

## Waxhaw Farmers Market Rules & Regulations

Our market's success is determined by *the quality of our offerings* and *the integrity with which we treat our customers*. This document states the rules and regulations by which all vendors will be strictly governed and will be modified at any time to better serve the market's interests.

**Purpose:** The Waxhaw Farmers' Market (WFM) was established in 2001 to promote direct marketing of farm products from the original producer to the consumer. Our vendors proudly grow and make all of their products locally. They come to the market to provide their customers fresh-from-the-farm goodness and their unique crafting of hand-made foods and specialty items. The goal of the corporation is to operate a Farmers Market in the Waxhaw area and support local farms as a viable part of the community. It is the market's mission to not only provide fresh, local food, foster the direct relationship between farmers and customers, but to enhance the quality of life in the local area by providing a community gathering location. The WFM strives to educate its customers on the benefits of fresh, quality, locally grown foods and healthy eating.

**Market Environment:** the market strives to be a safe place for any person/group of people and to remain free from discrimination based on race, color, creed, religion, political affiliation, sexual orientation, age, gender, disability, or martial status.

### Location and Schedule:

- 27283 Waxhaw Parkway
- The schedule is set annually by the Board of Directors.
  - Saturdays: 9am -12pm April - December
  - Saturdays: *biweekly* 10am - 12pm January - March
  - Wednesdays: 4pm - 6pm June - August
- Management/Board of Directors reserve the right to change/cancel the market hours due to hazardous weather or unforeseen circumstances

### Eligible Vendors:

- Farmers of Produce/Livestock
- Gardeners/Growers/Nursery Dealers
- Fishermen from the Carolina coast
- Preparers of specialty foods/beverages or value-added goods
- Crafters of natural materials, natural produce use, handmade, and/or farm crafts
- Non-profit Organizations
- Food Trucks
- On-site Artisans

### Determination of Acceptance/Rejection:

- All applications will be voted on by the Board of Directors and determination will be based on:
  - If the potential vendor's offerings fit with the mission of the market
  - If the offerings on the application will fill a gap or cause product saturation
  - If the vendor is compliant with all federal, state, and local laws.

**Communication:** Vendor communication is done primarily through email. Texting and calling are other options. Please reach out to the market manager or a board director if you need to.

## Vendor Categories:

- Full Time Vendors - attend 75% of the markets during the main season
- Part Time Vendors - attend 50% of the markets during the main season
- Guest Vendors: attend 25% of the markets during the main season. If a change in category to full or part time is desired, the board will vote on the amended application. If the board approves, a membership fee will be collected and all membership benefits will be applied to the new status.

**Membership:** once approved, vendors who have applied to be either full-time or part-time will be required to pay a \$150 membership fee before the start of the main season.

**Membership includes:** a reduced booth fee, consistent booth space if possible, advertisement on the WFM website, and voting rights if 55% attendance is attained.

**Voting:** only full-time or part-time members that have attended a minimum of 55% of main season markets will be eligible to vote on market topics at the annual vendor meeting.

**Booth Fees:** guest vendors will pay an additional \$5 per booth fee, if applicable.

- 10ft x 10ft = \$15
- 20ft x 10ft = \$30
- winter = half price
- Wednesday = half price
- Food truck = \$25

## Vendor Weekly Responsibilities:

- Vendors are required to respond to the weekly email/google form letting the manager know of their attendance intentions. Failure to respond will result in not being advertised in the newsletter or placed in the weekly layout.
  - Saturday vendors are to send the manager their weekly offerings when requested for the newsletter which is sent out Friday morning.
  - Wednesday vendors are to send the manager their weekly offerings when requested for the newsletter which is sent out Tuesday evening.
- Vendors are required to inform the manager as soon as possible if they cannot attend a market they have committed to. Multiple cancellations will impact future membership and priority status.
- Vendors are encouraged to send pictures to the manager for the newsletter and social media.
- All vendors are to participate in the closing/breakdown of the market. Breakdown tasks include:
  - empty garbage cans and bring the trash to a dumpster on Waxhaw Parkway
  - put wooden decor and umbrellas next to the shed
  - put signs/banners/children's activities away
  - pick up trash scattered around the market

**Booth Space** - vendors rent the space under the tent and some space around the sides if at a corner location. The walkways, isles, parking spots, etc belong to the market. Any furniture added to a booth is left at the owner's risk.

