

2022
Town of Fort Mill
Farmers Market Policies



Town of Fort Mill Farmers Market was created to provide a place for people to purchase and sell local produce, farm products, other agricultural items, artisans, and crafts in Veterans Park, 106 N. White Street, Fort Mill, SC. Town of Fort Mill operates the Farmers Market.

Policies have been established to provide regulations and operating procedures specific to Town of Fort Mill Farmers Market and are subject to change. Compliance with these Policies is mandatory for all farmers, growers, artisans, crafters, food vendors, non-profit organizations, musicians, entertainers, and any other entities that are granted permission to participate in Town of Fort Mill Farmers Market, (hereinafter collectively called "Vendors").

- 1. Location:** Veterans Park, 106 N. White Street, Fort Mill, SC
Hours of Operation: Saturdays, May 14 – October 29, 2022
Time: 8:30 a.m. – 12:30 p.m.

Vendor set-up will begin no earlier than 7:00 a.m. Vendors must arrive no later than 7:45 a.m. Vendors arriving later than 7:45 a.m. may forfeit their space and may not be permitted to set up on that day. Town of Fort Mill Farmers Market will open at 8:30 a.m. each Saturday. Vendors must remain fully open for business until closing time at 12:30 p.m. If you sell out before 12:30 p.m., use this time to promote your business. No vehicles will be permitted in the Farmers Market area during Farmers Market hours. Vendor parking will be communicated at a later date.

Town of Fort Mill Farmers Market will be open on the scheduled days, rain, or shine. However, the Town of Fort Mill may cancel the Farmers Market in the event of extreme weather conditions or severe storm warnings. Updates and cancellation notices will be communicated through Town of Fort Mill Facebook and Instagram Pages, as well as, group email to participating vendors. If the Farmers Market is cancelled due to extreme weather conditions or warnings, no Vendors will be permitted to sell their products at the Town of Fort Mill Farmers Market site that day.

2. Application Process

Each Vendor interested in participating in the Farmers Market must submit a Farmers Market Application and all applicable supporting documentation from SC Department of Agriculture; SC Department of Health and Environmental Control and all other regulatory organizations (as applicable) to the Events Coordinator, Jacona Hester, either by postal mail or email. Submission of an application does not guarantee approval. The Town of Fort Mill will review each application and determine whether to approve or deny the Vendor's participation in the Farmers Market. Each Vendor will be notified by email if the Town of Fort Mill approves or denies their application. Vendors may not participate in the Town of Fort Mill Farmers Market unless approved by the Town of Fort Mill. Any Vendor who has previously been denied participation in the Farmers Market may reapply in the current season. However, the Town of Fort Mill is under no obligation to approve any applications. Applications may be approved or denied for any reason or for no reason at all. The decision of the Town of Fort Mill is final and may not be appealed.

Applications will not be considered on Farmers Market Operating Days. Vendors must allow at least ten (10) business days for applications to be reviewed.

3. Spaces and Set-Up

The Town of Fort Mill will assign spaces at the Farmers Market to APPROVED Vendors only. All attempts will be made to assign the same space each market but is not guaranteed.

Vendors should notify the Events Coordinator, Jacona Hester, by Tuesday before the following scheduled Saturday, if unable to participate in a scheduled Farmers Market day so your space can be assigned to another Vendor for that day. Please only cancel in EMERGENCY situations only.

The Town of Fort Mill will provide each APPROVED Vendor one (1) 10' x 10' space. Vendors must supply their own tents, weights, tables, and chairs to fit in this space. "Required tent color is royal blue or white", except when using a Professional tent. Tents must be kept in good condition at all times. If you need more than one (1) 10' x 10' space, please discuss with Events Coordinator, Jacona Hester, and specify on your application.

Vendors must keep spaces clean and free of debris during Farmers Market hours. Upon departure, Vendors are responsible for ensuring that their spaces are left clean and free of debris.

