



Downtown Growers' Market

Rules and Regulations

The Downtown Growers' Market's mission is to support and promote local agriculture, small business development, and community engagement in order to better the economics, health, wellbeing and education of New Mexico residents and visitors.

Section 1 – Application and Acceptance Process

- 1) To be considered for a full season space, vendor applications must be turned in by the specified years' deadline through the Manage My Market platform (www.managemymarket.com). Applications may be accepted past the deadline if room allows, growers will be prioritized first.
- 2) Vendor Percentages
 - a. In order to maintain our Growers' Market status with the New Mexico Farmers' Marketing Association, the Market must contain at least 50% agricultural goods. The DGM reserves at least 50% of market spaces for growers.
 - b. 25% of spaces are reserved for prepared food vendors
 - c. 20% of spaces are reserved for arts and crafts vendors
 - d. 5% of spaces are reserved for health and wellness vendors
 - e. The DGM reserves the right to limit the number of vendors selling similar products.
 - f. No food trucks are allowed to vend at the Downtown Growers' Market.
- 3) All new and returning art, prepared food and health/wellness vendors are juried for acceptance into the Market. The Prepared Food Advisory Committee (PFAC) will meet to evaluate prepared food vendor applications. The Art Advisory Committee (AAC) will meet to evaluate art and health/wellness vendor applications.
 - a. All items must be designed and handmade by the vendor. No resale or brokered items are allowed at the market. Bottled water sales are not allowed.
 - b. Both new and returning vendors must show samples of their work via pictures on Manage My Market. Please upload a minimum of five photos per product type to allow the jury to have an accurate sampling of your work.
 - c. **Work Evaluation Score:** Both new and returning vendors' work will be evaluated on a point system based on the following criteria. There are 5

points possible for categories i-iv, there are two points possible for category v. Work will be rated on each category and given a score out of 25 possible points.

- i. Application completeness (0-5) – Is the application complete? Did the vendor fill out the company information, business info, contacts & address section? Did the vendor answer all additional questions? Did the vendor add current photos and products to the application?
 - ii. Creativity & originality (0-5) – Are the products / foods different from what has been at the market? Are the products / foods unique?
 - iii. Quality (0-5) – Are the products functional? Are the foods fresh? Is there a technical process needed to create the product / foods?
 - iv. Local sourcing of materials (0-3) – Are the products used from a local source? Are those materials purchased locally?
 - v. Market inclusivity (0-3) – Is this the vendor's potential first time at the market? Is the vendor from an underrepresented minority group?
 - vi. Market relevance (0 - 2)– Are the products of interest to the market's customers? Could these products bring new people to the market?
 - vii. Sustainable practices (0-2) – Does the vendor use recyclable / reusable materials?
- d. **Non-Compliant Action Score:** In addition, vendors who have previously vended at the Market may be evaluated based on their Market history, which includes the following categories. There are 5 points possible for each category. The Non-Compliant Action Score will be added or deducted from the vendors Work Evaluation Score (i.e. if a vendor never paid their booth fee on time, they would receive a -5 score for payments, but if they were exceptional in any category they could receive up to 5 additional points).
- i. *Reliability:* Was vendor on time? Did vendor communicate scheduling changes in a timely manner?
 - ii. *Attitude/Professionalism:* Was vendor positive and professional with the manager, volunteers, fellow vendors and visitors?
- 4) Art, prepared food and health/wellness vendors who meet the application deadline will be notified via email if they are accepted, waitlisted or declined for the season.
- 5) Due to space limitations, only farmers and market coffee sponsors will be allowed to occupy two spaces.

Section 2 – Market Fees

	Grower	Prepared Food	Art/Health
Application Fee & Admin Fee	\$32.96(one time fee)	\$32.96 (one time fee)	\$32.96 (one time fee)
Full booth (10'X10')	\$25/week	\$30/week	\$35/week

All booth fees will be charged to vendors weekly on the Wednesday after Market. The Market will charge the booth fee to the credit card that the vendor has put on file in ManageMyMarket. If the credit card on file expires or does not work for any reason, Management will reach out to the vendor and the vendor will have one week to upload a working credit card. Emergencies can be worked out with Management on a case-by-case basis.

