

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 8:30 a.m., 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 2:30 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 if they will not be selling at SMSM on any given Saturday by 5 pm on the Thursday before the SMSM market they will miss. Failure to notify the Market Manager by this time will result in a fine equal to the members space fee.

- 48 d) Market members may not move their vehicles into or out of the Market area
49 during times when such movement would pose danger to people in the
50 shopping area. **No market member will be allowed to leave before the**
51 **end of Market except in the case of an emergency.**
- 52 e) Market Signage Guidelines
- 53 1. Prices must be clearly posted for all items sold.
 - 54 2. Market members determine their own prices, but it is
55 recommended that prices reflect accurate and fair value.
 - 56 3. Only certified organic growers may use the term “organic” in their
57 advertising at the Durham Farmers’ Market.
- 58 f) Market members are responsible for cleaning up the area around their stalls
59 after Market
- 60 1. Failure to clean up may jeopardize the Market’s use of the site and
61 will not be tolerated.
 - 62 2. No water or ice that comes in contact with meat or fish should be
63 deposited or allowed to drain on Market premises.
 - 64 3. Failure to clean the space will result in a \$5 fine paid the following
65 Market day.
- 66
- 67 3. Market Member Responsibilities:
- 68 a) Fees:
- 69 1. All fees are in effect from April 1 to March 31st
 - 70 2. Annual membership fee of \$50 must be paid by each market
71 member by early February, exact date set annually by the BOD.
72 Annual membership fees are nonrefundable after April 1,
73 regardless of whether or not the member attends Market during the
74 course of the season.
 - 75 3. **Saturday Main Season Market** daily fees are as follows: \$10 for
76 one space, \$15 for a second space.
 - 77 4. **Saturday Winter Market** daily fee is \$8, single spaces only.
 - 78 5. **Wednesday Market** daily fee is \$8, single spaces only.
- 79 b) Attendance at the Annual Membership Meeting is mandatory. Members who
80 fail to attend will be assessed a \$10 fine and will forfeit their rights to a
81 reserved space for the year. Members may send a proxy to the Annual
82 Membership Meeting. The proxy cannot be another market member, and the
83 proxy must be designated in writing via a letter to the board. The letter
84 designating the proxy must be received 10 days prior to the meeting. An
85 exception may be made for health emergencies, provided the market
86 member contacts a Board Member prior to the meeting.
- 87 c) Market members must provide a copy of all documentation (kitchen
88 inspection, lease agreements, etc.) with their annual Returning Member
89 Form
- 90 d) Market members wishing to sell a new category of product must have the
91 product approved by the BOD prior to bringing it to Market.
- 92 e) A copy of the By-Laws will be provided to any market member upon request.
93 A current copy of the Market Rules will be provided with each application.
- 94 f) To remain a market member in good standing, a member must attend the
95 Market a minimum of 6 weeks per market season, April 1- March 31. Any

96 market member who does not participate at least 6 times in the previous
97 season must reapply as a New Member Applicant and pay the New Member
98 Application Fee. There will be no guarantee of reinstatement.
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102 4. Application Process for New Members:

- 103 a) A \$30 nonrefundable application fee, \$50 annual membership fee and a
104 completed and signed New Member Application must be received in the
105 month of January of the year the new applicant wants to start selling. If the
106 application to join the market is not approved, the \$50 annual membership
107 fee will be returned. **If a category (farmer/crafter/prepared food) is closed
108 to new market members, both application and membership fees will be
109 returned.**
- 110 b) Farms or production sites of new applicants will be visited by the Market
111 Manager or a Board Member to verify eligibility.
- 112 c) The BOD will review the applications, make inspections and send decision
113 letters by March 1. New market members will be eligible to sell at Markets to
114 which they have been approved beginning April 1.
- 115 d) All appropriate documentation must be on file with the Market Manager
116 (including a signed contract indicating that the approved market member
117 agrees to the Rules of the Durham Farmers' Market) before the market
118 member can begin to sell at the Market.
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120 5. Market Member Space Allocations:

- 121 a) Each market member is allotted one space. No shared spaces are permitted.
- 122 b) Second spaces will be granted as space permits to qualified Farm Members. New
123 Members, Prepared Food Members and Craft Members are not permitted the use
124 of double spaces. No more than 16 of the spaces under the shelter may be
125 reserved as double spaces.
- 126 c) To Apply for a Double Space a Farm Member must:
- 127 1. Be a Farm Member in good standing for the previous 2 years,
128 attending at least 17 or more weeks.
 - 129 2. Attend market 27 or more of weeks during the SMSM during the
130 season the application is being considered.
 - 131 3. Submit the completed Double Space Application with returning member
132 application in the year prior to the one for which a second space is
133 requested.
- 134 d) Double Space Application Review Process
- 135 1. The BOD will observe the market member's use of space, volume and
136 variety of product sold throughout the season looking for a clear,
137 demonstrated need for additional space.
 - 138 2. BOD will periodically photograph applicant's booth at the start and end
139 of market day to document market member's present use of space.
 - 140 3. Double Space applicants may chose to supplement their applications
141 with data, photos, explanations, etc.
 - 142 4. BOD will notify market member of their decision by Dec. 31.

