



## UTAH BOTANICAL CENTER FARMERS MARKET RULES & REGULATIONS

### STATEMENT OF PURPOSE

The Utah Botanical Center Farmers Market has been developed to educate consumers about the importance of local farming and seasonal eating, and to foster community activities. The market provides an opportunity for local growers to sell fresh, nutritious foods to the community. We hope to enrich the lives of people in surrounding communities, and support local growers, gourmet food producers and artisans.

### MARKET DAY, TIME & LOCATION

The farmers market will operate:

At approximately 850 South 50 West, Kaysville.  
Thursdays, from 5 PM to 8 PM  
July 14<sup>th</sup> to October 6<sup>th</sup> 2011

The market will go on regardless of weather.

### WHO CAN SELL AND WHAT CAN BE SOLD

Grow it or make it or you cannot sell it! Products must be grown (farmers/gardeners), handmade (craft vendors), or prepared (food vendors) by you, within the market boundary defined as: the borders of Utah or in the adjacent counties of Idaho and Wyoming, unless approved by market management. No franchise-type home business selling and/or reselling allowed. **Only you, family members and/or employees will be permitted to sell from your stall.** Any vendor caught selling unapproved items is subject to immediate dismissal from the market! Amplified sound systems are not allowed.

### VENDOR SETUP

**All vendors must be in place by 4:30 PM on market days!** Vendors who arrive late and disturb market operations with their tardiness may be refused participation in that day's market. Repeat offenders MAY be banned from the market. If you have an emergency and cannot attend the market, you are required to notify market management by 4:00 PM on market day. The acceptance letter will provide you with the phone number to call if you have such an emergency. If you miss a market without proper notification, you forfeit the right to your permanent stall and will be subject to relocation.

### SIGNAGE

Each booth space must prominently display a sign clearly identifying the farm or business by name and the location of the farm or business and techniques used to grow produce or create product being sold. Signs must be a minimum of 8" x 11". Signs must be in place by 4:30 PM. All descriptions of products must be accurate.

### VENDOR STALLS

Individual stall size will be approximately 10 feet X 10 feet. If you need space with room to park a vehicle please request a "Vehicle Stall". Any extra vehicles must be parked in the main parking area. Vendors requiring more space, whether it be selling space, prep space or parking space (for trailers, etc.), will be required to purchase extra stall(s). Each seller is responsible for all equipment and supplies for the setup of their booth. .

## **VENDOR FEES**

Individual stall prices are \$60 per season or \$5 per day. Stalls with electricity are \$120 per season or \$10 per day. **Stall fees are due upon acceptance on the first day of the market.** DO NOT SEND ANY MONEY WITH THE APPLICATION! Fees collected will be used for operating expenses, advertising and promoting the market.

## **VENDOR TRASH**

All vendors are required to clean up and carry out all garbage in their stall area away from the premises at the end of each market day. Do not use the garbage cans provided for the customers of the market.

## **VENDOR APPLICATIONS**

All vendors are required to fill out an application for the market. The application is not a guarantee that you will have a stall. You will receive a letter with further instructions if you are accepted into the market.

## **FAIR BUSINESS PRACTICES**

All sellers agree to abide by fair business practices. All terms of sale are between buyer & seller only. **Pricing:** All prices must be clearly marked or posted. Collusion and deceptive pricing practices are prohibited. Deliberate and significant undercutting of a competitor's pricing to gain market advantage is strongly discouraged and will be considered unfair. We suggest, for good community and vendor relationship, that products not be priced below 80% of the prevailing market retail price – but it is not enforced – just a suggestion.

## **FARM OR BUSINESS VISITS**

Market management reserves the right to visit any farm or business location at any time to verify that you are the producer of the product you are selling.

## **BUSINESS LICENSES**

Please follow current county and city requirements for business licenses.

