated the product they sell OR oversee the production of their product in a permitted, commercial facility. Exceptions, if any, will be judged on a case-by-case basis. All processed foods must have the required permits and licenses and be covered by liability insurance. The vendor must be the actual owner or operator of the farming operation and may not be operating it under a franchise or similar agreement.
- **Fish Vendors.** As with farmers, fish vendors must own and operate their own fishing vessel and sell only what they have fished. No brokering/wholesale from a second party. Fish vendors may be asked to provide Landing or "Fish Tickets" and documentation of cold storage and processing.
- **Processed Foods.** These include juices, preserved foods, jams, baked goods, pasta, salad dressings, granola, and related take home foods, not prepared at the Market. The vendor must be the actual owner or operator of the business and may not be operating it under a franchise or similar agreement. **Vendors**

may only sell the items that are listed on their applications. If a vendor wants to add an item to their list mid-season, they must first get the approval of the Market Director. All packaged foods must meet Washington State labeling requirements. Labels on processed foods must meet state requirements and include 1) the name of the product, 2) company name, 3) address, 4) net weight on bottom one-third of label, and 4) ingredients listed in decreasing order of predominance.

- **Prepared Foods.** These include all freshly made foods available for sale and immediate consumption on-site. The vendor must be the actual owner and operator of the business and may not be operating it under a franchise or similar agreement. **Vendors may only sell the items that are listed on their applications.** If a vendor wants to add an item to their list mid-season, they must first get the approval of the Market Director. When selecting prepared food vendors, priority will be given to those vendors who prepare their foods from raw ingredients, preferably those grown and/or produced in Washington State by participating Market farmers. The food vendor must have a fire extinguisher in their stall at all times. Prepared food vendors may request to sell commercially prepared beverages. Each request must be approved by the Market Director, in the Director's sole discretion. The Market Director may grant such approval in its sole and exclusive discretion.
- **Alcoholic Beverages.** All vendors (including their representatives) selling alcoholic beverages at the Market must abide by all applicable WSLCB Laws governing the sampling and sale of alcoholic beverages, including (but not limited to) the obligation to check customers' ID to verify the customers' qualifying age to sample and/or purchase alcohol. In addition, such vendors and their representatives must abide by the following rules:
 - Vendors must post a clearly visible sign notifying customers that they must be 21 years of age or over to sample or purchase alcoholic beverages.
 - Samples of alcoholic beverages must be two ounces or less, and each vendor may provide a maximum of two ounces to a customer per day.
 - The designated area for tastings must be enclosed with a 42" high barrier.
 - The vendor must have received an endorsement from the LCB authorizing them to sell at a qualified farmers market.
 - The vendor may not act as a distributor from the Market location.
 - Neither the vendor nor their representatives may be impaired by alcohol at any time while on the Market premises, as determined by the Market Director.

Processed food vendors shall constitute no more than 30% of the total number of vendors selling at the Market.

III. Stall Assignments

The Director determines stall assignments based on the following criteria:

- Previous participation in the Market
- Available space in the Market
- Product mix to ensure a viable and balanced marketplace.
- The number of spaces the vendor needs and logistics of that space. The more space you need, the harder it may be to place you. Size and shape of vehicles may determine stall space assignments.
- Vendor performance – including level of product quality, good display and signage, compliance with Market Rules and Director direction (punctuality, adequate notice of cancellation, clean-up, etc.), sales record, and payment history (fees paid on time, with sufficient funds).

The Director will attempt to keep stall spaces consistent throughout the season; however, there will be variations due to seasonal crops and vendor mix. The Director may have to shift stall assignments to maintain a balance of products and to maximize Market space. Truck spots may be limited and may fluctuate during the Market season, and are assigned at the Market Director's discretion. Assignment of a truck spot on any given Market day does not guarantee receipt of a truck spot on subsequent Market days.

Fees

Application Fee. The yearly Application Fee of \$30 is paid with submission of the Application and is NON-REFUNDABLE. If a Vendor submits two Application Forms, an Application Fee is required for each Application Form.