- 143 e) To Retain the Privilege of Reserving a Double Space
144 1. market member must:
145 ▪ attend Market and occupy both spaces at least 27 weeks
146 ▪ effectively use both spaces at least 20 weeks
147 2. Should it come to the attention of the BOD that a Double Space
148 Member is under utilizing the spaces, the BOD will evaluate the
149 market member's space use for the remainder of the season
150 3. If it is decided that the market member's double space is under
151 utilized the BOD may
152 ▪ rescind the privilege for the market member to reserve a double
153 space for the coming season; or
154 ▪ place the market member on probation for the coming market
155 season.
156 4. Double Space Members placed on probation will be observed and
157 evaluated by the BOD following the same guidelines as used in the
158 application process.
- 159 f) Non-reserved spaces will be available and assigned on a first come first
160 served basis dictated by the Market Manager
- 161 g) Reserved Spaces
- 162 1. To qualify for a reserved space at the SMSM, SWM or WM, a
163 market member must have participated in that market at least half
164 of the weeks of its operation during the previous season.
- 165 2. Returning members who had a reserved space at the SMSM,
166 SWM, or WM the previous season and who have met the
167 requirements to reserve a space at that market for the upcoming
168 season have first right of retention to maintain the same reserved
169 space for the upcoming season. Any resulting open spaces may
170 then be selected by those eligible to reserve a space for the
171 upcoming season in accordance with the rules of the appropriate
172 seniority system.
- 173 3. The reserved space selection process for SMSM and WM will
174 take place once a year at the Annual Membership Meeting. A market
175 member's reserved space preference may only be communicated by
176 the individual market member or his or her duly designated proxy
177 in attendance at the Spring Membership Meeting. Swapping spaces
178 after this annual selection is not permitted except under
179 extraordinary circumstances with permission of the BOD.
- 180 4. Seniority for the purposes of space reservation at the SMSM,
181 SWM or WM will be calculated by taking an average of the number
182 of weeks of a member's attendance at that market in each of the
183 last three years plus the number of years the member has
184 attended 50% or more of the total weeks of operation of that
185 market for all previous years. (A maximum of 30 weeks attendance
186 per year at the SMSM will be counted toward the average) Ties in
187 seniority will be settled by awarding the higher ranking to the
188 member with the highest total number of weeks for all years in
189 attendance at whichever market is under consideration.

190 5. **Reserved spaces will only be held until 30 minutes before market**
191 **opening** unless prior notice is given to the Market Manager. Market
192 members with reserved spaces must notify the Market Manager if
193 they will not be attending the Market that week.
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195 6. Role of the Market Manager:

196 The Market Manager has the authority to collect all required fees and to monitor
197 the Market in order to insure market member compliance with all rules of the
198 Market and policies established by the BOD. The Market Manager will require
199 compliance with all such rules and policies.
200

201 7. Complaint or Question Process

- 202 a) Complaints must be submitted in writing to the Market's P.O. Box.
203 b) Any action to be taken will be determined by the BOD. If inspection is deemed
204 necessary it can be conducted at any time. A letter will be sent to the market
205 member regarding the nature of any infraction.
206 c) The BOD may vote to suspend for a fixed period of time, or to expel
207 permanently, any market member for cause. Market members have the right to
208 notice before any such action is taken. Cause may include, but is not limited to:
209 1. failure to submit to or abide by decisions made by the BOD,
210 including the Market Rules, or to accept any ruling of the
211 Membership
212 2. selling or offering for sale any product not grown or originally
213 produced by the market member
214 3. failure to pay dues in accordance with the By-Laws
215 Annual Dues are not refunded when a market member is expelled for
216 any reason.
217 d) Questions concerning the rules or By-Laws should be submitted in writing to
218 the BOD.
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220 8. Eligible Market Products

- 221 a) No resale of produce or other products is allowed.
222 b) The BOD may conduct an inspection of any market member during
223 the season at any time to verify a product's origin.
224 c) No live animals may be sold or given away at Market.
225 d) All products sold at Market must meet state and local health regulations
226 including market member kitchen inspections by NCDA health inspectors
227 or NCDA stamp of approval. Market members must have a copy of their
228 kitchen inspections on file with the Market Manager.
229 e) All Health Department regulations (temperature control, air contact, etc.)
230 pertaining to the sale and transport of any fresh foods (raw meat, dairy,
231 etc.) sold at Market must be observed.
232 f) All produce must be of top quality, as determined by the Market
233 Manager.
234 g) All meat, poultry, fish, and all products not listed must be approved by
235 the BOD.

- 236 h) Products which may be sold at the Durham Farmers' Market are
237 listed below. If more than 50% of a market member's average
238 booth sales or display space, over the course of the season, is of
239 craft items, the market member is considered a Craft Member.
- 240 i) Prepared foods are considered craft items and prepared foods
241 vendors are considered Craft Members of the market
- 242 j) Market members wishing to sell a new category of product must have
243 such product approved by the BOD prior to bringing it to Market.

