



## 2010 Bend Farmers Market Rules and Regulations

### Our Mission

*To create and sustain a centralized market that provides fresh local produce and farm products to the Central Oregon community, providing a viable market for local farmers, and enhancing the business, nutritional, and community health of Central Oregon.*

#### I. Location, Hours and Dates:

The Bend Farmers Market (the "Market") will be open to the public on Wednesdays 3:00 PM – 7:00 PM during the months of June through October and Fridays from 2:00 PM – 6:00 PM June through September (the "Market Season"), unless the Board of Directors determines otherwise in its sole discretion. On Wednesdays, the Market will be located at the top of Mirror Pond Park. On Fridays, the Market will be located at the main entrance lawn of St. Charles Medical Center.

#### II. Product Guidelines:

1. Local Produce and Farm Products. All local produce and farm products sold at the Market must be 100% grown, produced or collected in Oregon. Each vendor may sell up to 20% of another farmer's products so long as such products are 100% grown, produced or collected in Oregon, conform to these Rules and Regulations, and are fully disclosed in the Vendor Application. The following local produce and farm products may be sold at the Market: vegetables, fruits, berries, herbs, nuts, flowers, plants and other agricultural or horticultural products, including cheeses, seafood, poultry and meats. The Market is not an outlet for the resale of wholesale products. The sale of Genetically Modified Organisms (GMO) is prohibited. All vendors of local produce and farm products must comply with all relevant federal, state, county and local health regulations and licensing guidelines.

2. Nursery Products and Plants. All nursery products and plants sold at the Market must be propagated by the vendor from plugs, seeds, cuttings, bulbs or plant divisions and sold in standard, non-decorative nursery containers. A nursery vendor may not sell a finished product purchased from another grower. All vendors of nursery products and plants must comply with all relevant federal, state, county and local health regulations and licensing guidelines.

3. Food Products. An important part of the market experience is to provide a means for the Central Oregon community to discover ways that local produce and farm products can be prepared and enjoyed. Therefore, the Board of Directors may allow a limited number of vendors to sell processed foods and restaurant-style foods.

(a) Processed Foods. Examples of processed foods include sauces, juices, ciders, preserves and baked goods. All processed foods must be produced locally from fresh and raw ingredients by the vendor or under the direction of the vendor. All vendors of processed foods must comply with all relevant federal, state, county and local health regulations and licensing guidelines.

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(b) Restaurant-Style Foods. Restaurant-style foods include those foods that are served in anticipation that they will be immediately consumed on the premises. All restaurant-style foods must be made locally by the vendor or under the direction of the vendor from fresh and raw ingredients. All vendors of restaurant-style foods must comply with all relevant federal, state, county and local health regulations and licensing guidelines. In determining whether to allow a vendor to sell its restaurant-style foods at the Market, the Board of Directors may consider the following: (i) whether the food contains raw ingredients grown, produced or collected by the vendor, or another vendor in the Market, (ii) whether the food is made from scratch, (iii) whether the food, if ethnic, is authentic in style and preparation, (iv) whether the food is produced by a local business, (v) whether the vendor will specialize in a small selection of items, and (vi) whether the food is distinctly different from foods already represented in the Market.

4. Crafts and Artisan Goods. The Board of Directors, in its sole discretion, may allow vendors to sell crafts or artisan goods.

5. Discretion and Authority of the Board of Directors. The Market recognizes a need for diversity within the products that are sold at the Market. To facilitate this, the Board of Directors, in its sole discretion and authority, may permit exceptions to the product guidelines set forth in this Section II. The Board of Directors, in its sole discretion and authority, also may accept or reject a Vendor Application to sell (a) local produce and farm products, (b) nursery products and plants, (c) processed foods and restaurant-style foods, and (d) crafts and artisan goods.

### **III. Market Operations:**

1. Commencement of Sales. Sales are not permitted before 3:00 PM on Wednesday and 2:00 PM on Friday without the prior approval of the Market Manager. The ringing of the market bell will signify the opening of the market session. Vendors who sell their products before 3:00 PM on Wednesday and 2:00 PM on Friday will be subject to a \$50 fine, and may not be allowed to participate in the next scheduled market.

2. Assignments. The Market Manager has sole discretion and authority to determine a vendor's stall location within the Market. Every effort will be made to accommodate vendor preferences, but no stall location is guaranteed on an on-going basis. Vendors may be asked to change stall locations at the discretion of the Market Manager. Spaces not occupied by 2:30 PM on Wednesday and by 1:30 PM on Friday may be reassigned to another vendor.

