

Cary Downtown Farmers Market

501 (c) (3)

Market Rules

Revised December 2019



### **Cary Downtown Farmers' Market Governance**

1. The Cary Downtown Farmers Market (CDFM) will be governed by a Board of Directors who are elected and serve by the rules set forth in the CDFM Bylaws.
2. The elected officers (by the Board of Directors) may consist of a President, Vice-President, Secretary, Treasurer and Adviser.
3. The Association will hire a Market Manager who will report to the Board of Directors.
4. The Market Manager can designate someone to perform Manager duties as needed.
5. Members of the Market delegate the operation of the Market to the officers/Manager.
6. The officers/Manager reserve the right to interpret the Market Rules and modify them as needed for the Market's operation.

### **Market Operations**

1. The Market will begin operating in April through October; inclement weather may require soft openings prior to actual grand opening.
2. Market Manager has authority to cancel a market day or amend market hours as a result of inclement weather. Depending on the weather circumstance, effort will be made to allow enough notice (24-48 hours) prior to cancellation or adjustment.
3. The Market will operate from 8:00am – 12:00pm on Saturdays during Traditional season.
4. The Market grounds will open at 7:00am for set up. Ancillary sales may take place between 7:30 and 8:00am. Vending starts at 8:00am.
5. The mandatory annual spring meeting will normally be held on a Saturday in March and the annual fall meeting (if having) will normally be held on a Saturday in October, location to be determined.

This is a living/dynamic document, which is continually edited and updated.  
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6. Each week prior to Saturday Market, Vendors must email their participation/commitment along with their blurb and products available to [manager@caryfarmersmarket.com](mailto:manager@caryfarmersmarket.com) for the upcoming Saturday market no later than Noon Thursday. This allows for accurate advertising and planning. If notification is NOT sent, advertising will NOT be provided for that vendor and space will not be reserved at market on Saturday.

- a. Each Friday, Market Manager circulates the Saturday Market layout/booth locations to the attending Vendors
- b. If Vendors reach out AFTER deadlines, their participation is subject to space availability and will be placed only where there is an opening.

### **Vendor Qualifications**

1. Vendors must reside in and produce the items they sell within a 100-mile radius of market, which is 135 E. Chatham Street, Cary, NC 27519.
2. Vendors must be the original producer of all items being sold. **NO RESELLING of any kind will be allowed.** If a vendor is found reselling items, they will be given one opportunity to rectify the situation. If the reselling of items persists, it will result in immediate termination of membership and all privileges to sell at market. (More detail on reselling in sections below)
3. Full Time & Part Time Vendors must be members of the Cary Downtown Farmers Market Association (CDFMA). To become a member, vendors must pay the annual \$50 membership fee before inspection or first market attended. For vendor applications that are approved during open enrollment, membership fees are due no later than mid-March otherwise if acceptance of the application is after than March, then the Membership fee is due before the first Market attended.
4. No Applicant shall be considered a member until the New Vendor Committee approves the application.
5. Completed applications and non-refundable application fees must be submitted each year of planned participation. New Vendors non-refundable application fees: \$35, Current Vendors non-refundable application fees: \$25. **This fee is required regardless of approval/acceptance into Market.** This fee covers administration and operations of paperwork and document review. Completed applications must be received and approved prior to first market attended. Applications are subject to approval by Board/Manager.
6. **Full time vendors are expected to commit to at least 24 Saturdays of the season. Part time vendors are expected to commit to at least 14 Saturdays of the season. Part time Vendors are required to carefully plan and identify dates of participation prior to the start of the season.**
7. Vendors 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 market.

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8. Members may allow representatives to sell their products for them and will notify the Market Manager before market opening if a representative will be selling their products.

9. Vendors must abide by all CDFMA rules to remain Members.

10. All members are expected to participate in the Market in a spirit of cooperation.

### **Fees, Penalties & Requirements**

1. Membership & Booth Fees are as follows and are payable online or to the Market Manager/designee:

a. Non-refundable application fee of \$35 for New Vendors; Non-refundable application fee of \$25 for Current Vendors. This is required regardless of approval/acceptance into Market. This fee covers administration and operations of paperwork and document review.

b. Non-refundable annual association membership dues of \$50 upon approval of application for Full-Time, Part-Time, and Seasonal Vendors.

c. Booth Package Pricing Options for 2020:

➤ Full Time Vendor Package Requirements:

-**Commit to 24 weeks** (out of 31 weeks)

-Pay Package Price **in full** by Mid March \$312 (\$13/per Market)

-Pay \$50 Membership Fee by Mid March

-*After completion of 24 Markets*, FT Vendors have the option of participating up to 7 additional Markets for a discount of \$6 per Market.

➤ Part Time Vendor Package Requirements:

-Commit to 14 weeks (out of 31 weeks)

-Pay Package Price in full by Mid March \$252 (\$18/per Market)

-*After completion of 14 Markets*, PT Vendors have the option of participating up to 9 additional Markets for a discount of \$9 per Market.

➤ Seasonal Vendors will follow the same pricing structure as Full Time Vendors, however specific payment package will be decided with Market Manager.