4. Farmers Market Fees, Licenses, and Insurance

- a. There is a \$5.00 fee for one space per Saturday. This fee is collected at the end of your scheduled market day.
- b. A Town of Fort Mill Temporary Business License is included in your APPROVED Farmers Market Application. (No charge for license/no hardcopy given to you)
- c. The Town of Fort Mill will NOT provide insurance for individual Vendors. Vendors should check with their insurance carriers and provide their own personal, general, and product liability insurance as warranted.
- d. The Town of Fort Mill requires each APPROVED Vendor to have Minimum \$1,000,000 **General Liability Insurance**. You must ask your Insurance Agent to submit a Certificate of Liability Insurance (COI) Form directly to the Town of Fort Mill (email to: jhester@fortmillsc.gov) to be a Vendor at the Farmers Market. This is the information that **MUST** be included on the COI:
Minimum \$1,000,000 General Liability Insurance
& In the **Certificate Holder Section** of the **COI**,
Town of Fort Mill must be listed as Additional Insured.

5. Complaints

Each Vendor will address complaints by customers. The Town of Fort Mill will only address complaints between Vendors and complaints made by customers about specific Vendor(s).

6. General Rules

The General Rules apply to all Town of Fort Mill Farmers Market Vendors. Violation of any of these policies may result in the termination of Farmers Market privileges.

- A. Abusive, profane, threatening, harassing language, or actions toward Town of Fort Mill Employees, volunteers, other Vendors, or Farmers Market customers will not be tolerated.
- B. 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.
- C. Vendors must be dressed appropriately for working with the public. Swim and/or scanty attire will not be permitted.
- D. Fraudulent, dishonest, or deceptive merchandising will not be tolerated, and Vendor will be asked to leave and not allowed to return.
- E. Vendor's pets are not permitted in the Farmer's Market Vendor spaces.
- F. Solicitation for products, services, or charitable contributions, not specifically specified in Farmers Market Vendor Application will not be permitted.
- G. Children accompanying Vendors must always be supervised and not allowed to roam the Farmers Market unattended.
- H. All Vendors will be responsible for the actions of their employees and/or agents.
- I. Possession of firearms, fireworks, gambling, use of alcohol, use of illegal substances, or disorderly conduct by a Vendor or his/her employees or agents, shall constitute a violation of Town of Fort Mill Farmers Market Policies.
- 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 unless the Vendor is licensed to sell such products and the sale has been approved by the Town of Fort Mill. NO on-site consumption is allowed.
- L. The sale and/or use of tobacco products and vaping of any kind by Vendors is prohibited during Farmers Market hours, including during set-up and clean-up.
- M. It is the responsibility of each Vendor to research and comply with all business and tax regulations for the sale of their items.
- N. The display of profane, obscene, sexually explicit, offensive, or inflammatory items for sale or for any other reason is prohibited.
- O. Vendor to Vendor re-sale of products is not allowed on-site during Farmers Market hours.
- P. Items other than those outlined on the Town of Fort Mill Farmers Market Vendor Application and approved by the Town of Fort Mill are not allowed to be sold at the Farmers Market. The Town of Fort Mill Farmers Market reserves the right to refuse the sale of any item. All products to be sold during 2022 must be listed on the application for approval. New items intended for sale during the season must be pre-approved.

7. Policies for Vendors of Food Items including, but not limited to, fresh produce, meat, fish, dairy products, eggs, honey, candy, and baked goods: Violation of any of these policies may result in the termination of Farmers Market privileges.

In addition to the General Rules of the Farmers Market, Vendors of Food Items, as defined above, must also comply with the following:

- A. Vendors selling produce and farm products grown and/or produced in York, Chester, or Lancaster County will be given priority for participation at the Farmers Market.
- B. Vendors residing in York, Chester, and Lancaster counties will be given priority for participation at the Farmers Market.
- C. Vendors may offer produce, plants, and other agriculture products (i.e. eggs, meat, milk, etc.) produced or grown in South Carolina or North Carolina.
- D. Vendors may resell agricultural products from South Carolina or North Carolina if the product is clearly marked as resale (for example, Pageland Watermelons). To resell, at least fifty (50) percent of a vendor's total products available for sale must be grown or raised on a farm or garden by the Vendor during the season. If the percentage of locally grown items is in doubt, the Town of Fort Mill Farmers Market staff reserves the right to request a farm/garden visit.
- E. Town of Fort Mill Farmers Market does not accept brokers: i.e. participants who have bought produce, plants, or flowers from a grower and do not grow anything themselves.
- F. No bananas, lemons, or other produce that is not grown in the States of South Carolina and North Carolina can be sold at the market. Further, no imported produce may be sold at the market.
- G. Farmers and Growers must be willing to allow the Town of Fort Mill, or other designated Farmers Market Staff, to visit their farms, with or without prior notice, to verify products being grown and/or produced for sale at the Farmers Market.
- H. Farmers and Growers should plan to provide their own scales, bags, etc. for the sale of their products. Scales are subject to SCDA inspection.
- I. Each Vendor must clearly display signage at his/her space that includes the name and location of his/her farm. Signs will not be provided by the Town of Fort Mill.
- J. Vendors wishing to offer samples of the food items they are approved to sell at the Farmers Market must cut and prepare the samples at the Farmers Market. Samples may not be prepared prior to arrival at the Farmers Market. Samples of fresh produce may be offered to customers, provided these samples are prepared on-site and in compliance with all applicable local, state, and federal food safety regulations.
- K. All items must be clearly priced. Prices can be handwritten or typed on tags; or they can be written on a chalkboard or other sign.
- L. Farmers and Growers who are members of Certified SC Grown are encouraged to display relevant signage.
- M. If any items for sale are labeled "organic," the Farmer must show proof of certification from a USDA-recognized group. Farmers who grow items organically, but are not certified, may label items as "grown using organic methods" or "pesticide-free."
- N. It is the responsibility of the Vendor to research and to comply with all federal, state, and local regulations governing the sale of his or her items. Products must be labeled, processed, and prepared in compliance with the SC Department of

