

MOUNT PLEASANT FARMERS MARKET RULES AND REGULATIONS

Effective January 18, 2011

AMENDED JULY 19, 2004
AMENDED FEBRUARY 14, 2006
AMENDED JANUARY 9, 2007
AMENDED DECEMBER 9, 2009
AMENDED JANUARY 18, 2011
AMENDED NOVEMBER 20, 2012
AMENDED FEBRUARY 11, 2014
AMENDED DECEMBER 9, 2014

The Mount Pleasant Farmers Market (hereinafter called the "Farmers Market") has been developed to be primarily a farmer and grower market that meets the needs of the community. The Market operates under the direction of the Town of Mount Pleasant. The Town of Mount Pleasant handles all operations of the Farmers Market. 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, growers and food vendors (hereinafter called "Market Participants") and are part of the Participation Agreement. Participation in the Market can be revoked in accordance with the Violations of the Market Rules and Sanctions section of this document. [Please read this document carefully before signing the Participation Agreement.]

1. Operating Hours: (These hours are in effect for the entire season)

Market Day: Tuesdays
Market Season: April – September
Market Hours: 3:30 p.m. - 7:00 p.m.

2. Set Up

Market Participants set-up begins at 1:30 p.m. Set-up prior to 1:30 p.m. is strictly prohibited under all circumstances. No Cars, Trucks, Displays or Tents are allowed on the pavilion before 1:30 p.m. All Market Participants are to unload items and move vehicles off pavilion. All vehicles must be off the pavilion by 2:45 p.m. Market participants must be unloaded at the market site by 2:45 p.m. in order to participate on that day. Market participants arriving later than 2:30 p.m. 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 3:30 p.m. A bell will be rung to signify the start of the market. If unfavorable weather conditions exist, the Market Manager may choose to ring the bell earlier than 3:30 p.m. You are not permitted to exchange money until you hear the bell.

3. Absences or Cancellations

Market participants are asked to give 24-hours notice if they will not be attending a Market. If an emergency occurs and you cannot attend the Market, please contact the Market Manager at (843) 709-1150. 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 or fine.

The Mount Pleasant Farmers Market Manager will cancel the Market in the event of severe weather or a hurricane warning. If the Market is cancelled, the Market Manager will contact all vendors by 12 p.m. of the Market day. If the Market is cancelled, no Market Participants will be allowed to sell their products at the site of the Market that day.

4. Spaces & Tents

The Market Manager will assign booth locations at the Pavilion. If you cannot participate in all 28 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. There are a finite number of spaces. Because of space limitation, the Farmers Market must have a commitment from a farmer/vendor that they will participate in 10 or more Markets. The Town will not provide tents.

Farmers will always take precedence over food vendors. Depending on space limitations the criteria used to determine which applicants are accepted is 1) Farmers 2) Mount Pleasant Business License Holders 3) Diversification 4) Violation History. Once the Market Manager has reviewed new applications, final approval for Farmers will be given by the Farmers Market Advisory Board. All other vendors will be selected by the Market Manager. No vendor is promised exclusivity, although the Market Manager will strive for a diverse market.

Pavilion spaces measure 12X12 feet. Vendors are not to exceed boundaries of space. The area under the awnings is not included in your rental space. Pop-up tents are not allowed in Pavilion spaces. Rental of more than one space or shared spaces will be reviewed on a case-by-case basis. If 2 separate vendors wish to share a space, both must complete all the proper applications. No cooking is allowed in a pavilion space. 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 by the Town of Mount Pleasant. 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.

5. Parking

The Moultrie Middle School lot is for customers and/or handicap parking. No Market participants are allowed to park in the MMS lot unless they need to utilize the handicap spaces. This includes but is not limited to farmers, food vendors or any of their employees. There is parking along the road behind the school. Violation of this rule will result in a warning then a fine.

6. Market Fees and Licenses:

The Town of Mount Pleasant sets rental fees for spaces at the Farmers Market Pavilion. The Farmers Market Manager will collect fees in advance of the Market, or during the Market itself. The fees for the Farmers Market are:

12 x 12 (full space)	\$35.00 per market
12 x 12 (1/2 of corner space)	\$25.00 per market
Personal Tent space	\$20.00 per market
Single Spaces 17-22 (along Coleman)	\$20.00 per market

The Market season is divided into three sessions of 8-10 weeks. A 10% discount will be offered to participants who pay a full session in advance.

Each market participant is required to purchase their own business license from The Town of Mount Pleasant based on projected gross sales for the Market season.

\$50.00 for the first \$2,000 in sales at the market
\$3.06 for each additional \$1,000 in sales

Farmers who grow their own produce do not need to pay based on those sales. All produce that is purchased and resold at the market falls under the business license rule and must be accounted for in sales projections.

A SC retail tax license is required for all produce that is purchased and resold at the market as well as for any item that is altered into a food product. This includes boiled peanuts, ice cream, jams, jellies, syrups, sauces, etc. Failure to obtain proper licensing will result in a market suspension until copies are submitted to Market Manager. For more information contact:

Kathleen Snyder
Revenue Officer
South Carolina Department of Revenue
2 South Park Circle Suite 100
Charleston, SC 29407
(843)953-8339 office
snyderk@sctax.org

7. Insurance

The Farmers Market does not carry insurance to cover individual Market participants. The Market participants are required to be responsible for their own personal, general, and product liability insurance.

