



# Farmers Market of Bluffton 2012 Rules and Regulations

**MISSION STATEMENT:** Our mission at Farmer's Market of Bluffton, Inc. is to undertake educational and charitable activities by promoting the health benefits of and providing access to fresh, local produce to the general populace through an outlet for local agricultural providers to sell their products directly to customers, providing assistance to vendors to become certified for the Farmer's Market Nutrition Program and to enroll in the food stamp program, providing access to fresh, locally grown produce to the low income community, providing agricultural education to the general community, providing a venue for local farmers and growers to engage in mutual education on best agricultural practices and improving the general business climate of Bluffton, South Carolina thereby averting community deterioration. In addition, we work to assist farmers and residents by providing information and connecting them to a variety of resources.

The Market board must approve every vendor, and vendor approval is only given if the board determines that the vendor's participation in the Market is consistent with, or will further the mission of the Market as set forth in its bylaws and will be consistent with the corporate purposes of the Market as set forth in the Market's Articles of Incorporation, as amended.

These Rules and Regulations were created for the Farmers Market of Bluffton (hereinafter called market) and are mandatory for all 100% Growers, 50% Growers, Agricultural, Value-Added, and Non-Profit Vendors (hereinafter called participants) including their agents and employees. They are subject to change. Participants are required to read these rules and regulations carefully before signing their applications.

## 1. Market Schedule

Day of Market: Every Thursday (except Thanksgiving)  
Time of Market: 2:00 p.m. - 7:00 p.m. (October, November, & December Markets 2:00p.m. - 6:00p.m. )  
Main Season of Market: March 15, 2012 - December 20, 2012

## 2. Arrival & Set Up

Vendor set-up may begin at 12:00 pm. All participants are to unload supplies and move vehicles out of the Market area (Carson Cottages, Calhoun Street, & Lawrence Street) BEFORE setting up and no later than 1:00 p.m. Those arriving later must carry in supplies from outside of the Market area. Participants who have been assigned a vendor space that allows a vehicle must be parked in place no later than 1:00 p.m. Movement of vehicles within the Market area from 1:00 p.m. until closing is strictly prohibited. All participants are to arrive no later than 1:30 p.m. Those arriving later without giving sufficient notice to the Market Manager may forfeit their space and might not be permitted to participate that day.

## 3. Dismantle & Departure

Participants are NOT permitted to dismantle their tent or table 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. Disposal of refuse in the Carson Cottage dumpsters is prohibited.

## 4. Attendance

Participants are required to give a 24 - hour notice to the Market Manager if they are unable to attend the market. If a participant encounters an emergency and cannot attend the market, please contact the Market Manager. (Kim Viljac, Market Manager, 843/415-2447 or [manager@farmersmarketbluffton.org](mailto:manager@farmersmarketbluffton.org) )

**5. Market Cancellation**

The market will be cancelled in the event of any weather conditions that the Market Manager deems to be unsafe. If the Market is cancelled, participants are prohibited to sell his/her product at the site of the Market that day.

**6. Spaces, Tents, & Tables**

The Market Manager will assign participant space locations. Participants who prepay vendor fees will have priority regarding space selection. Those who participated last year will have priority over new participants. Growers are always given preference over other participants. Every effort will be made to keep participants in the same assigned space every Market. Those participants who attend the Market regularly will be given priority in remaining in their same assigned space every Market. The Market Manager reserves the right to change the assigned space of participants, if necessary. Spaces must remain clean and barrier free at all times.

Participants are responsible for providing their own tent and table. Tents must be secure and weighted, if necessary, to ensure it remains in place and cannot be blown over. Tents must not be larger than the standard size of 10 x 10. Participants may rent a 10 x 10 Tent and/or Table from the Market Manager. Advanced notice is required. As the Market has a limited amount of tents and tables, they will be provided on a first come first serve basis.

10 x 10 Tent/\$20 per market

Table/\$5 per market

**7. The Market Manager**

The Market Manager is authorized to assign spaces, enforce all rules and regulations, collect fees, and handle all disputes. The Farmers Market of Bluffton’s Market Manager is Kim Viljac.

**Kim Viljac, Market Manager**  
**Farmers Market of Bluffton**  
**Post Office Box 447**  
**Bluffton, SC 29910**

**843/415-2447**  
[manager@farmersmarketbluffton.com](mailto:manager@farmersmarketbluffton.com)

**8. Market Fees**

The Board of Directors sets the space rental fee and may waive them at its own discretion. The Market Manager will collect fees during each market. Fees should be ready at the beginning of the market. Fees are for a 12 x 12 space approximately. Most produce vendors are permitted to have their vehicle accompany their space at no additional charge. (However, they are NOT permitted to use their vehicle as a sales display, i.e. displaying produce in the bed of a pick-up truck.)

