

CHAPTER 43 - MARKETS

SUBCHAPTER 43A - STRUCTURE AND POLICY

02 NCAC 43A .0101 ORGANIZATION

History Note: Authority G.S. 106-185; 106-186; 106-187; 106-195;
Eff. August 1, 1982;
Repealed Eff. October 1, 1987.

02 NCAC 43A .0102 POLICY REGARDING SERVICES

All services are rendered by the Markets Division as expeditiously as possible in light of constraints on time, personnel and other resources. No request is refused if it is within the means of the Division to handle it.

History Note: Authority G.S. 106-185; 106-186; 106-187; 106-195;
Eff. August 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

SUBCHAPTER 43B - MARKET NEWS SECTION

02 NCAC 43B .0101 PURPOSE

The Market News Section shall accurately collect, analyze, summarize and disseminate market information (prices, supply, demand, conditions) on all major agricultural commodities in North Carolina.

History Note: Authority G.S. 106-187; 106-195;
Eff. August 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43B .0102 SOURCES OF INFORMATION

The Market News Section shall determine which sources of information it will seek and rely on to provide what the service determines to be adequate and factual information on the basis of prescribed reporting procedures. Toward this end, the following criteria will be used:

- (1) No sources of market information will be sought, recognized or used in the market reports from any person or firm that cannot report prices based on official grades for the commodities handled. (Existing sources not meeting this requirement will be dropped as soon as this is deemed advisable.)
- (2) No sources of market information will be sought, recognized or used in the market reports from any person or firm when justifiable reasons are known to question the accuracy of the information provided. (Should such reasons become known relative to existing sources of official market information, these sources will be excluded immediately.)
- (3) No sources of market information will be sought, used or recognized in the market reports that would be inconsistent with cooperative agreements existing between the North Carolina and United States Departments of Agriculture or that would prevent new agreements from being made between the two agencies.
- (4) Other factors that will be evaluated and considered in determining whether or not a sale will be reported are number of head being sold, location, and production in the region:
 - (a) In general, a sale will not be covered that does not average 500 head of cattle or 500 head of hogs per sale; however, for coverage to be provided throughout the state, it may be necessary to cover some sales with less numbers.
 - (b) For prices to be most meaningful for farmers, regional coverage is needed. As resources are available, coverage will be extended to all regions of the state with emphasis on number of animals in those areas. The distance between sales covered will generally be 60 miles for those

sales being considered for future coverage; however, population of animals in a region could alter the distances between sales to be covered.

*History Note: Authority G.S. 106-187; 106-195;
Eff. August 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

SUBCHAPTER 43C - INSPECTION OF FARM: HORTICULTURAL CROPS AND ANIMAL PRODUCTS

SECTION .0100 - INSPECTION OF FARM: HORTICULTURAL CROPS AND ANIMAL PRODUCTS

02 NCAC 43C .0101 DEFINITIONS

- (a) Definitions referred to in this Subchapter shall be in effect throughout 02 NCAC 43C.
- (b) Words used in the following regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand:
- (1) "Person" means individuals, associations, partnerships or corporations.
 - (2) "Commissioner of Agriculture" means the Commissioner of Agriculture or his employees or agents.
 - (3) "Official Graders or Inspectors" means employees of the Department of Agriculture or other persons authorized by the Commissioner of Agriculture to investigate and certify to shippers and other interested parties, the class, quality or condition of farm, horticultural crops and animal products under the act.
 - (4) "Office of Grading and Inspection" means the office of an official grader authorized to grade farm, horticultural crops and animal products under the act.
 - (5) "Inspection Certificate" means a certificate showing the grade, class, quality and condition of the products by an official inspector under the act.
 - (6) "Regulations" are the rules and regulations of the Board of Agriculture under the act, G.S. 106, Article 17.

*History Note: Authority G.S. 106-190; 106-195;
Eff. August 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43C .0102 WHERE SERVICE IS OFFERED

- (a) Inspection may be made wherever products are offered for shipment or sale, including fields, orchards, packing houses, common and cold storage warehouses, loading platforms and railway and express cars, dressing plants and hatcheries.
- (b) The inspection service may be established at such points as the commissioner or his agents may decide and the service be made available on such commodities and to such persons as is deemed advisable.

*History Note: Authority G.S. 106-190; 106-195;
Eff. August 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43C .0103 APPLICATION FOR INSPECTION

- (a) An application for inspection under the act may be made by any person having financial interest in the products involved, including the grower, shipper, receiver, or the carrier, or by authorized person in behalf of such applicant.
- (b) Such application may be filed at the office of inspection or with any authorized inspector at or nearest the point where inspection is desired.
- (c) Applications may also be made to:
- Division of Markets
North Carolina Department of Agriculture
Raleigh, North Carolina 27611

- (d) Such application may be received in writing or orally, by telegraph, telephone or otherwise. The inspector in charge of any office may require that the application be made in writing and upon such forms as may be furnished from his office.
- (e) Inspections may be rejected when in the opinion of the inspector the applicant had failed to make proper application or time does not permit it. In such case, the inspector shall immediately notify the applicant.

