

Official Rules of the Durham Farmers' Market

1. Market Member Qualifications:
 - a) Each market Member must reside and produce items to be sold within a 70 mile radius of Durham city limits, in the state of North Carolina.
 - b) The Durham Farmers' Market is a "Producer only" market, as such, each market Member must be the original producer of the items sold.
 - c) Each market member seller must be the original producer of the items sold or be a designated representative of the market Member.
 - d) A market Member may lease land for crop production, however, the market member must perform all operations to maintain any established crop for at least one full season before selling the harvest at the Market.
 - e) The Board of Directors (BOD) or Manager may conduct an inspection of any market member during the season at any time to verify a crop's origin.
 - f) A market member who purchases land with a perennial crop on it may sell that crop in the year of purchase.

2. Market Operation:
 - a) Market Operating Schedule:
 - The Saturday Main Season Market runs from the first Saturday in April thru the Saturday before Thanksgiving. **8AM to Noon**
 - The Saturday Winter Market runs December – March under the same rules, except attendance at the Winter Market has no effect on seniority calculations for the regular season market. **10 AM to Noon**
 - Wednesday Market runs from the first Wednesday in May thru the last Wednesday in September. **3:30 - 6:30 PM** Attendance at Wednesday Market will not affect seniority calculations for Saturday Market.

 - b) Market member sellers may arrive any time before 8 am. Market member sellers arriving later than 8 am will set up at the periphery of the Market.
 - c) Market member sellers with reserved spaces must notify the Manager if they will not be selling at the Market on a given Saturday.
 - d) Market member sellers should not move their vehicles into or out of the Market area during times when such movement would pose danger to people in the shopping area. **No vendor will be allowed to leave before noon except in the case of an emergency.**
 - e) Market Signage Guidelines:
 - Prices must be clearly posted for all items sold.
 - Market members determine their own prices, but it is recommended that prices reflect accurate and fair value.
 - Only certified organic growers may use the term "organic" in their advertising at the Durham Farmers Market.
 - f) Market member sellers are responsible for cleaning up the area around his/her stall after Market.
 - Failure to clean up may jeopardize the Market's use of the site and will not be tolerated.
 - No water or ice that comes in contact with meat or fish should be deposited or

allowed to drain on Market premises.

- Failure to clean the space will result in a \$5 fine paid the following Market day.

3. Market Member Responsibilities:

a) Fees:

- Annual membership fee of \$50 must be paid by each market member **in early February, exact date set annually** by the Board of Directors. Annual membership fees are non-refundable after opening day of the market season, regardless of whether or not the member attends market during the course of the season.
- **Saturday Main Season** daily fees are as follows: \$8 for one space, \$12 for a second space.
- **Winter Market fees** \$5, single spaces only.
- **Wednesday Market** fees \$8, single spaces only

b) Attendance at the annual member meeting is mandatory or a fine of \$10 will be assessed plus loss of seniority rights to a reserved space for the year.

An exception may be made for health emergencies, provided the Member contacts a Board Member prior to the meeting.

c) Market members must provide a copy of all documentation (kitchen inspection, lease agreements, etc) with their annual Returning Member Application.

d) Market members wishing to sell a new category of product must have product approved by the BOD prior to bringing it to Market.

e) A copy of the By-Laws will be provided to any Market Member upon request. A current copy of the Market Rules will be provided with each application.

f) To remain a Market Member in good standing, a Member must attend the market a minimum of 4 weeks per season. Any member who does not participate at least 4 times in the previous season must reapply as a New Member Applicant and pay the New Member Application Fee. There will be no guarantee of reinstatement.

4. Application Process for New Members:

a) A \$20.00 non-refundable application fee, \$50 annual membership fee and a completed and signed New Market Member Application must be received in the month of January of the year the new applicant wants to start selling. If the application to join the market is not approved, the \$50 annual membership fee will be returned. **If a category (farmer/crafter) is closed to new vendors, both application and membership fees will be returned.**

b) Farms or production sites of all new applicants will be visited by the Market Manager or a Board Member to verify eligibility.

c) The Board of Directors will review the applications, make inspections and send acceptance and rejection letters by March 1.

d) All appropriate documentation must be on file with the Market Manager (including a signed contract indicating that the approved market member agrees to the Rules of the Durham Farmers' Market) before the market member can begin to sell at the market.

