

**BELLINGHAM FARMERS MARKET**  
**VENDOR HANDBOOK**  
*UPDATED JANUARY 2011*

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**POLICIES AND PROCEDURES**

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## Section 1

### FARMERS MARKET SEASON AND FEE SCHEDULE

#### 1.1 Season

The exact dates of the Market season will be determined on a yearly basis.

#### 1.2 Membership Fees

##### A. Vendor Membership

Annual Membership fees will be assessed yearly. If for some reason a **vendor's application** is denied, **his/her** annual membership fee will be returned. Proper documentation may be required for special sales categories such as live plants and eggs.

##### B. Application Fee

All applications must be submitted with a non-refundable fee. Application deadlines will be established annually. Applications received after the published deadline will be assessed a \$50 fee.

##### C. General Membership

Annual fee for general membership categories shall be set annually. (See Section 2.2)

#### 1.3 Stall Canopy, Parking

A. Full stalls are 10' X 10'; half stalls are 5' X 10'.

B. Parking spots are assigned, where available.

#### 1.4 Stall Fee Schedule/Percent of Daily Sales

Stall Fees will be set annually by the Board of Directors. These fees will consist of a daily minimal stall fee or a percent of gross revenue (less any sales tax collected), whichever is greater. For current fees, please refer to vendor application and/or website.

#### 1.5 Product and Service Orders

Vendors who take product or service orders at the Market must report these as part of their gross sales.

##### A. Pick-up of CSA shares and other orders at Market

1. Pre-ordered, pre-paid, pre-packaged orders, including CSA shares, may be picked up at the Market exempt from Market fees.

2. "Pick-your-own" CSA shares, credit accounts and other pick-ups where items are selected from displayed product must be reported in day's gross sales.

#### 1.6 Stall Payment

A. Stall rental fees shall be paid at the end of each Market day.

B. When making payment, vendors shall submit a form provided by the Market. This form will include their category or subcategories (**e.g.**, Farmer, Crafter, Contract Vendor), their business name, their day's exact gross sales (less any sales tax collected), their stall fee or commission due the Market, and stall size. The Market Manager will collect the amount due. Vendors should make payment with checks made payable to the Bellingham Farmers Market Association.

C. A \$5 fee will be added to cash payments, which are highly discouraged.

D. Non-sufficient funds (NSF) checks will result in:

1. First offense -- \$10 fee

2. Second offense -- \$25 fee

3. Third offense -- \$25 fee and vendor will be suspended from the Market until arrangements are made with the Market Director.

- E. Any fees delinquent beyond one business week will disqualify a vendor from selling at the Market until such fees are brought current. Vendors with stall fees outstanding as of December 31 will receive no seniority points for the season just completed and will not be considered for a permanent stall assignment for the following season.

**1.7 Educational/Non-Profit Community Groups**

Educational/non-profit community groups may be granted space on a revolving basis.

- A. Only one community group space per day will be reserved. This space will be scheduled on a first-come, first-assigned basis. Additional community group space will be granted and assigned based on availability.
- B. Community groups must comply with the same rules as regular Market members.
- C. Market staff will notify community groups in advance of Market procedures, rules and hours.
- D. Community groups are not allowed to sell merchandise or event tickets, but may accept donations.

**1.8 Entertainers**

Entertainers (buskers) are performing artists who add to the festive character of the Market and contribute to a unique shopping environment for Market customers. The Market Director and staff will strive to maintain locations within the Market where performing artists are encouraged to entertain Market shoppers in a fashion consistent with, complementary to, and as an integral part of the Market experience. (See Sec.10)

**Section 2  
MEMBERSHIP AND PRODUCT GUIDELINES**

**2.1 Vendor Members**

All vendor members in good standing (those who have paid this year's dues, are not delinquent with fees, and who have not had their membership suspended) have voting privileges.

- A. FARMERS:** Farmer Vendors are those selling fresh farm products, including fresh fruits and vegetables, herbs, nuts, honey, dairy products, eggs, poultry, mushrooms, meats, and fish, and/or fresh flowers, nursery stock, wreaths, and plants. All fresh farm products must be grown or produced in Whatcom or Skagit Counties. All products must be grown or harvested by the seller. The vendor's application for a permit to sell must state exactly what products the vendor intends to sell at the Market:

- a. Value- Added Farmers:**

- 1. **Food Products: These Farmer Vendors wish to sell** products such as preserves, jams and jellies, cider, syrups, salsas, smoked meats or fish, dried fruit, flours, and salad dressings, made from products/ingredients of which a majority are grown and produced by the seller. Value-added farm foods must be produced by the vendor from raw ingredients. Vendors in this category must have personally processed, cooked, canned, baked, preserved, or otherwise treated the product they sell. All processed foods must have the proper permits and licenses as required by the Whatcom County Health Department. The vendor must be an active owner and operator of the farming operation and may not be operating the business under a franchise agreement. All value-added product must be juried.

The vendor's application for a permit to sell shall state what raw ingredients the vendor grows or produces and the final products the vendor will sell at the Farmers Market.

2. **Other Value-Added Farm Products: These Farmer Vendors wish to sell** wreaths, baskets, soaps, lotions, oils, yarn, etc., made from locally wildcrafted, grown or processed products, of which a majority are grown or produced by the seller. These items must be juried. The BFM reserves the right to judge the suitability of any products falling in this category.

These items must be grown, foraged, and produced from raw materials by the vendor. The vendor must be an active owner and operator of the farming/business operation and may not be operating the business under a franchise agreement.

The vendor's application for a permit to sell shall state what is grown/processed or prepared by the vendor and what the vendor will sell at the Farmers Market.

