

# FARMERS AND CRAFTS MARKET OF LAS CRUCES, INC.



## Vendor Policies and Procedures

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63 **INTRODUCTION**

64 The Vendor Policies and Procedures is published by the Farmers and Crafts Market of Las Cruces, Inc. for  
65 the convenience and direction of our vendors. This document contains a summary of Market  
66 information, Policies and Procedures, and the Vendor Code of Conduct. Additional and specific  
67 information, including relevant City of Las Cruces ordinances and resolutions, is available in FCMLC  
68 Board operational and administrative files. All regulations herein apply to Saturday and Wednesday  
69 Markets and any special Market Events, unless specifically outlined. Absolutely no solicitation allowed at  
70 Market, this includes handing out brochures, pamphlets, papers. This handbook may be updated as  
71 necessary.

72 Vendor in compliance and in good standing as of May 5, 2016 that are from Doña Ana, Otero, Luna,  
73 Sierra or Grant counties, were grandfathered into the Market.

74

75 **GENERAL INFORMATION**

76 Board meeting dates will be posted by various means and media one week in advance of the meeting.  
77 The Board is dedicated to making our Market run smoothly by providing information in a transparent  
78 and timely manner.

79 Cooperation with your Block Coordinator is required. Vendors who have concerns about rules violations  
80 shall report to their Block Coordinator to avoid vendor conflict.

81

82 **Hours of Operation**

83 Farmers and Crafts Market of Las Cruces is open to the public year-round on Wednesdays and Saturdays  
84 from 8:30 am to 1:00 pm. The Market will operate during all normal weather conditions, including heat,  
85 wind, rain, cold, and snow. Vendors will be notified in advance of any Market hour changes. On rare  
86 occasions the Market Manager may adjust Market opening/closing times due to extreme weather  
87 conditions, poor road conditions, or other emergencies. In these events, every effort will be made by the  
88 Market Manager, and Block Coordinators to notify every vendor in advance. (See Inclement Weather).

89 Market closure information will also be posted on the Market website. The Market is not held on  
90 December 25 or January 1 when it falls on these dates.

91 Arriving and setting up late or leaving early is prohibited, as they are detrimental to our customers'  
92 perceptions of our Market. Observe the stated hours of operation and be ready to sell for the entire  
93 Market day. On rare occasions, exceptions can be made on a case by case basis through your Block  
94 Coordinator to address possible medical issues, selling out of product, etc. Vendors will be required to  
95 carry their items in/out of Market if arrival/departure is not within the drive in/drive out times.

96 This is an outdoor market. Plan for your safety and comfort by bringing; water, sunscreen, seating,  
97 coverings and extra layers in the winter.

98

99 **Definitions**

100 **BIN:** Business Identification Number located on your business license.

101 **Brokering:** Selling a product on behalf of another Vendor, person or entity. This applies to all vendor  
102 categories.

103 **Commercial Business and Pre-Existing Business (outside the vendor’s home):** Includes, but is not limited  
104 to: brick-and-mortar stores, restaurants, multi-level-marketing (MLM) enterprises, nationwide  
105 chains, franchises, and agri-business corporations.

106 **Community Group:** Non-profit group located within Doña Ana County.

107 **Craft:** A handmade item. Handmade specifically means an item having two or more distinctive parts,  
108 combined and permanently attached by creativity and skill to produce a more attractive or valuable  
109 product. At least one part of an item or anything attached to a chain or cord must be handmade by  
110 the vendor. Store bought chain and charms put together does not meet the handmade requirement.

111 **CRS:** Combined Reporting System (New Mexico Taxation and Revenue gross receipts tax).

112 **Downtown:** The seven-blocks of Main Street between Bowman and the roundabout.

113 **Educational Groups** – Public or private schools and institutes located in Dona Ana County.

114 **Entertainer:** One who provides entertainment (other than music).

115 **FCMLC:** Farmers and Crafts Market of Las Cruces, Inc., an incorporated non-profit entity.

116 **For profit:** A group or individual seeking profit.

117 **Food Truck/Trailer/Booth:** Any vehicle equipped to cook and sell food on location at the Market.

118 **Grown:** Agricultural products produced or cultivated in soil, growing media, or hydroponically.

119 **Inclement Weather:** Severely cold as to be physically uncomfortable. This may also include other types  
120 of weather such as rain, wind, or extreme heat. Generally speaking, this can be temperature drops  
121 to 32 degrees or less, temperatures of 100 degrees or more, and winds in excess of 20 M.P.H., and  
122 rain accumulation that could create flooding or be accompanied by other hazardous conditions such  
123 as lightning or hail.

124 **Local:** Designated New Mexico counties (See “Specific Requirements Chart” on page 6 for more info).

125 **Main Street Merchant’s Building:** Buildings occupied by businesses or institutions providing goods or  
126 services with an address and entrance on Main Street.

127 **Market Membership Dues:** A fee paid by all vendors, musicians and entertainers (except  
128 entertainers under age 18), annually in January for the calendar year.

129 **Market Space:** 10’x10’ designated vending area, or portion or multiple thereof.

130 **Market Space Fee:** A rental fee for the Market week.

131 **Market Week:** Seven-day cycle Saturday through Friday.

132 **Musician:** A person who composes or performs music.

133 **Non-profit:** Group not seeking profit; provides informational materials only.

134 **Prepackaged Food:** Food processed and packaged off-site by the vendor.

135 **Prepared Food:** Food processed on-site by the vendor.

136 **Raised:** Grown or bred livestock-related products.  
137 **Service:** A performed occupation for a fee with tangible and/or non-tangible results.  
138 **Shall:** Mandatory.  
139 **Should:** Recommended.  
140 **The Board:** Elected vendors and appointed community members who represent FCMLC, Inc.  
141 **The Market:** The event on Wednesdays and Saturdays.  
142 **Vending non-profit:** A non-profit group located in Dona Ana County only, which may sell items,  
143 once annually, for fundraising purposes only, with prior approval of product.  
144 **Vendor:** A member of the Market in good standing.  
145 **Vendor, Permanent:** Vendor who has a prepaid, permanently-assigned space at the Market.  
146 **Vendor, Permanent Seasonal (agricultural only):** Vendor with a permanently-assigned space who  
147 attends Market based on the seasonal availability of their agricultural product(s) and pays for the  
148 space for the entire year.  
149 **Vendor, Temporary:** Vendor who does not have an assigned space and pays on a weekly basis  
150 by purchasing weekly vouchers.  
151 **Vendor, Temporary Seasonal (agricultural only):** Vendor who sells seasonal agricultural  
152 products but does not have a permanently assigned space.  
153 **Voucher:** Ticket purchased by Temporary Vendors, that allows them a 10' x 10' space on a  
154 Saturday and the following Wednesday Market.

155  
156 **Market Staff**

157 **Market Manager:** Person responsible for the overall operation of the Market. The Market Manager shall  
158 be familiar with all Market Policies and Procedures and is empowered to enforce said rules impartially  
159 and with the best interest of the Market in mind. The Market Manager will be present during all Market  
160 hours.  
161 **Block Coordinator:** Block Coordinators exemplify the rules of the Market and maintain order within a  
162 block. They shall do so fairly and impartially adhering to the Policies and Procedures. Block Coordinators  
163 are responsible to assign daily spaces to temporary vendors or shall refer vendors to another Block  
164 Coordinator for an available space. There are several Block Coordinators throughout the Market on  
165 Saturdays & Wednesdays.  
166 **EBT Staff:** Person(s) assigned duty is to maintain the functions of the EBT program. Responsible for all  
167 EBT and DUFB tokens and the balancing of them. Processing customer transactions, accepting vendor  
168 tokens, documenting/processing all paperwork associated with the program, giving reports to the  
169 treasurer for the purpose of writing checks to vendors. Correspond with New Mexico Farmers Market  
170 Association, WIC, and any other agencies as necessary. Will operate the EBT booth on Saturdays and  
171 Wednesdays and any other hours/days as directed.  
172

173

174 **Barricade/Road Sign Staff:** Person(s) assigned to set out the “road closed” signs at 6:00 am and remove  
175 the “road closed” signs at 3:00 pm on Saturdays, Wednesdays and any other Market event.

