

# ORCAS ISLAND FARMERS' MARKET (OIFM)

## RULES, REGULATIONS and AGREEMENT

OIFM is a marketing and space management non-profit institution. OIFM provides a consistent, familiar, and legal structure for independent organizations, individuals, non-profits and other appropriate vendors to offer goods and services to the public. OIFM coordinates vendors, advertising, suppliers (such as San Juan County Parks Department) and others in order to provide a safe and harmonious environment for public activities consistent with the OIFM mission.

All vendors who wish to participate in the Orcas Island Farmers Market must agree to follow the rules and regulations of the OIFM, hereinafter "the Market". These rules are enforceable and mandatory; they are not advisory. As rules and regulations evolve, every effort will be made to provide notice of changes to existing vendors. Rules and regulations will always be current and posted on the OIFM web site. Questions? Contact a board member or the Market Manager (contact info at web site or at the end of this document).

The fee structure for vendors is posted on the web. There are three classes of participation: **full season vendor, partial season vendor, and drop-in.**

**Full season** vendors commit to weekly setup for approximately 22 weeks during the late spring to early fall.

**Partial season** vendors commit to weekly setup for 8 contiguous weeks of their choosing.

**Drop in** vendors can participate in the market on a non-consistent basis, if and when space is available.

By 1) submitting a completed on-line application, 2) paying the fee and 3) signing this document, vendors request the right to offer their goods and services under the provisions of OIFM rules and regulations. Vendors cannot participate in the Market unless the vendor has received confirmation that the application has been accepted by the Market Manager (MM). OIFM reserves the right to place restrictions on any vendor's application or to refuse to accept the application.

The Market's hours are from 10:00 a.m. - 3:00 p.m. on Saturdays from the first week in May through the last week of September that year. Check the web for any changes to this calendar. Set up can begin at 8:00 a.m. If a vendor has not arrived by 9:15am (no exceptions), his/her space can be given to an awaiting "drop-in" for the day. **Note: if a**

**vendor has not arrived by 9:30am, they will NOT BE ALLOWED participate in the market that day.**

The Market Manager reserves the right to fill in a gap in the booth lineup created by an annual subscription vendor who is a "no show" with a current vendor who hasn't yet set up in the case that no "drop-in" was available, in order to create an unbroken line of booths. Piggybacking, in which a vendor offers booth space to a non-vendor to sell whatever they might have, is prohibited. Substitution, in which a vendor who will not be able to attend on a given day offers their booth space to a non-vendor, is prohibited. In short, the annual subscription vendor may not sublease or delegate some or all booth space to anyone at anytime without the specific written authorization of the MM.

Please unload as quickly as possible and remove your vehicle from the Green. **No vehicle traffic is permitted on site after 9:45 a.m. and before closing time (3pm).**

2. Parking: There will be no parking by Market members in the spaces along North Beach Road in front of the Market. There must be **no vendor parking** in front of any businesses. OIFM has created a Parking Map showing preferred and prohibited parking areas; vendors agree to abide by map guidelines. Contact the MM for a copy of the map.

3. The Market opens at 10:00am. Please honor this time and do not accommodate customers before then. Very likely other vendors are still in the process of setting up their booths and people in line are not going away in those few minutes.

4. It is essential that each full or partial season vendor inform the Market Manager if he/she will NOT be attending the Market no later than Friday evening at 8:00 p.m. before the Saturday of the Market. If it is necessary to cancel the day of the Market, please call the OIFM cell phone (see the "contact us" menu item on the OIFM web site for the number) and/or otherwise contact the MM. Spaces are valuable and there are many who wish for the opportunity to "drop-in". Annual subscription (i.e., full or partial season) vendors who do not attend or communicate to the MM for three (3) consecutive weeks risk losing their assigned space.

5. Spaces: Each vendor booth space is 10'x10'. A vendor may purchase two spaces; however, the spaces must be contiguous and used for that vendor's activities only. There will be one vendor per booth (with the exception of helpers and interns). If another vendor wants to share a booth, the vendor must be family-related or co-business partners. Please try to align each vendor space with others. Be considerate of the next vendor in line so that no vendor's booth will block another's display. Spaces are arranged by seniority in the Market. There is great effort to arranging the Market so that there are NO BAD SPACES. Be of help to your fellow vendor and courteous to customers.

6. The success of the Market is each vendor's responsibility. With this in mind, please

act in a safe and sane way. Keep your vending space clear of garbage and/or other potential hazards. By law, all umbrellas and tents/ canopies **MUST BE SECURED** or taken down on windy days. 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 remove and stow their canopy and sell without it. The Market is a **NO SMOKING ZONE**. If you need to smoke, please leave the selling area. **Vendor dogs are NOT ALLOWED at the Market during market hours and must be leashed before and after market hours.**

7. Each vendor must have a valid, current, Washington State Business License. This applies even if you are selling non-taxable items. To acquire a business license, contact the Bellingham office of the Dept. of Licensing at 360-676-2114 or on-line at "dol.wa.gov". Vendors who sell taxable items are reminded that they are required to collect sales tax. OIFM neither serves as an agent of the State of Washington to enforce sales tax collections nor serves to protect vendors from any behavior they engage in which is in violation of any law.

8. If you are selling processed food of any kind, the county requires a food handler's permit and a food vendor permit. All such food products **MUST** be prepared in a certified commercial kitchen. The class for this is given on a regular basis. Call the San Juan County Health Dept. at 378-4474.

9. Vendor communications with the MM and/or the OIFM board are welcome; vendor communications are encouraged to be in writing and delivered via email. The OIFM web site will provide current information regarding the market.