5. Market Member Space Allocations:

- a) Each market member is allotted one space. No shared spaces are permitted.
- b) Second spaces will be granted as space permits to qualified Farmer Members. New Members, Prepared Food Members and Crafter Members are not permitted the use of double spaces. No more than 40% (rounded down) of the spaces under the shelter may be reserved by double space members.
- c) To request a second space, the Farmer Member must:
 - i) have sold at 64% (rounded up) or more of the market weeks the preceding year.
 - ii) have a space open next to their current space or be willing to move to two open contiguous spaces elsewhere in the market.
 - iii) have the highest seniority of those interested in occupying those available open spaces.
 - iv) file the request for a second space for the following year with their Returning Market Member Application.
 - v) show a justified need for the additional space to the Board. A second space may be granted based on the Application form and the observations for the full season of the Market Manager and Board of Directors. The Manager and Board will observe if the Applicant consistently brings enough volume of product and makes full use of current space to justify a second space.
- d) Non-reserved spaces will be available and assigned on a first come/first served basis dictated by the Market Manager.
- e) Reserved Spaces:
 - To qualify for a reserved space, a market member must have participated in the market at least 50% of the total market days during the previous season.
 - Returning members who had an assigned booth in the previous season and who attended a minimum of 50% of the total market days in the previous season have first right of retention to maintain the same booth assignment. Resulting open spaces will then be assigned/selected according to standard seniority calculation rules.
 - The reserved space selection process will take place once a year at the Spring Membership Meeting. A market member's reserved space preference may only be communicated by the individual market member or a duly designated representative (who is not another market member) in attendance at the Spring Membership Meeting. Swapping spaces after this annual selection is not permitted except under extraordinary circumstances with permission of the Board of Directors.
 - Seniority will be calculated as an average of the past three years' attendance at the market, (with a maximum of 30 weeks attendance per year counting toward the average) plus the number of years the member has attended 50% or more of total market days for all previous years. Ties in calculating seniority will be settled by calculating the total number of weeks a member has attended the Saturday Main Season Market for all previous years. Attendance at Winter Market and Wednesday Market is not factored into the Saturday Market seniority system

- **Reserved spaces will only be held until 7:30 am**, unless prior notice is given to the Market Manager. Market members with reserved spaces must notify the Manager if they will not be attending the Market on a given Saturday.

6. Role of the Market Manager

The Market Manager will have the authority to collect all required fees and to monitor activity at the Market in order to insure Member compliance with all rules of the Market and policies established by the Board. The Manager will require compliance with all such rules and policies.

7. Complaint Process

- a) Complaints must be submitted in writing to the Market's P.O. Box
- b) Any action to be taken will be determined by the Board. If inspection is deemed necessary it can be conducted at any time. A letter will be sent to the Market Member regarding the nature of any infraction.
- c) The Board of Directors may vote to suspend for a fixed period of time, or to expel permanently, any Member for cause. Members have the right to notice before any such action is taken. Cause may include, but is not limited to:
 - 1) Failure to submit to or abide by decisions made by the Board of Directors, including the Market Rules, or to accept any ruling of the Membership;
 - 2) selling or offering for sale any product not grown or originally produced by the Member; or
 - 3) Failure to pay dues in accordance with the Bylaws.

Annual dues are not refunded when a Member is expelled for any reason.

8. Eligible Market Products

- a) No resale of produce or other products is allowed.
- b) The Board of Directors may conduct an inspection of any vendor during the season at any time to verify a product's origin.
- c) No live animals may be sold or given away at Market.
- d) All products sold at market must meet state and local health regulations including market member kitchen inspections by NCDA health inspectors or NCDA stamp of approval. Market members must have a copy of their kitchen inspection on file with the Market Manager.
- e) All Health Department regulations (temperature control, air contact, etc.) pertaining to the sale and transport of any fresh foods (raw meat, dairy, etc.) sold at market must be observed.
- f) All produce must be of top quality, as determined by the Market Manager.
- g) All meat, poultry, fish and all products not listed must be approved by BOD.
- h) Products which may be sold at the Durham Farmers' Market are listed below. If more than 50% of a Member's average booth sales or display space, over the course of the season, are of craft items, the Member is considered a Crafter.
- i) Market members wishing to sell a new category of product must have such product approved by the BOD prior to bringing it to Market.

Direct Farm Products:

- Vegetables grown from seeds, sets, or seedlings
- Fruit, nuts or berries grown on land owned or leased by the market member

- Plants grown by the market member from seed, bulbs, transplants or cuttings
- Bulbs propagated by the market member.
- Cut and/or dried flowers, herbs or seeds, raised by the market member
- Honey and bee products from the market member's bees
- Eggs from poultry owned by the market member
- Meat from animals raised on the market member's premises.
- Fish caught within Market radius, subject to BOD approval.

Value Added Farm Products:

- Preserves, pickles, jams, vinegars, etc., made by the market member. No “low-acid” canned foods such as green beans, corn, peas, carrots, etc., may be sold. High acid, or Acidified foods (pickles, tomato products, etc.) may be sold if the seller has passed the FDA certification course. A copy of the certification must be on file with the market manager.
- Dried or cured meats, country hams, skins, etc. by approval of the BOD.
- Cheeses, or milk products, approved by the BOD, from the market member's animals.
- Baked Goods and Crafts
- Fresh baked goods made by the market member. Frozen or baked goods from a retail store are not allowed.
- Soaps and herbal body care products hand produced by the market member.
- Beverages which may be sold include coffee, herbal teas, and lemonade sold in paper cups.
- Farm related crafts such as dried flowers, birdfeeders, photos, etc.

Crafts Statement

Originally intended to supplement income for farms, crafts will be permitted. Crafts that are farm related are especially encouraged. Artisans are encouraged to include information about the source of their local materials and/or the history of their craft. The number of craft market members will be limited to no more than 25% of the total number of market members. Acceptance of craft applicants will be based on space availability, category of craft, materials used, general quality and workmanship. If more than 50% of a Member's average booth sales or product display, over the course of the season, are of craft items, the Member is considered a Crafter.