176

177 **VENDOR INFORMATION**

178 **Qualifications**

- 179 1. FCMLC reserves the right to deny Market participation to any person deemed unsuitable for our  
180 family-oriented event. If any vendor(s)/group(s) speech, actions, product, or display result in a  
181 disturbance of the public peace and/or safety, they will be immediately terminated and  
182 permanently barred from the Market.
- 183 2. Any commercial business or their affiliates with a permanent location shall not be allowed to  
184 become a vendor. Market vendors who later establish a permanent commercial location are  
185 permitted to keep selling at the Market provided they continue to meet all Market qualifications.
- 186 3. Produce, agricultural, prepackaged or prepared food vendors outside of the FCMLC-designated  
187 counties shall not be permitted to sell at Market based solely on their possession or use of a local  
188 (within Doña Ana County) storage facility location.
- 189 4. Attend an orientation prior to selling at the Market.
- 190 5. Register with FCMLC and conspicuously display a Market permit at all times. All Market permits  
191 expire yearly and are non-transferable. One permit per business. No multiple locations for any one  
192 business.
- 193 6. Pay annual membership dues by January 15<sup>th</sup> every year.
- 194 7. Sign and abide by the Vendor Code of Conduct and the Policies and Procedures.
- 195 8. Follow all applicable City of Las Cruces, Doña Ana County, and State of New Mexico licensing and  
196 regulatory requirements.
- 197 9. Present proof of physical residency. Proof of residency shall consist of a New Mexico driver’s  
198 license, other New Mexico ID with a local address, a lease agreement, or a current utility bill with  
199 the vendor’s name and address. No P.O. Box addresses will be accepted.
- 200 10. Present all applicable licenses and permits, including a CRS number and BIN number.
- 201 11. Submit representative samples of the vendors’ products that they wish to sell. All products,  
202 services and entertainment shall be in good taste and appropriate to a publicly-sponsored, family-  
203 oriented outdoor Market. Produce or food vendors wishing to sell handcrafted items shall attend  
204 a vendor orientation meeting and acquire a NM State CRS tax number and a separate FCMLC  
205 Market craft permit for those items, before adding them to their booth. All new products must be  
206 approved by Quality Control prior to selling at Market.
- 207 12. Annually update all contact, residency, and product information. Vendors shall report changes of  
208 their contact, residency or product information that occur during the membership year. Failure to  
209 report these changes as they occur shall result in Market discipline.

210 **Product Categories**

211

|   |                  |               |             |                  |
|---|------------------|---------------|-------------|------------------|
| Apparel                                 | Ag. Products     | Artwork       | Bath & Body | Ceramics/Pottery |
| Crafts (general)                        | Eggs             | Entertainment | Fabric Art  | Floral/Wreaths   |
| Honey                                   | Jewelry          | Leatherwork   | Live Plants | Meat             |
| Metalwork                               | Mind/Body Health | Musician      | Photography | Textiles         |
| Prepared Food/ Food Truck/Trailer/Booth | Prepackaged Food | Produce       | Services    | Woodwork         |
| Other                                   |                  |               |             |                  |

212  
213 **Specific Requirements**

214 The Specific Requirements Chart provided indicates information that is required of all vendors  
 215 concerning residency and permits. Craft vendors and those without prepared food permits shall be  
 216 prohibited from selling commercially prepared snacks at their booths. Prepared food vendors shall be  
 217 prohibited from selling commercial products as their sole inventory. No commercially packaged dessert  
 218 items or candy bars shall be sold by any vendor. Responsibility and liability for any food-borne illness or  
 219 food product-related incident shall fall on the food vendor, not FCMLC, Inc. All vendors are prohibited  
 220 from promoting commercial establishments (not theirs) located outside of the Market or Main Street.

221  
222 **SPECIFIC REQUIREMENTS CHART**

223 (For more information regarding permits contact the Market Manager)

| Type of Vendor  | NM Tax ID Req'd | Residency Requirement Counties of:   | Special Permits Required   |
|---|-----------------|--------------------------------------|--|
| Crafts, Services and Musicians selling CDs  | Yes             | Doña Ana                             | None*<br>*Massage Certification  |
| Agriculture: Produce  | No              | All counties in New Mexico           | None   |
| Agriculture: Live Plants (No direct resale of commercially grown plants or flowers) | Yes             | Doña Ana, Otero, Luna, Sierra, Grant | Nursery Dealer License NM Dept. of Agriculture Nursery Inspection Cert. (all growers)        |
| Agriculture: Pet Food   | Yes             | Doña Ana, Otero, Luna, Sierra, Grant | NM Dept. of Agriculture Commercial Feed Permit   |
| Agriculture: Meats  | No              | All counties in New Mexico           | USDA Certification on packaging  |
| Agriculture: Eggs   | No              | Doña Ana, Otero, Luna, Sierra, Grant | Ungraded Egg Dealer Permit   |
| Prepared and prepackaged foods (includes spices)                                    | Yes             | Doña Ana                             | NMED Food Processing Permit and Product Liability insurance of at least \$1 M - Add FCMLC as |

|  |     |          |  |
|--|-----|----------|--|
| and teas)  |     |          | additionally insured   |
| Bottled water (ONLY)*                              | Yes | Doña Ana | P2 letter  |
| Entertainment/Musicians (for tips only)            | No  | Doña Ana | None   |
| Food truck/Trailer/Booth (includes chile roasting) | Yes | Doña Ana | NMED Food Processing Permit, Fire/Codes Inspection Certificate and Product Liability insurance of at least \$1 M – Add FCMLC as additionally insured |

224 \*Shall not sell sodas, flavored/vitamin water, or any canned or bottled drink other than 100% water.

225 **CRS Tax Compliance**

226 All vendors, except those noted in the “Special Requirements Chart”, are required by law to have an  
 227 active CRS (Combined Reporting System) registration in their own name and BIN (Business Identification  
 228 Number). January 25th is the filing deadline for the previous tax year. Vendors are required to provide  
 229 their CRS In Compliance Certificate dated February 1st or after, but before March 1<sup>st</sup>, annually.  
 230 Operations Committee will verify compliance annually.

231  
 232 CRS In Compliance Certificates must be provided for any and **ALL** business names and CRS numbers used  
 233 while selling at FCMLC by all FCMLC members each year. Changing a business name or CRS number will  
 234 not change the CRS Compliance reporting requirement for that business and/or member.

235  
 236 Produce, Meat, Honey and Egg only vendors shall provide an Exempt from Filing CRS statement in lieu of  
 237 CRS In Compliance Certificate annually.

238  
 239 CRS In Compliance Certificate shall be provided with printed, date of status, between February 1st and  
 240 before March 1<sup>st</sup>. Failure to supply CRS In Compliance Certificate shall result in termination of the  
 241 vendor’s Market permit on March 1<sup>st</sup>.

- 242       1. Terminated vendors shall not be allowed to reapply for Market membership until July 1<sup>st</sup>.  
 243       2. Must provide current CRS compliance certificate.  
 244       3. Pay a penalty of \$150.00.  
 245       4. Pay the membership fee of \$25.00 and attend orientation.  
 246       5. Will return as a temporary vendor.

247  
 248 All sales at the Market fall under the Tax Incremental Development District (TIDD) in downtown Las Cruces.  
 249 When filing forms for the State of New Mexico Taxation and Revenue Department, the TIDD location code  
 250 is 07-132.

251  
 252 **EBT**

253 All vendors accepting EBT tokens must be properly registered. Vendors shall count their tokens,  
 254 place them in a bag, and bring them to the EBT clerk on Saturday or Wednesday by 11:00 am.

255 EBT tokens may be turned in to the office during regular business hours. However, all  
256 redeemed tokens shall be verified on the next business day.

257  
258 EBT checks will be printed twice a month. Vendors may pick up their EBT checks on the second  
259 and fourth Saturdays of the month at the EBT table. Vendors may also pick up their check in the  
260 office during business hours.

261  
262 EBT clerk will not accept tokens in an amount of less than \$20.00. No EBT redemption check will  
263 be written for an amount less than \$20.00. The sole exception is for seasonal agriculture  
264 vendors at the end of their season at Market. EBT checks must be signed for and will only be  
265 given to the vendor registered with the Market.

266  
267 **WIC**

268 All vendors accepting WIC checks must be properly registered. Vendors shall bring their WIC  
269 checks to the EBT table on Saturday or Wednesday by 11:00 am to stamp. WIC checks may be  
270 brought in to the office during regular business hours to stamp them. The stamp cannot leave  
271 the EBT table or office.

272 It is the vendor's responsibility to have the check filled out correctly including the vendor's 4-  
273 digit vendor number prior to using the Market's stamp.

