

2016 WFM Rules & Regulations

The success of our market 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.

Purpose

The Waxhaw Farmers' Market was established in 2001 to promote direct marketing of farm products from the original producer to the consumer.

The WFM is a “growers only market”. 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 markets 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 quality fresh locally grown foods and healthy eating.

Time and Place

The Waxhaw Farmers' Market operates a weekly market from April through December from 9a.m. to 1p.m. and a bi-monthly market January through March 10a.m.-Noon. Exact dates are set each year by the WFM Board of Directors. The management reserves the right to change or cancel the Market due to hazardous weather or unforeseen circumstances, following organizational procedure.

Eligible Vendors:

- 1. Farmers:** A Farmer is classified as a vendor **growing and producing** the following merchandise: Produce, Dairy, Meat, Poultry, Cut Flowers, Transplants and Nursery Stock.
- 2. Non-Farmers or Specialty Value Added Products:** A Non-Farmer is classified as a vendor selling the following merchandise: Baked Goods, Fresh Prepared Food and Beverages, Crafts, Soaps and Body Care products, and Canned Goods, etc.

The Market retains a ratio of 60% of spaces reserved for Farmers (Produce, fruit, meats, eggs, etc.) and 40% Specialty Products or Non-Farmers. All vendors must be approved by the Waxhaw Farmers' Market Board of Directors.

While the market does not offer exclusive rights to any one vendor to sell any one product, duplicate products can be denied entry into the market if the Board of Directors believes the number of vendors offering the same or similar products is excessive.

What can be sold at the Market:

- **Produce:** vegetables, grown by the seller from seed, sets or seedlings.
- **Fruit etc.:** Fruits, nuts, berries, herbs, grown by the seller from plants, trees, bushes, or vines on the seller's farm
- **Mushrooms:** grown on the seller's property
- **Dairy:** locally produced pasteurized milk and cheese from the seller's animals.
- **Eggs:** produced by the seller's poultry
- **Meat and Poultry:** meat and poultry from animals that have been raised on the vendor's property.
- **Cut Flowers & Transplants:** fresh cut or dried flowers and transplants grown by the seller.
- **Honey and Bee products:** produced by the seller's bees

- **Nursery Stock:** includes potted plants, bare root plants, tree stock, shrubbery, grown by the seller, bulbs propagated by the seller, seeds harvested from plants seller has grown.
- **Canned Goods:** defined as highly acidified canned goods such as pickles, relishes, sauces, vinegars, as well as jams, jellies, and preserves.
- **Baked Goods:** defined as baked items from a certified kitchen. This includes, but is not limited to breads, cakes, brownies, cookies, candies and confections, and pies.
- **Dried Produce:** vegetables, fruits or mushrooms grown by the seller on the seller's farm
- **Crafts:** defined as locally produced juried soaps, lotions, salves & related products, old fashioned handcrafted products and services. Products must be submitted to WFM Board of directors for approval. All items must be hand crafted by the vendor.
- **Fresh Prepared Food & Beverage:** defined as any fresh food, ready to eat snacks/foods or drinks being served at the market. All USDA, NCDA, and local rules apply.

What cannot be sold at the Market:

- General crafts
- Low acid canned goods such as green beans, corn, peas carrots, etc.
- Internal use medicines

General Requirements

1. **Vendors must be the original producer of all items sold. Reselling items is strictly prohibited and will result in immediate termination.**
2. All food vendors (produce, meats, dairy, eggs, baked goods, canned goods, etc.) are subject to all federal, state, and local health laws and labeling regulations. The vendor must understand these requirements and fully comply at all times. **Vendors must have a copy of their inspection/certification on file with the market manager and with them at the market at all times.**
3. **Vendors can sell only those items listed on their application.** New items must be approved by a majority of the board before they can be sold.
4. **Farm inspections** will be conducted prior to application approval and throughout the season to ensure authenticity of products. The Market reserves the right to inspect any members farm or business to determine whether members are in fact producing all that is being sold.
5. **Prices must be posted** for all items on display.
6. **Products must be of high quality** and priced to cover all production expenses. Prices should be at fair market value. Regular supermarket prices should be used as a reference point if the producer is unaware of their costs.
7. 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 desire to send a substitute must first be approved by the Market Manager. All sales associates' names and contact information must be indicated on the vendor's application.
8. Vendors requiring NC Department of Revenue sales tax certificates of registration with Id # must have certificate with them at the Market at all times. NC requires this to be on display in vendor's booths. A copy is to be filed with the WFM Market Manager.
9. It is suggested all farmers and food vendors attend GAP training offered by the NC Cooperative Extension.
10. It is recommended that each vendor carry liability insurance.

Product Requirements

Produce

All produce must be fresh and of top quality

Meat

All vendors selling 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.

No water or ice that comes in contact with meat may be deposited or allowed to drain onto the Market premises.

Cheese and Dairy

All Dairy vendors must meet state and local health regulations, including the kitchen inspection required by the NCDA. Cheese sellers must have proper certification and must provide the market manager with documentation of such compliance. 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.

Eggs

Farmers 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.

Anyone selling more than 30 dozen eggs must grade the eggs and label cartons with the grade.

The farmer's name and address must be included on the cartons and any incorrect information should be crossed through.

Product Requirements for Prepared and Value Added Products

If you produce baked goods or value added specialty products allowed under these rules in a **homebased kitchen**, your kitchen must pass an NCDA kitchen inspection. Certain products must be produced in a NCDA inspected **commercial** kitchen. Health department and /or USDA inspections may be required depending on the product.

Baked Goods

Bakers must complete NCDA&CS home kitchen inspection program.

