

2017 Amended, Revised and Updated Rules of the Watauga County Farmers' Market

Rules revised: October 30, 2017 – Adopted by the Board

1. Market Operation: The market will be open for Saturday operation on the first Saturday of May through the last Saturday in October. The hours are 8:00 a.m. to 12:00 noon.

2. Membership:

- a) Residency requirements - Individuals living in Watauga, Wilkes, Ashe, Avery, Caldwell and Johnson (Tn.) Counties are eligible to become vendors. Growers from other counties may be allowed non-voting membership on a case-by-case, and year-to-year basis, by written application to the board. Production facilities must be in your resident county or Watauga County or adjacent counties.
- b) Dues- A non-refundable application fee of \$25 is due with all applications, from current and prospective members, prior to January 31st. Dues are \$100.00 per year and must be paid by the Spring Cleanup Day each year.
- c) Space rental- Rental for spaces will be set by the board annually
- d) Rent payments for those members who do not pay all their annual rent up-front are due on a monthly basis, **by the last Saturday of the preceding month**, with no provision for partial-month payments and no refunds available.
- e) Priority for membership in the market is given to growers.
- f) All new members to the market will have probationary status for the first year.
- g) Craft vendors- All craft items offered by any Market Vendor will be juried as per the guidelines for crafts. (Located at the end of this document)

3. Items to be sold:

- a) 100% of all produce (i.e. fruit, vegetables, honey, eggs) sold at the market must be grown by the member.
- b) 100% of all plants (cut flowers, shrubs, rooted material) sold at the market must be grown by the member. See Guidelines.
- c) 100% of all processed foods (jams, bakery items) sold at the market must be made by the member.
- d) 100% of all crafts sold at the market must be crafted by the member.
- e) 100% of all meats sold at the market must be grown by the member. See Guidelines.
- f) 100% of all wine, beer, and cider must be fermented or brewed and bottled or canned by the winery, brewery, or cidery.
- g) No commercial truckers are allowed.
- h) All pre-manufactured, non-craft items must be pre-approved by the board on a case by case, year-to-year basis.
- i) Prepared food - All prepared food must be in compliance with North Carolina state laws. Compliance forms must be on file with the manager.
- j) Members must use only truthful and accurate descriptors (e.g. – ‘organic,’ ‘sugar-free,’ ‘natural,’ etc.) to market their products. The Board and/or Manager reserve the right to compel changes to questionable marketing claims.
- k) Organic Label- Growers using the label organic in any representation of their product must have a copy of their organic certification on file with the market manager. For those who sell less than \$5,000 worth of produce the individual may use the word organic in describing their produce if they have a signed "Small Scale Organic Grower's Declaration of Exemption from Certification" form on file with the market manager.
- l) To initiate a vendor inspection a verbal complaint to a board member or the manager is required. Anonymity is an option to the person complaining. The board will also strive to conduct random farm visits throughout the season.

4. Space allocation:

a. DEFINITIONS

- i. Vendor - market member
- ii. Market Day - Saturday market and holiday market
- iii. Week - calendar week; attendance at market for a week means attendance at Saturday market
- iv. Market Season - all of the market days that occur within a single calendar year
- v. Assigned space - a vendor space that has been awarded to a vendor based on vendor participation in the market in previous years
- vi. Permanent space - assigned space available to a vendor throughout a given season
- vii. Unassigned space - a vendor space that has not been awarded to any vendor
- viii. Designated space – a space that has been designated by the Board for a specific product category. (*e.g. – space designated for wine, beer, or hard cider tastings & sales*). The weekly fee for a designated space is \$50.00.
- ix. Permanent vendor - a market member who has been awarded an assigned space
- x. Floater - a market member who has not been awarded a permanent space. Floaters may occupy unassigned spaces or assigned spaces not occupied by the permanent vendor at the discretion of the market manager. Floaters are not guaranteed a space to vend on any given market day.
- xi. Temporary limited-vendor – an individual or entity who has been assigned a space on a limited basis for a specific product category. (*e.g. – tastings and sales of wine, beer, or hard cider*). A temporary limited-vendor is not a member of the Market.
- xii. Seniority - the number of years of membership of the market member plus the number of market days attended by the market member the previous season. For “Transfer of Business Ownership” of a previous generation, seniority and assigned space are transferred. For “Transfer of Business Ownership” to a new owner, an assigned space is transferred provided that there has been continuous presence at the Market. Seniority of the business will transfer if the business undergoes a documented transition period during which the new owner has had direct involvement with the operations of the business for at least two calendar years prior to sale.
- xiii. Attendance - setting up with your products from 8 a.m. until 12 p.m.