274  
275 **Payment Policies**

276 **Annual Membership Dues**

277 Annual membership dues of \$25 shall be required from all vendors. Annual membership dues are payable  
278 on or before January 15<sup>th</sup> of each year. All membership dues are for a calendar year and are NOT  
279 prorated. Dues are non-refundable.

280 After January 15<sup>th</sup>, a vendor shall be charged a \$15 late fee and shall be suspended until dues are  
281 brought current. Failure to pay dues by January 31<sup>st</sup> shall result in termination of the vendor's Market  
282 Membership.

- 283  
284 1. Terminated vendors shall not be allowed to reapply for Market membership until July 1<sup>st</sup>.  
285 2. Pay the membership fee of \$25.00 and attend orientation.  
286 3. Pay the \$15.00 late fee.  
287 4. Will return as a temporary vendor.  
288

289 **Market Space Fees**

290 No cash will be accepted for Space Fees and/or Membership Dues. Checks, money orders, and online  
291 payments only.

292 **Payment Schedule**

| 293 | <b><u>Space Fees:</u></b> |             | Due Date(s)  |
|-----|---------------------------|-------------|--|
| 294 | Yearly                    | \$520/space | January 15 <sup>th</sup>   |
| 295 | Semi-annually             | \$260/space | January 15 <sup>th</sup> , July 15 <sup>th</sup>   |
| 296 | Quarterly                 | \$130/space | January 15 <sup>th</sup> , April 15 <sup>th</sup> , July 15 <sup>th</sup> , October 15 <sup>th</sup> |

297 Market space fees payments received after the 15<sup>th</sup> of the month shall be charged a \$15 late  
298 fee. A vendor shall be suspended after the 15<sup>th</sup> until fees are current. Failure to become  
299 current by the end of the month shall result in termination. Terminated vendors shall not be  
300 allowed to reapply for Market membership for a period of 5 months. Fees are non-refundable.  
301 Checks returned for non-sufficient funds shall be charged an additional \$25 and will result in  
302 immediate suspension from the Market until all monies are paid in full.

303  
304 **Vouchers**

305 Two (2) vouchers may be purchased with cash, exact amount only. No change will be given. Unlimited  
306 number of vouchers may be purchased with checks or money orders. No credit card payments accepted.  
307 Voucher Purchases for Out-of-County Produce Vendors: Vouchers may be paid for by mailing a  
308 check to the office. The vouchers will be mailed back to the vendor. Vendor must include a self-  
309 addressed stamped envelope.

310  
311 **Vendor Types**

312 **Permanent**

313 Being a permanent vendor shows a commitment to the Market and requires a consistent presence by  
314 attending the Market at least 32 Saturdays per year.

315 All permanent vendors shall:

- 316 1. Claim their permanent space at least 30 minutes prior to the designated opening time of the  
317 Market or it is released for use by other vendors for that day.
- 318 2. Vend from their assigned Market space. If a permanent vendor gives up their assigned space, then  
319 that vendor shall become a temporary vendor. Under certain circumstances, such as bad weather  
320 conditions, permanent vendors may set up in a different Market space with permission of the  
321 Block Coordinator.
- 322 3. Demonstrate Market commitment by good attendance. Any vendor who requires a long-term  
323 medical absence shall submit an Absence Due to Illness form and must pay quarterly space fees to  
324 maintain permanent status.

325 4. Contact their Block Coordinator, preferably the night before Market, if they will not be attending.  
326 If a vendor does not contact their respective BC, it will be counted as an unexcused absence. Three  
327 (3) unexcused absences in a quarter shall result in Market discipline.

328 5. Notify both the Market Manager and their Block Coordinator of upcoming extended absences,  
329 including but not limited to medical leave by submitting an Extended Leave Form.

330 Any vendor who voluntarily quits the Market forfeits their FCMLC membership and permanent space.  
331 That vendor shall reapply, be accepted and attend orientation before returning to the Market.

### 332 **Temporary**

333 All new vendors start as temporary vendors. Temporary vendors do not have assigned spaces at the  
334 Market. To become a permanent vendor with a permanent space, a temporary vendor shall attend the  
335 Market at least twenty (20) Saturdays within a six (6) months period and be in good standing. A  
336 permanent space will be assigned, upon availability, at the beginning of each quarter.

337 All temporary vendors shall walk on to the Market and check in with a Block Coordinator prior to driving  
338 on to the Market. A voucher stub must be presented to a Block Coordinator before receiving a space  
339 assignment for that day. Temporary vendors shall purchase vouchers in advance during office hours.

340 Your Saturday voucher stub will be acceptable for the following Wednesday Market only. If a vendor  
341 attends only on a Wednesday, a voucher shall be given to the Market Manager for each space used.

342 If a temporary vendor who purchases a voucher gives/sells that voucher to another temporary vendor,  
343 neither vendor will receive credit toward the requirement to attend 20 times in a 6-month period to be  
344 eligible to become a permanent vendor.

### 345 **Seasonal**

346 Seasonal agricultural producers attend Market only during times when their product is in season. All  
347 seasonal vendors shall pay annual membership dues in January. They shall also attend a yearly  
348 orientation to receive Policies and Procedures updates.

349 Permanent seasonal agricultural vendors, if they have been assigned permanent status by the Market  
350 Manager, can retain a permanent space assignment from year to year by paying advance space fees.  
351 They shall pay for an entire year regardless of the time they are not present. Their spaces will be assigned  
352 to temporary vendors during the time they are not present. Seasonal vendors shall give a projected  
353 schedule of attendance to the Market Manager and their respective Block Coordinator, with more  
354 specific updates or changes as available.

355 Temporary seasonal agricultural vendors will purchase space vouchers and be assigned daily space  
356 locations each week by a Block Coordinator.

### 357 **Food Trucks/Trailers/ Booths**

358 Food vendors with a heat source, be it propane or electric, require a 10 foot fire clearance  
359 surrounding the entire set up. This is 10 feet away from a building, vehicle or other booth.  
360 The exception is when the next immediate booth is utilized for tables and chairs only.

361

362 Vendors under these qualifications may utilize the fire clearance for tables and chairs with the  
363 understanding that it is an additional space to be paid for by the vendor, and they are  
364 responsible for supplying any and all equipment and any incidents that may occur.

365

366 At this time, vendors are not responsible for the payment of fire clearance that is not utilized  
367 for tables and chairs.

368

### 369 **Other Groups**

370 Musicians, entertainers, and community groups are allowed to participate in the Market. They shall be  
371 residents/organizations within Doña Ana County and shall abide by all Market Policies and Procedures. At  
372 least one member of any group shall be required to attend an informational orientation.

### 373 **Musicians and Entertainers**

374 All Musicians and Entertainers shall:

- 375 1. Shall reside in Doña Ana County.
- 376 2. Attend an orientation.
- 377 3. Pay annual membership dues. Musicians or entertainers who perform only as a public service  
378 (not for tips) for the entertainment of customers shall be exempt from paying membership  
379 dues.
- 380 4. All Musicians must sign in with each Block Coordinator and present their current Permit.
- 381 5. Musicians must display their Permits.
- 382 6. Perform only in spaces designated by an orange musician cone.
- 383 7. Perform only for 30 minutes per designated space. Maximum 10 minutes to set up and tear down.
- 384 8. Move space designation cone markers only with permission and coordination of the Block  
385 Coordinators.
- 386 9. Play equally in all 7 blocks of the Market and may not return to play in a block until they have  
387 played in ALL six of the other blocks.
- 388 10. Not use or obstruct benches or planters.
- 389 11. Respect other musicians' or entertainers' time at their cone location.
- 390 12. Obey municipal noise ordinances pursuant to the City of Las Cruces Municipal Code Sec. 19-121.  
391 "Prohibited: (2) It shall be prima facie evidence of a violation of this division if any loud or  
392 unusual noise is audible by any person or police officer at a distance of 30 or more feet from the  
393 source or causes a person or police officer to be aware of the vibration accompanying the sound  
394 at a distance of 30 or more feet from the source." All musicians shall conform to this ordinance  
395 whether using amplifiers or not.
- 396 13. Violations of the Noise Ordinance will result in disciplinary action. Refer to Infractions and  
397 Consequences.
- 398 14. Be considerate of Market vendors, customers, and other musicians. Do not play so loudly as to  
399 make conversation difficult at nearby booths.

