

TITLE 4 CULTURAL RESOURCES
CHAPTER 3 STATE FAIR
PART 11 STATE FAIR OPEN AIR MARKET

4.3.11.1 ISSUING AGENCY: New Mexico State Fair Commission.
[3/13/1992; 4.3.11.1 NMAC - Rn & A, SF-92-1, 9/30/2004]

4.3.11.2 SCOPE: Vendors and members of the general public who attend the New Mexico state fair open air market.
[4.3.11.2 NMAC - N, 9/30/2004]

4.3.11.3 STATUTORY AUTHORITY: Subsection B of 16.6.4, NMSA 1978.
[4.3.11.3 NMAC - N, 9/30/2004]

4.3.11.4 DURATION: Permanent.
[4.3.11.4 NMAC - N, 9/30/2004]

4.3.11.5 EFFECTIVE DATE: March 13, 1992, unless a later date is cited at the end of a section.
[4.3.11.5 NMAC - N, 9/30/2004]

4.3.11.6 OBJECTIVE: To provide rules and guidelines for vendors and members of the general public who participate in and attend the New Mexico state fair open air market.
[4.3.11.6 NMAC - N, 9/30/2004]

4.3.11.7 DEFINITIONS:

A. “Commission” means the regulating body of the New Mexico state fair that shall prepare, adopt, publish, and enforce all necessary rules for the management of the state fair.

B. “General Manager” means the general manager of the New Mexico state fair, or his/her designee.
[4.3.11.7 NMAC - N, 9/30/2004]

4.3.11.8 THE STATE FAIR OPEN AIR MARKET:

A. The commission delegates to the general manager the authority to establish regulations, rates and conditions concerning the operation of the state fair open air market, herein described as “market” as necessary for the smooth, efficient operation of the market.

B. The general manager reserves the right to charge for exhibition space, parking and admission. The general manager reserves the right to set the dates and hours of the market, including but not limited to, canceling and rescheduling. No refunds will be issued for acts of God, weather or emergencies. The commission and the general manager shall not be liable for any losses due to a change in hours or dates.

C. A rental fee as determined by the general manager shall be paid in advance at either the fair administrative office or at the gate on the day of the market.

D. The general manager shall designate the selling areas and assign an individual space to each vendor.

E. Anyone using a space that has not been paid for may be removed from the grounds.

F. The general manager reserves the right to relocate any vendor without notice if deemed necessary to maintain cohesiveness in the market. Failure to comply with this rule may be cause for expulsion from the market.

G. All vendors shall sell behind the lines defining each space. No selling shall occur in the pedestrian walkways and aisles, nor shall any electrical cords extend into them.

H. All vendors shall leave the grounds by a time designated by the general manager. Each vendor shall clean the area around his or her space. Failure to clean the area around his or her space may be cause for expulsion from the market. Anything left on the grounds shall be deemed abandoned and shall be thrown away.

I. The general manager reserves the right to determine whether an item is considered offensive or in poor taste, and restrict its sale or display. The general manager may prohibit the sale or display of any illegal merchandise. Failure to comply with management decisions may be cause for expulsion from the market.

J. Every vendor shall abide by all state laws, ordinances, rules and regulations, including those

pertaining to unfair trade practices and to health and safety.

K. All vendors and patrons shall conduct themselves at all times in a manner which does not interfere with or impede with the proper operation of the market.

L. Vendors shall do everything within their means to maintain good customer relations with market patrons. Numerous customer complaints to management may result in expulsion from the market.

M. The commission and the general manager do not warrant or guarantee the value or quality of any items sold by market vendors.

N. No person shall be allowed to stay on the market grounds overnight without written permission of the manager. Overnight stays may be charged an additional fee.

O. Radios, televisions, record players, tape decks and other sound-producing equipment shall be kept to a volume level that does not interfere with the operation of the market.

P. No person-to-person solicitation of funds of or by vendors or patrons shall be allowed on the market grounds, except those conducted in a space that has been rented by the solicitor.

Q. All persons shall comply with the New Mexico state fair policy on deadly weapons as set forth in Deadly Weapons Prohibited, 4.3.1.19 NMAC.

R. All bicycles, skateboards and motor powered vehicles, except those used to assist mobility-impaired persons, shall be parked or walked through the market.

S. No animals, except qualified service animals, shall be allowed on the market grounds.

T. All food vendors shall comply with the concessions regulations as set forth in general information, 4.3.10 NMAC.

U. No alcoholic beverages shall be possessed, consumed on the market grounds.

V. No games of chance or skill, raffles or other gambling activities shall be allowed on the market grounds.

W. The commission and the general manager shall not be responsible for stolen or lost merchandise or valuables or any damage to vehicles or personal property.

X. The general manager reserves the right to remove from or deny access to the market of individuals who do not comply with these rules and regulations. This includes, but is not limited to, individuals who appear to be intoxicated, use vulgar or abusive language, those who engage in disorderly conduct or who otherwise disturb the peace.

[3/13/1992; 4.3.11.8 NMAC - Rn & A, SF 92-1 (1-21), 9/30/2004]

HISTORY OF 4.3.11 NMAC

Pre-NMAC History: The material in this Part was derived from that previously filed with the State Records Center and Archives:

SF 84-1, State Fair Rules and Regulations For Fairgrounds Open-Air Market, filed 4/27/84;

SF 92-1, State Fair Open Air Market Rules and Regulations, 3/13/92.

History of Repealed Material: [RESERVED]

Other History:

SF 92-1, State Fair Open Air Market Rules and Regulations (filed 3/13/92) was replaced by 4.3.11 NMAC, State Fair Open Air Market, effective 9/30/2004.