



Market Rules

INDEX

[Mission](#)

[Placeholder](#)

[Products](#)

[Vendor Expectations and Responsibilities](#)

[Enforcement](#)

[Application Criteria](#)

[Agricultural Vendor Applications](#)

[Craft Vendor Applications](#)

[Prepared Food Vendor Applications](#)

[Cooperative Vendor Applications](#)

[Community Member Applications](#)

[Guest Vendor Applications](#)

[Vendor Consent to Inspection](#)

[New Product Applications](#)

[Vendor Space Assignment and Management](#)

[Live Animals at the Market](#)

[Food Trucks](#)

[Issue Resolution Between Scheduled BOD Meetings](#)

[Rule Changes](#)

1. Mission

The principal mission of the Corporation shall be to provide a direct retail outlet for agricultural products produced by the farmers and residents of Durham County, in order to foster the continued vitality of the farming land and population in Durham County. The Corporation shall have the following additional purposes:

- a. Providing an alternative and transparent outlet for consumers to buy high quality local products in an atmosphere conducive to the exchange of information and ideas between producers and consumers.
- b. Providing a direct retail outlet for agricultural products produced by farmers and residents of nearby counties.
- c. Providing a direct retail outlet for high quality locally produced crafts and prepared foods.

2. Placeholder

3. Products

Products which may be sold include:

- a. Any vegetable grown by the vendor from seeds, sets, or seedlings;
- b. Any fruits, nuts or berries grown by the vendor from trees, bushes, or vines;
- c. Any plant grown by the vendor from seed, seedling, transplant or cutting;
- d. Edible fungi grown by the vendor from spawn;
- e. Bulbs propagated by the vendor;
- f. Eggs produced by the vendor's poultry;
- g. Honey produced by the vendor's bees;
- h. Fresh (not frozen) baked goods made by the vendor;
- i. Preserves, relishes, jams, jellies, etc., made by the vendor. 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 vendor has passed the FDA certification course. A copy of their certification must be on file with the Market Manager;
- j. Fresh cut or dried flowers grown by the vendor;
- k. Firewood cut by the vendor;
- l. Compost produced and bagged by the vendor. No topsoil or un-bagged compost may be sold;
- m. Crafts in accordance with Bylaws Article 2.2(a)(3);
- n. Meat, cheese, and fish or shellfish produced by the vendor within the market radius and processed in accordance with the requirements of North Carolina law;
- o. Beverages prepared by the vendor from scratch.

4. Vendor Expectations and Responsibilities

- a. Vendors shall comply with all rules and regulations of the State of North Carolina, and the County and City of Durham relating to the products they sell (including but not limited to State tax ID #, sales tax, labeling and processing laws, licensure, etc.).
- b. All members are expected to participate in the Market in a spirit of cooperation.
- c. Produce vendors must use certified legal-for-trade scales if selling by the pound.
- d. The Market does not provide tents or tables, which shall be the responsibility of each individual vendor. Every vendor must secure their tent with a minimum 20-pound weight at each corner of the tent on every

market day for which they use a tent; weights must be put in place as soon as the tent is set up. Each vendor must provide a sign identifying the vendor name and the location of their production facilities or farm.