- b. **Wildcrafters:** Farmer Vendors wishing to sell wildcrafted items in their raw form (such as wild mushrooms, huckleberries, herbs, etc.) must receive authorization from the Market for each item to be sold. Vendors selling these items must meet all requirements of the Whatcom County Environmental Health Department and the Washington State Department of Agriculture.
- c. **Plant Growers:** Farmers must be in possession of plants for at least 60 days prior to sale at the Market. Plant receipts may be requested at any time by the Market Manager to verify length of possession.
- d. **Fishermen:** Fishermen must own, lease, or operate the fishing vessel or own, lease or rent the parcel of land where the seafood is caught or harvested for sale. The vendor must be a legal resident of Whatcom or Skagit Counties. Vendors must also meet all requirements of the Whatcom County Environmental Health Department and the Washington State Department of Agriculture.
- e. **Eastern Washington Farmers:** Two farmer vendors from Eastern Washington may be admitted to the Market each season. These farmers will be allowed to sell only stone fruit that cannot be produced in reliable quantity or quality in Whatcom and Skagit Counties. The Market Director will maintain a current listing of these acceptable crops. To avoid potential conflicts, a check box will be included on the farmer vendor application to determine if local farmers may be providing items historically provided by Eastern Washington farmers. If a local farmer does apply to sell said products, the Board, in conjunction with the farm committee, will gather information to determine whether the thresholds for "reliable quantity and quality" appear to have been met. If so, the Eastern Washington farmers will be notified at the time of their application acceptance of the changes in the list of allowable crops. Eastern Washington farm vendors are not eligible for seniority points, are placed at the membership committee's discretion, and are NOT permitted to sell any products grown by other local farmers.
- f. **Organic/ Pesticide-Free Declarations: Farmers** who are certified organic should post their certification. They are the only ones who can use the term

organic for their product. Vendors who make written and verbal declarations of "no" or "low-spray" or "pesticide-free" must provide a notarized affidavit describing how these procedures are followed. Other third party certifications, such as "sustainable," may be posted with approval from the Market Director.

- g. **Nonprofit-Managed Farms:** It is widely recognized that farming is a complex and risk-inherent enterprise that presents considerable barriers to entry, especially for persons with non-farm backgrounds. Further, it is sometimes the case that having gained an initial foothold in the farming business, further progress can be exceptionally difficult for those with limited skills or training and/or capital. It is in part due to these conditions that an increasing number of nonprofit entities are creating programs that support new and existing farmers to some degree as a buffer against the harsher financial and operational realities of farming for a living, thereby making it more likely such farms will succeed in the longer term.

In recognition that certain farms otherwise eligible to participate in the BFM may be owned or managed by registered not for profit organizations, and that such arrangements may be beneficial to local agriculture generally, the BFMA has set forth the following policies:

1. Farms whose ownership or management is primarily under the direction of a nonprofit organization may be approved, on a case-by-case basis by Board approval, for membership in the BFMA, provided:
  - a. That said farms comply with all other existing Market guidelines applicable to farms selling in any Markets operated by the BFMA (geographic location, product type, reselling, etc.) Nonprofit farms will offer for sale only those products grown on the subject farm.
  - b. That no pooling of product from other farms, local or otherwise, will be allowed. Reselling product originating from farms other than the subject farm is strictly prohibited.
  - c. That the nonprofit entity offering the support is a registered 501(c)3 organization.
  - d. That the operation of nonprofit managed farms will not occur to the detriment, either through unfair competition or some other means, to the for-profit farms in the Market.
  - e. That up to 5% of the stall spaces reserved for farmers may be allocated to nonprofit managed or owned farms.
2. At the time of application, all farms owned, managed, or both by registered nonprofit organizations will provide the BFMA with copies of the nonprofit's 501(c)3 documentation and any written management agreements negotiated by the parties. All nonprofit affiliated farms will be subject to on-farm inspections, consistent with Market policies.

**B. Prepared Food Vendors:** Prepared Food Vendors are vendors offering fresh food product that they have processed themselves into the product being offered for sale at the market. These products are prepackaged or sold for immediate consumption. Upon approval of the Board, these vendors may also offer items that they do not process. Such non-processed items are specifically limited so as not to compete with locally handmade processed items.

- a. **Concessionaires:** Concessionaires are prepared food vendors offering fresh food products that they have processed themselves into products being offered for sale at the Market. These products are ready-to-eat and intended for consumption at the Market. Upon approval of the Board, these vendors may also offer packaged foods and items that they do not process. Such non-processed items are specifically limited so as not to compete with locally handmade processed items.
- b. **Seafood Vendors:** Processed seafood must originate from the greater Pacific Northwest, which includes Washington, Oregon, Alaska and British Columbia.
- c. Prepared Food Vendors are highly encouraged to source ingredients locally when possible. When selecting food vendors, priority will be given to vendors preparing food from raw ingredients and/or using ingredients grown and/or produced in Washington state and by participating market farmers. The application for a permit to sell shall state what is grown/processed or prepared by the vendor and what will be sold at the Farmers Market.
- d. All food items must be juried.
- e. Prepared Food Vendors are only eligible for seniority within their vendor category and are placed at the Market's discretion.
- f. Prepared Food Vendors must have the proper permits and licenses required by the City of Bellingham, the Whatcom County Health Department, and/or the Washington State Department of Agriculture.

**C. CRAFTERS:** Crafters are persons who craft with their own hands the products they offer for sale at the Market. To qualify, the tools and equipment used by the crafter must require skills, personal handling, and/or guidance by the crafter.

- a. Crafters must reside in and craft their product in Whatcom or Skagit County.
- b. All craft product must be juried. The BFM reserves the right to judge the suitability of any products falling in this category. Crafters will be chosen based on their unique and creative abilities. This aids in offering a well-balanced Market to the community and does not inundate the market with one item that EVERYONE sells, but instead ensures that there is variety for all. The jury's decisions will be based on quality, uniqueness and current market mix.
- c. All crafts must be handcrafted by the vendor or a member of the vendor's studio or craft unit.
- d. Crafts must be the product of a home or cottage-type industry, using an intermediate-type technology, rather than an industrial production mode. In other words, each item is made by hand individually -- not mass-produced. To be considered "hand-crafted," the item must show evidence of manual skills obtainable only through a significant period of experience and dedication. Examples of unacceptable items may be, but are not limited to:
  - Tracings of paint by number, printed materials, ceramics or pottery from commercial (purchased) molds & patterns, embroidery or knitting machines, preprinted fabric craft panels, plans or pre-fabricated forms, wood carvings using duplicating machines, kits in any form.
- e. Crafters must disclose any ready-made objects that they have enhanced.

- For example – t-shirts, towels, mass-produced items, and the like that have been embellished, decorated or painted, or beads and other jewelry parts that have been purchased and not hand- produced.
- f. All crafts must be of excellent workmanship and design. The handcrafted components must functionally and/or aesthetically dominate any non crafted (commercial) components.

