

**Prescott Farmers Market
2021 Rules and Regulations**

Approved by the board of directors on March 16, 2021



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I. Mission

As a vital part of the economy, the mission of Prescott Farmers Market is to support and expand local agriculture, cultivate a healthy community and increase access to affordable local food.

II. Statement of Purpose

- o To give agricultural producers of Yavapai County and Arizona alternative marketing opportunities that help them to sustain their local, family businesses;
- o To serve as a business incubator by giving producers an opportunity to test and refine their products and marketing skills with minimal investment;
- o To build community by bringing farmers and urban consumers together to deal directly with each other, allowing them to trust, know, and learn from one another;
- o To connect local food businesses to Yavapai County agricultural producers in order to support one another and the local food system.
- o To improve the variety, freshness, taste, and nutritional value of produce available in the Central Yavapai County;
- o To provide an educational forum for consumers to learn the uses and benefits of quality, locally grown, and prepared food products;
- o To support a clean environment through good agricultural practices, which preserves open space, water, soil, and biodiversity, and reduces fossil fuel use by minimizing the distance that food travels;
- o To contribute to the local economy by keeping food dollars in the community;
- o To enhance the quality of life in the greater Prescott area by providing a community activity that fosters social gathering and connection;
- o To ensure food security – by supporting local farms today, there will be farms in the community tomorrow and future generations will have access to nourishing, flavorful, and abundant food.

III. Members

A member in good standing shall meet the following requirements:

- A. The owner or primary corporate officer of a participating entity must be a resident of Yavapai County, or an out-of-county vendor who serves as a director for a full term of three years.

B. All applicable market fees are paid to the organization by September 1.

C. The main product(s) must be an agricultural product grown/harvested/produced in Yavapai County by said member. Products can include, but are not limited to, fruits, vegetables, grains, honey, meats, milk and milk products and other items deemed by the board of directors to be considered locally-produced agricultural goods.

Members are informed of their membership status in writing before the close of the market each season.

IV. Board of Directors

Prescott Farmers Market (PFM) is a nonprofit 501(c)(3) governed by a board of directors, whose directors are elected by the members of PFM. Members may nominate any individual to serve on the Board. Board members need not be agricultural members. Members may vote for new directors at the annual meeting in October. Membership warrants one vote.

V. Application Process and Fees

A. Prescott Farmers Market is a year-round market with two distinct seasons: summer and winter. The summer season traditionally begins the first Saturday in May and the winter season traditionally begins the first Saturday in November.

B. Vendor applications must be received at least two weeks prior to the first market at which a vendor intends to sell. Applications must include:

1. Completed and signed application, by which the vendor agrees to abide by the PFM Rules and Regulations.
2. Complete an accurate crop or product plan.
3. Copy of general and product liability insurance with PFM listed as additionally insured.
4. Check, money order, or PayPal payment for \$50.00 per 10'x10' booth space per season.
5. Copy of all applicable licenses and permits necessary to sell.

C. All vendor applications will be reviewed by the market manager and if necessary the Vendor Selection Committee, which is appointed by the board of directors.

D. All vendors must receive written approval from the market manager before selling at the market. No vendor will receive written approval prior to the market receiving all application components. The market manager, executive director and Vendor Selection Committee have the right to accept or reject any applicant. If an application is rejected, all fees will be refunded.

E. All products sold must be grown or produced by the vendor or his/her employee. Only the products listed on the crop plan or product plan will be allowed for sale. Changes to the crop/product plan must be submitted in writing and approved in writing by the market manager before selling the proposed addition.

F. Applications will be reviewed on a rolling basis and admitted as space and product variety permits. When the market has reached capacity, applicants will be added to a waitlist and contacted when space becomes available.

G. PFM offers a “community booth” to short-term vendors who are interested in trialing the market. This may be a shared booth space. Community booth vendors are required to pay 10% of daily sales (see Section X(B)) and are subject to farm/production site inspections. PFM will provide a shared tent with weights and a 3-foot table for up to four vendors at a time on a first come, first served basis. There is a \$10 application fee for use of the community booth for up to four (not necessarily consecutive) weeks. After the fourth week, community booth vendors meet with the market manager to discuss continuation as a vendor and if both are in agreement, will be sent a formal application. Upon approval, the vendor will pay \$40 to reach the total \$50 seasonal booth fee. At this time the vendor is responsible for submitting a copy of general and product liability insurance to the market manager along with their application before attending additional markets. The vendor would then move to their own space, furnish their own tent and table, and be subject to all member regulations.

