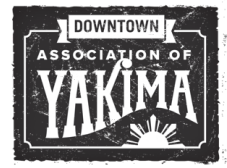




## Downtown Yakima Farmers' Market 2023 RULES & REGULATIONS



### ABOUT US

Downtown Yakima Farmers' Market (DYFM) is a community Farmers Market in the heart of Downtown Yakima, Washington administered by the Downtown Association of Yakima (DAY). The Market is intended to provide an outlet for Washington State's farmers, specialty food producers, artisan & craft makers, food preparers, and entertainers (buskers) to directly sell their foods and handcrafted products and to provide consumers an opportunity to buy such products directly from producers. The Market should also encourage pedestrian activity in the city's urban core, provide improved access to agricultural education, and give the community a festive weekly gathering place during the agricultural growing season.

### MAILING ADDRESS & OFFICE:

Downtown Association of Yakima, Attn: DYFM, 14 South First Street, Yakima, Washington 98901

### MARKET LOCATION:

NEW 2023: Downtown Yakima Farmers' Market is located at 15 W Yakima Ave, between 1<sup>st</sup> Street and Front Street.

### TELEPHONE & EMAIL:

Market Manager: Yvette Lippert

Phone: 509-961-2055

Email: [farmersmarket@downtownyakima.com](mailto:farmersmarket@downtownyakima.com)

### MARKET DATES AND TIMES:

Sunday: 9am-1pm, every Sunday beginning May 14<sup>th</sup> through October 22<sup>nd</sup>, 2023.

### GOVERNANCE

Downtown Yakima Farmers' Market ("DYFM") is a division of the Downtown Association of Yakima ("DAY"), a non-profit organization. As such, the DAY Executive Director will have the overall staff responsibility for the Market; however, the Executive Director may wish to hire a staff member, reportable to the Executive Director, to carry out the day-to-day and long-term management of DYFM.

A DYFM Advisory Committee comprised of up to three (3) members of the DAY Board of Directors and up to three (3) members with an interest in the Farmers' Market that may be appointed by the President of DAY to make strategic and operational decisions on an as needed basis. It is recommended that up to three (3) experienced Market vendors work with the DYFM Advisory Committee and Market Manager to represent vendor interests.

The DAY Board of Directors is the ultimate authority for Market's Policy, as executed by the DAY Executive Director and/or a staff member whom the Executive Director has instructed to act in his/her behalf.

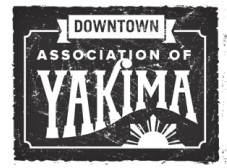
The Articles of Incorporation and Bylaws of the Downtown Association of Yakima (EIN 20-2578831) will guide all Farmers' Market activities in the same manner as they guide all other activities of DAY.

### ROLE OF THE MARKET MANAGER

The Market Manager's job is to implement Market policies. This includes but not limited to overseeing Market set-up, booth assignments, collection of fees, providing information on membership and Market policies, and assuring vendor compliance with all Market policies. The Manager will make booth assignment decisions



# Downtown Yakima Farmers' Market 2023 RULES & REGULATIONS



based on vendor post history, available space and needed amenities, schedule availability, and the diversification for specific products. The Manager is also the conduit between vendors, customers, and the DYFM Committee.

## GRIEVANCES

The Market Manager has complete authority to interpret and implement Market policy, including the authority to rescind booth/stall space for just cause. Vendor grievances go directly to the Market Manager. If the grievance is deemed unresolved, grievance will be taken DYFM Advisory Committee for further review and decision.

## **BASIC CONSUMER EXPECTATIONS**

The Market will be dominated by growers selling produce, which they raise on their own nearby farms. All the produce sold will predominantly come from a nearby farm and will be fresh. All the crafts sold will be handmade by the vendor. All processed foods sold will be made by the vendor.

## **REGULATIONS ON PRODUCTS SOLD AT THE FARMERS MARKET**

As a member of the Washington State Farmers Market Association ("WSFMA"), DYFM follows the Roots Guideline for Market Sales. For a full explanation go to <http://wafarmersmarkets.org/>. Products not covered under the WSFMA rules and DYFM guidelines presented below will be given special consideration by DYFM Committee.