*History Note: Authority G.S. 106-190; 106-195;
Eff. August 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43C .0104 INSPECTION

- (a) The applicant shall cause the product of which inspection is requested to be made accessible for inspection and to be so placed as to disclose its quality and condition.
- (b) As many inspections shall be made as facilities permit and as far as practicable in the order in which applications are received.
- (c) No inspector shall inspect any products in which he is directly or indirectly financially interested.
- (d) The inspector may issue and transmit to the shipper of such products and other parties interested therein certificates or copies thereof showing the results of such investigations or such reports as he may deem necessary.

*History Note: Authority G.S. 106-190; 106-195;
Eff. August 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43C .0105 INSPECTION CERTIFICATES

- (a) The inspector shall sign and issue a separate certificate for each lot of produce inspected by him. In case two or more lots are loaded together, one certificate may be used; provided, that in case of inspection for any branch of the federal government or for a public institution such lots may be marked by proper stamps to denote quality that conforms to the contract specifications.
- (b) The original certificate shall immediately upon its issuance be delivered or mailed to the applicant or a person designated by him. Two additional copies may be furnished without extra cost.
- (c) Notifications of inspections made shall be mailed or delivered to all parties who are entitled to such information, provided the address of such parties is known.
- (d) In case of cooperative agreements between the state and federal authorities, one copy of each certificate shall be filed with the United States Department of Agriculture, Washington, D.C. and the North Carolina Department of Agriculture, Division of Markets, Raleigh, North Carolina.
- (e) Extra copies may be secured by any financially interested persons upon payment of fee determined by the Commissioner of Agriculture. In case of small lots, temporary certificates may be furnished the applicant and copies filed with the local inspection office and later be forwarded to the Raleigh office.
- (f) Requests for extra copies should be directed to:
Commissioner of Agriculture
North Carolina Department of Agriculture
Post Office Box 27647
Raleigh, North Carolina 27611
- (g) When approved by the Commissioner of Agriculture or his agents, certificates of grade, quality or class of farm, horticultural crops and animal products that have previously been graded may be issued on such forms as may be approved.
- (h) Authority to issue certificates of quality shall be given only to applicants for grading or to vendors of products previously graded who have made written application for the privilege and have declared their intentions and willingness to conform to these instructions, and furnish these certificates and keep records of the same and furnish information regarding their use as may be required by the Commissioner of Agriculture.
- (i) Certificates of quality and marked grades may be used only on quality products which have been previously officially graded and solely for such purposes as may be considered proper, ethical and legal in merchandising graded products.
- (j) The privilege or authority to use authorized certificates of quality, labels, seals or stamps of an official grader may be withdrawn for disuse, unethical, deceptive, fraudulent, illegal or unauthorized use.

History Note: Authority G.S. 106-190; 106-192; 106-195;
Eff. August 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43C .0106 PAYMENT OF FEES

- (a) When payment of fees is not made as directed, additional grading service may be refused until the applicant remits payment for all outstanding bills due the Department of Agriculture for grading services rendered. This fee may be collected in advance if deemed advisable by the inspector.
- (b) Fees for inspection made shall be promptly remitted to the Department of Agriculture.
- (c) Such charges may be made for traveling expenses and other items in connection with an inspection made at a place where no inspector is located as will reimburse the department.
- (d) Additional copies of a single certificate may be had by any person financially interested in the product for two dollars and twenty-five cents (\$2.25) each.

History Note: Authority G.S. 106-190; 106-195;
Eff. August 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43C .0107 FRAUD

Any willful misrepresentation or any deceptive or fraudulent practice made or committed by any person in connection with the making or filing of an application, the use of a grading certificate or a certificate of quality issued under these Regulations; or the use of an official grading stamp, tag, seal, or approved label or any willful violation of these Regulations, or of the supplementary rules and instructions issued by the Board of Agriculture may be deemed sufficient cause for debarring such person from any benefits of G.S. 106, Article 17.

History Note: Authority G.S. 106-185; 106-189; 106-190; 106-195;
Eff. August 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43C .0108 MISUSE OF OFFICIAL SEALS: BRANDS: TAGS: ETC.

It shall be the duty of every official inspector of products to report each and every misuse of official seals, brands, tags, etc., which might be considered improper or would tend to approximate those used under these official rules.

History Note: Authority G.S. 106-186; 106-190; 106-193; 106-194; 106-195;
Eff. August 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

SUBCHAPTER 43D - STANDARDS AND FEES

02 NCAC 43D .0101 GRAIN

The Board of Agriculture hereby incorporates by reference, including the subsequent amendments and editions of the referenced materials:

- (1) The United States Grain Standards Act codified in 7 U.S. Code 1621 et. seq. except parts 79(a) and 79(b);
- (2) 7 C.F.R. 800.115 through 7 C.F.R 800.119 (original inspections);
- (3) 7 C.F.R. 800.125 through 7 C.F.R. 800.131 (reinspection);
- (4) 7 C.F.R. 800.135 through 7 C.F.R. 800.140 (appeals);
- (5) 7 C.F.R. 800.145 through 7 C.F.R. 800.155 (records);
- (6) 7 C.F.R. 800.70 through 7 C.F.R. 800.73 (fees);

- (7) Federal Grain Inspection Service Document 12-36-A-4001, published by the United States Department of Agriculture;
- (8) 7 C.F.R. 800.170 through 7 C.F.R. 800.180 (licenses);
- (9) 7 C.F.R. 800.185 through 7 C.F.R. 800.189 (duties of licensed personnel);
- (10) 7 C.F.R. 800.195 through 7 C.F.R. 800.208 (contracts).