- e. Vendor members with reserved spaces MUST notify the Market Manager by 6p.m. Thursday if they are not attending the Saturday Market. Early notification is necessary to give Day Vendors a chance to prepare. More advance notice is preferable. Unexcused absences will result in a written warning, and notation in the Market Log.
- f. Vendors are expected to be set up and ready for business not later than 15 minutes prior to the open time of the market.
- g. The Market shall be a smoke free zone.
- h. Except as permitted by the Bylaws, no vendor may sell goods other than those produced by the vendor and/or the vendor's employees. Vendors are encouraged to provide signage to describe their production practices, including any certifications or licenses.
- i. Prior to leaving the Market, each vendor shall remove from the Market all debris and trash generated at their space.
- j. Each vendor who attends Market is that day required to have sufficient product to serve a number of customers, and not a trivial or token amount whose sole purpose is to count toward Market attendance. The Market Manager shall record such a trivial or token product presence as an unexcused absence in the Market Log.
- k. 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. Vendors must post prices for all items sold.
- l. Vendors shall not play pre-recorded or amplified music.
- m. Each vendor is required to submit gross sales figures for each week the vendor attends Market. Such reporting shall be done in an anonymous method set by the Board, and submitted within three weeks following each Market day at which that vendor sells.
- n. Each vendor who sells a food, cosmetic, body care and/or cleaning product shall, prior to the commencement of the market season, obtain a \$1 million per occurrence product liability insurance policy, which shall list the Farmers' Organization of Durham Market Corporation as an additional insured, and shall provide a copy of said policy to the Market Manager. Each other vendor shall carry general liability insurance of \$1 million per occurrence, which shall list the Farmers' Organization of Durham Market Corporation as an additional insured, and shall provide a copy of said policy to the Market Manager.¹
- o. Any individual who sells for a vendor when the vendor business owner is not present shall review and sign a copy of the market rules and provide it to the market manager. The manager shall keep copies of the rules at the Manager Tent on market day.
- p. Each vendor or individual who sells for a vendor will accept SNAP/EBT. Training will need to be completed.
- q. Each stall will clearly display their NCDOR certificate or, if tax exempt, a statement attesting to their tax-exempt status.

5. Enforcement

Each vendor is expected to know and follow the Bylaws of the Farmers Organization of Durham Market Corporation and these Rules. Each vendor is responsible for ensuring that their sales representatives at market

¹ Rule 4n; amended July 2016

follow the market Bylaws and Rules. A vendor who fails to comply with the Bylaws and/or Rules may lose an assigned space, or be subject to temporary or permanent dismissal from the Market. A vendor who is determined to have violated the Bylaws and/or these Rules will be issued a written warning by the Market Manager, stating which provision the vendor has violated and briefly noting the specific nature of the violation. The warning will also notify the vendor of the vendor's rights to appeal and the potential consequences of further violations. The Market Manager will sign the warning and the offending vendor, or their market representative, will sign to acknowledge receipt of the warning. If the offending vendor refuses to sign the warning, then the refusal will be noted and a Board member will be asked to witness that the warning was presented to the offending vendor.

- a. The vendor may appeal any warning within 5 days of receiving the warning. The appeal should be addressed to the Board and copies sent to all Board members at their home addresses, by mail postmarked no later than 5 days after receipt of the warning. The appeal should state the date and nature of the warning and the grounds of the appeal.
- b. The Board shall decide on the appeal within 30 days of receipt of the appeal.
- c. A vendor who receives three warnings, of any nature, in a Market season may have their membership and right to sell at Market revoked with no refund of any fees of any kind.

6. Application Criteria

All vendors and members shall reapply each year. Returning vendors' applications shall be due by December 31st and new vendor applications shall be due by January 31st. Applications shall not be considered unless complete. Vendor members' farms and/or facilities must be within Durham County or within a 50-mile radius of the Market site (the "Market Radius"). Vendor members must allow inspection of any farms and/or facilities to be conducted by a committee designated by the Board in order to verify to the Corporation that the vendor member is the producer of all goods being sold, and to assess the application factors below. An inspection must be carried out before the vendor member is allowed to sell at the Market.²

a. Agricultural Vendor Applications

- i. Agricultural vendors must produce everything they sell. Any product that is resold by the vendor at any location may not be sold at the Market. Value-added agricultural products must feature as a principal ingredient, as determined in the Board's sole discretion, one or more agricultural products grown or raised by the vendor.
 1. In accordance with the SDFM "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:
 - a. Rabbits: All rabbits must be born on the farm;
 - b. Chickens: 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 at least one year prior to processing for sale, but do not have to arrive at the farm by a specific age;
 - c. Pigs: 4 months prior to slaughter;
 - d. Sheep/Lamb: 6 months prior to slaughter;
 - e. Goats: 6 months prior to slaughter;
 - f. Beef: 9 months prior to slaughter;
 - g. Bison: 9 months prior to slaughter;

