



## ***Hendersonville Farmers Market Vendor Rules and Information***

### **Our Mission**

The mission of the Hendersonville Farmers Market is to operate a world-class market that contributes to the success of local producers and growers, expands access to farm-fresh foods, and creates a vibrant and diverse community gathering place. It is the intention of the market to support local products that are

homegrown or handmade.

*This is a living document. Vendors will be updated if any changes are made mid-season. All vendors are required to read and be aware of the information entailed before application approval each year.*

### **Market Location**

Hendersonville Farmers Market is located on Maple Street between Seventh and Fifth avenues in front of the Historic Train Depot landmark in the Seventh Avenue District. The official address of the market is 650 Maple Street.

### **Market Dates/Times**

Hendersonville Farmers Market operates every Saturday from May through October. Additionally, there are two holiday markets surrounding Thanksgiving and early December.

The hours are 8 a.m. until 1 p.m. rain or shine with adjusted hours for the holiday markets.

### **Governance and Management**

Hendersonville Farmers Market is operated by the 501c3 nonprofit Friends of Downtown Hendersonville. An executive board governs the nonprofit and oversees various committees, including the Downtown Events Team. The Downtown Events Team is charged with long- and short-term planning and execution of the Hendersonville Farmers Market. A Vendor Advisory Committee, consisting of seven vendors on staggered two-year terms, meets quarterly and reports to the Downtown Events Team.

The Friends of Downtown Hendersonville is staffed by the City of Hendersonville Community Development Department's Downtown Division. The Downtown Events Coordinator serves as the Market Manager of Hendersonville Farmers Market, and the Downtown Events Assistant serves as Assistant Market Manager.

### **Vendor Categories and Target Makeup**

*Vendor Categories:*

**Growers** – produce, plants, flowers

**Animal Products** – meat, dairy, honey, eggs, fish

**Foragers** – wild herbs, mushrooms

**Baked Goods** – bread, pastries, sweets, etc.

**Consumables** – value added food products such as jam, relish, kombucha, coffee, spices, pasta, kimchi, fresh beverages such as juice, cider or smoothies

**Prepared Food** – mobile food unit, food cart or prepackaged food that is served for immediate consumption

**Crafts** – handmade items such as pottery, woodwork, jewelry, bath and body products, household products, metal works, photography, knit and needle work, candles, etc.

*Target Vendor Makeup: Local farmers form the core of our market, and we limit other vendor types in proportion to the number of active farmers vending.*

50% Growers, Animal Products, Foragers

35% Baked Goods, Consumables, Prepared Food

15% Crafts

### **Vendor Booth Pricing Options for 2023**

#### Reserved Season Vendor - \$125

Must commit to at least 20 of the 28 market dates to receive an assigned space for the full season at the market. The Market Manager reserves the right to adjust assigned spaces throughout the season.

#### Double Space – additional \$50

Reserved Season Vendors may add an adjoining assigned space in order to expand their booth.

#### Limited Season Vendor - \$75

Must participate in at least 10 and no more than 19 of the 28 market dates. Limited Season Vendors will be in semi-regular spaces, with the possibility of being moved around as needed. Limited Season Vendors may be contacted when spaces need to be filled at an upcoming market date. If a Limited Season Vendor decides to take advantage of this opportunity, the added date will not count as one of the vendor's 19 allotted dates (there will not be an associated fee for the added date).

#### Craft Season Vendor - \$75

Must participate in at least five and no more than 10 of the 28 market dates, including Holiday Markets. Craft Season Vendors will not be in an assigned or semi-regular location. Craft Season Vendors may be contacted when spaces need to be filled at an upcoming market date. If a Craft Season Vendor decides to take advantage of this opportunity, the added date will not count as one of the vendor's 10 allotted dates (there will not be an associated fee for the added date).

#### Day Vendor - \$15 per market

Day Vendors will not be in an assigned or semi-regular location and may sign up for no more than five dates. Once accepted, Day Vendors may be contacted when spaces need to be filled at an upcoming market date. If a Day Vendor decides to take advantage of this opportunity, the \$15 fee will apply, but the added date will not count as one of the vendor's five allotted dates.