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245 **Direct Farm Products:**

- 246 • Vegetables grown from seeds, sets, or seedlings.
- 247 • Fruit, nuts or berries grown on land owned or leased by the market member.
- 248 • Plants grown by the market member from seed, bulbs, transplants or cuttings.
- 249 • Bulbs propagated by the market member.
- 250 • Cut and/or dried flowers, herbs or seeds, raised by the market member.
- 251 • Honey and bee products from the market member's bees.
- 252 • Meat and eggs from livestock owned by the market member, subject to provisions in
253 the Meat and Egg Producer Rules.
- 254 • Fish caught within Market radius, subject to BOD approval.

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256 **Value Added Farm Products**

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

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264 **Prepared Foods**

- 265 • Preserves, pickles, jams, vinegars, etc., made by the market member. No "low-acid"
266 canned foods such as green beans, corn, peas, carrots, etc., may be sold. High acid,
267 or Acidified foods (pickles, tomato products, etc.) may be sold if the seller has passed
268 the FDA certification course. A copy of the certification must be on file with the Market
269 Manager.
- 270 • Fresh baked goods made by the market member.
- 271 • Beverages which may be sold include coffee, herbal teas, and lemonade sold in paper
272 cups.

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274 **Crafts Statement and Guidelines**

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276 Crafts will be permitted at market. Crafts that are farm related or that source local materials
277 are especially encouraged. Artisans are encouraged to include information about the
278 source of their local materials and/or the history of their craft. Acceptance of craft
279 applicants will be based on space availability, category of craft, materials used, general
280 quality and workmanship. Members of the market classified as farmers may sell non-farm
281 crafts. These crafts must meet all guidelines contained herein and be approved by the

282 Board of Directors. If more than 50% of a market member's average booth sales or
283 product display, over the course of the season, are of craft items, the market member is
284 considered a Craft Member.

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286 Crafts, for the purpose of the Durham Farmers' Market, shall be determined to be: an item
287 which demonstrates the manual skill, technique, and proficiency of the craft's person.
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289 Non-farm crafts are produced from materials not grown or harvested by the member.
290 Prepared foods are considered to be non-farm crafts.

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

295 **Specific Criteria**

296 1. All crafts must be hand crafted by the member.

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299 2. Crafts must be the product of a home or cottage type industry using an intermediate
300 type technology rather than an industrial type production. To be considered "hand
301 crafted", the item must show evidence of manual skills obtainable only through a
302 significant period of experience and dedication. The craft component materials must
303 be sufficiently modified from their original state to demonstrate fine craftsmanship.
304

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

309
310 3. The value of purchased raw materials shall not exceed 30% of the selling price.

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312 4. All crafts must be of excellent workmanship both in quality and design.

313
314 5. All crafts vendors must comply with and abide by all Rules and By-Laws used to
315 govern the Durham Farmers' Market.

316
317 6. The Market manager has the discretion to immediately remove any craft item that
318 he/she considers objectionable. The Board of Directors must review the manager's
319 decision at the next scheduled board meeting and make an official ruling on the
320 matter.

321 322 **Meat and Egg Producer Rules**

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325 1. Members, who sell meat and/or eggs, must comply with North Carolina State and
326 Federal laws designed to ensure that such products sent into commerce are
327 wholesome, unadulterated, and properly labeled. The North Carolina Department
328 of Agriculture and Consumer Services (NCDA & CS) enforces these laws. Any

329 member who receives, stores, transports and /or sells USDA inspected meat
330 products is required by law to register as a meat handler with the NCDA & CS. Any
331 member who is required to have a meat handler's license must have a copy on file
332 with the market manager.
333

334 2. In accordance with the DFM "producer only" rule, the following terms define what it
335 means to have produced meat and/or eggs for sale at Market.

336 All meat and egg producing livestock must be kept and cared for by the member on
337 his/her farm for a period of time as defined below:
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339 Rabbits: All rabbits must be born on the farm.
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341 Poultry: Meat birds must be on the farm by the end of their first week of age. However
342 "Stewing Chickens" (a retired layer flock) must have lived on the member's farm for at
343 least one year prior to processing for sale, but do not have to arrive at the farm by a
344 specific age.
345

346 Egg layers: Eggs sold by a member must be from birds kept on the member's farm.
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348 Livestock: Any other livestock purchased (not born on the farm) must be held a
349 minimum of:
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- 351 • Pigs: 4 months
- 352 • Sheep/Lamb: 6 months
- 353 • Goats: 6 months
- 354 • Beef: 9 months
- 355 • Bison: 9 months
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357 3. Members who sell meat and/or eggs must keep on file both dated receipts of
358 purchase, or birth record, and dated receipts for slaughter of livestock and poultry.
359 Upon request, the member must be able to produce these records.

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

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363 **Value Added Meat Products:**

364 Value added meat products are created when meat is processed into other products.
365 Some examples are sausage, jerky, meats cured by smoking or drying, and hot dogs.

366 Value added meat products are allowed provided that 100% of the meat is
367 produced by the member in accordance with the above definitions. Casings
368 are excluded from the 100% requirement. Other non meat items, such as
369 allowed in value added meat products. Information on how and where the
370 meat product is produced should be provided with the member's application
371 products.
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