➤ Guest Vendors pay \$25 per Market/participation.

d. Unique Payment circumstances and package pricing situations will be handled individually and decided by the Market Manager.

e. Membership and Booth Package Fees for Full Time, Part Time and Seasonal Vendors will be due in advance. Booth fees from Guest Vendors will be due on or prior to 8 am on the day of attendance. Missed market days will not be refunded or credited. Vendors will not be allowed to set up unless all market fee obligations are up to date.

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2. Annual Association Membership dues, Application fees, and advanced payments are nonrefundable and non-transferable.

3. Vendors arriving after market opening time will be fined an additional \$10 to occupy a space and their placement will be subject to availability and Manager discretion.

4. In order to avoid large deviations between attendance promised and actual attendance, Vendors are expected to identify dates of participation (via application) and make a commitment to meet those dates.

5. Notice must be given to the Manager if a vendor plans to miss a market as follows:

Vendors who cannot attend on a Market day should contact the Market Manager's cell phone 48 hours prior to Market day. Vendors who do not call at least 48 hours before Market day will be charged their daily base stall/booth fee.

Any vendor who fails to attend three of their scheduled market dates during the 2020 Market Season without advance notice will be charged \$100 fee for failing to inform and not showing up.

The Market allows for inclement weather and emergency situations on a case by case basis as approved in writing by the Manager. In the situation of inclement weather conditions, Vendors must make the Manager aware no later than Thursday EOB of their weather permitting status. If Vendors then decide not to attend due to the conditions, Vendors must notify the Manager (phone, text, email) prior to 7 a.m. or it will be counted as a no show.

6. Guest Vendors are required to submit an application and pay the \$35 non-refundable application fee. Once approved by the New Product Committee, Guest Vendors will be required to pay \$25 each time they participate at Market. Guest Vendors do not pay the membership fee and are not members of the Market, but can attend meetings. Guest Vendors are accepted at the manager's discretion and in a manner, so as to not compete with regular vendors.

### **Inspection and Certification**

1. Approved applicants are subject to an inspection of his/her farm or place of business before the sale of any product unless inspection is waived by the Manager.

2. For farm inspection, each Applicant shall notify the Manager approximately three weeks before his/her first intended sale date. (Seasonal crops may require seasonal inspections).

3. The Manager or designee agrees to inspect a New Vendor within two (2) weeks of receiving request of inspection. The Manager reserves the right to waive inspection of returning members.

4. All prepared food items, meat, fish and cheese sold must meet state and local health regulations including the inspection of the prepared foods Vendor's kitchens by NCDHHS health inspectors and labeling in compliance with the regulations. Vendors must have a copy of their inspection form on file with the market Manager, as well as with them when selling at market.

5. All items sold as “organic” must meet the requirements of the National Organic Program. Vendors of organic items must have a copy of their certification on file with the Market Manager as well as with them when selling at market. Only organic growers may display a sign using the word “organic.”
6. All documentation and certifications must be submitted with application to Manager.
7. All approved applications will provide copies of required documentation (sales tax certification or exemption) at the spring meeting or first market selling day to be kept on file with Market Manager.

### **Items for sale**

1. Vendors must provide a written request to the Market Manager for new product approval. The Vendor must provide a full description of the product, intention(s) to sell and image. After these details are collected, the information will go to the Board for consideration and approval. Please allow 10-15 days for full inquiry/approval process.
2. 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.
3. Products which can be sold include:
  - a. Any vegetable grown by the Member from seeds, sets, or seedlings.
  - b. Any fruits, nuts or berries grown by the Member from trees, bushes, or vines on the Member’s property.
  - c. 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.
  - d. Bulbs propagated by the Member.
  - e. Honey produced by the Member’s bees.
  - f. Cut or dried flowers grown by the Member.
  - g. Firewood cut by the Member from the Member’s property.
  - h. Straw baled by the Member from the Member’s property.
  - i. Preserves, pickles, relishes, jams and jellies made by the Member. 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.
  - j. 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.
  - k. Rain barrels and collection systems.
  - l. Eggs and meat raised by Member.

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m. Seafood may be sold at the market by a licensed seafood dealer. All seafood sold at the Market must have been caught by North Carolina-based fishermen.

4. All food and product 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.

5. All produce must be top quality.

6. No animals may be physically sold or given away at the Market at the Managers discretion.

7. In an effort to have statistics for marketing and grant purposes the CDFM will ask Vendors to report their weekly gross sales to the Market Manager. An index card will be provided to each vendor and gross sales from the previous week should be written on the card and given to the Market Manager. To keep the sales numbers undiscoverable and anonymous - vendors are not required to put their names on the cards. Notecards will be passed around at the end of each Market and Vendors must arrive at the following Market prepared to submit notecard prior to Market opening. Market Manager will walk around and collect each notecard. If Vendors do not have an issue with reporting their data directly, emailing the Market Manager is acceptable.

