



TOWN OF SULLIVANS ISLAND FARMERS MARKET RULES AND REGULATIONS

Effective January 29, 2020

The Town of Sullivan's Island Farmers Market (hereinafter referred to as "the 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 Sullivan's Island. The Town of Sullivan's Island 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, artisans, craftsman, food vendors, etc. (hereinafter called "Market Vendors") and are part of the Vendor 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 Vendor Agreement.)

1. Operating Hours:

Market Day: Thursdays

Market Season: April 2 –June 25, 2020 (13 events)

Market Hours: 4:00 p.m. - 7:00 p.m.

VENUE: J. Marshall Stith Park, 2050 Middle Street, Sullivan's Island, SC

2. Set Up:

The Market is located at J. Marshall Stith Park at 2050 Middle Street to allow for high visibility within the Community Commercial District. As such, this section of Middle Street is the Town's main thoroughfare and the busiest road on the Island.

Vendors will be expected to quickly unload tent, products and other vending needs curbside along Middle Street and then move their vehicles to vendor parking off of I'On Avenue (near 1921 I'On Avenue, the previous Farmers Market site, two blocks away). No vehicles will be allowed within park grounds.

Vendors need to be prepared to bring wagons, wheel carts, luggage carriers and similar tools to help expedite unloading of their wares. The Market Manager and volunteers may offer help as available, but vendors need to be prepared for a very short drop-off/set-up time before the market opens.

DROP-OFF/SET-UP TIME:

The Market Vendor set-up window will be between 3:00PM – 3:45PM. The Town will have designated, marked loading/unloading spaces (approximately 10) in front of Stith Park on Middle Street. These ten (10) spaces are all the reserved spaces available for each and every vendor for set-up.

No vehicles may drive onto park grounds and/or park or unload in the Town Hall Parking Lot (rear of Town Hall).

3. Vendor Parking: All vehicles must be unloaded and parked away from vendor booths and Stith Park/Middle Street by 3:45 p.m. Market Vendors must be unloaded at the market site by 3:45 p.m. in order to participate on that day. Market Vendors arriving later than 3:45 p.m. may forfeit their space and may not be permitted to set up on that day. A vendor parking lot will be provided but parking is not guaranteed.

this lot will NOT be close to the Market site and vendors must allow sufficient time to unload and find adequate parking, away from patron parking, each market day.

4. Vendor Absence: In case of an emergency or unforeseen event (i.e. traffic), please call the Market Manager as soon as you know you will be late so arrangements can be made to reserve your space. The Market Manager will provide selected vendors with a cell number at the pre-market meeting. The Farmers Market begins promptly at 4:00 p.m. If unfavorable weather conditions exist, the Market Manager will alert vendors of any changes. The Market will be cancelled only if the Market Manager deems the weather unsafe. If you have not received notification of market cancellation from the Market Manager, be prepared to vend at the Market or risk forfeiture of future market spaces.

5. Absences or Cancellations:

Market Vendors are asked to give a minimum of 48-hours' notice if they will not be attending a Market. If an emergency occurs and you cannot attend the Market, please contact the Town of Sullivan's Island Market Manager Pamela Otto at (843) 883- 5744 or by email at potto@sullivansisland.sc.gov. Manager will also provide a cell number to those vendors selected for the Market (for same-day contact). 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 and/or forfeiture of pre-paid vending fee and future opportunity to vend at the Market.

6. Market Cancellation: The Town of Sullivan's Island Market Manager will cancel the Market in the event of severe weather, a hurricane warning or weather is deemed unsafe for the market vendors and patrons. If the Market is cancelled, the Town of Sullivan's Island Market Manager will contact all vendors via email by 10am of the Market day. If the Market is cancelled, no Market Vendors will be allowed to sell their products at the site of the Market that day.

No vendors are authorized to pack-items before 7:00PM, close of Market, unless the Market Manager authorizes early release. For the integrity of the Market and patron experience, **only** vendors in the non-tent/open air market spaces and those with products sensitive to moisture (i.e. art-work) should expect to be released early by the Market Manager.

7. Spaces & Tents: Vendor spaces/booth locations will be assigned at the Farmers Market. If you cannot participate in all 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. Because of space limitation, the Farmers Market requests a commitment from a vendor that they will participate in 8 or more Markets. Vendor is responsible for providing all space requirements (i.e. open-air tents, chairs, electrical cords, portable sinks with water, etc.).

8. Vendor Selection Priority: Farmers will receive preference over food vendors. Depending upon space limitations the criteria used to determine which applicants are accepted is:

- 1) Organic/sustainable agriculture and Farming
- 2) SC Licensed and "Certified SC" Program
- 3) Diversification
- 4) Vendor Experience Level
- 5) Violation History

The Town of Sullivan's Island Recreation Committee (aka Selection Committee) will review all application packets and make final Vendor approval.