The Town of Mount Pleasant 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 Town of Mount Pleasant.

8. Complaints

Each Market participant will address complaints by customers. The Farmers Market Manager will only address complaints between the Market participants.

9. Market Manager

The Farmers Market Manager is employed by the Town of Mount Pleasant and is authorized to assign spaces, enforce all rules and regulations, collect fees and handle all disputes. Unless otherwise designated by the Town Administrator, the Mount Pleasant Farmers Market Manager is:

Tracy Richter

Town of Mount Pleasant
100 Ann Edward Lane
Mount Pleasant, SC 29464

C-843-709-1150
O-843-884-8517 (phone)
F-843-856-1080 (fax)

EMAIL: Farmersmarket@tompsc.com

10. General Rules

The General Rules apply to all vendors of the Mount Pleasant Farmers Market.

- A.** All vendors must complete and submit the proper applications for their merchandise.
- B.** Non-food items are not allowed to be sold at our market. This includes but is not limited to T-shirts, cookbooks, artwork, aprons, & jewelry.

- C. Abusive, profane, threatening or harassing language or actions towards the Market Manager. Town staff, other Market Participants or Market customers will not be tolerated.
- D. 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.
- E. 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.
- F. 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.
- G. 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 Town of Mount Pleasant.
- H. Leashed pets will be permitted in the Market area
- 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.

Farmers and Growers 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 Town of Mount Pleasant 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, Field Site Visits and Crop Plans

Eligible farmers/growers must sign a farmer/grower Participation Agreement acknowledging acceptance of these rules and regulations. Eligible farmers/growers must sign a crop plan indicating where the crops are being grown as well as a listing of crops being grown and intended to be sold at the Farmers Market.

Field site visits will be conducted for all participants. The Town of Mount Pleasant is not required to announce or schedule field site visits. Failure by the farmer or grower to cooperate with the Town of Mount Pleasant and/or its agent from the Clemson Extension Services regarding field site visits may result in expulsion from the Farmers Market.

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. This rule remains in effect during the specified local harvest dates established by the Farmers Market Advisory Board. Exceptions will be made by the Farmers Market Manager if a crop has experienced an unusual harvest due to weather or disease. Additional farm checks can result if an item is questioned.

Farmers and growers are encouraged to notify the Manager when an item is no longer available locally. The Farmers Market Manager and the Clemson Extension Service will make final determination in any controversy.

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 Tuesday in May until the second Tuesday in July, and from the last Tuesday in August until the last Tuesday in October. The Town of Mount Pleasant 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. Do not hang banner from awning or brackets. 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. The crop plan that was submitted with your application must be available at your booth.
4. 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.
5. 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.

E. 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.

Food Vendors 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. All food vendor products must be prepared or altered by the food vendor prior to sale at the Market. Resale items shall not be sold at the Market.
- B. All food vendor products must complement the mission of the Farmers Market as determined by the Market Manager.
- C. All food vendors must be in compliance with DHEC rules and regulations and food items prepared for sale must have been prepared in a DHEC approved kitchen. A DHEC officer will approve all food vendors.
- D. All food vendors must obtain a Mount Pleasant business license & SC Retail Tax License.

11. Violations of the Market Rules and Sanctions

Any violation of any rule as stated above or of the laws of the State of South Carolina or the Town of Mount Pleasant may result in the following sanction(s) by the Market Manager:

1. First violation of any rule is a written warning from the Market Manager.
2. Second violation of any rule is a \$25 fine due before next Market.
3. Third violation of any rule results in a \$300 fine due before next Market.
4. Fourth violation of any rule is a Tuesday suspension from the Market.
5. Fifth violation of any rule is expulsion from the Farmers Market for the remainder of the season.

12. Appeals

Sanctions taken with regard to any Food Vendor by the Market Manager can be appealed in writing within fifteen (15) days to the Town Administrator. The request for consideration must state the specific reasons for appealing the decision of the Market Manager. The Town Administrator shall take appropriate action to render a written decision to the Food Vendor within fifteen (15) days of receipt of the Vendor's appeal.

Sanctions taken with regard to any Farmer or Grower by the Market Manager is limited to a written warning or fine but can be appealed in writing to the Farmers Market Advisory Board within fifteen (15) days from the date of disciplinary action. The Board will schedule a hearing and render a decision in accordance with the procedure set forth below for consideration of suspension or expulsion.

Any recommendation for suspension or expulsion of a Farmer or Grower from the Market will be forwarded in writing by the Market Manager to the Farmers Market Advisory Board who must schedule a hearing with all parties within fifteen (15) days of receiving a written recommendation for such action from the Market Manager. The Farmer or Grower shall receive a copy of the recommendation and be given written notice of the date, time and location of the scheduled hearing. The rules of evidence and procedure prescribed by the Farmers Market Advisory Board shall govern the hearing. The Board may limit testimony and the number of witnesses as deemed appropriate. The Board shall by majority vote of the members present render a written decision based on findings of fact and application of the rules herein within seven (7) days of the conclusion date of the hearing. The decision shall be served upon all parties or their representatives and shall be final.