- **Full-time vendors:** are given first priority for their booth space in the general layout planning for the upcoming main season, although the booth may be used by another vendor if the full-time vendor isn't in attendance. Booth space may change from year to year, specifically if requested, or the manager feels a need to move vendors around is necessary. Also, if attendance starts to decline, the full-time vendor's booth space may be given to another vendor.
- **Part-time vendors:** consistent booth space will try to be assigned, but it will be based on weekly availability. Booth assignments for the week will be included in an email before a market day.
- **Guest vendors** will be assigned to whatever booth is available that week.

**Market Layout** - for the main season, the market layout will be arranged prior to opening day. While the market layout will mostly remain the same for the main season, it may change from season to season. The general layout is to ensure visibility of all vendors and to maximize booth placement.

### **Signage and Displays**

- Members should display an attractive, easy to read sign with their farm or business name.
- Growers may post growing practices used for production.
- Certified Organic growers are responsible for clearly labeling themselves as such and must have a copy of their current certificate on file with the Market Manager. Only certified organic growers may label themselves as such per USDA rules. Farms that qualify for exemption must follow all USDA Organic rules and must be board approved.
- Under no circumstances can a vendor's sign or display unfairly block the customer visibility of another vendor--this will be the determination of the market manager.
- All signs must be adequately secured to prevent injury in high winds.
- Vendors will be allowed to use a limited area around their booth for displays providing no isles are blocked.

### **Categories of Items that CAN be sold at the Market:**

- Produce: vegetables grown by the vendor from seedling, spore, or plug.
- Fruits, nuts, berries, herbs: grown by the vendor from plants, trees, bushes, or vines on the vendor's property
- Mushrooms: cultivated on the vendor's property
- Eggs: produced by the vendor's poultry
- Meat and Poultry: meat and poultry from animals that have been raised on the vendor's property
- Fish/Seafood: caught/trapped/captured on the Carolina Coast
- Cut Flowers & Transplants: fresh cut or dried flowers and transplants grown by the vendor
- Honey and Bee products: produced by the vendor's bees
- Nursery Stock: plants grown by the vendor from seed, seedling, transplant, or cutting that are well established in their current container.
- Dried Produce: vegetables, fruits or mushrooms grown by the vendor on the vendor's property
- Crafts of natural materials, natural produce use, handmade, and/or farm crafts
- Specialty foods/beverages or value-added goods: raw agricultural goods that have been modified or enhanced to have a higher market value and/or a longer shelf life:
  - Meat products made from raw ingredients e.g. cured meats processed by an inspected facility with the proper permits, e.g. salami, sausage
  - Frozen fruit or dairy-based products e.g gelato
  - Cheese
  - Stock and bone broth
  - Preserves, pickles, relishes, sauces, vinegar, salsas, jams and jellies
- Fresh baked items, ready to eat snacks, or pasteurized, non fermented beverages (lemonade, tea, coffee ). All USDA, NCDA, and local rules apply. No cut fruit allowed.
- Unpasteurized and fermented beverages, juices, and syrups, and non-refrigerated acidified foods must be prepared in an NCDA inspected commercial kitchen and submitted quarterly for testing for bacteria, alcohol and/or acidity levels - follow NCDA guidelines.
- Branded merchandise - tee shirts with vendor logos
- Freshly prepared food and beverages made in inspected and permitted food trucks or carts

**Requirements for Edible Products** - all local and state laws supersede market and cottage laws, and are to be followed to help prevent food borne illness in order to protect the market and our consumers.

