

2024 Bella Vista Farmers & Maker Market Guidelines

The Bella Vista Farmers & Makers Market is proud to be ***Growing Something Great*** in Bella Vista. More than just a bedroom community, Bella Vista celebrates the creative and nourishing excitement of a thriving and unique hometown. Our mission is to grow a healthier community where Bella Vista residents and visitors together cultivate support for farmers & makers.

We have planted seeds and are harvesting the rewards of the thriving business community in Bella Vista with sponsorships. We are excited to be growing opportunities where churches, organizations, & clubs are welcome to take advantage of our non-profit market partnerships. The Market is meant to be a genuine and authentic experience and we are intentional with the vendors that we choose. The vendors that we choose must share our philosophy and strive to make the best products possible. We select vendors based on:

- Product diversity (does this product already exist in our market?)
- Product location (is this product made/produced locally?)
- Product quality (does this product meet our standards of excellence?)

There are four types of vendors at the Bella Vista Farmers & Makers Market:

1. Farmers- All agricultural products, including but not limited to, locally grown fruits and vegetables, dairy products, meats, flowers, plants, honey products, eggs, herbs, and related products. The seller is the producer of the products being offered for sale, from lands owned or rented. The seller has control over the production, harvesting, marketing of the products, and a financial interest in the products.
2. Crafters/Artist- all crafts/art offered for sale are original in nature and produced in whole by the seller. No crafts shall be permitted that are derived from kits. All products are approved by the market manager.
3. Homemade products- all products are produced, baked, or manufactured by the seller and are original in nature. All food items must adhere to all Arkansas Department of Health regulations.
4. Prepared food vendors - must be certified by the Arkansas Department of Health before applying.

Applications:

1. Full time applications are due by 2/29/2024 to qualify for the season discount.
2. Priority is given to farmers, food vendors, previous year's vendors, & Bella Vista residents; in this order.
3. It is mandatory for accepted vendors to attend the Market Information Meeting. Failure to attend this meeting will result in an unexcused absence or repeal of acceptance.

Market Governance:

1. The market is owned, operated, & staffed by Bella Vista Farmers & Makers Market, LLC.
2. The market manager is responsible for the orderly and efficient conduct of the market, and for implementing and enforcing the rules and regulations.
3. Acceptance into the market is at the sole discretion of the market manager.
4. All business paperwork shall be completed before participation or sales will NOT be permitted at the market.
5. Any issues or complaints shall be directed to the market manager in writing for resolution.
6. The market reserves the right to terminate vendor participation at the market managers' discretion.
7. All vendors and their products sold at the market must adhere to all state regulations.

Farmers Market General Operations:

1. The market will operate Sunday April 21 to October 6, 2024.
2. Hours of operation are 8:00am to 1:00pm with setup starting at 6am.

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3. Vendors must be cleaned and packed up by 2:00pm. You must take all trash out with you.
4. The Bella Vista Farmers & Makers Market operates rain or shine.
5. Vendors must be in their assigned spaces no later than **7:30am**. After that time, access to space will not be guaranteed. All vehicles must be unloaded & moved to allow access for others to unload; prior to booth set up.
6. Vendors are not permitted to leave early. This is to provide a full market experience for shoppers and to keep the public safe. Vendors may leave early **ONLY** under extenuating circumstances and with the permission of the market manager **BEFORE** the start of the market.
7. Vendors cannot bring their vehicles into the market footprint prior to **1pm**. **Violation of this safety standard is grounds for expulsion from the market without warning or prior offence.**
8. Vendors are not allowed to park next to the market footprint but must move to vendor parking to allow shoppers easy access to the market.
9. Canopies or tents are required to sell at the market and must be safely weighed down. Damage caused to customers, market or vendor property will be the responsibility of the vendor found out of compliance.
10. The market will be held in the parking lot of Mercy ER & Clinic at 1 Mercy Way | Bella Vista, AR 72714
11. Vendors must notify the market manager of absence no less than forty-eight hours prior to the market opening. See **Appendix A** for Attendance Policy.
12. No selling is permitted before or after the official market opening or closing.
13. Vendors are expected and encouraged to promote the market in all ways available.
14. Vendors are not allowed to distributing political or religious materials at the market.
15. The market reserves the right to visit an applicant's farm, business, or establishment with notice. Visitation will take place before admission confirmation and throughout the market season. Failure to meet standards set forth by Arkansas Department of Health or Agriculture on your farm or business can lead to termination from the selling at the markets' discretion.

