

DOWNTOWN ST. ELENA FARMERS MARKET
Rules and Regulations
(Effective April 13, 2016)

The St. Elena Farmers Market (hereinafter called the “Farmers Market”) has been developed to be primarily a farmer and grower market that meets the needs of the community. The Farmers Market operates under the direction of the Market Manager and the City of Beaufort Farmers Market Committee herein after known as COBFMC. The Market Manager will act as liaison between the Farmers Market and the City of Beaufort to ensure all City rules and regulations are met and to ensure the Farmers Market will compliment and not compete with existing businesses. The makeup of the Market will be 50% Farmers Growers, 30% Food Vendors and 20% Craft vendors. Crafts must be handmade/hand crafted by vendor.

These rules and regulations are specific to the Farmers Market and are subject to change. The rules and regulations are mandatory for all farmers, food and craft vendors (hereinafter called “Vendors” or “Market Participants”) and are part of the Participation Agreement. Participation in the Farmers Market can be revoked in accordance with the Violations of the Farmers Market Rules and Sanctions section of this document. Please read the document carefully before signing the Participation Agreement.

1. Location and Operating Hours

Vacant parcels (Dowling Family and City of Beaufort) at Bladen and North Sts. Wednesdays May 4th through October 26th, 2016; 2pm – 6pm

2. Arrival & Set Up

Vendor set-up may begin at 1:00 pm. Set-up prior to this time is strictly prohibited under all circumstances. Upon completion of unloading, vehicles/trailers are to be relocated and staged in parking area per site plan for market. No vendor vehicles will be allowed in the Loading/Unloading area after 2:00 pm until close of Market.

3. Dismantle & Departure

Participants are NOT permitted to dismantle their booth before the close of the Market. If a participant experiences a personal emergency, an early departure must be approved and coordinated with the Market Manager to ensure it is done safely. **Participants are to remove their refuse upon departure, leaving their space clean and free of litter.**

4. Attendance

All vendors and Market Participants must be approved prior to Market Day. Please fill out and send Participation Agreement to the Market Manager. Payment will be collected by Market Manager at load in (No Exceptions). As a rule, there will be NO new vendors admitted the day of the Farmers Market. If you become an approved vendor, 24 hour notice is required if you are not

planning to attend the market that week. If you encounter an emergency and cannot attend the Market that day, please contact the Market Manager.

5. Market Cancellation

The Market will be cancelled in the event of any weather conditions that the Market Manager deems to be unsafe. Due to unpredictable weather patterns, unless you hear from the Market Manager about a cancellation, please follow the attendance guidelines as stated in #4. If the Market is cancelled, participants are prohibited to sell his/her product at the site of the Market that day.

6. Spaces & Table – No Tent Needed

The Market Manager will assign locations. Previous vendors, consistent vendors, and vendors who prepay fees will have priority regarding space selection. Farmers/Growers will always be given preference. Every effort will be made to keep participants in the same assigned space every week. If you cannot participate each week of the Farmers Market, there are no guarantees that you will have the same space each week. You will be placed according to availability. The possibility exists that your space will change, or that there will not be a space for you on some weeks. The Farmers Market will provide spaces to Market participants as long as they are available.

Participants are responsible for providing their own table.

7. Market Manager

The Farmers Market will be managed by the COBFMC (Contact: Eliza Hill 843-525-6348) and the Market Manager (Contact: Julian Johnson, 843-525-6162).

8. Market Fees and Licenses:

The City of Beaufort sets rental fees for spaces at the St. Elena Farmers Market. The Market Manager will collect fees while vendors are setting up for the Market so please have your money ready (no exceptions). The fees are for a 12'x 12' (approximately) space. The fees of the Farmers Market are:

Farmers/Growers \$15.00 per market (additional space subject to additional fee).

9. Insurance

The Farmers Market does not carry insurance to cover individual Market participants. The Market participants are required to be responsible for their own personal, general, and product availability insurance.

The City of Beaufort, Beaufort County, and/or any Property Owners shall be reimbursed for any damage to property during Farmers Market hours by any of the Market Participants. This includes damage to sidewalks, grounds, vehicles, and any other property.

10. Complaint

Each Market participant will address complaints by customers. The Farmers Market Manager will only address complaints between the Market Participants.

11. General Rules

A. Market Rules

- Abusive, profane, threatening or harassing language or actions towards City staff or other Market Participants or Market customers will not be tolerated.
- Individual's knowledge of the items for sale must be working at each Market Participant's space.
- Children under the age of 14 will not be allowed to sell unless an adult, who is knowledgeable about the items for sale, accompanies them.
- Market Participants will be dressed appropriately for working with the public.
- Fraudulent, dishonest or deceptive merchandising will be punishable pursuant to the Violation of Market Rules sections of this document.
- False packs and incorporating the exposure of the best products at the top of a package with inferior product packed below will be considered fraudulent and a violation of Market Rules.
- Leashed pets will be permitted in the Market area.
- Solicitation for products, services, or charitable contributions, not specifically addressed as a market commodity, or by vendors other than market vendors, will not be permitted, except with special permission granted by the COBFMC.
- Children under 6 years of age shall not be permitted in the Market area unless accompanied by a responsible adult.
- All Market participants will be responsible for the actions of their employees and/or agents.
- Possession of firearms, fireworks, gambling, use of alcohol or drugs, or disorderly conduct by a Market participant of his/her employees or agent also constitutes a violation of Market rules.

