

## **Downtown Hickory Farmers Market Rules and Regulations**

### **Mission Statement:**

The Downtown Hickory Farmers Market (DHFM) is designed to help the community by providing a wide variety of high quality, fresh produce at a fair price and convenient location; information on nutrition, cooking, and growing; and an entertaining and informative place to talk to growers and producers about their products. The Farmers Market is designed to help local farmers by providing a consistent customer source in a well organized, attractive, efficient, and cost-effective setting. The Farmers Market is also designed to help merchants located in the surrounding market area by providing more exposure to the market area, by making the area a more vibrant and integral part of the community, and by providing an opportunity to reach new customers not currently shopping in the market area.

### **Classification of Vendors:**

To participate, all vendors must be "local". Local is defined as living and producing within 75 miles of Hickory, NC. Warranted exceptions may be approved by the Application Review Committee.

**1. Farmer:** A Farmer is classified as a for-profit vendor selling the following merchandise: Produce, Dairy, Meat, Poultry, Cut Flowers, Transplants and Nursery Stock. Farmers will be admitted to the DHFM under either of the following classifications:

a) 100% Producer must grow all produce sold by the vendor at the DHFM.

b) Partial re-seller\* must grow at least 75% of the produce sold by the vendor at the DHFM.

Both categories of farmers must keep records that verify their production and must make those records available to the DHFM upon request. (See Labeling and Signs below for additional information.)

In order to verify compliance with the 25% limitation on produce purchased by vendors to re-sell, partial re-sellers are required to maintain the following records:

1. A log that provides a weekly and cumulative accounting of total gross revenue from all produce sold at the DHFM, gross revenue from the sale of produce grown by the vendor, and gross revenue from the sale of produce purchased from others.

2. Paper copies of monthly North Carolina sales tax filings. If there is a difference between the amounts reported in the sales tax filing and the amounts reported on the log (described above), then a written explanation must be included with these records.

3. Receipts or invoices for all produce purchased that include the name of the original seller of the produce, the date of purchase, an item description (e.g. squash), the number of units purchased, and the amount paid for the produce.

These documents are to be furnished to the DHFM upon request of the market manager within 10 days of the request. \*No new vendors being accepted into this category.

**2. Non-Farmer:** A Non-Farmer is classified as a for-profit vendor selling the following merchandise: Baked Goods, Food and Beverages, Crafts, Soaps, Jewelry, Art, and Canned Goods. Non-farmers must produce 100% of the goods, which they sell at the DHFM.

**3. Non-producers:** While the market strives to be a producer market, the application committee may elect to admit non-producer vendors whose products are deemed to be complimentary to the other market products and desirable to offer at market. Examples of such products may include, but are not limited to coffee, tea, and sea food.

**4. A Community Booth** is available for non-profits and other organizations. Please contact the market manager for information.

**Types of Merchandise Allowed:**

Vendors must follow all applicable federal, state, and local laws and regulations regarding production of their specific products and must furnish the market manager with the relevant documentation proving compliance.

**Produce:** defined as fruits, vegetables, herbs, honey and mushrooms.

**Dairy:** defined as locally produced eggs, pasteurized milk and cheese.

**Meat and Poultry:** defined as locally produced, processed and packaged meat and poultry products. All meat and poultry vendors must be registered as a meat handler with the NCDA

**Cut Flowers & Transplants:** includes cut flowers loose or bundled and transplants.

**Nursery Stock:** includes potted plants, bare root plants, tree stock, shrubbery and fertilizers. Nursery producers must provide their Nursery License or Nursery Dealers License number to the manager.

**Canned and Other Value-added Products:** defined as highly acidified canned goods, as well as jams and jellies. Other value-added products might include dried items, pesto, ferments, non-acidified canned products, etc. Vendors must show regulatory compliance for the production of these products be it USDA, FDA, NCDA, or other. Producers of acidified foods must have a copy of their Acidified Foods Manufacturing School (aka "PICKLING SCHOOL") credentials on file with the market manager, as well as with them when selling at the market. All vendors of such products must have their KITCHEN INSPECTION on file with the market manager and available at market.

**Baked Goods:** defined as baked items from a certified kitchen. This includes, but is not limited to breads, cakes, brownies, cookies, and fruit pies. Vendors must have a copy of their KITCHEN INSPECTION form on file with the market manager, as well as with them when selling at the market.

