

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 the 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 Market Manager may conduct an inspection of any market member during the season at any time to verify a crops origin.
 - f) Any market member who engages in buying and selling a substantial amount of product of the same or similar nature to the products sold at market may be subject to additional requirements in order to verify the legitimacy of products sold at the Durham Farmers' Market.
 - g) 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
 1. The **Saturday Main Season Market (SMSM)** runs from the first Saturday in April through the Saturday before Thanksgiving, **8am to Noon**. Market member sellers may arrive any time before 8am. Market member sellers arriving later than 8am will set up at the periphery of the Market.
 2. The **Saturday Winter Market (SWM)** runs December to March, **10am to Noon**, under the same rules as SMSM, except there will be no set up allowed before 9am, no sales before the opening bell and attendance at SWM has no effect on seniority calculations for SMSM.
 3. The **Wednesday Market** runs from the first Wednesday in May through the last Wednesday in September, **3:30 to 6:30pm**, under the same rules as SMSM, except there will be no set up allowed before 2:45 p.m., no sales before the opening bell and attendance at Wednesday Market does not effect seniority for SMSM
 - b) All market members approved to sell at the SMSM are also eligible to sell at the SWM and at the Wednesday Market. The Board may, at its discretion, approve new applicants to sell at either the SWM or the Wednesday Market only, without granting the right to sell at SMSM.
 - c) Market members with reserved spaces must notify the Market Manager is they will not be selling at SMSM on any given Saturday.
 - d) Market members may 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 market member will be allowed to leave before the end of Market except in the case of an emergency.**

- e) Market Signage Guidelines
 - 1. Prices must be clearly posted for all items sold.
 - 2. Market members determine their own prices, but it is recommended that prices reflect accurate and fair value.
 - 3. Only certified organic growers may use the term “organic” in their advertising at the Durham Farmers’ Market.
 - f) Market members are responsible for cleaning up the area around their stalls after Market
 - 1. Failure to clean up may jeopardize the Market’s use of the site and will not be tolerated.
 - 2. No water or ice that comes in contact with meat or fish should be deposited or allowed to drain on Market premises.
 - 3. Failure to clean the space will result in a \$5 fine paid the following Market day.
3. Market Member Responsibilities:
- a) Fees:
 - 1. All fees are in effect from April 1 to March 31st
 - 2. Annual membership fee of \$50 must be paid by each market member by early February, exact date set annually by the BOD. Annual membership fees are nonrefundable after April 1, regardless of whether or not the member attends Market during the course of the season.
 - 3. **Saturday Main Season Market** daily fees are as follows: \$10 for one space, \$15 for a second space.
 - 4. **Saturday Winter Market** daily fee is \$8, single spaces only.
 - 5. **Wednesday Market** daily fee is \$8, single spaces only.
 - b) Attendance at the Annual Membership Meeting is mandatory or a fine of \$10 will be assessed plus loss of rights to a reserved space for the year. An exception may be made for health emergencies, provided the market 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 Form
 - d) Market members wishing to sell a new category of product must have the 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 6 weeks per market season, April 1- March 31. Any market member who does not participate at least 6 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 \$30 nonrefundable application fee, \$50 annual membership fee and a completed and signed New 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/prepared food) is closed to new market members, both application and membership fees will be returned.**
- b) Farms or production sites of new applicants will be visited by the Market Manager or a Board Member to verify eligibility.
- c) The BOD will review the applications, make inspections and send decision letters by March 1. New market members will be eligible to sell at Markets to which they have been approved beginning April 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 Farm Members. New Members, Prepared Food Members and Craft Members are not permitted the use of double spaces. No more than 16 of the spaces under the shelter may be reserved as double spaces.
- c) To Apply for a Double Space a Farm Member must:
 1. Be a Farm Member in good standing for the previous 2 years, attending at least 17 or more weeks.
 2. Attend market 27 or more of weeks during the SMSM during the season the application is being considered.
 3. Submit the completed Double Space Application with returning member application in the year prior to the one for which a second space is requested.
- d) Double Space Application Review Process
 1. The BOD will observe the market member's use of space, volume and variety of products sold throughout the season looking for a clear, demonstrated need for additional space.
 2. BOD will periodically photograph applicant's booth at the start and end of market day to document market member's present use of space.
 3. Double Space applicants may choose to supplement their applications with data, photos, explanations, etc.
 4. BOD will notify market member of their decision by Dec. 31.
- e) To Retain the Privilege of Reserving a Double Space
 1. market member must:
 - attend Market and occupy both spaces at least 27 weeks
 - effectively use both spaces at least 20 weeks
 2. Should it come to the attention of the BOD that a Double Space