ALL vendors are responsible for obtaining any required license(s) and/or permits required by the State of Washington, Yakima County, and City of Yakima. A State Tax ID number is required for all vendors selling taxable items. This includes, but not limited to:

- WA State website for forms: [www.dol.wa.gov](http://www.dol.wa.gov)
- City of Yakima for a temporary city license: <https://www.yakimawa.gov/services/codes/licenses/>
  - The City of Yakima requires a license for all businesses, including farms and home-based businesses, located and/or conducting business within city limits.
  - Instructions to apply for business license on website (link provided above).
- Yakima County Department of Health for information on health permits for food items: <https://www.yakimacounty.us/275/Health-District> and/or (509) 575-4040
- All breweries/microbreweries and wineries must have their Washington State Liquor and Cannabis Board (LBC) Farmers' Market endorsement (cost: \$75/year) and meet all qualifications. See additional information at <http://liq.wa.gov/licensing/farmers-market-authorizationendorsement>.
  - DYFM is authorized to have any number of wineries and breweries/microbreweries present at the market; however, only three vendors from the wineries and breweries/microbreweries are allowed to present tastings to the public on each market day. DYFM will attempt to schedule which of these vendors will be able to have tastings while maintaining a variety for our customers.

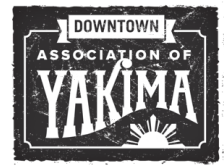
Products sold at the Farmers' Market are limited to:

### **A. FARMER – Fresh Farm products:**

1. Includes fresh fruits and vegetables, herbs, nuts, honey, dairy products, eggs, poultry, mushrooms, meats and fish. Also included in this category are fresh flowers, nursery stock, and plants. DYFM will no longer allow the sale of Controlled Atmosphere (CA) or cold stored fruit and vegetables from prior year/season. All produce must be from the current season.



## Downtown Yakima Farmers' Market 2023 RULES & REGULATIONS



2. All fresh farm products must be grown or produced in Washington State, or counties which border the state according to Roots Guideline through WSFMA. All products must be grown or produced by the seller. Farmers must be able to prove they grow the products on land they own or lease. A copy of all land lease agreements must be included with your application (collected separately from online application). Vendor must be an active owner and operator of the farming operation and may not be operating the business under a franchise agreement. Only vendors selling as farmers may sell Fresh Farm Products from this category.
3. The vendor must propagate all plants and flowers from seed, cuttings or plugs, bulbs or plant division. All finished products offered for sale must have been grown by the vendor and have been under the vendor's control for a minimum of sixty (60) days.
4. The vendor's application for a permit to sell shall state what is grown by vendor and what products will be sold at the Farmers' Market, this includes varieties. Any producer who sells produce that is not his or her own production while claiming as their own could be dismissed from the Market for the rest of the season. If the vendor is not dismissed from market, one (1) written citation will be awarded to allow the vendor another chance to sell. Upon a second citation, vendor will be dismissed from the market the rest of the season. If a vendor is to return after their dismissal year and is caught again, they will be permanently dismissed from returning for at least three (3) years.

**B. FARMER – Value-added farm foods:** defined as “The physical segregation of an agricultural commodity or product in a manner that results in the enhancement of the value of that commodity or product (example - you grew the strawberry that you next used to produce a preserve or jam).

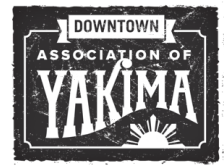
1. Includes preserves, jams and jellies, cider, syrups, salsas, smoked meats and fish, cheese, dried fruit, flours, salad dressings, beer and wine.
2. All value-added farm foods must be made from products/ingredients, a majority of which are grown and produced by the seller. Value added farm foods must be produced by the vendor from raw ingredients. Vendors in this category must have personally cooked, canned, baked, preserved, or otherwise treated the product they sell. Vendors must be an active owner and operator of the operation and may not be operating the business under a franchise agreement.
3. The vendor's application for a permit to sell shall state what is grown by the vendor and what products the vendor will sell at the Farmers' Market. Any producer who sells produce that is not his or her own production while claiming that it as their own could be dismissed from the Market for the rest of the season. If the vendor is not dismissed from market, one (1) written citation will be awarded to allow the vendor another chance to sell. Upon a second citation, vendor will be dismissed from the market the rest of the season. If a vendor is to return after their dismissal year and is caught again, they will be dismissed from returning for at least three (3) years.

**C. PROCESSOR – Processed Foods:**

1. Processors are persons or entities offering fresh food products (such as meats, seafood\*, ciders, baked goods, jams, etc.) that have added value to their product through some sort of “hands-on” processing (e.g., hand filleted fish, smoked or butchered meats, handmade candies, etc.). This includes juices, wines, preserved foods, jams, pastries, pasta, granola, cookies, muffins, breads, pies, and related take-home desserts, not prepared on site.
  - a. *Wineries and breweries/microbreweries* may be considered a processor if they do not grow the ingredients used to produce the product to be considered a Value-Added Farm.
2. All processed foods must be produced by the vendor from raw ingredients and processed by cooking, canning, baking, preserving or otherwise treating the raw produce in compliance with all federal, state, county, and local health requirements. It is expected that the vendor will use



## Downtown Yakima Farmers' Market 2023 RULES & REGULATIONS



raw ingredients that are grown in Washington, as appropriate for the product, and when possible, use products from the Farmers Market.

