**Santa Fe Farmers Market**

**Rules and Regulations**

**2015**

*(2015 changes to the Rules & Regulations have been italicized)*

**Mission Statement:**

The Santa Fe Farmers Market exists to provide economic opportunities for our Members to prosper by creating a Market where authentic, locally grown products are made available to the Community.

**Purpose and Interpretation:**

One purpose of the Santa Fe Farmers Market (SFFM) is to provide local farmers and ranchers with a viable direct marketing venue, and consumers with the opportunity to purchase locally produced agricultural products. To that end, the intent of these Rules and Regulations is to protect local farmers and ranchers from market displacement by larger producers of agricultural commodities in small, specialized local market venues such as our Farmers Market. The SFFM is a “members only” vendor market to achieve these ends. Therefore, membership preference will be given to local farmers and ranchers in the approval of applications for membership to sell at the SFFM. These rules have been adopted by the SFFM Board to insure the smooth operation and functioning of the SFFM and are not to be interpreted so as to provide any individual member contractual rights or privileges. These rules exist primarily for informational and managerial purposes and to assist *the Board and Staff to accomplish the organization’s mission.*

**I. GENERAL**

**A. Overview**

1. These rules and regulations may be revised or amended by the *SFFM Board* from time to time with or without noticeto members, vendors or the public.
2. In addition to the following Rules and Regulations, all vendors agree to abide by all city, county, state, and federal laws and regulations. All vendors must display required licenses at their booths during all markets, including City of Santa Fe business license, and organic certification documents if applicable.
3. It is the responsibility of vendors who sell taxable products (e.g. crafts, nursery, processed foods, cut flowers, etc…) to obtain a CRS#.
4. The SFFM reserves the right to deny the acceptance of any application for any reason determined by the Executive Committee. The SFFM reserves the right to revoke membership for any reason.
5. All necessary paperwork (required by the Santa Fe Farmers Market, federal, state, and Santa Fe city laws) must be on file at the Santa Fe Farmers Market office before a vendor can sell at the Market.
6. The membership of SFFM will remain 80% *agricultural producers* and 20% *value-added producers* (crafts, processed foods, nurseries, etc.).
7. *Agricultural producers may sell value-added products and crafts that are composed of 70% ingredients they have grown or gathered; 20% ingredients purchased from other SFFM members; and 10% ingredients from other sources.* Products consisting mainly of oil, vinegar, or sugar are allowed. A minimum amount of hard goods (i.e. wire, glue, string, etc.) are allowed in the production of the Craft product.
8. All products a vendor sells must be listed on the vendor’s application. If a new product is to be introduced after the application process, it must be submitted in writing and juried for approval prior to being brought to market. Market management reserves the right torequire a vendor to immediatelyremove any undocumented or un-juried product from a vendor booth.
9. The Jury *will* assign the category most suitable for a vendor’s products.

**B. Category moratoria**

1. The *SFFM* Board may impose a moratorium on any category or subcategory of vendor to maintain balance and diversity in the market or for any reason deemed appropriate**.**

**C. Local agricultural products**

1. Vendors may only sell local agricultural products at SFFM.

Local agricultural products are:

1. Cultivated or gathered plant crops and plants grown in the local area.
2. Products of domesticated animals (livestock, rabbits, poultry and fowl, bees, and fish) that are raised in the local area.
3. Processed and crafted items derived from the above, meeting specified content rules of the SFFM.
4. The local area refers to the counties of Santa Fe, Rio Arriba, Los Alamos, Taos, Mora, San Miguel, Sandoval, Torrance, McKinley, San Juan, Guadalupe, Harding, Colfax, Union, and De Baca.