**D. SERVICE PROVIDER AND ALL OTHER MISCELLANEOUS:** Service Providers and all other Miscellaneous are vendors offering special services and other non-food items to customers at the Market (massage, etc.) for service for sale on site.

- a. Service Providers and Miscellaneous vendors are not eligible for seniority points and are placed at the membership committee’s discretion.

### Section 3

#### COMMITTEE FUNCTIONS & RESPONSIBILITIES

##### 3.1 Service on Committees

Committees of the Board serve two principal purposes: (1) to present ideas and suggest possible solutions of governing the Market to the Board of Directors and (2) to enhance the communication between the Board and the Market Director,[comma] who would implement such polices as the Board directs.

- A. Committee minutes are to be kept and turned in at the next scheduled Board Meeting for Board review.
- B. Those committees requiring funding must submit budget proposals to the Budget Committee by the first of October.
- C. Participation on Committees: A maximum of 2.5 points for serving on a committee (or committees) and attending at least 80% of the meetings the previous year (see Section 6.2.F for seniority point information). Committee chairs will have the discretion to award full, partial or no points based on an individual’s contribution to the committee.

##### 3.2 Membership (1 pt.)

- A. Committee will be made up of, but not limited to, the Chairs of Processor, Farm and Craft Committee.
- B. Provide for Board consideration, draft policies/decisions/action that, in the committee’s view, are required to ensure an optimal mix of vendors and products at the Market.
- C. In conjunction with the Market Director and staff, develop **by mid-February the annual Market map/floor plan, [comma] delineating general stall assignment by vendor category and half/full booths and providing optimal product mix throughout the Market. This plan will be submitted to the Board for approval.**

##### 3.3 Craft (1 pt.)

- A. Advises the Board and makes recommendations relating to the Market’s craft jury process and procedures.
- B. Recruits jurors and supervises the jury process.
- C. Makes recommendations to the Membership Committee on crafter market mix, thresholds and guidelines that affect the Crafter category.

- D. Reports directly to the Membership Committee.
- 3.4 Processor (1 pt.)**
  - A. Advises the Board and makes recommendations relating to the Market’s processor jury process and procedures.
  - B. Recruits jurors and supervises the jury process.
  - C. Makes recommendations to the Membership Committee on processor market mix and guidelines that affect the Processor category.
  - D. Reports directly to the Membership Committee
- 3.5 Farm Committee (1 pt.)**
  - A. Reviews farmer-related issues and makes recommendations to the Membership Committee and Board.
  - B. Develops farmer leadership by recruiting farmers to serve on the board.
  - C. Recruits farmers to vend in the Market.
  - D. Researches new crops that could be included in the Market mix.
  - E. Recommends farm inspection guidelines and procedures to the Board for approval.
  - F. Conducts annual farm inspections as necessary and reports back to the Board and Membership Committee on their findings.
- 3.6 Finance (1 pt.)**
  - A. Prior to the end of each calendar year, develops the Market’s annual budget, in conjunction with the Market Director, and submits it to the Board for approval.
  - B. Performs analyses and projections of Market finances and makes periodic reports and recommendations to the Board.
  - C. The treasurer is appointed chairperson of the finance committee.
- 3.7 Policy & Bylaws (1 pt.)**
  - A. Works with the Board and other committees to annually review the Market’s Vendor Handbook of policies and procedures, Articles of Incorporation and Bylaws. Drafts proposed revisions and rationale for changes for Board and /or membership consideration and approval at the Spring General Membership meeting.
  - B. Acts as “custodian” of the Vendor’s Handbook and provides the annually updated handbook to the Board for approval prior to the Spring General Membership meeting.
  - C. Informs the Market Director of changes to the Handbook that need to be communicated to the membership.
- 3.8 Executive Committee (.5 pt.)**
  - A. Made up of the President, Vice President, Secretary and Treasurer.
  - B. Formulates and implements a plan for hiring a Market Director, when needed, upon approval of the Board. After submission of candidates from the committee to the Board, the final interviews and hiring will be done by the Board.
  - C. Formulates the Market Director job description and evaluation criteria, to be submitted to the Board for approval.
  - D. Conducts evaluations of Market Director bi-annually
- 3.9 Ad Hoc/Single Tasks (points TBD)**
  - A. On an as-needed basis to be determined by the Board. Points assigned by the Board are based on the amount of work required.

## Section 4

### REGULATORY POLICIES

- 4.0** The policies outlined in this handbook apply to all markets governed by the Bellingham Farmers Market Association. The Policy & Bylaws Committee will draft all new policies and revisions of current policies, with input from other appropriate committees. The committee will submit said drafts to the Board for consideration and final approval. When the Policy & Bylaws Committee deems it appropriate, the Market Director will solicit written input from the membership to be taken into consideration by the Board before the draft policy is voted on. In all cases, the membership will be notified of new policy language within two weeks of its adoption. (For information regarding Bylaws creation and adoption, see Article XI of BFMA Bylaws.)
- 4.1 Alcohol/Drugs**  
No alcohol or drugs are permitted on the premises. If the Market Director believes a vendor is intoxicated or under the influence of drugs, he/she has the authority to ask the vendor to leave the Market immediately.
- 4.2 Behavior**  
All vendor members, as well as their children and staff, whether at the Market site, board meetings, committee meetings or Market functions, will behave toward Market customers, Market members, staff and volunteers in a professional manner that fosters a sense of Market community and camaraderie, and a spirit of cooperative involvement that promotes the Market as a whole to the communities it represents and serves. [Problems relating to behavior: see Section 5.1, Enforcement of Market Policies.]
- 4.3 Discrimination**  
Members of the Market, Market employees and other persons selling at the Market or participating in Market functions, whether dealing with customers of the Market or with other Market members, shall not discriminate against any individual in regard to selling of products, hiring, promotion, discipline, or any other matters because of age, gender, race, creed, color, national origin, sexual orientation, or the presence of any physical, mental or sensory disability.
- 4.4 Firearms/Fireworks**  
Firearms and fireworks are not permitted on the Market premises.
- 4.5 Health Practices**  
All vendors must adhere to sanitary procedures as outlined by the Whatcom County Environmental Health Department. Any vendor found selling contaminated foodstuffs or produce shall be suspended from selling operations until satisfactory clearance has been obtained from the Whatcom County Environmental Health Department. The Health Department **makes** unannounced inspections at the Market. Three Health Department violations in one Market year will result in a vendor review by the Board Executive Committee, and may result in the vendor's membership being terminated or not renewed.
- 4.6 Insurance**  
It is recommended that each vendor have his/her own product liability insurance.
- 4.7 Logo Use**  
Members wishing to use the Bellingham Farmers Market logo must apply in writing to the Board of Directors.
- 4.8 Labeling**  
A. Use of the word "organic" is restricted to those who have been so certified by the Department of Agriculture. All vendors are required to advertise truthfully and to respond to customers' questions in a like manner. Under State law, organic growers selling less than \$5000 annually are not required to be certified to label their product "organic."