3. Vendor must be an active owner/operator of the business and may not be operating under a franchise agreement. The vendor's application for a permit to sell shall state what is grown/processed or prepared by vendor, and what the vendor will sell at the Farmers' Market.
  - \* In the case of Seafood vendors, product must originate from the greater Pacific Northwest, which includes Washington, Oregon, Alaska, and British Columbia.
4. All appropriate permits and licenses shall be displayed in the vendor's booth.
5. Vendors whose products generate waste, such as paper plates, cups, napkins, toothpicks or the like MUST provide a trash receptacle for customer use.

### **D. Prepared Foods:**

1. Allowed are freshly made foods available for sale and immediate consumption on-site.
2. Vendor must be active owner/operator of the business and may not be operating under a franchise agreement. The vendor's application for a permit to sell shall state what is prepared/cooked on site by vendor, and what the vendor will sell at the Farmers' Market.
3. When selecting prepared food vendors, priority will be given to vendors preparing food from raw ingredients and using ingredients grown and/or produced in Washington State and by participating market farmers. The application for a permit to sell shall state what is grown/processed or prepared by the vendor and what will be sold at the Farmers' Market.
4. Vendors whose products generate waste, such as paper plates, cups, napkins, toothpicks or the like MUST provide a trash receptacle for customer use.

### **E. ARTISAN – Hand Crafted Products:**

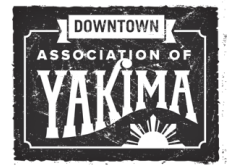
1. Individuals who have produced original art or craft with their own hands. Artist, or a family member, is required to be present at the booth during the course of the market.
2. All products must be handcrafted or original works by the vendor and are subject to approval by the DYFM Manager and/or Advisory Committee prior to being granted a booth. The DYFM Manager and/or Advisory Committee will consider craftsmanship, quality, and percentage of the piece hand-crafted if there are also non-handcrafted additions to the pieces. Photographs of the pieces will be required at application for the jury to review.
  - Plastic beads are not acceptable.
  - Trademark License MUST be obtained for the use of any licensed/commercial logos prior to selling at Market.
  - The use of recycled materials in hand crafted products are encouraged.
3. Crafters should incorporate materials produced in Washington as much as possible. Crafters must create their craft products in Washington, or in counties which border the State of Washington.

### **F. Non-Profit Organizations:**

1. Upon prior approval of the Market Manager and/or DYFM Advisory Committee, duly licensed local non-profit organizations may have a booth each Market Day, but only one each Market day may engage in fund-raising. The sale of any products for such fund-raising may not compete with any of the vendors; and the organization will pay a flat fee of \$25 for the day unless otherwise stated for special events.
2. If space is available, and at the sole discretion of the DYFM Manager and/or Advisory Committee, up to four non-profit organizations that of which are solely distributing materials and information may do so at no charge for the booth. Exception to the number of non-profits present at the Market may be reconsidered upon specific event days and if the presence of the



## Downtown Yakima Farmers' Market 2023 RULES & REGULATIONS



non-profit organization benefits the Market's mission. This will be determined on a case-by-case bases by the Market Manager and/or DYFM Advisory Committee.

3. If a non-profit is a no show on a scheduled date without written notice and/or a phone call 48 hours prior, at the sole discretion of the DYFM Manager and/or Advisory Committee the non-profit may not be asked to return.

### G. Other Products & Organizations:

1. The Market Manager reserves the right to prohibit the sale of any product and materials passed out at to the attending public that is offensive, does not meet the Roots Guidelines per the Washington State Farmers Market Association, or otherwise is not in keeping with the overall mission of the Market.
2. When selecting between a Value-Added Farm Food (foods grown and then processed by the grower) or Processed Food (foods processed but not grown by the processor) vendors, priority will be given to Value Added vendor.

### What May NOT Be Sold

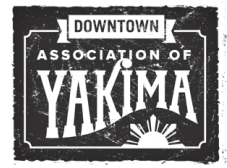
- Commercial or Imported Items
- Second Hand Items (Exception: a second-hand item that has been repurposed into a new use)
- Franchised Items
- Non-owner operated businesses
- Items processed out-of-state

