

# LEROY JAMES FARMERS' MARKET

## CONSTITUTION

### ARTICLE I: NAME AND PURPOSE

#### SECTION A

##### NAME

The name of this market shall be the Leroy James Farmers' Market.

#### SECTION B

##### PURPOSE

The purpose of this market is to provide a central location for area vendors of fresh produce, meats, bakery items, plants, seafood and local crafts to sell directly to the general public.

### ARTICLE II: MEMBERSHIP

The membership of this market shall be those vendors who are in good standing and have paid the fees and dues as required by the market rules and procedures. Voting privileges shall be afforded to all members who have been a member for at least one year. Only one vote per membership shall be permitted.

### ARTICLE III: LEADERSHIP

#### SECTION A

##### MANAGER

The manager shall be employed by Pitt County Government.

#### SECTION B

##### POLICY COMMITTEE

This committee shall make decisions concerning the operation of the market based upon the input of the total membership. The county extension director shall be an ex-officio, non-voting member of this committee. This committee shall consist of five members, being three active market farmers and two members at large, to be appointed by the Board of County Commissioners as set forth in the By-laws.

## **ARTICLE IV: MEMBERSHIP MEETINGS**

The membership shall hold a regular business meeting on March 15 or the nearest working day before the opening of the market season. This annual meeting shall be for the purpose of making recommendations to the policy committee regarding market procedures, recommending policy changes to the policy committee, hearing reports of the past year, and caring for special items of business as necessary.

Notice of the regular business meeting shall be posted on the County website, and shall be mailed to all members at least 7 days prior to the meeting. Notice of Special business meetings shall be sent by mail to all members postmarked at least one (1) week before such meeting. The purpose of the special meeting shall be indicated in each notice. Emergency meetings may be called as necessary and noticed in accordance with the law.

Regular meetings of the Policy Committee shall be in accordance with a schedule of regular meetings published on the Pitt County website. Special or emergency meetings of the Policy Committee shall be scheduled in accordance with law.

## **ARTICLE V: AMENDMENTS**

Modification of this Constitution must be approved by the Board of County Commissioners, upon recommendation of the majority of the membership present. Amendments shall become effective upon approval.

## **ARTICLE VI:**

### **SECTION A**

This Constitution shall be published and a copy made available to each member.

### **SECTION B**

At no time shall this Constitution come into conflict with the policies established by the Pitt County Board of Commissioners. If a conflict does arise, the written policies of the Board of Commissioners shall control.

## **BY-LAWS**

### **PITT COUNTY BOARD OF COUNTY COMMISSIONERS**

1. To appoint five members to the policy committee, being three active market farmers and two members at large, taking into consideration any recommendations for appointment made by the full membership.
2. To approve, if necessary, the recommendations as made by the policy committee.

### **MANAGER**

1. The manager of the market shall be the chief administrator of the market. In cooperation with the policy committee and the county extension director, he shall encourage and enforce the policies and procedures of the market as developed by the policy committee.
2. The manager shall be evaluated annually by the county extension director with input provided by the policy committee.

### **POLICY COMMITTEE**

1. The policy committee shall be comprised of five members, being three active market farmers and two members at large. Terms shall be for three years. Members of this committee shall be appointed by the Board of County Commissioners, in accordance with the Pitt County Board Appointment Policy. The full membership may vote by ballot at its annual meeting to recommend the members to be appointed by the Board of County Commissioners. In the event that a vacancy should occur in one of these five positions, a replacement shall be appointed by the Pitt County Board of County Commissioners upon the recommendation of the policy committee to serve out the remainder of said vacant term.

### **FUNCTION OF THE POLICY COMMITTEE**

1. The policy committee shall perform its duties according to the authority granted in these By-Laws or as delegated by the Board of County Commissioners.
2. The policy committee is charged by the Board of County Commissioners with the duty of

recommending to the Board of County Commissioners the operating procedures of the market. The committee will review the general policies and procedures as recommended by the membership as set forth in the Constitution, By-Laws and other standing rules and procedures. The actions of the policy committee are at all times subject to review by the Board of County Commissioners and may be overruled by that Board if deemed necessary for the efficient operation of the market.

3. The specific functions of the policy committee are:
  - a. to approve the rules and procedures of the market;
  - b. to receive, consider and regularly act upon reports from vendors, the public, and the market manager;
  - c. to consider and establish policy in harmony with general rules and procedures;
  - d. to recommend an annual budget to the Board of County Commissioners;
  - e. to determine and announce the opening and closing dates of the market;
  - f. to arrange and give notice of all meetings;
  - g. to hold special meetings as needed on request of the manager or the county extension director or six or more active vendors;
  - h. to determine a quorum of the vendors. A “quorum” shall consist of one more than one-half of the number of members in good standing. A quorum is necessary to conduct any business;
  - i. to conduct all business meetings using Robert’s Rules of Order, as modified for small boards;
  - j. to determine eligibility of vendors based on adherence to the market rules. Rule violations shall result in revocation of privileges;
  - k. to ensure that the quality of products at the market is acceptable for consumer demand, the policy committee shall monitor products for sale at the market. Vendors may be disqualified from selling at the market upon three official notifications of the unacceptable products.

## **QUALIFICATIONS AND RESPONSIBILITIES OF VENDORS**

1. To adhere to the rules and procedures and code of ethics of the market.
2. To produce a majority of products within eastern North Carolina.
3. Members in good standing shall be eligible for voting privileges after at least one (1) year of membership in the market.
4. Each vendor shall be responsible for keeping his or her selling area clean and neat.
5. Vendors must not misrepresent any product as to quality, price, origin, variety or amount. Vendors are expected to stand behind the sale of their product.
6. A member in “good standing” is defined as a vendor who has paid current dues and fees and has not had selling privileges revoked.
7. Each vendor is responsible for any and all taxes, insurance, adherence to all local, state and federal laws, rules and regulations, including all laws, rules and regulations regarding food safety. A certificate of liability insurance and workers’ compensation coverage, if required by law, shall be provided by the vendor to the Manager upon request.