Section 3 – Orientation and Paperwork

- 6) Orientation is required for ALL vendors. Orientation will be held in person on Saturday, March 18, 2023 at Fusion 708 1st St NW, Albuquerque, NM 87102. New vendor & artisan orientation is from 9:30 am – 11:00 am and returning & food vendor orientation is from 11:30 am - 12:30 pm.
- 7) All vendors (past and new) must follow email updates from management on paperwork due dates. To turn in your paperwork you can:
 - a. Email it to jonelle@abqmainstreet.org
 - b. Mail it to:
 - DowntownAbq MainStreet
 - Attn: Downtown Growers’ Market
 - PO Box: 27246
 - Albuquerque, NM 87125-7246
 - c. Drop it off during the Market to the info booth if your scheduled start date is May 15th or after.
- 8) **Business License:** required by the City of Albuquerque for all vendors accepting payment, with the exclusion of growers selling agricultural products only and buskers. If you are selling under the Homemade Food Act, you are also required to have a Business License. Please have copies of pertinent tax licenses at your booth ready for review either by market management or by respective license or permit inspectors.
- 9) **Environmental Health Permit:** All vendors selling food and edible plants must obtain an Environmental Health Permit to sell at any Growers’ Market. Permit applications are available via the City of Albuquerque website or by emailing the market manager at market@abqmainstreet.org or by downloading the current form from ManageMyMarket under the “document” tab.
 - a. As of 2023 the City of Albuquerque Environmental Health Department has created a new permit for **all** food vendors (raw produce, hot prepared foods, prepackaged foods) who plan to sell at multiple markets throughout the season. This one permit is good for any markets that vendors are accepted to vend at.
 - i. **Market Food Establishment Permit**, submitted directly to the City of Albuquerque Environmental Health Department, \$50 fee
 - b. For vendors who do not plan to sell at multiple markets, below are the permit types that can be submitted to the City of Albuquerque Environmental Health Department:

- i. **Raw Produce Permit**, submitted directly to the City of Albuquerque Environmental Health Department, \$15 fee
 - ii. **Temporary Food-Service Establishment Permit**, submitted directly to the City of Albuquerque Environmental Health Department, \$25. Only good for 14 days.
 - c. Permits may be submitted directly to Environmental Health in person or by emailing consumerhealth@cabq.gov OR you may turn your permit in to market management to submit on your behalf.
 - d. Vendors selling food and edible plants are NOT allowed to sell at the market without an approved permit!
 - e. All processed food must be prepared in a certified commercial kitchen. You must present proof of this commercial kitchen license when submitting your permit application.
 - f. Vendors are required to display their Health permit at all times while at the Market.
 - g. All vendors must abide by the rules and regulations of the Environmental Health Department.
 - h. For more information check out the City of ABQ Environmental Health Department website <https://www.cabq.gov/environmentalhealth/food-safety/special-event-vendor> or call 505-768-2643.
 - i. Your City of ABQ Health Permit is applicable to Growers' Markets in the following ABQ locations: Railyard Market, Nob Hill, Mile-Hi, Uptown, Presbyterian Hospital, and Three Sister's Kitchen.
- 10) **Homemade Food Act:** Beginning July 1, 2021, individuals may prepare certain low risk food items in their private farm, ranch or residence and sell them directly to consumers without a permit from NM Environment Department. The Homemade Food Act outlines certain food safety requirements that must be met by sellers participating in the program. Details on the Act including training, labeling, what kind of foods are allowed, etc. can be found [here](#). Vendors wishing to sell their goods utilizing this Act will need to turn in the following items to participate at the Downtown Growers' Market:
- a. City of Albuquerque Business Registration
 - b. Copy of your Food Handler Card from an approved program (link above)
 - c. Example of labeling for your product/s
 - d. Insurance (see below)
 - e. Vendors using this Act will need to apply to the market like any other vendor, list the items you plan to sell and (depending on items) go through our Jury process.
- 11) **Double Up Food Bucks and FreshRX Agreement:** All vendors who plan to accept DUFb tokens must first watch a training video and receive a certificate at the end of the video. Those who do not have access to a computer or internet, can take a paper version of the training. Ask DGM staff for more information if interested in participating.