### MARKET PARTICIPATION AND STALL/SPACE ASSIGNMENTS

1. The Market Manager will give first priority to returning vendors who were in good standing the previous season and participated in the market for at least a half season (3 months).
2. The Market Manager will reassign booth/stall space to Vendors in good standing from year to year.
3. New Vendors are assigned on a random basis at the discretion of the Market Manager. Assignments are made with the attempt to balance the needs of the market, i.e. supplying customers with a complete, competitive selection of produce available in season, with the needs of new farmers applying to DYFM without overloading the market with particular products.
4. Market Assignments are based on:
  - a. Available space in the market.
  - b. The need for a specific product and your ability to produce it.
  - c. Number of booth/stalls you require. The more space and/or power you need, the harder it is to place you.
  - d. Date changes.
    - DYFM does not require minimum or maximum attendance; therefore, a date change policy is in place. Each non-farm vendor is allowed up to 3 date changes per season. This includes cancelations. Farmers will be allowed up to 5 dates changes per season, including cancelations. Date changes are qualified as removals or additions to your originally-applied-for dates. Once a vendor has hit their limit changes/cancelations, they will be put on the waiting list until space becomes available again.
  - e. Your performance at the market including:
    - Good product quality, display and signage.
    - Ability to follow DYFM rules and Manager's directions at market (i.e. punctuality, clean up at end of day, prompt notification when canceling, etc.).
    - Sales history.
    - Market fees paid in full on time.



## Downtown Yakima Farmers' Market 2023 RULES & REGULATIONS



5. Change of Ownership
  - a. An Approved Seller may not assign their right to a stall space in the event of a change in business ownership.
  - b. Change of business ownership requires submission of a new application and payment of an Application Fee.
  - c. The new owner of the business is not guaranteed they will become an Approved Seller merely because they acquired the business of a previously approved Seller.

The Market Manager will try their best to satisfy participants' requests. He/She/They will try their best to give returning, long time vendors room to expand without closing the market to new growers.

### VENDOR GUIDELINES

#### *Who Can Sell at the Downtown Yakima Farmers Market?*

It is recommended that the principal/majority owner be present at the market at least one (1) Sunday per month. Principal farmer/producer and majority owner may send family members, partners, or employees to the Market in their place, but are responsible for having their on-site representatives aware of all Market rules and violation policies. All employees, partners, and family members may be asked to sign an agreement that states they understand and will comply with Market policies and guidelines.

#### *Pricing and Quality of Products*

The DYFM is a not wholesale market or an outlet for excess produce from large producers. The market was established to provide a space for local family farms and artists to sell their crafts, produce, processed foods and baked goods to the community at retail pricing. The DYFM reserves the right to establish a minimum pricing policy in order to protect the sales of participating farmers if found necessary. Farmers are encouraged to use the USDA fruit and vegetable pricing index (<https://www.ers.usda.gov/data-products/fruit-and-vegetable-prices.aspx>); however, is not required.

#### *Vendor Responsibilities*

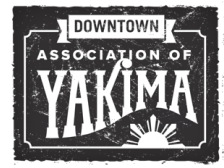
Pricing of goods sold at Market is the responsibility of the individual vendor. Vendors are expected to sell their goods at retail pricing. Vendors are not allowed to give produce or other items away for free or at below-cost pricing, thus undercutting potential sales of other vendors. Vendors that sell their produce at a reduced rate - below fair retail rate - will be regarded as dumping their products. The first violation will result in a verbal and/or written notice from the Market Manager. The second violation will result in a \$50 fine. The third violation will result in dismissal from the market for the remainder of the year. Vendors are expected to bring quality produce to market. Seconds or "culls" are not allowed.

Vendors are required to turn in sales reports for each Market day they are present. Reports may be placed in the sales report folders at the Market headquarters table or sent directly to the Market Manager by phone (509-961-2055), [online thru MarketWurks vendor portal](#), or email ([farmersmarket@downtownyakima.com](mailto:farmersmarket@downtownyakima.com)). Reports are due the day of the Market and must be submitted no later than the following Wednesday. Vendors who do not submit their report on time will NOT participate in the following market.

The DYFM has a responsibility to WSFMA and DAY to track gross market sales. Each Market participant is expected to cooperate with sales monitoring activity by Market management. **Your reported GROSS SALES (before operating costs) figures are strictly confidential.** They are used only by DYFM/DAY to determine



## Downtown Yakima Farmers' Market 2023 RULES & REGULATIONS



the market's OVERALL economic impact. They are totaled with all other vendor sales to provide a bottom line for the market when reporting to WSFMA and used to create trending information to determine if and when the Market needs additional promotions, to apply for grants and ask for sponsorships.

### VENDOR FEES

#### *Annual Fees*

All vendors will pay a yearly application fee for the Market of \$50. This fee and the completed application must be submitted online by the end of April each Market year. If a vendor waiting list is present, applications and fees received after this date will be considered on a first come, first basis and based on the market's needs.

#### *Daily Stall/Space Fees*

The fee for each 10 x 10 stall/space is \$35.00 for each Sunday Market day. Farmers are capable of reserving a 10 x 30 area for \$80.00.

Each vendor is responsible for paying the stall/space fee to the DYFM. Upon payment of specified fees, vendor may use and occupy a market space designated by the Market Manager. Depending on location, market stalls/spaces are typically 10 x 10 sf; however, could vary depending on stall/space location. These booth/stalls are intended to accommodate one vendor sales area.