Copies of the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, Washington, DC 20402, at a cost determined by that office.

*History Note: Authority G.S. 106-188; 106-190; 106-195;
Eff. August 1, 1982;
Amended Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43D .0102 FRESH FRUITS AND VEGETABLES

(a) The Board of Agriculture hereby incorporates by reference, including subsequent amendments and editions of the referenced materials, 7 C.F.R. 51.

(b) Copies of the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, Washington, DC 20402, at a cost determined by that office.

*History Note: Authority G.S. 106-188; 106-190; 106-195;
Eff. August 1, 1982;
Amended Eff. December 1, 1991; April 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43D .0103 POULTRY AND EGGS

The Board of Agriculture hereby incorporates by reference, including the subsequent amendments and editions of the referenced materials:

- (1) 7 C.F.R. Parts 55, 56, 59 and 70, relating to eggs and poultry products;
- (2) The following standards of the United States Department of Agriculture:
 - (a) "General Index",
 - (b) "Egg Grader's Index",
 - (c) "Poultry Grader's Index".

Copies of the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, Washington, DC 20402, at a cost determined by that office.

*History Note: Authority G.S. 106-188; 106-190; 106-195;
Eff. August 1, 1982;
Amended Eff. December 1, 1991; April 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43D .0104 LIVESTOCK

Fees for grading livestock are thirty cents (30 cents) per head, with one hundred fifty dollars (\$150.00) minimum per herd.

*History Note: Authority G.S. 106-185; 106-188; 106-189; 106-190; 106-195;
Eff. August 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43D .0105 FEE ASSESSMENT

(a) All fees established in these Rules shall be maximum fees. Every effort is made to adjust fees downward if economic and agricultural conditions will permit such an adjustment.

(b) Notification to all concerned parties shall be made immediately upon adjustment of fees.

*History Note: Authority G.S. 106-185; 106-188; 106-189; 106-190; 106-195;
Eff. August 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43D .0106 MEATS AND MEAT PRODUCTS

Pursuant to G.S. 150B-14(c), the Board of Agriculture hereby adopts by reference 7 C.F.R. Part 54 - Meats, Prepared Meats and Meat Products.

*History Note: Authority G.S. 106-188; 106-190; 106-195;
Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

SUBCHAPTER 43E - UNFAIR PRACTICES OF HANDLERS OF FRUITS AND VEGETABLES

02 NCAC 43E .0101 HANDLERS ON CASH BASIS

*History Note: Authority G.S. 106-496; 106-497; 106-500(3);
Eff. August 1, 1982;
Repealed Eff. January 1, 1985.*

02 NCAC 43E .0102 HANDLERS-PERMITS

(a) The applicant for a permit shall furnish to the Commissioner of Agriculture the following information:

- (1) place of business;
- (2) ownership of business;
- (3) date business was organized;
- (4) three references as to financial responsibility;
- (5) three references as to general reputation;
- (6) three producers with whom the handler has had business dealings within the past three years, and he may require that a certified financial statement showing assets and liabilities be furnished together with such additional information as may be necessary to determine the applicant's ability to carry out his contract.

(b) Each handler shall notify the Commissioner of Agriculture in writing the location of receiving stations to be operated by the handler at least 30 days prior to receipt of deliveries at such stations; and shall report the acreage of each commodity he has under contract at each station prior to the opening of his first receiving station at the beginning of season.

*History Note: Authority G.S. 106-496; 106-497; 106-498; 106-499; 106-500;
Eff. August 1, 1982;
Amended Eff. January 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43E .0103 PROVISIONS TO BE COVERED IN ALL CONTRACTS

The following provisions must be covered in all fruit and vegetable contracts:

- (1) Product. The kind of product and variety or type shall be specified in the contract.
- (2) Delivery. The opening and closing dates, the days of week, and hours of day for deliveries by producers shall be specified in the contract.
- (3) Quantity. Any limitations as to quantity handler will accept shall be specified in the contract. Unless limitations are set forth in the contract, it shall be the responsibility of the handler to accept all produce meeting the terms of the contract during the specified period stated in the contract.
- (4) Containers. The contract shall specify the kind of containers to be used for deliveries and who shall furnish such containers. If deliveries are to be made in bulk, state bulk delivery.

- (5) Size of Commodities. The contract shall specify any limitation as to minimum and maximum diameter or length of commodities to be received by the handler, and any limitations as to the percentages of sizes under or over the specified sizes.
- (6) Quality and Condition. These factors shall be clearly defined. If official United States Standards are used as the quality and condition basis the contract shall so specify. If United States Standards are not used, the contract shall define the meaning of the quality and condition terms used. The contract shall specify any limitations as to percentage of defects a lot may contain before considered cause for rejection.
- (7) Insecticides and Pesticides. When handlers specify the use of insecticides and pesticides the contract shall state that such shall comply with the requirement of the United States Environmental Protection Agency, Pesticide Regulation Division and the United States Pure Food, Drug and Cosmetic Act.
- (8) Statement or Terms. Statements or terms used in contracts shall be clear. Such vague terms as "satisfactory stock" or "cull material", etc., shall not be used unless defined.
- (9) Time of Payment. The time of payment for deliveries shall be definitely fixed and specified in the contract.
- (10) The time of payment for the products to be set at a date within 30 days from date of harvest.
- (11) Provisions to show the price to be paid for the product.
- (12) Provisions to show that the final acceptance of all products by the handler, will be in North Carolina.
- (13) Provisions to show who, by what method and at whose cost products will be harvested and delivered.
- (14) Provisions to release either party from the contract for reasons due to an act of God or any similar circumstances beyond their control.
- (15) No statement will be used in any contract that conflicts with the required provisions.

