

Official Rules of the Wilmington Farmers' Market at Tidal Creek

1. Definitions

- a. **By-Laws:** By-Laws for the Wilmington Farmers' Market at Tidal Creek.
- b. **Value-Added Farm Item:** An item which demonstrates the manual skill, technique, and proficiency of the Market Member, as well as prepared foods prepared by the Market Member.
- c. **Value-Added Farm Member:** A Market Member that sells value added farm items and for whom such sales accounts for 50 percent of the Market Members average booth sales or display space over the course of the season.
- d. **Farm Member:** A Market Member who sells direct farm products and value-added farm products produced or grown by the Market Member.
- e. **Market Day:** 8:00am-1:00pm during the Saturday Main Season Market.
- f. **Market Member:** A craftsperson or farm owner(s) that is approved by the Wilmington Farmers Market's Board of Directors to sell at the Saturday Main Season Market. Market Members include New Market Members and Returning Members. All Market Members must meet the qualifications listed in the following sections.
- g. **Market Season:** March 1st -February 28th of the calendar year.
- h. **New Market Member:** A Market Member who has been accepted into the market by the Board of Directors and sells at the market during his/her first market season.
- i. **Guest Vendor:** A temporary Market Member participating in the guest vendor program as outlined in appendix B.

2. Market Member Qualifications

- a. Each Market Member must reside and produce items to be sold at the Wilmington Farmers Market at Tidal Creek within a 100-mile radius of the Wilmington city limits and within the state of North Carolina.
- b. The Wilmington Farmers' Market at Tidal Creek is a "Producer-Only" market; as such, each Market Member must be the original producer of the items sold.
- c. All items sold at the Market must be produced by a Market Member or a designated representative of the Market Member.
- d. A Market Member may lease land for production. However, the Market Member must perform all operations as defined in section 8.
- e. The Board of Directors (BOD) or Market Manager may conduct an inspection of any Market Member's farm/facility at any time to verify a product's origin.
- f. Any Market Member who engages in re-selling products outside of the Farmers Market that is of the same or similar nature as the products sold at market may be subject to additional requirements in order to verify the legitimacy off the products sold at the market.

- g. A Market Member who purchases land with a perennial crop on it may sell that crop in the year of purchase.

3. Market Operating Schedule

- a. The Saturday Main Season Market (SMSM) is open year-round, from 8:00am-1:00pm. Market Members may arrive as early as 6:00am. Market Members arriving later than 7:45am will not be allowed to set up that day and will owe a \$25 late fee. Market Members who do not show up for a market will owe a \$25 no-show fee.
- b. Reserved Spaces at the Market: Full-time Market Members must notify the Market Manager if they will not be selling at the market any given Saturday by 5:00pm on the Thursday before the market that they will miss. Failure to notify the Market Manager by this time will result in a fine equal to the member's space fee. Part-time Market Members must notify the Market Manager on the first of each month to confirm the dates they plan on attending that month. The Market Manager must be notified to make changes to those dates by 5:00pm on the Thursday before that market. Failure to notify the Market Manager by this time will result in a fine equal to the member's space fee.
- c. 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. Business names must be clearly posted for customers to see. Only certified organic growers may use the term "organic" in their advertising at the market.
- d. Market Members are responsible for cleaning up around their stalls. Failure to clean up the area may jeopardize the market's use of the site and will not be tolerated.
- e. 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 fine equal to the stall fee on that market day.

4. Market Member Responsibilities

- a. Fees: Annual membership fees must be paid by each Market Member by February 28th. Annual fees are as follows: \$175 for Full -Time membership (allows attendance for all market days); \$125 for Part-Time Membership (allows attendance for 25 market days). Annual membership fees are nonrefundable, regardless of whether or not the member attends the market during the course of the season.
- b. All fees are in effect from March 1st to February 28th. The new Member Application fee of \$25 is due at the time of application.
- c. Saturday Market daily fees are as follows: \$25 for one 10x10 space, \$25 for a second 10x10 space (total of \$50 to occupy 2 spaces) Note – The Market Member must notify the Market Manager the week prior in order to guarantee the holding 2 spaces.

- d. Attendance at the Annual Membership Meeting: The Annual Membership Meeting will be held on the last Saturday of February and is mandatory for all Market Members. Any Market Member failing to attend the Annual Membership meeting will be assessed a fine of \$10 and will forfeit his/her right to a reserved space for the year. Market Members may send a proxy to the Annual Membership Meeting. The proxy cannot be another Market Member. The Market Member must alert the BOD or Market Manager of the identity of the designated proxy 10 days prior to the Annual Membership Meeting.
- e. Documentation - Market Members must provide a copy of all documentation (kitchen inspections, lease agreements, meat handler's licenses, etc.) with their annual fees prior to the Annual Membership Meeting.
- f. New Products - Market Members wishing to sell a new category of product must have the product approved by the BOD prior to selling the product at the market.
- g. Market Member in good standing - To remain a Market Member in good standing, a member must attend the market a minimum of 10 market days per market season. Any Market Member who does not participate in at least 10 market days in the previous season must reapply as a New Member Applicant and pay the New Member Application Fee. The BOD does not guarantee reinstatement of a Market Member who reapplies as a New Market Applicant under this subsection.