- 12) **WIC/Senior Check Agreement:** All growers planning to accept WIC checks must sign and turn in the NMDOH Farmer/Grower Agreement. These agreements are good from 2023-2025. *More on WIC/Senior checks in Section 142.*
- 13) **Nursery Stock License:** The Downtown Growers' Market applies for a yearly Nursery Stock License. Any vendor selling nursery stock (cut flowers, etc.), wishing to be covered under the DGM's umbrella permit, needs to contact the DGM Manager. This permit only covers the DGM market, and is not allowed to cover vendors with their own individual license.
- 14) **Special Booth configuration application:** All vendors wishing to use propane/open flame in their tent must turn in a special booth configuration diagram. This can be hand drawn or computer generated. It must show the location of propane, any open flame and your general booth set up. This will be approved by DGM Management and the ABQ Fire Marshal. For more information, or to see an example of a diagram, email market management.
- 15) **ACH Form:** Required by all vendors wanting reimbursement for accepting market tokens. This form allows vendors to accept tokens from customers and the DGM to deposit the money from these tokens into the vendor accounts. *More on this in section 12.*
- 16) **Commercial Liability Insurance:** Vendor's must maintain a commercial general liability policy with a minimum limit of \$1,000,000 per occurrence. Vendors must provide the market with their certificate of insurance listing the market as additional insured. The policy must be in effect for the entire market season.

Section 4 – Booked Musicians, Buskers, Specialty Booths

- 17) The Downtown Growers' Market defines a booked musician as a band that has applied to perform, and has received approval to perform by market management. To apply to perform, musicians must submit the Musician Application (located on the DGM website) within the open timeframe.
- a. If funds allow, the Downtown Growers' Market will book one band each market and pay a flat fee per band. Booked musicians are also allowed to accept tips and sell merchandise during their performance.
 - b. Musicians are required to play two 45-minute sets between the hours of 10am-12pm, but are encouraged to play earlier and/or longer if they like.
 - c. Power is provided. Musicians are responsible for bringing their own sound equipment and extension cord.
- 18) The Downtown Growers' Market defines a busker as a mobile performer who does not collect any mandatory payments for their service/show/entertainment/etc., that occupies no more than a 5ft x 5ft space, and can freely move their set-up as needed. They must be family friendly, mobile, unplugged (may not use sound amplification) and able to move as staff request depending on other scheduled programming or vendor needs.
- a. Buskers must check in with the information booth before set up, to pay the set up fee and receive a space assignment to ensure they are not

interfering with the scheduled stage entertainment, vendor booth spaces or other activities.

- b. Before setting up, buskers are required to sign the busker policy agreement, which can be found at the information booth. If the buskers are found to violate any of the policies on the busker policy agreement or any of the DGM rules and regulations outlined for all vendors, DGM staff reserves the right to remove them from the market area.
- c. The DGM permits 3 buskers per market. Buskers are assigned on a first come first serve basis.

Section 5 – Specialty Booth Policy

- 19) The DGM defines a specialty booth as any booth not considered a grower, prepared food vendor, artists, health and wellness vendor, or business presence for promotional purposes. To be considered, vendors must apply through the Specialty Booth Application (located on the DGM website).
- 20) Specialty vendors must be aligned with the DGM mission statement (see top of page 1) as determined by the DGM.
- 21) No political parties of candidate groups, campaigning or religious groups are allowed to set up a table at the market.
- 22) We do not allow anyone to roam and collect signatures for a cause/petition, etc, hand out flyers without prior approval.
- 23) Market Management reserves 1 booth per market for Specialty Booths. Because there are a limited number of booth spaces available, all specialty booths must apply by March 1st. Specialty booth applicants will be scheduled as fairly as possible across the season to ensure all applicants are able to participate.
- 24) All approved specialty booth vendors must remain in their booths during market, please do not leave your booth to solicit.
- 25) There is no fee to set up as a specialty booth.
- 26) Voter registration is allowed, but not the collection of signatures for a particular candidate or party.

Section 6 – Business Promotional Booths

- 27) The DGM reserves two spaces per market for local business promotion, to be charged \$150 per market.
- 28) All businesses interested in setting up a promotional booth must fill out the vendor application on managemymarket.com. They will be charged a one-time application and website fee totaling \$32.96.
- 29) To be considered to set up a booth, businesses must be located in Albuquerque, and must pertain to the DGM mission statement.
- 30) Accepted businesses are not allowed to accept payment or donations during the market.