History Note: Authority G.S. 106-496; 106-497; 106-498; 106-499; 106-500(3);
 Eff. August 1, 1982;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43E .0104 APPLICATION FOR PERMITS

- (a) The application for a permit as a handler of fruits and vegetables, on all spring crops, must be filed in writing with the Commissioner of Agriculture, along with two copies of the applicant's proposed contract, on or before March 1 of each year.
- (b) The application for permit as a handler of fruits and vegetables on all fall crops must be filed in writing with the Commissioner of Agriculture, along with two copies of the applicant's proposed contract on or before July 31 of each year.
- (c) Applications should be sent to:
 Markets Division
 North Carolina Department of Agriculture
 Post Office Box 27647
 Raleigh, North Carolina 27611
- (d) The amount of a handler's bond is set in accordance with the estimated gross value of the product or products contracted.
- (e) The maximum bond will be fifty thousand dollars (\$50,000).
- (f) A new bond may be required or the existing bond may be increased as follows:
 - (1) by 50 percent when payment is not made within the time specified in the contract for the previous year's crop;
 - (2) by 50 percent on the handler's first violation of any term in his contract.

History Note: Authority G.S. 106-496; 106-497; 106-498; 106-500(3);
 Eff. August 1, 1982;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43E .0105 VIOLATIONS-INVESTIGATION

History Note: Authority G.S. 106-496; 106-500;
 Eff. August 1, 1982;
 Repealed Eff. January 1, 1985.

SUBCHAPTER 43F - MARKETING AND BRANDING: APPLES AND PEACHES

SECTION .0100 - DEFINITIONS AND STANDARDS

02 NCAC 43F .0101 DEFINITIONS

(a) For the purpose of these Regulations reference is made, unless otherwise specified to Chapter 106, Articles 17 and 18 of the General Statutes:

- (1) "Regulations" is defined to mean rules and regulations of the Board of Agriculture under this Section.
- (2) "Deception" is defined to mean any of the following:
 - (A) any false representation or misleading statement printed, stamped, labeled, branded or attached to any open or closed receptacle designating the name of product, variety, count, size, quality, condition or grade of the product; or
 - (B) when the face, top layer or exposed portion of the contents of any open or closed container is not representative of remaining portion of the receptacle as to variety, count, size, color, quality, condition or grade.
- (3) "Principal Display Panel" is defined to mean that part of a label, bag, bag insert, or other container that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display for retail sale.
- (4) "Fairly Uniform Size" is defined to mean not more than one-fourth of one inch variation between the diameter of the smallest and the largest apple in the package.
- (5) "Closed Container" is defined to mean any container on which the customary top, lid or other covering has been placed or any other container or wrapping in which apples or peaches are enclosed for use in delivery, display or sale of the commodity.
- (6) "Mature" is defined as follows: Apples shall be deemed mature when the soluble solids of Red Delicious or Delicious are not less than 9.5 and Golden Delicious are not less than 10.5 as determined by use of an NCDA approved standard refractometer calibrated to zero with distilled water; and when the firmness of Red Delicious or Delicious does not exceed 20 pounds and of Golden Delicious does not exceed 19 pounds, as determined by an NCDA approved pressure tester. The tests detailed in this Rule when administered by an approved NCDA official will constitute the final decision of the Department of Agriculture. In case of extreme weather conditions, the Commissioner of Agriculture, upon request of the Board of Directors of the N. C. Apple Growers Association, may adjust the percent soluble solids and pounds of firmness criteria.

(b) Words used in this Section in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

History Note: Authority G.S. 106-185; 106-188; 106-189; 106-195;
Temporary Amendment Eff. August 5, 1985, for a Period of 120 Days to Expire on December 3, 1985;
Eff. August 1, 1982;
Amended Eff. December 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

02 NCAC 43F .0102 ADMINISTRATION

The Commissioner of Agriculture and his agents are charged with the supervision of the performance of all duties rising in the administration of this Section.

History Note: Authority G.S. 106-186; 106-187; 106-195;
Eff. August 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

02 NCAC 43F .0103 STANDARDS FOR RECEPTACLES; LABELING; ETC.

All closed containers in which apples or peaches are packed for sale, exposed for sale, or offered for sale, shall clearly and conspicuously be marked immediately after the containers are closed in accordance with the following regulations:

- (1) The name and address (including zip code) of grower, packer, shipper, or distributor must be shown on the principal display panel.

