

RALEIGH STATE FARMERS MARKET RULES

Welcome to the State Farmers Market. To permit fair and equal opportunity for all sellers and to ensure quality products for buyers, the following rules have been developed. They will be revised and updated as needed, and may be modified according to the season and products being sold. We want to work with you and welcome your ideas and suggestions at anytime. To achieve maximum benefits and provide the best Market, Everyone - growers, sellers, customers, and management must share and work together. Thank you for choosing the State Farmers Market to sell your products. The Market Manager may deny the privilege of operating on the Market to any person who violates these guidelines and rules, or who otherwise takes actions which are determined by the Market Manager to be detrimental to the Market. The Market Manager specifically reserves the right to request additional information or documentation before making a decision to deny or limit access to the Market, but is not required by these guidelines to do so. The privilege of selling on the Market is not an entitlement. In utilizing his or her discretion to suspend, revoke, or otherwise terminate a seller's privilege to sell on the Market, the Market Manager may consider a seller's history of cooperation with the Market Manager and the seller's good faith effort to obey the guidelines and rules of the Market. Likewise, any effort to manipulate or to violate the spirit of the guidelines and rules may be considered. The ultimate discretion for eligibility determinations belongs to the Market Manager, and determinations are final once they are rendered.

SECTION .0600 - OPERATIONAL RULES

02 NCAC 43L .0601 APPLICABILITY

(a) The rules contained in this Subchapter are applicable to all facilities operated by the North Carolina Department of Agriculture.

(b) The rules contained in this Subchapter shall apply to the Western North Carolina Horse and Livestock Facility as they relate to the authority of the manager, and conduct by persons using the facility.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0602 GENERAL CONTROL

The market manager shall have the general control and supervision of the market, its buildings, streets and alleyways and the adjoining areas, and shall collect all fees and rentals from all renters and users of the market. In all the rules and regulations, the duly authorized agent of the market manager shall have the same authority as the market manager.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0603 REQUIRED FEES

All renters and users of the market must pay the required fee or rental of use of said market.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0604 DENIAL

The market manager has the authority to deny any person the privilege of operating on the market that, in his judgment, is using methods that are detrimental to attendance at the market or contrary to market policies.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0605 REMOVAL

The market manager shall have the authority to order and remove any person from the market who is guilty of any violation of these market regulations, or who may be guilty of violating any ordinances of the city, county or state law, or who shall fail to obey any lawful orders of the market manager.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0606 DAMAGE TO PROPERTY

No person shall deface or damage the buildings, pavement, or other physical equipment of the market.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0607 PROFANE LANGUAGE

The use of profane, abusive or discourteous language on the market is prohibited and is punishable by expulsion from the market.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0608 GAMBLING

The market manager shall have authority to order from the market any person gambling or under the influence of intoxicants or disorderly in conduct.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0609 EMPLOYEES

In order to effectuate these Rules of the market, all renters and users of the market are responsible for the actions of their employees.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0610 PUBLIC OUTCRY

No person shall make any public outcry, do "hawking" or give any musical or other entertainment for the purpose of drawing customers or to attract attention, or shoot fireworks or firearms at any time.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0611 CHURCHES

Churches or other organizations selling food must have permission of the market manager to sell on the market.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0612 ADVERTISING

No person shall distribute, scatter about, or post on the market any advertising, signs, pamphlets, cards, and bills, or other printed matter without the consent of the market manager.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0613 SANITATION

Any renter or user of space on the market must keep his immediate premises reasonably clean, sanitary, and orderly. Persistent failure to carry out the market manager's orders in this respect shall constitute just and sufficient cause for the revocation of the renter's or user's permit.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0614 ABANDONMENT

No buyer, vendor, renter or user or other person shall abandon produce, vehicles or other articles on the market. If such is done the manager may have such item(s) removed from the market at owner's expense or donate to a person who will dispose of such items or articles.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0615 HOUSEKEEPING

Housekeeping or homesteading in the market is prohibited.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0616 VEHICLES

All vehicles must enter and leave the market area through entrances and exits so marked.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0617 SPEED

Every person operating a vehicle on the property of the market shall drive such vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or do physical harm to any person. All parking signs, speed limit signs and other posted signs shall be observed.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0618 MECHANICAL EQUIPMENT

All market leasees, renters or users are required to use all possible care in the operation of mechanical equipment used on the market property.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0619 PARKING

The parking of automobiles and other motor vehicles of market tenants and their employees, shall be confined to spaces designated by the manager. Such automobiles shall not be parked on the market pavement where they will obstruct traffic or take up space necessary for the orderly operation of the market business. Vehicles shall not be parked in areas that would be detrimental to grass or landscape arrangements.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0620 UNSOUND PRODUCE

No person shall sell produce which is unsound or unwholesome or which fails to meet the standards or requirements of federal, state or local laws and regulations. All North Carolina regulatory laws applying to weights, measures, marking of containers, sanitation or other legal requirements will be obeyed by all market tenants. In no case will produce be offered for sale that contains a total of more than 10 percent decay, shriveling and/or other blemishes.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0621 INSPECTIONS

The market manager may make or cause to be made any inspection or inspections which may be necessary and may prohibit the sale of any produce which does not conform to legal and stated market standards.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0622 PRICE AGREEMENTS