² Rule 6; amended November 2016

- h. Fish: from fingerling stage.
- ii. 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. All animals on the farm must adhere to these rules even animals sold through other venues.
 - 1. The following factors shall be considered in evaluating agricultural vendor applications; no one factor shall take exclusive precedence:
 - a. Applications by Durham residents and those whose production land is located in Durham are preferred.
 - b. Vendors who have limited Market outlets are encouraged;
 - c. Vendors who demonstrate a commitment to environmental sustainability and, in the case of livestock production, humane practices are preferred;
 - d. Vendors who offer a unique or uniquely high quality product, consistent with maintaining a vibrant and diverse mix of products at the Market, are preferred; and
 - e. The Market aims to create a balanced mix of experienced, established producers with a good track record of Market participation and production and new producers whose farm, production system and business planning show promise.
- iii. Vendors of value-added products must provide documentation of compliance with all applicable local, state and federal regulations regarding such products.

b. Craft Vendor Applications

- i. Craft vendor applications shall be considered according to the following criteria:
 - 1. All crafts sold at Market must show high quality workmanship, designed and executed by the craftsman vendor. Commercial duplication and/or items assembled from kits may not be sold. Basic patterns may be used. Copies of another's work or designs are not acceptable.
 - 2. Craft vendors are encouraged to use raw materials from local sources. Manufactured items such as jewelry findings and furniture hardware may be incorporated, so long as the majority of the product is handmade and reflects the skill of the craftsman.
 - 3. Traditional farmstead crafts such as pottery, textile-making, soap making, furniture-making, and the like are encouraged.
 - 4. Craft vendor applications shall be juried for quality of workmanship, originality, and the factors set forth in this section

c. Prepared Food Vendor Applications

- i. Prepared food vendor applications shall be considered according to the following criteria:
 - 1. Products utilizing chiefly ingredients grown within the Market Radius are preferred. Vendors are expected to use local ingredients whenever possible and encouraged to purchase from Market vendors as much as possible.
 - 2. Products utilizing ingredients grown in North Carolina shall have secondary preference.
 - 3. Vendors shall not use any mixes or instant foods in their products.
 - 4. A prepared food business operating as a franchise of a larger company shall be barred from selling at the Market.
 - 5. Prepared food products shall be juried for quality and appeal.
 - 6. The prepared food vendor shall use honest and obvious labeling on the product and in the

stall, describing the product, its contents, its source, and the preparer. Vendors have two options for labeling:

- a. Individually packaged single serving foods set out for self-service require a label on the package. A label must be affixed to the package bearing the common or usual name of the product, a declaration of ingredients in descending order of predominance, the name and complete address of the firm or party responsible for the manufacture of the product.
 - b. Baked goods sold in bulk and handed out directly to customers should have ingredient placards posted on bulk containers for customers to see.
 - c. Packaged foods are regulated by the Department of Agriculture and Consumer Services under the provisions of G.S. 106-121(13a) which defines “packaged” as any container or wrapping in which any consumer commodity is enclosed for use in the delivery or display of that consumer commodity to retail purchasers. Labels are required on packages set out for self-service, but are not required when someone hands out wrapped products ordered by a customer. Labels must bear the common or usual name of the product, declare ingredients in descending order of predominance, bear the name and complete address of the firm or party responsible for the manufacture of the product, and in some circumstances, net weight or quantity and nutritional information.
<http://www.ncagr.com/fooddrug/food/foodlaw.htm>
- ii. Prepared food vendors are encouraged to use reusable, environmentally friendly service containers.
 - iii. Vendors have two options for packaging baked goods:
 1. Individually packaging these items in a NCDA approved or Health Department approved facility.
 2. Selling from clean covered bulk containers that are only accessible by the vendor. Those who choose to sell from covered bulk containers must use one of the following acceptable methods to remove food from covered bulk containers: clean tongs or other utensils, single-use gloves, or single-use wax paper sheets. The baked goods should then be placed in a clean, unused bag or container and handed to the customer, or single items can be directly handed to the customer in a single use wax paper sheet when appropriate. Consumers are not allowed to self-serve from covered bulk containers.
 - iv. The prepared food vendor must provide documentation of compliance with all applicable local, state and federal regulations regarding such products. The prepared food application should include a list of ingredients for the item(s), and which of those are organic or bought from farmers within the Market Radius. The Market manager may request samples of product and/or packaging as appropriate. The Board will consider these requests at regular monthly meetings.³