B. Farmers and Growers Rules

In addition to the General Rules of the market, Farmers and Growers must also comply with the following:

1. To be considered an eligible participant in the farmer/grower status, Market participants must be considered a bona fide farmer or grower and comply with the 50% rule (see 5. below). A farmer or grower is one who grows products from seed propagation or plugs and harvests it for sale.
2. The St. Elena Farmers Market does not accept brokers which are defined as participants who have bought produce, plants or flowers from a grower but do not grow anything themselves. The COBFMC reserves the right to hold exception to this rule with written permission from the farmer selling to the broker. Final decisions will be made by COBFMC.
3. Eligible farmers/growers must sign a farmer/grower Participation Agreement acknowledging acceptance of these rules and regulations. Eligible farmers/growers must sign a crop plan indicating where the crops are being grown as well as a listing of crops being grown and intended to be sold at the Farmers Market.
4. Field site visits may be conducted for all participants. The COB is not required to announce or schedule field site visits. Failure by the farmer or grower to cooperate with the COB and/or its agent from the Clemson Extension Services regarding field site visits may result in expulsion from the Farmers Market.
5. You must grow fifty percent of the items for sale at your booth or in your space. Produce you purchase from another source or another Lowcountry farm shall not be considered part of your harvested 50% (e.g. If you harvest and sell 4 items, you can sell 4 purchased items).
The 50% rule is effective from the first Wednesday in May until the second Wednesday in July, and from the first Wednesday in September until the end of October. The COB may waive the 50% rule due to weather or climate conditions.
6. Farmer/grower agrees to display a sign indicating his/her farm name and location at their space or tent. The Farmers Market will not provide this sign.
 - a. Farmer/grower agrees to display a sign indicating the name and price of each item for sale. This sign will be displayed where the customers can easily see it. The Farmers Market will not provide this sign.
 - b. Farmer/grower agrees to display notices adjacent to produce for sale stating name of item, the words "purchased from" and location. This sign will be displayed so that customers can easily see it. The Farmers Market will not provide this sign.
 - c. Farmers and growers who sell only what they grow may display a sign indicating to the public that all items you sell are grown by you. The Farmers Market will not provide this sign.

7. All fruits and vegetables sold at the Market must be grown in the state of South Carolina unless approved by the Market Manager. Bananas, lemons, or other produce that is not grown in the state will not be sold at the Market. Only apples, peaches, and grapes grown in the state of South Carolina may be sold at the Market.

8. If an item for sale is labeled organic, the farmer must show proof of certification from a USDA recognized certifying group such as SFSA or OCIA. All growers must show proof of verification of the operation to the market manager within 30 days from the start of the market.

9. In addition to the General Rules, Food Vendors must comply with the following:

- a. To be considered an eligible Vendor, the participant must be a person who prepares and sells edible items which have been altered from their “raw” or “original” state.
- b. Value-Added Food Vendor Application - Value-Added Food Vendors must complete and sign the Value-Added Food Vendor Application stating that they understand and agree to comply with the Rules and Regulations of the market.
- c. Resale Items are prohibited - The sale of “resale” items by Value-Added Food Vendors is prohibited.
- d. Products - All products must complement the mission of the Market as determined by the COBFMC.
- e. DHEC/Department of Agriculture - Value-Added Food Vendors must be in compliance with S.C. Department of Health and Environmental Control (DHEC) rules and regulations. Food items prepared for sale must have been prepared in a DHEC or Department of Agriculture approved kitchen. A copy of your permit must be included with your application.

10. Retail & Business License - All Value-Added Food Vendors must have a City of Beaufort Business License. A copy of your license will be required before participation in the market. Added Value Vendors will be responsible for further license requirements as established by South Carolina.

11. Insurance - Refer to the general Rules and Regulations above.

12. Violations of the Market Rules and Sanctions

Any violation of the rules as stated above or of the laws of the State of South Carolina or the City of Beaufort may result in the following sanction(s) by the Market Manager:

- a. First Offense is a written warning from the Pigeon Point Park Farmers Market Manager.
- b. Second offense is a \$25.00 fine. Non payment of fine may result in a Wednesday suspension from the Farmers Market
- c. Third offense is expulsion from the Farmers Market for the remainder of the season.

13. Appeals

Sanctions taken with regard to any Food Vendor by the Market Manager can be appealed in writing within fifteen (15) days to the COB. The request for the consideration must state the specific reasons for appealing the decision of the Market Manager. The COB Farmers Market Committee shall take appropriate action to render a written decision to the Food Vendor within fifteen (15) days of receipt of the Vendor's appeal.

Any recommendation for suspension or expulsion of a Farmer or Grower from the Market will be forwarded in writing by the Market Manager to the COBFMC who must schedule a hearing with all parties within fifteen (15) days of receiving a written recommendation for such action from the Market Manager. The Farmer or Grower shall receive a copy of the recommendation and be given written notice of the date, time and location of the scheduled hearing. The rules of evidence and procedures prescribed by the COBFMC shall govern the hearing. The Board may limit testimony and the number of witnesses as deemed appropriate. The Committee shall, by majority vote of the members, present a written decision based on findings of fact and application of the rules herein within seven (7) days of the conclusion date of the hearing. The decision shall be served upon all parties or their representatives and shall be final.