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Erwin Farmers Market Operating Guidelines 2011

1. Who May Sell

- A. Farmers and crafters living and operating within the State of North Carolina may apply to sell approved products at the Erwin Farmers Market.

2. What Products May be Sold

- A. Farm products, value added farm products, and board approved arts and crafts may be sold at the Erwin Farmers Market.
- B. Examples of farm products that may be sold include but are not limited to the following:
 - i. Any vegetable grown by the Member from seeds, sets, or seedlings.
 - ii. Any fruits, nuts or berries grown by the Member from trees, bushes, or vines on the Member's property.
 - iii. Any plant grown by the Member from seed, seedlings, transplants or cuttings. Woody plants must be grown by the member for six months prior to sales day.
 - iv. Bulbs propagated by the Member.
 - v. Honey produced by the Member's bees.
 - vi. Cut or dried flowers grown by the Member.
 - vii. Firewood cut by the Member.
 - viii. Straw baled by the Member.
 - ix. Preserves, pickles, relishes, jams and jellies made or co-packaged by the Member (or as otherwise provided for in Section 3 "Grower-Buyer-Seller" of this document). No low acid canned foods (such as green beans, corn, peas, carrots, etc.) may be sold. In addition, no canned tomato products may be sold.
 - x. Craft items which have been made from basic materials by the Member, such as pottery, wood-crafted objects, beaded jewelry, hand-knitted and crocheted items, soaps and candles.
 - a. Arts and crafts for sale are to be approved by the Erwin Farmers Market Coordination Committee. The approval of arts and craft items for sale at the Erwin Market is recognized as an inherently subjective process, and the Erwin Farmers Market Coordination Committee is entrusted with that responsibility. The Erwin Farmers Market Coordination Committee welcomes input from the general Erwin market membership regarding the approval of any application to sell craft items. Artisans producing craft items are encouraged to include information about the sources of their local materials or the history of their craft.

- xi. Rain barrels and collection systems.
- xii. Resell Produce: Please see Section 3 “Grower-Buyer-Seller” for detailed guidelines.
- C. All food sold must meet state and local health regulations, as well as the N.C. Department of Agriculture’s general guidelines regarding products exhibited for sale at farmers markets and curb markets.
- D. All produce must be top quality.
- E. Any Member using the term “organic” must meet the requirements of the National Organic Program.
- F. No animals may be physically sold or given away at the Market.
- G. No live animals are allowed in the market area other than certified service animals.
- H. BAKED GOODS: Baked goods must meet state and local health regulations. The manager can limit number of Members who sell baked goods, but not produce.
- I. Prices must be posted for all items sold.
- J. The annual Association dues and daily fees for selling at the market shall be posted within the Town of Erwin Schedule of Fees established by the Erwin Board of Commissioners pursuant to the recommendation of the Erwin Farmers Market Coordination Committee. All members must submit a signed application form along with their dues each year. Annual dues are non-refundable and non-transferable.
- K. Vendors arriving after market opening time will be charged an additional ten dollars to occupy a space.
- L. Items which are not available for sale to the general public shall be placed such that they are NOT visible to the general public, to avoid confusion.
- M. Consumer Sustainable Agriculture (CSA) bags will be offered weekly and monthly during the winter months

3. Grower-Buyer-Seller

- A. Definition
 - i. Grower-Buyer-Seller: Those who purchase produce from other local growers or who purchase value-added foodstuffs from other local producers to sell at the Erwin Farmers Market.
- B. Justification and Intent
 - i. A grower/vendor's ability to offer a reasonable selection of fruits and vegetables over the course of the market season can be negatively impacted by crop failures or delays.
 - ii. A grower/vendor should have the opportunity to supplement his/her own produce with that of other local growers at those times when specific items are in high demand (watermelon and sweet corn, for example)
 - iii. Some grower/vendors might find a co-op approach viable, i.e., growers’ pool their produce for sale but only one grower serves as a market vendor.
 - iv. Some vendors might wish to supplement their own offerings with value added foodstuffs (salsa, jellies, jams, etc.) from certified local producers.
 - v. The Erwin Farmers Market will uphold the local and seasonable nature of the fruits and vegetables sold at the market