Market Fees:

1. There are 25 weeks in the 2024 market season.
2. Payment of \$10 booth fee will be collected in advance of setting up for the market.
3. There is a season discount for those that pay for the entire season before April 7, 2024. Vendors will be provided an invoice for their approved location.
4. Fees are based on 10'x10' space. Any additional booth space is subject to additional fees.
5. Participation is not guaranteed and can be revoked at any time.
6. There will be a 5% commission fee based on weekly sales. Accurate sales reporting is required to maintain city funding.

Market Assignment:

1. The market manager will assign vendor locations on a yearly basis. No vendor is guaranteed the same space.
2. Vendors may be asked to relocate due to street-closings, special events, for market cohesion or other unforeseen circumstances.
3. Moving locations is not permitted unless otherwise authorized by the market manager.
4. Market fees will be determined annually. If market fees are not paid before the season starts, your participation in the market will be placed on hold until the payment is made.
5. The market will assign part-time vendor spaces depending on availability. Space in the market is not guaranteed.
6. No subletting of booth space is permitted.

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7. Refunds are not given on any market fees.
8. Booth sharing is permitted but must be approved by the market manager first. Both parties must adhere to the guidelines.

Reporting Sales and Commissions:

1. Sales reporting and commission payments are due before the next market date.
2. Commission payments must be paid weekly. If multiple commission payments have not been paid, then participation will be placed on hold until all missing payments have been made.
3. Failure to pay missing commission payments can result in expulsion from the market.
4. If vendors who are missing commission payments have not paid all missing payments by Dec 1st, they will not be considered for the next market season.
5. It is the vendors' sole responsibility to pay all booth fees and commission payments on time. It is not the responsibility of the market to send reminders to pay.
6. All vendor sales are reviewed and are used for planning. Sponsors and funding investors are privy to total sales numbers but individual vendor sales are not released.
7. Vendors are required to accept market tokens and will be reimbursed for tokens by market manager.
8. All Double Your Dollars/ SNAP market tokens are required to be turned in before the close of the market season to be reimbursed.

Sales Tax Obligations:

1. Market vendors are responsible for registering with the Arkansas Department of Finance and Administration and for collecting and remitting sales tax on tangible personal property sold at the market, unless otherwise exempt pursuant to Arkansas law.
2. Bella Vista Farmers & Makers Market, LLC incurs no responsibility on behalf of the market vendors regarding the collection and payment of sales tax, and provides no advice regarding the tax status of individual vendors.
3. Each vendor should consult a tax professional to determine whether they are required to collect and remit sales tax.
4. Vendors are responsible for adhering to all state sales and income tax requirements and must provide proof of a sales tax account with the Arkansas Department of Finance and Administration prior to selling their goods. More info can be found here: <https://atap.arkansas.gov/> / or by calling 501-683-2827.

Guidelines for Selling:

1. All vendors must have a visible sign clearly showing their name. This sign must be posted to the front or back of the tent, or on the front of a table.
2. Farmers may not use the term "organic" at the Market unless their farm is certified organic by a USDA accredited third party certifier and the farm has submitted their current certification to the market.
3. Each vendor will be responsible for all equipment and supplies for the setup of a booth. Displays should be constructed in such a way that they do not block customer walkways nor pose any other hazard to customers. All cords need to be taped or covered.
4. Metal tent stakes are not allowed. Display products cannot be pushed into the ground.
5. Sellers must post prices. It is expected that prices will be fair to consumers. The seller, and fellow sellers, may not collude among themselves to attempt to influence prices.
6. All produce displayed for sale must be at least 12 inches off the ground with the exception of heavy or large items such as pumpkins, watermelons etc.