- 400 15. Musicians who wish to sell CDs or other products related to their music shall acquire a NM State  
401 CRS tax I.D. and provide a CRS in Compliance Certificate dated February 1<sup>st</sup> or after, but before  
402 March 1<sup>st</sup>, annually.
- 403 16. Child musicians are school age children up to age eighteen (18) and are allowed to play free of  
404 charge, i.e. do not pay annual membership dues. Children under sixteen (16) must be  
405 accompanied by a parent or guardian who shall be familiar with musicians' rules regarding  
406 approved playing spaces and playing times.
- 407 17. Group permits are available. Each individual must attend orientation and sign a Vendor Code of  
408 Conduct. Each individual shall be listed on the Application and will be listed on the Market  
409 permit.
- 410 18. Guest musicians: Members with an individual permit are allowed to be accompanied by a  
411 maximum of 3 guest musicians, 4 times per year. The individual named on the permit must be  
412 present and is responsible for the behavior of their guest(s) and any infraction(s) of guest(s)  
413 musicians.
- 414 19. Guest musicians are NOT exempt from any of the above rules.

415 **Community, Educational and Nonprofits**

416 A Market permit may be issued to community, educational and nonprofit groups (dependent on  
417 space availability) after an informational orientation with a representative of the FCMLC has  
418 been attended by a member of the group. They may be granted one free space per calendar  
419 month. These free spaces are limited in number. Community, educational and nonprofit groups  
420 shall check in with the Market office at least one week in advance of their requested Market  
421 date and shall check in with their designated Block Coordinator on their assigned Market date.

422 Nonprofits shall present proof of nonprofit status. Only Nonprofits may conduct a raffle with  
423 permission from the Board and they must sign a Raffle Waiver Form. All community,  
424 educational and nonprofit groups shall abide by all FCMLC Policies and Procedures. Community,  
425 educational or nonprofit groups may be allowed to sell a product pre-approved by a Quality  
426 Control representative, once annually. Selling home-prepared baked goods or bottled water is  
427 not permitted.

428 FCMLC reserves the right to deny Market participation to any group or person deemed unsuitable for  
429 our family-oriented event. If any vendor(s)/group(s) speech, actions, product, or display result in a  
430 disturbance of the public peace and/or safety, they will be immediately terminated and permanently  
431 barred from the Market.

432 Political groups are not allowed at Market.

433 **Agricultural and Food Initiatives**

434 FCMLC is proud to promote local agriculture as an important community resource. FCMLC encourages  
435 local farmers and ranchers to become involved in food outreach programs. School and Community  
436 Gardens are welcome participants in the Market. WIC, Senior Farmers Market Nutritional Program  
437 checks, and EBT are accepted by many of our agricultural vendors.

438 **Main Street Businesses and Institutions**

439 A Main Street Merchant’s building, whose primary entrance and address are on Main Street, immediately  
440 adjacent to the Market has priority usage of one (1) 10’ x 10’ sidewalk display space immediately in front  
441 of the building, closest to the entrance during Market hours. The primary business must be open for  
442 regular business during Market hours. The business shall not be charged Market membership dues or a  
443 booth space fee. The primary business or institution owner, must familiarize themselves with Market  
444 regulations. Additionally, they should work in cooperation with the Market Manager and Block  
445 Coordinator of their location to ensure a cordial resolution to vendor relocations, if any. Vendors are  
446 responsible to extend a civil and courteous welcome to our neighbors during Market hours.

447 The business or institution owner may not assign or rent the allotted space to other parties in the  
448 building; this includes Market or non-Market vendors. The primary business in the building may only  
449 display and sell items from their business and/or promote their services. No other businesses, employees,  
450 renters/lessees or sub-renters/lessees of the building are allowed to sell during any Market. Vendors or  
451 non-vendors shall not make arrangements with downtown businesses to circumvent FCMLC's Vendor  
452 Policies and Procedures.

453 A Main St. Merchant’s building, whose primary entrance is on Main Street, may hold up to 2 special events  
454 per calendar year. During these events, the business owner shall be allowed to conduct business other  
455 than their customary business at sidewalk sales within a 10’ x 20’, or appropriately proportioned 200  
456 square foot space immediately adjacent to their business. The business owner shall provide a 2-3-week  
457 notification of a special event to FCMLC and the City designated liaison. Businesses shall not be charged  
458 Market membership dues or a booth space fee.

459

460 **Main Street Nonprofits**

461 Nonprofit groups in the seven block Market area will be given special entertainment consideration  
462 determined by the Market Manager.

463

464 **PRODUCT INTEGRITY**

465 FCMLC Product Integrity means: All products shall be handmade, produced, grown and/or raised locally  
466 by the local vendor. Product integrity is essential to the Market’s character.

467 The Quality Control Committee has the responsibility to verify that products sold at the Market  
468 are indeed vendor-produced. Verification methods may include, but are not limited to,  
469 inspection of purchased materials, observation of the art or craft process, booth visits, and at-  
470 home visits or site visits to fields, gardens, and workshops. Inspections shall be carried out by  
471 the Market Manager with possible assistance of the Quality Control Committee or designee.  
472 These verifications may be conducted on an as-needed basis, randomly, or on a scheduled basis.  
473 The Quality Control Committee has the final say on the products at our Market. If there is a  
474 problem concerning a product there is a policy in place to address any discrepancies.

475

476 **Policies:**

477 1. All products shall meet the FCMLC Product Integrity policies and procedures.

- 478 2. Any item consisting of only commercially produced components will specifically be evaluated for the  
479 Market's acceptability. Simply attaching 2 items together (such as a chain and a charm) does not  
480 qualify as handmade. All purchased items must be creatively changed to be handmade. If rejected  
481 by the Quality Control Committee, or the Market Manager, it shall not be displayed or sold.
- 482 3. Reselling items produced by someone else ("buy/sell") is strictly prohibited, as determined by the  
483 Quality Control Committee or designee.
- 484 4. Artwork shall be solely the work of the vendor.
- 485 5. No agricultural products shall be brokered from other growers or producers.
- 486 6. Any raw natural materials shall be customized by the vendor before selling.
- 487 7. Vendors wishing to add a new product category to their booth shall get Market verification from  
488 the Market Manager, or Quality Control designee that the item(s) meets the Product Integrity  
489 policies. The Market Manager shall place a dated memo regarding new product(s) to the vendor's  
490 application listings and determine whether a site visit is applicable or not.

491 **Prohibitions:**

- 492 1. "Buy/sell" resale items. Any complaint about a "buy/sell" item shall require an on-site or at-home  
493 visit to verify a demonstration of the production process.
- 494 2. Copying another vendor's original material or work. Vendors who feel that their original material  
495 or work has been copied shall go through the appropriate complaint process.
- 496 3. Multi-level-marketing (MLM) businesses.
- 497 4. Solely-software-generated products.
- 498 5. Selling items produced or grown by any other vendor, person or entities.
- 499 6. Items made from commercial kits without additional and obvious customization by the vendor.
- 500 7. Embellishing any form of commercially-purchased artwork with paint, glitter, sequins or other  
501 accoutrements solely to enhance the printed image.
- 502 8. Use of trademarked, licensed or copyrighted (not by the artist) images. Exception: use of pre-  
503 printed fabrics, paper, or other materials created and sold for craft purposes.
- 504 9. Printing and selling of public domain material without customization by vendor.
- 505 10. Commercially printed posters, photographs, and prints, trademarked or copyrighted images.
- 506 11. FCMLC will not be held responsible for any trademarked, licensed or copyrighted infringements.
- 507 12. Produce, agricultural products, plants or plant products grown commercially and purchased for  
508 immediate resale by a vendor.

509 *Note: Some plant vendors purchase a portion of their inventory to nurture for resale later. Such*  
510 *plant stock shall not exceed 25% of a plant vendor's inventory at Market. Purchased-for-resale*  
511 *plants shall be identified and receipts shall be regularly checked and verified by the Market*  
512 *Manager.*

513 *Purchased-for-resale plants shall be nurtured for a minimum of 30 days prior to resale at*  
514 *Market.*

## 515 **MARKET POLICIES**

516 FCMLC has the following Policies and Procedures associated with use of the Main Street Downtown  
517 during Farmers and Crafts Market hours. If you witness any of the following issues, contact the Block  
518 Coordinator immediately.