- vi. The Erwin Farmers Market is dedicated to provide its customers with the greatest possible variety of locally made products and produce.
- C. The standards on grower-buyer-seller status for the Erwin Farmers Market vendors are found in the following:
 - i. In addition to being able to offer fruits and vegetables produced on land owned by the vendor or his/her immediate families, vendors may purchase produce for resale from 3 certified North Carolina growers; where such growers shall be identified by the Farm Service Administration (FSA).
 - ii. In addition to offering value-added foodstuffs produced by the vendor him/herself, vendors may offer for sale other value-added products as approved by the Erwin Farmers Market Coordination Committee.
 - iii. Unless the grower-buyer-seller relationship has been spelled out and approved on the initial or renewed vendor application ahead of time, individual vendors will need to follow the procedures below:
 - a. Notify Erwin Farmers Market Coordination Committee by way of the Market Manager or Market Coordinator at least 3 days (more if possible) in advance of the Saturday market that the vendor will be offering produce for resell.
 - b. Market Manager or Coordinator can be reached by phone or email. Such contact information will be made available to all vendors. Additionally, vendor may contact Erwin Town Hall at (910) 897-5140 such contact information.
 - c. If resell has been approved as an on-going situation, but the vendor wishes to alter the line of produce or value-added foodstuffs offered for resell; the vendor shall make notification and request for such change in the same manner as noted in the above.
 - d. In all cases (whether advance approval or on-the-spot consideration) vendor will provide Market Manager with the name of growers from whom produce has been or will be purchased for resell and the grower's FSA number.
 - e. The Erwin Farmers Market Coordination Committee will certify the sale by contacting the grower to verify the authenticity of the same.
 - f. Offering non-seasonal and non-local fruits and vegetables violates the market's mission statement; therefore, any vendor offering such items for resale will be denied market privileges from that moment forward. In such cases, there will be no refund of daily market fees paid, annual membership dues, or other monies previously paid by the vendor.
 - g. For resell of value-added foodstuffs:
 - h. All of the above notification procedures (except for supplying FSA number) apply.

4. Application Process

- A. All prospective vendors must fill out an application prior to selling at the market, and the application must be approved by the Erwin Farmers Market Coordination Committee before said vendor is allowed to set up a booth at the market.
- B. All products that prospective vendors wish to sell during the season must be listed on the application, and only those products listed will be approved for sale at a vendor's booth.
- C. All applicants must also include copies of any required licenses or inspection certificates that relate to their specific products. For example, all sellers of baked goods must present a copy of their approved kitchen certificate. Check with local Cooperative Extension offices for your specific product.
- D. On site inspections may be required at the request of the Erwin Farmers Market Coordination Committee if the Committee has any questions or concerns about any item being sold at the Erwin Farmers Market.
- E. Arts and Crafts applicants should also include photographs and/or samples of each product he or she wishes to sell at the Erwin Farmers Market.

5. Schedule of Fees

- A. Each prospective vendor is encouraged to join the Erwin Farmers Market Association. Annual dues to the association are \$35.00, or as otherwise may be changed from time to time and found in the Town of Erwin Schedule of Fees. Initial membership dues shall accompany the membership application, and are accepted at any time during the year. Any dues paid will be refunded upon written request in the event that a vendor application is denied.
- B. In addition to annual membership dues as noted above, vendors who are paid members of the Erwin Farmers Market Association will pay a vendor's fee of \$5.00 each day that they sell at the market. Vendors who are not paid members of the Erwin Farmers Market Association will pay a vendor's fee of \$10.00 each day that they sell at the market.
- C. Vendors shall make payment for daily selling fees no later than the Friday of the prior to the Saturday in which the vendor plans to sell at the Erwin Farmers Market.
- D. Daily selling fees and membership fees shall be made payable to the Town of Erwin at Town Hall located at P.O. Box 459, 100 West F Street, Erwin, NC 28339.
- E. The check memo shall state the nature of the fee being paid (vendor fee or member fee).
- F. Certain circumstances may arise that would prevent the vendor from making payment by the Friday prior to the Saturday of the Farmers Market. In such instances, and at the discretion of the Erwin Farmers Market Coordination Committee, the vendor may make such payment no later than the morning of the Farmers Market before the vendor's booth is set up. In such instances, no cash shall be exchanged. The vendor shall provide a check payable to the Town of Erwin with check memo indicated in Part F of this Section. Upon the acceptance of such a check, the Market Manager shall produce a receipt in triplicate; where one copy of the same shall be rendered to the vendor, one copy of the same shall

be rendered to the Town of Erwin within five business days of the receiving of the check issuing of the receipt, and one copy of the same kept with the official records maintained by the Erwin Farmers Market Coordination Committee. Such late payments shall be kept at a minimum and vendors who habitually make payments after the Friday deadline may be denied acceptance to future Farmers Market events.

