



## Market Rules and Regulations

The Bigfork Farmers' Market Cooperative provides a venue for vendors from Lake, Flathead, and Sanders County. Vendors from these counties are welcome to participate in the markets if they are full time residents or summer residents and grow, prepare or make the products they sell. **The markets are registered with the Flathead County Department of Health and vendors are required to follow the rules and regulations of the State of Montana and the County. The markets are monitored by the Department of Health and vendors required to be licensed to sell their products must display the license at their booth. Also you must display your report card from the Health Department for the Commercial Kitchen used.**

2018 market fees: Members \$5.00 (Ask for a membership packet to apply for membership or have your number ready for the Market Manager)

Members only Discounted prepay	Tuesdays only	\$100.00
	Fridays only	\$100.00
Nonmember Discounted prepay	Both days	\$150.00
	Both days	\$300.00

(Permanent spot included with restrictions – see Market manager)

Special Discount payment of \$8 for Co-op Members attending both Tuesday and Friday consecutively, paying in advance on Tuesday. No refund if you don't attend on Friday.

Non-members \$10.00 per day per vendor.

2018 market schedule:

Tuesdays 3-6 p.m., starting May 15th through October 16<sup>th</sup> (Weather permitting)

Fridays 10:00 a.m. – 1:00 p.m., starting May 25th through October 20th

All Tuesday and Friday markets will be held at the New VFW (Masonic Temple) Parking lot, 8098 Hwy 35, Bigfork, Montana, across from Harvest Foods Market. The venue has assigned spaces with strict rules. Vehicles will not be allowed on the lawn area. Parking will be available for vendor vehicles and market overflow next to Snyder's Law Office.

If you would like to join the Cooperative, the process is very simple. Membership will only be granted to residents (including summer residents) of Lake, Flathead, or Sanders County. Submit your application and request to purchase one common stock. The Board of Directors will review your request and upon acceptance will provide the following: certificate for one common stock at the cost of

\$20.00 (one time purchase): copy of company by-laws; membership card with your membership number; voting rights; opportunity to participate in company decision making; opportunity to become a member of the Board of Directors; and a 12' x 12' vending space. Space is determined by individual vendor's booth setup requirements and/or special vendor needs.

Contact the Market Manager for a packet of information and forms.

More than one vendor may share a booth, but both vendors must be present at all times, pay separately, and complete separate applications.

The sale of alcohol is prohibited at this market. (Except by the VFW/American Legion)

Produce sales:

**(3) (a) A license is not required of a gardener, farm owner, or farm operator who sells raw and unprocessed farm products at a farmer's market.**

1. All produce needs to be grown and harvested by the vendor, no resale of purchased produce.
2. All produce will be sold in its natural form or unaltered:
  - a. Wash, only if needed, using clean water.
  - b. Do not cut produce to be sold in smaller units or to be given out for samples.
  - c. Do not use oil, wax or any other substance on produce to increase visual appeal of the item.
  - d. Produce should be in its natural state, no drying, freezing, roasting, shelling or peeling.
  - e. Protect soft fruits in a cooler or in a shady place to promote continued freshness.

**“MCA 50-50-102. Definitions. (16) “Raw and unprocessed farm products”** means fruits, vegetables, and grains sold at a farmer's market in their natural state that are not packaged and labeled and are not:

- a. Cooked;
- b. Canned;
- c. Preserved, except for drying;
- d. Combined with other food products; or
- e. Peeled, diced, cut, blanched, or otherwise subjected to value- adding procedures.

f. Produce in gift baskets:

1. Produce placed in a gift basket need to follow the above 2 rules.
2. Baskets cannot contain non produce items unless they are under a dual category of produce and crafts or produce and processed foods. Dual category items will need to be juried and follow the rules for each category represented.

Producers with gross organic agricultural income of \$5,000 or less are exempt from organic certification but must follow all certification guidelines if they wish to use the term “organic” to describe their products. If guidelines are not followed the term “organic” may not be used and producer could be subject to a fine by the Department of Agriculture. The Cooperative will depend on the farmer or gardener to make the determination on whether to use the term “organic” or not.