## **MARKET RULES AND PROCEDURES**

1. Operation of the Leroy James Farmers’ Market will be the joint responsibility of the Pitt County Cooperative Extension Service, manager, and the policy committee.
2. The dates of the selling season, days, and hours of operation of the market shall be set by the county extension director representative, the manager, and the policy committee and updated as need.
3. Each vendor acknowledges that as an independent contractor, he or she is responsible for his or her own actions, and that Pitt County, its agents, and/or employees are in no way responsible for his or her acts or omissions. Further, each vendor agrees to sign a release and waiver releasing Pitt County and Cooperative Extension, their employees and agents, from any liability, whatsoever, arising from the use of the Farmers’ Market space. This release includes but is not limited to adulterated food, damage to food or property, stolen items, and any third party claims.
4. The County of Pitt provides no warranty either expressed or implied on any product or commodity sold.

5. Meetings of the Farmer's Market vendors may be called as specified by the constitution and by-laws.
6. No alcoholic beverages will be permitted on the market premises, except that vendors may sell sealed containers of wine made from local fruits. No profanity, abusive language, disruptive or loud noise (tape units, radios), or consumption of alcohol is permitted.
7. No flea market items will be allowed within the facility or grounds while it is in operation. Use of the market for other functions shall be based upon the discretion of the Pitt County Board of Commissioners.
8. An annual membership fee of \$50.00 must be paid by each vendor before selling is permitted. An additional rental fee of \$5.00 per week is assessed for each space. Additionally, if a vendor utilizes refrigerator or freezer equipment on site, an additional annual fee of \$50 shall be assessed.
9. Booths must be emptied of products at the end of each market week. Market tables and limited shelving or racks may remain.
10. Booths are assigned by the farmers' market manager. Each vendor may rent one booth. If a second booth is desired, the vendor will check with the market manager. If a booth is available, the vendor may rent a second booth by paying the weekly fee.
11. Vendors shall be present at the market by 8:00 a.m. for the daily sale. If not, the vendor shall notify the manager prior to 8:00 a.m. Failure to do so will result in the loss of booth space and constitute a violation of these rules. Vendors should vacate by 10 minutes after closing.
12. If a vendor elects not to sell during the week but intends to sell on Saturdays, he/she should contact the manager. The manager should be called prior to the close of the Thursday sales day.
13. A space of fifteen inches shall be left on each side of each booth (inside of the market area), to allow customers to walk between each booth for better viewing of products.
14. No dogs or animals will be allowed in the market building, *except for service dogs*.
15. Washing of vegetables will not be allowed in the building.
16. No vendor is to approach customers while they are at the location of another vendor. No loud calling out of prices or hawking is permitted for customers.
17. Thermostats will be controlled by the market manager. Other electrical devices will be permitted only upon consent of the market manager.

18. Children are welcomed but must be supervised and not allow to interfere with customers and/or vendors within the market.
19. No vendor shall deface or alter the market building or grounds (inside or outside). Any additions must be approved by the market manager.
20. A vendor can have up to 3 signs (6 feet square each) – one for name and two for prices. Other signs can be used as long as they face the front or the back of the vendor booth, and they do not get in the view of products. All existing signs as of 3/15/16 are grandfathered in. Displays in booths cannot be higher than 6 feet on each side.
21. No persons or corporations shall sell any goods at the Farmers' Market, its parking area or grounds without an approved application.
22. The Leroy James Farmers Market defines arts/crafts as the product of a home or cottage type industry. The item must show evidence of manual skills obtainable only through a significant period of experience and dedication. 90% of each item must be designed by and handmade by the vendor.  
Examples of unacceptable items would be, but not limited to, tracings of paint by number, ceramics or pottery from commercial molds, wood carvings using duplicating machines, kits in any form, and any other items that do not reflect originality of design.
23. Criteria for accepting new art/craft are:
  - i. Whether the art/craft is a product of a home or cottage type industry
  - ii. Whether the art/craft is the product of manual skills
  - iii. The level of experience and dedication necessary to create the art/craft
  - iv. Whether the art/craft is designed and hand made by the vendor
  - v. Originality of design
  - vi. Whether the art/craft is created from a kit, commercial mold, or duplicating machine
  - vii. Quality and workmanship
  - viii. Materials used
24. The process for new art/craft to join the market is:

A potential vendor will send application and pictures of the art/craft and of the vendor doing the art/craft to the market manager. The manager will

forward to the Advisory Committee for a decision. The art/craft vendor will be notified by email of the results after the Advisory Committee has made a decision. Denials may be appealed to the Cooperative Extension Director for final decision.

25. The balance of art/craft vendors to farmers and food will be:  
During the spring/summer, crafters/artisans will be limited to 30% of vendors. During the Fall/Winter, the ratio will be relaxed to accommodate more crafters/artisans. However, priority will be given to farmers and vendors with local food.
  
26. Market Members classified as farmers may sell crafts. These arts/crafts must meet all guidelines contained herein. If more that 50% of a vendor's average booth sales or product display over the course of the season is of craft/art items, the vendor is considered a craft vendor.

## **AMENDMENTS**

Modification of these By-Laws must be approved by the Board of County Commissioners, upon recommendation of the membership. These By-Laws shall be published and a copy made available to each member in good standing of the market.

The Constitution and By-Laws were approved by the Board of Commissioners on May 3, 1999, and amended on the 19 day of April 2021.