**Crafts:** defined as locally produced juried soaps, lotions, salves & related products (Heritage Crafters), crafts and art products (Artisan Crafters). Products must be submitted to market manager for approval prior acceptance into the market. All items must be hand crafted by the vendor.

**Food & Beverage:** defined as any fresh food, ready to eat snacks/foods or drinks being served at the market. Food and Beverage vendors must provide their Health Department inspection to the market manager.

**To Participate:**

An application (available from the market website) and application fee must be accepted and approved by the Application Review Committee prior to participation.

Only products listed on the application and approved by the Application Review Committee may be sold at market.

Any vendor deemed to have misrepresented themselves or their products on the DHFM application will be immediately suspended from market.

Vendors must provide a copy of all required certifications, inspections and licenses by April 5<sup>th</sup>.

Each vendor is responsible for following the Rules & Regulations.

**Dates and Hours of Operation – OPEN RAIN or SHINE –**

DHFM is a RAIN or SHINE market! Prepare for inclement weather ~

**The market opens on the 3<sup>rd</sup> Saturday of April and is in operation Wednesdays & Saturdays thru October.**

8:00 a.m. – 1:00 p.m. on Saturdays (Vendors begin arriving at 6:45 a.m. for set-up) 10:00 a.m. – 2:00 p.m. on Wednesdays (Vendors begin arriving at 8:45 a.m. for set-up) **SEASONAL NOVEMBER hours are OPEN SATURDAY ONLY ~ 10 am – 1 pm.**

Hours of operation of the winter market will be set annually by the board.

**The market is CLOSED the second Saturday of October for Oktoberfest.**

### **Annual Application Fee and Monthly Space Rental Fees:**

A \$35 application fee is required and must be submitted annually with the application (\$40 after deadline). All vendors interested in participating in the market must pay the application fee. The DHFM reserves the right to reject an application. The application fee is non-refundable.

Monthly rental fee amounts are determined annually by the board of directors. Monthly rental fees are charged to the vendor in advance for any month in which the vendor plans on participating in the market for at least one market day. Due to the financial needs of the market, no allowance for partial monthly rent payment will be made.

\* Vendor fees are due MONTHLY by the 1<sup>st</sup> week of each month. Late payments WILL BE CHARGED A \$20 LATE FEE and may result in market suspension.

A 5% discount on monthly rental fees will be given if vendors pay for the entire market season prior to the first market. This discount is for the main season April through October. **Payment Policy: Payments must be made with personal or bank checks or money orders; debit cards, credit cards, and cash will not be accepted.**

### **Space Assignment and Attendance Policy:**

In order to provide the best possible experience for DHFM customers and to encourage a thriving market, vendor attendance is encouraged.

Vendors must provide 48 hours' notice prior to an absence from market. This is the minimum amount of time needed by the manager to notify substitute vendors and fill gaps in the market. No refunds will be given.

Each vendor under the Sails will be allowed one space measuring nine feet by nine feet (9'x9'). Vendor merchandise must stay within these boundaries.

Spaces which include parking spots will be charged an additional fee.

**Second Space Policy:** Second space applications will be considered by the application review committee on a case-by-case, year-to-year basis, dependent upon space availability and the following criteria:

1. The vendor must have proven ability to fill both spaces attractively.
2. Consideration will be given to history with the market, perishable versus preservable goods and where the goods were produced.
3. The vendor must occupy and pay rent on the second space for an entire season.
4. Wednesday and Saturday markets will be considered separate markets for the purposes of second space consideration.

The second space will rent at twice the rate of the first space (i.e.: \$25 space rental for 1<sup>st</sup> space on Saturday with parking + \$50 for second space = \$75 total weekly rent for two spaces on Saturday with a parking site).

Only spaces provided by the DHFM may be used unless otherwise approved by the market manager.

### **Vendor Equipment and Maintaining Space:**

Additional coverage (tent/umbrella) is suggested, and tent weights of 40lb. PER POLE or 40lb. PER UMBRELLA are required by Fire Marshall regulations.

The vendor must provide any tables, chairs, scales (not to be suspended from space structure), etc. needed by the vendor.