3. Booth Set Up. All vendors must be prepared for operation by 3:00 PM on Wednesday and 2:00 PM on Friday. Vendors who are not prepared for operation by 3:00 PM on Wednesday and 2:00 PM on Friday, may not be allowed to participate in the next scheduled market. Booth set up for spaces larger than 10 x 10 is permitted between 12:00 PM and 3:00 PM on Wednesday and 12:00 PM and 2:00 PM on Friday. Booth set up for all other spaces is permitted between 1:00 PM and 3:00 PM on Wednesday and 12:00 PM and 2:00 PM on Friday. All booths must be staffed between 3:00 PM and 7:00 PM on Wednesday and 2:00 PM and 6:00 PM on Friday.

4. Booth Disassembly. Vendors may not disassemble booths before 7:00 PM on Wednesday and 6:00 PM on Friday without the permission of the Market Manager. Vendors who disassemble booths before 7:00 PM on Wednesday and 6:00 PM on Friday will be subject to a \$50 fine, and may not be allowed to participate in the next scheduled market.

5. Vehicle Loading and Unloading. No vendors will be allowed to load or unload their products from their vehicles while illegally parked. Vendors illegally parked may be subject to a \$50 fine. Vendors will be required to remove their vehicles prior to the opening of the market at 3:00 PM on

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6. Wednesday and and park in the designated vendor parking area. Vendors who leave their vehicles in the market area after 3:00 PM on Wednesday and 2:00 PM on Friday may be subject to a \$50 fine. The Market Manager has the sole authority to reserve parking spaces on behalf of the vendors. Vendors who attempt to reserve parking spaces on their own behalf may be subject to a \$50 fine.
7. Booth Dimensions. Individual booth dimensions will be specified in the Vendor Application. The Market Manager may take measurements to confirm that the vendor is using the space requested in the Vendor Application. Additional charges may apply if the dimensions differ from the dimensions specified in the Vendor Application.
8. Booths, Tables, Tents and Canopies. Vendors are responsible for their own booths, tables, tents and canopies. All tents and canopies must have each corner post anchored with at least 20 pounds of weight. Vendors without adequate corner weights will be subject to a \$50 fine.
9. Signs. Each vendor is required to post a sign that identifies its farm or business name, location of its farm or business, and telephone number. Each sign must be legible, visible and securely attached to the booth or stall. Each vendor must make every effort to assure that its sign does not impede pedestrian traffic. Use of the word “organic” is prohibited unless the vendor's product has been certified. Vendors are encouraged to provide additional information regarding products and farming practices.
10. Booth and Stall Space. Each vendor is responsible for keeping its space clean and attractive during market hours. Such cleaning shall include the removal of garbage and the sweeping and removal of debris. Each vendor is required to remove its own refuse and unsold products from the market premises after the Market closes.
11. Restrooms. On Wednesdays, vendors may use the restrooms in Drake Park; vendors may not use the restrooms at the Mirror Pond Gallery. On Fridays, vendors may use the restrooms in the main building of St. Charles Medical Center.
12. Cancellations. Vendors are expected to occupy the space that they have requested. Vendors must provide 24-hours notice to the Market Manager in the event of a cancellation. Vendors who fail to provide appropriate notice will forfeit their fees and may not be permitted to return to the market.
13. Vendor Conduct. Vendors will conduct themselves professionally and courteously. Vendors may not verbally call attention to their space by calling out beyond the borders of their space. Pets are not permitted in or around stalls. Vendors are responsible for their own actions and behavior, and the actions and behavior of their staff members. Vendors, and their staff members, must be appropriately dressed at all times. No bare feet are allowed within the Market.
14. Sampling. Sampling may only occur within the confines of a vendor’s booth or directly in front of the booth. The sampling vendor must ensure that customers have clear access to the vendor on the opposite side of the aisle and may not intrude on another vendor’s space. Vendors will provide a trashcan for any refuse from the distribution of samples. All vendors who offer samples must comply with all applicable laws, rules and regulations, including the Farmers’ Market Guidelines prepared by the Oregon Department of Agriculture.
14. Random Vendor Checks. The Market Manager will conduct random checks of all vendors to ensure compliance with all relevant rules and regulations and to ensure the safety of all customers and vendors. If a vendor fails to comply with one or more rules and regulations, the Market Manager will issue a written warning that will list the observed deficiencies. Continuous or repeated failure to comply with the rules and regulations may result in a fine and in suspension, termination or expulsion from the Market.

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**IV. Fees:**

Each vendor must submit a nonrefundable application fee in the amount of \$25 in connection with its Vendor Application.

All vendors must pay a market fee, which may be paid monthly or weekly, as set forth in the Vendor Application.

**Monthly Market Fee:** Vendors who choose to pay the market fee on a monthly basis must submit \$100 to the Market Manager at the address provided in Section XI on or before the first day of each month during the Market Season. Failure to pay the monthly market fee by the fifth day of each month will result in a fine in the amount of \$25 for each day that the fee is late, not to exceed the maximum amount permitted by law. Repeated or continuous failure to submit monthly market fees in a timely manner may result in the suspension, termination or expulsion of the vendor from the Market at the discretion of the Market Manager or the Board of Directors.