H. Vendors are accepted into the market on a seasonal basis. Acceptance into the market in a previous season does not ensure that the vendor will be accepted in future seasons.

VI. Insurance

All vendors must provide PFM with a copy of *General* and *Product Liability* insurance, naming Prescott Farmers Market, Inc., PO Box 1853, Prescott, AZ 86302 as additional insured, in the amounts of \$1 million/occurrence, \$2 million total. The physical locations of each market location must be listed on insurance documents.

VII. Municipal Permitting

Each vendor attending Prescott Farmers Market should determine whether sales at the market are subject to municipal taxes. PFM cannot give tax advice or legal advice. Vendors with questions are encouraged to contact a qualified tax consultant. Prescott Farmers Market in cooperation with each municipality shall maintain requisite permits to operate the markets as not-for-profit events. It is incumbent upon each vendor to determine whether the vendor is subject to municipalities’ licensing and tax requirements.

A. Special Events Permit: All vendors selling processed foods must complete a Special Events Permit Application and return it to the Yavapai County Community Health Services office. Vendors who sample foods at the market or sell prepared or processed foods may need to pay an additional fee. Vendors also must keep a food handler’s card/certificate on hand at all times while selling at the market. It is the vendor’s responsibility to comply with these rules; health inspectors frequent the market to ensure compliance. For more information, please visit the Yavapai County Community Health Services website (see appendix).

B. Cottage Law: Vendors selling goods prepared in home using the Cottage Food Program must follow all rules and guidelines of the program. For more information, see the resources appendix.

VIII. Vendor Products

A. PFM is a producer only-market. Absolutely no reselling is permitted.

1. If a vendor buys and resells a product that they also produce, they may not sell that category of product at the Prescott Farmers Market.

For example: If you grow red apples, but you also buy red apples for resale, you may not sell any red apples at the Prescott Farmers Market, even if they are your own.

2. Gleaned product may be permitted with sufficient proof of source, as determined by the market manager on a case-by-case basis. This may include an onsite visit during the application process. In some cases, the grower of the gleaned product may need to submit additional information for verification.

B. PFM members' products are grown, raised, or produced in Arizona. PFM gives priority to producers in Yavapai County and food processors who feature ingredients from those producers.

C. PFM reserves the right to accept or reject any vendor. Acceptance into PFM is based on the following list of acceptable products:

1. Agricultural products grown/raised by the producer in Arizona which may include:
 - a. Vegetables and fruits
 - b. Flowers, herbs, plants, and nursery crops
 - c. Nuts, seeds, and grains, which are unprocessed
 - e. Honey, wool, and other unprocessed animal products
2. Meat, eggs, and dairy products (further regulations may apply)
 - a. Animals must be raised by the vendor, slaughtered and processed at a certified facility and follow all Federal, State and County laws. Documentation must be available at all times. If animals were purchased as babies, the vendor must provide proof of purchase and the animal's date of birth*. Acceptable documentation will include the name of the business (if applicable), address and phone number, name of the seller, date of birth of the animal(s) and date of sale.
 1. Cows: Must be raised by the vendor on their land for the entire life of the animal or from the time of purchase within 6 weeks of weaning age. *An approximate date of birth for a calf will suffice.
 2. Lamb: Must be raised by the vendor on their land for the entire life of the animal or from the time of purchase within 4 weeks of weaning age.
 3. Pigs: Must be raised by the vendor on their land for the entire life of the animal or from the time of purchase within 4 weeks of weaning age.
 4. Poultry: Chickens, turkeys and other fowl must be raised by the vendor on their land for the entire life of the animal or from the time of purchase within 4 weeks of birth.
 5. Nest Run Eggs: eggs labeled as "Nest Run" will be unwashed, ungraded and unclassified and will have the required safe handling label.
 6. Cheese: Cheese made from the milk of animals must be processed in a certified facility and follow all federal, state and local regulations.

3. Crafts

a. Herbal, therapeutic and toiletry products: a minimum of 10% of the ingredients used in each individual product must be grown or legally wild-harvested in Arizona (see Section VIII(D) for expectations for local sourcing). Product plans including ingredient lists must accompany the application and ingredient sourcing must be listed. Water does not count as an Arizona-grown ingredient.

b. All other crafts: 80% of each individual craft item must be an agriculturally grown product or legally wild-harvested in Arizona. Product plans including ingredient lists must accompany the application and ingredient sourcing must be listed.