d. Cooperative Vendor Applications

- i. The purpose of cooperative vendor memberships is to provide a Market outlet to foster the development of new farmers, small and/or urban producers, and/or producers who have a niche product of very short season, recognizing that such producers face limited options for marketing their products. Questions or debates that may arise regarding the application of the Cooperative Vendor provisions shall be considered in light of this purpose; the Board shall be the final arbiter of such debates or questions.
 1. The Market Manager shall maintain a list of producers who have expressed an interest in pursuing a cooperative vendor position, and shall upon request furnish that list to other current or prospective cooperative vendors in order to foster the full and effective

³ Rule 6c.iv; amended November 2016

utilization of these Cooperative Memberships, and to promote collaboration among potential cooperative vendors.

2. Each member of the cooperative must submit a Vendor Application and meet all requirements for agricultural vendor membership, including inspection.
3. Each Cooperative must submit a Cooperative Agreement in a form provided by the Board, listing each proposed member of the cooperative, stating which Markets each cooperative member seeks to attend, and identifying a single individual, and one alternate, who is authorized to exercise the Cooperative's vote at membership meetings during that season.
4. Multiple vendors within a Cooperative may sell at the Cooperative's stall in any given week, or the members of a Cooperative may apportion stall usage among themselves. Each member of a cooperative selling at the cooperative's stall on Market day shall identify their products with the name of that member.
5. Cooperative vendor applications shall be evaluated in light of the above stated purpose of cooperative vendor positions and in light of the factors set forth in section 6.a, above.

e. Community Member Applications

- i. Community Member applications shall be considered according to the following criteria:
 1. The applicant must reside within Durham County, not farther than 15 miles from the Market site, and must not be related by employment, blood, marriage or domestic partnership to any vendor member.
 2. Community member applications shall be evaluated by the Board, which shall have final authority to approve community member admission.
 3. Community members are encouraged to contact the Market Manager to volunteer their time to support the Market. The following are examples of ways in which community members may be asked to assist the Market:
 - a. Assisting the Market Manager or a vendor member on Market day;
 - b. Assisting in Marketing or promotion of the Market;
 - c. Assisting in Market setup and/or breakdown;
 - d. Participating in Market special events;
 - e. Serving as a board member.⁴

f. Guest Vendor Applications

An individual, farm or business who meets the definition in the Market Bylaws for an Agricultural Vendor, a Prepared Food Vendor, or a Craft Vendor may apply to sell as a Guest Vendor. The market manager shall have the authority to approve or decline such applications, subject to review by the Board. Such applications shall be submitted not later than one week prior to the date on which attendance is sought. A Guest Vendor shall pay a daily space fee of \$25, and may attend no more than 3 market days as a guest vendor. There shall be no application fee for Guest Vendors. Each Guest Vendor shall carry insurance in accordance with Market Rule 4n, which shall list the Farmers' Organization of Durham Market Corporation as an additional insured, and shall provide a copy of said policy to the Market Manager. A Guest Vendor may apply for market membership midseason, in accordance with the criteria in these Rules and the Bylaws, with a membership fee for the initial year prorated. Daily space fees paid

⁴ Rule 6e3; removed July 2016

as a Guest Vendor in excess of the Vendor Member daily fees shall be applied to the new vendor's membership fee. A Guest Vendor shall abide by all Bylaws and Rules, including Rule 4n.⁵

g. Vendor Consent to Inspection

All vendors are subject to inspections without notice by one or more representatives of the Board at any point during the market season; vendors should expect the market manager to take a photographic inventory of all products in the stall and in the transport vehicle and perform the inspection prior to the next market date to verify production of every product brought to market. A vendor's presence at market, in person or if represented by an employee or volunteer selling on behalf of the vendor, constitutes consent by that vendor to an inspection at any time before sunset on the day of that market of the vendor's entire production acreage and facilities. Every returning vendor will be inspected at least once every three years.^{6,7}

h. New Product Applications

A Vendor who wants to sell a product in a category other than the category(s) for which that vendor was approved in their annual application must submit their request in writing to the Market Manager to be voted on by the board at the next board meeting. The product categories are: annual produce, perennial produce, mushrooms, flowers, meat, eggs, dairy, soap/beauty products, prepared food, and crafts. If a vendor wishes to sell a new product that falls within their approved category(s) they must obtain prior written approval by the market manager.⁸