- 31) If a business does not meet the necessary requirements, they are allowed to become a market sponsor, which does allow for booth set up during the market season at certain sponsorship levels. Email management for levels and questions: market@abqmainstreet.org

Section 7 – Preparing for Market – Supplies List

- 32) Mats (required)
- a. All vendors are required to have a breathable mat anywhere in their allocated space where they or customers will be standing. This includes the 3 feet of space between the sidewalk and vendor storefront for vendors setting up in the middle sidewalk. This rule has been set in place to protect the grass and must be followed to comply with the ABQ Parks Department’s rules and regulations.
 - b. Breathable mat examples include: bamboo, burlap, woven rugs, etc.
 - c. Examples of unacceptable mats include: tarp or anything with a completely covered plastic backing.
- 33) “No Smoking” sign (as required by the Albuquerque Fire Department).
- a. Each vendor must post a no smoking sign in their tent to be visible by customers. No smoking is allowed in the park; if you see customers smoking, please contact Market Management.
- 34) Price signs (required). Prices should be clearly marked on all items.
- 35) Table coverings (optional). While table coverings improve the appearance of each vendor’s booth, they may impede the thorough cleaning and sanitizing procedures. If used, they should be clean and attractive in appearance, and be easily sanitized.
- 36) Tent (optional) All tents, canopies and umbrellas must be made out of fire-resistant material.
- a. Most vendors use a pop-up tent, but other options are allowed as long as they fall under the specific tent requirements outlined by the ABQ Fire Department.
 - b. Tents cannot be staked. All tents are required to be securely weighted to the ground using 25lbs per leg or 50lbs per side. Some examples include sandbags, cinder block tops, dumbbell weights, etc.
- 37) Paperwork to be displayed (required)
- a. Business license,
 - b. Environmental Health permit,
 - c. DUFEB sign (if applicable),
 - d. WIC sign (if applicable), and
 - e. Homemade Food Act signage requirements (if applicable)

Section 8 – Public health related rules for vendors and customers.

- 38) DGM will follow any city / state mandates regarding public health protocols. DGM staff will stay up to date on any public health news and updates and will inform vendors of any changes during the season.
- 39) All vendors are encouraged to keep their tables and materials disinfected and to follow best practices while handling food and beverages.

Section 9 – Things that are not allowed at market

- 40) No special discount signs are allowed. Shouting price discounts and product information is not allowed.
- 41) Resale or brokered items are not acceptable for selling. I.e. you cannot sell your friends' stuff—including produce—at your stand.

Section 10 – CBD at Market

- 42) Anyone wishing to sell CBD products must submit Certificate of Analysis to Management proving <0.3% THC in the product (per federal regulations).
- 43) Anyone selling products with CBD are not allowed to make health claims.
- 44) Both consumable and non-consumable products are allowed with the required paperwork and licenses. In regards to CBD, the following definitions apply:
- a. Consumable: any food or drink
 - b. Non-Consumable: tinctures, or anything topically applied
- 45) Farmers selling the plant must provide a "Harvest Report" from the Department of Agriculture, proving their plants have been tested.
- 46) Prepared Food vendors selling consumable products must provide "Certificate of Analysis" for all products with CBD.
- 47) Health and Wellness vendors selling non consumable products must provide "Certificate of Analysis" for all products containing CBD.
- 48) Depending on the amount of CBD applicants received, those growing or sourcing their ingredients locally, will be considered with higher priority.

Section 11 – Day of Market Operations

- 49) The market is held at Robinson Park (8th Street and Central Avenue), beginning April 15th and ending November 5th. Time of operation is 8:00am – 12:00pm.
- 50) Vendors must be set up and ready to sell 15 minutes prior to market opening time (7:45am).
- 51) In the event of an emergency during, before or after market, please notify DGM management who will notify the correct authorities.
- If any dangerous objects are found, please notify DGM management or a DGM volunteer. DO NOT attempt to pick up anything dangerous on your own. Needles will be placed in a sharps container by staff, any other dangerous object will be dealt with on a case by case basis.