4. Prepared, processed and prepackaged food

a. A minimum of 10% of the ingredients used in each product must be grown in Arizona (see Section VIII(D) for expectations for local sourcing). A product plan including ingredient lists must accompany the application and ingredient sourcing must be listed.

b. All processed food must be produced in a health department-approved kitchen and vendors must have a license in their individual or company name. Licenses must be included with the application and on display at the market or available for review at all times.

c. Vendors qualifying for sales of baked goods to the public under the Cottage Food Law are exempted from the above-mentioned certified kitchen requirement but must follow guidelines set by the Yavapai County Community Health Services. It is the vendor's responsibility to provide PFM with appropriate documentation upon application and display it at the market or make it available for review at all times.

d. All products sold at the market must be produced from raw ingredients by the vendor or their company. Repacking and co-packing are not permitted. Pre-packaged drinks, excluding bottled water, are not allowed for sale at the market.

D. Local Sourcing

PFM views the 10% AZ-grown ingredient requirement as a starting point for acceptance and encourages vendors to source local and seasonal ingredients with the goal of featuring as many locally grown ingredients as possible. PFM defines local sourcing as the farm-direct purchase of raw agricultural products grown/raised/gathered/foraged in Arizona. In other words, the farmer receives 100% of the sale and a third party (distributor/store) is not involved in the purchase. When the market reaches capacity, priorities for acceptance of new vendors will be given to the following business practices, in order of preference:

1. Businesses who use local raw agricultural products for all of their products (e.g., business buys strawberries from local farmers to make into jam to use on their sandwiches.)
2. Businesses using some farm-processed value-added products (e.g., business uses jam made by local farms on their sandwiches.)
3. Businesses using food artisan products (e.g., business buys jam to put on sandwiches made by local producers who buy berries locally.)
4. Businesses using local business's products (e.g., business buys jam to put on sandwiches made by local producers who buy berries elsewhere)

However, until the market reaches capacity, PFM considers all of these practices acceptable.

E. Signage/Labeling

In an effort to increase transparency for customers, vendors must display a list of each locally-sourced/Arizona-grown ingredient. The display may be in the form of a sign for ready-to-eat foods or on a package label for packaged foods or a combination of both. Regardless, all Arizona-grown ingredients must be visible to customers at all times.

Packaged processed foods: The following specific information must be included on packaged, processed foods: batch date for canned and pickled items, product name, net weight/volume, ingredients in descending order by weight/volume, name, phone number and address of the producer.

5. Food Contractors - additional food vendors may be solicited by PFM to sell products that enhance the mission of the PFM, in its sole discretion.

6. Nonprofit Organizations

- a. Nonprofit organizations offering services and information of general interest to PFM's customers are admitted by PFM by invitation only. Nonprofits interested in attending the market should email the market manager with a detailed proposal. The market manager will consider compatibility with PFM's mission in determining admittance. Partisan political and religious advocacy organizations are excluded from participating.
- b. Nonprofit booths are not permitted to sell any products unless it is for fundraising purposes and the market manager approves the products in writing.
- c. Nonprofit organizations are required to submit an application including proof of liability insurance and a \$25.00 booth fee for the season.

IX. Inspections

- A. Representatives of PFM shall have the right to conduct inspection(s) of the production areas of the products sold by a vendor at the market. An inspection may include ownership information and any other information relevant to determining product legitimacy. An owner, operator, or person listed on the application must be on hand during site inspection.
- B. Recipes and receipts for processed and crafted product ingredients must be on file and available during the inspection.
- C. The vendor and PFM representative shall agree upon date and time of inspection. A PFM representative may conduct follow-up or surprise inspections without prior notice, as deemed necessary.
- D. Failure to allow an inspection will constitute a violation of PFM rules and the procedures outlined under Section X will be followed.

X. Market Day Operations and Rules

A. Space Assignments

1. On the first day of market season, the market manager will assign vendor spaces. Attempts will be made to assure vendors maintain the same approximate space each week. For aesthetic purposes throughout the season, the market manager may move vendors' spaces. Space assignments may also be changed due to late arrivals, special events, and fluctuation in overall size of the market.
2. Vendors must occupy their assigned space(s) at least 30 minutes prior to the opening of the market or the market manager may assign the space to another vendor. Vendors are expected to notify the market manager of intended absences at least 24 hours in advance via direct call or text message to the PFM market phone at (928) 713-1227. Two absences or late arrivals without prior notice will result in revocation of seasonal space assignments and a written vendor violation.
3. All onsite decisions by the market manager are final and binding. Any appeals must follow the procedures outlined in Section XI.