- Agriculture and any other appropriate regulations. If selling meat or dairy products (meat, dairy, fish, eggs, cheese) for human consumption, Vendors must furnish proof of compliance with all appropriate regulations and proof of their product liability insurance policy to the Events Coordinator, with his or her application.
- O. Unless placed inside a cooler, as in the case of items such as meats and eggs, food items and their containers must be kept off the ground. The only exception is in the case of heavy produce items, such as watermelons or pumpkins.
 - P. Any Vendor wishing to sell honey, candy, and/or baked goods at the Farmers Market must submit, along with the Town of Fort Mill Farmers Market Application, a copy of the SCDA Exemption Approval AND a copy of the label that will be attached to each product.
 - Q. Baked goods and candies presented for sale at the Farmers Market must be made completely from scratch, not from a box or mix. Packaging MUST include list of ingredients, business logo/branding, and date. The following baked goods are the ONLY ones that will be permitted to be sold at the market: Baked breads,* baked cookies, baked cakes, candy, and baked high-acid fruit pies (apple, apricot, grape, peach, plum, quince, orange, nectarine, blackberry, raspberry, boysenberry, cherry, cranberry, strawberry, red currants).
**Potentially hazardous baked goods include, but are not limited to: Moist quick breads, such as zucchini, pumpkin, and banana; pumpkin pie; sweet potato pie; cheesecake; custard pies; cream pies; and pastries with potentially hazardous toppings or fillings. None of these potentially hazardous baked goods may be sold at the market without testing and written approval by Clemson University. Such approval will be required by Town of Fort Mill prior to the sale of any baked goods at the market, other than those expressly listed above.*
 - R. SCDA Food Safety and Compliance Program, please see <https://agriculture.sc.gov/faq/food-safety/> for any questions regarding Cottage Industry laws. All Town of Fort Mill Farmers Market Vendors must comply with all guidelines included in this document. Any Farmers Market Vendor wishing to sell products specified in this document MUST submit all applicable documentation from SCDA, SCDHEC, or other applicable regulatory agency along with their Town of Fort Mill Farmers Market Vendor Application. All food safety regulations will be enforced at the Farmers Market, and the attached document is hereby incorporated as part of the Town of Fort Mill Farmers Market Policies.

8. Policies for Vendors of Prepared Foods Sold for Immediate Consumption: Violation of any of these policies may result in the termination of Farmers Market privileges.

In addition to the General Rules of the Farmers Market, Vendors of Prepared Foods Sold for Immediate Consumption must also comply with the following:

- A. All food products must be prepared by the Vendor before arrival at the Farmers Market. Resale items shall not be sold at the Farmers Market.
- B. All food products must complement Town of Fort Mill Farmers Market, as determined by the Town of Fort Mill.
- C. All food Vendors must follow SCDA and SCDHEC rules and regulations. Food items prepared for sale must have been prepared in a SCDHEC-approved kitchen or follow the SC Cottage Industry Laws.
- D. The Town of Fort Mill reserves the right to refuse the sale of any item.

9. Policies for Artisans and Crafters: Violation of any of these policies may result in the termination of Farmers Market privileges.