Other than reserved spaces, spaces will be assigned based on seniority, in attempt to balance categories across the market, and individual special vendor needs (as indicated on the vendor's application). The Market will attempt to meet the needs of all applicants without overloading the Market with any one product.

NOTE: Breweries/microbreweries and wineries are required to have a back wall to their tent to keep inventory safe from looting/stealing.

Fees that are not paid will result in expulsion from the next Market day until the payment has been received.

#### *Missing Market & Tardiness*

Any vendor who cannot attend on a scheduled Market day must contact the Market Manager 48 hours prior to Market day. Vendors who do not call and/or email at least 48 hours before market day will be charged the minimum stall/space fee for that Market day. This fee must be paid before selling at the next Market day.

All Vendors must be at the market site by 8:00 AM and be ready to begin selling when the Market opens promptly at 9:00 AM. Vendors who have been assigned a stall who arrive after 8:00 AM will forfeit their reserved d space and will be considered on a first come basis. If there are unavoidable extenuating circumstances, i.e. vehicle breakdown, traffic delays, etc. please call the Market Manager's cell phone (509-961-2055) as soon as possible.

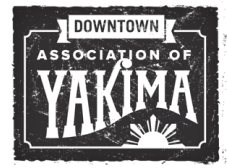
Vendors arriving after 9:00am will be subject to a \$30.00 fee. Fees that are not paid will result in expulsion from the next Market day until the payment has been received. Vendors who are habitually late ultimately risk expulsion from the market.

### MARKET RULES

DYFM reserves the right to prohibit anyone from selling or any product from being sold.



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**MARKET CURRENCY:** The DYFM has several alternative currency programs for the Market. These programs are essential to create greater access to the Market and to increase sales for the market vendors. These programs include: Woman Infants & Children (WIC) Farmers Market Nutrition Program Checks, Senior Farmers Market Nutrition Program Checks, SNAP Market Match, wooden \$1 tokens for EBT card charge, and wooden \$5 tokens for credit card/gift certificate charges.

**SELLING TIME:** All vendor types are required to stay the course of the market, 9am-1pm, unless they have received permission from the Market Manager. Vendors who sell-out early should post a sign letting customers know they have sold-out and should not leave their stall/space and possessions unattended. Vendors will load up unsold merchandise, clean area/space/stall used, and vacate the Farmers Market site starting no sooner than 1:15pm and no later than 2:00pm. Any exceptions must be cleared with the Market Manager. Vendors driving onto the premises prior to 1:15pm without permission of the market manager will be subject to a \$30.00 fee.

**SIGNAGE:** All vendors will post a sign identifying the name of the farm/business represented and where it is located. Signs should not be smaller than 24" wide by 8" high. Vendors will have their signs displayed before sales begin. Failure to have a sign will result in a first offense warning. The second offense will result in a \$20 fine.

**PRICE SIGNAGE:** Produce and other allowable Market products should be clearly marked with their price. This can be done by individually tagging each item with a sign or by listing all produce and prices on a large sign or blackboard.

**SELLING SPACE:** The vendor sales area (where your produce/product is marketed) must not extend beyond the allotted boundaries of the stall/space.

**VENDOR VEHICLES AND LOADING/UNLOADING:** Vendors are authorized to drive into the Farmers Market venue at 7:00am unless otherwise instructed by the Market Manager. At no time prior are vendors authorized to set up in their assigned space unless they have received permission from the Market Manager.

Vendor booth/stalls must not extend beyond allotted booth space. No vehicle movement is allowed in the market area after 8:30am unless to move vehicle out of parking spaces. Market Manager has the right to turn a vendor away when arriving 30 minutes or less before the opening time. Vendors who are habitually late ultimately risk expulsion from the market.

- The Market stalls/spaces have NOT been designed with on-site vendor vehicles in mind. Vendors are NOT able to park behind their stalls and will be unable to park in the Rotary Pavillion lot. We want to leave these available for customers.

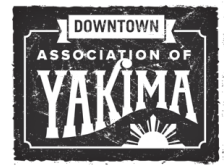
*In order to provide adequate parking for customers, vendors must park at least one block away from the market site or at the parking site designated for vendors on Sunday's. Vendor Parking is located in several locations: (1) Banner Bank parking spaces (half block south of the market – **DO NOT BLOCK ATM's**); (2) Front Street; and (3) if open, fenced in lot across from the Banner Bank near train tracks. No vendor parking is allowed in the Rotary Pavilion lot / market location, so that customers may have an easy access. Vendors caught violating this policy will be subject to infraction including expulsion from the market.*

After the market closes at 1:00pm, Vendors must first pack up all belongings and have all items ready to load before entering the street. **VENDORS MAY NOT ENTER THE MARKET (if enclosed) UNTIL AFTER**





## Downtown Yakima Farmers' Market 2023 RULES & REGULATIONS



**1:15pm AND AFTER ALL CUSTOMERS HAVE CLEARED THE MARKET STREET.** Driving in earlier than 1:15pm will result in a \$30.00 fee if not approved prior by the Market Manager prior. Upon entering the [lot](#), belongings should be quickly loaded and moved.

