



# Black Hills Farmers Market

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## Rules and Regulations

Formulated by the Board of Directors

Updated March 2020

### 1. MEMBERSHIP

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- 1.1. Membership in the Black Hills Farmers Market, Inc. (BHFM) is voluntary. BHFM management and board of directors reserve the right to refuse and revoke membership.
- 1.2. Membership dues are subject to change and are due annually with application documents. Membership dues are non-refundable.
- 1.3. Each membership will have one vote in accordance with the BHFM bylaws.
- 1.4. Members may rent a standard booth at a reduced rate. Non-members may rent a standard booth at the non-member rate.
- 1.5. Membership is restricted to the greater Black Hills area, defined as within 200 miles of the market's location.

### 2. APPLICATION PROCESS

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- 2.1. Vendors and potential vendors are responsible for reviewing and understanding the vendor registration process and materials. Registration materials and additional information is available online at <https://blackhillsfarmersmarket.org/vendor-resources>
- 2.2. BHFM management, with assistance from the board of directors if necessary, shall review each registration request and determine acceptance/rejection of each applicant.

### 3. LOCATION, HOURS OF OPERATION, AND SEASON DURATION

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- 3.1. BHFM will operate in Rapid City, SD. BHFM may also choose to operate "satellite" markets at various locations throughout the season.
  - 3.1.1. BHFM plans to operate a satellite market at Prairie Berry Winery in Hill City Tuesdays 9:00 a.m. to 1:00 p.m., late June through September
- 3.2. BHFM shall open to the public during the following months, days, and hours:
  - 3.2.1. Main Market: 8:00 a.m. to 2:00 p.m., Saturdays, May through October
  - 3.2.2. Main Market: 8:00 a.m. to 2:00 p.m., Wednesdays, July through October
- 3.3. Management is only available to assist in the sales and/or transfers of goods or money during public hours of operation at Saturday markets.
- 3.4. Vendors may begin setup as early as one hour prior to the market opening to the public (e.g. 7:00 a.m. for a market that opens at 8:00 a.m.). Vendors must give a

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minimum 24-hour notification to management by call or text if they will be late or absent for any market day.

- 3.5. Vendors may stay past public hours of operation at main markets if they so wish. However, no management will be present after public hours of operation.
- 3.6. Vendors must begin teardown at the assigned time at satellite markets.
- 3.7. Vendors may utilize the BHFM locations on unscheduled BHFM days with prior approval of management and fee payment.
- 3.8. Specific season start and end dates are determined each year by management and the board of directors, and are weather-dependent.

## 4. BOOTH SPACE

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- 1.1. All vendors must rent a market booth space. Management will assign specific booth locations to vendors with permanent/semi-permanent booth locations, communicated in advance of market days.
- 1.2. A standard booth space is approximately 15' deep by 15' wide.
- 1.3. Double-booth spaces may be assigned, if available.
- 1.4. Vendors are responsible for paying any necessary fees prior to setting up their booth space.

## 5. VENDOR PARKING

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- 5.1. Vendors will park in assigned spaces and limit their display and operations to their assigned booth space.
- 5.2. Excessive vehicle traffic on grass areas is to be avoided.
- 5.3. Care must be exercised to avoid damaging the grounds or any installed system; all vehicles must drive 5 m.p.h. or slower when entering/exiting booth spaces.

## 6. SAFETY AND SELLING PRACTICES

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- 6.1. All vendors must comply with related federal and state laws, including South Dakota codified laws, the South Dakota Department of Health regulations, and South Dakota iGrow regulations, especially when iGrow regulations are stricter than other laws and regulations. Vendors must also comply with Rapid City Fire Prevention regulations. Vendors who do not follow city, state, and federal regulations will be required to leave. Repeat offenders will not be allowed to return to the market.
- 6.2. The following are food safety rules developed by BHFM and are in addition to the laws and regulations referenced in Section 6.1:
  - 6.2.1. Chilled meat products must be maintained at a temperature of 38 degrees Fahrenheit or lower, and frozen meat products must be maintained at a temperature of 20 degrees Fahrenheit or lower. All meat products for sale at

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the market must be stored in an operating freezer equipped with a thermometer. The freezer must be plugged in and operating when at market.