9. Market Diversity: No vendor is promised exclusivity, although the Town of Sullivan's Island will strive to provide a diverse market.

10. Market Vendor Spaces: Vendor spaces measure approximately 10X10 feet. Vendors are not to exceed boundaries of their assigned space. Rental of more than one space or shared spaces will be reviewed on a case-by-case basis.

11. Shared Vendor Spaces: The Selection Committee and Market Manager must approve any requests for vendors to share a space in advance of the Market (not Market day). If approved, all vendors shall complete proper application documentation, obtain all applicable licenses and pay all necessary fees.

12. Vendor Responsibilities: Spaces and tents must remain clean and barrier free. Placing tables or signage (i.e. sandwich board signs) beyond the vendor space is prohibited for patron safety and aesthetic continuity. Littering is prohibited. All refuse shall be removed from the premises by the Vendor. Refuse containers are provided only for market customers. There will be a penalty for failure to properly dispose of refuse off-site and off-Island.

13. Vendor Parking: The Town shall endeavor to provide Vendor parking, but only on a first-come/first-serve basis. The Town does not guarantee the vendor parking lot will accommodate all vendor parking. Vendors should limit themselves to one vehicle/week and shall not park in the patron parking area provided for the Market site. Violation of this rule will result in a warning and then fine. Vendors shall abide by all Town parking regulations or be subjected to a parking fine issued by the Town's Police Department.

14. Farmers Market Fees and License(s):

A. Fees:

The Town of Sullivan's Island sets rental fees for full spaces (10 x 10 each) at the Farmers Market. The Town of Sullivan's Island Market Manager will collect fees in advance of the Market.

1. ALL VENDORS: \$15.00 per market

A fee of \$15.00 per market will be assessed for each space. All vendors are allowed one 10 x 10 space, with the exception farmers and growers who may apply for one adjacent space.

2. Junior Vendor/Non-Profit/Education Outreach/Musician: No Fee

B. Licenses:

1. Business License:

The Town of Sullivan's Island requires business licenses for all businesses engaging in activity on the Island. Participants will be issued a seasonal Farmers Market business license, good for all business activity during the Farmers Market. The business license is a flat fee of \$25.00 for the entire season, regardless of how many markets the vendor participates in.

If a business has a valid Sullivan's Island business license for the current year, this business is not required to get the Farmers Market business license.

NOTE: Candidates selected for the market will need to obtain their seasonal Farmers Market business license directly from the Market Manager at the pre-market vendor meeting. Candidates will not be issued a business license for Farmers Market activity prior to The Selection Committee's decision of which vendors will be eligible for a space at the Market.

2. Retail Sales Tax License:

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. (Examples include boiled peanuts, ice cream, jams, jellies, syrups, sauces, etc.) Vendors are responsible for documenting and paying all sales, hospitality and other sales taxes to SC Department of Revenue and/or other appropriate agencies.

Selected vendors will be required to show proof to the Town of Sullivan's Island Market Manager. Additional information is available from the SC Dept of Revenue's website <https://dor.sc.gov/>

3. DHEC/Agricultural and Other Licensing:

Vendors are responsible for complying with local, state and federal requirements governing the sale and production of their products and for acquiring the necessary permits and licenses.

- SCDA (South Carolina Department of Agriculture) works with vendors on any requirements where SCDA must give approval. SCDA regulates specific food items at farmers markets in South Carolina. Additional information is available from the South Carolina Department of Agriculture's website <https://agriculture.sc.gov>
- All Food Concession, Bakers, Processors, Seafood, and those handing out samples must read all guidelines from DHEC and have a Charleston County DHEC approved kitchen and/or certification with the SCDA. Additional information is available from the Department of Health and Environmental Control's website <https://www.scdhec.gov>
- All food vendors must have a Sullivan's Island Business License & SC Retail Tax License prior to vending at the Market. A copy must be available for inspection at the Farmers Market each market day; Exception: Farmers/Growers who ONLY sell produce/flora grown at their own farm/greenhouse location.

15. Insurance:

The Market does not carry insurance to cover individual Market Vendors. The Market Vendors are responsible for their own personal, general, and product liability insurance. The Town of Sullivan's Island shall be reimbursed for any damage to Town property by any of the Market Vendors and/or employees. This includes damage to sidewalks, grounds, vehicles, fencing, tents and any other property owned by or provided by the Town of Sullivan's Island. Market Vendors agree to release, waive, discharge, hold harmless, indemnify and covenant not to sue the Town of Sullivan's Island, its' employees, members of Council and agents or servants for any and all liability, claims, demands, actions and causes of action whatsoever arising out of or related to any loss, damage or injury, including death, and all claims for damages of whatever kind suffered by any participant, bystander, or any other person that may be sustained while parking vehicles or while using or present on various Town owned properties.

