

1 **Official Rules of the Durham Farmers' Market**

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3 1. **Definitions.**

- 4 a) **By-Laws:** By-Laws for the Durham Farmers' Market
- 5 b) **Craft item:** An item which demonstrates the manual skill, technique, and
- 6 proficiency of the market member, as well as prepared foods prepared by the
- 7 market member
- 8 c) **Craft Member:** A market member that sells craft items and for whom craft sales
- 9 accounts for 50 percent of the market member's average booth sales or display
- 10 space over the course of the season
- 11 d) **Farm Member:** A market member who sells direct farm products and value added
- 12 farm products produced or grown by the market member
- 13 e) **Market day:** 8:00 am-12:00 pm during the Saturday Main Season Market, 10:00
- 14 am-12:00 pm during the Saturday Winter Market, and 3:00-6:00 pm during the
- 15 Wednesday Market
- 16 f) **Market Member:** A craftsperson or farm owner(s) that is approved by the Durham
- 17 Farmers' Market Board of Directors to sell at the Saturday Main Season Market,
- 18 Wednesday Market, and/or Saturday Winter Market. Market members include
- 19 New Market Members and Craft Members. All market members must meet the
- 20 qualifications listed in the following sections.
- 21 g) **Market season/season:** April 1- March 31 of the calendar year
- 22 h) **New Market Member:** A market member who has been accepted into the market
- 23 by the Board of Directors and is selling at the market during his/her first market
- 24 season
- 25 i) **Returning Member Application:** The form that market members must submit to
- 26 the Board of Directors each year by December 31 in order to remain eligible to sell
- 27 during the upcoming market season
- 28 j) **Seniority:** Please see the definition below at section 6(e)(4)
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30 2. **Market Member Qualifications.**

- 31 a) Each market member must reside and produce items to be sold at the Durham
- 32 Farmers' Market within a 70 mile radius of the Durham city limits and within in the
- 33 state of North Carolina.
- 34 b) The Durham Farmers' Market is a "Producer Only" market; as such, each market
- 35 member must be the original producer of the items sold.
- 36 c) All items sold at Market must be produced by a market member or a designated
- 37 representative of the market member.
- 38 d) A market member may lease land for crop production. However, the market
- 39 member must perform all operations from seed/start to harvest.
- 40 e) The Board of Directors (BOD) or Market Manager may conduct an inspection of
- 41 any market member's farm/facility at any time to verify a crops' origin.
- 42 f) Any market member who engages in re-selling products outside of the farmers'
- 43 market that is of the same or similar nature as the products sold at market may be
- 44 subject to additional requirements in order to verify the legitimacy of products sold
- 45 at the Durham Farmers' Market.
- 46 g) A market member who purchases land with a perennial crop on it may sell that
- 47 crop in the year of purchase.
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49 3. **Market Operation.**

- 50 a) Market Operating Schedule
- 51 1. The **Saturday Main Season Market (SMSM)** is open from the first
- 52 Saturday in April through the Saturday before Thanksgiving **from**
- 53 **8:00-12:00 pm**. Market members may arrive any time before 8:00 am.
- 54 Market members arriving later than 8:00 am will set up at the
- 55 periphery of the Market.

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2. The **Saturday Winter Market (SWM)** is open on Saturdays from December to March from **10:00 am-12:00 pm**, under the same rules as SMSM, except there will be no set up allowed before 8:30 am and no sales before the opening bell. In addition, attendance at SWM has no effect on seniority calculations for SMSM.
 3. The **Wednesday Market (WM)** is open on Wednesdays each week from mid-April through mid-October from **3:00-6:00pm** under the same rules as SMSM, except there will be no set up allowed before 2:00 pm and no sales before the opening bell. In addition, attendance at Wednesday Market does not effect seniority for SMSM. The Wednesday Market schedule will be set by the BOD by the Annual Meeting of each calendar year.
- b) All market members approved to sell at the SMSM are also eligible to sell at the SWM and WM. The BOD may, at its discretion, approve new applicants to sell at either the SWM or WM only, without granting the right to sell at SMSM.
- c) Reserved spaces at Market
1. Market members with reserved spaces must notify the Market Manager if they will not be selling at SMSM or SWM on any given Saturday by 5:00 pm on the Thursday before the SMSM or SWM that they will miss. Failure to notify the Market Manager by this time will result in a fine equal to the member's space fee.
 2. Market members may not move their vehicles into or out of the Market area during times when such movement would pose danger to people in the shopping area. **No market member will be allowed to leave before the end of Market except in the case of an emergency.**
 3. See Section 6 below for information about space allocation at Market.
- d) Market Signage Guidelines
1. Prices must be clearly posted for all items sold.
 2. Market members determine their own prices, but it is recommended that prices reflect accurate and fair value.
 3. Only certified organic growers may use the term "organic" in their advertising at the Durham Farmers' Market.
- e) Market members are responsible for cleaning up the area around their stalls after Market.
1. Failure to clean up the area may jeopardize the Market's use of the site and will not be tolerated.
 2. No water or ice that comes in contact with meat or fish should be deposited or allowed to drain on Market premises.
 3. Failure to clean the space will result in a fine equal to the stall fee on the Market day.