B. Eastern Washington Produce resellers must display a sign indicating their product comes from Eastern Washington.

**4.9 Pets**

Pets are not permitted on the premises. Service animals are exempt from this rule.

**4.10 Political/Religious Activities**

The Market is not a forum for political or religious activities. Permits will not be issued to persons or organizations wishing to campaign or proselytize.

**4.11 Poultry/Livestock**

Poultry and livestock must be kept in cages. The cages must be kept clean and clean fresh water must be made available to animals throughout the Market day.

**4.12 Pricing**

Pricing of goods sold at the Market is solely the responsibility of the individual vendor. “Dumping” is strongly discouraged. We suggest, for good community and vendor relationship, that produce not be priced below 80% of the prevailing Bellingham area retail price.

**4.13 Quality**

The Market strives to provide a place where fresh and wholesome products are sold. The Market Director has the responsibility to cooperate with regulatory agencies in order to maintain quality control at the Market.

**4.14 Radio/Cassette Players**

No sound that can be heard outside an individual vendor’s stall will be allowed.

**4.15 Skateboards/Roller Blades/Bicycles.**

No skateboards, roller blades or bicycle riding will be allowed on the premises.

**4.16 Sexual Harassment**

Sexual harassment is a practice that violates federal equal employment opportunity laws and violates the principles of the Bellingham Farmers Market. Therefore:

- A. It is the policy of the Bellingham Farmers Market to comply with the spirit and intent of federal equal employment opportunity laws and rules.
- B. Vendors and staff will be provided with a work environment free from sexual harassment.
- C. All vendors and staff shall project the necessary attitudes and behavior to ensure that sexual harassment does not occur.
- D. Vendors observing or having knowledge of incidents or practices within the Market which entail harassment, as defined within this section, shall report their observations to the Director or file a grievance with the Board.
- E. The Market will not tolerate instances where a vendor or staff experiences any form of retaliation for reporting sexual harassment. Confidentiality will be maintained whenever possible.
- F. Violators of this policy shall be subject to disciplinary action in accordance with BFMA policy.
- G. The following acts are considered sexual harassment:
  - 1. Promise of employment or continued employment made implicitly or explicitly predicated on sexual activity as a condition of employment.
  - 2. Implicit or explicit coercive sexual behavior to control, influence or affect any employee, contractor, customer, potential customer or vendor.
  - 3. Deliberate or unsolicited verbal comments, gestures or physical contacts of a sexual nature which are unwelcome or interfere with work performance or create

an intimidating, hostile or offensive work environment. Sexual harassment exists when the behavior is repeated or unsolicited and is unwelcome.

**4.17 Tobacco**

Smoking and tobacco chewing are not allowed within the vendor stalls or spaces.

**4.18 Hawking**

A. To ensure that the experience of shoppers at the Market is relaxing and enjoyable, and to ensure that all Market vendors have equal and uninhibited access to customers, hawking by vendors of their or other vendors' product is strictly prohibited. Behaviors which for the purposes of this policy fall under the description of hawking include, but are not restricted to:

1. Yelling at, or raising of the voice towards potential customers not in the vendor's booth for the purposes of soliciting a sale
  2. Impeding in any way the free motion of Market customers in order to offer them samples or solicit them to buy products
  3. Any type of aggressive or animated behavior conducted outside a vendor's stall that is intended to gain the attention of potential customers.
  4. Any behavior conducted outside the vendor's stall that redirects or blocks customer access to the adjacent stalls of other vendors.
  5. Any behavior the Market Director deems is inconsistent with the intent of this policy. The Market Director's interpretation of this policy has no appeal on the day the infraction is issued, but may be appealed to the Board of Directors before the next scheduled meeting.
  6. Actively soliciting Market customers with samples of product within the public areas adjacent to Market stalls or pop-up canopies.
- A. It is not the intent of this policy to limit a vendor's opportunity to offer Market customers samples of products produced by the vendor within the vendor's designated stall space, so long as this activity does not conflict with the intent of this policy.

**Section 5**

**COMPLAINTS/ APPEALS & DISCIPLINARY PROCEDURES**

**5.1 Enforcement of Market Policies**

**A. Market Site**

The Market Manager will determine if any vendor is failing to adhere to the policies set forth herein. Such failure will result in:

1. 1st offense – verbal warning
2. 2nd offense – written warning
3. 3rd offense - expulsion from the Market for that day\*\*.
4. 4th offense – expulsion from the Market for remainder of the season\*\*.

\*\*The vendor is responsible for packing his/her product and belongings when asked to leave the Market. If the vendor does not pack, the Market Manager has the authority to appoint others to help pack the vendor's products and belongings. The Market Association will not be held liable for any damage caused during such packing. The vendor is legally responsible for any damage that might occur while being escorted out of the Market.

**B. All Other Market Gatherings (Off-Site)**

The Market Manager, President or Chairperson (chair of the event) will determine if any vendor or participant is failing to adhere to the policies set forth here. Such failure will result in:

1. 1st offense – verbal warning
2. 2nd offense – expulsion from event, documented in writing via the minutes and written notice to offender, written by the person in charge.
3. 3rd offense – expulsion from events for remainder of the season, documented in writing via the minutes and written notice to offender, written by the person in charge.