**SPACE/STALL CLEAN UP:** Vendors are required to maintain their individual selling space in a clean, safe, and sanitary manner. Each vendor is responsible for keeping his/her booth space clean during the Market and for complete cleanup of their space at the close of the Market.

All vendors are responsible for hauling away any trash or garbage that is generated in or around the booth and sweeping up any product debris left on the ground. Farmers are not permitted to dispose of produce waste, overripe or leftover produce, or boxes in any on-site garbage cans.

Vendors should bring their own brooms and dustpans. Those who do not clean up at the end of the Market will be issued a written warning for the first offense, \$30.00 fine for the second offense and double the fine on each offense thereafter. At some point, this could be considered grounds for termination of vendor's permit to sell.

**SET OUT DISTANCE FOR VENDOR DISPLAY:** Displays and signs must allow clear visibility to adjoining stalls/spaces. Display and selling techniques must not impair other vendors' ability to sell, nor create a hazardous situation for customers. Hawking or sampling in front of spaces/stalls is not allowed.

**SCALES:** Any vendor who charges shoppers based on the weight of a product is required to have a "Weighing and Measuring Devices Addendum" to their Washington State Business License. In the farmers market world, this is usually called a "Scale License." And in the State of Washington Business Licensing Service world, this is called an "Specialty Endorsement." Any vendor selling or pricing products by weight is required to have all of the following:

- A current Small-Scale License (or endorsement) from the WA State. Note: In order to have the scale license, a vendor must first have a business license. To register a scale: Endorsement can be added on the WA State website: [www.dol.wa.gov](http://www.dol.wa.gov)
- A scale that has a Certificate of Compliance.
- A certified scale that has been inspected (which includes the inspection sticker on scale).

The WSDA's Weights and Measures Program has a special brochure for Vendor Scales at Farmers Markets (<https://wafarmersmarkets.org/wp-content/uploads/2021/10/WSDA-FarmersMarketScales-2021.pdf>). Please contact them at [wtsmeasures@agr.wa.gov](mailto:wtsmeasures@agr.wa.gov) or (360) 902-1822 if you have any questions.

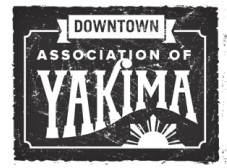
**PETS:** Pets, except for licensed service animals, are NOT allowed in any booth.

**CHILDREN:** Vendors need to keep a watchful eye on their children at all times during the Market day. Set-up time can be an especially dangerous time for unattended children. Small children should not be allowed to wander the grounds without a parent or guardian with them. The Market can take no responsibility for their safety or whereabouts. If a child is under the age of 18 and selling at the booth, an adult MUST be present.

**COURTESY/CONDUCT:** Vendors and their representatives are expected to conduct themselves in a safe and courteous manner at the Market. Any language or behavior considered to be detrimental to the normal operation of the Market will be grounds for denial of the vendor's application/permit to sell.



## Downtown Yakima Farmers' Market 2023 RULES & REGULATIONS



**ALCOHOL/CONTROLLED SUBSTANCES:** Consumption of alcoholic beverages or any controlled substance while at the Market is prohibited unless as part of a Farmers' Market wine or beer sampling program. Any participating Market vendor or representative who is under the influence while at the Market will be immediately expelled from the Market.

**CUSTOMER REFUNDS:** Customers who have a legitimate complaint about the produce they purchase should be given a full monetary refund or replacement of equal value by the vendor that sold them the produce. It is the Market's policy to satisfy the customer and to promote goodwill by being generous with produce and food products. If produce is overripe and must be consumed the same day, the customer must be informed in advance. If a customer wishes to exchange only a partial bag of produce, only partial credit is due. Complaints which seem unfounded or excessive may need to be mediated by Market management.

**HAWKING:** Hawking (calling attention to your products in a loud, repetitive, public manner) during the Market day is discouraged and may be limited or prohibited by the Market Manager.

**VENDOR DRESS:** Vendors are requested to be fully clothed including shirts and shoes at their stalls/spaces during the Market hours. The Market Manager and/or DYFM Advisory Committee can require additional dress codes under special circumstances, i.e. a pandemic, smoke/fire season, etc.