Daily Stall Fees. Each vendor will pay the following daily stall fees:

Daily Stall Fee: All vendors that are not selling prepared food

- 10x10 space: \$35 **OR** 6% of gross sales, whichever is greater
- 10x20 space: \$50 **OR** 6% of gross sales, whichever is greater
- 10x30 space: \$60 **OR** 7% of gross sales, whichever is greater

Daily Stall Fee: Prepared Food Vendors

- 10x10 space: \$40 **OR** 8% of gross sales, whichever is greater
- 10x20 space: \$60 **OR** 8% of gross sales, whichever is greater
- 10x30 space: \$75 **OR** 9% of gross sales, whichever is greater

(Payable on each day you sell, as indicated below)

Payments may be made in cash, by check or with Market tokens. Any check returned due to insufficient funds will be assessed a \$25 handling fee, and the vendor's right to pay via check may be suspended. Gross sales are calculated as the vendor's gross revenue less any sales tax. **This includes pre-orders, phone orders, invoiced orders and all revenue from WIC and Senior vouchers.** Gross sales do not include the value of any on-site CSA pick-ups; however, additional sales to the CSA customer must be included in the daily revenue total. Vendors may be required to produce load lists at the start of the Market day and to balance total sales against those lists.

Audits. VENDORS ARE EXPECTED TO ACCURATELY REPORT TO THE MARKET ALL GROSS SALE TOTALS (Currency, Coin, WIC and Senior Vouchers, EBT, Wooden Tokens, Credit and Debit, Phone , Email and Web Sales) ON THE VENDOR ACCOUNTING SHEET AT THE END OF EACH MARKET DAY. The Market reserves the right to audit Vendors throughout any given Market day. Any Vendor not found to have accurately reported its gross sales shall be subject to penalties, to be determined in the Market Director's sole but reasonable discretion, which may include fines and/or cancellation of Vendor's participation in the Market.

The Market staff will collect payment beginning at 7:00 p.m. for the Thursday Market. Failure to comply with fee payment on Market day will result in a \$15 fine in addition to the regular daily stall fees. Vendors will not be allowed to set up until any past obligations have been brought current. Stall fees are non-refundable.

IV. Licenses, Insurance and Permits

All vendors shall provide with their application current copies of all applicable permits and licenses that are required in connection with the sale of their products. Where applicable, these may include, but not be limited to, King County Public Health Permit, Washington State Nursery License, Washington State Department of Agriculture Food Processors License, Certification for Organically Grown Produce, Grade A Dairy Permits, Egg Handler's Permit, Pesticide Applicators License, Department of Fisheries Wholesale License, Special Forest Products Permit or King County Mobile Risk I Permit. Vendors selling shellfish must have additional licenses from the Washington State Department of Health.

Washington State Tax (UBI) Number

The Washington State Department of Revenue requires the Market to verify that its vendors are registered to do business in the State of Washington. All vendors, unless exempt by law, must supply the Market with a State UBI number with their Application. Applications submitted without a UBI number will not be considered.

Insurance

Automobile Insurance - All vendors must provide proof of current automobile insurance for on-site vehicles, and provide the Market with policy numbers, which will be kept on file.

Product Liability Insurance - All vendors selling processed foods are required to also have product liability insurance. Such policy shall name the Bellevue Farmers Market as a "certificate holder." Vendor will provide the Market with policy numbers and copies, which will be kept on file. Other vendors are encouraged to also have product liability insurance.

Processed Foods

Processed food vendors must provide a copy of the permit issued them from the agency that inspects and licenses them. All dates must be CURRENT on the permits. Other King County Health Department requirements apply. Beekeepers that process their own honey do not need a Food Processor's License, unless the honey is sold wholesale. Vendors who sell processed foods must also have product liability insurance.

Baked Foods

Vendors that sell more than 25% of their products wholesale must be licensed by the Department of Agriculture as Food Processors. Other King County Health Department requirements apply.