No buyer or seller on the market shall enter into any price agreement or join any organization for the purpose of raising, lowering, or fixing abnormal or artificial prices of products on the market, or for the purpose of keeping products off the market, and no person shall assist others in any way to accomplish this purpose.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0623 DECEPTIVE PRACTICES

Fraudulent, dishonest, and deceptive practices carried on at the market may be punishable by revocation of permit to sell on the market.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0624 INSULTS

No vendor shall do any act or use any language which appears to be intended thereby to insult another vendor or shopper or to intimidate a shopper into purchasing the produce which is his.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0625 FALSE REPORTS

Persons who circulate false reports tending to upset or destroy the operations of the market or that may cause upset or damage to vendors in loss in prices shall be subject to expulsion from the market.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0626 TIPS OR GRATUITIES

The market manager and all other employees of the market shall not engage in the buying or selling of any produce on the market, and shall not receive any tips or gratuities from any buyer or seller on the market.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0627 FAIR PRACTICES

Vendors on the market must not approach a buyer for the purpose of making a sale while said buyer is in conversation with another vendor.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0628 PILING

Market tenants shall confine the piling and display of produce to the space leased by them.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0629 CULLS

The manager may require that all produce sorted out as culls or otherwise considered of no commercial value shall be placed in containers and destroyed or removed from the market premises. The disposition of such product(s) shall be the responsibility of the person or firm in whose possession the product may be.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0630 ABANDONED PRODUCE

Abandoned produce and/or containers will be disposed of as follows, 24 hours after the rent has expired:

- (1) Produce. Inspectors will check and donate edible products to charitable institutions;
- (2) Containers. Will be removed and disposed of by market cleaners.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0631 CHILDREN

Children under 14 years of age shall not be permitted to roam or wander around the market unless accompanied by an adult who shall be responsible for the conduct of such minor. Wholesalers, retailers, truckers, farmers, and buyers who bring minors to the market with them or allow minors to visit with them shall be responsible for carrying out this provision. The riding of bicycles or other similar devices on the market by minors is strictly forbidden.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0632 PETS

Tenants are not permitted to keep animals on the market without permission of market manager.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0633 SALAMANDER STOVES

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985;
Repealed Eff. June 1, 1990.*

02 NCAC 43L .0634 HOURS

The manager shall have the authority to set opening and closing hours which are deemed to be in the best interest of market operations and the general public. Changes in hours currently in effect shall be posted in one or more conspicuous places and announced through news media.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0635 PAYMENTS

Payments for leases or rentals shall be made in advance. Persons or firms not paying by the 10th of the month for which the rental is due may be charged the maximum legal rate of interest for the amount due.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0636 DAMAGE TO MARKET PROPERTY

Persons causing damage to market property shall be financially responsible for the cost of repairs or replacements. Such damage shall include, but not be limited to buildings, grounds, fences, gates, vehicles, and any other property owned and/or operated by the market.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0637 SUB-LETTING

The manager may prohibit the sub-letting or renting or leasing of any market facility or space by one tenant to any other person or firm.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0638 REMOVAL OF PROPERTY

All tenants or users of the market shall remove any vehicle or item or property upon direction of the market manager.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0639 CUSTOMER COMPLAINTS

It is the responsibility of all tenants on the market to satisfy customer complaints. Upon receipt of numerous complaints concerning the same tenant, the market manager may cancel the marketing privileges of the offending tenant.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0640 FALSE PACK

No tenant shall use any false pack. As used herein, false pack means the topping or facing of containers with the best products exposed and poor products concealed underneath.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0641 ADDITIONAL FACILITIES

No person shall erect any facility upon the market without the approval of the market manager.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0642 SIGNS AND PRICE TAGS

All signs and price tags must comply with market regulations.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0643 VACATING SPACE

Each trucker, when removing his truck from the assigned space (other than for short deliveries) shall leave the space clean for the next incoming vehicle.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0644 DESIGNATING REPRESENTATIVE

If a producer or dealer wishes to designate a person to represent him in his rented space, prior approval shall be obtained from the market manager or his representative.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0645 HOLDING SPACE

Holding space by use of parked vehicles, small amount of produce, etc., will not be permitted.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0646 STATIONARY VEHICLES

Stationary vehicles designated for storage and/or refrigeration will be permitted only upon approval of the market manager.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0647 ELECTRICITY

Only those usages of electricity approved by the market will be permitted.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0648 PRODUCE QUALITY

At the discretion of the market manager, low quality produce may be required to be marked "Second Quality Produce".

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985*

02 NCAC 43L .0649 REGULATORY ENFORCEMENT

(a) The market manager may dispossess tenants for failure to abide by the regulations of the State Marketing Authority.

(b) The market manager may cause to be removed from the market any person who fails to abide by the regulations of the State Marketing Authority.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0650 LIMITED SPACE

If due to limited space available, the manager may restrict each payee to one space; may require all produce to be kept on trucks and not on pavement.

*History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985.*

02 NCAC 43L .0651 SPUR TRACKS

All leasees having use of spur tracks may be required to keep same free of all foreign matter, including ice from cars, snow, sticks, paper, and other forms of rubbish.

*History Note: Authority G.S. 106-22; 106-02
Eff. January 1, 1985*