#### Potted plant sales:

1. Potted plants need to have been grown by the vendor from seed, cuttings, bulbs, or seedlings. Purchased cuttings, rooted or not rooted, and purchased seedlings need to have been purchased at least 60 days before sale.
2. Potted plant arrangements can only include plants grown by the vendor as stated above.
3. No potted plants may be sold if bought for resale.
4. Vendors who sell nursery stock and sell more than \$1,000 annually need a license from the Montana Department of Agriculture. The license should be displayed in public site and a copy in the market file.

#### Cut flower sales:

1. All cut flowers must be grown and cut from the vendor's own gardens.
2. Dried flower material must also come from the vendor's own gardens.
3. The vendor may not add flowers purchased for resale into arrangements.

#### Processed foods you may sell that do not require the use of a commercial kitchen include:

1. Processed foods must be processed by the vendor selling the product.
2. Processed fruit or berry jams, jellies, preserves, compotes, fruit butters, marmalades, chutneys, fruit aspics, and fruit syrups; aseptically processed; packaged and sealed using pressure sealed lids and rings. Processed foods may not contain tomatoes or peppers.
3. Baked goods including breads, cookies, rolls and cakes that require oven baking and not potentially hazardous foods.
4. Popcorn, popped, seasoned, and bagged prior to bringing to market. No Carmel, Candied or Kettle Corn, unless from licensed kitchens. Keep the handling or processing to a minimum.
5. Fruit pies (no pies using cream, milk, eggs, or cheese in their fillings) with baked crusts, keep cool or in a shady place to protect freshness.

#### **MCA 50-50-102. Definitions.**

- (1) **“Baked goods”** means breads, cakes, candies, cookies, pastries, and pies that are not potentially hazardous foods.
- (2) (a) **“Preserves”** means processed fruit or berry jams, jellies, compotes, fruit butters, marmalades, chutneys, fruit aspics, fruit syrups, or similar that have a hydrogen ion concentration (pH) of 4.6 or below when measured at 24 degrees C (75 degrees F) and that are aseptically processed, packaged, and sealed.  
(b) The term does not include (i) tomatoes or food products containing tomatoes; or (ii) any other food substrate or product preserved by any method other than that described in subsection (15) (a)

Attach a card or label with a list of ingredients of all processed foods, including your name and phone number in case they need additional information.

#### **DPHHS Technical Guidance on the sale of hot beverages at a Farmers' Market.**

Montana Code Annotated (MCA) 50-50-202 was amended to allow hot coffee and tea to be sold at FM without a DPHH retail food license.

Specifically: MCA 50-50-202 (3)

- (b) A license is not required of a person:

(i) selling or offering hot coffee or hot tea at a farmer's market; or

(ii) selling baked goods or preserves at a farmer's market

(c) Coffee or tea exempted in this subsection (3) may not be prepared or served with fresh milk or cream.

DPHHS Guidance and Interpretation:

1. Only commercially packaged single service dehydrated packets of milk and creamer are allowed to be dispensed with hot beverages.
2. "Hot coffee and hot tea" does not include lattes, chai teas, or any beverages that have fluid milk, fluid cream or other potentially hazardous ingredients..

**MCA 50-50-202 (3) (a) (i)** A license is not required of a gardener, farm owner, or farm operator who sells raw and unprocessed farm products or whole shell eggs at a farmer's market.

(ii) Whole shell eggs sold at a farmers market by a farm owner or operator must:

(A) Be clean, free of cracks and stored in clean cartons.

(B) Be kept at a temperature established by the department; and

(C) Carry a label indicating the name and address of the farm owner or operator selling the eggs.

DPHHS Guidance and Interpretation:

1. The term of "clean" means the object is free of dirt, feces, and other foreign matter. This would apply to the cartons and the eggs.
2. New cartons and recycled cartons must be labeled with the name and mailing and/or physical address of the farm owner or operator.
3. Eggs must be held at or below the "safe temperature" of 41 degrees Fahrenheit for storage and display, as defined in ARM 37.110.2203 (61)

Honey (raw or processed) may be sold at the Farmers' Market if labeled with weight, ingredients (raw honey, etc.) and basic contact information.