- 52) Parking: The success of parking and unloading/loading goods depends greatly on the cooperation of all market vendors. **Please act with courtesy and respect** when communicating with each other and make accommodations for other vendors when possible. **City parking is enforced on Saturdays from 7am-6pm.**
- c. No vendors are allowed to stay parked around the park (8th, copper or central) unless you are assigned a booth on Copper. Vendors on Copper are allowed to stay parked on Copper, but must not block the flow of traffic going westbound on Copper. Exceptions for staying parked can be made for handicapped parking and other exceptions as approved by Market Management.
 - d. Handicap parking spots will be available for patrons along 8th street near Central.
 - e. Vendors in a space that is NOT on Copper are allowed to unload along 8th and Central (not Copper), and must move their vehicle to park after unloading. If vendors assigned a space NOT on Copper, but unload along Copper, they must move their car before 7AM. Failure to move vehicles will result in a strike.
 - f. Vendors must unload goods quickly. Do not start setting up until your items are unloaded and your vehicle has been moved to its parked location.
 - g. As per ABQ Police Department, vendors are not allowed to double-park along Central while unloading/loading or stay parked in the median along Central.
 - h. Vendors should not block the flow of traffic when unloading their goods.
 - i. Parked vehicles cannot block handicap access on sidewalks.
 - j. See below parking suggestions:
 - i. MRCOG building on Copper & 9th. Open 6AM-2PM.
 - ii. On Central between 8th and 7th just west of Goodyear store.
 - iii. Eastside of 8th and Kent
 - iv. Molina Parking lot on 8th between Copper and Kent
- 2) When parking issues arise that cannot be respectfully worked out amongst vendors, the manager should be contacted to help facilitate parking conflicts. The manager has the final say in all issues regarding space utilization and parking. The vendor agrees to abide by the final decisions of the market manager for the good of the market and in accordance with facility requirements.
- 53) Market is held rain, snow or shine. See "Market Cancellation Policy" section for more information.
- 54) Only DGM registered and approved vendors are allowed to sell at Robinson Park during Market hours.
- 55) Vendors are allowed to sell between open hours: 8:00am-12:00pm
- 56) Market tear down will begin immediately after posted market closing. The market is not responsible for you or your product after the posted market closing.

- a. The only reason a vendor should leave the Market before closing time is if they are **COMPLETELY sold out** of their product or if there is an emergency. Alert Management at the information table if you completely sell out and are leaving early. Any other case must be pre-approved by the Manager.
- 57) After each market, vendors are required to report their sales on the Manage My Market website. See “Sales Reporting” section for more information.
- 58) Vendors must adhere to the DGM’s “Code of Conduct”.
- 59) Complaints should be taken to the Market management and will be regarded with confidentiality.
- 60) The Market Managers have complete authority to interpret and implement policy on the Market site. In all matters of Market safety and viability to the Market, Management has the final say.
- 61) Dispute resolution through arbitration. Process defined in section 18. To protect the safety of the public as well as the integrity of the Market, the Market Management has the discretion and authority to immediately dismiss any vendor from the Market area for violations of these Rules and Regulations. A daily vendor immediately dismissed for a violation will forfeit the day’s rental fee and will not be allowed to rent space in the future unless appropriate assurances are provided to the Market Manager that the problem is resolved.
- 62) The Market Manager will give members in violation of Market Rules and Regulations or any other membership agreement a verbal warning at the time of dismissal or, if the violation does not warrant immediate dismissal, at the time the violation becomes known to the Market Manager. If the violation has not been cured by the next market day (one week later), the Market Manager will give the member a written warning detailing the violation, action required to cure the violation, and stating the violation must be cured by the next Market day (one week later). If the violation remains uncured, the Market Manager will notify the erring member in writing of a hearing date before the Vendor Advisory Committee (VAC).

Section 12 – Market Tokens

Accepting Tokens from Customers

- 63) The Market has its own currency for customers to purchase from the Information Booth with a credit/debit card (\$5 increments) or EBT/SNAP card (\$1 increments). This currency comes in the form of \$1 and \$5 wooden tokens and is identified with *Downtown Growers’ Market* name and logo printed on each token. There are also tokens through the DUFb program (silver \$2 tokens) and Fresh Rx program (wooden \$1 tokens).
- 64) Vendors should not accept tokens that are from a different Market. This includes tokens marked AGMA or Albuquerque Growers’ Markets. These tokens were used in previous years, however new this year the Growers’ Market will have their own labeled debit and EBT tokens.**

- 65) Arts/Crafts vendors cannot accept \$1 tokens or \$2 tokens.
- 66) \$1 tokens are for EBT/SNAP participants and are only for fresh produce, pasta, meat, cheese, granola, and bread. Ready to eat food or hot food are not eligible.
- 67) \$2 tokens for DUFB are to be used ONLY for fresh produce and produce starts. No other food products are eligible.
- 68) \$1 tokens for Fresh Rx participants are to be used ONLY for fresh produce and produce starts. No other food products are eligible.
- 69) Tokens cannot be given to customers as change. Real money must be given as change, even when a customer uses a token.
- 70) \$5 tokens can be used to purchase anything at the Market. All vendors are required to accept the \$5 Debit tokens.
- 71) In order to redeem tokens for real money a vendor must sign-up at the Info Booth by providing a voided check and completing an ACH form for Direct Deposits.