16. Complaints:

Each Market Vendor will address all complaints made to them by customers. The Town of Sullivan's Island Market Manager will only address complaints between the Market Vendors.

17. Authority:

The Market Manager, Pamela Otto, is employed by the Town of Sullivan's Island and is authorized to review applications, assign spaces, enforce all rules and regulations, collect fees and handle all disputes.

18. General Market Rules:

The General Rules apply to all Market Vendors of the Market.

A. Applications: All Market Vendors must complete and submit the proper applications for their merchandise.

B. Language: Abusive, profane, threatening or harassing language or actions towards anyone, including but not limited to, the Market Manager, Town staff, other Market Vendors, Participants or Market customers **will not be tolerated**, and will be just cause for expulsion from the Market, with no refund of fees incurred by vendor.

C. Vendor Employees/Agents: All Market Vendors will be responsible for the actions of their employees and/or agents. Market Vendors will be dressed appropriately for working with the public. Individuals working at each Market Vendor's space or tent must be knowledgeable of the items for sale.

D. Children: Vendor Participant children under the age of 14 will not be allowed to sell unless an adult, 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. Merchandising Integrity: 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. Solicitations: Solicitations are not permitted. Solicitations 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 Sullivan's Island.

G. Leashed Pets: Leashed pets of Market Vendors will not be permitted in the Market area.

H. Illegal Activities: Possession of firearms, fireworks, gambling, use of alcohol or drugs, or disorderly conduct by a Market Vendor or his/her employees or agent also constitutes a violation of Market Rules.

I. Alcoholic Beverages: The selling, distribution, or consumption of alcoholic beverages is not allowed.

19. Farmers and Growers Rules:

Farmers and growers who are Market Vendors 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 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.

20. Additional Farmer and Grower Rules:

Farmers and Growers must also comply and agree to the following.

A. Vendor Agreement: with the Town of Sullivan's Island

B. Field Site Visits: by staff of the Town of Sullivan's Island or Sullivan's Island Town Council Recreation Committee members.

C. Crop Plan:

Eligible farmers/growers signing a Vendor Agreement are 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 may be conducted for all participants. The Town of Sullivan's Island is not required to announce or schedule field site visits. Failure by the farmer or grower to cooperate with the Town of Sullivan's Island and/or its agent from the Clemson Extension Services regarding field site visits may result in expulsion from the Farmers Market.

D. 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 the 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 Market Manager when an item is no longer available locally. The Market Manager will make final determination in any controversy.

E. 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 Market Manager may waive the 50% rule due to weather or climate conditions.

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

1. Farmer agrees to display a sign indicating his/her farm name and location at his/her space or tent.
2. Farmer 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 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 sold were grown by the Vendor.

G. Prohibited Vegetables and Fruits: 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.

21. Prepared/ Specialty Food & Craftsman/Artisan Vendors Rules: Food Vendors are considered any person who sells 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 Town of Sullivan's Island Farmers Market Rules & Regulations.

A. No Resale items: All Prepared/Specialty food vendor products must be prepared or altered by the Vendor participant for sale at the Market. Resale items shall not be sold at the Market.

B. Mission Compliant: All Prepared/Specialty food vendor and Craftsman/Artisan vendor products must complement the mission of the Town of Sullivan's Island Farmers Market, as determined by the Market Manager.

C. DHEC Compliance: All Prepared/Specialty food vendors must be in compliance with DHEC rules and regulations. Vendors shall provide the Market Manager with DHEC compliance certificates and menu of food to be offered at the Market. A prepared food vendor will be unable to vend unless/until the Market Manager obtains clearance from a DHEC officer for a food vendor and his/her product menu.

D. SC Department of Agriculture Compliance: All Farm/Grown Product vendors must be in compliance with SC Department of Agriculture rules and regulations. Vendors shall provide the Market Manager with any Agriculture department compliance certificates and list of products to be offered at the Market. A farmer/grown product vendor will be unable to vend unless/until the Market Manager obtains clearance from a SC Department of Agriculture officer for a farmer/producer and his/her product list.

22. Violations of the Market Rules and Sanctions:

Violation of any rule as stated above or of the laws of the State of South Carolina or the Town of Sullivan's Island may result in the following sanction(s) by the Town of Sullivan's Island Market Manager:

1. First violation of any rule is a written warning from the Town of Sullivan's Island Market Manager.
2. Second violation of any rule is a \$25 fine due before next Market.
3. Third violation of any rule results in forfeiture of vending for the remainder of the Market.

23. Appeals:

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