Organic Certification

If a product is labeled "Organic," it must be certified as required by Washington State Law. VERBAL OR WRITTEN DECLARATIONS OF ORGANIC STATUS NOT CERTIFIED OR VERIFIED WILL RESULT IN TERMINATION OF VENDOR'S PERMIT TO SELL. When a farmer is selling both organic and non-organic produce at the same stand, the non-organic produce must be clearly separated from the organic produce and clearly labeled as non-organic or conventionally grown. If a product is labeled "Certified Transitional," WSDA documentation must be included with the application. In compliance with the National Organic Program the word "organic" may not be used during the transition process. Certified Transitional implies that prohibited materials have not been applied within one year prior to the harvest of the crop and the grower holds a certificate from the WSDA stating as such.

All organic growers must post their organic certification in their booth on Market day in a location that is clearly visible to their customers.

Unsprayed, Pesticide Free or Low Spray

Written and verbal declarations regarding pesticide use which cannot be certified, such as “Unsprayed,” “Pesticide free” or “Low Spray,” will need a notarized affidavit attesting how these procedures are followed. This affidavit will be kept with the Market management for the season. Consumer questions regarding farming practices must be answered factually.

Food Handler’s Permit

All prepared food vendors, baked goods vendors (where applicable), and those who are sampling must have a current King County Health Department Food Handlers Permit and must provide a copy to the Market Director.

Taxes

Retails Sales Taxes and Business and Occupation Taxes are the responsibility of the individual vendor.

Sampling

All food sampling must be cleared with the Market Director. Sampling may take place provided the vendor has hand washing in the booth, protects the samples from contamination, and provides the samples with single service utensils such as toothpicks. Potentially hazardous foods can be sampled as long as they are kept in the correct hot or cold temperature zone, and utensils are used. Disposable serving utensils, like toothpicks, are to be used for the public. Food serving utensils need to be changed every two hours. Vendors should bring two sets for the four-hour Market. Food handler’s permits are required for vendors choosing to have sampling in their stall. (Call 206-296-4791 for permit information.) A demo permit is required for vendors who are opening a packaged product (such as salsa, dips, jams, etc.) and presenting it for sampling.

Farmers are required by King County Public Health to wash all produce, including but not limited to berries, used for sampling at their farm, and then transport the designated produce in a separate, sanitary dishwasher-safe container. King County Public Health asks that the farmer has a document in their booth stating the farm address where produce was washed.

Samples of alcoholic beverages must be two ounces or less, and each vendor may provide a maximum of two ounces to a customer per day.

V. Vendor Participation and Performance

Punctuality

All vendors with assigned booth spaces may arrive and enter the Market site at 1:00 p.m. on Thursdays **and must be at the Market at least ½ hour before the Market opens. Vendors must be ready to sell when the Market opens.** This means that all signage and pricing is in place. **Vendors who need to off-load must have their vehicles removed from the Market site no later than ½ hour before the Market**

opens. Such vehicles must be moved to the designated parking area. Vendors who arrive less than ½ hour of when the Market opens will have to off load from the street and find other parking for their vehicle for the day and will be given a verbal warning. A second offense will result in a written warning of termination and a \$25 fine. A third offense will result in a \$25 fine and possible expulsion from the Market.

If a vendor is absent (and doesn't give appropriate notice of cancellation) for three weeks in a row, their permit will be void and their stall will be given to another vendor on the waiting list.

Hours of Operation

Selling shall begin no earlier than the stated Market opening time, when the Market Director indicates that the Market is officially open, with the exception that a vendor may make purchases of products/prepared foods from another vendor before the Market opens if this is agreeable to the other vendor. Repeated violations of the selling rule will result in loss of vendor's right to sell. Vendors who sell out early should post a sign to that effect. Vendors shall not leave their vehicles and goods unattended and must stay until closing. Vendors will be loaded up and shall leave the site no later than one hour after the Market is closed. Exceptions, if any, must be cleared with the Market Director.

Vendor Cancellation

Vendors who cannot attend the Market on a regularly scheduled day must contact the Market Director at least 48 hours prior to Market day. Vendors who do not do so when the Market is otherwise full and there is a waiting list of farm vendors will be charged a cancellation fee equal to their daily stall rate. Please call 425.454.8474 if you need to cancel.

