



Native Rhythms Festival Vendor Rules 2022



The **Native Rhythms Festival** (hereinafter referred to *the festival*) organizing committee (hereinafter referred to as the *NRF committee* or *the committee*) invites all interested artists and crafters who agree to conform to the below rules to participate in our indigenous people's music festival at Wickham Park, Melbourne, FL on November 11-13, 2022.

Requirements for all Artists

- **COVID-19 guideline compliance:** Current projections do not anticipate full relief from concern over the spreading of the coronavirus COVID-19 virus and its variants by *festival* weekend. Guidelines from the Center for Disease Control (CDC) are continually changing. ***Initially, out of an abundance of concern for the safety of our guests, volunteers, and vendors, we plan to impose the same restrictions on flute maker vendors as 2021. However, as we approach festival weekend, we will reassess this policy in view of prevailing conditions and threat level.***
- **This is a juried event.** No new application will be approved without the submission of photographs of the artist's work and booth. These photographs must accompany the registration application. Previous year vendors do not need to submit photographs.
- Invitations for selected prior year vendors will be sent out during June, 2022. Open registration for all vendors opens July 1, 2022. **Deadline for all vendor application with signed registration form and full payment will be October 1, 2022**, unless prior arrangements have been made with the committee. (Payments will be refunded if *the festival* is cancelled due to Pandemic or other natural disaster.)
- To ensure the highest quality of artists/crafters, we will be limiting the **total number of arts/crafts vendors to 40**. Of which, the number of flute maker vendors will be limited to 16 and the number of silver/turquoise style jewelry vendors will be limited to 5. These numbers do not include performers (who are provided a complementary booth as part of their compensation package), food vendors, or exhibitors.
- **Native Rhythms Festival** offers flute makers the opportunity to display and sell flutes that they have made. Therefore, only registered flute maker vendors will be permitted to sell flutes, and they may only sell flutes carrying their own name or their brand name. Specifically, other arts/crafts vendors may not sell flutes made by someone else (such as High Spirits).
- **Special restrictions on Flute Maker Vendors for 2022:** Due to concern about continued spreading of the coronavirus COVID-19 and its variants, the general public will not be permitted to try (i.e., play) a flute until it has been purchased. The flute maker may demonstrate their flutes. The commonly used plastic tube is not sufficient to prevent the passing of the virus because, when inhaling while playing, part of the inhalation comes in from the flute through the mouth.

Any flute that a guest may play and not buy must be removed from display and cannot be sold for the remainder of the festival, but may later be sold to only that guest. ***As we approach festival weekend, we will reassess this policy in view of prevailing conditions and threat level.***

- Because of our special relationship with our performers, performer vendors are exempt from the limits on the number of vendors. They may also sell any merchandise they normally offer, including CDs, DVDs, apparel, jewelry, “signature flutes”, etc.
- Exhibitors will be accepted by invitation only. Exhibitors are permitted to do fundraising for their organization within their booth, including the sale of appropriate merchandise.
- Food vendors will be accepted by invitation only. Please do not apply if you have not been invited.
- **There will be no walk-on artists/merchants/exhibitors permitted.**
- The following requirements will be **strictly enforced on all vendors**. All booths will be monitored by the *NRF committee* during the *festival* to ensure compliance with the rules set forth in this document. Any infractions noted will be corrected on the spot. **Those who fail to comply will be asked to leave the festival grounds immediately.** No fee refunds will be made to vendors who are asked to leave.
- Each artist/craftsman must have his/her own booth. Requests to share a booth must include justification for the request, be accompanied by the appropriate fees, and be reviewed and approved by the organizing committee. There will be no sharing of booths larger than 10’x10’. There will be no exceptions.
- All arts and crafts sold and displayed must be produced by the artist/vendor or by the vendor as the artist’s authorized representative.
- Although artists/crafters themselves need not be of Native American ancestry, all arts and crafts must be handmade and of traditional Native American style or maintain a Native American or nature theme. **We are looking for artists and crafters, not resellers.** We reserve the right to approve the sale of specific resale items that are deemed by the *NRF committee* as appropriate for the event and that do not conflict with other items sold by the other vendors.
- **All vendors are required comply with the Indian Arts and Crafts Act of 1990, as amended in 2010.** The full text of this law is included at the end of this document. The *Indian Arts and Crafts Board* has instructed us that the 2010 amendment places additional responsibilities on the organizers of events like the **Native Rhythms Festival** for ensuring compliance with the Act. Therefore, we must require that each of our vendors specifically comply with the following:
 1. Any vendors representing themselves as Native American must provide proof of tribal enrollment documentation to the *NRF committee*. Anyone who cannot show proof that they are an enrolled member of either a federally or state recognized tribe, must have on display in their booth a sign that says, "**Not Native Made**". The festival will provide these signs as part of the vendor packet, or vendors may use their own.
 2. Any vendors who resell items made by others who claim to be Native American must also have proof of the artist/maker’s tribal enrollment. If enrollment confirmation cannot be