5. Application Process for New Market Members

- a. Any individual wishing to become a new Market Member must submit a nonrefundable application fee and a completed and signed New Member Application. The New Member Application is on the Wilmington Farmers Market at Tidal Creek's website, along with the Official Rules and Bylaws
- b. Member of the BOD and/or the Market Manager will visit the farm/facility of applicants to verify eligibility for the Farmers Market at Tidal Creek.
- c. The BOD will review all completed New Member Applications, make inspections of farms or production sites, select new Market Members and make a decision on acceptance by February 10th of each calendar year. New Market Members will be eligible to sell at the market beginning March 1st. The BOD will also accept applications during the market season on a monthly basis.
- d. If the BOD accepts an applicant as a new Market Member, the new Market Member must submit the following to the BOD prior to setting up at the market/prior to the annual membership meeting in February:
 - a. Annual Membership Fee (\$175 for full time membership, \$125 for part time membership).
 - b. A signed application, which is a contract between the new Market Member and the Wilmington Farmers Market at Tidal Creek

acknowledging the member's agreement to abide by the Rules of the Wilmington Farmers Market at Tidal Creek.

- c. All appropriate documentation given to Market Members from the USDA, NCDA, Health Department, etc.

6. Role of the Market Manger

- a. The Market Manager has the following responsibilities:
 1. Conduct onsite operations of the market; communicate with vendors.
 2. Serve as the liaison between the market and local organizations, businesses and other partners.
 3. Manage projects at the direction of the BOD.
 4. Plan and oversee special events at the market,
 5. Manage all marketing and advertising activities of the market.
 6. Coordinate volunteers
 7. Seek out funding opportunities and manage fundraising for the market.
 8. Coordinate the annual budget, in cooperation with the Treasurer.
 9. Supervise all market staff.
 10. Ensure safety of Market Members and customers at the market.
 11. Handle all market recordkeeping.
 12. Additionally, the Market Manager has the authority to collect all required fees and to monitor the market in order to ensure Market Members are in 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. The BOD may hire an Assistant Market Manager to support the Market Manager in carrying out these duties.

7. Complaint Process

- a. Any Market Members or Farmers Market customers may file a complaint with the BOD. Complaints must be submitted in writing to the Market Manager, or any member of the BOD, or emailed to thewilmingtonfarmersmarket@gmail.com. The Market Manager or a member of the BOD may follow up with the individual by submitting the complaint to request additional information.
- b. The Market Manager will consider all complaints and will forward complaints to the BOD at his/her discretion. If the complaint concerns the Market Manager, the complaint will go directly to the BOD. Any action to be taken will be determined by the BOD. If an 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 a Market Member for a fixed period of time, or to expel permanently, any Market Member for cause. The BOD must provide written notice to the Market Members 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 By-Laws. Annual Dues are not refundable when a Market Member is expelled for any reason.
4. Questions concerning the Rules or By-Laws should be submitted in writing to the BOD.

8. Eligible Market Products

- a. No re-sale of products or other products is allowed. The BOD may conduct an inspection of any Market Member's farm/facility at any time to verify a product's origin.
- b. No live animals may be sold or given away at Market.
- c. All products sold at market must meet state and local health regulations including but not limited to: U.S Department of Agriculture (USDA), N.C. Department of Agriculture and Consumer Services (NCDA), and New Hanover County Health Department guidelines and regulations, as applicable.
- d. All products must be of top quality, as determined by the Market Manager.
- e. Products that may be sold at the Farmers Market are listed below. If more than 50 percent 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. All Craft Members must abide by the Crafts Statement and Guidelines below. The BOD must approve the sale of all meat, poultry, fish, and all products not listed below. Any Market Member must abide by the Meat and Egg Producer Rules below.
- f. Prepared foods are considered Craft Items and prepared food vendors are considered Craft Members of the market.

9. Direct Farm Products

- a. Vegetables grown from seeds, sets, or seedlings grown on land owned or leased by the Market Member.
- b. Fruit, nuts or berries grown on land owned by or leased to the Market Member.
- c. Plants grown by the Market Member from seed, bulbs, transplants or cuttings grown on land owned or leased by the Market Member.
- d. Bulbs propagated by the Market Member.
- e. Cut and/or dried flowers, herbs or seeds, raised by the Market Member on land owned or leased by the Market Member.
- f. Honey and bee products from the Market Member's bees.
- g. Meat and eggs from livestock owned by the Market Member, subject to provisions in the Meat and Egg Producer Rules.

