

North Asheville Tailgate Market Association Memorandum of Understanding - 2006

The North Asheville Tailgate Market (Market) is a voluntary association of independent businesses which sells vegetables, fruits, herbs, flowers, jams, jellies, honey and certain other related items to the public on a site that is available with the permission of the site owner.

All participants must reside and produce their products in Buncombe or adjoining counties.

The Market is a “producer only” market. Resale of farm or garden products is not permitted.

Each participant is an independent business and is responsible for complying with all local, state, and federal laws and with other requirements related to their business and the products that they offer for sale at the Market. These laws and requirements include but are not limited to requirements related to taxes, food safety, and public safety. Specific requirements exist for all food products other than fresh produce in its natural state. These products include items such as: meat, poultry, live animals, game, prepared foods, acid foods, acidified foods, cold-filled products (such as dressings and condiments), dried products, fruit preserves, baked goods (such as breads, cakes and pies), specialty preserves such as low sugar fruit preserves or vegetable preserves, refrigerated or frozen prepared foods (such as salsa, pesto, or applesauce), juices or ciders, honey, dairy, cheese, fish, and seafood. The Appalachian Sustainable Agriculture Project (828) 236-1282 has information which may assist in determining which regulations apply to each of these types of processed foods and which organization administers those rules (Farmers’ Market Toolkit for Western North Carolina, pg.47-59.) Subject to copy availability, the Market manager(s) will provide copies of these pages upon request. Each participant is responsible for obtaining and having documentation of all needed permits and licenses before offering for sale at the Market any of the products listed above. Documentation must be available for inspection by regulatory authorities, customers, or the Market manager(s) upon request.

Product quality, price, and all needed licenses and permits are the sole responsibility of each independent seller.

Each seller is responsible for keeping clean both their space and the market area in general.

The market operates under the guidance of a manager or co-managers who are elected by participants at a meeting of the Market participants. The manager(s) may delegate manager responsibilities to other participants.

Each participant will pay an annual fee to cover the cost of mailings, telephone calls, signs, insurance, and other such items that may be proposed by the manager(s) and approved by the other participants. Participants at a Market meeting determine the amount of the fee.

Because of the limited space available, the manager(s) will assign spaces to permanent participants and will decide if temporary vendors are allowed to sell at the Market.

The manager(s) or a representative may monitor ethical practices at the Market.

The Market will operate on Saturday mornings from mid-April to mid-December.

Participants agree to hold harmless the North Asheville Tailgate Market Association, its agents, other participants, and the property owner from any claims made by any person or organization related to food quality, compliance with laws and regulations, public safety, public health, or any other matter.

The Association has purchased insurance intended to protect the Market association related to activities at the market. Protection related to product liability is the sole responsibility of each participant.

I have read, understand and agree to abide by this memorandum of understanding.

Signature

Date