***D. Special Vendor Categories (Guest Vendors, Invited Product, Invited Vendors, and***

***Variances)***

1. Products from outside the 15 County Area are permitted only according to the following guidelines:
   * 1. The SFFM Board may look for and individually invite products and vendors to be represented at the market from outside the 15 county areas and within the state of New Mexico.
     2. This pertains only to products that are not available from vendors within the 15 County areas.
     3. These special invitations will pertain to unprocessed agricultural products only (butchering and dairy processing are acceptable) and shall be for the current season.
     4. Participation by out of area vendors and invited products shall be re-evaluated each year. The Board may consider availability of product from vendors within the 15 County areas in their evaluation.
     5. Out of area vendor/invited product must pay 5% of gross sales of the invited product due on the 1st of each month in addition to the daily stall fee and sign a season-long agreement regarding the above rules.
     6. Only an out of area vendor who has attended Market consistently for a minimum of five years will be eligible to apply for the Board of Directors for in area vendor status. This means the out of area vendor will have a right to vend the specific approved product even if a local vendor starts to sell that product. This in area consideration does not apply to invited products.
2. **Guest Vendors:** No more than two booth spaces per market day may be used by guest vendors. A guest vendor is a non-member who offers product or service that enhances the overall market while not competing with SFFM members. A guest vendor may be invited for two markets per year at the discretion of the SFFM Management. If a guest vendor desires more visits per year, they may do so only with approval of the SFFM Board. The SFFM Board can only invite a guest vendor to market for one season at a time (i.e. one summer or one winter market), and may rescind this permission at any time for any reason. Guest vendors are not official members of the SFFM, and do not have any SFFM member rights. Guest vendors must pay 5% of gross sales, due the 1st of each month in addition to the daily stall fee and sign a Guest Vendor Agreement regarding the above rules. Guest vendors may vend at market strictly on a space available basis.
3. **Variances:** Vendors who wish to bring to market a product that does not currently comply with market rules may apply for a variance. A variance is a conditional permission granted to a vendor for a finite period of time, with the understanding that the vendor will work with the SFFM to bring the product into full compliance during that time. The conditions of a variance will be reevaluated annually, and permission may be continued or revoked as indicated.

**II. VENDOR SPACES: RESERVED and NON-RESERVED**

The SFFM operates several markets at different sites on different days. Members must contact the Market Manager prior to appearing at any market. It is the sole discretion of the SFFM management to set a cap on the number of vendors attending a market. If more members choose to come to any given market than space allows, seniority (the number of total years of membership) will be the rule. Excluded applicants may request to be added to the waiting list. Each year the applicant must reapply in order to maintain their position on the waiting list. The seniority of their application will be considered as membership is taken.

**A. Reserved Vendor Spaces**

1. There shall be no cap on the number of single reserved spaces for the 2014 season provided a minimum of 12 spaces remain open for non-reserved vendors. There are a finite number of total spaces in the Market. Therefore, at peak times, a cap may be imposed by Market management, which will be based on Vendor/Member seniority. Very junior members may be directed not to attend Saturdays and to attend other Market days during such peak times.
2. There shall be up to ten double reserved spaces available for the 2014 season, but only for produce, dairy, eggs, meats, and nursery growers.
3. Reserved spaces and SFFM membership are not transferable in the event of a sale or transfer of the operation. The Board reserves the right to make exceptions when family members are involved. Spaces that are not used revert to the Market to be re-assigned.
4. Vendors/Market Members must file an application and pay their annual membership fee and/or reserved space fee in order to maintain membership and/or reserved space seniority, regardless of whether they plan to attend Market any given year. Location cannot be guaranteed.

**B. Allocation of Reserved Spaces**

1. The President shall delegate a committee or Market official to allocate reserved spaces to vendors.
2. Reserved spaces shall first be allocated to returning vendors with a reserved space, providing their application is timely and complete.
3. Priority for any available reserved spaces shall then be to vendors whose principal products are locally (within the 15 counties) grown fresh and minimally processed agricultural products for human consumption.
4. The Committee shall then use its discretion to allocate spaces to vendors not included in rule II.B.3, and include in their consideration the vendor’s product mix and number of years of participation in the Market, and the overall vendor and product mix of the whole Market.

**C. Non-Reserved Spaces**

1. Non-reserved space vendors (i.e. those without reserved spaces) must abide by the same rules and regulations as all other sellers.
2. The Market Management assigns spaces for these vendors.
3. Non-reserved space vendors may be moved around to different spaces each market day they attend.
4. All non-reserved vendors must have a previously approved application and give twenty-four hours’ notice before attending Market in order to receive a space.

**D. Other**

1. All spaces will be primarily reserved for vendors of locally (within the 15 counties) grown fresh and minimally processed agricultural products for human consumption.
2. Chile roasters must receive prior approval as determined by the SFFM Management. Chile roasters must obey Santa Fe City Code and all Fire Marshal directives.
3. Each individual belonging to a co-op must be charged individual vendor rates.
4. A single-space vendor may rent a second space at any Market when space is available, but no vendor may occupy three spaces.
5. All vendor items (including chile roasters and cooking displays) must be contained within the vendor’s designated booth space unless management has previously approved the additional space and a fee has been paid for the use of that space. In no way shall a vendor’s set-up (including equipment, staff, or product) compromise the aisles of the market.
6. During Market hours, it is prohibited to move products from booth to booth regardless of family or farm affiliation.
7. The Jury Committee may refuse to approve more than one application for a farm or family enterprise that is taking place on the same property or is selling product under the same business name.