**VENDOR MUSIC:** Vendors may play individual music in their booth space but should be aware of the volume and your neighbor's ability to transact business without any audio interference. Remember, not everyone likes the same type of music. Market Manager has the right to ask for disconnect of music at any time and for any reason.

**SMOKING:** Smoking is not allowed in the vendor sales areas and market area in compliance with Washington State RCW 70.160.

**SAFETY:** All vendors who wish to erect canopies (including umbrellas) on the Farmers Market site during a normal period of market operations, including the set up and break down period, are required to have their canopies sufficiently and safely anchored to the ground from the time their canopy is put up to the time it is taken down. Any vendor who fails to properly anchor his or her canopy will not be allowed to sell at the Farmers Market on that market day, unless that vendor chooses to take down and stow their canopy and sell without it.

**Each canopy leg must have no less than 24# (pounds) anchoring each leg, and market umbrellas, 50# (pounds).**

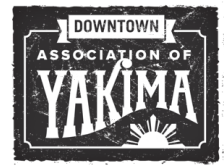
Producer vehicles, tables, and overhead shades must be maintained and used in a safe manner. Tables must have smooth edges and remain stable when loaded with produce. Shades must be tied down or weighted. Tarp poles must not obstruct traffic flow and care must be taken when setting up or taking down displays.

**SAMPLING:** Special Health Department guidelines and regulations must be followed by vendors for food demonstration and sampling.

The Washington State Liquor and Cannabis Board (LBC) Farmers' Market sampling endorsements must be followed by all breweries/microbreweries and wineries.



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Please refer back to the “REGULATIONS ON PRODUCTS SOLD AT THE FARMERS MARKET” section above for contact information.

**PLASTIC BAGS:** Per Washington’s Plastic Bag Ban, DYFM no longer allows single-use plastic carryout bags. Perishable food vendors do have an exemption for small produce bags – the kind on the roll – no handles. Should vendors wish to provide large paper carryout bags or thick, reusable plastic carryout bags they may do so at a charge of \$0.08 per bag to the shopper. Please visit the Washington State Department of Ecology website for complete information: <https://ecology.wa.gov/Waste-Toxics/Reducing-recycling-waste/Waste-reduction-programs/Plastics/Plastic-bag-ban>. Paper bags are still approved. The purpose is to push shoppers towards bringing their own reusable bags that are environmentally friendly. Vendors violating the plastic bag ban will be given a verbal warning. If vendor continues to use, there will be a \$30 fine per market day in use.

**GENERATORS:** A vendor requiring a generator may be accepted on a case-by-case basis. A limited number each season will be allowed (depending on vendor placement) and must be tested and pre-approved by the Market Manager and/or DYFM Committee member prior to attending. The generator must be no louder than 57 decibels (bdm).

**FARM, PROCESSING FACILITY COMMERCIAL KITCHEN, AND STUDIO VISITS:** On behalf of the DYFM, a designated representative or a third-party inspector has the right to evaluate all sites where products sold at the DYFM are grown, raised, stored, and transported as part of the routine application process or in the event of product challenges. Farm visits can be conducted without notice; however, an appointment will be made whenever possible. Vendors should provide help during a visit in identifying the crops listed on the application for permit to sell.

**JURYING:** All artist/craft vendors (including returning vendors) shall have their work juried prior to being allowed to sell at the market. All products sold must be completed by the artist/craftsperson in the state of Washington, or surrounding counties according to Roots Guideline. Products must be of the highest quality, handcrafted, and shall not be imported. Artisans must submit two to four photos with their application that are representative of the work they plan to sell at the market. An artisan may not sell anything that has not been juried prior to the day of the market. Some review items considered are: craftsmanship; quality; percentage of raw material used; percentage of product that is handcrafted versus non-handcrafted; and originality. Once a product has been accepted, selling at the market will be granted based on the above guidelines, space availability and compatibility with current product mix. Returning vendors can be juried at random on any given year.

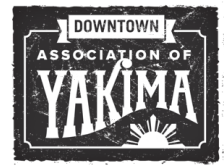
**CONDUCT:** DYFM is a safe, community enriching farmers’ market open to all regardless of race, religion, age, sex, sexual orientation, personal identity, or political beliefs. We do not tolerate abuse or discrimination in any form be it to shoppers, other Sellers, staff, regulatory officials, or volunteers. Anyone reported to conduct themselves in a manner deemed abusive, derogatory, threatening, or dangerous, or in disregard of the rules or laws that govern the DYFM will be asked to leave the premise. Sellers who do not comply may be subject to suspension or expulsion from the DYFM.

Sellers shall be honest and shall conduct themselves always in a courteous and business-like manner. Rude, abusive or other disruptive or offensive conduct is not permitted and can warrant expulsion from the market.