### 519 **General:**

- 520 1. Fire (driving) lanes, fire hydrants, and doorways shall be kept clear at all times. This includes  
521 keeping areas clear as outlined in applicable codes.
- 522 2. Vendors shall bring their own furniture or equipment for sitting on and displaying their items.
- 523 3. Vendors shall keep their market space clean. Vendors are responsible for any and all damage to  
524 City property.
- 525 4. Parents/Guardians - both vendors and customers - are responsible for supervising their children's  
526 activities.
- 527 5. Parents/Guardians are responsible for any and all damages caused by their child(ren) to another  
528 vendor's product/display.
- 529 6. Emergency help and procedures are available at the Block Coordinators booth. This includes lost  
530 children and lost and found items. (See Code Adam Policy).
- 531 7. All canopies and umbrellas shall be securely weighted at all times. Remove weights last.
- 532 8. All vendors shall be held liable for any accidents/damages due to their personal property or  
533 negligence. FCMLC recommends all vendors carry personal liability insurance. FCMLC shall bear no  
534 responsibility or liability for accidents or any incidents involving vendors' booths or products.
- 535 9. Vendors' and customers' pets and service dogs are allowed at the Market. They shall be under the  
536 immediate control of the owner or other responsible person and on a leash shorter than 6' at all  
537 times.
- 538 10. Business liability insurance is recommended of any vendor who brings a pet(s) to the Market.
- 539 11. Vendors who bring their pet(s) to Market are assuming a serious responsibility and liability for  
540 their pet's actions.
- 541 12. Pet owners shall clean up after their pets.
- 542 13. If any pet incident is reported and documented, said pet shall be instantly and permanently  
543 banned from the Market.
- 544 14. Highly scented product(s) noticeable outside of vendor's booth shall be kept covered or wrapped.
- 545 15. Scented sprays may be briefly sprayed per customer request. Incense or candles may be briefly lit,  
546 smelled, and extinguished.
- 547 16. Booth signage shall be firmly attached to the booth and not interfere with customers or pose a  
548 hazard.
- 549 17. Vendors who smoke shall do so outside of the Market area at least thirty (30) feet from any booth.
- 550 18. Vendors who use generators shall be specially assigned by the Market Manager to areas where the  
551 generators will cause the least amount of disruption.

- 552 19. Electricity is available at the Market in limited circumstances. Notify your Block Coordinator when  
553 checking in if you require electricity.
- 554 20. Extension cords shall be covered with a trip cover. ADA-approved cord coverings are required by  
555 City codes.
- 556 21. Benches, planters, or other streetscapes shall not be used to display goods or to anchor canopies,  
557 tables, or displays.
- 558 22. All vendors who sell knives, swords, or any other type of weapon shall have a visible disclaimer  
559 posted at their booths: Purchasers must be at least 18 years of age and present a valid ID at the  
560 time of sale.
- 561 23. Any merchandise or display equipment left on the premises at the end of the day may be stored or  
562 disposed of at Market Managers discretion without liability.
- 563 24. Use of misters by individual vendors is not recommended. Misters may have old water or dirty  
564 parts which could contaminate food or produce and cause illness. Neither the Corporation nor the  
565 City will provide misters in the Market. Vendors may supply misters at their own risk. Misters must  
566 be per Health code guidelines/ recommendations. They cannot infringe, violate, or damage  
567 another vendor's space/products.
- 568 25. Propane Heaters can be used as long as: Devices must be certified and labeled by an approved  
569 testing laboratory, a clearance of 3 feet around all sides must be maintained at all times and  
570 combustible materials shall be kept away from heat sources. All vendors using propane heaters  
571 are required by City codes to have a 2A:10B:C fire extinguisher, and the purchase receipt or re-fill  
572 certificate must be taped to the fire extinguisher.
- 573 26. Per City codes all heat sources (i.e., wood burning tools, electric heater, etc.) are required to have  
574 a 2A:10:BC fire extinguisher, and the purchase receipt or re-fill certificate must be taped to the  
575 fire extinguisher.

576

### 577 **Propane Cylinders**

- 578 1. Propane cylinders shall be installed upright, secured to prevent overturning, and  
579 protected from any physical damage. The preferred method would be nested together  
580 and strapped or secured to a free standing pole and strapped by one or more restraints.  
581 Propane cylinders shall not be attached in any way to a canopy or tent.
- 582 2. Propane tanks shall be located so that they are not accessible to the public.
- 583 3. Propane tanks shall be located at least 5 feet from any cooking equipment, tent, booth or  
584 structure.
- 585 4. Propane pressure relief devices shall be positioned as to direct vented vapors away from  
586 ignition sources.
- 587 5. All propane gas hoses shall be in good condition, approved for the intended service and  
588 shall be continuously marked with LP-GAS, PROPANE, 350 PSI WORKING PRESSURE, and  
589 the manufacturer's name or trademark.
- 590 6. All hoses/connections must be leak free.

- 591 7. All hoses must be kept out of the way of foot and vehicular traffic.
- 592 8. Cylinders not connected shall be stored or nested away from areas of cooking location.
- 593 9. Turn off tanks when not in use.
- 594 10. A maximum of one (1) 60 lbs. or up to two (2) 30 lbs. cylinders shall be used at any one
- 595 time for each cooking booth.
- 596 11. "NO SMOKING" signs shall be next to or directly above the propane cylinder(s) and visible
- 597 to the public. These signs shall be posted with a minimum of 2" red lettering with a white
- 598 background.

599

### 600 **Prohibitions:**

- 601 1. Products, displays, or sale pitches, which interfere in any way with any other vendor's space,
- 602 products, or sales.
- 603 2. Carnival barking, calling out to passers-by to attract their attention.
- 604 3. Alcohol or consumption of alcohol.
- 605 4. Bicycling or skateboarding by vendor or vendor family members during Market hours on
- 606 Downtown streets and sidewalks.
- 607 5. Displaying or storing products outside of your assigned space.
- 608 6. Using public trash receptacles for disposal of personal or Market-generated trash.
- 609 7. Profane, obscene or vulgar items or actions; implicit or explicit; crafted, written, spoken or
- 610 presented, in any form or language.
- 611 8. Panhandling: Report panhandlers to the Block Coordinator.
- 612 9. Using sandwich-boards, signs, flags or other visuals which extend beyond a vendor's space.
- 613 10. Soliciting or handing out product samples away from one's booth.
- 614 11. Selling or giving away live animals. (Exception: Animal Services Center of Mesilla Valley adoptions.)
- 615 12. Selling of knives, swords, or any other type of weapon to anyone under the age of 18 years.
- 616 13. The use of refrigerated air units by any vendors with the exception of enclosed/controlled
- 617 environment food trucks and/or trailers.

618

### 619 **MARKET SPACE MANAGEMENT**

620 The Market layout as approved by the City shall apply to any Market Day. All vendors shall abide

621 by the market space assignment procedures. If there are two rows of vendors each row will set

622 up facing each other. Vendors shall not make market space use agreements with other vendors.

623 This includes loaning or subletting of spaces. Noncompliance shall result in the suspension or

624 termination of a vendor's privilege to sell at the Market. The Market Manager is the final

625 authority for all permanent space assignment decisions.

626

627 Occasionally an existing permanent space will be vacated. The Market Manager shall maintain two

628 Market space waiting lists - one for permanent vendors wanting to move to another location in the

629 Market (appropriate paperwork must be submitted to the office to be on this list) and one for  
630 temporary vendors desiring to become a permanent vendor and receive a permanent space.

631  
632 The vacated spaces shall be reassigned in the following manner:

- 633 1. Market space shall be advertised for two weeks to all permanent vendors on the waiting list.
- 634 2. Interested permanent vendors shall apply utilizing the space reassignment request form.
- 635 3. Seniority shall apply based on years of Market vending.
- 636 4. Product shall not conflict with adjacent vendors' products.
- 637 5. If two or more vendors with equal seniority and product qualification apply, the selection shall  
638 be made by lottery.
- 639 6. If no applications are forthcoming during the application period, the market space shall be  
640 allocated from the top of the waiting list of temporary vendors.

641  
642 *NOTE: Not all vacant spaces may be assigned as permanent spaces. They may remain open*  
643 *for temporary vendors or musicians.*

#### 644 645 **Booth Sharing**

646 Although not encouraged, two separate businesses may share one 10 x 10 booth space. No more than  
647 two vendors shall share a Market space. Each vendor shall submit a vendor application, an individual  
648 CRS number, and pay membership dues. Each vendor shall submit a voucher if both vendors are  
649 present.

#### 650 651 **Partnerships**

652 Individuals engaged in a business partnership (spouses, mother and daughter, father and son)  
653 and other partnerships, all sharing a booth/business where there is only one business name  
654 registered, shall provide a CRS compliance certificate for that business name. Both partner's  
655 names must be on the vendor application and they **both** have to participate and be at Market.