provided to the NRF *committee*, you must have on display in your booth a sign that says "Not Native Made" near their goods. The festival will provide these signs in the vendor packet. Additional signs will be available on request.

3. Each vendor will be required to confirm their understanding of the *Indian Arts and Crafts Act of 1990* by reading and signing the section of the vendor application referring to this Act. This is a personal commitment that each vendor must make that he/she understands the requirements of the Act and will abide by them.
- We encourage demonstration of skills whenever possible.
 - The names of all the persons who will be operating the booth must be included on the registration form. Each of those people will be issued a **Native Rhythms Festival** security badge. **Only people with an official security badge will be permitted to operate booths.** Please have your security badge ready to present to roving security personnel, especially after hours.
 - **All vendors must check in with the organizing committee at the registration tent before beginning setup.** An NRF *committee* member will direct arriving vendors to their assigned location. Vendors must set up within the marked boundaries of their assigned locations.
 - Each vendor must supply his/her own tents, tables, chairs, lighting fixtures, extension cords, packing materials, backdrops, etc. (We can provide information about renting tents, tables and chairs locally). Note that this event continues after sunset on Friday and Saturday. Vendors will be responsible for extension cords and lighting fixtures for their booth. Power will be available to each vendor booth. (See requirements below regarding light fixtures and extension cords meeting City of Melbourne fire codes.)
 - **Native Rhythms Festival** is required to fully comply with the City of Melbourne's event fire codes. A city fire inspector will be on-site to check us and our vendors for compliance with the following regulations. All vendors must be completely setup and ready for the inspector at **9:00AM on Friday**. All vendors must pass their inspection before we will be allowed to open the festival.
 - City of Melbourne fire codes require that vendors meet certain requirements regarding spacing between tents. In general, there must be 10 feet between tents. However, we may place two 10'x10' tents "adjacent" to one another, but then provide 10 feet between the pair and the next closest tents. The committee will lay out the vendor area to comply with these requirements. It is critical that all vendors set up exactly where designated within their assigned area to comply with these requirements. If in doubt, check with the NRF vendor coordinator, who will be on site during setup on Thursday, before setting up your tent. **Due to Pandemic regulations, spacing may be greater than required by the fire code.**
 - Complying with the spacing requirement (see above) will mean longer electrical cord runs between electrical panels/distribution boxes, and tents. Extension cords up to 200 feet in 12 gauge may be required for many of the tent sites. If your site is closer to the panel, extension cords of any gauge up to 100 feet long may be used. However, we recommend being prepared for the longer cord.

