

2023 KIRKLAND WEDNESDAY MARKET  
RULES AND REGULATIONS



Office Location and Mailing Address:

400 Urban Plaza Ste #135  
Kirkland, WA 98033

Market Location:

Marina Park  
25 Lakeshore Plaza  
Kirkland, WA 98033

Office Phone: (425) 827 - 1707

Email: [Info@kirklandmarket.org](mailto:Info@kirklandmarket.org)

Website: [www.kirklanddowntown.org](http://www.kirklanddowntown.org)

# MARKET HOURS: 3-7PM

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## Applicant Acknowledgement of Criteria and Operating Fees

### SELECTION PROCESS

- An independent jury reviews all applications.
- You will be advised by the Market Manager if you are required to submit product for jury review.
- Any new products (those not accepted for the previous year) must be submitted for jury review.
- Any new products (those not juried and accepted for the current season) that a vendor wishes to add during the market season must be submitted for jury review.
- Be prepared to provide all samples for jury review on dates requested.
- It is critical to your success that you complete all sections of the application including production methods, prices and where the product(s) were produced.
- Incomplete applications cannot be presented to the Jury for consideration.

It is critical to your success that you:

- It is required that you complete all sections of the application.
- Provide as detailed a description as possible of all your products, production methods, prices and where they are produced.
- Provide all images and documents requested

Incomplete applications will not be presented to the jury for consideration.

Washington State Farmers Market Association requests that applicants grow, craft, or process what they sell within the state of Washington. All items will be evaluated on quality, value and contribution to the KWM. All items offered for sale shall be subject to inspection and approval by the Market Managers.

\* ALL applicants (Farmers excluded) are requested to participate in the Vendor Selection event on Tuesday March 7, 2023 from 9 am - 2 pm or Thursday, March 9, 2023 from 9 am - 2 pm in our downtown Kirkland office. Tables will be provided at the juried Vendor Selection. Please bring samples and/or pictures of goods to be sold. All applications with attachments (permits and licenses) and the \$40 application fee are due March 31st 2023. Locations and details will be event and we look forward to meeting the applicants in person and your products.

## 2022 MARKET OVERVIEW

All markets operate Rain or Shine.

### Market Hours/Location

The KWM opens to the public every Wednesday, June 7 - September 27, from 3:00 p.m. to 7:00 p.m. at Kirkland Marina Park - 25 Lakeshore Plaza Dr., Kirkland, WA. There are 18 markets this year. The KWM is produced and coordinated by the Kirkland Downtown Association, which is a 501©3 non profit.

The KWM is a member of the Washington State Farmers Market Association and the Farmers Market Coalition.

## WHAT PRODUCTS CAN BE SOLD AT KWM

### Vendor Categories

Please read the following descriptions which pertain to your category prior to submitting your vendor application. Some vendors may have products for sale in multiple categories so read all categories that apply to you and your products.

#### Farmers

Those who produce from seed, propagate from clippings, or bulbs, will be allowed to sell produce/berries/live flowers/live plants/fresh or dried flowers/fresh or dried herbs, etc. Those that raise animals for meat, to sell for meat sales or fiber sales, must raise, feed and care for the animal themselves for that purpose. Meat may not be purchased from an outside source and then resold. The farmer selling must own, rent or lease their land in the State of Washington. The farmer must be an active owner and operator of the farming operation and may not be operating the business under a franchise agreement. No farm resellers (buying wholesale and then reselling) will be permitted to sell in this market.

Farmers, who sell just produce, seasonal fruits, flowers, meats, cheeses, honey, nursery plants, herbs, jams, jellies, vinegars, or other processed/canned items from their farm, are not be required to go through the jury process.

Processed food items must be prepared in a licensed commercial kitchen and this kitchen shall be disclosed on the vendor application. We do ask that you submit with your application a copy of any required licensing, permits or certificates which are required to sell your items within the State of Washington and/or King County.

If the farmer sells value-added products for example - soaps, bath products, hand-crafted items, baskets, wreathes, etc., these items will be required to go through the jury process and will be considered as part of the artisan category. However, farmers, who have value-added items, will be given first priority, as long as their items, either a portion or all, made from that which they raise or grow.