- (2) The name of the product must be shown on the principal display panel.
- (3) The variety of apples must be shown; however, it may be shown on the principal display panel or on the bag closure. The words "Variety Unknown" may be used in lieu of the variety on containers in which apples are packed that are normally marketed during the summer months and meet the grade U.S. No. 1, Early.
- (4) The variety of peaches must be shown on the principal display panel. The words "Clingstone Peaches," "Semi-clingstone Peaches," or "Freestone Peaches," as applicable, may be used in lieu of variety.
- (5) The net quantity of contents (weight, measure or count) must be shown on the principal display panel in a uniform location, as required by the Federal Fair Packaging and Labeling Act.
- (6) The minimum size must be shown on the principal display panel; however, when fairly uniform size apples or peaches are packed in a container and sold by count, count may be used in lieu of net weight and minimum size markings. However, overwrap packages that contain six or less apples or peaches that are fully visible to the purchaser need not include a statement of count.
- (7) Apple containers must show the applicable U.S. Grade on the principal display panel or be marked "Unclassified," "Not Graded," or "Grade Not Determined." Peach containers are not required to show grade markings; however, when grade is shown, the product must meet that standard.

History Note: Authority G.S. 106-185; 106-188; 106-195;
 Eff. August 1, 1982;
 Amended Eff. July 1, 1998; July 1, 1986; February 1, 1983;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

02 NCAC 43F .0104 INSERTS

Inserts may be used only where the outer wrapper is fully transparent (no printing of any type on the wrapper) and the printed information on the insert can be clearly read through the wrapper.

History Note: Authority G.S. 106-185; 106-188; 106-189; 106-189.1; 106-189.2; 106-195; 106-197;
 Eff. August 1, 1982;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

02 NCAC 43F .0105 SPLIT-LABELING

"Split-Labeling" is not allowed, except for "Variety" which may be shown on the bag closure. All other markings and lettering must be shown on the principal display panel.

History Note: Authority G.S. 106-185; 106-188; 106-189; 106-189.1; 106-189.2; 106-195; 106-197;
 Eff. August 1, 1982;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

02 NCAC 43F .0106 EXEMPTIONS

All gift packages containing four or more different fruits are exempt from marking requirements.

History Note: Authority G.S. 106-185; 106-188; 106-189; 106-189.1; 106-189.2; 106-195; 106-197;
 Eff. August 1, 1982;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

02 NCAC 43F .0107 ENROUTE OR AT DESTINATION TOLERANCES FOR APPLES

A total of 40 percent for apples which fail to meet the requirements of the United States Standards for apples; provided, that included in this amount not more than 10 percent shall be allowed for permanent defects or not more than 10 percent shall be allowed for decay or internal breakdown.

History Note: Authority G.S. 106-185; 106-188; 106-189; 106-189.1; 106-189.2; 106-195; 106-197;
 Eff. August 1, 1982;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

02 NCAC 43F .0108 POSSESSION AND OWNERSHIP OF APPLES AND PEACHES

(a) It shall be unlawful for any person, firm or corporation to possess for purposes of sale any apples or peaches in closed containers which are not marked, branded or labeled according to the regulations adopted by the Board of Agriculture.

(b) All apples and peaches shall be considered the property of the person in whose possession or on whose premises they are found except those in the custody of common carriers, or persons, firms or corporations engaged only to haul apples and peaches or public warehouses where the owner is identified by record.

*History Note: Authority G.S. 106-185; 106-188; 106-189; 106-189.1; 106-189.2; 106-195; 106-197;
Eff. August 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.*

02 NCAC 43F .0109 FRAUDULENT ADVERTISEMENT

Any words, phrases, pictures or other representatives used in advertising the official grades, classifications or variety which misrepresent the product, whether written or oral, are prohibited.

*History Note: Authority G.S. 106-185; 106-188; 106-189; 106-189.1; 106-189.2; 106-195; 106-197;
Eff. August 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.*

02 NCAC 43F .0110 CUCUMBERS SIZE STANDARDS

There are hereby established three cucumber size standards which shall be used when cucumbers are offered for sale or bought according to size and there shall be no other size standard used. The "Number One" size standard shall be any cucumber one and one-sixteenth inches in diameter or less, regardless of length. The "Number Two" size standard shall be any cucumber over one and one-sixteenth inches in diameter, but not over one and one-half inches in diameter, regardless of length. The "Number Three" size standard shall be any cucumber over one and one-half inches in diameter, but not over two inches in diameter, regardless of length.

*History Note: Authority G.S. 106-185; 106-188; 106-189; 106-195;
Eff. May 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.*

02 NCAC 43F .0111 THE STANDARD OF MEASURE

Any person, firm or corporation who buys or sells cucumbers according to size shall provide ways and means of separating cucumbers into one or more of the standard sizes hereby established. However, said ways and means may provide for further separation within the range of any one of the standard sizes hereby established, provided that all cucumbers within the range of a standard size shall constitute and be considered a part of the standard size from which it was separated.

*History Note: Authority G.S. 106-185; 106-188; 106-189; 106-195;
Eff. May 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.*

SUBCHAPTER 43G - AGRICULTURAL FAIRS

02 NCAC 43G .0101 CLASSIFICATION OF FAIRS

Fairs shall be classified in two categories and shall be known as:

- (1) non-commercial community fairs; or
- (2) commercial agricultural fairs.

A non-commercial community fair is one at which no admission fee is charged and which is not operated for profit but is operated by a bona fide non-profit organization and at which no traveling shows, rides or games are conducted. All fairs which do not come within this definition are classified as commercial agricultural fairs.

