

**TITLE XI: BUSINESS REGULATIONS**  
**Chapter 117: Farmers Market-Rules and Regulations**

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**§ 117.01 MISSION**

The Calabash Farmers Market was developed to provide a place for local growers to sell their goods directly to consumers, to educate consumers about local farming and seasonal eating, and to encourage and promote the use of locally grown farm products.

The Community Services Committee in cooperation with the Town of Calabash sponsors the Calabash Farmers Market. The purpose of these rules is to govern the operation, administration and management of the Calabash Farmers Market. The following rules and regulations are not intended to burden participants but to ensure smooth operation and success of the market.

**§ 117.02 ELIGIBILITY**

- (A) All persons who are the original producers of the fruits, vegetables, plants, herbs, pickled items, jellies, jams, canned vegetables/fruits, and peanuts are allowed. Locally caught seafood and local hand-made crafts are also permitted.
- (B) Sellers must be the producers, producers; agents, and/or relatives of the producers to participate in the market. Exceptions may be discussed with Committee.
- (C) Vendors are allowed to supplement their products (termed as “carrying”) with other locally grown/produced items if at least 25% of the value of the product offered each market day is grown by the vendor. Vendors will be required to clearly label all products indicating the producer’s name and location of farm. If a customer or vendor questions the origin of any vendor’s product offering, the Committee reserves the right to contact the source of that product or visit farms for verification. Local shall be STRICTLY defined as produced in the Carolinas within one hundred miles of the market.

**§ 117.03 HOURS & DAYS OF OPERATION**

- (A) The market will run from the first Saturday in May until the first Saturday in December.

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- (B) Market days and hours are Saturday from 8:00 am to 12:00 Noon and Monday from 8:00 am to 12:00 Noon. Set up times for farmers/producers are 7:15 am-8:00 am. No sales will be permitted during set-up times or past listed closing time. Modifications to this schedule may be necessary to allow for special events and activities.

**§ 117.04 FEES**

- (A) Applications must be on file with the Committee prior to market days.
- (B) For the first Saturday of the season (first Saturday in May), the daily fee will be waived. The daily fee for one vendor space of \$10.00 will be collected on market day by the committee. A box will be available at Town Hall in Calabash for drop off of application and payment. Checks should be made out to Town of Calabash/Farmers Market. One space encompasses a 10' x 10' space which may or may not include a 10' x 10' tent. Each vendor may request and pay for up to 2 spaces.
- (C) There is an option for a discounted but non-refundable, monthly payment to be paid the first market day of each month. The monthly costs will be \$35.00 the seasonal rate is \$100.00 and shall be paid before the opening of the season.
- (D) The Town Administrator may at his discretion waive or reduce fees for all applications.

**§ 117.05 RULES**

(A) Attendance

- (1) The market will operate rain or shine. Vendors must attend unless the Market Committee determines the weather would pose a public hazard. In this instance, vendors will be notified within 24 hours of the market.
- (2) Vendors must give 24 hours notice to the Committee if they will be unable to attend a market that they have reserved space. Failure to give notice will be considered a violation of market rules. The market allows for "Acts of God" (equipment failure, weather, car problems, medical emergencies, etc.).
- (3) Sellers are required to remain on site for the entire duration of the market unless all items are sold earlier than noon. Conversely, any vendor who is not on site by the start of the market will not be allowed to set up.
- (4) Committee members will assign spaces.

(B) Display

- (1) Vendors may display items for sale on tables. Vendors must provide their own tables or displays. Canopies, tents or umbrellas are encouraged.
- (2) Each booth space must have signs indicating the name and location of the farm or business.
- (3) All products sold must have signs indication price and description of product where applicable. A master price list can be substituted for individual product pricing.
- (4) All scales used, must have a state certification sticker visible.

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- (5) All products produced under certification such as organic products or products requiring inspection, such as preserves must include a copy of certification or license with the market application. Licenses shall be displayed at the market as well.
- (6) Each seller is responsible for cleaning up his assigned space at the close of the market. All vendors must haul out their trash at the end of the day. A fee will be charged for those failing to do so. On-site trash receptacles are for customers of the market.

**§117.06 MISCELLEANEOUS**

- (A) Vendors must comply with all laws, ordinances, and regulations of the United States, State of North Carolina, Brunswick County and the Town of Calabash.
- (B) The Market does not offer exclusive rights to any one vendor to sell any one product. Market customers generally benefit from having a choice.
- (C) No live animals may be sold or given away at the market.
- (D) Pricing of goods sold at the market is solely the responsibility of the individual vendor, however, vendors are expected to be aware of and maintain fair market values.

**§117.07 MARKET MANAGEMENT**

The Committee is responsible for the day-to-day management of the market and has the complete authority to interpret, implement and enforce the market policies. Any questions or concerns should be addressed to the Committee. Conflicts between vendors and customers should be brought to the attention of a Committee member for final resolution.

**§117.08 VIOLATIONS**

Violations of any of these rules as discovered by or reported to the Committee, will result in a verbal warning to the offender for the first offense, a written warning and two market days suspension for a second offense and removal from the market for the third offense. Appeals may be made to the Committee.

**§117.09 HOLD HARMLESS CLAUSE AND INSURANCE**

All authorized vendors participating in the Farmers Market shall be individually and severally responsible to the Town and its agents and employees for any loss, bodily or personal injury, deaths, and/or property damage that may occur as a result of the vendor's negligence or that of its servants, agents, and employees. All vendors hereby agree to indemnify and save harmless the Town, its officers and employees from any loss, cost, damages, and other expenses, including attorneys' fees, suffered or incurred by the Town by reason of the vendors negligence or that of its servants, agents, and employees; provided that the vendors shall not be responsible nor required to indemnify the Town for negligence of the Town, its officers or employees. The Town of Calabash provides no

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insurance to participants in the Farmers Market. Participating vendors will be required to provide a signature in acknowledgement and acceptance of this clause on the vendor application.

**§117.10 RESERVED**

This Ordinance shall be in full force and effect on \_\_\_\_\_

I, Kelley Southward, Town Clerk, Town of Calabash, do hereby attest that the Calabash Board of Commissioners adopted the foregoing ordinance on the \_\_\_\_\_ day of \_\_\_\_\_, 2010; and that the effective date of said ordinance is correctly written above.

\_\_\_\_\_  
Kelley Southward, Town Clerk