Each vendor is responsible for providing and removing any and all additional equipment or supplies he or she may need to conduct business at the market site.

Vendors are responsible for cleaning up the area around his or her selling space. **All produce debris and packaging materials must be removed from the market and disposed of out of the city limits of Hickory.**

### **Labeling and Signs:**

All federal, state and local labeling laws must be followed.

In addition, the Downtown Hickory Farmers Market requires all Farmers to label their products with approved labeling. Price, City or County and State in which it was grown, method used for growing (i.e. Conventional, Chemical Free, Organic, etc.). All information should be clearly marked on all items.

Dishonesty and/or failure to follow these labeling regulations will result in: 1<sup>st</sup> offense a written warning, 2<sup>nd</sup> offense a written warning and a \$50.00 fine, and 3<sup>rd</sup> offense expulsion from the market without any refund of pre-paid fees. This will be strictly enforced.

Only one (1) sign, designating your status (100% producer "sunflower sign" or partial reseller "rooster sign"), will be issued and must be displayed at your site. This sign is not interchangeable and will commit you to your answers on the application for the entire season.

Each vendor should provide a sign that identifies his/her business. Signs should be lightweight and not be adhered to space structure.

Any products labeled as organic must be produced in accordance with USDA regulations and a copy of the vendors current ORGANIC CERTIFICATE or an affidavit of exemption must be on file with the market manager.

A copy of your Certificate of Registration (aka Sales & Use Tax #) or Tax Exempt # is required by NC Tax Laws to be on file with the market manager and available at your booth.

### **Other Policies and Procedures:**

**In the best interest of the Downtown Hickory Farmers Market, the Board of Directors has set forth policies and procedures that pertain to the following:**

Early sales: Customers are not to be in the market area while vendors are moving their vehicles and setting up. Therefore, it is prohibited to start selling products prior to the established market hours(regular season).

Early exit: Vendors are expected to remain in the market for the entire market day. The exception allowed is if a vendor has a valid reason to leave the market prior to closing, has received approval from the market manager, and has parked their vehicle away from the market, so that their departure would not involve a moving vehicle during market hours.

All vendors must arrive no later than 30 minutes prior to the opening of the market and remain until closing. Vendors must be set up with appropriate labeling by the opening bell.

Vendors whose spaces do not include parking must park their vehicles outside of the main central business district during market hours. The market manager will provide guidance on acceptable parking locations.

NO SMOKING or PETS/ANIMALS allowed within the "footprint" of the market.

Alcohol use/intoxication is prohibited.

The sale of live animals is prohibited.

Music or other amplified recordings is prohibited in the vendor space.

Vendors may not engage in any type of solicitation other than for the products approved on their application by the application review committee. The sale of pre-packaged, non-produce items, raffle tickets, chocolate bars, other fund-raising items or promotions by vendors must obtain market manager's approval. Vendors interested in selling new products at the market, in addition to what has been originally applied for, must receive approval from market manager.

The market requires that all vendors comply with standards of professionalism that promote open communication, mutual respect, and the best interests of the market. Disruptive actions or remarks that undermine the shared success of any or all of our community of vendors are unprofessional and unacceptable. Disruptive or unprofessional behavior will be determined by the market manager and will be brought to the attention of the Board of Directors for resolution.

All suggestions, complaints, and comments must be presented in writing to the market manager or Board of Directors, signed by the vendor with their name and contact information. The Board of Directors will consider all written suggestions, complaints, and comments during a regularly scheduled board meeting.

The Board of Directors reserves the right to change and/or add rules during the season. In such case as the board enacts this right, all vendors will receive written notification of the rule change or addition.

### **Rule Violations:**

Unless specifically noted elsewhere, failure to comply with any combination of the rules will result in the following penalties:

First violation: written warning to the vendor about the rule infraction. Vendor should correct the situation immediately.

Second violation: written reminder and a \$50 fine.

Third violation: expulsion from the DHFM for the remainder of the year. Application mis-representation is subject to immediate expulsion.

**Contact:**

Market Manager, Kim Bost @ [hickoryncfarmersmarket@gmail.com](mailto:hickoryncfarmersmarket@gmail.com), 828-308-6508, or PO Box 45. Hickory, NC, 28601. Thank you!