History Note: Authority G.S. 106-520.1;

Eff. August 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43G .0102 COMMERCIAL AGRICULTURAL FAIRS REGULATED

All commercial agricultural fairs shall comply with the requirements set forth in this Section, but this Section shall not apply to non-commercial community fairs.

History Note: Authority G.S. 106-520.3;
Eff. August 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43G .0103 MINIMUM EXHIBITS

(a) All commercial agricultural fairs shall be required to have the following minimum entries, but this shall not be construed as a limitation on the number of the entries which such fairs may have:

- (1) three 4-H clubs, or Future Farmers (FFA) or Future Homemakers (FHA) of America, or other high school or college vocational displays;
- (2) three extension homemaker, or commodity group, or farm organization, or individual displays;
- (3) three displays of community, or educational or industrial, or civic, or volunteer group activities;
- (4) five items of farm, lawn, or garden machinery or equipment (new or antique) on display;
- (5) fifteen entries of field crops such as tobacco, corn, soybeans, peanuts, wheat, hay (or ensilage), cotton, sorghum, oats, barley, rye, etc.;
- (6) twenty entries of horticultural crops such as apples, peaches, pears, grapes, sweet potatoes, Irish potatoes, cucumbers, peppers, tomatoes, peas, beans, squash, okra, pumpkins, melons, tree nuts, etc.;
- (7) twenty entries of food conservation such as canned fruits, vegetables, pickles, jams, jellies, preserves, juices, etc.;
- (8) ten entries of baked goods such as cakes, pies, breads, cookies, candies, etc.;
- (9) twenty entries of handicrafts such as needlepointed, crocheted, knitted, crosstitched, or embroidered, etc.;
- (10) ten entries of clothing in women's, men's, youth, and infant apparel, etc.;
- (11) twenty entries in arts, crafts, photography, or hobbies, etc.;
- (12) ten entries of flowers, such as singles, arrangements, potted plants, hanging baskets or dried flowers; and
- (13) ten entries of live animals such as dairy cattle, beef cattle, swine, goats, sheep, horses, mules, poultry, rabbits, or wildlife.

(b) There shall be provided adequate facilities for housing the exhibits, eating places, drinking fountains and rest rooms, and these facilities shall meet health standards imposed by the State of North Carolina.

(c) There shall be a minimum of 50 exhibitors, but each exhibitor shall be eligible to enter as many categories as desired. The number of exhibits shall be at least 150 in agricultural or related classes.

History Note: Authority G.S. 106-520.3;
Eff. August 1, 1982;
Amended Eff. July 1, 1983; May 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43G .0104 PREMIUMS

History Note: Authority G.S. 106-520.3;
Eff. August 1, 1982;
Amended Eff. May 1, 1983;
Expired Eff. October 1, 2017 pursuant to G.S. 150B-21.3A.

02 NCAC 43G .0105 REPORTS

Each organization holding a fair shall furnish such financial statements and such other reports as the Commissioner of Agriculture deems necessary and on such forms as the Commissioner of Agriculture may furnish, not later than 90 days after

the closing of the fair. Reports may be furnished later than 90 days after the closing of the fair upon written permission by the Commissioner of Agriculture or his authorized agent.

History Note: Authority G.S. 106-520.5;
Eff. August 1, 1982;
Amended Eff. May 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43G .0106 INSPECTION

The Commissioner of Agriculture or his agents shall have access to the premises upon which any fair is held and shall have the right to inspect all records of such fairs.

History Note: Authority G.S. 106-520.3;
Eff. August 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

SUBCHAPTER 43H - MARKETING OF SHELL EGGS

SECTION .0100 - DEFINITIONS AND STANDARDS (TRANSFERRED TO 02 NCAC 090 .0101-.0107)

- 02 NCAC 43H .0101 DEFINITIONS (TRANSFERRED TO 02 NCAC 090 .0101)**
- 02 NCAC 43H .0102 LOOSE EGG DISPLAYS (TRANSFERRED TO 02 NCAC 090 .0102)**
- 02 NCAC 43H .0103 STANDARDS FOR SHELL EGGS (TRANSFERRED TO 02 NCAC 090 .0103)**
- 02 NCAC 43H .0104 SANITATION AND MATERIALS (TRANSFERRED TO 02 NCAC 090 .0104)**
- 02 NCAC 43H .0105 SALE OF INEDIBLE OR LOSS EGGS TO CONSUMER PROHIBITED (TRANSFERRED TO 02 NCAC 090 .0105)**
- 02 NCAC 43H .0106 DETERMINING GRADES (TRANSFERRED TO 02 NCAC 090 .0106)**
- 02 NCAC 43H .0107 SPECIAL REQUIREMENTS (TRANSFERRED TO 02 NCAC 090 .0107)**

SUBCHAPTER 43I - WESTERN N.C. FARMERS' MARKET

SECTION .0100 - ORGANIZATIONAL RULES

- 02 NCAC 43I .0101 FORMAL NAME**
- 02 NCAC 43I .0102 LOCATION**
- 02 NCAC 43I .0103 OPERATION**
- 02 NCAC 43I .0104 PURPOSES OF THE MARKET**
- 02 NCAC 43I .0105 ORGANIZATION**

History Note: Authority G.S. 106-530;
Eff. July 26, 1977;
Repealed Eff. January 1, 1985.