10. Vendors must restrict their activities to ensure that no nuisance of any kind is created by, in or around their booth. Smoke, noise, trash, etc. if generated must not in any way disturb other vendors or any participants at the Market. Vendors whose operations create a nuisance, as defined by the MM, will be asked to immediately cease operations or entirely mitigate the nuisance.

11. All goods or services sold at the OIFM must conform to the criteria description attached as an Addendum to this document. Vendors must signify that they have read and accept the appropriate criteria by placing their initials on the line by their category.

12. Vendors cannot engage in any illegal activity or operations.

13. The MM has authority and discretion to enforce these regulations and to create regulations and policies on an as-required basis to deal with issues and contingencies not explicitly noted here.

14. Separate from the UBI number, vendors who offer services that are licensed by any governmental unit (national, state or local) must provide the MM with a valid copy of their license to offer that service. Example: licensed massage therapists.

15. OIFM does not represent that the facility used to host the farmers market is suitable for any vendor or for any purpose. OIFM accepts no responsibility for providing a market facility that meets any conditions. A vendor who is accepted to sell or offer goods or services through OIFM **specifically agrees to hold OIFM harmless for any legal action** brought against the vendor by anyone for any purpose. **OIFM does not insure any vendor for any purpose or against any claim.** Vendors who may offer services or goods that carry any risk to anyone are advised to have their own insurance policy.

Failure to adhere to these and other OIFM regulations may result in the cancellation of your contract with OIFM. There is no refund of vendor dues for contract cancellation or other circumstances.

The Market reserves the right to decline or revoke admission to any applicant or current vendor who acts with hostility toward other Market Vendors, the Market Manager or the OIFM Board. The Market does not discriminate based on race or gender.

Misrepresentation of information provided in any communication with the MM or OIFM, including but not limited to the application for market participation, oral statements made before, during or after a Saturday Market event, or through omission of material information (e.g., a cancelled license) may result in immediate termination of vendor status.

I have read, understand, and agree to abide by the rules, regulations, policies and criteria for admittance presented in this document; I have initialed each page and I have retained a copy of this document for my reference; I will mail or deliver a signed copy of this document to the Market Manager; I understand that I cannot be considered for admission without submitting this document:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
date

\_\_\_\_\_  
Printed name

The Vendor Application is on the Orcas Island Farmers Market web site:

<http://www.orcaslandfarmersmarket.org>

Market Manager (MM) contact information is available at the web site or:

Jennifer Pietsch, MM, at 360 376 2707, mobile: 360 317 8342

# Addendum to the OIFM Rules, Regulations and Policies Document

## Criteria for admittance into the Orcas Island Farmer's Market

The OIFM strives to allow only goods and services that are "Island Made and Island Grown." Historically the OIFM has been an agricultural and artisan market, promoting "all things local and handmade." The OIFM hopes to represent the "flavor of the Islands" to those who visit it. The Market uses the concept of a meaningful "transformative act" to assess whether a product or service can be considered "handmade" or "hand-crafted." "Local" is defined as Orcas Island & Waldron Island, then secondly San Juan County. It is important to the OIFM to maintain its agricultural and artisan heritage. It is the job of the Market Manager and OIFM Board to interpret and implement the Market's goals and policies.

Please **select** your vendor category, **read** the eligibility criteria, and **place your initials** by the category name to indicate you have read, understand and agree to the criteria.

### Vendor Categories:

### Eligibility criteria for products and services sold at the OIFM:

\_\_\_\_\_ Farmers

- \* locally grown agricultural crops
- \* grown on Orcas Island, Waldron Island
- \* no reselling of plants or food grown elsewhere
- \* concept of the "transformative act" applies to farmers in terms of selling potted-up plant starts etc.

\_\_\_\_\_ Crafters

- \* a "transformative act" must be performed which makes a product a creation of one's own
- \* no reselling of goods that have not been transformed in a "meaningful way" - Market reserves the right to define "meaningful"
- \* the "transformative act" must occur on Orcas Island at least a significant amount of the time
- \* made on Orcas Island - crafter must reside on Orcas Island at least part of the year
- \* the more "handcrafted" or "meaningfully transformed" the better

\_\_\_\_\_ Food Vendors

- \* food should be "hand made"
- \* rules for food vendors entry into the Market are

similar to those for crafters

\* a transformative act must be performed to a food product to make it "hand made"

\* no reselling of food goods - canned drinks, potato chips in bags, even drinks from mixes are discouraged

\* the transformation of component ingredients must be "meaningful" to qualify as "hand made"

\_\_\_\_\_ Services

\* "handcrafted services" are a part of the market face painting, tarot readings, massage have all historically been a part of the OIFM over the years

\_\_\_\_\_ Not-for-profits

\* information sharing / educational

\* bake sales - though food vendor rules apply

\_\_\_\_\_ Other

\* vendors that do not easily fit into the above named categories above but fit the criteria for one or more of them

Non-Orcas/ Waldron Island based vendors

Vendors from elsewhere in San Juan County will be admitted by the decision of the Market Board and Market Manager. Non-Orcas/ Waldron Island vendors must both meet the above criteria for admittance and not duplicate goods or services provided by an already existing Market vendor. Non-Orcas/ Waldron Island vendors are admitted primarily for the purpose of adding breadth and depth to the Market's offering, and are considered an exception and not the norm at the OIFM.

These items have been  
Historically Disallowed

\* import clothing and jewelry

\* yard sales

\* educational presentations that are clearly vehicles to sell non-handcrafted products

\* used books

\* new goods that are not of ones own design - even if assembly requires significant skill or technique

**Review process for admittance to OIFM**

The Market Manager determines if applicants are compliant with the above criteria and suitable for admittance into the OIFM. In cases that are difficult to determine the OIFM Board will have the final say as to whether an applicant shall be allowed to vend at the Market.