10. Value Added Farm Products

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

11. Prepared Foods

- a. 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.
- b. Fresh baked goods made by the Market Member made with locally sourced ingredients, to the best extent of the baker.
- c. Beverage for immediate consumption, which may be sold, including, but not limited to: coffee, herbal teas, kombucha and lemonade sold in recyclable cups as long as these items are crafted by the Market Member.

12. Crafts Statement and Rules

- a. Crafts will be permitted for sale at the Market on a limited basis. Only crafts that are farm related or that source local materials will be allowed. 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. Market Members classified as farmers may sell non-farm crafts. These crafts must meet all guidelines contained herein and be approved by the BOD. If more than 50 percent 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.
- b. **Crafts**, for the purpose of the Farmers Market at Tidal Creek, shall be determined to be: an item, which demonstrates the manual skill, technique and proficiency of the craftsperson.
- c. Farm Crafts are value-added farm products produced predominately from materials grown and harvested by the crafts person.

13. Specific Criteria

- a. All Crafts must be hand crafted by the member.
- b. Crafts must be the product of a home or cottage type industry using an intermediate type of 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. The value of purchased raw materials shall not exceed 30 percent of the selling price.

- c. All crafts must be of excellent workmanship both in quality and design.
- d. All craft vendors must comply with and abide by all Rules and By-Laws of the Farmers Market at Tidal Creek.
- e. The Market Manager has the discretion to immediately remove any craft item that he/she considers objectionable. The BOD must review the Market Managers decision at the next scheduled board meeting and make an official ruling on the matter.

14. Meat and Egg Producer Rules

- a. Market Members who sell meat and/or eggs must comply with local, state and federal laws and regulations designed to ensure that such products sent into commerce are wholesome, unadulterated and properly labeled. The NCDA & CS enforces these laws. Any Market Member who received, stores and transports and/or sells USDA inspected meat products is required by law to register as a meat handler with the NCDA&CS. Any Market Member who is required to have a meat handler's license must have a copy on file with the Market Manager.
- b. In accordance with the WFM "producer only" rule, the following terms define what it means to have produced meat and/or eggs for sale at the market.
- c. All meat and egg producing livestock must be kept and cared for by the member on his/her farm for a period of time defined below:
 - i. Rabbits: all rabbits must be born on the Market Member's farm.
 - ii. 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 Market 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.
 - iii. Egg Layers: eggs sold by a Market Member must be from birds kept on the Market Member's farm.
 - iv. Livestock: any other livestock purchased (not born on the farm) must be held by the Market Member for a minimum of:
 - v. Pigs: 4 months

- vi. Sheep/Lamb: 6 months
- vii. Goats: 6 months
- viii. Beef: 9 months
- ix. Bison: 9 months
- x. Other livestock will be evaluated at the discretion of the BOD.

- d. Market Members who sell meat and/or eggs must keep on file both dates receipts of purchase, or birth record and dated receipts for slaughter of livestock and poultry. Upon request by the Market Manager or BOD, the Market Member must be able to provide these records.

15. Value Added Meat Products Rules

Value added meat products are created when meat is processed into other products. Examples include sausage, jerky, meats cured by smoking or drying, and hot dogs. Value added meat products are allowed, provided that 100 percent of the meat is from animals produced by the Market Member in accordance with the definitions and guidelines above. Casings for sausage are excluded from the 100 percent 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 Market Member's market application.

Appendix to the Official Rules of the Farmers Market at Tidal Creek

Appendix A: Transition Plan Guidelines

A transition plan must contain the following components:

- New business operators must submit a document titled “Transition Plan for (your business)” with date of submission and address.
- The letter must include the previous owner, and new owners contact information, dates for term of operation/participation, dates of sale.
- Any changes in business location, product offerings or changes in continuity of production of the products.
- Future business plans or goals including plans to keep market membership active.

In order to complete the transition plan, the new owners must submit this letter for review by the BOD. The new owners will be allowed to continue attending the market under the same market membership pending the approval of the letter by the BOD, in addition to signing the market’s Official Rules.

Appendix B: Guest Vendor Program

A Guest Vendor is a non-member who offers a product or service that enhances the overall market while not competing with products offered by the active Market Members. A guest vendor must fill out an application and get approved by the BOD under the same guidelines of full time and part time members. Once approved, guest vendors will be invited to participate in no more than 3 markets during that market season and pay a \$50 vendor fee for each market they attend. Guest vendors are not official members of the Farmers Market at Tidal Creek and do not have any member rights or have to pay an annual fee. Guest vendors may vend at the market strictly on a space available basis.