4. **Market Member Responsibilities.**

- a) Fees:
1. All fees are in effect from April 1 to March 31.
 2. Annual membership fee of \$75 must be paid by each market member by December 31. Annual membership fees are nonrefundable, regardless of whether or not the member attends Market during the course of the season.
 3. **Saturday Main Season Market** daily fees are as follows: \$20 for one space, \$40 for a second space (total of \$60 to occupy 2 spaces).
 4. **Saturday Winter Market** daily fee is \$15, single spaces only.
 5. **Wednesday Market** daily fee is \$10, single spaces only.
- b) Attendance at the Annual Membership Meeting is mandatory for all market members. Any market member failing to attend the Annual Market Meeting will be assessed a fine of \$10 and will forfeit his/her right to a reserved space for the year. Market members may send a proxy to the Annual Membership Meeting. The

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- proxy cannot be another market member. The market member must alert the BOD of the identity of the designated proxy in writing. The letter designating the proxy must be received 10 days prior to the Annual Membership Meeting. The BOD may make an exception to this rule for health emergencies, provided the market member contacts a Board Member prior to the Annual Membership Meeting.
- c) Market members must provide a copy of all documentation (kitchen inspection, lease agreements, etc.) with their annual Returning Member Application.
 - d) Market members wishing to sell a new category of product must have the product approved by the BOD prior to selling the product at the Market.
 - e) A hard copy of the By-Laws will be provided to any market member upon request. A current copy of the Market Rules will be provided with each application. A copy of the By-Laws and the Market Rules are available on the Durham Farmers' Market website.
 - f) To remain a market member in good standing, a member must attend the Market a minimum of 10 market days per market season, April 1- March 31. Any market member who does not participate at least 10 market days in the previous season must reapply as a New Member Applicant and pay the New Member Application Fee. The BOD does not guarantee reinstatement of a market member who reapplies as a New Market Applicant under this subsection.
 - g) Transitioning Ownership of Market Member Farm/Business
 1. In order for a current Market Member to transition ownership of a farm/business and for the farm/business to maintain its standing as a Market Member under new ownership, the current Market Member must be a Market Member in good standing, have been a Market Member for at least 7 years, and submit a transition plan for their business. In addition, the BOD must approve the transition plan.
 2. If a Market Member is not in good standing, has been a member for less than 7 years, or if the BOD disapproves of the transition plan for the farm/business, the new owner(s) of the farm/business must submit a New Member Application for the upcoming season.
 3. A transition plan will not be considered unless the person(s) to whom the business will be transitioned has been an active participant of the business for a minimum of 2 years. A transition plan must be submitted by the current owner(s) to the BOD and received by the BOD at least 30 days before the business sale.
 4. Stall location does not convey to the new owner(s). Upon re-calculating seniority, a new stall space can be selected by the new owner(s) from the pool of open spaces at the Annual Meeting or Winter Market Space Selection Meeting.
 5. Double spaces do not convey to the new owner(s).
 6. When the original owner(s) of a farm/business leave the farm/business, either as a result of death or complete transfer of ownership to a partner, the years-of-membership component of seniority will be re-calculated. The number of years will be equal to the number of years that the new owner(s) has been an active participant in the farm/business (subject to a maximum of 15 years). To be considered an active participant, the new owner(s) must have participated in the day-to-day activities of the farm/business. Absent part owners of a farm/business or heirs who have not participated in its day-to-day operation will not be considered as having been an active participant in the farm/business. The BOD may request and examine documentation of the number of years of active participation before making the determination as to the number of years of active participation.