- **Meat:**
  - All vendors selling raw meat and poultry must have a current meat handler's license from the NCDA. Meat sellers must meet all USDA and NCDA meat handling requirements and licensure.
  - Product labels must include product name, statement of ingredients, inspection legend applied by the processor, net weight, farm name and address and safe handling statement applied by the processor. Meat handlers may not open packages, re-label products, or apply net weights.
  - Must remain frozen - under 40\* the entire time at the market - kept in a freezer or cooler with a thermometer.
  - No water or ice that comes in contact with meat may be deposited or allowed to drain onto the Market premises.
- **Produce:** All produce must be fresh and of high quality.
- **Fish/Seafood:**
  - Fresh, hand-caught, saltwater fish landed in the Carolinas by the appropriately licensed seller.
  - Must obtain a license from the US Department of Natural Resources.
  - No water or ice that comes in contact with meat may be deposited or allowed to drain onto the Market premises.
- **Eggs:**
  - Farmers and ranchers who sell eggs must adhere to the North Carolina Egg Law, which addresses standards, labeling, grading, sanitation, and marketing.
  - Eggs that are for sale must be clean and placed in clean cartons.
  - If selling more than 30 dozen eggs, the grade of the eggs must be on the cartons and eggs must be washed.
  - The farmer's name and address must be included on the cartons.
- **Speciality foods/beverages or value-added goods:** \*If you are uncertain where you are able to prepare your offering, contact a food compliance officer: 919-733-7366 and check out the website: <https://www.ncagr.gov/fooddrug/food/foodbiz.htm>
  - **Home based Processing:** If preparing a consumable item from home, only shelf-stable, low risk foods/beverages are allowed to be sold after an inspection is conducted by a NCDA home processing inspector. If you are selling packaged items, an inspection is required. Low risk foods do not have good conditions for bacteria or other microorganisms:
    - **Low-risk foods:** acidic foods (pH below 4.5 or "strong acids")
      - dehydrated foods - baked items, salted foods (foods preserved using salt, not just salty foods), high sugar foods, canned or vacuum-packed foods, bread, cookies, brownies, non-moist cakes, coffee, tea, lemonade
  - **Commercial based Processing:** high risk foods must be made in a Department of Health inspected commercial kitchen and you must obtain an inspection from an NCDA commercial kitchen inspector. High-risk foods, also called potentially hazardous foods, are foods that have ideal conditions for bacterial growth, and are therefore more likely to harbour dangerous bacteria and other disease-causing pathogens like viruses and parasites.
    - **High Risk foods / potentially hazardous foods:**
      - neutral acidity (pH over 4.5 or "mild acids"), high in starch or protein, moist, foods that require refrigeration or must be kept frozen after cooking, contain meat, poultry, or seafood, dairy, must be kept frozen after cooking, or cut vegetables and fruit, etc.

- **NCDA/Health Inspections:**
  - All consumable offerings must have either a home-based or commercial kitchen NCDA inspection prior to selling at the market
  - low risk/shelf stable foods cooked/prepared/packaged at home must have a NCDA home processing inspection
  - high risk foods that require refrigeration which are cooked/prepared/packaged at a commercial kitchen must have a NCDA commercial kitchen inspection.
  - If your offerings contain meat or poultry, an inspection by the meat and poultry division of the NCDA may be required.
  - Food trucks must have an inspection from the Department of Health and are the only vendors allowed to sell hot food to be kept hot at 140\*. Food is prepared for immediate consumption
  - Allowed to sell hot food to be kept hot at 140\*. Food is prepared for immediate consumption
- **Labeling Guidelines:**
  - Individually packed, prepared consumable items set out for self-service, or kept in a cooler, require a label on the package.
  - The label must be affixed to the package including: the common or usual name of the product, the weight in ounces or pounds or fluid ounces, a list of ingredients in descending order of predominance, and complete name and address of the person of business responsible for the product.
- **Ingredients List:**
  - If prepared foods are to be sold without packaging, ingredient place cards must be visible or available for customers to see.
  - A comprehensive ingredients list is imperative for customers with food allergies.
- **Samples:** Vendors may offer customers samples only if safe practices are followed.
  - Wash hands thoroughly before cutting samples or wear single use gloves.
  - Produce must be washed and then cut with a clean knife.
  - Samples must be kept on a container set in ice or on a cold pack and should be covered.
  - Hot samples must be kept hot.
  - Toothpicks, tongs, or sample cups must be provided to serve individual samples.
  - ***Samples should not be touched by bare hands.***
- **Hand Washing** - All vendors must wash their hands before the market begins and after every visit to the restroom to prevent the spread of bacteria.
- **Safe Temperatures** - Cold items including meat, cheese, eggs, cooked items, etc. must be kept below 40 degrees
- **Cheese:**
  - All cheese vendors must meet state and local health regulations, including the kitchen inspection required by the NCDA.
  - Cheese sellers must have proper dairy certification
  - Farmstead cheese must be made on the seller's premises and must include milk from the animals raised by the seller.
  - Cheese must be kept properly chilled at the market and labeled as required.