B. Income Reporting

1. Vendors, including community booths and nonprofit organizations, will pay 10% of their daily sales to PFM at the close of each market day. Following the closing bell on the day of the market, vendors will report to the information booth to pay 10% of their daily sales and receive cash in exchange for tokens if applicable. A receipt will be issued immediately. PFM relies on the honor system for vendor daily sales reporting. PFM reserves the right to randomly audit vendor sales as deemed necessary. Any vendor whose audit numbers call into question historical income misreporting may be subject to removal from the market at the sole discretion of the PFM Board of Directors.

C. Selling for Another Vendor

1. A vendor or their employees can sell another vendor's products provided all of the following criteria are met:
 - a. The other vendor is approved to sell at the market.
 - b. Products to be sold adhere to the rules set forth in Section VII and were not purchased, traded or bartered for.
 - c. Income is reported separately for each vendor.
 - d. Both vendors' products are clearly marked as their own at the point-of-sale, and all necessary documents are available to PFM representatives at any time upon request.

D. Market Safety

1. Vendors may set up during the allotted time stated in the Vendor Handbook. Breakdown must begin promptly at closing, after paying 10% to PFM.
2. Vendors will sell at designated booth space and maintain their space in a sanitary and safe condition.
3. Vehicles that are essential to the operation of a business may park behind the booth space, provided it does not disrupt the market. Otherwise, vendors may bring in vehicles for unloading,

provided the vehicle is removed from the market area at least 30 minutes prior to market opening. Vendors may not park a vehicle larger than their designated space behind their booth.

4. Vendors who arrive late must park outside of designated market boundaries and carry product to the booth space. Late arrival is considered to be 30 minutes before the market start time and will be documented. Three late arrivals will result in a written warning. Tardy is considered to be after the market starts without any communication of lateness to the market manager. Three tardies will result in a suspension of two weeks.

5. Vendors are responsible for the safety and behavior of their children and livestock.

6. Vendors are responsible for weighing tents and umbrellas with at least **20 pounds of weight on each tent leg**. Weights must be suspended off the ground to sufficiently eliminate wind disruption and danger. Vendors are liable for any damage occurring from and/or to their personal property. A vendor that does not supply their own weights may rent them from PFM (if available) or will be required to take down their tent. Weight rental fees are \$10 per weight, per market. If a vendor's tent breaks during a weather event, they may rent a tent one time for \$25.00.

7. Smoking and vaping are prohibited inside the market. Prescott Farmers Market adheres to public health and sanitation standards. Vendors are responsible for doing the same.

8. Dogs and non-livestock pets are not permitted at the market. ADA service animals are always welcome.

E. General Market Rules

1. Vendors may not begin selling before the opening bell.

2. Pre-market sales, post-market sales, and early breakdown are only allowed with verbal permission from the market manager.

3. All permits necessary to sell must be on display or available for review at all times.

4. All scales must bear a current seal from the Department of Weights and Measures.

5. Signs must be accurate and truthful. Misleading information may cause further inspection of the product.

6. Vendors who market their products as "organic" must provide proof of certification from the United States Department of Agriculture (USDA) to the market manager and have the certificate on display.

7. Music may be played when there is no musician at the market. Music must be family-friendly, free of profanity and not be disruptive to neighboring booths or to the overall market.

8. "Approved Growers," who are registered with the Arizona Farmers Market Nutrition Program (AZFMNP), shall be the only vendors to accept coupons for fresh Arizona-grown fruits and vegetables.

9. PFM distributes tokens that are purchased by customers with check, cash and/or credit/debit cards (green tokens); exchanges SNAP benefits for blue tokens) and matches SNAP token purchases

up to the limit set by Pinnacle Prevention (silver tokens). Blue tokens may only be accepted for eligible SNAP purchases (fruits, vegetables, eggs, meat, dairy, frozen foods, cold prepared foods and cold drinks etc.). Silver tokens may only be used for Arizona-grown fresh, unprocessed fruits and vegetables. Green tokens may be accepted for any purchase. Cash change must be given for green token purchases. Vendors shall not give change for purchases made with blue and/or silver tokens; instead they should help the customer round up or down to the nearest dollar. Tokens received should be included in vendors' 10% fees at the end of the market day, or if necessary, reimbursed for cash at the end of the market day at the Information Booth. PFM will not accept nor exchange blue or silver tokens from ineligible vendors.