Organic products: if a product is labeled “organic,” it must be certified in accordance with Washington State law and the standards set forth by the national organic program. Verbal or written declarations of organic status not certified or verified, may result in termination of vendor's permit to sell. When an organic producer is also selling non-organic produce at the same stand, the non-organic produce must be clearly separated from the organic produce and clearly labeled as non-organic or conventionally grown. Certificates should be posted on canopy so as to clearly inform the customer as to what your status is.

*Unsprayed, pesticide-free, or low spray:* Vendors who make verbal and/or written declarations of “no or low-spray” or “pesticide free” products will need to provide a notarized affidavit describing how these procedures are followed or have certification as a “transitional” or “sustainable” process through an approved organization.

*Weights and Measures.* Vendors that sell products by weight shall provide their own scales, which must be “legal for trade” and are subject to inspection by the Department of Agriculture’s “Weights and Measures” Program. All scale displays must be readable and within easy sight of customers. All scales must be registered annually by the Washington State Department of Licensing. Please visit the link for more information: [www.agr.wa.gov/wm](http://www.agr.wa.gov/wm)

#### Food Processors

Those who sell processed foods which include juices, preserved foods, jams, pastries, pasta, granola, cookies, muffins, breads, pies, and related take home desserts, not prepared on site. This includes bakeries: those bakeries that sell more than 25% of their products wholesale must be licensed by the department of agriculture as food processors. Other King County Health Department requirements apply. Vendor must be an active owner/operator of the business and may not be

operating under a franchise agreement. All processed food must personally have been prepared on property they own, rent or lease. Vendors in this category are those who have cooked, baked, or otherwise treated the product they sell. No commercially prepared dough mixes, crusts, shells or fillings are allowed. Processed food products should use ingredients from Washington farms or waters as much as possible. Processors may include someone who processes produce grown on their own property into a value added product such as jams, cider, salsa, or other food items stemming from the vendors crops. Processors may also include those who raise the basic ingredient(s) of a product, but who must send it out for fundamental processing before creating the value added product.

The vendor's application for a permit to sell shall state what is grown/processed or prepared by vendor, and what the vendor will sell at the farmers market. Processed food vendors must be licensed by the department of agriculture as a food processor and follow all of the King County Health Department regulations for sampling or food handling. Foods include dried fruits, herbs, teas, baked goods, cider, preserves, salsas, and salad dressings. Processed foods, including honey, must be labeled according to Washington State labeling requirements. All prepared food and baked goods vendors must have a current King County Health Department food handler's permit and disclose in the application the commercial kitchen where they have prepared the food.

#### Prepared Food Vendors (Concessionaires)

Prepared food vendors are those that offer freshly made foods, available for sale and immediate consumption on-site. Vendor may not be operating under a franchise agreement. When selecting prepared food vendors, priority will be given to vendors preparing food from raw ingredients and using ingredients grown and/or produced in Washington State and/or purchased by participating market farmers. Vendor must have all required state, county, and local food permits. 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. All food vendors will be required to submit a menu or brochure of what is intended to be served. Items prepared ahead of the market – for example dough or sauces must be prepared in a licensed commercial kitchen and this kitchen shall be disclosed on the vendor application. Food vendors are juried based on type of food selling and are chosen based on needs of market. Food vendors are required to have all health department permitting in place prior to selling at the KWM. If you have questions regarding permits, please contact King County Health Department.

Please note: it is the responsibility of the market manager to inspect all food entering market for sale. Upon arrival the market manager will take temperatures of incoming coolers and food prior to heating along with checking temps during market hours. It is your responsibility to ensure that these temperatures fall within the requirements of King County Health Department.

Note: those preparing fresh at the market are required to adhere to all health department requirements. We encourage you to utilize as much of your ingredients found at local farmers markets.

Note: Prepared food vendors (or any vendor) heating or cooking using any method must have the proper fire extinguisher in their booth at all times. For more details see Section 2.4.4 Fire Protection. The market manager will be checking this weekly.

### Wineries and Breweries

Wineries and Breweries who would like to participate as a vendor must have the Washington State Liquor Control Board Farmers Market endorsement and meet all qualifications. See additional information [at http://liq.wa.gov/licensing/farmers-market-authorizationendorsement](http://liq.wa.gov/licensing/farmers-market-authorizationendorsement)

In addition to General Commercial Liability insurance beer and wine vendors need The City of Kirkland to be named as an additional insured on Liquor Liability insurance. A GC 2012 form needs to be submitted to Market Manager.