**III. PRODUCT SOURCE AND CONTENT VERIFICATION**

The content of Appendix I, “Product source and content verification,” is part of these rules and regulations.

**IV. PRODUCE**

**A. Selling and Reselling**

1. Farmers are only allowed to sell fruits and vegetables grown by themselves.
2. Reselling is not permitted.
3. Farmers may sell limited amounts of produce of another SFFM member’s product on their behalf on a temporary basis with prior approval from the Market Manager or the SFFM Administration.
4. Farmers are allowed to sell vegetable/herb/*flower* starts during the season. All potential starts must be listed on your application. (Part C, Section 1: Produce)
5. *Farmers are allowed to sell cut flowers, with appropriate nursery licensing. (see VI.4)*

**B. Reselling Zero Tolerance Policy**

1. Reselling is defined as the purchasing of a product that a member has not grown or produced themselves, and subsequently selling it at the Farmers Market.
2. Reselling is not permitted at the SFFM. Since reselling so violates the integrity of the SFFM, it is punishable with a distinct penalty; a member found to be reselling can be permanently *removed* from the SFFM.
3. Members alleged to be reselling can appeal their violation before the penalty is enacted.

**V. *VALUE-ADDED* FOODS**

Copies of a current Food-Processing License and product Liability Insurance must be on file before a vendor can sell at the Market. Processors (including farmer/processors and processors who do not grow their ingredients) must also comply with the following rules:

**A. Definitions**

1. “Approved product” refers to a product that has been approved by the jury.
2. “Jury” refers to the Jury Committee of the Board of Directors.
3. “Processor” refers to a person who produces and sells processed food products at the SFFM.
4. “Product” refers to a processed food item that is ready to be sold at the SFFM.

**B. Jury Committee**

1. The President of the Board of Directors shall appoint a Jury Committee for judging processed foods and craft items. The Jury shall consist of a minimum of three members including the SFFM Management (or his/her appointee) and at least two other people appointed by the Board President. The Jury will meet or have phone conferences as necessary to review all processed foods and craft items to be sold at the Market. Members serving on the Jury Committee, except for SFFM Management, shall serve for one-year terms and may be reappointed.

**C. Jury Process for Processed Food Products**

1. The Jury must approve all processed food products before they may be sold at the SFFM. Processors must demonstrate compliance with the processed food rules in order to have a product approved.
2. For each product presented to the Jury, a processor shall list all ingredients in the product and shall provide a supply plan for those ingredients. The Jury shall consider the thoroughness and viability of the supply plan before approving a product.
3. The vendor shall maintain a verifiable source log for all ingredients in an approved product. The log shall be available for review by the Market management. Failure to maintain a complete and accurate source log is presumptive evidence of non-compliance with the processed food rules.
4. A vendor shall not be allowed to sell a product at the SFFM until he/she has demonstrated compliance with all applicable Federal, State and City laws and insurance requirements.
5. All decisions made by the Jury shall be in writing. If a product is not approved, the reasons for non-approval shall be given in a written notification.
6. The Jury may reject a product if it determines that the product does not fit within the mission and goals of the SFFM.
7. A person who does not agree with a Jury decision of a product may appeal the decision to the Executive Committee of the Board.

**D. Product Composition**

1. Either eighty-percent (80%) of the fruits, vegetables, herbs, flour, grains, eggs, and meat in a processed food product must be grown in the local area, or eighty-percent (80%) of the total content of the product must be produced in the local area. However, a product will not have to exceed eighty-percent overall local content.
2. Products *must* have as much local and New Mexico grown and produced ingredients in them as possible. If an ingredient in the product is grown or produced in New Mexico and is generally available in New Mexico, then that New Mexico ingredient shall be used in the product.

**E. Special Rules for Processed Food Categories**

1. Bulk Food Products: Bulk food products such as dried chile, ground chile, chicos, atole, dried fruits and vegetables, pinon nuts, dried meats, dried herbs, etc. must be grown or gathered in the local area by the processor
2. Oil and Vinegar Products: Products consisting mainly of oil or vinegar may be sold at the Market. One hundred percent (100%) of herbal, vegetable and other plant material in these items must be produced in the local area.

**F. Food and Drink Prepared at Market**

1. Food or drink products for sale that will be prepared in whole or part at the Market:
   1. Must be clearly marked on your list of processed foods in your application.
      1. All appropriate government permits and licenses must be supplied with application.
      2. Must comply with all other rules for processed foods.