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7. In the case of unforeseen circumstances, such as death or a major illness, a transition plan can be submitted by the new owner(s) to the BOD within 60 days of a business sale.
8. The BOD considers adding or removing business owner(s) as a partial transition and, therefore, no transition plan is necessary. A business owner(s) is required to document any changes in ownership on the annual Returning Member Application. As long as the senior business owner, or main owner/manager of the business, plays an active role in the day-to-day activities of the business, seniority will remain the same and no transition plan is necessary.
9. A new owner(s) will be subject to inspection each year for three consecutive years to ensure that the business has not been degraded. The new owner(s) is required to sell the same product line as the previous owner(s), and the quality of those products must be maintained. The new owner(s) may add new products to their line, if approved by the BOD and if in keeping with the BOD's guidelines. If degradation is noted, the BOD has discretion to terminate the new owner(s) membership.
10. A new owner(s) may not, after any length of time, change his or her vendor category; the ratio of vendor categories must be maintained. Nor may a new owner(s) radically depart from the product line of the original business. The new owner(s) must maintain the quality and integrity of the products produced by the original business.
11. See Appendix A for Transition Plan Guidelines.

5. Application Process for New Market Members.

- a) Any individual wishing to become a new market member must submit a nonrefundable application fee and a completed and signed New Member Application. The New Member Application will be available on the Durham Farmers' Market's website, along with information about the deadline.
- b) A member of the BOD and/or the Market Manager will visit the farm/facility of applicants to verify eligibility for the Durham Farmers' Market.
- c) The BOD will review all complete New Member Applications, make inspections of farms or production sites, select new market members, and send decision letters to all applicants by March 1 of each calendar year. New market members will be eligible to sell at each market for which the member has been approved beginning April 1.
- d) If the BOD accepts an applicant as a new market member, the new market member must submit the following to the BOD prior to the Annual Membership Meeting in March:
 1. \$75 annual membership fee
 2. A contract between the new market member and the Durham Farmers' Market acknowledging the member's agreement to abide by the Rules of the Durham Farmers' Market.
- e) All appropriate documentation must be on file with the Market Manager (including a signed contract indicating that the approved market member agrees to the Rules of the Durham Farmers' Market) prior to the Annual Membership Meeting.

6. Market Member Space Allocations.

- a) Each market member is allotted one space. No shared spaces are permitted.
- b) Second spaces will be granted by the Market Manager, as space permits, to qualified Farm Members.
- c) Retaining a Double Space
 1. In order to maintain the privilege of reserving a Double Space, market member must:
 - attend Market and occupy both spaces at least 27 weeks; and

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- demonstrate a clear need for use of a double space.
- 2. If it is decided that the market member's Double Space is under utilized the Board must promptly notify the market member in writing. The following penalties may apply:
 - rescind the privilege for the market member to reserve a double space for the coming season; or
 - place the market member on probation for the subsequent market season.
- d) Non-reserved spaces will be available and assigned on a first-come, first-served basis as directed by the Market Manager.
- e) Reserved Spaces
 1. The reserved space selection for SMSM and WM will take place once a year at the Annual Membership Meeting. A market member's reserved space preference may only be communicated by the individual market member or his or her duly designated proxy in attendance at the Annual Membership Meeting. Swapping spaces after this annual selection is not permitted except under extraordinary circumstances and with permission of the BOD.
 2. To qualify for a reserved space at the SMSM, SWM or WM, a market member must have participated in that market at least 66 percent of the weeks of its operation during the previous season. A member may appeal in writing to the BOD for a hardship exemption prior to the Annual Meeting.
 3. Returning members who had a reserved space at the SMSM, SWM, or WM the previous season and who have met the requirements to reserve a space at that market for the upcoming season have first right of retention to maintain the same reserved space for the upcoming season. Any resulting open spaces may then be selected by those eligible to reserve a space for the upcoming season in accordance with the rules of the seniority system.
 4. Seniority for the purposes of space reservation at the SMSM, SWM or WM will be calculated by taking an average of the number of weeks of a member's attendance at that market in each of the last three years plus the number of years the member has attended 66 percent or more of the total weeks of operation of that market with a cap of 15 years for the years component of this equation. The years component shall include all years of 50 percent attendance earned while the 50 percent rule was in effect, that is, 2015 and prior. Ties in seniority will be settled by awarding the higher ranking to the member with the highest total number of weeks for all years in attendance at whichever market is under consideration.
 5. **Reserved spaces will only be held until 30 minutes before market opening** unless prior notice is given to the Market Manager. Market members with reserved spaces must notify the Market Manager by Thursday at 5 pm if they will not be attending the Market that week.