### **Craft Rules**

1. Crafts will be permitted at market.

2. All crafts must be hand-crafted, original work by the vendor

3. All crafts sold at market must be of excellent workmanship both in quality and design.

4. Craft vendors are encouraged to use raw materials from local sources.

5. Traditional farmstead crafts such as pottery, textile-making, soap-making, furniture-making, etc. are encouraged.

6. Craft applications will be accepted based on space availability, category of craft, materials used, general quality and workmanship and at the discretion of the Market Manager.

7. As stated above, no reselling of product is allowed. If vendors purchase raw material for their product the end product must show true craftsmanship, added value and enhancements. Examples of added value or enhancements include but are not limited to: cooking, drying, blending, curing, fermenting, coloring, embellishing, enhancing with scents, carving, sewing, etc. If Market Manager deems a product for sale does not show craftsmanship, added value or enhancements they will be asked to remove the product from their stand until vendor proves the product in question has been enhanced from the original form.

### **Space Allocation, Tents and Signage**

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1. One space is defined as the area under a market approved 10' x 10' canopy. There is a limit of two spaces per vendor.
2. Adjacent spaces occupied by representatives from the same farm shall be considered one farm. No individual may represent two farms simultaneously on a daily basis.
3. Market space will be assigned by Market Manager or designee based on notice of attendance and best arrangement for Market. Every attempt will be made to keep vendors in their usual spot or relative to other vendors.
4. Market space priority will be given to returning applicants.
5. Members have priority to spaces they occupied 14 days prior to the present sale day. Members lose this priority if they are absent from the market two consecutive weeks.
6. Vacant spaces at the Market shall be filled on a first come – first served basis per market selling day.
7. The Market does not provide tents or tables. Each member/vendor is responsible for their own tents, tables, chairs, etc. Canopies are subject to approval by the Market Manager.
8. Vendors shall occupy their space at least 15 minutes before opening time. Vehicles cannot enter the market area (the area designated by cones, tape, or otherwise delineated by the Manager) after 7:45 am or before 12:35 pm Saturdays.
9. Vendors must display the full name of their farm or business on/at their booth. Farm or business name should be legible from 3-4 feet away. Tables should be covered and full, creative displays of products are encouraged.
10. Prices must be posted for all items sold. Prices should be legible from 2-3 feet away. Each vendor is required to sell their goods at Market at fair and economically sustainable prices. Cutthroat or loss leader pricing is not acceptable in a farmers' market community and will not be tolerated.
11. Market members are responsible for cleaning up the area in and around their stalls after market. Failure to clean up may jeopardize the Market's use of the site and will not be tolerated. Failure to clean the space will result in a \$10 fine paid the following Market day.
12. Our market hours are from 8:00 am – 12:00 pm, members can consolidate tables and products to maintain nice presentation but shall retain 1 table, tent and member sign until 12:00 pm.
13. Members shall bring weights/stakes/tie downs to secure tents in the event of high winds.

### **CSA Operators**

The CDFMA is primarily a “tailgate” type market open to any and all customers. The CDFMA is not designed, planned or set up to be solely a drop off location for CSA farms, but the CDFMA recognizes the value of having CSA operators participate as CDFMA Members.

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1. If a CSA operator wishes to be a Member of the CDFMA they must abide by all rules of the association.
2. CSA operators must sell their own produce. Resellers are prohibited.
3. CSA operators cannot solicit CSA business via signage at the CDFMA. For the avoidance of doubt, CSA operators must not convey the impression that customers are required to join a CSA in order to shop at the Market. Oral solicitations, i.e., verbal conversations with potential customers, are acceptable, as is distribution of standard printer paper or pamphlet-style CSA literature.
4. All products that CSA subscribers are to pick up from the CSA operator at CDFM must be prepackaged in a closed container, ready for transportation, such that they are not visible to non-CSA market customers.
5. CSA farmers must have additional product to set up a display of products that are for sale to any customer of the market.

### **General Vendor Conduct**

1. Both members and Market attendees are prohibited from smoking, vaping or chewing tobacco in the Market area.
2. Vendors can bring pets into the Market, but needs to consider and assume all health and safety precautions. However, the Market Manager will use best judgement on a case by case basis such the display of some farm animals for show and to draw customers to the market.
3. Vendors shall conduct themselves in a manner that is courteous to other vendors, market personnel, and the public. Behavior that is threatening, abusive, or harassing shall result in immediate termination of market membership.

### **Food Trucks**

1. Food trucks will be allowed at market during market hours only, in accordance with the provisions of this rule.
2. Food trucks will be scheduled at the discretion of the market manager; those using ingredients from market vendors will be given selection priority.
3. Before being permitted to sell at market, each food truck will provide the market manager a copy of product liability insurance policy listing the CDFMA as an additional insured and will provide the market manager with copies of all relevant licenses or permits. Vending permission granted by the market manager will not constitute a property right.
4. Food trucks will not be members of the market but may attend market meetings.
5. Food truck/Food vendor shall pay a daily stall fee of \$35 per food truck per market day.

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6. Food trucks must sufficiently buffer any noise created by generators or other power supplies so as not to disrupt conversation between market vendors and customers.

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