- **Gluten Free items:**
  - Products labeled “Gluten Free” must meet Federal standards regarding residual gluten that may be found in products. The federal standard for gluten free products is residual less than 20 ppm. Each vendor must have products sent to a lab at their own expense to be ELISA tested for gluten residuals and must pass before labeling them gluten free. Any products tested over the government standards shall not be labeled gluten free. All products must be labeled with ingredients used to create the product for sale.
- **Jams, Jellies, Pickles, Salsa, Vinegar, Relishes, Elderberry, and Preserves:**
  - **High-acid canned items:** NCDA rules allow jams, jellies, and preserves to be produced in a home-based inspected kitchen.
    - The jam, jelly, or preserves has a naturally high acidity level (pH of 4.6 or lower).
    - The water activity is not a concern due to the sugar included to make the product.
  - **Low-acid canned items:** pickles, chow chow, elderberry, relishes, etc. (pH level 4.6 or higher) must follow the guidelines outlined by NC Agriculture and Consumer Services Food & Drug Protection Division <https://www.ncagr.gov/fooddrug/food/homebiz.htm> before being transformed to a high acid canned item.
    - An acidified food class must be taken prior to being approved for making the items that require additional acidification to be shelf-stable.
    - A shelf stable, acidified food must be sent to NC State for testing and a copy of the results given to the market before selling them.
    - If the item is to remain refrigerated after processing, must be made in a commercial kitchen - no testing or class is necessary.

#### **Requirements for Crafts:**

- Handmade farm crafts created mostly from materials grown or harvested by the craftsperson (dried flower arrangements, gourds, goats milk soap, etc.)
- Handmade crafts created from materials not produced or harvested on the crafter’s farm (hand shaped pottery, candles, baskets, forged items, woodworking, etc.)

#### **Food Trucks:**

- Food truck parking is limited to a designated area.
- A portion of food ingredients should be sourced from market vendors.
- The food truck must have proper permitting from the Union County Health Department to locate in the town limits. The administrative permit must be renewed on an annual basis.
- In addition, food trucks are subject to the requirements of Section 46-5 of the Town Code of Ordinances (Loud, Disturbing, and Unnecessary Noise).

**Winter and Wednesday Markets:** these markets are optional. If you choose to attend, booth fees will be half price.

#### **Scales:**

- Vendors must provide their own scales if they wish to sell produce by weight.
- Scales are sealed, calibrated and certified annually.
- Scales must be “Legal for Trade” and in compliance with the Department of Agriculture rules.
- ONLY certified scales are permitted in the Market and will be checked by the Market Manager.
- Scales must be in plain sight of the customer.

**Electricity:** Depending on availability, and current capacity, the market may provide electricity to those vendors who require it.

- Must bring one heavy-duty outdoor, 10 or 12 gauge cord that can reach your booth - please don't bring an excessively long cord as outlets are positioned close to all booths.
- Use of electricity is at the owner's risk. The market will not be held liable for equipment failure or damage.
- Any vendor who is not approved to use electricity for their offerings, must ask the market manager if they can use electricity for the day.

**Information Table:** Market Associates may purchase and resell locally available items for promotional and fundraising purposes at the information table. All items must be approved by the WFM Board of Directors. Only high demand items, which are not currently being brought to the market by any other vendor, unless an agreement has been made, would be considered. All profits are to benefit the WFM.

**Animals:**

- Only service dogs are permitted in the market. No animals are allowed under tents or in the selling areas.
- Farmers may bring animals to be kept in the animal enclosure in the back of the market for the customers and children to view.

**Marketing/Social Media:**

- Full time and Part time vendors will be advertised on the WFM website
- ALL vendors will be advertised on social media and in the newsletter
- Vendors are encouraged to use their own individual platforms for their products, including their own website and social media sites and tag the market in the post.
- WFM platforms are to be used ONLY to promote products and activities that are offered at WFM.

**Vendor Termination:**

The WFM Board of Directors and Management reserves the right to terminate a vendor's relationship with the market. Any vendor who fails to comply with the Market's rules, or any applicable federal, state, and local laws, may be terminated with no refund of fees.

