

Town of Mesilla Mercado Rules & Regulations

Section I. Purpose, Authority, and Location:

- A. The Town of Mesilla Mercado, hereinafter referred to as the "Mercado," is established as a produce and crafts market for use by local residents, as vendors. The purpose of the Mercado Rules and Regulations is to establish standards of operation. All vendors will receive a copy during mandatory vendor orientation. Additional copies may be requested during regular business hours of the Mesilla Town Hall and a copy may be obtained for a reasonable copy fee. Rules and Regulations will also be available online at www.mesilla.nm.gov.
- B. The Mercado shall be administered by the Town of Mesilla or designee. A market manager may be designated and terminated at any time by the Board of Trustees (BOT). During a time when there is not a designated market manager, the Mercado will be administrated by the Town of Mesilla Community Development and/or Community Programs department. BOT shall implement these Mercado Rules and Regulations to ensure the lawful and safe operation of the Mercado. Normal hours of operation are every Friday (11:00 AM to 4:00 PM) and Sunday (Noon to 4:00 PM).
- C. The BOT shall approve the Mercado Rules and Regulations and may amend the Rules and Regulations as needed.
- D. Where the provisions of any local ordinance or State law impose greater restrictions than the restrictions of these rules and regulations, the provisions of such local ordinance or state law shall prevail.
- E. The location, days and hours, and number of authorized spaces for the Mercado are determined by the Town of Mesilla and subject to change.

- F. The use of the Plaza for the Mercado is subject to change and/or cancellation during some approved special events.

Section II. Definitions:

The following words, terms and phrases, when used in these Rules and Regulations shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- A. Vendor: Is a person who holds a current Mercado business license issued by the Town of Mesilla.
- B. Locally grown or locally made: Shall mean agricultural products grown or craft products made within the boundaries of Dona Ana County.
- C. Agricultural products: Shall include the following: fruits (fresh or dried), vegetables, nuts, honey, herbs and spices, potpourri, dried flowers, plants, earthworms and fishing worms which have been produced or home grown/raised by the vendor. Worms shall be kept only in containers that sustain their life, such as Styrofoam containers.
- D. Canned Food: acidified and/or low-acid foods that have been preserved by a method of food preservation wherein a food and its container are rendered commercially sterile by the application of heat, alone or in combination with pH and/or water activity or other chemicals.
- E. Crafts products: means any locally made arts and crafts, which have been home crafted or hand-assembled or produced by the seller or members of the seller's household, including leather goods, paintings, drawings, photographs, woodworks, metal crafts, ceramics, pottery, weavings, macramé, needlework, beadwork, sculpture, jewelry, stitchery, sewing, clothing and accessories; glasswork and natural fiber crafts and basketry.
- F. Crafts vendors: Means those vendors' selling any locally made, home crafted or hand-assembled arts and crafts.

G. Farm vendors: Means those vendors selling agricultural products; home kitchen prepared goods and/or plants. To qualify as a farm vendor the majority of goods being sold must be agricultural products, home kitchen prepared products of plants. For every vendor of agricultural products, at least 75% of the vendor's products shall be locally grown.

H. Home crafted or hand assemble: Means an item that has two (2) or more distinctive parts, combined and permanently attached by intent, labor, creativity and skill to produce a more attractive or valuable product. Imports and manufactured kits are excluded from the above definition of home crafted or hand-assemble.

I. Plants: Shall include seedlings or collected plants, cut flowers, seed, bulbs, and like items. A vendor of plants shall be required to attach to his/her business license application the appropriate license(s), registration and packaging regulations issued by the New Mexico Department of Agricultural and shall comply with the requirements of any other licensing authorities with jurisdiction over plant sales.

J. Prepared Foods: Shall include breads, cookies, other pastries, jams, jellies, and pickled foods that have been locally prepared, are sealed and do not require heat or refrigeration for storage and that have been approved for sale by the New Mexico Environment Department. Excluded from sale as prepared foods are any and all canned goods. A vendor of prepared foods shall be required to attach to his/her business license application the appropriate license(s) issued by the New Mexico Environment Department and shall comply with the requirements of all other licensing authorities with jurisdiction over prepared food sales.