## **ORGANIC LABELING**

Products sold as “unsprayed” or “natural,” etc are not required to be certified by any recognized certification agency. All products sold as organic must be grown, produced and processed in accordance with the USDA National Organic Program (Certified organic growers must provide a copy of their organic certificate to the Market Manager). Since market inspectors are not qualified to determine compliance we ask all non-certified organic growers to not use the term. All vendors are required to advertise truthfully and to respond to customers' questions in a like manner.

## **SALES TAXES**

All vendors, with the exception of farmers who sell only produce and/or plants grown by them, are subject to collecting sales tax from their customers and remitting the sales tax to the Utah State Tax Commission. This is accomplished through a Special Event Sales Tax Form; you cannot remit these taxes on your usual tax form. Sales tax collection and remittance is the sole responsibility of each individual vendor.

## HEALTH DEPARTMENT

All food vendors are required to comply with Davis County Health Department and/or the Utah Department of Agriculture regulations. **Food vendors preparing food or offering samples on site are required to have a Food Handler's Permit and a Temporary Food Service Permit for Seasonal Events.** If you are accepted into the market and are subject to these regulations, **you must display both permits in your booth** or you will not be allowed to sell food prepared or sampled on site. For more information call the Food Handlers Department at 801-525-5110.

**The Utah Department of Agriculture and (UDAF) Food Cottage Food Program** allows residents of Utah to produce non-potentially hazardous food products in their homes and offer them for sale within the state. Production can only be permitted in homes with no free-roaming indoor pets such as cats or dogs. Contact Rebecca Nielsen ((801)-538-7152, [rjnielsen@utah.gov](mailto:rjnielsen@utah.gov)) to request an application.

More information about all Utah food regulations including the Cottage Food Program can be found at: <http://ag.utah.gov/divisions/regulatory/farmersmarkets.html>

## BAKED GOODS AND PROCESSED FOOD VENDOR GUIDELINES

Baked goods include homemade pastries, cookies, muffins, breads, pies, pastas, granola, etc. not prepared on site. Processed farm foods are those fresh food products that have added value to their product through processing such as: preserves, jams, cider, syrups, salsas, smoked meats, dried fruit, etc. Both baked goods and processed foods must be produced by the vendor from raw ingredients. Processors must meet all federal, state, county and local safety and health requirements and supply applicable licenses and permits to the Market Manager. Licenses and permits must be available for display whenever a processor is selling at the market. **Vendors must have produced the items in an approved commercial kitchen or under the UDAF Cottage Food Program.**

## DAIRY, EGGS, AND MEAT VENDOR GUIDELINES

**Milk and milk products** can only be sold from inspected sources and processors.

**Eggs** for sale must be clean, uncracked, and maintained at or below 45 degrees F (use a cooler with frozen freezer packs on the bottom and a calibrated thermometer).

**Frozen meats** that comply with all UDAF regulations (must provide current Food Registration Permit).

## MARKET MANAGEMENT

Management of the farmers market will be provided by Utah Botanical Center staff. Fees will be collected by management. There will be strict enforcement of all Market Rules & Regulations. Market Management reserves the right to deny acceptance or continued participation of any vendor or product that is not in complete compliance with all Market Rules & Regulations. Market Management has the authority to ask any vendor to remove themselves or any product not previously approved by management from the market. Market Management reserves the right to move or reassign vendor locations to enhance or facilitate the market structure and/or safety as deemed necessary.

## LIABILITY

The Utah Botanical Center and Utah State University are not liable for any injury, theft or damage to either the buyer, the seller or their property, arising out of or pertaining to preparation for or participation in Utah Botanical Center Farmers Market; whether such injury, theft or damage occurred prior to, during, or after the hours of operation of the market. Seller further agrees to indemnify and hold harmless Utah State University for and against any and all claims for such injury, theft and/or damages. **Seller assumes full liability** for their vehicles, structures, fixtures and the product(s) they market or sell and by participation in the Utah Botanical Center Farmers Market, hereby agree to hold Utah State University and/or their representatives harmless against any and all claims such as but not limited to injury, theft or damage by any buyer, seller, or other persons resulting from or pertaining to the use, consumption, marketing tactics, display, negligence or disposition of seller's products, vehicles, fixtures or structures.