C. Appeals can be handled as directed in 5.4

## **5.2 Product Challenge**

It is the intent of the Market to offer customers fresh, high quality goods and farm-direct products. Products deemed inconsistent with Market guidelines may be challenged by any vendor, the Market Manager or Board Member. A challenge must be submitted in writing to the Market Manager before action will be taken. The Challenge Process is as follows:

- A. Vendor will receive written notice of the challenge.
- B. Vendor will be required to respond in writing to the challenge before the following Market day.
- C. Challenge to be resolved within one week of vendor response to the satisfaction of the Market Manager and two Board Members chosen by lottery.
- D. The disciplinary process will be:
  1. 1st offense – written warning
  2. 2nd offense – one week suspension
  3. 3rd offense – forfeiture of space(s) for the remainder of the season. In order to participate in the following year's Market, suspended vendors must make application to the Market's Board of Directors prior to the following season.

## **5.3 FRAUDULANT BEHAVIOR**

This policy applies to any fraud, or suspected fraud, involving vendors of the Bellingham Farmers Market.

- A. The Market Director is responsible for the detection and prevention of vendor fraud or other inappropriate conduct. Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it for the offending party's benefit. The Director will be familiar with the types of improprieties that might occur within his or her area of responsibility and be alert for any indication of irregularity. Any fraud that is detected or suspected must be reported immediately to the Board of Directors.

### **B. ACTION CONSTITUTING FRAUD**

Actions covered by this policy include, but are not limited to:

1. Any dishonest or fraudulent act.
2. Misrepresentation of the origin of, or certification status of produce or crafts.
3. Forgery or alteration of any document belonging to or required for participation in the Market.
4. Forgery or alteration of a check, bank draft, or any other financial document.
5. Any similar or related inappropriate conduct.

### **B. PENALTIES FOR FRAUDULENT BEHAVIOR**

The Board of Directors will take any cases of vendor fraud very seriously. Such actions will result in being temporarily to permanently banned from the Market.

#### **5.4 Member, Staff, and Board Rights**

Should a vendor member, Market staff person, or a Board member feel his/her rights as a member of the Market have been violated, or feel that another vendor, the Market Manager, market staff person or Board member has acted outside of the authority of their position or in a way which has harmed the Market as a whole, the following steps should be taken:

- A. The appeal or complaint must be in writing and include a clear and specific description of the problem; the name(s) of the person (s) involved, including the person bringing the appeal; and a description of the way(s) in which the aggrieved person has attempted to resolve the problem, if applicable.
- B. Copies of the written appeal/complaint should be sent to the Board of Directors and to all persons involved in the matter.

#### **5.5 Appeal**

The President of the Board will acknowledge receipt of the appeal and recommend, within 14 days, a course of action for dealing with it. The course of action may include, but is not limited to:

- A. Mediation between the affected parties.
- B. Setting up a committee of the Board to hear the appeal from all sides and recommend a course of action to the Board.
- C. Determining that the appeal should be dealt with through other channels.

#### **5.6 Unresolved Matters**

If, after completion of the course of action, the matter remains unresolved, the President shall schedule a meeting of the Board within ten days.

#### **5.7 Final Authority**

The Board of Directors has final authority in deciding on the outcome of any appeal that is not resolved through mediation.

### **Section 6**

#### **STALL ASSIGNMENTS**

##### **6.1 Priority Stall Assignments**

- A. Farmers: The Market's mission is to support local sustainable agriculture, and as farmers offer perishable product that attracts regular weekly customers, farmers are given priority in stall assignments, and forty-five percent (45%) of all stalls are reserved for them, including seasonal farmers.
- B. Farmer Value Added: Ten percent (10%) of stalls are reserved for Farmer Value Added.
- C. Crafters: Up to twenty percent (20%) of the stalls may be reserved for Crafters.
- D. Prepared Food Vendors: Twenty percent (20%) of all stalls may be reserved for Processors
- E. Service Providers: Two booths may be reserved for the most senior service providers, who are providing a service for sale on site.
- F. Nonprofits and educational groups: One booth may be reserved for nonprofit organizations to offer educational material and do outreach to the public.

##### **6.2 Stall Assignment Criteria (Crafters see Section 7; Processors see Section 8)**

Stall assignment is based on vendor seniority. Points are awarded according to the system described below.

- A. At the end of each season, the Market Director will develop a list, separated by membership category, of each member’s seniority points.
- B. Farmer members are eligible for a reserve stall, and choose a stall based on their points accumulation. The number of reserve stalls is limited, so placement is made on a seniority basis. All other vendor members are placed based on a combination of seniority, market mix, and availability.
- C. The minimum criteria for a reserve stall for farmers is to have sold for a minimum of 15 weeks the previous year and to have paid annual dues. The criteria for a reserve stall for all other vendors is to have sold for a minimum of 8 weeks the previous year and to have paid annual dues.
- D. The procedure for a farmer's double stall is the following:
  - 1. For any period of time in the previous year that his/her average daily gross sales were over \$1000, that farmer may apply for a double stall.
  - 2. The assignment of double stalls will be made by the Membership Committee and is based on availability in the season and highest gross sales.
- E. Point System
  - 1. ACTIVE MEMBERS ACCRUE POINTS.
  - 2. Participation in the Market: 0.18 points for each sales day in the Market
  - 3. Sales in the Market: One (1) point for each \$5000 of gross revenue in the Market during the previous year (e.g. sales of \$500 earn 0.1 points, sales of \$2000 earn 0.4 point, etc.)
  - 4. Participation on the Board: One (1) point for sitting on the Board and attending at least 80% of the meetings the previous year.
  - 5. Participation on Committees; A maximum of 2.5 points for serving on a committee (or committees) and attending at least 80% of the meetings the previous year (see Section 3 for point awards for each committee). Committee chairs will have the discretion to award full, partial or no points based on an individual's contribution to the committee.
  - 6. All accumulated points will be forfeited if a vendor is not active for two consecutive years. For farmers, active” is defined as being present at 15 or more sales days in the Market’s previous year. Crafters are defined as “active” if they are present 8 days in the Market’s previous year.
  - 7. Transfer of Membership/Seniority Points:
    - a. Membership and Seniority points may be transferred with the approval of the Board of Directors.
    - b. They may be transferred only to a family member, or to a legitimate business partner who has actively participated in the business at the Market site. (The definition/ requirement to be a “Legitimate/Active Business Partner” is to have names of partners on the Market Application and also on the Business License.)
    - c. Points cannot be transferred between categories.

### **6.3 General**

By mid-February, the Membership and Site Committees will devise a Market map/floor plan delineating general stall assignments and size by vendor category. This plan will provide optimal product mix throughout the Market and will be submitted to the Board for approval.