b. SPACE ASSIGNMENT

- i. A vendor must attend at least 24 out of 30 weeks the previous market season and have paid in full for the entire previous market season in order to be awarded a permanent space for the current market season.
- ii. Vendors who attended at least 24 out of 30 weeks the previous market season and had an assigned space the previous market season may elect to retain that market space.
- iii. All vendor spaces not awarded to vendors meeting the above qualifications are considered unassigned spaces.
- iv. Unassigned spaces are awarded at the beginning of the market season to market members who participated in the market for at least 24 out of 30 weeks the previous market season; market members will be given the opportunity to select a permanent space from among the unassigned spaces in the order of market member seniority. (NOTE: vendors vacating a permanent space from the previous year select spaces based on seniority with all of the other vendors. If members have equal seniority, then the number of days attended in the previous year will determine the seniority rank among those members).
- v. Priority for occupation of a market space is first, the permanent vendor assigned to that space, second the floater who occupied the space the previous week, and third any permanent vendor wishing to move into that space after space assignment has been completed.
- vi. Floaters are not guaranteed a space to vend on any given market day.
- vii. During the Regular Market Season (May – Oct), floaters must pay for a full-month’s rent at the rate charged for a space-not-located-under-the shed. If there is not a space available for a floater, there will not be a rent charge for that Saturday.
- viii. In order to use more than one market space on a given day, a vendor must meet the following criteria:
 - a. Perishable products get priority

- b. Attendance is mandatory for all Saturdays during the Regular Market Season (May – Oct). Exceptions for emergencies may be allowed with Board approval.
 - c. Maximize capacity to display in both spaces
 - d. The second space will rent at twice the rate of the first space (e.g.- If the rent was \$20.00 weekly for the 1st space & \$40.00 for the 2nd space = \$60.00 total weekly rent for two spaces in the lot)
 - e. Members who meet the above second-space guidelines may apply to the Board, which will vote upon second space allocations on a case-by-case, year-by-year basis.
- ix. Vendors awarded a second space must occupy that space for the entire season and pay full rent on that second space.
 - x. All vendors' products, signage, etc. must remain in the confines of the assigned space.
 - xi. The food truck in the space by the split rail fence must arrive by 7:00 a.m.

c. NOTIFICATION OF MARKET ABSENCE

- i. Notifications must be given to the Market Manager by email using the email contact listed on the WCFM website or by voice mail left at 828-355-4918
- ii. Permanent vendors who will not attend a Saturday market must notify the market manager by 5:00 p.m. on the Thursday preceding the market. The calendar in the application submitted at the beginning of the season does not meet the notification rule qualification.
- iii. Floaters who occupied a space the previous Saturday and, therefore, have priority to a space must notify the market manager if they intend not to attend the Saturday market by 5:00 p.m. on the Thursday preceding the market.
- iv. Floaters attending a market for the first time or after an absence from the market of at least one Saturday are not required to contact the market manager, but it is advisable to do so to determine if there is available space.

5. General provisions

- a) Each vendor will be limited to either a vehicle or trailer at their approved vendor space. Any additional vehicle must be parked offsite from the Horn or Daniel Boone Native Gardens lots. Vendor parking is allowed in the maintenance yard down the hill from the Horn. Vendors should not block access to the maintenance yard when parking there.
- b) Vendors are responsible for cleaning their spaces each time. Trash cans located in walkways are for customer use only.
- c) No pets are allowed at the market with the exception of service animals as defined by the American Disability Act (ADA). As Emotional Support Animals (ESA) are not protected by the ADA, they are not allowed at the Market.
- d) Nothing is to be tied to the shed posts on a permanent basis or left tied or locked there between markets. No permanent modifications to vendor spaces are allowed.
- e) The Manager, with a Board member present, has the right to ask any vendor who brings inferior quality items, persists in violating a rule, or behaves in a disruptive manner to leave the market.
- f) There is no smoking at the market.
- g) The Market prohibits all public electronic displays and recorded sounds by vendors during Market hours.
- h) The Board must pre-approve the use of a generator by any WCFM member prior to the member bringing a generator to the Market.
- i) Vendors must be in compliance with sales tax guidelines prior to vending at the market
- j) Vendors must be present with their products for market hours.