**Fire Arms:** no open carry weapons on the premises.

**Non-Profit Organizations:** All non-profit organizations must contact the market manager if they wish to set up a booth at the market. After an application is filled out, the board will determine if the organization is a fit for the market. The market is not a forum for political, commercial, or religious activities.





**Name of Business:** \_\_\_\_\_

**Name of Vendor:** \_\_\_\_\_

### **WFM Code of Sales:**

*Check each box then sign at the bottom*

- Vendors are to be the producer of the main offerings being sold. No MLM businesses, resales, or distributors.
- Items not crafted by the vendor may only accompany your offerings if they complement your products, pending board approval.
- All food is subject to all federal, state, and local health & food laws and labeling regulations. The vendor must understand these requirements and fully comply. Vendors must have a copy of their inspection/certification on file with the market manager and with them at the market.
- Vendors can sell only those items listed on their application. An addendum form for new items must be filled out and submitted to the Board for approval before they can be sold.
- All vendors who sell consumable/edible products, must carry liability insurance and name the Waxhaw Farmers Market on the policy.
- Property farm inspections will be conducted prior to application approval, to ensure authenticity of products and periodically thereafter at the Board's discretion.
- Prices must be posted for all items on display.
- Radical price cutting is prohibited - you must be fair to other vendors when setting prices.
- Scales must be certified annually.
- Food vendors must have an ingredient list for all items being sold.
- The intent of the market is to offer high quality items.
- Vendors may utilize a "sales associate" to take their place on a limited basis in the event they cannot be present at our market. The sales associate must first be approved by the Market Manager and should be involved/knowledgeable about the farm, craft, or food preparation. All sales associates' names and contact information must be indicated on the vendor's application.
- Vendors requiring NC Department of Revenue sales tax certificates of registration with Id # must have a certificate with them at the Market. A copy is to be filed with the WFM Market Manager.
- Vendors who accept credit cards as a means for purchase will do so with integrity.

**I agree** \_\_\_\_\_

## WFM Code of Conduct:

*Check each box and sign at the bottom*

- Vendors must communicate their attendance intentions in the Google form.
- Vendors are required to notify the manager as soon as possible if they are unable to participate in the market once they have committed to attend.
- Vendors must email the WFM Market Manager, with a list of items they will be offering to be included in the WFM weekly newsletter/s. This can also be accomplished in the Google form.
- Vendors must arrive in a timely manner and be set up by the start of the market.
- Vendors are encouraged to stay until the close of the market.
- Vendors must conduct themselves in a courteous and respectful manner in dealing with all.
- Vendors must not distract another vendor's customers to try to sell their own product. Disparagement of the market or another vendor will not be tolerated for any reason. If there are complaints or concerns they should be given to the market manager or the Board of Directors to be addressed.
- Vendors are to remain free of alcohol and illegal drugs while on the premises.
- Vendors are not to have open carry firearms are allowed on the premises.
- Vendors are responsible for removing their own trash from the market premises. Food vendors whose goods are likely to be consumed on the premises must provide a trash can for their customers' use. Clean-up of the surrounding area is also the responsibility of the vendor.
- Vendors are responsible for maintaining the area in and around their tent: upkeep of furniture, weeds, etc. By taking care of your surroundings, less effort will be spent on landscaping.
- Vendors must move their vehicle as soon as possible if it is blocking another vendor during setting up and departure.
- Vendors are not allowed to smoke anywhere on the premises.
- The Waxhaw Farmers' Market has an open-door policy. Your participation is encouraged. Please see the Market Manager or any Board of Directors member anytime with your concerns, questions, ideas and comments.

**I agree** \_\_\_\_\_

WFM Rules and Regulations Receipt Acknowledgement In effect Oct. 20th, 2021 until further notice

I acknowledge that I have received the updated WFM Rules and Regulations and that I will read and abide by the rules and regulations as a condition of my continued participation as a vendor at the Waxhaw Farmers' Market. I understand that if at any point in time I have any questions about the Rules and Regulations I will consult with the Market Manager or the Board of Directors.

Vendor Signature\_\_\_\_\_

Vendor Printed Name\_\_\_\_\_

Date\_\_\_\_\_