### *OPERATIONS FOR SAMPLING*

1. A maximum of 3 vendors, limited to wineries and breweries, may offer samples and sell original unopened bottles for off-site consumption.
  2. Sales and samples shall be limited to beer/cider and wine.
  3. Each vendor shall be limited to serving one 2oz sample per customer.
  4. Sampling area shall be separately fenced and contained with a 42" high barrier and may not include tables or chairs.
  5. Vendors shall verify customers are age twenty- one (21) or older prior to sampling and selling.
  6. Samples may only be offered when food is also available.
  7. Each vendor shall post a "Must be 21+ to purchase" sign.
  8. Open containers shall not leave the designated sampling area.
  9. "No alcohol beyond this point" signs shall be posted at each exit.
- The City is to be named as an additional insured on Liquor Liability insurance.

## Artisans/Crafters

Artisans are persons or entities who craft with their own hands the products they offer for sale. Artisans should incorporate materials produced in Washington as much as possible. Artisans must create their craft products in Washington. All artisans are required to go through the jury process and are required to provide at least three (3) (nonreturnable) product photos of works in progress, along with a detailed description of the product they intend to sell.

## Bath, Beauty Products And Essential Oils - Specific Requirements

Cosmetic or Drug Items are Bath/Beauty Products which also includes those distilling Essential Oils.

All items sold which are considered "cosmetic or drug" are required to comply with all Federal Food and Drug Administration rules. The term "cosmetic" means (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness or altering the appearance, and (2) articles intended for use as a component of any such articles; except that such term shall not include soap. -- FD&C Act, Sec. 201 (i)

A cosmetic is also a drug when it is intended to cleanse, beautify or promote attractiveness as well as treat or prevent disease or otherwise affect the structure or any function of the human body.

## Onsite prepared and processed food handling

Health Department requirements and permits for prepared food vendors and vendors offering samples. Check the following site for details on the new Certified Booth Operator training and permit changes.

<http://www.kingcounty.gov/healthservices/health/ehs/foodsafety/FoodBusiness/farmers.aspx> It is the responsibility of the Market Manager to ensure temperature of foods, food sources, proper set up of a hand washing station, and food worker use of handwashing stations IT IS YOUR RESPONSIBILITY TO ENSURE THAT THESE TEMPERATURES FALL WITHIN THE REQUIREMENTS OF KING COUNTY HEALTH DEPARTMENT. Note: Hand washing stations are required for any food to be eaten at the market including free samples. The market manager will check for correct setup and use of handwashing stations at the market.

## EXEMPTION FROM PERMIT AND SAMPLING

Sampling (while encouraged) may take place when Vendor complies with all King



County Dept. of Health requirements. This includes sampling of fruits and vegetables. To assist you in locating this information we have included the following information and links:

1. All vendors serving samples must have a food workers permit or be supervised by someone that has a food workers permit. These currently cost \$10 and can be obtained by taking a course and test online at

[www.foodworkercard.wa.gov](http://www.foodworkercard.wa.gov)

2. The vendor or farm must also have acquired a Farmers Market Exemption from permit at least 14 days prior to the market they will be sampling at. This Temporary Food Service Permit is free and good for the entire season.

A link to the application form can be found on this page

<http://www.kingcounty.gov/healthservices/health/ehs/foodsafety/FoodBusiness/farmers.aspx>

The application is under the third option (“Situations where you might not need a permit”) under the large number 2. Expand the third option to find: “Application for exemption from permit”.

In addition to farmers sampling produce, Vendors selling popcorn, Kettle corn, corn on the cob, crushed ice drinks, roasted nuts or roasted whole peppers also are ‘permitted’ with the above mentioned “Exemption from Permit”.

## PARKING

The KWM reserves parking spots through the City of Kirkland. These parking spots require a parking permit. Permits will be assigned on the first day of the market by the market manager. Permits are for the entire season and if lost, a \$20 replacement fee will be charged to vendor. Vendors without a permit will need to find their own parking. Permits will be assigned on the managers discretion, priority is given to vendors who have signed up for the whole season.