Baked goods must be made fresh (not frozen) within 24 hours of market day and prepared from scratch, rather than commercial mixes, frozen dough or pre-packaged fillings.

Items must be wrapped in an NCDA inspected kitchen or, if warm, must be covered and protected from the environment at all times. Baked goods can be sold from a clean, covered bulk container only accessible by the vendor. To remove the food from the covered bulk container you may use: clean tongs or other utensils, single use gloves or single use wax paper sheets. Baked goods should then be placed in a clean, unused bag or container and handed to the customer, or single items may be directly handed to the customer in a single use wax paper sheet. Customers are not allowed to self-serve from bulk containers.

See Labeling Guidelines below.

Jams, Jellies, Pickles, Relishes and Preserves

Vendors must complete NCDA&CS home kitchen inspection program.

NCDA rules allow jams, jellies, and preserves to be produced in a **home based kitchen**. High acid or acidified foods such as pickles, chow chow, relishes, etc. maybe sold if the seller has passed the **FDA certification course**. Prohibited items include "low acid" canned goods such as corn, beans, peas, etc. and no canned tomato products. See labeling guidelines below.

Prepared Foods

All prepared food items must meet state and local health regulations, including the inspection of the prepared food seller's **commercial kitchen** by NCDA health inspectors and labeling in compliance with

the regulations. They must be packaged in individual containers and kept appropriately chilled at the market. Container labeling must make it clear these fresh food items should be promptly refrigerated and have a limited shelf life. Labeling must list ingredients, farm name and phone number and net weight. Refrigerated products must be produced in a **non-home based inspected commercial facility**.

Labeling Guidelines

Individually packed, prepared 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, including the weight in ounces or pounds or fluid ounces, a list of ingredients in descending order of predominance, complete name and address of person responsible for the product. Baked goods sold in bulk and handed out directly to the customers should have ingredient place cards posted for customers to see. It is important for the ingredients list to be complete to inform customers who have food allergies.

Samples

Vendors may offer customers samples of their products, but safe practices must be followed. Wash hands thoroughly before cutting samples or wear single use gloves. If produce, wash produce, and then cut samples 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. Please provide toothpicks, use tongs or sample cups to serve individual samples. Samples should not be touched by bare hands.

Hand Washing

All vendors should 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, dairy, and eggs must be kept below 40 degrees and hot items should be kept at 140 degrees or higher.

Vendor Space and Allotment, Signs and Displays

1. Vendors who participated a full 16 Saturdays in the prior year have the right to use the same space(s) they used in the prior year providing they exist. Sixteen Saturdays of participation is also required for voting during the Annual Meeting.
2. Priority of selection of the remaining tent space will be based on weeks of participation in the prior year. If the weeks of participation are equal, then a "first come--first served" basis will be used.
3. If a vendor's market participation falls below 50% in a four-week period, they may be asked to forfeit their tent space (prior agreement or uncontrollable circumstances such as family illness are certainly an exception).
4. Vendors will be allowed to use a limited area (up to 4') around their booth for displays providing no isles are blocked.
5. Members must display an attractive, easy to read sign with their farm or business name.
6. Growers may post growing practices used for production. Certified Organic growers are responsible for clearly labeling themselves as such and must have 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.
7. 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.

Rules of Conduct

1. All vendors are required to notify the Market Manager a minimum of 24 hours in advance if they are unable to participate in the Saturday market.
2. Vendors must email the WFM Market Manager **by Wednesday** with a list of items they will be offering the following Saturday to be included in the WFM weekly newsletter.

3. Vendors must arrive in a timely manner and be set up by 9a.m.
4. Please call and inform the market manager if you are going to be late.
5. Please park away from the market to save spaces for customers.
6. Vendors are expected to stay until the market closes at 1pm.
7. Vendors must conduct themselves in a courteous and respectful manner in dealing with all.
8. No “hawking” of products or distraction of customers from another vendor’s booth.
9. Disparagement of another vendor or vendors will not be tolerated for any reason.
10. Vendors are responsible for removing their own trash, used water, etc. 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 whose sales created the trash.
11. Vendors must move their vehicle if it is blocking another vendor during setting up and departure.
12. Smoking is not allowed anywhere on the premises. The smell of smoke won' be tolerated in the sales area.
13. 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.

Other

1. The Market Manager may purchase and resell locally available items for promotional and fundraising purposes. All items must be approved by the WFM Board of Directors. Only high demand items that are not currently being brought to the market by any other vendor would be considered. All profits are to benefit the WFM.
2. Only seeing-eye or handicap dogs (service dogs) are permitted at the Market. All other dogs are not allowed under tents or in the selling areas

Membership and Fees

1. Vendors must complete each of the following three steps before they are allowed to sell:
 - a. Submit a completed and signed membership application which acknowledges the understanding of the Rules & Regulations, and the annual membership fee of \$100. A copy of all necessary licenses/inspections, and tax certificates applicable to the vendor’s offerings must also be submitted.
 - b. Receive WFM Board approval (the Board may deny approval at its discretion), and
 - c. Successfully pass the Farm Inspection (if applicable).
2. The Weekly Booth Rental Fee is \$5 per 6.5’ by 10’ space and will be collected after each Market. It is the vendors’ responsibility to see that they pay the weekly fee before they leave for the day.

Vendor Termination

All of the rules and regulations are for the best interest of the Market, vendors, and the Market’s customers.

Any vendor who fails to comply with these rules, federal, state, and local rules may lose their Market rights with no refund of fees. The WFM Board of Directors and Management reserves the right to prohibit anyone from selling at the Market.