Loading / Unloading / Parking

Market booth spaces have been designed with both on-site and off-site vehicles in mind. If you have any additional vehicles, park them off the Market site by no later than ½ hour before the Market opens. Such additional vehicles must be **PARKED IN THE DESIGNATED VENDOR PARKING AREAS ONLY, NOT IN THE CUSTOMER PARKING AREAS.** **VENDORS SHOULD MAKE EVERY EFFORT TO LIMIT THE NUMBER OF VEHICLES BROUGHT TO THE MARKET AREA. VENDORS WHO REPEATEDLY VIOLATE PARKING RULES MAY BE TERMINATED FROM PARTICIPATION IN THE MARKET.**

Tents, Umbrellas, Tables, etc.

THE MARKET DOES NOT PROVIDE TABLES, AWNINGS, TENTS, TENT WEIGHTS OR UMBRELLAS FOR VENDORS. All food must be kept at least 18" above the ground. Canopies or other booth covers are required to have weights on each corner sufficient to keep the covering in place during windy conditions. **Canopy weights must be in place from set-up through take-down. Vendors without adequate canopy weights will NOT be permitted to set-up. Vendors setting up without adequate canopy weights will be required to take down their canopies and/or displays.** Any damage incurred by a vendor due to insufficient weights will be at the expense of that vendor.

To maintain product and business visibility, side panels are not allowed in booths unless permission has been granted by the Market Director on a Market-day basis.

Signs

Each booth space must prominently display a sign clearly identifying the farm or business by name and location. Signs must be no smaller than 24” wide by 8” high. Signs must be in place by the opening of the Market. All product descriptions must be true, and not misleading. All signs must not obstruct visibility into other vendors’ booths. Display and selling techniques must not impair other vendors’ ability to sell, nor create a hazardous situation for customers.

Safety

Vendor vehicles, tables, canopies, and other equipment must be maintained and used in a safe manner. Legs must be firmly locked into place on tables and canopies. Tables must have smooth edges and remain stable when fully loaded. Tarp poles must not obstruct pedestrian walkways. All displays must be carefully set up and taken down. The Market Director and/or its Board Members and representatives are not responsible for loss of property or damage.

Prepared Food Vendors - Restroom Use

King County Public Health requires Prepared Food Vendors to use plumbed bathrooms only and to wash hands twice – first in the plumbed restroom facility and again at the hand washing station when returning to their stall. Portable toilet (sanikan) use is off limits for Prepared Food Vendors.

Product Pricing / Quality

All products sold at the Market must be clearly marked with their price. This can be done by individually marking each item or by a sign or blackboard that lists all produce and prices. Each vendor is responsible for pricing his or her own goods. Vendors are not allowed to give produce or other items away for free or at below-cost pricing, thus undercutting potential sales by other vendors. Vendors are expected to sell only quality produce at the Market. Vendors are responsible for the quality and safety of their food. Selling adulterated food at the Market is strictly prohibited.

Scales

Vendors that sell products by weight must provide their own scales, which must be “legal for trade” and subject to inspection by the Department of Agriculture’s Weights and Measures Program.

Pets

No pets are allowed in the vendor’s booth area. The only exceptions will be seeing-eye dogs, dogs for the hearing impaired, or other disability guide dogs.

Children

Vendors must closely supervise their children at all times while on Market premises, with special care given during set-up time, which can be potentially dangerous. Small children should not be allowed to wander throughout the Market without a parent or guardian with them. The Market takes no responsibility for the safety of vendors’ children.

Vendor Code of Conduct

- Vendors and their representatives shall conduct themselves in a manner that is courteous to other vendors, Market personnel and the public. Any language or behavior that is threatening, abusive, or harassing shall constitute a violation of Market rules and is grounds for termination of the vendor's right to sell at the Market.
- Hawking (calling attention to your products in a loud, repetitive manner) is discouraged and may be limited or restricted by the Market Director.
- Vendors should wear appropriate shirts, shoes and other attire at their booths during Market hours.
- Vendors may not play recorded or live music in their booth space. The Market may provide musical entertainment on occasion.
- Vendors may not conduct any political activities on the Market premises.
- **No smoking by vendors or their representatives is permitted in the vendor sales areas.**
- Neither the vendor nor their representatives may be impaired by alcohol or marijuana or illegal substances any time while on the Market premises, as determined by the Market Director.