- k) Temporary Limited-Vendors who are vending wine, beer, or cider must provide a copy of an up-to-date “Special Event Permit” and a permit for the specific vending date from the NC Alcoholic Beverage Control Commission and a copy of their liability insurance coverage by 5:00 pm on Thursday immediately preceding vending on Saturday. Failure to provide these documents will disallow vending; however, the Temporary Limited-Vendor is still responsible for payment of the daily rent for the Saturday that was scheduled.
- l) Sales of alcohol (wine, beer, and hard cider) must be by the bottle or can only. Consumption of alcohol is limited to “tastings-only” specifically at the designated temporary limited-vendor space. No open containers of any kind are permitted in the parking areas.
- m) Licensee and each winery, cidery, and brewery will abide by all applicable regulations and laws, including but not necessarily limited to those of the Town of Boone and NC ABC Commission.
- n) No more than three breweries, cideries, or wineries combined may offer samples or sales at the Market per day.

6. PENALTIES

Failure to comply with the above guidelines will result in substantial penalties:

- i. First Violation - The manager will give a verbal warning to the vendor about the rule infraction, and ask the vendor to correct the situation immediately. The manager will also inform the board of the violation.
- ii. Second Violation - Written reminder, warning from the market board and a \$25 fine.
- iii. Third violation: Two-week suspension from vending at the Market
- iv. Fourth Violation: Expulsion from the WCFM for the remainder of the year.

7. MEMBER FEEDBACK & COMMUNICATION TO THE WCFM BOARD

- a. All suggestions, complaints, and comments must be presented in writing to the Board of Directors, signed by the member with their name, address and telephone number.

Guidelines for Crafts

The following guidelines are set forth for the purpose of jurying crafts in order to determine whether the proposed craft is eligible to be sold at the market operated by Watauga County Farmers' Market. 100% of all crafts sold at the market must be hand crafted by the vendor. Any crafts that a current or potential vendor intends to sell at the market must be approved by the jury. Crafts that have been juried previously do not have to be submitted to the jury again. Craft juries will be held every year.

Definition of Crafts: Crafts, for the purpose of the Watauga County Farmers' Market shall be determined to be: an item made by hand, which an observer of the craft can appreciate the technique and special skill used in the craft's production.

Non-farm crafts are produced from materials not grown or harvested by the crafts person and must be juried. Farm crafts are value added farm products produced predominately from materials grown or harvested by the crafts person. These crafts do not have to be juried by the Crafts Committee but do have to pass all other farm inspections.

The Crafts Committee and Jurying Process: All crafts must be juried by the Crafts Committee prior to being sold at any market operated by Watauga County Farmers' Market. Each person making crafts to sell at the market must be juried in individually. Separate crafters may only apply under the same membership if they are immediate family members. The names of all individual crafters selling under a single membership must be on file with the market manager. The Crafts Committee will consist of 3 to 4 community craftspeople who do not vend at the market and who are invited by WCFM to judge the craft jury. The Crafts Committee recommends to the Board of Directors whether or not the proposed craft is eligible to be sold at the market. The Board of Directors has the final determination as to whether or not a craft item can be displayed and sold.

To be juried, craft vendors will be assigned a number by the Market Manager. They will set up their crafts and will then leave the premises. Potential craft vendors will not be present at the jurying to ensure open and frank discussion. The Craft Committee will not know the name of the potential craft vendor. Crafts will only be known by number. The craft vendor will be notified by email of their acceptance. There will be no crafts juried on Market day.

Specific Criteria

- All crafts must be hand crafted by the vendor.
- Crafts must be the product of a home or cottage type industry using a personal type of technology rather than an industrial type of production. To be considered "hand crafted", the item must show evidence of manual skills obtainable only through a significant period of experience and dedication. Examples of unacceptable items would be, but not limited to: tracings of paint by number, ceramics or pottery from commercial molds, wood carvings using duplicating machines, kits in any form, and any other items that do not reflect originality of design.
- All crafts will be juried with the exception of farm crafts, defined above. Craft vendors who add a new category of crafts after jurying will still have to have the new category craft juried. Everything that a craft vendor wants to sell at the market must be represented at jurying. Pieces too large to be carried easily can be represented at jurying by photographs. Judges reserve the right to ask craft vendors to bring the item if it is in question.
- All crafts will be photographed at jurying to ensure what each craft vendor sells at the Market has been juried.
- All crafts must be of excellent workmanship both in quality and design.
- All craft vendors must comply with and abide by all Rules and By-Laws used to govern the Watauga County Farmers' Market. They must also be a member of the Market in good standing.
- The Market Manager has the discretion to immediately remove any craft item that he/she considers objectionable. The Board of Directors must review the manger's decision within 14 days and make an official ruling on the matter.