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7. All products offered for sale must be of the highest and freshest quality possible. The market manager reserves the right to direct any inferior goods to be removed from display. Failure to remove products deemed inferior may result in expulsion from the market.
8. **Vendors are expected to prepare enough products in order to sell throughout the market hours.**
9. Access to electricity is not guaranteed and will only be available in specific market spaces. The market is not liable for products lost during a power outage. Vendors are responsible for providing a backup solution if power is lost during the market.
10. Each vendor in the market must be directly involved with or knowledgeable about the production of the produce or products being sold at the market.
11. Vendor items must be **60%** handmade/grown. No secondary sale is permitted at the market and may result in expulsion without the consent of the market manager. Secondary sale is defined as buying products and reselling them as your own or on the behalf of another company.
12. Vendors are responsible and can be held liable for the actions of their representatives, employees, or agents. All employees or volunteers must be well versed in the market guidelines.
13. Each vendor must submit a list of intended produce including plant variety with the application. Submission of pesticides/herbicides used on your farm will be mandatory to disclose to the market.
14. All food truck vendors must use disposable flatware, cutlery, and cups composed of compostable material.
15. Products not specifically identified on the vendor application must be pre-approved by market management.
16. All trash must be collected and spaces must be swept clean at the end of the market each day.
17. Vendors who provide samples and/or products that will result in waste material must provide containers for waste disposal.
18. All applicable food safety regulations, both state and local, must be adhered to.
19. All applicable licenses and permits for products sold must be kept current. Copies of licenses and permits will be kept on file with the market
20. Vendors will be accepted to participate in the market at the discretion of the Bella Vista Farmers & Makers Market & may revoke the privilege of sellers at its discretion.
21. Vendors who sell meat items, dairy products or are selling out of a food truck must have Bella Vista Farmers & Makers Market, LLC added as additionally insured on their liability insurance.
22. Children under 16 may not sell as a vendor without a guardian present.
23. Vendors are responsible for adhering to all state farmers' market rules and regulations, as listed in the state's Farmers' Market Vendor Guide:
https://www.healthy.arkansas.gov/images/uploads/pdf/FarmersMarketGuidelinesRevised_9-24-21.pdf
24. While pets are welcome at the market, except in meal prep areas, vendors are not permitted to sell animals.
25. Bikes, rollerblades, skateboards, and scooters are not permitted to be used during market operating hours.

Product Quality Review:

1. The market reserves the right to undertake a quality review of any product sold at the market at any time. If a complaint is received about a product's quality (i.e taste, appearance, ingredients, place of origin) that product may be reviewed.
2. You will be notified by the market manager if they decide to review a product.
3. The market will sample a product and within a one to two week period will either allow the vendor to continue selling the product as is, recommend a specific change to the product to improve quality, or ask the vendor to discontinue the product in question.

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4. If the vendor refuses to adapt or discontinue his or her products, disciplinary actions will follow and/or repeal of acceptance.

Nonprofit Guidelines:

1. Nonprofits attending the market are classified as Part-Time Vendors, and are subject to the rules set forward in the market guidelines.
2. Nonprofits must provide an interactive element to the existing market theme and must be relevant to the market interest.
3. Under no circumstances will the selling of raffle tickets be allowed.
4. Items for sale should be handcrafted, handmade, or promotional in nature by the participating group and subject to 5% commission. Exceptions may be available during special market events.
5. Proof of non-profit status is required upon application.