Section III. Administration:

A. Allocation of Vendors: The total undefined number of vendors in the Mesilla Mercado is to be determined by the Town of Mesilla or designee. A list of the names of approved

vendors will be recorded by the Town of Mesilla and shall be used to record the attendance of vendors at the Mercado. Vendors who are residents of the Town of Mesilla will have first priority. Farm vendors will be given preference if they choose to sell agricultural products.

B. Eligibility: Any person wishing to participate in the Mesilla Mercado shall annually submit a Mercado Business Registration Form (Exhibit #1) to the Town of Mesilla to determine eligibility to participate. The annual submission of the Mercado Registration Form will be due no later than March 15th of each year. The Town of Mesilla or designee will review the application forms and will determine the applicant's eligibility to participate in the Mercado.

C. Musical Entertainers: Musical Entertainers are allowed to participate in the market but must be residents within Dona Ana County. Entertainers are required to abide by these Rules and Regulations and must also attend the required orientation. Entertainers must not interfere, either by physical placement or volume, with the business being conducted at vendor booths. All entertainers must follow town code (12.15.030) regarding the volume of sound. Music should be family friendly, without vulgarities, and must be deemed appropriate by the Town of Mesilla. If multiple entertainers are approved to participate, then the Town of Mesilla will create a weekly rotation schedule so that all eligible entertainers may participate regularly.

D. Community Groups: Community groups are allowed to attend market once per calendar month as approved by the Town of Mesilla, with a limit of three per market day. Spaces utilized by community groups are for informational purposes and may be used to conduct a raffle or solicit donations. They may

not be used for selling specific products other than raffle tickets.

- E. Mandatory Orientation: All vendors are required to attend an annual orientation prior to selling at the Market. Primary orientations will be held during the first week of March. Additional orientations will be held the second Thursday of every month. Vendors will not be allowed to sell until they have attended orientation and have signed the rules and regulations agreement.
- F. Mercado Space Assignment: There will be no formal assignment of spaces. Spaces are available on a first come, first serve basis.
- G. Business Registration: Any person who has been deemed eligible to participate in the Mesilla Mercado must apply for a \$35 business registration with the Town of Mesilla no later than March 15.
 - i. The process for obtaining a business license, including fees, will be subject to following the Town code, Sections 5.05.010 through 5.05.080.
- H. Fees: All Mercado vendors are required to pay an annual \$100 administration and maintenance fee, in addition to the Business Registration fee. These fees are due upon filing and will not be prorated. In the event the established fee is not paid within 14 days of notification, the vendor will be ineligible to sell their goods. If any person shall engage in business within the limits of the town of Mesilla without paying the business registration fee required by these rules and regulations, then the same shall become due and payable. Such person shall, in addition to the required fee, may also be written a citation.
- I. Set-up and tear-down: Vendors may begin set-up no more than two (2) hours prior to the Mercado opening time, and vendors must vacate their spaces within thirty (30) minutes of the

Mercado closing time. The south end of the Plaza on Calle de Parian will be designated as a loading and unloading zone. Vendors may pull up and unload their products onto the sidewalk as early as 2 hours before market time and then move their vehicle to an approved parking space. Vendors should NOT set-up in their spaces until their car has been moved to a parking space. Vendors should not begin setting up their products and canopies until 1 hour prior to market start time, in order to avoid selling outside of market hours. Vendors should also have their entire booth packed up and products set at the south end of the Plaza before retrieving their vehicle for loading at the end of the market day. Any vendor caught selling products after 4:00 PM may have their license revoked.

Please note: Setting up late and leaving early is strongly discouraged as it is detrimental to the customer's perception of the market. Vendors should plan to observe the standard hours of operation.

- J. Parking: Vendors are not allowed to use street parking or public parking on streets around the Plaza for any reason. Vendors are allowed a 15-minute time period to unload their goods, and then will be required to move their vehicles. Vendors may use the public parking lot on Calle de Medanos, the Town Hall Parking Lot or side street parking. Parking will be enforced by the Marshal's department. Any vendor caught in violation of this rule will be asked to leave the Mercado and may be written a citation. Repeat offenders of this rule will face revocation of their vendor license. At the end of the market, do not retrieve your vehicle until you have packed up all of your items, broken down tables, and packed up tents/umbrellas. Your booth should be completely packed up to ensure your vehicle is in the plaza parking for the shortest amount of time.