**VI. NURSERY STOCK & CUT FLOWERS**

1. *Approved nursery growers* are permitted to sell plants, trees, fresh and dried flowers, herbs, and decorative vegetation which have been grown or legally gathered/wild-harvested in the local area by themselves. Nursery and cut flowers require a State inspection certificate from the NM Department of Agriculture.
2. Purchased nursery stock must be repotted and grown for a minimum of 30 days before being sold at the Market. Nursery growers shall submit a crop list with the approximate numbers of each variety to be sold at the Market.
3. The producer shall maintain *verifiable records* of all purchased stock. The *records* shall be available for review by the SFFM management. Failure to maintain complete and accurate records is presumptive evidence of non-compliance with the nursery and cut flower rules.
4. The SFFM has a Nursery License from the New Mexico Department of Agriculture. The license covers those members (who do not have their own license) to sell nursery stock and cut flowers only at the SFFM and who pay a $5 yearly fee to the Market. Those members selling at other Markets are required to have their own State nursery inspection certificate.

**VII. MEAT, DAIRY, HONEY and BEE PRODUCTS & EGGS**

1. Farmers and ranchers are permitted to sell eggs and dairy products (milk, cream,

yogurt, butter, cheeses, ice-cream, and similar products), and meat and other products

of slaughter, at the SFFM that they have raised/ grown themselves in the Market’s

vendor counties. NO RESELLING IS PERMITTED.

1. For meat production, the following rules apply:

a) **Cattle and bison** must be raised in the local area by the vendor for at least twelve (12) months.

i) Active Rule Variance**: four** (4) months. This variance will expire February 25, 2014.

* 1. **Fowl (chicken, duck, and turkey, etc.)** must be raised in the local area by the

vendor from one (1) day old.

* 1. **Lambs and Goats** must be raised in the local area by the vendor from birth.
  2. **Pigs** must be raised in the local area by the vendor from a weight of no more than fifty (50) pounds.
  3. **All meat vendors** must provide a written disclosure statement as to where

their animals were born and raised, and when the vendor took ownership of

those animals,which statement must be acceptable to the SFFM Jury

Committee. Any decision of the Jury Committee may be appealed to the

SFFM Executive Committee.

* 1. All meat vendors must submit registered livestock brands and marks where

applicable.

* 1. All livestock board inspection transport papers from the previous year must be

included with vendor applications.

1. Any out of area product invited under rule I.C.3. must be from animals raised/grown by the invited vendor within the State of New Mexico.
2. Vendors must include with their application photocopies of all relevant permits from the city, county, state, and/or federal agencies that are required.
3. Vendors must also be in compliance with the regulations of the New Mexico Environment Department (505-827-1840) and the USDA (505-646-1616).
4. Copies of your current product Liability Insurance, Dealer License, and Slaughter License are also required with your application.
5. Honey and all bee products for human consumption sold at the Market must be from hives the producer maintains in the local area. Honey that is processed or has any additional ingredients is a processed food and food processing permit and liability insurance requirements also apply.

**VIII. CRAFTS**

**A. Definitions**

1. “Approved product” means a product that has been approved by the Jury.
2. “Jury” means the Jury Committee appointed by the Board of Directors.
3. “Crafter” means a person who produces and sells craft products at the SFFM.

**B. Jury Process for Craft Products**

1. The Jury must approve all craft products for the current year before they may be sold at the SFFM.
2. For each product presented to the Jury, the vendor shall provide a list of all ingredients in the processed item and where they were grown, or the name of the supplier for each ingredient.
3. The vendor shall maintain a verifiable source log for all ingredients in an approved product. The log shall be available for review by the Market management. Failure to maintain a complete and accurate source log is presumptive evidence of noncompliance with the craft rules.
4. All decisions made by the Jury shall be in writing. If a product is not approved, the reasons for non-approval shall be given in a written notification.
5. The Jury may reject a product if it determines that the product does not fit within the mission and goals of the SFFM.
6. A person who does not agree with a Jury decision of a product may appeal the decision to the Executive Committee of the Board.

**C. Product Composition**

1. Eighty percent (80%) of the material used in each individual craft item must be derived from agricultural products grown, legally gathered, or purchased by the vendor from the local area.
2. Wild crafters are encouraged to harvest their materials in a sustainable manner so as not to deplete the local flora and fauna.
3. Wool and Fiber products. The wool and fiber in textile products must come exclusively from the vendor’s or another producer’s animals in the local area. Necessary trimming materials (fastenings, assembly and tailoring materials) may be used but shall not exceed 20% of the total product.