- 6.2.2.1 All baked goods will have protective packaging.
- 6.3. Scales used to weigh products for sale must be legal for tender and should be certified as accurate by the State of South Dakota. Baby scales are not legal for tender. A vendor may be prohibited from selling at the market if the scale in use is not legal. It is the vendor's responsibility to have the scale in use certified by the State of South Dakota ([dps.sd.gov/licensing/weights\\_and\\_measures/](https://dps.sd.gov/licensing/weights_and_measures/)).
- 6.4. Children accompanying vendors must be adequately supervised at all times.
- 6.5.** All vendors are responsible for ensuring that their equipment (booths, canopies, etc.) meets all requirements of Rapid City fire codes.
- 6.6. All canopies must be staked or weighted. Vendors with unsecured canopies will be required to leave.
- 6.7. All signage, equipment, tables, canopies, etc. will be furnished by the vendor.
- 6.8. Products offered for sale must be priced individually, per number (e.g., per dozen, each), per volume (e.g., bushel, crate), or by weight from an approved scale.
- 6.9. Prices must be posted and clearly visible from the customer aisle, with differentiation made between quality (e.g., slicers, canners, 1sts, 2nds, etc.) for the price.
- 6.10. Vendor name and location must be displayed at the point of sale.
  - 6.11. Pre-packaged or value-added meats may be sold if at least three-quarters of the vendor's total sales comes from self-produced products.
  - 6.12. Products may be sold by the grower/producer thereof, a member of the immediate family, or by an employee.
  - 6.13. One vendor may act on behalf of and sell products for another vendor with the approval of BHFM management, but only if the source of the product is clearly identifiable.
  - 6.14. Vendors may not resell items that they did not directly grow, produce, or list on their applications.
  - 6.15. Vendors assume all responsibility pertaining to on-site advertising of growing practices and treatments.
  - 6.16. Limits are imposed by management and the board of directors on the number of vendors selling the same or similar products.
  - 6.17. Other commodities and value-added products may be permitted by approval of BHFM management.
  - 6.18. BHFM management may spot-check the quality of products as well as compliance with rules and regulations at any time. Management reserves the right to inspect and reject produce and products based on quality.
  - 6.19. Vendors may not bring personal pets to the market.

## **7. GROWING AND PRODUCING PRACTICES**

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- 7.1. Vendors selling fruits and vegetables must be capable of verification as a regional farmer or hobby producer by market management.
- 7.2. Physical verification of growing and production sites will be conducted at the discretion of market management.
- 7.3. Tree fruits, melons, etc. must be labeled by their origin.
- 7.4. Honey must be processed by the vendor and come from bees owned by the vendor. If selling candles, honey vendors must also manufacture their own candles.

## **8. PRODUCE DUMPING**

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- 8.1. Produce dumping is strictly prohibited. Dumping is defined as: Offering for sale produce that is not grown by a regional producer (except for tree fruits); lowering the selling price more than 35% below the day's initial asking price without permission of market management; and/or selling poor-quality produce.
- 8.2. Vendors engaging in such action may have their booth space revoked and not be allowed to return to the market.

## **9. ON-SITE CLEANLINESS**

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- 9.1. Vehicles must meet specific standards of cleanliness before bringing produce to the BHFM location. Vehicles previously carrying livestock or fowl must be cleaned, properly washed, and sanitized before transporting produce.
- 9.2. All booth spaces must be kept clean and each vendor will be responsible for cleaning their booth space upon departure.
- 9.3. Cigarette butts must be put in fire-protected containers and disposed of properly.
- 9.4. If a vendor's booth space is not left clean and management or other party is required to clean the area, the vendor will be required to pay a fine of \$20 to \$30 prior to being allowed to rent a booth space again.
- 9.5. Failure to meet these standards will be regarded as a health hazard and will be grounds for denial of a booth space.

## **10. ETHICS**

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- 10.1. All vendors are required to conduct themselves properly, displaying courtesy toward patrons and other vendors. Aggressive talking, name-calling, foul language, and general unprofessional behavior are all grounds for removal.

## **11. STATE SALES TAX**

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- 11.1. Each vendor is responsible for his or her own sales tax license and sales tax payments.

## **12. LIABILITY**

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- 12.1. Each vendor is required to carry his/her own liability insurance. Homeowners insurance does not cover a booth at the BHFMM.
- 12.2. BHFMM does not provide any insurance for vendors, nor will be held liable for any claim(s) against any vendor(s).

## **13. REVOCATION, COMPLAINTS, AND NOTICE OF DENIAL**

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- 13.1. Any deviation or failure to adhere to the preceding rules and regulations can result in the immediate revocation of a vendor's privilege to use the BHFMM as a selling venue.
- 13.2. BHFMM's management and board of directors hold the responsibility and authority to enforce these rules and regulations, and will evict non-conforming vendors.
- 13.3. BHFMM's management and board of directors also have the authority and power to revoke a booth permit in order to prevent degradation of the quality and goodwill of the BHFMM location.
- 13.4. Vendors should direct complaints or problems to market management in a timely manner that is not disruptive to the conducting of business at the BHFMM locations.
- 13.5. Any person(s) denied permission to sell at BHFMM, or having their permit revoked, will receive written notice stating the reason(s) for the denial or revocation and will not be allowed to return as a vendor without written permission of management and the board of directors.
- 13.6. Vendors should reference the BHFMM Communications Policies and Code of Conduct for more detailed information.
- 13.7. Any vendor who fails the food service license inspection by the SD Department of Health will not be allowed to sell at BHFMM until a receiving a passing score on a subsequent SD Department of Health inspection.

## **14. BOARD OF DIRECTORS AND MARKET MANAGEMENT**

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- 14.1. The board of directors has the power to enforce, formulate, or change these rules and regulations conducive to the best interests of the BHFMM.
- 14.2. The board of directors is responsible for hiring and overseeing BHFMM management.

## Rules and Regulations

### Vendor Agreement

I, \_\_\_\_\_, of \_\_\_\_\_, agree that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ , have read, understand, and will abide by all of the rules and regulations of the Black Hills Farmers Market, Inc. as they are written in this document. I understand that failure to do so may result in my revocation from the Black Hills Farmers Market, Inc.

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Signature

\_\_\_\_\_  
Date