### Nonprofit - \$10 per market

Nonprofits can use the market as an opportunity to build awareness by setting up a booth. There is a limit of three markets per nonprofit for the season. Nonprofits may display handmade or locally produced goods for suggested donations only. If selling things for a set price, the nonprofit must sign up as a regular vendor. Nonprofits that are not selling items for a direct price and offer an activity at the market may have their vendor fee waived.

### Young Entrepreneur - \$5 per market

Young entrepreneurs between the ages of 6 and 17 who attend school within Henderson County can reserve a space at a discounted rate. Parental supervision is required for Young Entrepreneurs in elementary school and is encouraged for those in older grades. That said, all products sold must be produced by the young entrepreneur. Young Entrepreneurs must follow the same rules as adult vendors and are required to bring their own booth materials (tent/table, etc.) The Market Manager and Assistant Market Manager are readily available as a resource for Young Entrepreneurs who are preparing to vend at their first market.

### Small Farm Vendor - \$60

This category is for growers or those producing animal products only (no value-added foods). In order to be considered a Small Farm, the vendor must farm on one acre of land or less and/or have been operating for less than two years. These vendors do not yet have the capacity to vend at multiple markets or sell products to retail or brick-and-mortar. The Small Farm Vendor fee covers attendance at up to 19 market dates. Small Farm Vendors will be treated as Limited Season Vendors.

### **Amenities**

Vendors needing access to certain amenities such as electricity, shelter or proximity to a water source may request such in their application. The Market Manager will grant requests as space allows based on level of need.

### **Vendor Eligibility and Selection**

Henderson County vendors are given priority. The Market Manager may pursue needed products from the larger region when a vendor is not available in Henderson County.

Craft Vendors cannot be Reserved Season Vendors. This is to allow a variety of local craft artisans to be highlighted at the market throughout the season while meeting the 15 percent limit. All craft products must be handcrafted by the vendor. To be considered handcrafted, the item must show evidence of manual skills obtainable only through considerable experience and dedication. Artisans offering demonstrations, such as basket weaving, are encouraged. Examples of unacceptable items would be tracings of paint by number, ceramics from commercial molds, wood carvings using duplicating machines, kits in any form, and any other items that do not reflect originality of design. Farm crafts, or crafts that are produced predominantly from materials harvested or grown by the artisan, will be given preference.

Preference is given to vendors that are 100 percent producers or sell products with foods prepared or processed locally.

Preference is given to vendors represented at the market by the owner, co-business owner, or family member.

The Market Manager and Events Team have the right to deny any applicant.

A new member may be put on a waiting list, particularly if he or she wishes to sell an item in a category that is already saturated at the market.

### **Vendor Rules**

Vendors must only bring fresh, quality items to the market.

Vendors are prohibited from selling imported or secondhand items unless under special circumstances.

Vendors cannot be franchises.

Vendors must only sell products listed on their application. Requests to sell a new product must be submitted at least one week prior to sale to be approved by the Market Manager.

With specific permission, vendors may carry and sell food or produce items for another vendor. Requests to carry a product must be submitted at least one week prior to sale to be approved by the Market Manager.

Pricing for all sale items must be listed clearly and legibly (this is a federal law).

Vendor parking is located at the Henderson County Courthouse at the intersection of Pine Street and Fourth Avenue. Vendors who park in any area immediately surrounding the market will be subject to the violation procedure (see Violations).

Vendors are individually responsible for setup, cleanup and safe operation of their space.

Tents and umbrellas must be weighted at all times with at least five lbs. per tent leg.

All market vendors are required to submit a W-9 form to participate in the mandatory token program (see Token Program).

Vendors must be set up and ready to sell with their vehicle out of the market area no later than 7:45 a.m. and may not begin breakdown until 1 p.m., even if they are sold out.

Vehicles are not allowed into the market for breakdown until all customers have vacated the premises.

No refunds will be issued after the start of the season. Excused vendor absences will not be refunded.

Vendor fees must be paid in advance or prior to 8 a.m. on the day of attendance.