### **6.4 Roll Call**

- A. Senior vendors with reserve stalls who desire more space may go on roll call, and have priority over new vendors.
- B. Senior vendors may contact Market staff as appropriate on a weekly basis, or may notify the Market Director at any point during the season to be put on roll call for the remainder of the season.
- C. Double booth assignments will be made at the discretion of the Market Director and the Membership Committee, taking into consideration the needs of the requesting vendor and the impact of such assignments on the Market as a whole.
- D. All vendors without reserve stalls will be placed on a Roll Call List according to their category.
- E. Stall assignments will be filled within each category first (contract vendors to contract vendor stalls, farmers to farmer stalls, etc.) Any stalls still available will be scheduled according to the order described below:
  - 1. Farmers with at least 80% of their daily sales being produce and having four (4) or more seniority points at the start of the current season, in order of seniority. Such vendors shall be required to have sufficient produce, in the judgment of the Market Director to provide a reasonable display for the market day.
  - 2. Other farmers and processors having four or more seniority points at the start of the current season, in order of seniority.
  - 3. Crafters having four (4) or more seniority points at the start of the current season, in order of seniority.
  - 4. All other vendors, at the Market's discretion.
  - 5. Ties between senior vendors will be broken by the date of this year's first sale. Ties between new vendors will be broken by their date of application.

#### **6.5 New Members**

Newly-approved vendor members will be placed on Roll Call in order of date of their paid-up membership.

### **Section 7**

#### **CRAFT VENDOR JURY/ACCEPTANCE GUIDELINES**

##### **7.1 Craft Jury**

To ensure quality crafts at the Market, all new craft vendors will be juried. The jury process uses a set of criteria to determine eligibility to sell at the Market. Work should be made by hand or with the appropriate tools, showing imagination, skill and the craft person's unique vision. All work should be expertly executed, without technical faults. Prospective craft persons not accepted at the jury session may reapply at a later session. Limitations may apply when determining the acceptance of a crafter, based on the Market's current needs.

##### **7.2 Jury Date**

Jurying date for prospective craft vendors will be established by the Craft Committee and will be reported to the Board.

##### **7.3 Items Not Acceptable for Jurying**

Items made from kits, commercially available plans or transfers, and items that are mechanically mass-produced are not acceptable.

##### **7.4 Jury Process and Guidelines**

- A. Yearly jurying will not occur for returning craft vendors. To be able to return as a craft vendor each year, crafters must meet an average daily sales threshold as set by the Craft Committee each season and approved by the Membership Committee. The craft vendor will retain any accrued points. A returning crafter who does not meet the daily sales threshold and therefore will need to re-jury will be notified upon application.
- B. Any qualifying returning crafters with new items they wish to sell must jury those new items.
- C. Crafters may take up to one year off from the Market, retaining their seniority points and returning to the Market without re-jurying their products, provided that they met the current sales threshold (Section 7.4.A) during their most recent market year and have not added new products. New products **must** be juried. Crafters wishing to take a year off must notify the Market Director in writing of their intention to return. If the crafter does not return to the Market after the agreed-upon period, all seniority will be forfeited and they must re-apply and re-jury to be eligible for membership in future years.
- D. A new prospective craftperson must provide a representative sampling of their work, in person, accompanied by a craft application, in order to be juried. Samples of work must be limited to three items per craft, including any new items. In the event that more craft vendors are needed for the market, a special jury session can be scheduled by the Craft Committee.
- E. Returning craft vendors will have seniority based on their previous market points. Successfully juried crafters will be accepted based on market mix and space availability. Ties will be broken by the date of application.
- F. Craft vendors may sell only those items that have been approved by the jury at the Market.
- G. Craft vendors are subject to the conditions of Section 11 (Vendor Inspection).
- H. Juried crafters who are approved by the Membership Committee will be submitted to the Board for approval.

## **7.6 Craft Booth Assignments**

- A. Crafters scheduled for the following Market day who desire more or less space must contact the Market by the Wednesday before the scheduled Market day. All crafters scheduled must arrive at the market site by 9:00 a.m. Roll Call crafters need to contact the Market the Wednesday before the market if they wish to participate the following Market day.
- B. Scheduled vendors have priority consideration for additional booth space, based on accumulated Market points.
- C. Four full stalls will be reserved weekly for the top four vendors (based on seniority) participating on any given Market day.
- D. Crafters with lower seniority are assigned space based on seniority and availability of space. Attendance is open to all crafters on a roll call basis, per Section 6.4.

## **Section 8**

### **PROCESSOR JURY/ACCEPTANCE GUIDELINES**

- 8.1** The Market strives to provide a place where fresh and wholesome products are sold, prioritizing the interests of local agriculture. In recognition of the contribution that

processed and read-to-eat foods also bring to the Market, Processors are welcomed to the Market under the following guidelines.

**8.2** To ensure quality foods at the Market, all new processor/concessionaire vendors will be juried. The jury process is a set of criteria for determining eligibility to sell at the market.

**8.3 Jury Date**

Jurying date for prospective processor vendors will be established by the Processor Committee and will be reported to the Board.

**8.4 Jury Process and Guidelines**

- A. Yearly jurying will not occur for returning processor vendors. Any qualifying returning Prepared Food Vendors with new items they wish to sell must jury new items.
- B. The Membership Committee and the Market Director will review each applicant to decide if the following criteria are met. If so, the application will be forwarded to the Board for its approval.
  - 1. Salability – The product should do well in a farmers’ market setting.
  - 2. Compatibility – The product should be unique, and /or fill a niche in the Market’s product mix.
  - 3. Stability – The applying vendor should have a business sense and an entrepreneurial outlook and be able to produce enough product to meet demand.
  - 4. Commitment – The prospective vendor should be willing to commit to specific Market days.
  - 5. Production – The prospective vendor should have a substantial “hands-on” contribution to the making of the product.
  - 6. Health Department Compliance — New and returning Processors should be in good standing with the Whatcom County Health Department. Applicants with previous violations will be reviewed by the Board and membership may be denied.
  - 7. Use of locally sourced products – when possible, Processors should use ingredients sourced from local sources.
- C. A new prospective processor must bring a representative sampling of their product and a complete menu, in person, accompanied by a processor jury form, in order to be juried.
- D. Successfully juried processors will be accepted based on Market mix and space availability and ability to meet criteria defined in 8.4.B. Ties will be broken by the date of application.
- D. Processor vendors may sell only those items that have been approved by the jury at the Market.
- G. Processor vendors are subject to the conditions of Section 11 (Vendor Inspection).
- H. A score cutoff point will be determined by the Market Director and a non-processor Board member. Jury scores will be tallied by this team.
- I. Juried processors who are approved by the Membership Committee will be submitted to the Board for approval.
- J. Notification of the jury decision will be mailed to all applicants within 3 weeks of the jury date.