Token Reimbursement

- 72) In order for vendors to be reimbursed they must turn in an accurate ACH form with voided check or bank print out. This allows the DGM bookkeeper to deposit earned money into each vendor's bank account. Each year all vendors will be asked to turn in a new ACH form if their bank has changed, or sign a form stating their bank account information is the same as the previous year. This form can be turned in any time during market season, but needs to be turned in before you can get reimbursed.
- 73) DGM tokens can be redeemed at the Info Booth during the time of Market operation with a DGM employee. Vendors can choose to participate in token drop off, or wait in line to get their tokens redeemed:
 - b. Token Drop off (8am-10:30am)
 - i. Place all tokens to be redeemed in a sealable bag (i.e. zip lock bag). Make sure your business name and contact name is listed on the bag (i.e. use a sharpie to write on the bag).
 - ii. Count your tokens and write on a piece of paper 1) business name and 2) how many of each token you have in the bag. (i.e. \$25 in 5's, \$11 in 1's, \$12 in 2's, etc.). Place this piece of paper in the bag.
 - iii. Bring your bag of tokens to the info booth and place them in the tote labeled "token drop-off".
 - iv. The Info booth staff will count your tokens and put a receipt in your bag when there is down time between customers. When you come back for your receipt and bag at the end of market, you will need to initial the vendor reimbursement sheet.
 - c. The other option is to wait in line and have your tokens counted when it is your turn. When you reach the front of the line, info booth staff will count your tokens and give you a receipt right away.
- 74) Reimbursements will be directly deposited into the vendor's account 5-10 business days after tokens have been turned in.

- 75) Vendors should keep their receipts in case future questions arise with reimbursement.
- 76) Tokens from other markets: Vendors who accept from other markets (such as AGMA tokens) can not turn those tokens for reimbursement at DGM. Non-DGM tokens must be turned into an eligible AGMA market.

Section 13 – Sales Reporting

- 77) Sales data must be reported through Manage My Market after each week that you vend. Sales for the previous week must be reported by the next market date.
- 78) If absolutely necessary, sales data for the past market may be dropped off in person at the info booth or emailed to the market manager.
- 79) We ask for sales data because it is extremely important for grants and other funding purposes. . This data helps us understand—and prove to the city, state, and other funders— how well our market is supporting our local economy and serving the needs of our surrounding community. It is incredibly important. As a vendor, you hold the key to that figure. These numbers will only be used for your continued benefit. Aside from discretely and internally tracking this information, your information will not leave our office with any connection to your name or business. We have no interest or obligation to report any of the sales data which we collect to any government entity, including the IRS.
- 80) How to report sales online:
- d. Go to www.managemymarket.com, login using the email and password you used to apply to the market. If you forgot your password, click “forgot password”.
 - e. Once logged in, click “account” in the top panel
 - f. Select the “Market” and “date”
 - g. Enter your sales and submit!
- 81) Applications for the following year will not be accepted if sales data is not entered by the vendor.**

Section 14 – Special Requirements for Farmer/Grower Participants

- 82) Farmer/Grower vendors refer to farmers, nursery stock growers, herb growers, market gardeners, or backyard growers.
- 83) Farmer/Grower vendors agree that 100% of produce is grown in New Mexico. All produce must be grown by that Farmer/Grower.
- h. Should a farmer be suspected of selling produce they did not grow themselves, management reserves the right to hire an independent farmer to visit the farm and inspect what the farmer is growing. Should the independent farmer find that the farmer is selling produce they did not grow, the inspected farmer is required to pay for the farm inspection, and will no longer be allowed to sell at the DGM. If the independent

farmer finds that the inspected farmer is growing the produce they are selling, the Downtown Growers' Market will pay for the inspection.