## MARKET FEES

A one-time \$40.00 Application/membership fee is due at the time of application for all applicant. A \$45.00 Stall Fee is due for each 10'x10' stall, each market day. Multiple stalls may be requested. Full season Stall Fees may be paid in full at a discounted rate. Pre-payment must be

received in full no later than Wednesday, June 7 2022 to receive the discounted rate. Please Note: pre-paid Vendors who fail to participate on a given KWM day are not entitled to a refund for that day. Pre-paid Vendors are still expected to give notice if they will miss a market day.

All vendors who have not pre-paid, the fee will be collected each market day. Payment must be in cash, check or credit/debit card.

-Community Booth – Free for non-profit groups. Please contact Market Manager for Community Booth

-Company/Promotion Booth- please contact market manager if your company is interested in having a booth at the market this season.

## REQUIRED permits and licenses:

-WA state Tax Number (UBI)

-Commercial General Liability Insurance

-For processed and prepared Food Vendors: King County Department of Health Farmers Market permit and/or WSDA Commercial Kitchen Permit

-For wine/beer vendors: must list City of Kirkland as Additional Insured via CG 2012 or CG 2022 form.

## BOOTH REQUIREMENTS

### Stall Size

Stalls are 10' x 10' – all displays must fit within the assigned space. Any booth operator exceeding

beyond their assigned space will be charged accordingly. Those requiring a 10'x20' or 10'x30' may request additional space at an additional cost.

### Fire Extinguisher

Booths with ANY heating equipment, such as electric hotplate or other similar heat-producing device or where cooking will take place, requires one fire extinguisher with a minimum rating of 2A:10BC. Booths with deep-fat fryers require a UL listed Class K fire extinguisher. Extinguishers must be in good working condition, fully charged, with seals intact and certified within the last year or equipment will not be allowed to operate.

### Tent/Canopy Weights

**Booth operators are required to secure tent/canopy with a minimum of 25lbs on each leg** to prevent damage and/or injury in the event of wind. Where tents/canopies are tied together a minimum of 50lbs per leg is required. There are no exceptions – tents/canopies may not be erected without required weights.

(KWM does not provide tables, tents, etc. for vendors). If you don't have weights, you will be REQUIRED to rent them from the Market Manager (\$10 per 25 pound weight) or you will be not allowed to set up a tent.

## Signage

All Vendors must post a sign identifying the name of the farm or business represented and where it is located. Signs should not be smaller than 24" wide by 8" high. Vendors will have their signs displayed before sales begin.

### *Stall Identification/Pricing*

Each stall must have a sign clearly marking the price of products. Pricing and any applicable taxes are the sole responsibility of the Vendor. The Market Managers reserve the right to enforce fair price standards on fruits and vegetables in order to discourage dumping of low quality products.

### Vendor sales reporting

Vendors are required to fill out and return a sales report at the end of each market. Sales report will be as accurate as possible and include WIC and SFMNP checks, EBT tokens and Fresh Bucks in the total. If the Vendor wishes to count up sales offsite for safety reasons, sales numbers for the prior week may be reported. Vendors that do not report sales accurately or in a timely manner will lose priority booth selection.

## MARKET MANAGER'S GUIDELINES

The Market Manager interprets and enforces the Vendor Rules and Responsibilities in consultation with the Board of Directors and Executive Director

### Insurance

The Kirkland Downtown Association provides proof of insurance from all applicants. The "Kirkland Downtown Association" must be added as "Additional Insured."

### Non-Profit Groups

Each week there will be 2 Community Booths stall spaces available to local non-profit groups. Non-profit applicants must have current non-profit status and approved by the Kirkland Wednesday Market for participation.

## MARKET DAY RULES

### *Load-in*

Load-In is from 12:00 p.m. – 2:30 p.m. No setup may take place before the Market Manager arrives on site. All vehicles must be removed from the market area by 2:30 p.m. for pedestrian safety. Late arrivals will be accommodated if space allows but will not be permitted to drive into the market area to unload, all equipment must be carried in.

### *Stall Assignment*

Stall location will be assigned upon arrival at the market each week. A permanent location for the entire season is not guaranteed. Assigned location may vary at the discretion of the Market Manager.