Vendor Communication Forms

If vendors have concerns regarding Market policies or operations, they may complete a Vendor Communication Form that is available from the Market Director. Each form will be reviewed by the Market Director and, if appropriate, by the Market Board, and the vendor will receive a written or verbal response.

Booth Clean Up

Booth clean up is crucial! Vendors must maintain their individual selling booth in a clean, safe, and sanitary manner, which shall also include protecting the pavement from leakage from any part of the vendor's vehicle. **Vehicles that drip oil must have an OIL DRIP PAN underneath at all times. Each vendor shall completely clean up his or her booth space at the close of the Market. This includes hauling away any trash or garbage that is generated in or around the booth and sweeping up any debris left on the ground. Vendors may not dispose of produce waste, overripe or leftover produce or boxes in any on-site garbage can or dumpster. MARKET TRASH CANS AND DUMPSTERS ARE NOT AVAILABLE FOR VENDOR USE.** Vendors should bring their own cleaning materials (brooms, dustpans, trash bags, etc.). Those who do not properly clean up at the end of each Market day will be given a written warning for the first offense and a \$25 fine for the second offense. Vendors with a third offense may lose their right to sell at the Market.

Refunds

Each vendor will provide a full refund, or replacement of equal value, for any product for which the customer has a legitimate complaint. The Market's policy is to satisfy the customer and to provide high quality products. If produce is overripe and should be consumed the same day, the vendor must inform the customer in advance. If a customer wishes to exchange a partial bag of produce, only a partial credit is required. If a customer complaint seems unfounded or excessive, the Market Director will assist in resolving the issue.

Farm Visits

The Market Director and/or members of the Market Board, or their representatives, may inspect or visit any farms or businesses represented by vendors. These visits will be conducted with at least a 24-hour

notice. Vendors will provide help during a visit to identify the crops listed on the application form, and provide any other requested information.

Vendor Contributions / Food Bank

Vendors may be asked to contribute products to the Market's promotional and educational events such as chef's demos, product tastings, and other special events. Hopelink and other possible food banks will solicit food contributions every week. **Please** consider contributing to these Market events. People in the Bellevue community who are struggling financially will be extremely grateful for the opportunity to receive fresh, quality produce. Thank you.

Market Tokens

The Market will distribute and accept EBT/SNAP tokens, debit tokens, kids club tokens; therefore, each Vendor must accept such tokens as payment for the products they sell as authorized. Vendors may use tokens to pay Market fees. The reimbursement process for tokens will occur each month on the final Market day. At that time, tokens will be counted, with the totals entered on a form that will be signed by a representative of both the Vendor and the Market. The Market will collect those tokens and will issue the Vendor a check in the total token amount the following week. We encourage tokens to be turned in daily to ease our organization's bookkeeping and administrative load.

VI. Market Director

The Market Director is responsible for implementing all Market policies, including overseeing vendor participation and stall assignments, Market set-up, collection of fees, and providing information on and assuring vendor compliance with all Market Rules and Regulations. The Director will also handle all public concerns and vendor matters. The Director has complete authority to interpret and implement policy on the Market site, and to make all decisions regarding Market operations – including Market participation and stall assignments. (The decision to allow participation in the Market is not a guarantee of a particular stall location.)

The Director will make vendor participation decisions based on available space in the Market, the need for specific products to create a varied and successful Market, and the vendor's performance with regard to punctuality, sales, and compliance with Rules and Regulations.

The Director will strive to maintain a balanced mix of vendors – including experienced vendors and those with less access to existing markets. The goal is to create an economically successful and sustainable Market that will serve Washington State small farmers and Bellevue for years to come.

These Rules and Regulations may be modified at any time. All vendors will be notified of any changes.