**100% Grower, 50% Grower, Agriculture Vendors**      \$15.00 per market      (\$10.00 each additional space)

**Value - Added Food Vendors**      \$25.00 per market      (\$20.00 each additional space)

**Market Day Business Sponsor Vendors**      \$100 per market  
 (Vendor may promote their business by collecting contact information and/or distributing brochures, coupons, etc...  
 However, no business transactions may take place.)

**Non Profit Vendors**      No Charge upon approval (schools, charities, etc...)

\* Tent and Table Rental Fees still apply.

**9. Insurance**

The Farmers Market of Bluffton and the Carson Cottages do not carry insurance to cover the participants. Participants are required to carry their own personal, general and/or product liability insurance and will produce a copy of the certificate

prior to participation in the Market. Please refer to the Market Manager or the webpage regarding required guidelines for insurance coverage below. The Farmers Market Bluffton, Inc. , the Carson Cottages, and the Town of Bluffton will be reimbursed for any damage to their properties by any participants, including but not limited to damage to the grounds, vehicles, fencing, sidewalks, tents, and any other property owned by or associated with the Market or the entities written above. Certificates of insurance will list The Farmers Market of Bluffton, Inc., as additional insured. This will be in writing on the certificate of insurance.

## **10. Complaints**

Participants are responsible for effectively addressing complaints from their customers. However, the Market Manager will get involved if there are repeated complaints about a specific participant. Repeated customer complaints regarding a specific participant may result in the expulsion of that participant from the Market. The Manager will address complaints between participants.

## **11. Vendor Gross Sales Reporting**

For our non-profit requirements, vendors may be requested to submit completed gross sales forms by product category for each market attended and to represent themselves with honesty and integrity.

- ◆ To avoid requiring vendors to tally sales at the market, forms are collected each week for the previous week.
- ◆ Forms may be submitted anonymously and are collected in a closed container.
- ◆ Only the Market Manger or Treasurer is privy to the original forms and they are not permitted to discuss the sales tallies for individual vendors.
- ◆ Raw data is incorporated into a spreadsheet by category grouping and not by vendor name.
- ◆ Forms are destroyed after they are compiled into a spreadsheet.

## **12. Vendor pets within the confines of the market are prohibited.**

## **13. Vendor smoking within the confines of the contracted market space is prohibited.**

**The Farmers Market of Bluffton includes six types of vendors: "100% GROWER", "50% GROWER", "AGRICULTURAL", "VALUE-ADDED FOOD", "NON-PROFIT", and, "MARKET DAY SPONSOR".**

**The Farmers Market of Bluffton promotes itself as a market of local, fresh produce. The following is a statement on the Market's position on this.**

As a Board, we are striving to have a market of integrity. To accomplish this, we have a goal, first and foremost, to bring to the consumers fresh produce from lowcountry growers, thereby promoting and stimulating the lowcountry agricultural economy defined as within 180 miles from Bluffton, to include Florida. During the fall when pumpkins are in demand, we may have to seek those from further away. If an item is being harvested & sold at the market by a Grower and it is listed on the "Grower List" it may NOT be sold as a "resale" item. We DO NOT accept brokers (one that does not grow anything themselves). The Manager will remove from display any produce that does not meet these criteria and the participant will be given a warning.

### **"100 % GROWER" RULES**

In addition to the General Rules, 100% Growers must comply with the following: To be considered an eligible "100% Grower", the Participant must be a person who grows products from seed propagation or plugs and harvests them for sale. 100% of their items for sale in their display must be grown by themselves.

**1. "100 Grower" Application - "100% Growers" must complete and sign the 100% Grower Application stating that they understand and agree to comply with the Rules and Regulations of the market.**

**2. Grower List** - "100% Growers" are requested to submit a weekly "Grower List" to the Market Manager via e-mail, text, or voicemail by the Monday prior to that Thursday's market. The Grower List consists of all items in which they will be selling at that Thursday's market. (The Grower Lists will be compiled and distributed to the "50% Growers". The items on the Grower List will be prohibited from being sold as a "resale" item.)

**3. Field Visits** - Field site visits will be conducted for 100% Growers. The Market is not required to announce or schedule field site visits. Failure by the 100% Grower to cooperate with the Market and/or agents from the Clemson University Extension Services regarding field site visits may result in expulsion from the Market.