- All tents larger than 10'x10' (120 square feet or larger) must have a manufacturer's certificate stating it is made of a fire-retardant material.
 - All bulbs, incandescent or fluorescent (tube or CFL), must be shielded against bulb breakage. Open bulbs must have either the manufacturer's designed cage or cover, or an equivalent plastic cover or bulb protector. This includes the popular clamp-on "can" lights.
 - One thing the inspector makes a point of checking is that all plug connections between extension cords and cords to lights or other devices **must be off the ground**.
 - All tents must have conspicuous "NO SMOKING" signs posted.
 - The *Festival* will provide a fire extinguisher located within 75 feet of every vendor tent throughout the festival grounds. Vendors do not need an extinguisher within their tent.
- SET UP: Vendor area layout will be done by the *committee* on Wednesday. Vendor set-up time starts at 9AM on Thursday. **All vendor vehicles** must be removed from the vendor area by 9AM Friday. Special parking areas for Vendor vehicles will be provided in the Northwest area, access by north roadway with access from main park road along the north boundary of the vendor village. Overnight security is provided, wearing of your name badges is required for access after hours. Remember, your booth needs to be open and occupied for the City to complete its inspection at 9AM on Friday.
 - The Show hours for vendors are:
 - Friday: 9AM – 9PM
 - Saturday: 9AM – 9PM
 - Sunday: 9AM – 5PM
 - Quiet time begins each night at 10:30PM. **All loud noises** (including music, drumming, etc.) must cease by this time.
 - **Tear Down: Please do not begin teardown earlier than 5:00PM Sunday. Vehicles will not be permitted back into the vendor area for teardown before 5:30PM Sunday.** Always be extremely careful when driving in the vendor area during setup and teardown. This area is likely to be congested with people not watching for vehicles. **For the Safety of ALL-no driving on grounds between setup and teardown, parking in the Vendor Parking area only.**
 - No loud flute playing or other loud noises (including CD playing, drumming, etc.) will be allowed during scheduled concert performances. Normal flute demonstrations within a booth would not normally be a problem. Just always be respectful of our performers and the other vendors around you.
 - Booths must be neat and orderly throughout the festival. Artists/merchants are responsible for collecting and disposing of their own trash. Trash collection points and glass & aluminum recycling bins will be provided.
 - To prevent uncomfortable situations with customers, we request that all vendors who **do not accept credit cards** place a notification to that effect in their booth.
 - **Three arts/crafts and flute maker booth sizes will be offered this year.** Booth fees will be:

- 10' x 10' - \$225.00
- 10' x 20' - \$275.00
- 20' x 20' - \$325.00

Food vendor fees will be:

- 10' x 10' - \$300.00
- Food trucks & larger tents - \$350

Booth size includes **all space under cover** in which merchandise is displayed and sold. This specifically includes awnings that extend in any direction beyond the basic tent. It is important that you include awnings in your booth size so we can properly layout spacing between tents to comply with City fire codes.

Check or money order must be made out to **NHGI** for the correct amount in full. Send completed registration form, photos of merchandise and booth (if applicable), and check/money order to:

**Native Rhythms Festival
c/o Turtle Mound Flutes
4100 N. Wickham Rd. Ste 107A #108
Melbourne, FL 32935**

- Please e-mail an image file (logo or photo, .gif or .png preferred but .jpg OK) that you would like to see with your listing on the *festival* website's vendor village web page to webmaster@nativerhythmsfestival.com.
- Camping will be available for vendors on the north side just beyond the vendor area and at the Wickham Park campgrounds.
 - Camping adjacent to the north end of the vendor area is for primitive camping and self-contained RVs only. Camping in this area is reserved with your vendor registration for \$10 per night. This camping **does not** include plugging into vendor area power. **Plugging into the vendor area power causes power failures and can damage the grid.** There is power available for campers across on the north side of the creek.
 - The park campground with full hook-ups is within short walking distance of the festival grounds. Vendors are responsible for reserving campsites and paying fees directly to Wickham Park (www.brevardfl.gov/ParksRecreation/Campgrounds/Wickham/Home). We strongly recommend making reservations with the park early as all improved campsites are expected to be reserved well before the NRF weekend.
- Because of uncertainty regarding our vendor village layout due to changing Pandemic regulations, the committee will not take vendor requests for specific locations this year. The vendor may note on their application their desire to be located near another specific vendor to allow shared support during the event.
- Each artist/crafter will be requested to donate to our raffle/auction. All proceeds from the raffle & auction are used to support the event and keep the event free to the public.
- **School Day**: Again, this year, we will have the time between 10AM and 1PM on Friday, November 11th, designated as **School Day**. During this time, groups of children from local schools and other youth organizations are expected to be on the festival grounds, visiting vendor

booths and attending special performances in the amphitheater. Vendor participation is completely voluntary, but vendors who would like to interact with the children may want to have something prepared, such as a story, demonstration, flute or other performance, etc. to share with the children. Also, vendors may have a designated table of inexpensive items (which may not comply with the normal restrictions on items for sale) that the children may purchase during this time.