10. PFM does not allow the solicitation of signatures for political organizations or individuals.

11. Prices of all items must be visibly labeled or posted.

12. First-time vendors selling at PFM markets must participate in a 15-minute orientation phone call with the market manager. This call must occur before attending the market.

F. Enforcement of Market Rules

1. Vendors and PFM staff are expected to maintain high standards of honesty and respect toward one another and customers and to conduct themselves in a courteous and helpful manner. It is the vendor's responsibility to inform all employees working at a vendor's booth and/or selling on a vendor's behalf of rules and regulations before selling at the market. Rudeness and dishonesty are grounds for suspension from the market.

2. The market manager, executive director, and board president have discretion to make any on-site decisions regarding market violations.

3. Any vendor violating the above stated rules and regulations of PFM or the regulations of Yavapai County Community Health Services or other local, state, or federal agencies will be issued a verbal warning by the market manager, executive director, or board president. If the problem is not corrected within the time frame determined, a written violation will be issued. A violation that occurs after issuance of a written warning shall result in written expulsion from the market. It is possible for all of this to occur in a single market day or over the course of multiple seasons. Violations are cumulative and do not disappear upon a new season. Expulsion is permanent unless the vendor is reinstated by the board of directors.

4. Violation of PFM rules discovered during an inspection may result in a written warning or advisement of expulsion depending on the severity of the violation. Vendors who are expelled from the market may not return unless reinstated by the board of directors. Vendors who are expelled from the market due to violations found during inspections will not be refunded any application or booth fees.

5. Any person wishing to file a complaint about the market or an individual vendor must do so in writing to the PFM Board of Directors. Forms are available on site at the market's Information Booth.

6. Any serious violations or illegal activity will be reported to the proper authorities.

XI. Appeals

A. Vendors have the right to appeal any decision of a notice of violation or expulsion to the PFM Board of Directors.

1. Appeals must be received in writing by the board president within two weeks of the violation/expulsion date.
2. Appeals should contain an explanation of the situation, grounds of the appeal, and proposed solution.
3. The Board will respond to the appeal at the next regularly scheduled meeting.
4. An in-person meeting between the vendor and the Board may be granted to discuss the appeal at the discretion of the Board of Directors.

B. Decisions of the board of directors are final and binding.

C. Vendors who are expelled from the market may only be readmitted by a majority vote of the board of directors.

XII. Board Meeting Protocol

A. PFM will inform the public of board meetings by placing a sign at the Information Booth two Saturdays before the scheduled meeting.

B. Call for Public Comments: guests will be given three minutes to present at the beginning of the meeting, after which they are welcome to stay, but will move to the visitor area. Alternately, the board may decide to let visitors remain at the table, but visitors must respect board process by allowing all board members to speak before expressing their own opinions.

C. Guest presenters needing more time must be put on the agenda prior to the meeting, and request a specific amount of time. After the presentation, they are expected to abide by visitor protocol.

D. Only board members are allowed to speak during the regular board meeting process.

1. Each board member will have an opportunity to respond to agenda items before open discussion begins.
2. Unresolved items or those that require more time can be moved into committee groups or tabled until the following meeting.
3. The board president can call to move the meeting to an executive session, requesting that all guests and employees exit.

Resources and Contacts

- ◇ JB Del Campo, Market Manager: 928-713-1227; jb@prescottfarmersmarket.org
- ◇ Yavapai County Community Health Services (prepared foods): <https://www.yavapai.us/chs/EH>;
Jacquie Hair, Environmental Health Administrative Assistant: 928-442-5510 or EH@yavapai.us.
- ◇ Department of Weights and Measures (scales): <https://agriculture.az.gov/weights-measures/scales>
Mike Brooks, mbrooks@azda.gov 602-920-4202
- ◇ Arizona Department of Agriculture (meat and dairy): <https://agriculture.az.gov/animals> Chris
McCormack 602-542-4293
- ◇ AZ Cottage Food Program:
<https://www.azdhs.gov/preparedness/epidemiology-disease-control/food-safety-environmental-services/cottage-food-program/index.php>
- ◇ AZ Department of Revenue (Transaction Privilege & Taxes): 602-255-3381
- ◇ Tax Department – City of Prescott: 928-777-1268