7. Role of the Market Manager

The Market Manager has the following responsibilities: conduct onsite operations of the market; communicate with vendors; serve as the liaison between the market and local organizations, businesses, the City of Durham, and other partners; manage projects at the direction of the BOD; plan and oversee special events at the Market; manage all marketing and advertising activities of the Market; coordinate volunteers; seek out funding opportunities and manage fundraising for the Market; create and manage an annual budget for the Market in coordination with the BOD; supervise all Market staff; ensure safety of Market Members and customers at Market; and handle all Market recordkeeping. The Market Manager has the authority to collect all required fees and to

278 monitor the Market in order to ensure market member compliance with all rules of the
279 Market and policies established by the BOD. The Market Manager will require
280 compliance with all such rules and policies. The BOD may hire an Assistant Market
281 Manager to support the Market Manager in carrying out these duties.
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283 8. **Complaint Process**

- 284 a) Any Market Member or Durham Farmers' Market customer may file a complaint
285 with the BOD. Complaints must be submitted in writing to the Market's P.O. Box, via
286 e-mail, and/or hand delivery to the Market Manager or member of the BOD. The
287 Market Manager or a member of the BOD may follow up with the individual
288 submitting the complaint to request additional information.
- 289 b) The Market Manager will consider all complaints and will forward complaints to the
290 BOD at his/her discretion. If the complaint concerns the Market Manager, the
291 complaint will go directly to the BOD. Any action to be taken will be determined by
292 the BOD. If inspection is deemed necessary it can be conducted at any time. A
293 letter will be sent to the market member regarding the nature of any infraction.
- 294 c) The BOD may vote to suspend for a fixed period of time, or to expel permanently,
295 any market member for cause. The BOD must provide written notice to the
296 market member before any such action is taken. Cause may include, but is not limited
297 to:
- 298 1. failure to submit to or abide by decisions made by the BOD, including
299 the Market Rules, or to accept any ruling of the Membership;
 - 300 2. selling or offering for sale any product not grown or originally
301 produced by the market member; or
 - 302 3. failure to pay dues in accordance with the By-Laws.
303 Annual Dues are not refunded when a market member is expelled for any
304 reason.
- 305 d) Questions concerning the Rules or By-Laws should be submitted in writing to the
306 BOD.
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308 9. **Eligible Market Products**

- 309 a) No re-sale of product or other products is allowed.
- 310 b) The BOD may conduct an inspection of any market member's farm/facility at any
311 time to verify a product's origin.
- 312 c) No live animals may be sold or given away at Market.
- 313 d) All products sold at market must meet state and local health regulations including,
314 but not limited to, U.S. Department of Agriculture (USDA), N.C. Department of
315 Agriculture & Consumer Services (NCDA), and Durham Health Department
316 guidelines and regulations, as applicable.
- 317 e) All produce must be of top quality, as determined by the Market Manager.
- 318 f) Products which may be sold at the Durham Farmers' Market are listed below. If
319 more than 50 percent of a market member's average booth sales or display space
320 over the course of the season is of craft items, the market member is considered a
321 Craft Member. All Craft Members must abide by the Crafts Statement and
322 Guidelines below.
- 323 g) The sale of all meat, poultry, fish and all products not listed below must be
324 approved by BOD. Any market member must abide by the Meat and Egg Producer
325 Rules below.
- 326 h) Prepared foods are considered craft items and prepared foods vendors are
327 considered Craft Members of the market.
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329 **Direct Farm Products**

