

CHERRYVILLE (NC) FARMERS MARKET

2016 GUIDELINES

PURPOSE

For the benefit of the local farm industry: The Cherryville Farmers Market (CFM) is designed to serve as an organized and convenient market and customer source for local farmers and growers. It promotes the local farmer or grower as a significant contributor to the local economy, as well as, promotes the concept of a local food economy. It builds awareness and appreciation for local agriculture. **For the benefit of the community:** The CFM is designed to provide the community and region with a local source of high quality fresh produce from local farmers and growers. **For the benefit of Downtown Cherryville:** The CFM is designed to complement the public and private efforts of the Cherryville Small Town Main Street Program to promote Downtown Cherryville as the economic, social, and cultural center of the community, as well as, enhance the overall Downtown Cherryville experience.

TIME AND PLACE

Summer Market: The CFM operates one day a week on Thursdays at an established time, May through October, in the parking area surrounding the Cherryville Chamber of Commerce building at the corner of East Main and South Jacob Streets in Downtown Cherryville (220 East Main Street, Cherryville, NC, 28021).

WHO CAN SELL

Any of the following residing and producing items within a 100-mile radius of Cherryville, North Carolina is eligible to sell produce and other items allowed herein:

- Farmers and Growers (sellers must possess a Grower's Permit signed by the Agricultural Extension Agent or County Extension Director in their county)
- Bakers
- Makers of Specialty Consumer Products
- Makers of old-fashioned, handmade, and/or farm-related crafts

All sellers must be original (or family members of) producers of all items being sold.

WHO CANNOT SELL

- Any of the above residing and producing items outside the 100-mile radius of Cherryville is not eligible to participate.
- Commercial bakeries
- Sellers of general craft and/or fine art items

WHAT CAN BE SOLD AT THE MARKET (in compliance with all applicable NCDA and USDA regulations)

- Vegetables grown by the seller from seeds, sets, or seedlings
- Fruits, nuts, or berries grown by the seller from trees, bushes, or vines on the seller's farm
- Fresh cut or dried flowers and herbs grown by the seller from seeds or seedlings
- Mushrooms grown on the seller's property

- Dried vegetables, fruits, or mushrooms grown by the seller on the seller's farm or purchased from a market grower
- Plants grown by the seller from seed, seedling, transplant, or cutting that are well-established in their current container
- Bulbs propagated by the seller
- Eggs produced by the seller's poultry in compliance with NC Egg Law and labeled with the name and contact information of the seller
- Fresh baked goods, candies, and confections made by the seller
- Honey and bee products produced by the seller's bees
- Meat (frozen or fresh) from animals raised on the vendor's property
- Value-added farm products including:
 - Cheeses (farmstead or artisanal and pasteurized or aged for a minimum of 3 months) made on the seller's property , and all or partly from the milk of animals raised on the seller's property
 - Ice Cream
 - Meat products made from raw ingredients which are processed in a NCDA and/or USDA inspected facility
- Fresh and frozen pastas
- Preserves, pickles, relishes, sauces, vinegars, jams, or jellies made by the seller; the main ingredients of which should be obtained in most part from CFM vendors
- Old-fashioned farm crafts or old-fashioned handmade crafts
- Seeds harvested by the seller from plants grown on the vendor's premises
- Compost produced by the seller on the seller's farm
- Stock and broth (frozen) made from meat and bones of animals raised on the seller's property
- Chef-prepared foods made from locally grown meats and produce
- Wine

WHAT CANNOT BE SOLD AT MARKET (includes, but is not limited to)

- Sprouts
- Unpasteurized juices
- Fish
- Dairy-based fresh foods not made from animals raised on seller's premises.
- "Low acid" canned foods such as green beans, corn, peas, carrots etc.
- Pet food
- Water plants

No animals may be sold or given away at the market.

The CFM does not offer exclusive rights to any one vendor to sell any one product; however, duplicate products can be denied entry into the market in the event CDFM management determines the number of vendors offering the same or similar product(s) is excessive.