In addition to the General Rules of the Farmers Market, Vendors who are artisans and crafters must also comply with the following:

- A. Town of Fort Mill Farmers Market does not accept brokers or Vendors who purchase items for resale.
- B. Crafters and Artisans residing in York County, South Carolina will be given priority for participation at the Farmers Market. If there are specific products that are not represented at the Farmers Market, and that can be sourced from other nearby counties in North or South Carolina, the Town of Fort Mill may consider applications from crafters or artisans in such counties on a case-by-case basis.
- C. Vendors may only sell handmade crafts and/or works of art that they have produced themselves. Imported items, mass-produced items, resale items, and/or items that are not handmade by the Vendor may not be sold at the Farmers Market.
- D. The Town of Fort Mill has the authority to determine whether items are handmade and may be sold at the Farmers Market.
- E. Vendors must clearly display signage at their spaces that includes the name(s) of the Vendor or business name and the location(s) where the items were produced. Signs will not be provided by Town of Fort Mill.
- F. All items must be clearly priced. Prices can be handwritten or typed on tags; or they can be written on a chalkboard or other sign.

10. Payment and Sales Reporting: In addition to the General Rules of the Farmers Market, all Town of Fort Mill Farmers Market Vendors must also comply with the following:

- A. Sales transactions at the market may only be made between Vendors and customers when Town of Fort Mill Farmers Market is open for business.
- B. Vendors must accept cash. Vendors may choose to accept personal checks or credit/debit card payments at their own discretion. Town of Fort Mill will not be held responsible for any checks that are returned or for any credit/debit card transactions that are declined.
- C. Vendors are strongly encouraged to accept debit/credit card payments.
- D. Town of Fort Mill encourages Vendors to accept Supplemental Nutrition Assistance Program (SNAP) benefits. SNAP may only be used to purchase the following items: Breads, cereals, fruits, vegetables, meat, fish, poultry, dairy products, and food-producing seeds and plants. Vendors who sell these items at the Farmers Market are strongly encouraged to complete training required to accept benefits from SNAP.
- E. Vendors who are certified and approved to accept WIC and Senior Farmers Market Nutrition Program Vouchers must clearly display this information in their spaces.
- F. Vendors must provide their estimated amount of sales at the Farmers Market to the Events Coordinator, Jacona Hester, at jhester@fortmillsc.gov by Monday after each market day. This information is used to calculate the Farmers Market's economic impact on the Town of Fort Mill and is essential for continued support and funding for the market.

- G. You are responsible for checking requirements for paying South Carolina sales taxes and submitting all taxes to the SC Dept. of Revenue. You can read details here: <https://dor.sc.gov/tax/registration>

11. Violation of Town of Fort Mill Farmers Market Policies and Appeals Process

Participation in the Town of Fort Mill Farmers Market is a privilege, not a right. The Town of Fort Mill reserves the right to approve or deny any Vendor's participation in the Farmers Market at any time during the market season. Vendors may be approved or denied the opportunity to participate in the Farmers Market for any reason or for no reason at all. Any Vendor's participation may be immediately terminated or suspended, for any reason or for no reason at all.

Vendors who are terminated or suspended from Town of Fort Mill Farmers Market – due to violation of any of the market policies, or for any other reason, or for no reason at all – shall not be entitled to participation in the Farmers Market. The Town of Fort Mill does not guarantee any income for any Vendors at any time and are not responsible for any Vendor's loss of income.

13. Additional Information

The Town of Fort Mill will not be responsible for any loss through theft, or otherwise, of products or any private property while in the Farmers Market area. The Town of Fort Mill will not be responsible for personal injuries or damage to private property.

The Town of Fort Mill reserves the right to amend these policies at any time without prior notice.

14. Additional Informational Websites:

State of SC Sales Tax for Arts & Crafts Vendors:

<https://dor.sc.gov/tax-index/sales-and-use/arts-and-crafts>

General State of SC Sales Tax Information:

<https://dor.sc.gov/tax/registration/general-information>

General State of SC Business Registration & Retail License:

<https://dor.sc.gov/tax-index/registration>

State of SC Mobile Food Vendors Registration and Information:

<https://scdhec.gov/food-safety/retail-food/food-safety-mobile-food-units>

Town of Fort Mill Mobile Food Vendor Packet/Application:

<https://www.fortmillsc.gov/DocumentCenter/View/754/Mobile-Food-Vendor-Application-Packet-PDF?bidId=>