

## **1. Operational Rules**

### 1.1 Stall Fees

- All vendors must sign a Vendor Agreement and pay a weekly fee of \$10 per booth/ space to participate. The vendor must pay the fee the day of Maker's Market prior to setting up. No more than three vendors may share a stall. 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 Market Coordinator assigns spaces to vendors. Vendors with their space 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 space. The space 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 Market Coordinator three days in advance. If there is an emergency the morning of market, contact the Market Coordinator to let them know. After two "no show & no call" incidents, the vendor loses their selected space for the remainder of the season and will be assigned a space based on availability for each subsequent day they come to the market.

### 1.4 Public Policies

- The Makers 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 Makers market is open to anyone making, producing or growing their own product from Grant, Hidalgo, Luna or Catron county.
- 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 Market Coordinator in writing, clearly outlining grievance details. The market manager will handle the issue with the vendor in question.
- A first infraction of the rules will be handled by a verbal warning from the Market 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 Coordinator

- The market coordinator duties shall be collecting daily fees; assigning market stalls, supervising the market and other duties as assigned by the Maker's Market Collaboration. The coordinator will be the final authority.
- The Market Coordinator will maintain order, start the market, and distribute information to the vendors. It is at the discretion of the Coordinator to ask anyone to leave the market area.
- The Market Coordinator shall 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 Market 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 fundraise 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 Market 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.
- Vendors must remain set up for the duration of the market. Early take down will result in a 4 week ban from participation in the market.
- 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 Market Coordinator has violated the rules governing the market. Participant has the right to respond in writing to the Market Coordinator to include an explanation of how the violations in question will be remedied. The Market Coordinator reserves the right to make a final decision on the response. Fees will not be refunded. Participants wishing to return to the market following expulsion must apply for re-admittance and pay appropriate fee(s) prior to selling.

### 1.9 Insurance

- 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.

## 2.3 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](https://www.env.nm.gov/fod/Food_Program/regulations.html)

Home-Based Regulations:

[https://www.env.nm.gov/fod/Food\\_Program/HomeBasedProcessing.htm](https://www.env.nm.gov/fod/Food_Program/HomeBasedProcessing.htm)

## 2.4 Food Trucks

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

## 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, jellies, honey, cider, baked goods, potted plants, cut or dried flowers, fruit or plant arrangements, personal care products, artwork, and artisan goods.

***Resale items and antiques and items not made by vendors may be sold in spaces rented by Encore adjacent to the Makers Market.***

Art and Artisan Goods:

- The vendors may only sell items they have made or created. No reselling imported or other goods made by anyone else. All items displayed must be produced by the vendor, members of his or her family or by his or her employees.

#### Honey:

- Must be produced by bees kept by the vendor. Vendors must assure all honey processed from outside vendors is from their bees.
- 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. Honey 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 antimicrobial properties.  
[https://www.env.nm.gov/fod/Food\\_Program/regulations.html](https://www.env.nm.gov/fod/Food_Program/regulations.html)

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

#### Prepared Food Products:

- All items must be grown and/or prepared by the vendor. No repackaging is allowed.
- 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.
- Complimentary food items (i.e. hamburger buns, pop, bottled water, etc.) will be allowed for those selling prepared food items.

#### Bakeries:

- The vendors may not sell items made from purchased premade doughs, batters, crusts or dry ingredient mixes.
- 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.

#### Musicians:

- Up to two musicians will be allowed per Market as approved by the Market Coordinator and in locations determined by the Market Coordinator. Acoustic music only. No amps or electronic amplification.

#### 3.3 Product Source Restriction

- Produce must be grown by the seller.

#### 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.

### 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.

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### Covid-19 Vendor Rules

Rules will be in effect for the duration of the pandemic.

These rules will be strictly enforced to ensure the safety of vendors and customers and to ensure consumer confidence of the Maker's Market.

All vendors must wear masks at all times.

If handling food, gloves must be worn.

Hand sanitizer must be provided by vendors and vendors must ask shoppers to use before handling any products.

Social distancing will be enforced. Vendors must ask customers to maintain social distancing and not crowd booths.