- 330 • Vegetables grown from seeds, sets, or seedlings grown on land owned or leased by the
331 market member.
- 332 • Fruit, nuts or berries grown on land owned or leased by the market member.
- 333 • Plants grown by the market member from seed, bulbs, transplants or cuttings grown on

- 334 land owned or leased by the market member.
335 • Bulbs propagated by the market member.
336 • Cut and/or dried flowers, herbs or seeds, raised by the market member on land owned or
337 leased by the market member.
338 • Honey and bee products from the market member's bees.
339 • Meat and eggs from livestock owned by the market member, subject to provisions in
340 the Meat and Egg Producer Rules.
341 • Fish caught within Market radius, subject to BOD approval.
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343 **Value Added Farm Products**

- 344 • Cheeses, or milk products, from the member's animals.
345 • Dried, cured or otherwise processed meat products, subject to provisions of the Meat
346 and Egg Producer Rules.
347 • Floral arrangements from fresh or dried flowers grown on the farm.
348 • Other items made predominantly from products grown or gathered on the member's
349 farm.
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351 **Prepared Foods**

- 352 • Preserves, pickles, jams, vinegars, etc., made by the market member. No "low-acid"
353 canned foods such as green beans, corn, peas, carrots, etc., may be sold. High acid, or
354 acidified foods (pickles, tomato products, etc.) may be sold if the seller has passed the
355 FDA certification course. A copy of the certification must be on file with the Market
356 Manager.
357 • Fresh baked goods made by the market member.
358 • Beverages which may be sold include coffee, herbal teas, and lemonade sold in paper
359 cups.
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361 **Crafts Statement and Rules**

362 Crafts will be permitted for sale at Market. Crafts that are farm related or that source local
363 materials are especially encouraged. Artisans are encouraged to include information about the
364 source of their local materials and/or the history of their craft. Acceptance of craft applicants will
365 be based on space availability, category of craft, materials used, general quality and
366 workmanship. Market members classified as farmers may sell non-farm crafts. These crafts
367 must meet all guidelines contained herein and be approved by the BOD. If more than 50 percent
368 of a market member's average booth sales or product display over the course of the season are
369 of craft items, the market member is considered a Craft Member.
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371 Crafts, for the purpose of the Durham Farmers' Market, shall be determined to be: an item which
372 demonstrates the manual skill, technique, and proficiency of the craftsperson.
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374 Non-farm crafts are produced from materials not grown or harvested by the member. Prepared
375 foods are considered to be non-farm crafts.
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377 Farm crafts are value-added farm products produced predominately from materials grown and
378 harvested by the crafts person. Farm crafts are not subject to the guidelines for non-farm crafts.
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380 Specific Criteria

- 381 1. All crafts must be hand crafted by the member.
382 2. Crafts must be the product of a home or cottage type industry using an intermediate
383 type technology rather than an industrial type production. To be considered "hand crafted",
384 the item must show evidence of manual skills obtainable only through a significant period
385 of experience and dedication. The craft component materials must be sufficiently modified
386 from their original state to demonstrate fine craftsmanship.
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388 Examples of unacceptable items would be, but not limited to: tracings or paint by number,
389 printed materials, ceramics or pottery from commercial molds, wood carvings using duplicating
390 machines, kits in any form, and any other items which clearly do not reflect originality of design.
391 1. The value of purchased raw materials shall not exceed 30 percent of the selling price.
392 2. All crafts must be of excellent workmanship both in quality and design.
393 3. All crafts vendors must comply with and abide by all Rules and By-Laws of the Durham
394 Farmers' Market.
395 4. The Market Manager has the discretion to immediately remove any craft item that he/she
396 considers objectionable. The BOD must review the Market Manager's decision at the next
397 scheduled board meeting and make an official ruling on the matter.
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399 **Meat and Egg Producer Rules**