Member is under utilizing the spaces, the BOD will evaluate the market member's space use for the remainder of the season

3. If it is decided that the market member's double space is under utilized the BOD may

- rescind the privilege for the market member to reserve a double space for the coming season; or
- place the market member on probation for the coming market season.

4. Double Space Members placed on probation will be observed and evaluated by the BOD following the same guidelines as used in the application process.

f) Non-reserved spaces will be available and assigned on a first come first served basis dictated by the Market Manager

g) Reserved Spaces

1. To qualify for a reserved space at the SMSM, SWM or WM, a market member must have participated in that market at least half of the weeks of its operation during the previous season.
2. Returning members who had a reserved space at the SMSM, SWM, or WM the previous season and who have met the requirements to reserve a space at that market for the upcoming season have first right of retention to maintain the same reserved space for the upcoming season. Any resulting open spaces may then be selected by those eligible to reserve a space for the upcoming season in accordance with the rules of the appropriate seniority system.
3. The reserved space selection process for SMSM and WM will take place once a year at the Annual 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 BOD.
4. Seniority for the purposes of space reservation at the SMSM, SWM or WM will be calculated by taking an average of the number of weeks of a member's attendance at that market in each of the last three years plus the number of years the member has attended 50% or more of the total weeks of operation of that market for all previous years. (A maximum of 30 weeks attendance per year at the SMSM will be counted toward the average) Ties in seniority will be settled by awarding the higher ranking to the member with the highest total number of weeks for all years in attendance at whichever market is under consideration.

5. **Reserved spaces will only be held until 30 minutes before market opening** unless prior notice is given to the Market Manager. Market members with reserved spaces must notify the Market Manager if they will not be attending the Market that week.

6. Role of the Market Manager:

The Market Manager has the authority to collect all required fees and to monitor the Market in order to insure market member compliance with all rules of the Market and policies established by the BOD. The Market 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 BOD. 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 BOD may vote to suspend for a fixed period of time, or to expel permanently, any market member for cause. Market 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 BOD, 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 market member
 3. failure to pay dues in accordance with the BylawsAnnual Dues are not refunded when a market member is expelled for any reason.

8. Eligible Market Products

- a) No resale of produce or other products is allowed.
- b) The BOD may conduct an inspection of any market member 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 market member's average booth sales or display space, over the course of the season, is of craft items, the market member is considered a Craft Member.
- i) Prepared foods are considered craft items and prepared food vendors are considered Craft Members of the market
- j) 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.
- Meat and eggs from livestock owned by the market member, subject to provisions in the Meat and Egg Producer Rules.
- Fish caught within Market radius, subject to BO Dapproval.

Value Added Farm Products

- Cheeses, or milk products, from the member's animals.
- Dried, cured or otherwise processed meat products, subject to provisions of the Meat and Egg Producer Rules.
- Floral arrangements from fresh or dried flowers grown on the farm.
- Other items made predominantly from products grown or gathered on the member's farm.

Prepared Foods

- 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.
- Fresh baked goods made by the market member
- Beverages which may be sold include coffee, herbal teas, and lemonades sold in paper cups.