- **Native Rhythms Festival reserves the right for the sale of all drinks, including bottled water and soft drinks for our designated food vendors. Arts and crafts vendors may not sell drinks or food.**

This will be an alcohol-free and drug-free event. Any vendor violating this rule will be asked to leave.

Special Requirements for Food Vendors

General requirements include the following:

- Food vendors must comply with all applicable State of Florida, Brevard County and City of Melbourne health and safety codes. Health inspectors will be on-site to check compliance.
- **All food vendors must have a current state issued food license to show the health inspector when requested.**
- No cooking will be permitted under tents or canvas tops. Cooking is primarily defined as any initial cooking that involves fats and oils. This includes things like kettle corn, grilling, deep frying, etc. All cooking equipment must be located a minimum of 1 foot outside the tent and be roped off to keep patrons away from hot surfaces. Any vendor cooking with oils or fats must have a current tagged K class fire extinguisher and a 10 lb. 2A10BC fire extinguisher per NFPA 10. Please specify on your vendor application how much space is required outside your tent for these cooking operations and the festival will set aside adequate space adjacent to your tent. You may reheat already cooked food under your tent, or cook items that do not have the potential to create grease laden vapors (i.e., boiling water, heating soups, etc.)
- Cooking equipment used in fixed, mobile, or temporary concessions, such as trucks, busses, trailers, pavilions, tents, or any form of roofed enclosure shall comply with NFPA 96, requiring a kitchen and a fire suppression system, complying with UL300, and a current state tag. All pressure cylinders must be securely chained.
- All food vendors are required to sign the FLORIDA STATE STATUTE 633.0215, FLORIDA FIRE PREVENTION CODE acknowledgement form and submit it with the vendor application. The form is available for download from the vendor page of the **Native Rhythms Festival** website.
- Access to running water is limited. Food vendors needing access to water must document this in their vendor application so that booths can be located appropriately.
- All sites will have access to standard 110v electrical outlets. Access to 220v outlets is limited and should also be identified as a need in the vendor application.

Indian Arts and Crafts Act of 1990

“The Indian Arts and Crafts Act of 1990 (P.L.101-644) is a truth-in-advertising law that prohibits misrepresentation in marketing of Indian arts and crafts products within the United States. It is illegal to offer or display for sale, or sell any art or craft product in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian or Indian Tribe or Indian arts and crafts organization, resident within the United States. For a first-time violation of the Act, an individual can face civil or criminal penalties up to a \$250,000 fine or a 5-year prison term, or both. If a business violates the Act, it can face civil penalties or can be prosecuted and fined up to \$1,000,000.

Under the Act, an Indian is defined as a member of any federally or State recognized Indian Tribe, or an individual certified as an Indian artisan by an Indian Tribe.

The law covers all Indian and Indian-style traditional and contemporary arts and crafts produced after 1935. The Act broadly applies to the marketing of arts and crafts by any person in the United States. Some traditional items frequently copied by non-Indians include Indian-style jewelry, pottery, baskets, carved stone fetishes, woven rugs, kachina dolls, and clothing.

All products must be marketed truthfully regarding the Indian heritage and tribal affiliation of the producers, so as not to mislead the consumer. It is illegal to market an art or craft item using the name of a tribe if a member, or certified Indian artisan, of that tribe did not actually create the art or craft item.

For example, products sold using a sign claiming "Indian Jewelry" would be a violation of the Indian Arts and Crafts Act if the jewelry was produced by someone other than a member, or certified Indian artisan, of an Indian tribe. Products advertised as "Hopi Jewelry" would be in violation of the Act if they were produced by someone who is not a member, or certified Indian artisan, of the Hopi tribe.”