**IX. HERBAL, THERAPEUTIC, and TOILETRY PRODUCTS**

1. This category includes processed products such as soaps, tinctures, creams and lotions, therapeutic products, scents, toiletries, essential oils, bags, home-care and herbal products.
2. All items in this category are subject to approval by the Jury Process (VIII B).
3. Eighty percent (80%) of herbal and other plant material in these items must be grown and produced locally in the Market’s vendor counties. Herbal and plant material includes herbs, distillates, scent or flavoring agents, active ingredients etc.
4. Local raw materials must be used for the non-herbal components of these products to the extent possible.
5. Reselling, rebottling, or repackaging of products not crafted by the Market vendor is prohibited.
6. Soaps, in addition to the above:
   * 1. must be made using at least 25% material grown or produced locally in the 15

County areas in the base (ingredients used before the trace stage);

* + 1. must be handmade where fats and alkali are mixed on your premises. Melt

and pour, and similar production techniques are not permitted; and

* + 1. eighty percent of the herbal or other material added after trace must be grown

in the local area.

**X. MUSHROOMS**

1. Selling wild-collected mushrooms in any form is prohibited at the Market.
2. Cultivated mushroom growers must comply with all the Rules and Regulations of the SFFM.

***XI. COMPOST TEA***

*1. Compost tea may be sold at the SFFM if the vendor provides adequate signage warning*

*customers of risk..*

*2. It is the compost tea vendor’s responsibility to ensure that their product is safe for*

*customers.*

**XII. WIC FARMERS MARKET NUTRITION PROGRAM**

1. Only vendors who have signed the agreement to be in this program are permitted to accept the WIC coupons. Acceptance of these coupons by unauthorized vendors will be cause for suspension or termination from the SFFM and may result in prosecution under applicable federal, state, and local laws.
2. All vendors participating in the WIC program must display the Vendor Permit Sign provided by the SFFM, which includes the Vendor Name and Permit Number.
3. Products that are not acceptable under WIC guidelines include the following: processed foods, crafts, nursery and cut flowers, herbal products, meat and dairy products, and eggs. Please refer to the WIC accepted items list in the SFFM application.

**XIII. HOLIDAY MARKET RULES**

1. Certain market days in December as determined by market management are designated as special Holiday Markets.
2. For holiday markets, existing, established vendors may sell craft items in addition to their normal products.
3. Products that do not comply with current market rules (such as pottery, jewelry and other non-farm derived products) must not exceed 20% of the content of the booth.
4. All items sold at Holiday Markets must be made by the vendor, his/her immediate family, or his/her employees. **Positively no reselling is permitted.**
5. Moratoriums on vendor categories are suspended for the duration of the holiday markets. (Note: Vendors who plan to bring product outside of their usual category must comply with all rules, regulations and licensing requirements for that category, and have appropriate paperwork submitted to the SFFM.)

**XIV. GUEST VENDORS AND NONPROFIT ORGANZATIONS AT THE MARKET**

1. On any market day, up to three spaces may be given to guest vendors or nonprofit organizations on a space available basis (i.e. two guest vendors and one nonprofit or vice-versa).
2. **Nonprofit organizations**. No more than two vending spaces per market are available for nonprofit organizations to present themselves and give out information. Nonprofit organizations must make arrangements with the SFFM Management prior to attending market. Nonprofit organizations may use one booth strictly on a space available basis. Nonprofit organizations may not sell any products or solicit funds at the SFFM.

3. The Santa Fe Farmers’ Market Institute is exempt from this nonprofit rule. (See XIII 3.)

**XV. SIGNS (Including the use of “Organic”)**

1. All vendors are required to display a clearly visible sign with your name, the name of the farm, and the farm location.
2. Any vendor who uses the word “organic” in any sign or communication must be either certified or registered according to federal and state laws. The word “transitional” is not recognized by federal or state regulations and may not be used with the word “organic.” If a vendor is certified or registered “organic”, they must have a copy of their certification or registration visible at the Market.
3. It is strongly recommended that vendors post a sign with prices for all produce and products at their stall.
4. Products labeled Pesticide Free indicate that pesticides have never been applied during the entire growing process of the product. Other “Free-Of Claims,” such as Chemical-Free, Fungicide-Free, etc., are subject to the same definition. Vendors using these marketing terms must substantiate, in writing, and verify their claim of validity to the SFFM management.