- 84) Farmer/Grower claiming to be certified "organic" must have the corroborating certification with them at all times.
- 85) Plant and flower sellers who do not have their own Nursery stock license and want to be covered under the Market's umbrella license must indicate this on their application.
- 86) Farm Merchandise: Farm merchandise that features your farm is allowed to be sold, but cannot exceed 20% of your farm stand's goods.
- 87) Value Added Products: DGM recognizes the importance of value-added products to your farm stand and will attempt to accommodate additional goods when possible, while working to maintain an overall focus on agricultural products. If you would like to sell value-added products at your stand, you must include a list of these products on your application and the farmer must obtain a business license and any other corresponding licenses (i.e. commercial kitchen license).
 - i. Value-added products cannot exceed 20% of your farm stand's goods.
 - j. If value-added products exceed 20% of your farm stand's goods, they must be approved and juried by the DGM jury during the application process.
 - k. Food products must be prepared according to the City of Albuquerque Environmental Health Department regulation.
 - i. Must be sourced using local produce/plants

88) WIC (Woman, Infants, Children) and Senior Program

- l. Beginning in the 2022 market season, WIC checks will no longer be issued to participants. Instead they will receive WIC funds through a WIC card or through a mobile app.
- m. Qualified vendors who wish to participate will only be able to accept WIC funds through a mobile / tablet app.
- n. At vendor orientation DGM staff will review the new changes and tell vendors how they can enroll.
- o. Only vendors who have signed the WIC and Senior agreement and who complete the training are permitted to accept WIC and Senior funds.
- p. All vendors participating in the WIC and Senior program must display the Vendor Permit Sign provided by the NM Department of Health, which includes the Vendor Name and Permit Number.
- q. Only eligible fresh, unprepared fruits and vegetables may be purchased with the WIC funds.
- r. Only eligible fresh, unprepared fruits and vegetables and New Mexico honey may be purchased with the Senior funds.
- s. Products that are not eligible under WIC and Senior Check guidelines include the following: processed foods, eggs, nursery and cut flowers, herbal products, meat and dairy products, chicos, posole, dried fruit, juice, ristras, jam or jellies and arts and crafts.

- t. For more information regarding registering with the WIC and Senior program, attend the market orientation or contact the Market Manager.

Section 15 – Missing a Market

- 89) If a vendor has to miss a scheduled Market day, they must notify Market Management at least 5 days before their scheduled Market.
- u. Vendors are responsible for being present at the market for all dates approved and scheduled in Manage My Market (MMM).
 - v. If you have advanced notice of an absence, ie more than a week, you may request a withdrawal in Manage My Market (MMM), under the “Dates” tab.
 - w. DO NOT verbally tell the Market Management during market.
 - x. If you are canceling a market with 5 or fewer days of notice, you are required to notify Market Management of the absence through email at market@abqmainstreet.org OR by calling/texting the market phone 505.252.2959.
- 90) If a vendor misses a scheduled Market without notifying the Manager **5 days before their scheduled Market**, they are responsible for paying their booth fee **AND MAY INCUR A STRIKE**.
- a. If you are sick, stay home! Please notify management as soon as you are able.
 - y. Vendors are not allowed to set-up at the Market until booth fee and associated strike fine is paid in full.
 - z. Vendors who have paid for a full season space in advance and miss a Market without proper notification will still be charged the associated strike penalty fine.
 - aa. Real, immediate issues and exceptions, such as illness or crop shortage are acceptable, but please be honest.
- 91) The DGM reserves the right to replace a vendor’s space if they do not comply with rules and regulations.
- 92) If a vendor left the Market still owing money from a previous season, their application will not be accepted until their payment is received, including accrued interest and penalty fees.
- 93) The Market has the right to refuse applications for those who have left the Market in a previous season in arrears on payment.
- 94) Vendors who have paid for a full season space or paid for their space in advance and forfeit their space before the season ends, will be refunded their space payment **ONLY** if they notify the Market Manager that they are forfeiting their space one week prior to their last Market day. Notification should be completed by sending an email to the Manager at market@apqmainstreet.org
- bb. The manager will confirm that the vendor’s message has been received through email.

Section 16 – Market Cancellations

- 95) In the rare event of dangerous weather, such as thunderstorms and heavy rain/hail, Market may be canceled.
- 96) Market cancellation will be communicated in the following ways to vendors:
- cc. An email will be sent to all vendors with email addresses
 - dd. A message on our Facebook and Instagram Pages will be posted
 - ee. A message on the homepage of our website will be posted (downtowngrowers.org)
- 97) In the case of cancellation, if a vendor chooses to set up their booth and vend at Robinson Park, they do so at their own risk and are liable for anything that occurs to them while at the park.