#### 656 657 **Special Markets/Events**

658 Vendor space assignments may not be able to be honored during some special events at the Market.  
659 The Block Coordinators and Market Manager will work to create a new location for the affected  
660 vendor(s) with two weeks advance notification of changes.

#### 661 662 **Wednesday Market**

663 In general, Wednesday Markets operate with all of the Market's Policies and Procedures. Although the  
664 Market is usually much smaller on Wednesdays, the Market Manager, and/or designee will be present.  
665 Attempts will be made to accommodate "permanent" vendors on Wednesdays, but cannot be  
666 guaranteed.

667

668 Wednesday's Market is held only on Plaza de Las Cruces. All vehicles shall enter Plaza de Las  
669 Cruces on Organ Street from Church Street only. Vendors will not be allowed to access Organ  
670 Street from Main Street without specific permission from the Market Manager.

671

## 672 **Night Market**

673 **Night Market will be held May through October.** Night Market is in addition to the Wednesday  
674 morning Market. The location of Night Market will be on Plaza de Las Cruces and, if needed,  
675 Main Street between Las Cruces Avenue and Griggs Avenue. Night market is supervised by the  
676 Market Manager or person(s) designated by the Board and per the recommendations of the  
677 Market Manager.

678

679 Vendors must sign up to attend Night Market. After signing up, if a vendor is unable to attend  
680 Night Market they are required to contact the Market office as soon as possible, or not later  
681 than 11:00 am the day of Night Market.

## 682 **Waiting List**

683 Become A New Vendor waiting list will be maintained by the Market Manager and Quality  
684 Control. An individual's name will go on this waiting list when their Vendor Application, tax  
685 registration (CRS) and business license (if required) is submitted to FCMLC.

686 There will be a Temporary to Permanent waiting list maintained by the Market Manager and  
687 Operations Committee, based on temporary vendor attendance.

688 A waiting list for any Permanent vendor requesting relocation will be maintained by the Market  
689 Manager and Operations Committee.

690 Food Truck/Trailer/Booth waiting list will be maintained by the Market Manager and only when  
691 a current food vendor leaves will another food vendor be allowed to join the Market.

## 692 **Inclement Weather**

693 In the case of severe weather conditions where vendor attendance may be low due to unsafe,  
694 damaging, or uncomfortable weather conditions, the Market Manager and Block Coordinators  
695 will condense the attending vendors to a centrally located section of the FCMLC market site.  
696 When adverse weather conditions are forecast, the Market Manager will begin this process by:

- 697 1. Contacting vendors via e-mail, phone, or text with information of the forecast and instructions to  
698 contact their Block Coordinators indicating to him or her as to whether or not they will be  
699 attending market.
- 700 2. Vendors will then notify their Block Coordinators preferably the evening before but no later than 6  
701 a.m. the morning of the market on whether or not they will be setting up that day. Vendors who  
702 normally have assigned spaces in the central block will retain their spot providing they contact the  
703 appropriate Block Coordinators by the designated time. **Failure to do so will result in forfeiture of**  
704 **his/her assigned space for that market day and it will be necessary for that vendor to go to a**

- 705           **Block Coordinator for placement.**  
706           3. If sufficient vendors will be absent, the Block Coordinators can then begin to fill empty spaces at 6  
707           a.m. and consolidate the vendors to the central block located between Griggs and Las Cruces  
708           Avenue. If attendees exceed the space limitations of this location, the coordinators can then begin  
709           filling in adjacent spaces on the market site.  
710           4. On inclement weather days, Market will be filled from the center out. Vendors with permanent  
711           spaces north of Las Cruces Street or south of Griggs Avenue must get Block Coordinator or Market  
712           Manager **approval before unloading** in their permanently assigned space.  
713

## 714    **TRAFFIC/PARKING REGULATIONS**

715    Driving a vehicle into the Market is a privilege. It shall be revoked by the Market Manager if a vendor  
716    fails to follow the regulations governing traffic in the Market area.

717    The following rules are for the safety of all at the Market:

- 718           1. The speed limit is 5 miles per hour. Automatic suspension of 1 week shall be given to speeders.
- 719           2. Temporary vendors **must** walk in to get their space assignment from a Block Coordinator before  
720           driving in to the Market.
- 721           3. After Market, vendors shall not retrieve vehicles until they have packed up all of their items.  
722           Booths shall be completely packed up to ensure vehicles are in the Market for the shortest  
723           amount of time.
- 724           4. Vendors shall not at any time impede vehicle traffic flow on Las Cruces Avenue, Griggs Avenue,  
725           or any other streets adjoining the Market area.
- 726           5. Move vehicles promptly once unloaded/loaded. Do not set up canopy/display before removing  
727           vehicle.
- 728           6. Do not block the driving lane. If unable to pull over, drive to the exit and re-enter the Market. Do  
729           not use the driving lane to unload/load items.
- 730           7. Impatient honking or yelling shall result in disciplinary action.
- 731           8. The callecitas or alleyways are off limits to traffic, including loading and unloading.
- 732           9. Saving parking/loading spaces for other vendors is prohibited.
- 733           10. All vehicles shall exit the Market prior to official opening time and shall not be allowed to re-  
734           enter until thirty (30) minutes after the Market closes.
- 735           11. Vendors shall park only in designated lots to allow customers closer Market access. Designated  
736           lots are El Paso Electric lot, City Hall (including the parking garage accessed off Campo), and the  
737           parking lot behind Carrillo's Café on Bowman. Vendors with disabilities are exempt and may park  
738           in any handicapped space. If your vehicle requires more than two parking space park in a city lot  
739           or on the street that isn't on Waters or Church. (See Vendor Driving and Parking Map, attached).
- 740           12. There shall be no vendor parking on Las Cruces Street, Organ Avenue or Griggs Avenue between  
741           Church Street and Water Street.
- 742           13. Parking in private parking lots is prohibited.
- 743           14. A map of the Market area with driving entry and exit points and traffic flow arrows is included  
744           with this manual. Be sure to understand and follow the established driving patterns.  
745

746 **VENDOR CODE OF CONDUCT**

747 The Market is a gathering of individual businesses operating together for both the financial and non-  
748 financial benefit of those involved. It is a public activity on City of Las Cruces property.

749 As a vendor at the Farmers & Crafts Market of Las Cruces and based on FCMLC Vendor Policies and  
750 Procedures, you agree that:

- 751 1. If any vendor(s)/group(s) speech, actions, product, display result in a disturbance of the public  
752 peace and/or safety, they will be immediately terminated and permanently barred from the  
753 Market.
- 754 2. Vendors shall abide by all Market policies, procedures, and decisions put forth by the Market  
755 Manager, Block Coordinators, and FCMLC.
- 756 3. Permanent vendors' space fees shall be due in accordance with Market space fee payment  
757 schedule on page 7 of this document.
- 758 4. Permanent vendors shall attend the Market at least thirty-two (32) Saturdays per year.
- 759 5. Permanent vendors shall claim their permanent space at least 30 minutes prior to the opening  
760 of the Market or it may be assigned to a temporary vendor at the discretion of the Block  
761 Coordinators.
- 762 6. Seasonal agricultural vendors holding a permanent space shall pay all yearly fees and dues, and  
763 shall attend at least three (3) Saturdays per month during their season.
- 764 7. Permanent vendors shall notify their Block Coordinator when they will be absent, preferably the  
765 night before. Failure to notify your Block Coordinator of an absence will result in an Unexcused  
766 Absence (see Infractions and Consequences below).
- 767 8. At all times, vendors shall prominently display their FCMLC permit and all other pertinent  
768 permits required by the city, county, state, or federal agencies.
- 769 9. Booths shall be attended by the Market permit holder. Setting up a display and then  
770 leaving for an extended period is prohibited.
- 771 10. Vendors shall act in a courteous and respectful manner at all times.
- 772 11. Vendors shall move their vehicles out of the Market before setting up their canopy and/or  
773 assembling their booth. Conversely, a vendor's booth shall be completely broken down before  
774 bringing a vehicle in to the Market.
- 775 12. Vehicles shall not be allowed in Market area after the Market begins or until 30 minutes after  
776 the closing of the Market, with the exception of emergency vehicles.
- 777 13. Vendors shall park only in designated lots. Vendors with disabilities are exempt.
- 778 14. At any time, the Market Manager, or designee, may do a booth visit to ensure products  
779 sold comply with FCMLC's Policies and Procedures. If a violation has occurred, vendors  
780 shall be asked to discontinue the sale of the offending products or face disciplinary  
781 action.
- 782 15. Vendors who bring their children or pets shall be responsible for their behavior and  
783 whereabouts at all times.