**XVI. CHECK IN**

1. All vendors attending the Market on Saturdays and Tuesdays are required to check in by 6:30am, unless they have made arrangements with the Market Manager in advance. Unless otherwise specified, failure to be on site by 6:30am may result in the loss or reassignment of your space and/or a fine of $10. Failure to notify the Market Manager if you are not attending the Market may result in the reassignment of your space and a fine of $25. For safety, late arrivals must be escorted into the Market by the Market Manager (in accordance with Fire Department rules). Late arrivals may be barred from entering the Market at the discretion of the Market Manager or SFFM Management. Repeated or chronic lateness will not be tolerated.
2. Calls to the Market Manager (467-9792) must be made before 12pm the day prior to the Market day.

**XVII. CHECK OUT**

1. All vendors must vacate the Market area by the designated time and must leave their space clean and free of debris. Failure to clean up your space and/or leave in a timely and orderly manner may result in revocation of your space and/or fines of $10 to be paid prior to entering the Market the following market day.
2. For the safety of the public, early departure from the Farmers’ Market is prohibited (by order of the Fire Department).
3. According to Fire Department policy, vendor departure after the Market has closed must be conducted in a safe and orderly manner with a clearly defined sequence. Vendors will leave the Market following a pre-arranged schedule based on their location in the Market. Market Staff will direct and coordinate this process. These rules are mandated by the Santa Fe Fire Department, are non-negotiable, and all members of the Market are obligated to comply. Failure to cooperate and comply with directions from Market Staff may result in penalties levied by the Market (see XVII. 8. below) and/or citations from the Santa Fe Fire Marshal.

**XVIII. PENALTIES, BEHAVIOR, AND LIABILITY**

Fines regarding noncompliance with SFFM Rules and Regulations include:

1. Failure to leave space clean - $10
2. Failure to be at *market ½ hour before market opening* - $10
3. Failure to depart the Market by the designated time - $10
4. Failure to call market manager as a reserved space vendor when not attending the   
   Market - $25
5. Inspection Fee (to be levied if violation of Rules and Regulations occurs) - $25
6. Returned checks - $20
7. Late payments - $5
8. Any vendor who challenges the authority of any staff member or inspector, or who behaves in a rude, violent, threatening, or intimidating manner toward any person at the Market may be immediately expelled for the day by the SFFM Management. The Executive Committee may permanently ban such an offender from the Market, or impose a lesser penalty at its sole and unlimited discretion.
9. Santa Fe Farmers Market members are expected to behave in a professional and courteous manner at all times. Maligning and derogatory language directed at other vendors and/or their products will not be tolerated. If a vendor has a legitimate concern they should immediately contact the *SFFM Management*. If the *SFFM Management* is not available, the vendor may contact any Board member.
10. Santa Fe Farmers Market, its staff and representatives, are not liable for any damages, loss of earnings, or other recovery by a vendor subsequent to application of the Rules and Regulations of Santa Fe Farmers Market**,** nor are said parties liable in any manner for their non-adherence to these Rules which shall be interpreted and applied at their sole discretion.

**XIX. MISCELLANEOUS**

1. No consumption of alcoholic beverages or drugs is allowed onsite during market hours.
2. No radios or stereos may be played onsite during market hours.
3. Dogs are not permitted at the Market except for assistance dogs.
4. Bringing livestock and other animals must be approved by Market Management prior to bringing them to market. When permission is given, hand sanitation facilities and signs advising hand cleaning must be provided.
5. Any Vendor using any device with an open flame or a space heater must be in compliance with current City of Santa Fe fire codes, and must have a visible fire extinguisher in proper working condition and appropriate to the fuel being used.
6. It is the responsibility of vendors who sell products by weight to have their scale certified with the NM Department of Agriculture Division of Standards and Consumer Services.

**Santa Fe Farmers Market**

**Rules and Regulations: Appendix I**

**Product Source and Content Verification**

**I. PURPOSE**

Verification by inspection of a vendor’s operation permits the Market to ensure that items for sale at Santa Fe Farmers Market are local agricultural products produced by the vendor. Inspections are adapted to the nature of the vendor and products but generally seek to confirm that products are grown, raised, gathered, processed, and crafted in compliance with Market rules.