To avoid large deviations between attendance promised and actual attendance, vendors are required to carefully plan and commit to dates that they sign up to be at market when submitting their application.

Vendors must provide notice of a market absence by midnight the Thursday before the scheduled market date. This rule applies to vendors making cancellations due to inclement weather. A first-time failure to notify the manager before this deadline will warrant a warning from the Market Manager. Failure to notify the Market Manager before the start of the market will be counted as a violation (see

Violations). Notification to the Manager can be made via text, email or voicemail. Excused emergency absences are allowed on a case-by-case basis as approved by the Manager.

Hendersonville Farmers Market is a rain or shine market. Vendors are expected to be prepared for predictable weather circumstances (heat, chill, rain, wind). The Market Manager reserves the right to cancel the market due to dangerous weather conditions and will notify vendors in that event within a reasonable period. The Market Manager will strive to announce cancellations 48 hours in advance of the scheduled market, though this time frame may not always be possible in weather-related scenarios.

Vendor pets are not allowed at the market.

Vendors must wear shoes and a shirt (pants should go without saying).

There is no tobacco use allowed inside the market, including vape, chew and tobacco products of any kind.

Booth spaces may not be sublet.

Vendors must use truthful and accurate descriptors (organic, sugar free, natural, etc.) to market their products. The Market Manager reserves the right to compel changes to questionable marketing claims.

Sales of alcohol by permitted entities (wine, beer and cider) must be by bottle or can only. Consumption of alcohol is limited to tastings only, and open containers of any kind are not permitted outside of the market premises.

Hendersonville Farmers Market requires that all vendors comply with standards of professionalism that promote open communication, mutual respect, and the best interest of the market. Disruptive actions or remarks that undermine the shared success of any or all vendors are unprofessional and unacceptable. Hate speech and verbal harassment are examples of unacceptable behavior.

Vendors must adhere to any rules regarding safety in terms of public health (including COVID-19) as communicated by the Market Manager.

Unique vendor fee payment circumstances and package pricing situations will be handled individually and decided by the Market Manager.

### **Token Program and Vendor Accepted Payments**

All vendors are required to participate in the token program. Customers can retrieve tokens at the information booth using a credit, debit or EBT card. There are two different types of tokens. Credit/debit tokens are in increments of \$5, for which vendors can give change in cash. Additionally, **there are \$1 SNAP tokens, but vendors may not accept these as payment unless it is for an eligible food item** (see below for more info). The Market Manager or designee will collect tokens at the end of each market and vendors will be reimbursed on a bi-weekly basis. In addition to cash and tokens, vendors may accept payment via personal card reader, PayPal, Venmo, etc.

### **SNAP Tokens and Eligible Food Items**

As part of the token program which vendors are required to participate in, individuals participating in the federal government's SNAP/EBT program may retrieve and use \$1 tokens at the market. These tokens are clearly marked and may ONLY be used to purchase eligible items defined by the USDA. When

in doubt about whether an item is eligible, ask the Market Manager. Please read the rules below regarding SNAP.

Change cannot be given for \$1 SNAP tokens. Please round to the nearest whole dollar.

**SNAP tokens can ONLY be used to purchase the following:**

- a. Household foods: fruits and vegetables; meat, poultry and fish; dairy products; breads and cereals
- b. Bakery cakes, cookies and pastries
- c. Spices and condiments for cooking
- d. Drinks are ONLY eligible if they are sealed and meant for home consumption. This includes juice concentrate (i.e. elderberry syrup)
- e. Seeds and plants for FOOD plants ONLY (plants that will later be harvested for food)

**SNAP tokens CANNOT be used for any of the following:**

- f. Hot coffee, cider or tea
- g. Any and all nonfood products including pet food, crafts, hygiene products, etc.
- h. Alcohol or CBD products
- i. Hot food prepared to eat onsite, such as food truck foods or any ready-to-eat food prepared off site (any food cooked before or after purchase)
- j. Supplements, vitamins, first-aid products
- k. Inedible gourds or pumpkins
- l. Gift baskets that contain both food and nonfood items when the value of the basket consists of over 50 percent nonfood items

If a vendor attempts to turn in SNAP tokens for reimbursement when he or she does not have SNAP-eligible items for sale, the amount will not be reimbursed. This is in accordance with federal law.