### *Load-out/Cleanup*

Booth tear down and load-out may not begin until close of market at 7:00 p.m. To ensure everyone's safety and to maintain market ambiance, packing and leaving before end of market is not permitted. This also applies to Booth Operators who sell out before end of market. Everyone participating in the market must clean their assigned stall space by disposing of all debris before leaving the area. This includes hauling away any trash or garbage that is generated in or around the booth and sweeping up any product debris left on the ground. Ice should not be dumped on the grass or cement. Vendors should bring their own brooms and dustpans. NO EXCEPTIONS.

KWM will issue a written warning to Vendors that do not clean-up at the end of the Market day and a \$25 fine will be assessed for the second offense. A third offense is grounds for termination of the Vendor's permission to sell, with no refund for unused stall/booth time.

### *Cancellation/No-Show Policy*

Vendors must cancel their attendance, by calling or emailing the Market Manager, no later than 3:00 p.m. on Tuesdays or 24 hours prior to the market to avoid a \$30.00 No-Show Fine. No-Show Fines are due upon arrival at the next attended market, in addition to the daily Stall Fee, before entry is permitted.

Second violations result in a double No-Show Fine of \$80. Vendors no longer attending the market will be sent a final invoice. No-Shows hurt the credibility of the market and negatively affect all booth operators. Upon the third violation, the vendor will be suspended from the market for the remainder of the season.

## REGULATIONS

### Advertising

General advertising of the KWM is provided by the Kirkland Downtown Association. Vendors are encouraged to include market information on their websites, newsletters, mailings and social media accounts.

**INSPECTIONS:** The KWM coordinator or designated representatives have the right to inspect land used for farming or establishments used by Vendors. Farm visits will be conducted with at least a 24-hour notice. Vendors should provide help during a visit in identifying the crops and land used for farming listed on the application for permission to sell. Inadequate proof of farming may result in removal of the farm product or the Vendor from RFM.

### Amplified Music

The KWM may schedule live music for everyone's enjoyment. Booth operators may not have amplified music at their stalls.

### *Payment*

Vendors are encouraged to determine their own method of payment: cash, checks and/or cards.

### *Pets/Service Animals*

Booth operators may not bring pets to the KWM. One licensed service animal may be allowed per booth with appropriate documentation. City of Kirkland Park Rules require animals to remain on leash at all times.

### *Power*

Power is not available on-site and generators must have prior approval by the Market Manager.

### *Plastic Bag Ban*

The plastic bag ban restricts retailers from providing single-use, disposable plastic carryout bags. The restriction applies to retail businesses that provide carryout bags at point of sale. Exemptions include take-out food, bulk food, and items where moisture is an issue. More information is available at [www.kirklandwa.gov/bringyourownbag](http://www.kirklandwa.gov/bringyourownbag) or contact the Recycling Hotline at [recycle@kirklandwa.gov](mailto:recycle@kirklandwa.gov) or (425) 587-3812.

### *Print Materials*

Booth operators are allowed to display and distribute print materials that pertain to

the products being sold. No other print materials, political or otherwise, may be displayed or distributed without prior approval by the Market Manager.

#### *Public Health Requirements*

Food vendors are responsible for obtaining health permits required for operation of the business. Food booth operators must adhere to sanitary procedures as required by the King County Public Health Department (KCPHD). Any food booth operator found to be selling contaminated food shall be suspended from selling operations until satisfactory clearance has been obtained from the KCPHD.

Food booth operators offering samples must have a food handlers' permit and proper hand-washing set up, including: 5 gallon container of warm water with a spigot, grey water collection bucket, soap, paper towels and some type of barrier (toothpicks, plastic gloves, tongs, etc.) for passing samples to the customer. Without the proper setup sampling will not be allowed.

For more information and to obtain required health permits contact King County Public Health.

#### *Smoking*

Booth operators may not smoke in or around the market area.

#### *Taxes*

Vendors are solely responsible for reporting and paying required taxes.

#### **RULES & REGULATIONS ARE SUBJECT TO CHANGE**

The Kirkland Wednesday Market reserves the right to cancel the privileges of any vendor or booth operator who has willfully violated the rules and regulations governing the KWM.

**FOR QUESTIONS PLEASE EMAIL: [INFO@kirklandmarket.org](mailto:INFO@kirklandmarket.org)**