SECTION .0200 - AUTHORITY: DUTIES AND RESPONSIBILITY OF MANAGER

02 NCAC 43I .0201 SUPERVISION OF PERSONNEL
02 NCAC 43I .0202 FUTURE DEVELOPMENT
02 NCAC 43I .0203 COLLECTIONS
02 NCAC 43I .0204 CREATION OF RULES

History Note: Authority G.S. 106-530;
Eff. July 26, 1977;
Repealed Eff. January 1, 1985.

SECTION .0300 - FEES: CHARGES AND RENTALS

02 NCAC 43I .0301 RETAIL BUILDING
02 NCAC 43I .0302 TRUCKERS SHED
02 NCAC 43I .0303 SPACE AVAILABILITY
02 NCAC 43I .0304 SPACE LIMITATIONS
02 NCAC 43I .0305 TRUCK-RENT BASIS

History Note: Authority G.S. 106-530;
Eff. July 26, 1977;
Repealed Eff. June 1, 1982.

02 NCAC 43I .0306 BASE PRICES
02 NCAC 43I .0307 RETAIL BUILDINGS
02 NCAC 43I .0308 GATE FEES
02 NCAC 43I .0309 FARMERS AND TRUCKERS SHEDS
02 NCAC 43I .0310 MISCELLANEOUS FEES
02 NCAC 43I .0311 YEARLY DELIVERY PERMIT
02 NCAC 43I .0312 SPACE AVAILABILITY
02 NCAC 43I .0313 SPACE LIMITATIONS
02 NCAC 43I .0314 TRUCK-RENT BASIS

History Note: Authority G.S. 106-530(2)(3)(4);
Eff. June 1, 1982;
Repealed Eff. January 1, 1985.

SECTION .0400 - OPERATIONS

02 NCAC 43I .0401 GENERAL CONTROL
02 NCAC 43I .0402 REQUIRED FEES
02 NCAC 43I .0403 DENIAL
02 NCAC 43I .0404 REMOVAL
02 NCAC 43I .0405 DAMAGE TO PROPERTY
02 NCAC 43I .0406 PROFANE LANGUAGE
02 NCAC 43I .0407 GAMBLING
02 NCAC 43I .0408 EMPLOYEES
02 NCAC 43I .0409 PUBLIC OUTCRY
02 NCAC 43I .0410 CHURCHES
02 NCAC 43I .0411 ADVERTISING
02 NCAC 43I .0412 SANITATION
02 NCAC 43I .0413 ABANDONMENT
02 NCAC 43I .0414 HOUSEKEEPING
02 NCAC 43I .0415 VEHICLES
02 NCAC 43I .0416 SPEED
02 NCAC 43I .0417 MECHANICAL EQUIPMENT

02 NCAC 43I .0418	PARKING
02 NCAC 43I .0419	UN SOUND PRODUCE
02 NCAC 43I .0420	INSPECTIONS
02 NCAC 43I .0421	PRICE AGREEMENTS
02 NCAC 43I .0422	DECEPTIVE PRACTICES
02 NCAC 43I .0423	INSULTS
02 NCAC 43I .0424	FALSE REPORTS
02 NCAC 43I .0425	TIPS OR GRATUITIES
02 NCAC 43I .0426	FAIR PRACTICES
02 NCAC 43I .0427	PILING
02 NCAC 43I .0428	CULLS
02 NCAC 43I .0429	ABANDONED PRODUCE
02 NCAC 43I .0430	CHILDREN
02 NCAC 43I .0431	PETS
02 NCAC 43I .0432	SALAMANDER STOVES
02 NCAC 43I .0433	HOURS
02 NCAC 43I .0434	PAYMENTS
02 NCAC 43I .0435	DAMAGE TO MARKET PROPERTY
02 NCAC 43I .0436	SUB-LETTING
02 NCAC 43I .0437	REMOVAL OF PROPERTY
02 NCAC 43I .0438	CUSTOMER COMPLAINTS
02 NCAC 43I .0439	FALSE PACK
02 NCAC 43I .0440	ADDITIONAL FACILITIES
02 NCAC 43I .0441	SIGNS AND PRICE TAGS
02 NCAC 43I .0442	VACATING SPACE
02 NCAC 43I .0443	DESIGNATING REPRESENTATIVE
02 NCAC 43I .0444	HOLDING SPACE
02 NCAC 43I .0445	STATIONARY VEHICLES
02 NCAC 43I .0446	ELECTRICITY
02 NCAC 43I .0447	PRODUCE QUALITY

History Note: Authority G.S. 106-530;
Eff. July 26, 1977;
Repealed Eff. January 1, 1985.

02 NCAC 43I .0448 VIOLATION

History Note: Authority G.S. 106-530;
Eff. July 26, 1977;
Repealed Eff. November 1, 1982.

02 NCAC 43I .0449 REGULATORY ENFORCEMENT

History Note: Authority G.S. 106-530(2)(9)(10);
Eff. November 1, 1982;
Repealed Eff. January 1, 1985.

**SUBCHAPTER 43J - WESTERN NORTH CAROLINA HORSE AND LIVESTOCK FACILITY FEE
SCHEDULE**

02 NCAC 43J .0101	HORSE FACILITY
02 NCAC 43J .0102	LIVESTOCK FACILITY

History Note: Authority G.S. 106-530(4)(10);
Eff. November 1, 1982;
Amended Eff. February 1, 1983;
Repealed Eff. January 1, 1985.