Crafts Statement and Guidelines

Crafts will be permitted at market. Crafts that are farm related or that source local materials are especially encouraged. Artisans are encouraged to include information about the source of their local materials and/or the history of their craft. Acceptance of craft applicants will be based on space availability, category of craft, materials used, general quality and workmanship. Members of the market classified as farmers may sell non-farm crafts. These crafts must meet all guidelines contained herein and be approved by the Board of Directors. If more than 50% of a market member's average booth sales or product display, over the course of the season, are of craft items, the market member is considered a Craft Member.

Crafts, for the purpose of the Durham Farmers' Market, shall be determined to be: an item which demonstrates the manual skill, technique, and proficiency of the craft's person.

Non-farm crafts are produced from materials not grown or harvested by the member. Prepared foods are considered to be non-farm crafts.

Farm crafts are value added farm products produced predominately from materials grown and harvested by the crafts person. Farm crafts are not subject to the guidelines for non-farm crafts.

Specific Criteria

1. All crafts must be hand crafted by the member.
2. Crafts must be the product of a home or cottage type industry using an intermediate type technology rather than an industrial type production. To be considered "hand crafted", the item must show evidence of manual skills obtainable only through a significant period of experience and dedication. The craft component materials must be sufficiently modified from their original state to demonstrate fine craftsmanship.

Examples of unacceptable items would be, but not limited to: tracings or paint by number, printed materials, ceramics or pottery from commercial molds, wood carvings using duplicating machines, kits in any form, and any other items which clearly do not reflect originality of design.

3. The value of purchased raw materials shall not exceed 30% of the selling price.
4. All crafts must be of excellent workmanship both in quality and design.
5. All crafts vendors must comply with and abide by all Rules and By-Laws used to govern the Durham Farmers' Market.
6. The Market manager has the discretion to immediately remove any craft item that he/she considers objectionable. The Board of Directors must review the manager's decision at the next scheduled board meeting and make an official ruling on the matter.

Meat and Egg Producer Rules

1. Members, who sell meat and/or eggs, must comply with North Carolina State and Federal laws designed to ensure that such products sent into commerce are wholesome, unadulterated, and properly labeled. The North Carolina Department of Agriculture and Consumer Services (NCDA & CS) enforces these laws. Any member who receives, stores, transports and /or sells meat products is required by law to register as a meat handler with the NCDA & CS. Members are required to have a copy of their meat handler's license on file with the market manager.
2. In accordance with the DFM "producer only" rule, the following terms define what it means to have produced meat and/or eggs for sale at Market.
All meat and egg producing livestock must be kept and cared for by the member on his/her farm for a period of time as defined below:

Rabbits: All rabbits must be born on the farm.

Poultry: Meat birds must be on the farm by the end of their first week of age. However “Stewing Chickens” (a retired layer flock) must have lived on the member’s farm for at least one year prior to processing for sale, but do not have to arrive at the farm by a specific age.

Egg layers: Eggs sold by a member must be from birds kept on the member’s farm.

Livestock: Any other livestock purchased (not born on the farm) must be held a minimum of:

- Pigs: 4 months
- Sheep/Lamb: 6 months
- Goats: 6 months
- Beef: 9 months
- Bison: 9 months

3. Members who sell meat and/or eggs must keep on file both dated receipts of purchase, or birth record, and dated receipts for slaughter of livestock and poultry. Upon request, the member must be able to produce these records.

4. No water or ice that comes into contact with meat may be deposited or allowed to drain onto the market premises.

Value Added Meat Products:

Value added meat products are created when meat is processed into other products. Some examples are sausage, jerky, meats cured by smoking or drying, and hot dogs. Value added meat products are allowed provided that 100% of the meat is from animals produced by the member in accordance with the above definitions. Casings for sausage are excluded from the 100% requirement. Other non meat items, such as spices, are allowed in value added meat products. Information on how and where the value added meat product is produced should be provided with the member’s application to sell these products.