**4. Produce Signage** – 100% Growers agree to display the following signage: Farm name & location, and the name & price of each item for sale. The Market will not provide these signs. These signs must be in plain view to the customers. 100% Growers may display signs indicating that they grow 100% of ALL items for sale. The Market will provide this sign.

**5. Organic Produce and Certified Naturally Grown (CNG) Produce** - If any item for sale is labeled organic, the grower must show proof of certification from a USDA licensed certifier. 100% Growers whose annual sales do not exceed \$5,000 and can demonstrate that they meet organic standards may label products as organic, but they must follow the USDA regulations and be prepared to present the Manager with documentation. Only USDA certified organic growers may display the USDA organic seal. Products which are certified naturally grown (CNG) may not use the word organic but may display the CNG label. Proof of certification must be supplied to the Manager.

**6. Town of Bluffton Business License** – All Growers are required to have a Town of Bluffton Business License. There is no charge for those who primarily grow their own produce.

**7. Insurance** - Refer to the general Rules and Regulations above.

#### "50% GROWER" RULES

In addition to the General Rules, 50% Growers must comply with the following: To be considered an eligible "50% Grower", the Participant must be a person who grows products from seed propagation or plugs and harvests them for sale. At least 50% of their items for sale in their display must be grown by themselves.

**1. 50% Grower Application** – 50% Growers must complete and sign the 50% Grower Application stating that he/she understands and agrees to comply with the Rules and Regulations of the Market.

**2. 50% Rule/Grower List** – 50% Growers must grow at least 50% of the items for sale in their display. The other 50% of the items (referred to as "resale" items) may be purchased from another source. "Resale" items must have been grown within 180 miles of Bluffton. "Resale" items must NOT include items listed on the Grower List for that particular week. The Grower List will be distributed by the Tuesday morning prior to that Thursday's market. The Market Manager reserves the right to remove any "resale" item that is on the Grower List. By prior approval, the Market may waive the 50% rule due to unusual weather or climate conditions or at the Market Manager's discretion.

**3. Field Visits** - Field site visits will be conducted for 50% Growers. The Market is not required to announce or schedule field site visits. Failure by the 50% Grower to cooperate with the Market and/or agents from the Clemson University Extension Services regarding field site visits may result in expulsion from the Market.

**4. Produce Signage** – 50% Growers agree to display the following signage: Their farm name & location, and the name & price of each item for sale. In addition, "resale" items must also have a sign including the name and location of the farm in which it was harvested. The Market will not provide these signs. These signs must be in plain view to the customers.

**5. Organic Produce and Certified Naturally Grown (CNG) Produce** - If any item for sale is labeled organic, the grower must show proof of certification from a USDA licensed certifier. 100% Growers whose annual sales do not exceed \$5,000 and can demonstrate that they meet organic standards may label products as organic, but they must follow the USDA regulations and be prepared to present the Manager with documentation. Only USDA certified organic growers may display

the USDA organic seal. Products which are certified naturally grown (CNG) may not use the word organic but may display the CNG label. Proof of certification must be supplied to the Manager.

**6. Town of Bluffton Business License** – All Growers are required to have a Town of Bluffton Business License. There is no charge for those who primarily grow their own produce. Resellers will be responsible for further license requirements as established by South Carolina.

**7. Insurance** - Refer to the general Rules and Regulations above.

### **“AGRICULTURAL VENDOR” RULES**

In addition to the General Rules, Agricultural Vendors must comply with the following: To be considered an eligible, “Agricultural Vendor”, the Participant must be a person who raises, catches, harvests and/or produces items such as beef, pork, poultry, fish, shrimp, oysters, milk, cheese, eggs, etc...

**1. Agricultural Vendor Application** – Agricultural Vendors must complete and sign the Agricultural Vendor Application stating that they understand and agree to comply with the Rules and Regulations of the market.

**2. Products** - All products must complement the mission of the Market as determined by the Board of Directors.

**3. DHEC/Department of Agriculture** – Agricultural Vendors must be in compliance with S.C. Department of Health and Environmental Control (DHEC), United States Department of Agriculture (USDA), South Carolina Department of Agriculture (SCDA), and/or Department of Natural Resources (DNR) rules and regulations. A copy of your permit and/or certification must be included with your application.

**4. Retail & Business License** - Agricultural Vendors must have a Town of Bluffton Business License. A copy of your license will be required before participation in the market. Agriculture vendors will be responsible for further license requirements as established by South Carolina.

**5. Insurance** - Refer to the general Rules and Regulations above.

### **“VALUE-ADDED FOOD VENDOR” RULES**

In addition to the General Rules, Value-Added Food Vendors must comply with the following: To be considered an eligible, “Value-Added Food Vendor”, the Participant must be a person who prepares and sells edible items which have been altered from their “raw” or “original” state.