**II. PROCEDURE**

1. All members acknowledge the right of the Market’s representatives to inspect their operations for compliance with the Market Rules and Regulations and agree to assist in the inspection. Inspectors will make every attempt to conduct visits in a personable manner.
2. Inspections will be conducted on a regular basis. All members should expect to be inspected.
3. *Vendors or customers who believe that a product is in violation of the SFFM Rules may submit a confidential written complaint to SFFM Management.* Written complaints will be evaluated by the SFFM Management and Inspections Committee. The Inspections Committee Chair will respond to all written complaints within two weeks. All decisions may be appealed to the board.
4. Inspections will be carried out at a time mutually agreeable to members and inspectors, within 7 days of the first request prior to the beginning of the Market season. Once the Market opens, inspectors will have the right to make inspections within 3 days of such request, at a time mutually agreed upon. Inspection of a vendor’s sales display may be performed at any time without notice.
5. Any member who refuses inspection, or attempts to delay or evade inspection without reasonable cause, such as a family emergency, will be refused access to the Market until the inspection is satisfactorily completed.
6. It is suggested inspection teams will generally include at least one grower, or rancher, or food processor, or craft vendor, not from the immediate neighborhood of the member.
7. Prior to inspections, the Market will furnish inspectors with product lists from the application. Upon completing the inspection, the inspectors will supply the *SFFM* *Management* with a brief written report on the inspection, based on the vendor’s crop or product list. The completed report will be available to the vendor and kept with the vendor’s permanent file.
8. Any member found not in compliance with the Rules and Regulations may be subject to penalty.

**III. VIOLATIONS**

A violation will be reported if:

1. Upon visiting your farm, the Market’s appointed inspectors cannot find an item seen displayed at the Market, or find an insufficient amount grown or produced compared to Market sales, or find a different variety grown, insufficient indications of harvest or other evidence that items sold were not produced on your farm.
2. You admit to buying an item for resale at the Market.
3. Market representatives witness you buying a product, which you have been selling or will sell at the Market.
4. You advertise, sample, deliver, or display a product to a customer at the market that you did not grow, is not regional, or that has not been approved by the SFFM Management.
5. A processed or crafted item offered for sale at the market is not in compliance with the content or Jury rules.
6. A nursery or cut flower item is offered for sale that is not in compliance with the nursery and cut flower rules.

**IV. PROCESS**

1. The Inspection Committee shall determine violations and report to the Executive Committee.
2. The Executive Committee will be responsible for applying the appropriate penalty, with input from representatives from the Rules and Inspection Committees.
3. The Executive Committee may immediately suspend a product for up to ten days until the inspection and/or appeal process is complete.
4. Appeals must be filed within five business days to the Board of Directors, through the SFFM Administration. The appeal will be acknowledged in writing by a member of the board within five business days of its receipt, and will be addressed at the next board meeting.
5. The decision of the Board of Directors is final.

**V. PENALTIES**

1. First Violation: At the discretion of the Inspection Committee, a warning letter and/or suspension may be issued barring the vendor from all Santa Fe Markets for up to two weeks (fourteen days). Also, and in addition, a fine of up to $100 may be levied. Products found in violation will not be allowed back in the Market for the remainder of the season or year.
2. Second Violation: Suspension from all Markets for thirty days, and a fine of $100. Products found in violation will not be allowed back in the Market for the remainder of the season or year.
3. Third Violation: Termination from all Markets permanently.
4. All violations will be issued in writing. All violations carry over from year to year.

**Appendix II**

**Musician and Entertainer Policy**

1. The venue created and occupied by the SFFM, both indoors and outdoors, is a proprietary and privately operated space opened to the public at the discretion of the SFFM for the primary purposes of conducting business and facilitating the livelihood of our farming membership. As such, it is subject to the By-Laws and Rules and Regulations of the SFFM, along with the Policies and Procedures of the Santa Fe Railyard Community Corporation as approved by the Santa Fe City Council.
2. Musicians and other entertainers may perform by invitation only, and must be approved and booked in advance. Applications may be obtained from the Market Manager. A signed agreement must be submitted before performing at the Farmers’ Market. Musicians and other entertainers are guests at the SFFM.
3. A current busker’s license issued by the City of Santa Fe is required.
4. Acoustic music only – no amplification.
5. No canopies, no umbrellas.
6. Set-up is to be directed by Market Staff. Performance is to be during Market hours only.
7. Musicians will be assigned to specific spots. No roaming.
8. There are a limited number of assigned spaces, as designated by Staff.
9. No soliciting or sales. Tips may be accepted but not aggressively pursued.
10. Anyone who challenges the authority of any SFFM Staff member, or who behaves in a rude, violent, threatening, or intimidating manner toward any person at the Market, may be immediately expelled for the day by the Market Manager and/or the SFFM Management. The Executive Committee of the SFFM Board may permanently ban such an offender from the Market, or impose a lesser penalty at its sole and unlimited discretion.
11. The SFFM reserves the right to exclude persons who do not comply with its Rules and Regulations, and/or who disrespect or disregard instructions given by authorized SFFM staff.