400 1. Market members who sell meat and/or eggs must comply with local, state, and federal
401 laws and regulations designed to ensure that such products sent into commerce are
402 wholesome, unadulterated, and properly labeled. The NCDA&CS enforces these laws.
403 Any market member who receives, stores, transports and/or sells USDA-inspected meat
404 products is required by law to register as a meat handler with the NCDA&CS. Any market
405 member who is required to have a meat handler's license must have a copy on file with
406 the Market Manager.
407 2. In accordance with the DFM "producer only" rule, the following terms define what it means
408 to have produced meat and/or eggs for sale at Market. All meat and egg producing
409 livestock must be kept and cared for by the member on his/her farm for a period of time as
410 defined below.
411 a. Rabbits: All rabbits must be born on the market member's farm.
412 b. Poultry: Meat birds must be on the farm by the end of their first week of age.
413 However "Stewing Chickens" (a retired layer flock) must have lived on the market
414 member's farm for at least one year prior to processing for sale, but do not have to
415 arrive at the farm by a specific age.
416 c. Egg layers: Eggs sold by a market member must be from birds kept on the market
417 member's farm.
418 d. Livestock: Any other livestock purchased (not born on the farm) must be held by the
419 market member for a minimum of:
420 • Pigs: 4 months
421 • Sheep/Lamb: 6 months
422 • Goats: 6 months
423 • Beef: 9 months
424 • Bison: 9 months
425 3. Market members who sell meat and/or eggs must keep on file both dated receipts of
426 purchase, or birth record, and dated receipts for slaughter of livestock and poultry. Upon
427 request by the Market Manager or BOD, the market member must be able to produce these
428 records.
429 4. No water or ice that comes into contact with meat may be deposited or allowed to drain
430 onto the market premises.
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432 **Value Added Meat Products Rules**

433 Value added meat products are created when meat is processed into other products.
434 Examples include sausage, jerky, meats cured by smoking or drying, and hot dogs. Value
435 added meat products are allowed, provided that 100 percent of the meat is from animals
436 produced by the market member in accordance with the definitions and guidelines above.
437 Casings for sausage are excluded from the 100 percent requirement. Other non-meat items,
438 such as spices, are allowed in value added meat products. Information on how and where the
439 value added meat product is produced should be provided with the market member's market
440 application.
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442 **Appendix to the Official Rules of the Durham Farmers' Market**

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444 **Appendix A: Transition Plan Guidelines**

445 A transition plan must contain the following components:

- 446 a) Narrative document titled "Transition Plan for [your business]" with date of
447 submission, address and city, state.
448 b) Previous owner(s) or ownership group along with dates for term of
449 operation/participation.
450 c) Previous principal farmer(s) or business operator(s) with phone and e-mail contact
451 info.
452 d) New/additional owner(s) or ownership group along with dates for transition of
453 operation/participation.
454 e) New principal farmer(s) or business operator(s) phone and e-mail contact info.
455 f) Copy of deed, lease or LLC document as evidence of transfer/transition.
456 g) Description and length of relevant experience of new principal farmer(s) or
457 business operator(s).
458 h) Description and length of active participation of new principal farmer(s) or
459 business operator(s) in farm/business.
460 i) Any change in business location, hours, product offerings, employee count, etc.
461 j) Description of how new principal farmers(s) or business operator(s) will ensure
462 product continuity and local production of product.
463 k) Description of business' history of involvement with DFM and why retaining
464 membership in DFM is important to business model.
465 l) List of all business assets retained in farm/business.
466 m) List of new assets being acquired in/for the transition.
467 n) Future business goals and strategy of new principal farmer(s) or business
468 operator(s), including possibility of name change.
469 o) Resumé for new business owner(s).

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471 In order to complete the transition plan review process, the new owner(s) must complete a
472 New Member Application, which can be obtained by contacting the Market Manager. The BOD
473 must also conduct an inspection with the new business owner(s). Finally, the new business
474 owner(s) will be required to submit any certifications and permits for their business.
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476 **Appendix B: Guest Vendor Program**

477 A guest vendor is a non-member who offers a product or service that enhances the overall
478 market while not competing with products offered by Durham Farmers' Market members. A
479 guest vendor maybe invited to participate in no more than 10 markets per market season or at
480 the discretion of the Board of Directors. The Board may rescind this invitation at any time for
481 any reason. Guest vendors are not official members of the Durham Farmers' Market and do
482 not have any member rights. Guest vendors may vend at the market strictly on a space
483 available basis. Guest vendor participation shall be re-evaluated every year and the Board will
484 consider availability of a product from Market members in this evaluation. The application and
485 rules can be obtained by e-mailing the Market Manager.