**Weekly Market Fee:** Vendors who chose to pay the market fee on a weekly basis must submit \$30 on Wednesday and \$25 on Friday to the Market Manager at the address provided in Section XI no later than one business day before the day on which the vendor participates in the Market. Failure to pay timely the weekly market fee will result in the vendor's exclusion from the Market for that specific week. Repeated or continuous failure to submit weekly market fees in a timely manner may result in the suspension, termination or expulsion of the vendor from the Market at the discretion of the Market Manager or the Board of Directors.

**V. Compliance with Federal, State and Local Rules Regulations:**

All vendors must comply with federal, state, county and local rules and regulations related to the production and sale of their products. This includes, but is not limited to, compliance with (1) federal, state and local health licensing requirements, (2) the Farmers Market Guidelines prepared by the Oregon Department of Agriculture, and (3) standards governing labeling, packaging, display and weight, including scale certification with the Oregon Department of Agriculture Measurement Standards. Failure to conform to such rules and regulations may be grounds for removal from the Market and forfeiture of fees. Copies of all licenses, permits and certifications must be included with the Vendor Application.

*Licensing requirements change from year to year. It is the vendor's responsibility to check with the appropriate licensing authorities.*

**VI. Liability Insurance:**

The Market does not assume responsibility for general or product liability. All vendors are required to purchase general liability insurance with a minimum of \$1,000,000 and must provide a copy of the Certificate of Insurance listing the Bend Farmers Market as an additional insured in order to participate in the Market. In addition, those vendors who sell consumable products are required to purchase product liability insurance and must provide a copy of the Certificate of Insurance listing the Bend Farmers Market as an additional insured in order to participate in the Market. Vendors will not be allowed to participate in the Market until the Market receives such Certificates of Insurance. In the event that the vendor has not provided such Certificates of Insurance, but the space is reserved on the vendor's behalf, all monthly market fees remain due and payable.

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**VII. Indemnification:**

Each vendor agrees to indemnify, defend, reimburse and hold harmless the Market and its directors, officers, employees, representatives, and agents from and against all liabilities, obligations, claims, demands, losses, damages, causes of actions, lawsuits and costs and expenses (including reasonable legal fees) of any nature arising out of or related to (a) its activities, actions or conduct, (b) the activities, actions or conduct of anyone under its direction, or (c) the sale or consumption of its products.

**VIII. Enforcement of Rules and Regulations:**

The Market Manager is responsible to the Board of Directors, and has ultimate on-site authority to enforce all rules and regulations. If a vendor violates a rule or regulation, the Market Manager has discretionary authority to impose an appropriate disciplinary action, which may include a fine, a written warning, or the suspension, termination or expulsion of the vendor from the Market. If the vendor is suspended, terminated or expelled, the vendor will forfeit all fees.

A vendor may appeal any decision of the Market Manager by writing to the Board of Directors at the address provided in Section XI. However, vendors are not entitled to receive a response from the Board of Directors, nor are vendors entitled to appear in person before the Board of Directors.

The failure of the Market Manager or the Board of Directors to enforce any provision of these Rules and Regulations shall not be deemed a waiver of that provision or of the right of the Market Manager or the Board of Directors to enforce that or any other provision at a later date.

**IX. Sale of Other Products:**

Each vendor understands that its Vendor Application relates only to the products described in Section II (and on Appendices A and B, if applicable) of the Vendor Application. If the vendor desires to sell any additional products, the vendor is required to complete a separate Vendor Application. Each vendor understands and agrees that, if the vendor sells any products not described in its Vendor Application, the Market Manager has discretionary authority to impose an appropriate disciplinary action, which may include a fine, a written warning, or the suspension, termination or expulsion of the vendor from the Market. If the vendor is suspended, terminated or expelled, the vendor will forfeit all fees.

**X. No Right to Sell or Participate:**

These Rules and Regulations do not create any rights to sell or otherwise participate in the Market. Similarly, acceptance of a Vendor Application and the ability to participate during one season does not guarantee, or indicate a likelihood of, acceptance and ability to participate in any future seasons. The Board of Directors reserves the right to accept or reject a Vendor Application in its sole discretion.

The Board of Directors reserves the right to prohibit the selling of any particular produce or product, including those products that meet the product guidelines outlined in Section II above, in its sole discretion.

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**XI. Notices and Other Communications:**

All notices and other communications shall be sent to the parties at the following address:

If to the Market Manager:

Bend Farmers Market  
c/o Market Manager  
PO Box 123  
Bend, Oregon 97709

If to the Board of Directors:

Bend Farmers Market  
c/o Board of Directors  
61915 Pettigrew Rd  
Bend, Oregon 97702

Adopted by the Board of Directors on May 8, 2007.

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