**8.5 Processor Booth Assignments**

- A. Processors are only eligible for seniority points within their vendor category and are placed at the discretion of the Membership Committee and the Market Director, based on power requirements, Market mix, etc.

- B. Processors scheduled for the following Market day who desire more or less space must contact the Market Director by the Wednesday before the scheduled Market day. All processors scheduled must arrive at the Market site by 9:00 a.m. Roll Call processors need to contact the Market the Wednesday before the Market if they wish to participate in that upcoming Market day.
  - C. Scheduled vendors have priority consideration for additional booth space based on accumulated market points.
- 8.6** Hydrogenated oils are not permitted at the Market, and applications from Processors wishing to use hydrogenated oils in their products for sale at the Market will not be approved.

## Section 9

### SET UP – LOADING AND UNLOADING

#### 9.1 Failure to Show (Reserved and Scheduled Vendors)

- A. A reserved space that is not claimed before 9:00 a.m. may be reassigned to another vendor for that day. If a vendor with a reserved space does not plan to attend, he/she is required to notify the Market the Wednesday before the Market.
- B. Vendors may cancel up to 10% of their vending days identified on the Final Schedule without incurring additional penalty if cancellations are made by the end of the day Wednesday prior to the scheduled vending day. If a cancellation is made after that Wednesday, a late Cancellation Penalty will be incurred. Cancellations after the initial 10% of vending days identified on the Final Schedule will incur an additional Commitment Fee, which must be paid by the vendor before the next vending day. This system applies to all Markets.
- C. **Opt Out Policy:** If a vendor wishes to cancel his/her commitment to vend for the remainder of the season, a 30-day notice must be submitted in writing to the Market Director. The vendor will be responsible for the flat stall fees, equivalent to 4 vending days, whether the vendor chooses to vend or not during the 30-day period.

#### 9.2 Roll Call

Any stalls remaining unscheduled by Friday will be made available for roll call. All vendors wanting roll call status will be required to contact the Market the Wednesday before the Market day. If space is available, they will be notified by phone on Friday. Roll call vendors must show up **prior** to 9:00 a.m. to receive stall assignment from the Market. No stall assignments will be given after 9:30 a.m. (See Section 6.4 for stall assignments information.)

#### 9.3 Set-Up Procedures and Requirements

On Market days, time prior to the 10:00 a.m. Market opening is available for stall set-up by vendors. During this period, vendors may enter the Market area for the purpose of readying their stall space for the day's sales.

- A. Except for sales to other vendors, no sales are allowed during set-up time.
- B. Due to insurance liability, vendors are required to remain completely set up in their stalls until Market closing at 3:00 p.m.
  1. Any vendor leaving the market before 3:00 p.m will be assessed a \$50 fine, due before vending on the next Market day.
- C. **All vendors utilizing heat sources such as propane, heaters, etc., must have fire extinguishers in their booths.**

- D. All vendors erecting canopies are required to have their canopies sufficiently and safely anchored to the ground from the time their canopy is put up **until** the time it is taken down. **THE MARKET REQUIRES A MINIMUM OF 24 POUND WEIGHTS ON EACH OF THE FOUR CORNERS OF A CANOPY.**
  - 1. Any vendor who fails to properly anchor his or her canopy will not be allowed to sell at the Market on that Market day.
  - 2. If there are any insurance costs arising from a canopy, and it is found by the Board of Directors that there was negligence on the part of the vendor, any insurance costs shall be passed on to the vendor.
  - 3. Any vendor who does not abide by these rules will be subject to the following disciplinary process:
    - a) 1st offense - \$50 fine, payable before next Market day.
    - b) 2nd offense – loss of stall for one week.
    - c) 3rd offense – loss of stall for remainder of season.
- E. **Signs:** All vendors must have a sign at their Market site. The sign must have the business name and may include the business logo. Additional signs are permitted as long as they do not interfere with neighboring stalls and are in good taste.

#### **9.4 Vendor Displays**

Table displays, temporary displays in front of stalls, and signs must not block accessibility to adjoining stalls. Display and selling techniques must not impair other vendors' ability to sell.

- A. If a vendor feels his/her sales ability is compromised by a neighboring vendor display or selling techniques, he/she may verbally complain to the Market Director, who will mediate a solution acceptable to both parties.
  - 1. If the complaint is not satisfied, the vendor may make a written appeal to the Board (see Section 5).

#### **9.5 Stall Clean-Up**

Each vendor is responsible for cleaning their stall area and removing their own boxes and garbage from the Market site.

- A. If this is not done to the satisfaction of the Market staff, after an initial warning a vendor may be fined \$30.00 per instance, and may be excluded from participation in the Market.

## **Section 10**

### **ENTERTAINMENT APPLICATION ACCEPTANCE GUIDELINES**

#### **10.1 Check-In**

- A. Prospective performers must register with the Information Booth on their first visit to the Market to get a copy of the current Market performer rules and guidelines, which they will be expected to follow while on-site during Market hours.
- B. Performers must perform at assigned busking stations only. Market staff may, at their discretion, remove or create new busking stations as necessary to preserve customer access to vendors or to otherwise promote easy customer flow within the Market.
- C. Under no circumstances may entertainers perform without the permission of the Market.

- 10.2 Purpose of Entertainers:** Entertainers are guests of the Market Association, invited to perform by the Market to add color and variety to the Market atmosphere and to enhance

the sales environment for Market vendors. Entertainers are not vendors and may not participate in Market governance. Entertainers are permitted in the Market so long as they do not interfere with the commerce for which the Market is established and so long as they do not violate these rules.

