



# Farmers Market of Bluffton

## 2020 Rules and Regulations

**MISSION STATEMENT:** Our mission at Farmers 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 Farmers 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 Whole Food/Horticultural, Value-Added, Non-Profit Vendors, and Market Day Sponsors (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: 1:00 p.m. to 6:00 p.m. (or dusk if earlier)

Season of Market: January 9, 2020 – December 17, 2020

### 2. Arrival & Set Up

Vendor set-up may begin at 11:00 p.m. All Participants are to unload supplies and move vehicles out of the Market area (Carson Cottages, Calhoun Street and Lawrence Street) BEFORE setting up and no later than 12:00 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 12:00 p.m. Movement of vehicles within the Market area from 12:00 p.m. until closing is strictly prohibited. All Participants are to arrive no later than 12:30 p.m. Those arriving later without giving sufficient notice to the Market Manager (Kim Viljac, Executive Director/Market Manager, 843.415.2447 or [manager@farmersmarketbluffton.org](mailto:manager@farmersmarketbluffton.org)) may forfeit their space and might not be permitted to participate that day.

### 3. Dismantle & Departure

Participants are NOT permitted to dismantle their tents or tables 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 the space clean and free of litter. **Disposal of refuse in the Carson Cottage dumpsters or trash cans 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.

### 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 from selling their products at the site of the Market that day.

### 6. Spaces, Tents, Tables, & Electricity

The Market Manager will assign Participant space locations. Participants who prepay vendor fees will have priority regarding space selection. Those who participated in the Market the previous 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 tents and tables. **Each tent must be secured by stakes and/or weights as wind gusts can occur without warning.** 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, tables, and electricity, they will be provided on a first-come, first-serve basis.

Electrical outlets are reserved for vendors needing power to prepare, heat and/or cool their food. Vendors must indicate their need for electricity in their application. Those vendors who require multiple outlets and/or use devices that draw an abundant amount of power are encouraged to bring a quiet generator. The Market Manager reserves the right to prioritize and limit the use of power by all vendors if necessary.

10' x 10' tent/\$20 per Market

Table/\$5 per Market

Electricity/\$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, Executive Director/Market Manager

Farmers Market of Bluffton

PO Box 447, Bluffton, SC 29910

[manager@farmersmarketbluffton.org](mailto:manager@farmersmarketbluffton.org) 843.415.2447

## 8. Market Fees

The Board of Directors sets the space rental fee and may waive/discount 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 10' × 10' space approximately. Most produce vendors are permitted to have their vehicles accompany their spaces at no additional charge.

**Whole Foods/Horticultural Vendors:** \$20.00 per market (\$10.00 each additional space)

**Value-Added Food Vendors:** \$30.00 per market (\$20.00 each additional space)

**Market Day Business Sponsors:** \$150 per market

(Vendors may promote their businesses 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 to produce a copy of the certificate prior to participation in the Market. Please refer to the Market Manager or the website regarding required guidelines for insurance coverage below. The Farmers Market of 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 listed above. Certificates of insurance will list The Farmers Market of Bluffton, Inc. and The Carson Cottages, as additional insured. This inclusion 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 pets within the confines of the market are prohibited.

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

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 regional growers in South Carolina, North Carolina and Georgia, thereby promoting and stimulating the regional agricultural economy. We DO NOT accept brokers (vendors that do not grow or produce any of their own products). The Manager will remove from display any produce that does not meet these criteria and the Participant will be given a warning.

## **WHOLE FOOD/HORTICULTURAL VENDORS**

Whole Food/Horticultural Vendors must comply with the following, in addition to the general Rules and Regulations: To be considered an eligible Whole Food/Horticulture Vendor, the Participant must grow products from seed propagation or plugs and harvest them for sale, or must raise, grow, and/or catch products such as beef, poultry, seafood, eggs, honey, etc.

- 1. Application:** These Participants must complete and sign the Whole Food/Horticultural Vendors Application stating understanding of and agreement to comply with the Rules and Regulations of the Market.
- 2. 50% Rule:** These Participants must always adhere to the 50% Rule, which states that a vendor must never have more than 50% of its inventory from other independent producers.
- 3. Field Visits:** Field site visits will be conducted. The Market is not required to announce or schedule field site visits. Failure by the vendor 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:** These Participants agree to display the following signage: the farm name and location, and the name and price of each item for sale. In addition, "resale" items must also have a sign including the name and location of the farms where they were harvested. The Market will not provide these signs. These signs must be in plain view to the customers.
- 5. SC DHEC/Department of Agriculture:** Whole Food/Horticultural Vendors must be in compliance with S.C. Department of Health and Environmental Control (DHEC), U.S. Department of Agriculture (USDA), S.C. Department of Agriculture (SCDA), and/or Department of Natural Resources (DNR) rules and regulations. A copy of the Participant's permit and/or certification must be included with the application.
- 6. 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 with annual sales not exceeding \$5,000 and with the ability to 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 that 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.
- 7. Town of Bluffton Business License:** Each Participant is required to have a Town of Bluffton business license. There is no charge for a Participant growing primarily their own produce. Resellers will be responsible for further license requirements as established by South Carolina.
- 8. Insurance:** Refer to the general Rules and Regulations above.

## **VALUE-ADDED FOOD VENDORS**

Value-Added Food Vendors must comply with the following, in addition to the general Rules and Regulations: To be considered an eligible, Value-Added Food Vendor, the Participant must be a person who prepares and sells edible items that 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 understanding of and agreement to comply with the Rules and Regulations of the Market.
- 2. Prohibition of Resale Items:** 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. SC 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 the Participant’s license will be required before participation in the Market. Value-Added Food 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**

1. Abusive, profane, threatening or harassing language or actions toward Market staff, other participants, or market customers is prohibited.
2. Individuals knowledgeable of the items for sale must be working at each Participant’s display.
3. 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.
4. Participants will dress appropriately for working with the public.
5. Fraudulent, dishonest or deceptive merchandising is prohibited.
6. False packs and incorporating the exposure of the best products at the top of a package with inferior products packed below is prohibited.
7. Solicitations for products, services or charitable contributions are NOT permitted except with the express permission of the Market Board of Directors.
8. Children under 10 years of age must be accompanied by a responsible adult.
9. Participants are responsible for their own actions and those of their employees and/or agents.
10. Firearms, fireworks, gambling, disorderly conduct, or the use of illegal drugs by participants, their employees/agents, or market customers is prohibited.
11. The selling of live animals (e.g., livestock, domesticated animals) is prohibited.
12. Selling and distribution of alcoholic beverages is prohibited.

## SANCTIONS FOR VIOLATIONS OF MARKET RULES AND REGULATIONS

Any violation of the Market Rules and 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: Verbal warning from the Manager.
2. Second offense: Written warning from the Manager.
3. Third offense: Expulsion from the Market for the remainder of the season.

## APPEALS

Participants may appeal sanctions imposed upon them that 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, Executive Director/Market Manager, Farmers Market of Bluffton, PO Box 447, Bluffton, SC 29910  
843.415.2447, [manager@farmersmarketbluffton.org](mailto:manager@farmersmarketbluffton.org), [www.farmersmarketbluffton.org](http://www.farmersmarketbluffton.org)

Town of Bluffton Business License Office  
843.706.4501, [www.townofbluffton.com](http://www.townofbluffton.com) [businesslicense@townofbluffton.com](mailto:businesslicense@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)

S.C. 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 find information at the following website:  
[www.campbellriskmanagement.com](http://www.campbellriskmanagement.com)