Conduct by Sellers that is materially and seriously prejudicial to the reputation and/or operation of the DYFM is not permitted and can warrant expulsion from the market.



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Sellers experiencing any difficulty with customers or other Sellers in this regard should refer the matter promptly to the Market Manager and/or DAY Executive Director.

**MISCELLANEOUS:** The DYFM is not responsible for loss of property or damage.

### LICENSES, PERMITS AND SPECIAL REQUIREMENTS

**TAXES:** Retail sales taxes and Business and Occupation taxes are the responsibility of the individual vendor. Vendors who are required by law to have a Washington State Master Business License Number (**UBI**) must supply this number on their application to sell at the Market.

**NO-SHOW/CANCELLATION POLICY:** "No-shows" hurt the credibility of the DYFM and negatively impacts all Vendors. Vendors are responsible for their attendance as indicated on the application. Should a Vendor need to cancel or alter attendance, the Vendor shall notify the DYFM Manager as soon as possible, via phone or email, but no later than **48** hours prior to that week's Market. Should DYFM not be notified of a cancellation, it is considered a "no-show" and will be charged the daily booth fee, due to DYFM at the next attended Market. If a Vendor does not call or occupy their booth three weeks in a row with no communication to DYFM Manager, the booth will be declared vacant, and given to another Vendor.

**INSURANCE:** All vendors are required to provide certificate of insurance. The acceptable form of this documentation is a certificate of insurance showing evidence of general liability insurance to cover the Downtown Association of Yakima and use of the facilities. The certificate of insurance must show coverage of at least \$1 million per occurrence/\$2 million aggregate and include the "Downtown Association of Yakima, 14 S 1<sup>st</sup> Street, Yakima, WA 98901", **plus state that the Downtown Association of Yakima is the additional insured.**

Recommended insurance companies:

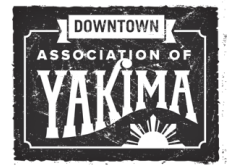
- ACT Insurance at 844-520-6991 & <https://www.actinsurance.com/> (best for crafters **with exception of skincare products**)
- Pro Insurance dba Campbell Risk Management at 317-848-9075 & <https://www.campbellriskmanagement.com/> (good for any vendor category)
- Food Liability Insurance Program (FLIP) at 844-520-6992 & <https://www.flipprogram.com/> (best for **concession** food)

Farmers' Market vendors may use the recommended policies listed above, or their own insurance carrier. Vendors agree to hold the DYFM, its staff, directors, and/or volunteers harmless for any damage(s) or loss incurred by or to them (vendors) at the Market. See Indemnification & Hold Harmless Agreement in at the end of application for more information.

**PERMITS AND LICENSES:** All vendors shall provide at the time of application copies of any permits and licenses applicable to the sale of their products. These will include the vendor's Washington State tax number, and where applicable, the Washington State Nursery License, Washington State Dept. of Agriculture Food Processors License, Certification for Organically Grown Produce, Grade A Dairy Permits, Pesticide Applicator's License, Department of Fisheries Wholesale License, or Trademark License\*. When applicable,



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sellers of plants, bulbs or seeds for planting must have a Nursery License, available from the Washington State Department of Agriculture.

\* Trademark License MUST be obtained for the use of any licensed/commercial logos prior to selling at Market.

**ORGANIC PRODUCTS:** If a product is labeled “organic,” it must be certified as required by Federal Law. Verbal or written declarations of organic status not certified or verified, will result in termination of vendor’s application/permit to sell. When an organic producer is also selling non-organic produce at the same stand, the non-organic produce must be clearly separated from the organic produce and clearly labeled as non-organic or conventionally grown. If organic produce is transported with non-organic produce, the product is no longer considered organic due to cross contamination.

**“UNSPRAYED, PESTICIDE-FREE OR LOW-SPRAY”:** Written and verbal declarations regarding pesticide use which cannot be certified such as “Unsprayed,” “Pesticide free,” or “Low Spray” will need a notarized affidavit attesting how these procedures are followed. This affidavit will be kept with the Market management for the season. Consumer queries regarding farming practices must be answered factually.

**PROCESSED FOODS:** Must be licensed by the Department of Agriculture as a Food Processor. These foods include dried fruits, herbs, teas, coffee bean roasting, baked goods, cider, preserves, salsas, and salad dressings. Beekeepers who process their own honey do not need a Food Processor’s license.

**LABELING:** Processed foods, including honey, have Washington State labeling requirements (WAC-314-55-105). Labels on processed foods must meet State requirements and include:

1. The name of the product,
2. Company name,
3. Address
4. Net weight on bottom 1/3 of label, and
5. Ingredients listed in decreasing order of predominance.

**FOOD HANDLER’S PERMITS:** All prepared foods and baked goods vendors must have a current Yakima County Health District Food Handler’s Permit.