**1. 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.

**2. Resale Items are prohibited** - The sale of “resale” items by Value-Added Food Vendors is prohibited.

**3. Products** - All products must complement the mission of the Market as determined by the Board of Directors.

**4. 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.

**5. Retail & Business License** - All Value-Added Food Vendors must have a Town of Bluffton 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.

**6. Insurance** - Refer to the general Rules and Regulations above.

### GENERAL RULES FOR ALL MARKET PARTICIPANTS AND MARKET CUSTOMERS

- Abusive, profane, threatening, or harassing language or actions toward market staff, other participants, or market customers is prohibited.
- Individuals knowledgeable of the items for sale must be working at each participant's display.
- Children under the age of 14 will not be permitted to sell unless an adult who is knowledgeable about the item(s) for sale is present.
- Participants will dress appropriately for working with the public.
- Fraudulent, dishonest or deceptive merchandising is prohibited.
- False packs and incorporating the exposure of the best products at the top of a package with inferior products packed below is prohibited.
- Pets must be on a leash.
- Solicitations for products, services, or charitable contributions are NOT permitted except with the express permission of the Market Board of Directors.
- Children under 10 years of age must be accompanied by a responsible adult.
- Participants are responsible for their own actions and those of their employees and/or agents.
- Firearms, fireworks, gambling, disorderly conduct, or the use of illegal drugs by participants, their employees/agents, or market customers is prohibited.
- The selling of live animals (i.e. livestock, domesticated animals, etc.) is prohibited.
- Selling and distribution of alcoholic beverages is prohibited.

### SANCTIONS FOR VIOLATIONS OF MARKET RULES AND REGULATIONS

Any violation of the Market Rules & Regulations as stated above or any violation of the laws of the state of South Carolina, Beaufort County, the Town of Bluffton, or The United States of America will result in the following sanction(s) being imposed by the Manager:

- |                         |   |
|-------------------------|---|
| 1. First offense:       | written warning from the Manager                          |
| 2. Second offense:      | \$25.00 fine  |
| 3. Non-payment of fine: | one day suspension from the MARKET.                       |
| 4. Third offense:       | expulsion from the Market for the remainder of the season |

### APPEALS

Participants may appeal sanctions imposed upon them which do not involve suspension or expulsion from the market by writing to the Market Board of Directors within fifteen (15) days of the imposition of the sanction(s). The appeal must state the specific reasons for the appeal. The Board will render a written decision within fifteen (15) days of receipt of a Participant's appeal. The Manager will immediately forward in writing to the Board any sanctions of participants that involve a suspension or expulsion from the market. Participants may request an appeal hearing with the Board in regard to any sanctions that involve suspension or expulsion from the market. The Board will schedule appeal hearings regarding suspensions or expulsion from the market within fifteen (15) days of receipt of a written appeal from the participant. The Manager will provide the appealing participant a copy of the sanction recommending suspension or expulsion. The Manager will give written notice of the date, time, and location of a scheduled appeal hearing to the appealing participant. The Board may limit, at its own discretion, the amount of testimony and the number of witnesses permitted at an appeal hearing. The Board shall, by majority vote of those members present at an appeal hearing, render a written decision based on findings of fact and the application of the rules set forth in these Rules and Regulations within seven (7) days of the date of the appeal hearing. The decision shall be served upon all parties or their representatives and shall be final.

## CONTACT INFORMATION

Kim Viljac, Market Manager  
Farmers Market of Bluffton  
Post Office Box 447  
Bluffton, SC 29910  
843/415 – 2447, [manager@farmersmarketbluffton.org](mailto:manager@farmersmarketbluffton.org)  
[www.farmersmarketbluffton.org](http://www.farmersmarketbluffton.org)

Dawn Goodwin  
Town of Bluffton Business License Office  
843/706-4501, [dgoodwin@townofbluffton.com](mailto:dgoodwin@townofbluffton.com)  
[www.townofbluffton.com](http://www.townofbluffton.com)

SC Retail Tax Commission 803/898-5788  
[www.sctax.org](http://www.sctax.org)

Department of Health & Environmental Control, (DHEC), 843/757-6441  
[www.scdhec.gov](http://www.scdhec.gov)

South Carolina Department of Agriculture, 803/737-9690  
<http://agriculture.sc.gov>

Insurance Information:  
The Farmers Market of Bluffton is insured by:  
Capital Indemnity Corporation. Members without insurance or those with inquiries  
can contact:  
[www.campbellriskmanagement.com](http://www.campbellriskmanagement.com)