VALUE-ADDED PRODUCT

Vendors of value-added products must abide by all applicable federal, state, and local health and label regulations. Market approval for one specific value-added item does not grant approval for additional items. If you produce baked goods or value-added products or other value added products allowed

under these rules in a home-based kitchen, your kitchen may be required to pass an NCDA kitchen inspection. Health department and/or USDA inspection may be required depending on the product. A copy of your inspection form must be filed with the market manager. All prepared food items must meet state and local health regulations including the inspection of the prepared foods seller's kitchens by NCDA health inspectors and labeling in compliance with the regulations (<http://www.ncagr.gov/fooddrug/food/homebiz.htm>). If the seller is a resident of South Carolina, the producer must meet South Carolina state and local health regulations. The State of South Carolina does not allow any food items for public sale to be manufactured in a home kitchen (http://www.scsfa.org/getting_started.pdf).

If a seller uses a USDA-certified co-packer for bottled or canned products, the kitchen inspection and additional certifications requirements may be waived.

Jams, Jellies, Pickles, Relishes, Preserves

If the main ingredients in these value-added products are not grown by the seller, every effort should be made to obtain the necessary products from CFM vendors. NCDA rules allow jams, jellies and preserves to be produced in a home kitchen. High acid or acidified foods (pickles, chow chow, relishes, tomato products, etc.) may be sold if the seller has passed the FDA certification course. A copy of the certification must be on file with the market manager. No "low-acid" canned foods such as green beans, corn, peas, carrots, etc., may be sold.

Prepared Foods

Fresh Prepared Foods

Fresh prepared foods (such as salsas, pestos, dips, chutneys, sauces) must be primarily composed of ingredients grown by the seller or obtained from a local farmer. They must be packaged in individual containers and kept appropriately chilled at market. Container labeling must make it clear these fresh foods should be promptly refrigerated and have a limited shelf life. Labeling must list ingredients, farm name and phone number and net weight. Refrigerated products must be produced in a non-home based inspected commercial facility. Frozen prepared foods must be prepared in an inspected commercial kitchen and the majority of the ingredients in these products must be grown by the seller or obtained from a local farmer.

Chef Prepared Soups and Entrees

Sellers of these value-added prepared soups and entree dishes are approved on a case-by-case basis by the market's board of directors. The seller must be a professional chef or food preparer. The main ingredients of these products must be locally grown, preferably by CFM growers. Soups and entrees must be prepackaged and sold frozen or properly chilled. Labeling must meet state and/or federal regulation requirements. Products in this category must be prepared in an NCDA and local health department inspected commercial kitchen or restaurant. A FDA or USDA inspected commercial kitchen may be required in some cases. Any seller of products in this category must provide proof of adequate liability insurance.

Baked goods

Baked goods must be fresh (made within 24 hours of market day) and be prepared from scratch (no commercially prepared dough mixes, crusts/shells or fillings). Baked goods must be individually wrapped in a NCDA or County inspected kitchen or, if warm, must be covered and protected from the environment at all times. Baked goods may also be sold from clean, covered bulk containers that are

only accessible by the vendor. Those who choose to sell from covered bulk containers must use one of the following acceptable methods to remove food from covered bulk containers: clean tongs or other utensils, single-use gloves, or single-use wax paper sheets. The baked goods should then be placed in a clean, unused bag or container and handed to the customer, or single items can be directly handed to the customer in a single use wax paper sheet when appropriate. Consumers are not allowed to self-serve from covered bulk containers. Baked goods can be served pre-wrapped.

While NCDA food safety laws do not require labels on packaged baked goods handed out directly to customers, the farmers market requires that each package be labeled with at least the maker's name and contact information. A list of ingredients, or notation of an ingredient (peanuts, for example) that can cause severe allergic reactions, is suggested.

Crafts

The only crafts allowed are old-fashioned farm crafts and old-fashioned handmade crafts.

- Old-fashioned farm crafts are produced mostly from materials grown or harvested by the crafts person (dried flower wreaths, goat's milk soap, etc.)
- Old-fashioned handmade crafts are made from materials not produced or harvested on-farm (hand shaped pottery, baskets, forged items, etc.)

All crafts are reviewed on a case-by-case basis. All crafts must be a product of a home or cottage type industry and must be made by the vendor or a member of the vendor's family. All crafts must be of excellent workmanship in quality and design. All crafts must be "hand made" or "hand crafted." (Unacceptable items would be, but are not limited to: paintings, photographs, postcards, prints, printed materials, ceramics or pottery from commercial molds, wood carvings using duplicating machines, kits of any form or any other items which clearly do not reflect originality of design.)

Market members wishing to sell a new category of product for which they were not originally approved must get their product approved by the board of directors before bringing it to market.

Crafts will be limited to 30% of the sellers at the CFM at any given time, except when a late cancellation of a non-craft seller causes the threshold to be exceeded.

ORGANIC FARMERS

All 'organic' sellers must be certified and comply with current USDA-certified rules and regulations for organic growers.

FARM OR BUSINESS INSPECTIONS

No reselling of any products is allowed. The sale of any product not grown or produced by any member will result in immediate termination of membership. Market management reserves the right to inspect any member's farm or business to determine whether the member is, in fact, producing all that he or she is selling at the market.

FEES AND BOOTH SPACE

Annual Application Fee: The Annual Non-refundable Application Fee is \$25 for the 2016 market season.

Booth Fee: A Booth Fee of \$10 will be charged at each market to all sellers.

SALES TAX REQUIREMENTS

Cherryville Farmers Market vendors who sell *only tax-exempt products that they produce on their own farms* DO NOT HAVE TO REGISTER with the NC Department of Revenue or remit sales tax reports. These tax-exempt agricultural items include:

- Raw fruits and vegetables (including unseasoned cut & bagged mixed vegetables)
- Eggs
- Pasteurized milk
- Nursery plants
- Loose cut flowers
- Honey

Even though these vendors do not have to obtain a Certificate of Registration or file sales tax reports with the NC Department of Revenue, they do have to provide the CFM with: a) their **Exemption Certificate number**, and; b) a **written statement** attesting that the items he/she sells are produced by the vendor. The Exemption number is obtained by submitting Form E595-EA (http://www.dornrc.com/downloads/fillin/E595EA_webfill.pdf). Note: Farmers who qualify for the Exemption Certificate get additional benefits... they don't have to pay sales tax on qualified purchases (including feed, seed, fertilizer, equipment, parts, equipment, medication, fencing supplies, crop protection chemicals, etc.).

If vendors are *reselling any farm products grown by another farmer*, THEY DO HAVE TO REGISTER (apply using Form NC-BR available at http://www.dornrc.com/downloads/fillin/NCBR_webfill.pdf, display their certificates, and remit the appropriate amount of tax to NCDOR. *This would apply to any vendor who plans to take advantage of Cherryville Farmers Market's **Carrying Provision** (outlined on page 6).*

Vendors selling processed meats or fish, cheese, value-added or ready-to-eat foods, skin care products, and/or crafts DO HAVE TO REGISTER, display their certificates, and remit the appropriate amount of tax to NCDOR. Additional information from NCDOR on Understanding Sales Taxes on Agricultural Products is available at <http://www.ncagr.gov/meatpoultry/pdf/NCDOR-ag-sales-FAQ.pdf>.

- All goods sold at the Cherryville Farmers' Market must comply with all applicable federal, state and local laws, including, without limitation, all applicable health regulations as well as the North Carolina Department of Agriculture's general guidelines regarding products exhibited for sale at farmers' markets and curb markets. To the extent that any member is selling any product that requires the member to obtain and maintain any license or certification, that member shall have and maintain such license or certification. Vendors must have copies of documentation of compliance/inspection and all certification documents on site and on display while selling at the Cherryville Farmers Market and shall make it available for inspection by consumers, the market manager and/or the Board of Directors or its designated representative.
- All foods prepared by the member for sale must meet sanitation and food safety regulations set forth by their county's respective Health Department, the North Carolina Department of Environment and Natural Resources, and the North Carolina Department of Agriculture and Consumer Services.

- All product samples provided to consumers at the market site must comply with regulations established by the Environmental Health Division of the Cleveland County Health Department for distribution of foods to consumers for immediate consumption.
- Only CFM vendors that are certified meat handlers may sell meat products: see <http://ncagr.com/meatpoultry/meathandlers.htm>.
- Any member using the term “organic” must meet the requirements of the National Organic Program and submit copy of the certification as part of the member application packet.
- Members must use scales approved as “Legal for Trade” by the Weights and Measures Division of the North Carolina Department of Agriculture.

CARRYING PROVISION

At present, the Cherryville Farmers Market has a ‘carrying provision’ that allows vendors to sell a limited supply of products that they did not produce.

- These “carried” products must be produced by a CFM Vendor who has submitted a complete Vendor Application and has been approved by CFM.
- Carried products must meet all requirements for Eligible Products.
- Carried products should be items that would not otherwise be offered for sale at the market, and should comprise no more than **one-fourth** of the vendor’s total inventory.
- Carried items should be **labeled with the farm of origin** such that they can be easily distinguished from items grown by the vendor.

New and Returning vendors must annually submit a “Vendor Application” available on the Cherryville Chamber of Commerce and City of Cherryville’s website.

CFM vendor applicants must complete the form in full before the market season. Growers must hold a current **Grower’s Certificate** issued by the NC Cooperative Extension Service office in their respective county. The Vendor Application must include copies of their Grower’s Certificate along with any other required inspection licenses/permits/ inspection certificates, and the \$25 application fee (check made payable to the Cherryville Farmers Market).

MARKET DAY RULES

For Sellers

- Set-up time for sellers is no sooner an hour prior to the established market opening time. Sellers must be set up by the established market opening time or their space may be reassigned.
- The Market Manager will be responsible for all space assignments.
- Sellers may not begin selling to customers prior to market official notification.
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- Sellers may not pack up during market hours.
- Sellers must provide their own tents, tables, chairs, tablecloths, displays, signs, bags and all other necessary items for their booth.
- Subletting or leasing of any space by any seller is prohibited.

- Sellers must conduct themselves in a courteous and respectful manner.
- No “hawking” of products, distraction of customers from another vendor’s booth, or disparaging of another vendor’s goods is allowed.
- Sellers must keep his or her immediate premises reasonably clean, sanitary, and orderly.
- Each seller is responsible for cleaning up the area around his or her booth after the event.
- No smoking is allowed in the CFM area.
- Children in the care of vendors need to be supervised at all times by an adult at the vendor’s stall. The CFM can take no responsibility for their safety or whereabouts.

For The Public

- Solicitations for products, services, or charitable contributions on market grounds will not be permitted, unless approved by market officials.
- Non-profit groups will not be allowed to use the market to promote their causes or activities
- The CFM will not serve as a forum for political, commercial, or religious activities.

SIGNS AND DISPLAYS

Sellers must display an attractive, easy-to-read sign with their farm or business name and location. This sign must be brought to market by the member each week and displayed in a prominent location at the member’s selling space.

Sellers must post prices for all items. Prices should be fair market value. Cooperation, not competition, is encouraged in pricing. Each grower may post the growing practices used for his or her produce. Certified organic growers, however, are responsible for clearly labeling themselves as such and must have a copy of their current certificate available for inspection.

Displays and signs must allow clear visibility to adjoining booths. Display and selling techniques must not impair other sellers' ability to sell, nor create a hazardous situation for customers.

SAMPLES

Vendors may offer customers samples of their products, but safe food practices must be followed.

FARM OR BUSINESS INSPECTIONS

CFM management reserves the right to inspect any CFM vendors’ farm or business to determine whether the member is, in fact, producing all that he or she is selling at the market.

OVERSIGHT

CFM management reserves the right to prohibit anyone from selling at the market.