7. Vendor Space Assignment and Management

- a. Reserved spaces are a mutual commitment between the Market and the vendor. A vendor may reserve a space for a full year or by season. The Summer season shall run as follows: April – November; the Winter season shall run December– March. A full year reserved site vendor is expected to attend at least 35 Market days. A Summer season vendor is expected to attend at least 22 Market days during the Summer season. A Winter season vendor is expected to attend 9 Market days during the winter season. A vendor may not reserve two seasons in the same market year.⁹
- b. Reserved spaces will be allocated based on market participation. A returning member who attended fewer than their required seasonal Saturday markets (35 for a full vendor, 18 for a Summer vendor and 13 for a Winter vendor) and wishes to continue, may choose from the remaining open spaces based on seniority. Seniority is determined by the number of Saturday markets attended over the past season. Members with the same attendance value shall go into a lottery for stall selection.
- c. Any vendor not present at the annual meeting may designate a proxy for stall selection or shall have a spot assigned.
- d. A vendor who does not wish to make the commitment for a full or half year may attend Market as a Day Vendor, subject to the availability of stall space. If a vendor space becomes available for the remainder of a season, the Market Manager may reassign the space for the remainder of that season only to a day vendor.

⁵ Rule 6f; added July 2016

⁶ Rule 6g; added November 2016

⁷ Rule 6g; amended March 2017

⁸ Rule 6h; added November 2016

⁹ Rule 7a; amended December 2015

- e. A vendor (except for a co-op vendor) may reserve one or two spaces, and shall pay the full fee for each space reserved.¹⁰

8. Live Animals at the Market

Dogs, except for trained guide dogs, and other live vertebrates shall not be allowed at Market during Market hours, except for animals featured as part of a market activity sanctioned by the Board of Directors.

9. Food Trucks

Food trucks shall be allowed at Market during Market Hours only, in accordance with the provisions of this Rule. Food trucks will be scheduled at the discretion of the Market Manager; those utilizing ingredients from market vendors will be given selection priority. Before being permitted to sell at Market, each food truck shall provide the market manager a copy of a \$1 million per occurrence product liability insurance policy listing the Farmers' Organization of Durham Market Corporation as an additional insured and shall provide the Market Manager with copies of all relevant licenses or permits. Vending permission granted by the Market Manager or the Board shall not constitute a property right. Food trucks shall not be members of the market but may attend market meetings. Food trucks must pay a daily stall fee per food truck per market day (fee to be determined by the Board). 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.

10. Issue Resolution Between Scheduled BOD Meetings

Issues that require resolution between meetings of the Board of Directors may be resolved by a vote of Directors conducted via email during a 72-hour period after notice has been sent to all Directors. Any board member may make a motion, though only board members with voting rights may count in the voting. Notices shall say that a vote by the "72-Hour Rule" has been requested. The 72-hour period for voting shall commence when a second board member seconds the motion. Suggestions to amend the motion may only be made within the 72-hour period; amendments must be accepted by the movant and the second and such acceptance shall trigger the start of a new 72-hour period for voting. The motion shall be approved if every board member votes in favor within the 72-hour period. Votes shall be sent to the Secretary, who shall track and announce the result of the vote, and shall include the result in the minutes for the following Board meeting.¹¹

11. Rule Changes

December 2015: Change to rule 7a.

June 2016: Change to rule 4n.

July 2016: Change to rule 7e.

July 2016: Add rule 6f. Remove 6.e.3 (community member fee)

November 2016: Amend rule 6., amend rule 6.c.iv., added rule 6.g., added rule 6.h. amended rule 10

March 2017: Amend rule 6g.

¹⁰ Rule 7e. amended July 2016

¹¹ Rule 10 amended November 2016