- 784 16. Vendors shall not use any city or private business property to display goods or to support, add  
785 structure to or weight booths. Vendors shall be held responsible for damage that occurs due to  
786 these actions.
- 787 17. Vendors shall not make Market space use agreements with other vendors.
- 788 18. Vendors shall not use or condone any profanity or obscenity or vulgarity – implicit or explicit,  
789 crafted, written, spoken or presented – in any form or language.
- 790 19. Vendors shall not engage in inappropriate conduct including, but is not limited to: verbal  
791 criticism of other vendors or their products; rude, violent, aggressive, uncooperative, or  
792 belligerent behavior; confrontation, harassment, intimidation, or unwanted physical contact;  
793 and “carnival barking” approach to selling products or attracting customers.
- 794 20. Vendors shall not personally confront another vendor with a complaint.

795  
796 This acknowledgement is required by all vendors to obtain/renew their permits of the Farmers &  
797 Crafts Market of Las Cruces, Inc. Vendors shall acknowledge, understand, and comply with all  
798 regulations in accordance with the FCMLC Policies and Procedures. Failure to abide by this Vendor  
799 Code of Conduct shall result in appropriate disciplinary actions.

800

## 801 **INFRACTIONS AND CONSEQUENCES**

802 The Market Manager will be responsible for decisions and any consequences relating to violations  
803 regarding the FCMLC Vendor Policies and Procedures. The severity of all infractions will be considered  
804 by the Market Manager on a case-by-case basis based on the guidelines listed below.

805

### 806 **Level 1 Violations:**

807 Minor infractions shall include, but are not limited to:

- 808 1. Traffic
- 809 2. Parking
- 810 3. Setup
- 811 4. Damage to City and or private property (Clean up/repairs must be performed within one week of  
812 written notification. Vendor is responsible for all costs of clean up/repair of damaged property.  
813 Clean up/repair must be performed by a licensed professional.)
- 814 5. 3 unexcused absences in a quarter
- 815 6. Noise ordinance

### 816 **Occurrences:**

- 817 1. First: Written notice
- 818 2. Second: Same type infraction: one (1) week suspension
- 819 3. Third: Same type infraction: one (1) month suspension
- 820 4. Fourth: Loss of Market membership

821

822 **Level 2 Violations:**

823 Documented nonphysical-contact toward other vendors, customers or Market employees shall  
824 include, but are not limited to:

- 825 1. Verbal
- 826 2. Non-verbal or implied
- 827 3. Vehicular endangerment
- 828 4. Exceeding 5 mph speed limit in Market

829

830 **Occurrences:**

- 831 1. First: Immediate one (1) week suspension
- 832 2. Second: Same type infraction: one (1) month suspension
- 833 3. Third: Same type infraction: loss of Market membership

834

835 **Level 3 Violations:**

- 836 1. Product Integrity Policies and Procedures (re-sale/selling another person's product)

837

838 **Occurrences:**

- 839 1. First: Automatic one (1) month suspension.
- 840 2. Second: Termination. Terminated vendors shall not be allowed to reapply for Market membership
- 841 for 6 months.

842

843 **Level 4 Violations:**

- 844 1. **CRS In Compliance Certificate** not provided by end of February.
- 845 2. **Annual Membership Fee** non-payment by January 15<sup>th</sup> and/or January 31<sup>st</sup>
- 846 3. **Space Fee** (Yearly, Semi-Annual or Quarterly) non-payment

847

848 **Occurrences:**

849 Shall include all items, but not limited to:

850 **1-7 CRS Non-Compliance, 8-12 Annual Membership Fee, 13-17 Space Fees**

- 851 1. First: Immediate termination of Market Membership.
- 852 2. Terminated vendors shall not be allowed to reapply for Market membership until July 1<sup>st</sup>.
- 853 3. Must provide current CRS Compliance Certificate.
- 854 4. Pay a \$150.00 non-compliance fee.
- 855 5. Pay membership fee of \$25.00 and attend orientation.
- 856 6. Will return as a temporary vendor.
- 857 7. Second: Immediate termination of Market membership. Violators will not be allowed to
- 858 apply for reinstatement.
- 859 8. Suspension of Market membership if not paid by January 15th.
- 860 9. Termination of Market membership if not paid by January 31<sup>st</sup>.
- 861 10. Terminated vendor shall not be allowed to reapply for Market membership until July 1<sup>st</sup>.

- 862 11. Pay membership fee of \$25.00, plus late fee \$15.00, and attend orientation.
- 863 12. Will return as a temporary vendor.
- 864 13. Space Fees not paid by the 15<sup>th</sup> shall incur a \$15 late fee and result in suspension until paid.
- 865 14. Space Fees not paid by the end of the month will result in vendor termination. Terminated
- 866 vendors shall not be allowed to reapply for Market membership for a period of 5 months.
- 867 15. Pay the membership fee of \$25.00 and attend orientation.
- 868 16. Pay the \$15.00 late fee.
- 869 17. Will return as a temporary vendor.

870

871 **Level 5 Violations:**

872 Documented physical contact toward other vendors, customers or Market employees shall include  
873 and are not limited to:

- 874 1. Abuse
- 875 2. Violence
- 876 3. Threat of violence

877 **Occurrences:**

- 878 1. First: Immediate termination of Market membership. Violators will not be allowed to apply  
879 for reinstatement.

880

881 Any documented instance of a Vendor deliberately defrauding the Market or a customer shall result in  
882 that Vendor's immediate suspension from the Market for one (1) month.

883

884 Any prepared food vendor selling food without a license shall be immediately suspended from  
885 Market for one (1) month. License must be presented upon return. Repeat offenders shall be  
886 permanently terminated from Market.

887

888 A vendor who is asked to leave the Market for any reason shall do so immediately or be charged  
889 with trespassing. Police shall be called if necessary.

890

891 A history of multiple different violations by a Vendor will be taken into account when  
892 consequences are considered.

893

894 **DISCIPLINE PROCESS**

895 Failure to abide by Market Policies and Procedures shall result in the enactment of a tiered discipline  
896 process. This process may result in the suspension or termination of a vendor's Market privileges. All  
897 documentation of a vendor's discipline process will be on file with the Market Manager. The process  
898 is defined below.

899

900 **Written Notice**

901 A Block Coordinator or the Market Manager shall notify the Vendor of the violation in writing. The  
902 “Written Notice” is a warning of possible disciplinary actions for future violations. The Vendor shall  
903 correct the violation immediately.

904

905 **Suspension**

906 Once a “Written Notice” has been issued, if a Vendor violates the same rule, the Block Coordinator  
907 shall recommend to the Market Manager the suspension of the offending Vendor’s permit.

908 Suspension denies a Vendor the ability to sell at the Market for a period of one (1) week to one (1)  
909 month, depending upon the significance of the infraction.

910

911 **Termination**

912 **Repeated infractions of the FCMLC Policies and Procedures by any Vendor shall result in the**  
913 **termination of that Vendor’s Market membership and privileges. Terminated vendors shall**  
914 **be barred from returning to the Market.**

915

916 If a Vendor’s actions are found to be serious in nature, i.e. threatening, abusive, or violent in any way,  
917 Market membership shall be revoked immediately, and the Vendor shall be barred from returning to  
918 the Market.

919

920 If you have any questions or concerns about Market rules, code of conduct or any other operational  
921 matter, please contact the Board’s Operations Vice Chair, Quality Control, or the Market Manager.

922

923 **VENDOR COMPLAINT PROCESS**

924 Vendors shall follow the protocol for complaints. Complaints regarding the Vendor Code of Conduct  
925 shall be brought immediately to the Block Coordinator. The Block Coordinator shall address the  
926 matter in a prompt manner. **Vendors shall not personally confront another vendor with a**  
927 **complaint.** All parties shall use courtesy and respect to avoid escalating the issue. The Block  
928 Coordinator, Market Manager, and Board shall maintain the confidentiality of all parties involved in a  
929 dispute to reduce the opportunity for conflict or retaliation.

930

931 All complaints regarding product integrity shall be made in **writing** using appropriate FCMLC forms. If  
932 a vendor has been affected by enforcement of a rule, process, or procedure by a Block Coordinator,  
933 and the vendor believes the action is unfair or discriminatory; the vendor may appeal in writing to  
934 the Market Manager. The Market Manager shall respond to all written complaints in writing.