Entertainment and Performances:

1. All performances must be scheduled with market management at least seven days prior to the performance date.
2. Music or demonstration must be family appropriate and relevant to market interest or scheduled special event.
3. Amplification will not be allowed unless approved prior by the market manager.
4. The market reserves the right to revoke performance privileges at any time.

Compliance:

1. All complaints must be submitted in writing to the market manager.
2. All complaints will be reviewed by the market manager in an attempt to resolve any ongoing issues.
3. Application approval serves as the vendor's agreement to abide by the rules of the market, as established by Bella Vista Farmers & Makers Market, LLC
4. The market reserves the right to visit a vendor's farm, business, or establishment by appointment. Failure to provide for visitation will result in market expulsion.
5. Failure to comply with rules will result in warning. The Market reserves the right to skip disciplinary action if needed. Disciplinary action is as follows:
 - a. First offense: Written documentation signed by both parties.
 - b. Second offense: Expulsion from the market.
6. Documented offenses will be kept on file for three market seasons.

APPENDIX A: Market Attendance Policy, Established 3/1/2023.

No Call, No Show

A No Call, No Show is defined as not showing up to a Market Day and not informing the market manager of your absence ahead of time. If you No Call, No Show once, you will be put on suspension. This means you can still participate in the market, but if we experience another issue with attendance, you will be expelled from the market. If you No Call, No Show twice, you will be expelled from the market.

Excused Absences

Excused absences are defined as anything outside of your control. Examples include: family emergencies, injuries, surgeries, maternity leave, weather damage to crops etc. This also includes Farmers not having crops to bring to the market. Not having crops is only a viable excuse at the very beginning of the season and the very end of the season. This excuse may not be used past your start date at the market. If it is used at the end of the season, this signifies that your crops are finished and you are no longer planning on attending the market. If you grow a seasonal product that does not fall perfectly inside a session, please consult the Market Manager on expectations for attendance.

Unexcused Absences

Unexcused absences are defined as anything within your control. Examples include: vacations, attendance at other shows or markets, etc. If you double book yourself, we allow pre-approved people to come sell for you at your booth. If you have more than THREE unexcused absences on your attendance record, your participation in the market may be revoked. If you are planning on missing the market you must notify the market manager AT LEAST 48 hours in advance.

Modified Market (Weather)

If weather predictions are forecasting bad weather then the market manager may call a modified market. A modified market means that you may choose to attend. The market will still go on as usual, but if you are concerned about the weather damaging your product or your equipment, then you can choose to not attend. This will be considered an excused absence IF you notify the market manager you will not be attending. If you do not notify the market manager, it will be counted as an unexcused absence. If a modified market is not called and you decide not to attend based on weather predictions, then this will be classified as an unexcused absence.

Severe Weather

In the case of severe weather including but not limited to: severe thunderstorms, tornado watches, and tornado warnings, the Market Manager holds the right to cancel the market for everyone's safety.

Mandatory Market Meeting

Every year we host a market meeting to talk about the market season ahead. This is mandatory. If you do not attend this meeting or send a representative, that will be considered an unexcused absence and can potentially lead to a repeal of acceptance. Online and make up options will be made available.

Other

Attendance records will be kept for three years. Refunds will not be given for missing a market. Bella Vista Farmers & Makers Market uses past attendance as a basis for accepting vendors into the market.

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I request permission to sell at the Bella Vista Farmers & Makers Market. I have read and agree to abide by all market guidelines as outlined in this application and document, as well as all local, state, and federal laws, codes and regulations. I agree to cooperate with market management and to pay the required vendor fees. I agree to conduct myself and my business ethically to contribute to the growth and culture of the market, and hereby indemnify and hold harmless the Bella Vista Farmers & Makers Market, LLC and its directors and representatives from and against all liability, claims, demands, losses, damages, levies and causes of action or suits of any nature whatsoever, arising out of or related to my activities at this market.

Business Name:

Contact Name:

EIN or SSN:

Business Address:

Business Email & Phone:

Signature of Business Representative:
