



2021 Rules and Regulations



The North Charleston Farmers Market (hereinafter called the "Farmers Market") operates under the direction of the City of North Charleston Cultural Arts Department and. Market Rules and Regulations have been established to provide regulations specific to the Market and are subject to change. These are mandatory for all farmers, food vendors, art & craft vendors, and organizations (hereinafter called "Market Participants") and are part of the Participation Agreement.

Participation in the Farmers Market can be revoked in accordance with the *Violations of the Market Rules* section of this document. Please read this document carefully before signing the Participation Agreement. All vendors must sign and return the 2021 North Charleston Farmers Market Participation Agreement prior to vending in the market.

1. Operating Hours & Location:

(These hours are in effect for the entire season)

Market Day: Thursdays

Market Season: May 6 – October 28, 2021

Market Hours: 3:00pm - 7:00pm

Market Location: Grounds of the Felix C. Davis Community Center
4800 Park Circle, North Charleston, SC 29405

2. Market Fees and Licenses:

The City of North Charleston Cultural Arts Department sets vendor fees for spaces at the Farmers Market. Cultural Arts will collect fees in advance of the Market, or during the Market itself. Fees are non-refundable.

A. Retail Vendors: The fees per vendor space for the Farmers Market are:

Single Market - \$10 Per Month - \$35 Full Season - \$190

B. Agencies providing community information are provided complimentary space when space is available. This includes agencies such as DSS, Agency on Aging, DHEC, Emergency Management, Public Safety etc. General Rules still apply.

The Market season takes place over 6 months (May-Oct). The above "Per Season" and "Full Season" fees reflect a reduced rate versus the "Single Market" fee. Each market participant (with the exception of non-profit and corporate vendor participants) is required to purchase their own business license from The City of North Charleston based on projected gross sales in North Charleston for the calendar year (growers/producers are exempt) and sign a Hold Harmless agreement. A SC Retail Tax License is also required. Market Participants must be able to provide proof of licenses at any time. Failure to obtain proper licensing will result in a market suspension until copies are submitted to Cultural Arts.

For more information contact:

North Charleston Business License Office
North Charleston City Hall (3rd Floor)
2500 City Hall Lane
North Charleston, SC 29406
(843)740-2639, clewis@northcharleston.org

LeighAnn Alexander, Revenue Officer
SC Department of Revenue
2 South Park Circle Suite 100
Charleston, SC 29407
(843)953-8342, LeighAnn.Alexander@dor.sc.gov

3. Set Up/Breakdown

Market Participant set-up begins at 1:00pm. Set-up prior to 1:00pm is prohibited. No cars, trucks, tents, or displays are allowed on the market grounds before 1:00pm. All Market Participants are to unload items and move vehicles to designated parking areas by 2:30pm in order to participate on that day. Parking accommodations can be made for Market Participants with a disabled parking permit. Market Participants arriving later than 2:15pm may forfeit their space and may not be permitted to set up on that day. In case of an emergency or unforeseen event (i.e. traffic), please call as soon as you know you will be late so arrangements can be made to reserve your space. The Farmers Market begins promptly at 3:00pm. Breakdown will not begin before 7:00pm.

4. Spaces & Tents

Cultural Arts will assign vendor locations on the market grounds. If you cannot participate in all 26 weeks of the Farmers Market there are no guarantees that you will have the same space each week. The possibility exists that your space will change, or that there will not be a space for you on some weeks. You will be placed in accordance to availability. Vendors are responsible for all equipment, including tents, tables, and chairs. There is no electricity available on the market grounds. Depending on space limitations the criteria used to determine which applicants are accepted will be based on diversification and Market rules and regulations violation history. Cultural Arts will review all applications and give final approval. No vendor is promised exclusivity, although the objective is to present a diverse market. Vendor spaces measure approx. 12x12 feet. Vendors are not to exceed boundaries of their space. Vendors may request no more than 2 spaces. If 2 separate vendors wish to share a space, both must complete the application/participation agreement. Spaces and tents must remain clean and barrier free. Littering is prohibited. All refuse should be taken with you or disposed of in the proper containers provided on the market grounds. Do not fill the trash containers with rotten or bad items before the market starts. There will be a penalty for failure to dispose of refuse properly. The City of North Charleston is not responsible for any equipment or supplies left on market grounds after the market closes.

5. Parking

There are two public parking lots at the Felix C. Davis Community Center. No Market Participants are allowed to park in the dirt lot adjacent to the market grounds unless they possess a disabled parking placard. Violation of this rule will result in a warning.

6. Absences or Cancellations

Market Participants are asked to give 48-hours' notice (no later than 2:59pm the Tuesday prior to the Market) if they will not be attending a Market to which they have committed. If an emergency occurs and you cannot attend the Market, contact the Cultural Arts Department at (843)708-0907 or klahm@northcharleston.org. Failure to call or email prior to opening of the Farmers Market is a violation of this rule and will result in a written warning. Vendor will be required to pay the vendor fee for the missed market before they are able to return to the market. The Cultural Arts Department will cancel the Market in the event of severe weather or a hurricane warning. If the Market is cancelled, Cultural Arts will contact all vendors by 12:00pm of the Market day. If the Market is cancelled, no Market Participants will be allowed to sell their products on market grounds that day.

7. Hold Harmless Agreement

All Market Participants are required to sign a Hold Harmless Agreement. The City of North Charleston does not carry insurance to cover individual Market Participants. Market Participants must use their own judgement personal, general, and product liability insurance. The City of North Charleston shall be reimbursed for any damage to Farmers Market property by any of the Market Participants. This includes damage to sidewalks, grounds, vehicles, fencing, tents, and any other property owned by or provided by the City of North Charleston.

8. Market Management

Designated employees of the City of North Charleston Cultural Arts Department are authorized to assign spaces, enforce all rules and regulations, collect fees, and handle all disputes. The primary contact is:

Kyle Lahm, Director
Cultural Arts Department
(843)740-5850
klahm@northcharleston.org

9. General Rules

The General Rules apply to all Market Participants.

- A. All vendors must submit a completed and signed participation agreement and hold harmless agreement.
- B. Abusive, profane, threatening or harassing language or actions towards City of North Charleston staff, other Market Participants, or Market customers will not be tolerated.
- C. All Market Participants will be responsible for the actions of their employees and/or agents. Market Participants will be dressed appropriately for working with the public. Individuals working at each Market Participant's space or tent must be knowledgeable of the items for sale.
- D. Children under the age of 14 will not be allowed to sell unless an adult, who is knowledgeable about the items for sale, accompanies them. Children under 6 years of age shall not be permitted in the Market area unless accompanied by a responsible adult.
- E. Fraudulent, dishonest or deceptive merchandising will be punishable pursuant to the *Violation of Market Rules* sections of this document. False packs and incorporating the exposure of the best products at the top of a package with inferior product packed below will be considered fraudulent and a violation of Market Rules.
- F. Solicitation for products, services, or charitable contributions, not specifically addressed as a market commodity, or by vendors other than market vendors, will not be permitted, except with special permission granted by the City of North Charleston.
- G. Leashed pets will be permitted on the market grounds.
- H. Smoking is strictly prohibited in vendor spaces.
- I. Possession of firearms, fireworks, gambling, use of alcohol or drugs, or disorderly conduct by a Market Participant or his/her employees or agent also constitutes a violation of Market Rules.
- J. The selling of live animals (i.e., livestock, domesticated animals) is not allowed.
- K. The selling or distribution of alcoholic beverages is not allowed.
- L. Vendors may offer samples immediately in front of their assigned space. Venturing beyond this assigned area to provide samples, "calling-in", or "hawking" of customers is not permitted.

10. Farmer/Grower Rules

Market Participants must be considered a bona fide farmer or grower, which is one who grows products from seed propagation or plugs and harvests it for sale. The North Charleston Farmers Market does not accept brokers: participants who have bought produce, plants, or flowers from a grower and do not grow anything themselves. If any item for sale is labeled organic, the farmer must show proof of certification from a USDA recognized certifying group such as CFSA or OCIA. In addition to the General Rules of the market, Farmers and Growers must also comply with the following:

A. Participation Agreement, Crop Information

Eligible farmers/growers must sign a Participation Agreement acknowledging acceptance of these rules and regulations. Eligible farmers/growers must indicate where the crops are being grown as well as provide a listing of crops being grown and intended to be sold at the Farmers Market. "Certified SC Grown" produce is preferred.

B. Local Season Rule

If an item has come into season locally (grown within Charleston, Berkeley, Dorchester, Georgetown, Clarendon, Orangeburg or Colleton Counties), then it can no longer be purchased by a vendor and sold secondhand at the Market. The Market Manager has the authority to remove questionable items. Exceptions will be made by Cultural Arts if a crop has experienced an unusual harvest due to weather or disease. Farmers and growers are encouraged to notify Cultural Arts when an item is no longer available locally.

C. 50% Rule

You must grow at least fifty percent of the items for sale under your tent or in your space. Produce you purchase from another source, even another Lowcountry farm, shall not be considered part of your harvested 50% (e.g. If you harvest and sell 4 items, you can sell 4 purchased items). The 50% rule is effective from the second Thursday in May until the second Thursday in July, and from the last Thursday in August until the last Thursday in October. The City of North Charleston may waive the 50% rule due to weather or climate conditions.

D. Produce Signage (The Farmers Market will not provide any of these signs)

1. Farmer/grower agrees to display a sign indicating his/her farm name and location at their space or tent. If any damage occurs to due to sign display, vendor will be held responsible.
2. Farmer/grower agrees to display signage indicating the name and price of each item for sale. This signage will be displayed so that customers can easily see it.
3. Farmer/grower agrees to display notices adjacent to purchased produce. This sign will be displayed so that customers can easily see it. Information to include on the sign will be: name of item, the words "purchased from" and location of the farm where the item was purchased.
4. Farmers and growers who sell only what they grow may display a sign indicating to the public that all items you sell are grown by you.

D. Prohibited Vegetables and Fruits from Sale

All fruits and vegetables sold at the Market must have been grown in the State of South Carolina. For Example: bananas, mangos, pineapples, pomegranates, bunch grapes, or other produce that is not grown in the state may not be sold at the Market.

11. Food Vendor Rules

Food Vendors are considered any persons who sell processed food. This includes but is not limited to all foods not grown or sold in its original state. If a farmer/grower alters the original product they harvest, they will then fall under food vendor rules also. This would apply to jams, sauces, nuts, and ice cream. In addition to the General Rules of the

Market, food vendors must also comply with the following:

- A. Eligible food vendors must sign a Participation Agreement acknowledging acceptance of these rules and regulations.
- B. All food vendors must be in compliance with DHEC rules and regulations and food items prepared for sale must either qualify for SC Cottage food law or be prepared in a DHEC approved kitchen.
- C. Any vendors selling food must have a DHEC approved sink at their vendor space or a signed variance form and approved two bucket handwashing system. Vendors will have access to water at the community center.
- D. Specialty food vendors must be in compliance with all regulations for their specific items. Please see SCDA Farmers Market Regulations sheet for specific information.
- E. All vendors using a burner or heating device must have a working fire extinguisher at their designated space.
- F. All food vendors must obtain a City of North Charleston business license & SC Retail Tax License.
- G. Food vendor agrees to display signage indicating the price of each item for sale. This signage will be displayed so that customers can easily see it.

12. Art & Craft Vendor Rules

Art & Fine Craft Vendors are considered any persons who sell original, hand-made items including, but not limited to, fine art or photography; prints; decorative items for home office, garden, or personal use; artisanal items created by traditional techniques and fine craftsmanship. Items that are mass produced, made from kits, or imported for resale are not permitted. In addition to the General Rules of the Market, art & craft vendors must also comply with the following:

- A. Eligible art & craft vendors must sign a Participation Agreement acknowledging acceptance of these rules and regulations.
- B. All art & craft vendors must obtain a City of North Charleston business license & SC Retail Tax License.
- C. Art & craft vendor agrees to display signage indicating the price of each item for sale. This signage will be displayed so that customers can easily see it.

13. Violations of the Market Rules

Two violations of any of the Market rules are grounds for immediate dismissal from the market and loss of any prepaid fees. Vendors will be notified of the first violation with a written warning.