6. Use of the Market Facilities

- A. Selling spaces are established each market day and will be assigned by the on site manager. Vendors will provide their own tables, tents, etc. Any vendor whose inventory requires special facilities or care is expected to provide for those needs him/herself.
- B. Vendors are required to have their booths operational no later than 30 minutes prior to market opening time. Late arrivals may be allowed to set up only at the discretion of the on site Market Manager.
- C. Vendors are expected to maintain their booths throughout the entire time the market is open. Leaving early is only allowed with the approval of the on site Market Manager.
- D. Each vendor is responsible for maintaining a professional appearance. Booth space must be kept clean and all trash contained. It is the responsibility of the vendor to remove all trash and unsold products at the end of the market day.
- E. Use of market space is a privilege that may be revoked if a vendor fails to keep their area safe and clean.
- F. To safeguard the reputation of the Erwin Farmers Market and to insure the safety of all products sold all vendors should abide by state and local food safety and health regulations. It is the responsibility of each vendor to be aware of and to maintain compliance with any such regulations that apply to his or her product and to maintain proper documentation of such compliance at his/her booth.
- G. Vendors who do not plan to sell at the market every Saturday should make a good faith effort to inform the Market Coordinator or Market Manager via email or phone about their vending schedules. Ideally, the Market would like to be notified about changes in vending schedules no later than Wednesday before the next market Saturday.

7. Marketing Products

- A. All vendors must prominently display their name and location at their booth. The sign should be no smaller than 8 ½ x 11 inches, and no larger than 18 x 24 inches.
- B. All products must be clearly priced and neatly displayed.
- C. Poor quality or over-ripe produce must be clearly labeled as such.
- D. The Erwin Farmers Market is a community market, and all competition among vendors ***must remain friendly***. Price wars are strictly prohibited. Loud music, drumming, shouting and use of other disruptive tactics to draw attention to individual booths are strictly prohibited. Vendors are although encouraged to create unique, tasteful, and eye-catching displays.
- E. Vendors advertising as “Organic”, “Unsprayed”, “Natural”, etc. are not required to be certified by any recognized certification agency. However, state law restricts

use of the phrase “Certified Organic” to only those who have in fact been certified by the United States Department of Agriculture. All vendors are required to advertise truthfully and to respond to customers’ questions in a like manner.

8. Grievances

- A. The on site Market Manager has the authority to grant exceptions to the market policies on an individual basis for reasons of dire need.
- B. Should any vendor, at any time, be found in violation of the market guidelines, he/she will be asked to immediately comply with said guidelines. Failure to do so will result in suspension or expulsion from the market.
- C. The on site Market Manager has the right to impose corrective action at the market, which may include requiring compliance from vendors, suspending or expelling vendors who do not comply with the guidelines set forth herein.
- D. Vendors have the right to a hearing before the Erwin Farmers Market Coordination Committee to appeal or review any corrective action taken by the Market Manager.
- E. In order to be considered for a hearing before the Erwin Farmers Market Coordination Committee pursuant to any corrective action taken by the Market Manager, the vendor subject to such corrective action shall submit a written petition to the Market Coordinator within five business days from the date in which such corrective action was imposed by the Market Manager. The Market Coordinator, upon receipt of such a petition, shall forward the same to each member of the Erwin Farmers Market Coordination Committee; and a meeting of the Board shall be scheduled no later than two weeks from the receipt of said petition.
- F. The Erwin Farmers Market Coordination Committee shall be empowered to make rulings on such petitions in the following ways:
 - i. Uphold Market Manager’s decision in full
 - ii. Overturn Market manager’s decision in full and redefine corrective action
 - iii. Uphold Market Manager’s decision in part and Overturn Market Manager’s decision in part and redefine corrective action for such elements of Market Manager’s decision that was overruled by the Erwin Farmers Market Coordination Committee to be overturned.
- G. A vote of 4/5 of the actual members of the Erwin Farmers Market Coordination Committee shall be required in order to overrule the decision of the Market Manager.
- H. The Erwin Farmers Market Coordination Committee ruling in such instances as noted in Parts D, E, and F of this Section shall be considered to be final.
- I. In the event of customer dissatisfaction, the dispute must be resolved to the satisfaction of the customer and the on site Market Manager in a timely manner. Vendors who routinely fail to resolve customer disputes may be asked to leave the market.
- J. Vendors with concerns, disputes, or suggestions should contact the on site Market Manager during the market day. They should furthermore, contact the Erwin Farmers Market Coordination Committee in writing within 5 business days of the market day.