Handicap Parking: The exception to this rule is those who possess a handicap placard. Those

vendors may park in the designated handicap area closest to the Plaza.

K. Additional Products: Any vendor wishing to add products not specified on his/her Mercado business registration will apply to the Town of Mesilla to amend his/her business registration prior to the commencement of any change in sales or products. Authorization by the Town of Mesilla must be obtained prior to commencement of any change in sales or products.

L. Proof of Tax Collection Capabilities: All vendors will comply with requirements for collection of gross receipts taxes and will demonstrate proof of collection of gross receipts taxes when conducting business at the Mercado. Proof will be provided to the Town of Mesilla and shall consist of the following:

- a. An approved and valid Town of Mesilla Business Registration.
- b. A valid State Taxation Number (CRS) Form.

M. Display of License: Vendors shall display their Mesilla Mercado business license in a prominent place at their Mercado location during operation.

N. Signage & Shades: Each Mercado vendor is permitted to display a sign, not greater than two square feet in size. All signs notifying buyers of sales (i.e. 50% off) must lay flat on the table. All signs and/or shades erected by a vendor will be safely and securely installed so as not to create a hazard to any person or structure on the Plaza.

Section V. Spacing and Maintenance

A. The maximum space size will be ten feet deep and ten feet wide. The minimum size of the space may vary depending on the location. No vendor space will be allowed to encroach upon the street or sidewalk.

B. Blocking the designated walkways for the Mercado is strictly prohibited.

C. No vendor will be allowed to use Plaza trash containers as part of his/her vendor space.

D. All areas around vendors must be kept free of boxes or other debris at all times.

E. Each vendor shall make provisions for trash removal and clean up during and following Mercado hours. Vendors will be responsible for removing their spoiled produce or broken items and shall not leave garbage, trash or broken down boxes in the Town trash containers. Any items used to secure a shade or awning must be removed from the Plaza.

F. Vendors are not allowed to have pets in or around their designated vending space.

Section VI. Restrictions

A. All vehicles, with the exception of Town maintenance and Town emergency vehicles are prohibited from driving onto or through the area of the Plaza itself during the hours the Mercado is in operation. This does not include use of the Plaza streets.

B. No vendor will obstruct any Town street. Loading and unloading of merchandise must be done from a legal parking space.

C. Vendors will not be allowed to use plaza parking spaces. Vendors must utilize the town parking lots or side streets.

Section VII. Enforcement

A. Any vendor not abiding by the Rules and Regulations established for the Mercado will have his/her Mercado Business License sent back to the Town of Mesilla for review and recommend appropriate action.

B. All products declared by the vendor on the vendor's business registration and sold in the

Mercado are subject to periodic review by the Town of Mesilla for compliance with these rules and regulations. This may include a demonstration by the vendor of how an item is handmade, etc.

C. The Town of Mesilla may revoke or suspend the Mercado Business License of any vendor for non-compliance with the Mercado Rules and Regulations. The revocation or suspension will prohibit any further application for future Mercado licensure or authorization.

Acknowledgement of Mercado Rules and Regulations

The vendor/participant whose signature appears below agrees to abide by all terms stated in Town of Mesilla Mercado Rules and Regulations. The signature below signifies that the vendor understands that any willful and intentional violation of these rules and regulations may result in their vendor booth being shutdown and/or revocation of their Mercado business license with no refunds. The vendor also understands that the Town of Mesilla reserves the right to refuse, close or cancel any Mercado privileges without issuing a refund.

HOLD HARMLESS AGREEMENT: I assume all risk and hazards incidental to the conduct of the Mercado activities. I do further hereby release, indemnify and hold harmless the Town of Mesilla, the supervisors and the employees in case of injury.

Signature: _____

Printed Name: _____

Date: _____

****Please sign and return to Cynthia Stoechner-Hernandez, Community Development Coordinator or Ashley Echavarria, Special Events Coordinator, at 2231 Avenida de Mesilla.