**Inspection and Certifications**

Hendersonville Farmers Market is not responsible for vendors in violation of licenses, permits, certifications, inspections, or sales taxes.

Approved applicants are subject to random inspection of his/her farm or place of business.

Vendors are responsible for their own personal and product liability insurance.

All prepared food items, meat, fish, and cheese sold must meet state and local health regulations including but not limited to the inspection of the vendor's kitchen by NCDA health inspectors, labeling in compliance with the regulations, Meat and Poultry Handler's License, and FDA Short Course Certification for Acidified Foods. Vendors must have a copy of their inspection forms on file with the Market Manager.

All vendors must submit a W-9 form in order to participate in the required token program. The W-9 allows our finance department to reimburse vendors for tokens on a bi-weekly schedule.

Vendors who use the word "organic" to describe their products or practices must comply with the USDA organic regulations. Vendors of organic items must have a copy of their certification on file with the

Market Manager. Vendors who sell less than \$5,000 worth of produce per year may use the word “organic” in describing produce if the vendor has a signed “Small Scale Organic Grower’s Declaration of Exemption” form on file with the Market Manager.

Vendors selling wine, beer or cider must provide a copy of an up-to-date permit from the NC Alcoholic Beverage Control Commission and a copy of their liability insurance. Licensees must abide by all applicable regulations and laws including those of the City of Hendersonville and NC ABC Commission.

#### Food Trucks, Prepackaged Foods, Cooking Demos and Tent Stand Cooking

**Mobile Food Units** must submit a copy of their latest inspection as well as a copy of their permit from the Henderson County Health Department. Inspection grades must be 90 or above.

**Prepackaged Foods** must come from a NCDA inspected kitchen and cannot be tampered with in any way after leaving the certified kitchen or at market.

**Cooking Demos** are permitted without additional licensing, but payment cannot be accepted for food prepared during a demo.

**Tent Stand Cooking** is not allowed unless a Temporary Tent Stand permit has been obtained from the Henderson County Health Department 15 days in advance. Local law prohibits Tent Stands from setting up at recurring events such as farmers markets, but it is possible that such a permit could be acquired for special events at the market such as Tomato Day or the Holiday Markets.

#### **Violations**

Vendors must abide by all market policies, rules and responsibilities outlined in this document and the market application.

Violations will be brought to the attention of the vendor by the Market Manager in the form of a written first warning with these guidelines attached. A second violation will result in a second written reminder and one of the following, a) the loss of a scheduled market date, b) a requirement to reapply to be a vendor at the market, or c) the loss of assigned space for a Reserved Season Vendor. A third violation will result in expulsion from the market for the remainder of the year.

Severe or repeated violations may result in the vendor being barred immediately from further market participation.

Vendor grievances and concerns should be put in writing, include a clear and specific description of the violation, and given/sent to the Market Manager. Third violations of the market rules and all grievances are resolved by the Events Team.

**Hold Harmless Agreement**

Vendors, as a condition of participation in the market, agree to the following hold harmless provisions: Each vendor participating in the Hendersonville Farmers Market shall be responsible for any loss, personal injury, deaths, and/or other damage that may occur as a result of the vendor’s negligence or that of its servants, agents, and employees, and hereby agrees to exonerate, hold harmless, indemnify and defend Hendersonville Farmers Market, its successors and assignees, from and against any and all losses, damages, claims, suits or actions, judgments and costs, and attorney’s fees which may arise or grow out of any injury or death of persons or damage to property in any manner connected with the vendor’s products, operations, or vending at the Market.

The Friends of Downtown Hendersonville holds general liability insurance for Hendersonville Farmers Market. This insurance DOES NOT cover vendor spaces or products. Vendors must have insurance covering participation in the market. As it is not practical for the market to manage each individual vendor’s insurance coverage, this is a self-enforced requirement.

Vendor Printed Name:

\_\_\_\_\_

Vendor Signature & Date:

\_\_\_\_\_