**Glossary of Terms**

***Agricultural Producers***

*Agricultural Producers are vendors who grow, raise, or gather agricultural products, including produce, herbs, dairy items, eggs, meat, and honey. They must compose no less than 80% of the SFFM Membership.*

***Value-Added Producers***

*Value-Added Producers are nursery vendors, body product vendors, craft vendors, and vendors who made processed food products from local ingredients they have not grown, raised, or gathered themselves. They must compose no more than 20% of the SFFM Membership.*

**Invited Vendors**

Invited Vendors are vendors from outside the 15-county area who are permitted by the Market because they enhance the variety and quality of goods available to our customers. In all other respects, the products sold by Invited Vendors must comply with the rules of SFFM. Invited Vendor status is reviewed yearly and permission may be continued or revoked as indicated. Invited Vendors may apply for in-area vendor status after five years of consistent SFFM participation.

**Guest Vendors**

A Guest Vendor is a non-member who offers product or service that enhances the overall Market while not competing with SFFM members. Guest Vendors are invited to participate in the Market at the discretion of SFFM Board and Management.

**Local Agricultural Products**

Local Agricultural Products are a) cultivated or gathered plant crops and plants grown in the local area; b) products of domesticated animals (livestock, rabbits, poultry and fowl, bees and fish) that are raised in the local area; and c) processed and crafted items derived from the above, meeting specified content rules of the SFFM.

**Invited Products**

Invited products are unique products from outside the 15-county area that are permitted by the Market because they enhance the variety and quality of goods available to our customers. These special invitations will pertain to unprocessed agricultural products only (butchering and dairy processing are acceptable) and shall be for the current season.

**Produce**

Produce items that are permissible for sale by vendors are fruits and vegetables grown by them or gathered by them from within the local area.

**Processed Foods**

Processed Foods are agricultural products that have been processed in some manner by the vendor. New Mexico Environment Department and U.S. Department of Agriculture rules and regulations that apply to that product must be observed and appropriate licenses and permits obtained. All Processed Foods must undergo a Jury process in order to be marketed at SFFM (except for those Processed Foods produced by Farmer / Producer / Crafters). Either eighty-percent (80%) of the fruits, vegetables, herbs, flour, grains, eggs, and meat in a processed food product must be grown in the local area, or eighty-percent (80%) of the total content of the product must be produced in the local area.

**Nursery Stock**

Nursery Stock are plants, trees, herbs and decorative vegetation grown or gathered in the local area by the vendor. Purchased nursery stock must be repotted and grown for a minimum of 30 days before being sold at the Market.

**Cut Flowers**

Cut Flowers eligible for sale at SFFM must have been grown or gathered in the local area by the vendor.

**Crafts**

Crafts are non-food aesthetic and utilitarian products that contain at least 80 percent Local Agricultural Products. All Craft products must undergo a Jury process in order to be marketed at SFFM (except for those crafts marketed by Farmer / Producer / Crafters).

**Herbal, Therapeutic & Toiletry Products**

Herbal, Therapeutic & Toiletry Products are products such as soaps, tinctures, creams and lotions, therapeutic products, scents, toiletries, essential oils, home-care and herbal products produced by the vendor. They must contain at least 80 percent Local Agricultural Products. All Herbal, Therapeutic & Toiletry Products must undergo a Jury process in order to be marketed at SFFM.

**Variance**

A variance is a conditional permission granted to a vendor to market a specific product that does not currently comply with Market rules. A variance is granted for a finite period of time with the understanding that the vendor will work with the Market to bring that product into full compliance during that time. The conditions of a variance will be reevaluated annually, and permission may be continued or revoked as indicated.

**CRS New Mexico Tax Number**

**Gross Receipts Tax**

"CRS" is the Taxation and Revenue Department's Combined Reporting System.

Gross Receipts Tax. Gross receipts are the total amount of money or value of other consideration received from.

Examples: sales of alcoholic beverages, tobacco and prepared hot foods for immediate

Consumption are not deductible. The receipts of a nursery from the sale of shrubs, trees and other plants are subject to the gross receipts tax. Receipts of a “tree farm” or a “tree plantation” from the sale of trees for ornamental purposes, such as for landscaping or religious decorations, and from the sale of by-products of such trees, such as tree components for the production of medicines and seed cones for decorative purposes, are subject to the gross receipts tax.