Section 17 – Waste Management

- 98) City trash cans are utilized during the market. **Green team operations are suspended until further notice (no recycling or compost bins on site).**
- 99) Vendors are responsible for hauling their own waste generated during market. I.e. no dumping trash in public waste cans. Take out what you bring into the park to help alleviate the amount of trash generated during market. **BURDENING THE MARKET TEAM AND THE WASTE SYSTEM WITH YOUR BUSINESS' WASTE WILL RESULT IN A STRIKE.**
- 100) Please keep the area around your booth clean and in good condition. Additionally, vendors are required to clean up their site after the market is closed. Again, **leftover product is not allowed to be dumped in the Park's waste containers.**
- 101) Styrofoam is not allowed at the Market for any reason.
- 102) All straws, silverware, and items used to serve samples are **RECOMMENDED** to be *commercially* compostable. [Commercially compostable means that ABQ's Soilution's facility is capable of composting the materials. Please visit their website (<http://soilutions.net/foodwaste-recycling/what-we-dont-accept-for-recycling/>) for more information.] Please visit the DGM website-vendor portal (<http://www.downtowngrowers.org/vendor-portal.html>) for links that will direct you to DGM/Soilutions approved products. If the products found on the DGM website do not work for a vendor's needs, vendors are allowed to find and purchase their own products, but are required to get them approved through DGM management prior to purchase, to ensure Soilutions will be able to accept these products.
- 103) All produce bags and shopping bags are **recommended** to be made of paper or compostable products.
- 104) All other materials (plates, cups, bowls, etc.) are **recommended** to be either compostable or recyclable (the City of Albuquerque accepts plastics #1-7).

- ff. In order to be recyclable, the item must not be covered in food by the end of its use. If it will be, it should be compostable. For example, a cup served with agua fresca will be clean enough to be recycled, as opposed to a plate that will have enchilada all over it. The plate should be compostable.

Section 18 - Strikes

- 105) Strikes are given to vendors when rules and regulations are not followed.
 - a. **Strike 1:** An emailed notification will be sent to the vendor by the market manager along with a notification requiring a \$10 fine.
 - b. **Strike 2:** An emailed notification will be sent to the vendor by the market manager along with a notification requiring a \$20 fine.
 - c. **Strike 3:** An emailed notification will be sent to the vendor by the market manager notifying the vendor of their exclusion from the market for the season.

Section 19 – Arbitration

By renting a stall at the Market, the vendor agrees to settle disputes by arbitration that cannot otherwise be resolved. This form of dispute resolution will be the sole remedy for resolution of any and all disagreements or disputes arising under or related to the Market Rules and Regulations or the membership agreement (including, but not limited to, any statutory or tort claims arising from the relationship between the parties). One neutral arbitrator agreed on by the parties shall conduct the arbitration in Albuquerque, New Mexico. If the parties cannot agree on an arbitrator, each party shall select and pay for its own arbitrator, and the arbitrators so selected will select an arbitrator to chair the proceedings. The costs of the neutral arbitrator (whether the sole arbitrator or the chairperson of an arbitration panel) will be shared equally by the parties.

Consistent with the expedited nature of arbitration, each party will, upon the written request of the other party, promptly provide the other with copies of documents relevant to the issues raised by any claim or counterclaim on which the producing party may rely in support of or in opposition to any claim or defense. Any dispute regarding discovery, or its relevance or scope, shall be determined by the arbitrator (or chairperson, if a panel), which determination shall be conclusive. Other discovery will not be permitted. All discovery shall be completed within 60 days following the appointment of the arbitrator(s). The decision and award determined by the arbitration shall be final and binding upon the parties. Judgment upon the arbitration award may be entered and enforced in any court having jurisdiction. The parties agree that any arbitration shall be governed by the New Mexico Uniform Arbitration Act, NMSA 1978, §§ 44-7A-1, et seq., as now existing or hereinafter amended. These rules and

Regulations shall otherwise be governed by, and construed in accordance with, the laws of the State of New Mexico.

Acknowledgment that you have read and understand the DGM Rules and Regulations must be indicated on your vendor application with your initials, signature and date.

Keep a copy of these Rules and Regulations for your records.

If you have any questions, please contact Shawna Brown (DGM Manager).

Phone: 505.252.2959

Email: market@abqmainstreet.org

PO Box: 27246

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DowntownGrowers.org

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