935

936 **APPEAL**

937 A vendor has the right to appeal a disciplinary action, suspension or termination.

938  
939 Vendor appeals that have not been resolved by going through the Market Manager shall be handled  
940 by the Appeals Committee. A non-refundable \$25 processing fee shall be assessed from the  
941 complainant for each appeal to be presented and heard. All decisions made by the Appeals  
942 Committee regarding vendor appeals shall be final without further redress. Vendor appeals brought  
943 forth in Board meetings shall be deemed out-of-order and be referred to the Appeals Committee  
944 immediately.

945 *This document is under constant review. Revisions will be taken before the FCMLC Board for*  
946 *adoption. Vendors will be notified of any changes.*

## 947 **CODE ADAM POLICY**

948 In an effort to provide a safe environment for customers and their families, FCMLC has adopted  
949 the following policy regarding lost children:

- 950
- 951 1. When a parent or guardian approaches a vendor stating that a child is missing, has been  
952 kidnapped, or it has been determined otherwise that the child has been abducted, call  
953 911 immediately to notify Law Enforcement.  
954
  - 955 2. Escort the parent or guardian to the nearest Block Coordinator who will immediately  
956 begin the alert system. This should begin through communication with the Market  
957 Manager and other Block Coordinators via two-way radios as well as with participating  
958 vendors.  
959
  - 960 3. Begin asking about the following items in order to gain a better description of the child:  
961
    - 962 a. Gender
    - 963 b. Age
    - 964 c. Eye and hair color
    - 965 d. Race
    - 966 e. Height
    - 967 f. Weight
    - 968 g. Clothes worn (including shoes)
    - 969 h. Any distinguishing characteristics (e.g. birthmarks, congenital conditions, etc.)
    - 970 i. Location or area the child was last seen
  - 971 4. Begin announcing “missing child” following with the description of the missing child.  
972
  - 973 5. If the child is found and appears to have been merely lost, reunite them with their parent  
974 or guardian. See also “Found Child” procedures listed below.  
975
  - 976 6. As soon as child is found, call 911 to cancel Code Adam.  
977
  - 978 7. *If the child is found accompanied with someone other than their parent or guardian, a*  
979 *description of that child and the person they are with, should be obtained. Do NOT*

980 *attempt to delay their departure by confronting the individual and thereby putting the*  
981 *child, customers, or vendors at risk or in danger of being harmed. Law enforcement should*  
982 *be notified immediately and provided with a description of the person accompanying the*  
983 *child.*

984

985 8. The Code Adam page can be canceled either after the child is united with their parent or  
986 guardian, or law enforcement has arrived.

987

### 988 **Found Child**

989

990 If a child is found, or approaches your table saying they are lost or is upset, and the parent  
991 cannot be found, vendors should follow the procedures below:

992

993 1. Place the child in a visible area (in front of your booth) where a parent can see them.

994 2. If the child can speak, ask him/her if he/she can see their parent or if they know where  
995 their parent is.

996

997 3. Ask the child if he/she has a cell phone or if their parent/guardian has a cell phone. If the  
998 child has a cell phone, check for a parent's or guardian's number. If they don't have a  
999 phone, ask if he/she knows the number of the person they're with. If they do, call them  
1000 immediately.

1001

1002 4. If there is no way to contact a parent or guardian by phone, keep the child close to your  
1003 table and attempt to locate the parent. Keep the child in a visible area where a parent can  
1004 see, such as in front of your table. The parents might be nearby at another table and are  
1005 just momentarily distracted. Vendors can also simply announce to the crowd "Has  
1006 anyone lost a child?" and observe for a confused or frantic adult.

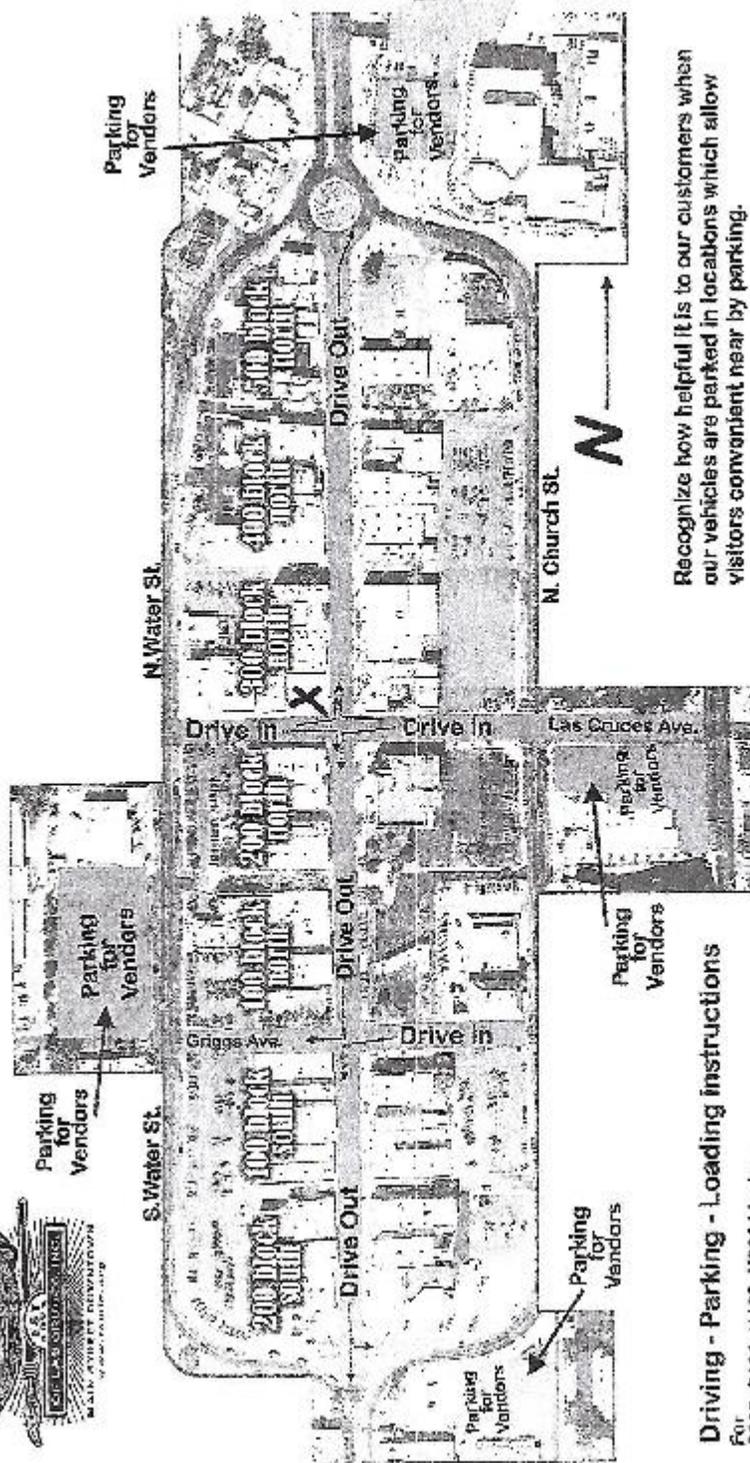
1007

1008 5. If no parent or guardian comes forward after 10 minutes, ask a neighbor vendor to notify  
1009 the Block Coordinator of a found child and where the child is located. Do not take the  
1010 child away from the immediate area in which they are found, as the parent will usually  
1011 start searching in the immediate area once they realize their child is missing.

1012



# Vendor Driving and Parking Map



Recognize how helpful it is to our customers when our vehicles are parked in locations which allow visitors convenient near by parking.

### Driving - Parking - Loading instructions

For S200, S100, N100, N200 blocks...  
Driving lane is on the right lane (west side)  
Parking and loading/unloading is in the left lane (east side)

For N300, N400, N500 blocks...  
Driving lane is on the left lane (west side)  
Parking and loading/unloading is in the right lane (east side)

When arriving or leaving, remember to park in the loading/unloading lane. Don't block traffic in the driving lane.

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**Vendor Policies and Procedures**

Farmers and Crafts Market of Las Cruces, Inc.

These Policies of the Farmers and Crafts Market of Las Cruces, Inc. are hereby adopted by a majority vote of the Board.

Adopted this \_\_7<sup>th</sup> \_\_day of \_November, 2017

Chair: \_\_\_\_\_

Brenda Mosley

Secretary: \_\_\_\_\_

Karin Bradshaw