9. Composition of Erwin Farmers Market Coordination Committee and Duties of Each

- A. Market Coordinator: The Erwin Farmers Market Coordination Committee shall consist of one Market Coordinator, who is the responsible party in charge of ensuring that the responsibilities of the Erwin Farmers Market Coordination Committee are met in good standing. The Market Coordinator in all respects shall be the Chair of the Erwin Farmers Market Coordination Committee and shall serve as the liaison between the Erwin Farmers Market and the Town of Erwin Staff and Governing Body.
- B. Market Manager: The Erwin Farmers Market Coordination Committee shall consist of an undefined number of Market Managers. Market Managers are the support staff of the Market Coordinator. A Market Manager is intended to serve as the “on-site manager” during market events. Market Managers are also intended to assist the Market Coordinator in fulfilling the responsibilities of the Committee as defined by these guidelines. Market Coordinator shall identify and appoint an appropriate number of Market managers to satisfy the Committee’s capacity in fulfilling the responsibilities of the Committee as defined in these guidelines.
- C. Town of Erwin Staff: The Erwin Farmers Market Coordination Committee shall consist of at least one member of the Town of Erwin Staff. This member is intended to assist the coordination efforts between the Committee and the Town of Erwin.
- D. Town of Erwin Governing Body: At the discretion of the Town of Erwin Board of Commissioners, one member (and no greater than three members) of the Town of Erwin Board of Commissioners may be appointed to the Committee. This member is intended to serve on the Committee for the purpose of providing input that may be relevant to the direction and desire of the Town of Erwin Board of Commissioners with respect to the Erwin Farmers Market activities.
- E. Each member of the Erwin Farmers Market Coordination Committee shall have equal vote on matters called to a question. The Market Coordinator shall have voting powers in all questions when the composition of the members of the Committee present and voting are odd in number; and shall have no voting powers in matters called to question when the composition of the members of the Committee present and voting are even in number.
- F. Market Coordinator, or a simple majority of the members of the Committee, has the power to call meetings of the Committee provided that written notice is given of the same to all members of the Committee.
- G. Members of the Erwin Farmers Market Coordination Committee are expected to attend all meetings of the Committee. Members with greater than 5 unexcused absences within any rolling twelve-month period may be removed from the Committee by a 4/5 vote of the members of the Committee not in consideration of such action to be removed.

10. Responsibilities of Erwin Farmers Market Coordination Committee

- A. Assisting Farmers Market Coordination Committee with assigning spaces on market day to vendors
- B. Collecting and disseminating membership and vendor applications to the Erwin Farmers Market Coordination Committee
- C. Each week, remitting to the Town of Erwin a copy of each approved application denoting the required fees to be paid by the vendor
- D. Coordinating with Town of Erwin Staff to ensure that the market grounds are in operative condition and that there is a reconciled list of vendors each week prior to and after each market event
- E. Handling day to day administrative issues
- F. Enforcing market regulations and administering corrective action, such as requesting a vendor to leave the market
- G. Answering inquiries and responding to complaints from customers and vendors
- H. Contacting local law enforcement or emergency services in the event of an emergency on site
- I. Securing the site at the end of the market day

11. Market Sponsors

- A. Businesses or other organizations who contribute \$100.00 or more to the Erwin Farmers Market will receive the following acknowledgement:
 - i. The Erwin Farmers Market will display a sign at the market for 1 year, acknowledging the sponsorship (sponsor will provide logo and/or any other information that may be appropriate)
 - ii. This sponsorship also entitles the sponsor to present an event on a Market Day to be determined in consultation with the Erwin Farmers Market Board of Directors