Fresh frozen meats need to have been processed in a licensed facility; been raised or wild caught by vendor; and kept in a freezer or cooler at a recommended temperature. Packages need to be labeled with name of processor, vendor name, address, and phone number. Meat sellers who have processed their meat in a state inspected facility must also apply to the Flathead County Sanitation Office for a retail meat market license. Contact Kate A. Cassidy or Kelly David at 406-751-8130

All other food items that you process and are not listed above can only be sold if you have a license from your County Department of Health and use a commercial kitchen for preparation. If you have a license to sell additional items, a copy of the license needs to be attached to your application and display a copy in a visible place on your booth every market you participate in and sell such items. If you would like to know more about commercial kitchens and licensure laws, contact Kate A. Cassidy or Kelly David at the Flathead Department of Health, Environmental Health & Sanitation at 406-751-8130.

Arts and crafts items:

1. Craft items need to be handmade or handcrafted by the vendor, no purchased for resale items unless they have been creatively altered as part of a completed product (beads into jewelry etc.).
2. Art items need to be originals, designed by the vendor and may include: sculptures, paintings, drawings, photos and etc. Manufacturing of art items may or may not be completed by the vendor, depending on the process required to finish the item.
3. Gift baskets must contain a majority of handmade items with limited supportive items. Made in Montana supportive items preferred.

4. All arts and crafts items will go through a jury team for approval. The jury team will be available during set up time at each market to allow qualified vendors to setup and sell on the same day of request.

General market rules for all vendors:

1. Because we are working at a private venue for the market, please remember, to **honor the smoking in designated areas rules**, on these grounds.
2. Upon arrival, check in with the market manager, he/she will guide you to your booth area and provide you with any information needed for the day's market.
3. As soon as everyone is set up the market manager will come around to pick up your fees.
4. Vendors will be given 1 hour before and 1 hour after each market to set up and tear down their booth. For insurance purposes, a market manager must be on duty at all times during market activities which includes set-up and take downs. The Market Manager will be on duty during this time to guide you to your booth space and help you as needed. **ABSOLUTELY NO EARLY TAKE DOWN UNLESS THERE IS AN EMERGENCY.**
5. Arrange your booths in a safe manner for you and your customer's protection.
6. **Mark your booth with a sign that includes your business name, address, and contact number.** Business cards made available to your customers may provide sales away from the market.
7. Please have available a waste container for your booth area. The market has a waste can near the service trailer.
8. **No pets or live animals will be allowed** for the safety of the pets, animals, and the public. Service or Seeing Eye dogs will be welcome. If you have live animals for sale bring pictures and related information to share with your customers and make arrangements for sale and pickup at your business address or delivery to the consumer.
9. Be pleasant and assist the consumer. The venues are our store fronts and we want all vendors and consumers to feel welcome. Be prepared to answer any inquiries and know the products available throughout the market to help customers find what they are searching for.
10. A Cooperative Information Center will be set up at the market manager's booth. This center will include: information about member vendors; market rules and application; membership information; calendar of upcoming events; list produce currently in season; and recipes for in season produce and processed foods. Music and demonstrations will also be held at the Cooperative Information Center. Pay the Market Manager when she collects your fees after setup.
11. Leave the venue in the same or in a better condition than when you came and set up. If your products shed leaves, petals, or produce litter carry a small broom and dustpan to aid in clean up. The market has paid a deposit to cover any cleanup and is responsible for keeping the venue clean and safe.

**Smile and have a good time.**

Vendor Information Sheet

Vendor's Name: \_\_\_\_\_ Membership Number \_\_\_\_\_

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

County of Business and/or residence: \_\_\_\_\_

Phone number/s: home \_\_\_\_\_ business \_\_\_\_\_ cell \_\_\_\_\_

E-mail Address: \_\_\_\_\_

I want the information above to be on the website. Yes \_\_\_ No \_\_\_ If yes, circle information to add.

List products you plan to sell at your booth. Attach a copy of any required licenses. Include a description of arts and crafts items, photos, or show samples of the items to the jury to qualify your products:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have read the market rules and have completed the requested information. I understand my market responsibilities and would like to participate as a vendor in the Bigfork Farmers' Market Cooperative.

Signature of Applicant

Date

The following Cooperative members read and juried your application.

Date \_\_\_\_\_

Jury Signatures

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_