- 10.3** Types of entertainment that will be accepted within the Market include acoustic (non-electric), percussion and vocal musicians; children's puppet theater, clowns, improv performers, jugglers and magicians. Amplified music may be accepted in certain circumstances at the discretion of the Market.
- 10.3.1** Performers cannot ask for money but may place a donation basket in one location. No passing of the hat or basket is permitted.
- 10.3.2.** Entertainers will be limited to 30 minutes per location and may not exceed a total playing time of two and one half hours per Market day. The Market Manager can direct an entertainer to reduce his/her volume, relocate to another part of the Market, or in other ways modify their performance if in the Manager's opinion such modification is needed to protect a vendor's customer access, preserve a comfortable listening environment for Market patrons, preserve the flow of customers throughout the Market, or protect the public's safety. Playing from the curb is prohibited, or from Market-owned benches and tables. Entertainers must bring their own props (chairs, etc.).
- 10.3.3 Contracted Entertainment.** The Market may from time to time, with the approval of the Board of Directors, place certain entertainers on contract with the Market. Contracted performers will be exempted from time and location restrictions according to the terms of their contract with the Market.
- 10.4 Violation of Rules.** The Manager may bar an entertainer from performing at the Market for violation of these Rules for a length of time determined by the Manager.
- 10.5** Amplified groups or groups of more than 3 members may be restricted to selected locations within the Market at the discretion of Market staff.
- 10.6** All acts/performances must comply with Market and Bellingham Fire Department safety rules and regulations.
- 10.7** If complaints regarding an individual busker's performance or conduct are received by the Market Manager/Director from vendors or customers, problem buskers may be evicted from the premises during Market hours for the remainder of the year or permanently.

## **Section 11**

### **VENDOR INSPECTIONS**

#### **11.1 Purpose of Inspection**

The purpose of inspections is to ensure that products sold at the Market are vendor-produced as required in the Bylaws (Section 2.2 A. 1, 2, 3) and that the vendor lives and works within the geographical boundaries established by the Bylaws. Inspectors will note production capabilities of the facilities they visit. If a discrepancy is apparent, the Market Director may deny the vendor access to the Market. This decision may be appealed to the Board for final resolution.

**11.2** The Board and/or Market Director may request inspection of a vendor. Vendor membership in the Market requires the vendor to submit to inspection.

**11.3** The Market Director and Farm Committee has responsibility for vendor inspections as needed, in accordance with this policy.

- A. The Market Director may delegate authority to two knowledgeable vendor members or community members to assist in inspections.

#### **11.4 Inspection Process and Guidelines**

- A. The Market Director will keep a record of inspections.
- B. Vendors with a change of address, change of items, or change of other circumstances, must inform the Manager of such changes. Inspections may be required in these instances.
- C. Vendors may be inspected when complaints have been received by the Market Director.
- D. If the inspection team cannot verify that a vendor produces his/her own product, membership may be denied by the Market Director. The vendor may appeal to the Board of Directors.

#### **11.5 Farm Inspections**

The purpose of farm inspections is to verify that all products being sold by Farmer and Farmer-Processor members (as defined in Section 2.1; 1 & 2) are being produced and/or grown by the member according to all BFM policies & bylaws.

- A. New Farmer/Farmer-Processor Members
  - 1. All new farms and Farmer-Processors will be inspected during their first year of BFM membership to ensure that sufficient land, facilities, and workforce are present to produce the products being sold at the Market.
  - 2. New Farmer/Farmer-Processor members can be accepted and participate in vending days prior to inspection.
    - a. In the event that any above new members fail inspection, membership and vending space will be denied until member adjustments and/or appeals are made and approved by the Board.
    - b. If the farm fails the inspection for only part of the products the new Farmer/Farmer-Processor sells, he/she can continue to vend as long as the products in question are not sold at the Market.
- B. Existing Farmer & Farmer-Processor Members
  - a. Returning Farmer and Farmer-Processor members **who** have not been inspected and do not require re-inspection will be inspected at a rate of at least 10 member-businesses per year until the Farmer/Farmer-Processor membership is up to date.
- C. Re-inspection
  - 1. Farmer and Farmer-Processor members who have passed one inspection may be required to pass a new inspection. These inspections will be conducted at the discretion of the Farm Committee or Market Board.
  - 2. Reasons for re-inspection may include:
    - a. Change in product mix
    - b. Change in farm location
    - c. Transfer/change of farm ownership or business structure
    - d. Complaints from membership brought to the Manager or the Board
- D. Inspection Appeals:
  - 1. An applicant or current member who has failed to pass inspection may appeal directly to the Board. All appeals are to be written and should address the specific points of concern raised in the inspection report. After reviewing the appeal, the Board may elect to take action at its next scheduled meeting or delegate the appeal back to the Farm Committee for further review. All appeals must be made

within two weeks of receiving the inspection report. Those filing an appeal can expect a response from the Board or the Farm Committee, if so directed by the Board, within four weeks of filing the appeal. All decisions to appeals are final.

**E. Inspection Procedure**

Farm inspections will be conducted by the Market staff, appointed community members, and/or Board members and reviewed for acceptance by the Farm Committee. Inspections will seek to document the following:

1. That the location or locations of the farm is as described in the vendor's application
2. That the size, aspect, location, and soils of the subject site or sites are consistent with the type and quantity of crops being proposed by the vendor
3. That the necessary infrastructure is in place to cultivate the crops proposed, including the following: irrigation and a dependable water source; tools and implements sufficient to prepare the ground and cultivate the crops; buildings, greenhouses, and other structures necessary to the cultivation of the crop
4. That in the case of perennial crops (cane, tree, vining fruits; perennial flowers and herbs), the crops in the ground are of the type described in the application and of sufficient quantity to produce a reliable quantity for Market sales or for processing into value added products.
5. That sufficient infrastructure is present to harvest and process the crop (harvest tools, lugs, processing equipment, etc.)
  - a. It is the intent of farm inspections to verify the accuracy of the vendor's application(s) to the Market as an essential component of protecting the integrity of the Market and its existing vendors.
  - b. The inspection team will limit its inquiry and inspections only to the land itself and the tools and infrastructure required to tend the crops grown on that land. The inspection team will not ask to review business records, inspect private residences, or seek information or access that is not strictly concerned with land and infrastructure.

**F. Notification of inspection**

All applicants will be notified of inspection no less than two weeks prior to the date. It is expected that all vendors and applicants will show a good faith effort to comply with the inspection date, time, and process.