SUBCHAPTER 43K - CHARLOTTE FARMERS MARKET

SECTION .0100 - AUTHORITY: DUTIES AND RESPONSIBILITY OF MANAGER

02 NCAC 43K .0101 SUPERVISION OF PERSONNEL
02 NCAC 43K .0102 FUTURE DEVELOPMENT
02 NCAC 43K .0103 COLLECTIONS
02 NCAC 43K .0104 CREATION OF RULES

History Note: Authority G.S. 106-530;
Eff. August 1, 1983;
Repealed Eff. January 1, 1985.

SECTION .0200 - FEES: CHARGES: RENTALS AND OPERATIONAL RULES

02 NCAC 43K .0201 BASE PRICES
02 NCAC 43K .0202 GATE FEES
02 NCAC 43K .0203 MISCELLANEOUS FEES
02 NCAC 43K .0204 SPACE AVAILABILITY
02 NCAC 43K .0205 SPACE LIMITATIONS
02 NCAC 43K .0206 TRUCK RENT BASIS
02 NCAC 43K .0207 OPERATIONS

History Note: Authority G.S. 106-530;
Eff. August 1, 1983;
Repealed Eff. January 1, 1985.

SUBCHAPTER 43L - MARKETS

SECTION .0100 - FEES: STATE FARMERS' MARKET AT RALEIGH

02 NCAC 43L .0101 CHARGES
02 NCAC 43L .0102 UNITS 1 THROUGH 7
02 NCAC 43L .0103 SHEDS

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

02 NCAC 43L .0104 GATE FEE
02 NCAC 43L .0105 PERIOD FOR SHED LEASE
02 NCAC 43L .0106 TEMPORARY OR SEASONAL RENTAL BASIS
02 NCAC 43L .0107 LENGTH OF AGREEMENT
02 NCAC 43L .0108 COMMERCIAL TRUCKERS

History Note: Authority G.S. 106-22; 106-530; 106-6.1;
Eff. January 1, 1985;
Temporary Repeal Eff. January 1, 2004;
Repealed Eff. June 1, 2004.

02 NCAC 43L .0109 METAL BUILDINGS
02 NCAC 43L .0110 WOODEN FRAME BUILDING RENTAL
02 NCAC 43L .0111 MARKET RESTAURANT RENTAL
02 NCAC 43L .0112 BARBER SHOP

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

02 NCAC 43L .0113 GATE FEES
02 NCAC 43L .0114 ADJUSTMENT OF RENTALS
02 NCAC 43L .0115 ASSESSMENT OF TRUCKS: ETC.
02 NCAC 43L .0116 EXEMPTIONS

History Note: Authority G.S. 106-22; 106-530; 106-6.1;
Eff. January 1, 1985;
Amended Eff. June 1, 1994; June 1, 1989; July 1, 1985;
Temporary Repeal Eff. January 1, 2004;
Repealed Eff. June 1, 2004.

SECTION .0200 - FEES: CHARLOTTE FARMERS MARKET

02 NCAC 43L .0201 BASE PRICES
02 NCAC 43L .0202 GATE FEES
02 NCAC 43L .0203 MISCELLANEOUS FEES
02 NCAC 43L .0204 SPACE AVAILABILITY
02 NCAC 43L .0205 SPACE LIMITATIONS
02 NCAC 43L .0206 TRUCK RENT BASIS

History Note: Authority G.S. 106-22; 106-530; 106-6.1;
Eff. January 1, 1985;
Amended Eff. July 1, 1998; June 1, 1995; June 1, 1994; May 1, 1992; June 1, 1990; December 1, 1989;
December 1, 1985;
Temporary Repeal Eff. January 1, 2004;
Repealed Eff. June 1, 2004.

SECTION .0300 - FEES: WESTERN NORTH CAROLINA HORSE AND LIVESTOCK FACILITY FEE SCHEDULE

02 NCAC 43L .0301 HORSE FACILITY
02 NCAC 43L .0302 LIVESTOCK FACILITY

History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985;
Repealed Eff. January 1, 1988.

02 NCAC 43L .0303 CLASSIFICATION OF EVENT

For the purposes of applying equitable rental rates based on the purposes for which the facilities are used, an event shall be classified in one of the following categories by Western North Carolina Agricultural Center Manager:

- (1) Agricultural. Any event in which the central theme of the event relates to agriculture in North Carolina or any event given by an agriculture-related organization or group.
- (2) Non-Agricultural. Any event that does not fall within the classification of agricultural event.

History Note: Authority G.S. 106-22; 106-530; 106-6.1;
Eff. January 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43L .0304 HORSE FACILITY
02 NCAC 43L .0305 LIVESTOCK FACILITY

History Note: Authority G.S. 106-22; 106-530; 106-6.1;
Eff. January 1, 1988;
Amended Eff. June 1, 1995; June 1, 1994; January 1, 1991;
Repealed Eff. April 1, 2001.

02 NCAC 43L .0306 INTERPRETATION AND VIOLATION

- (a) The Western North Carolina Agricultural Center Manager shall have authority to enforce these Rules and settle and determine all matters, questions and differences in regard thereto, or otherwise arising out of, connected with or incident to the center and the management, control and protection of the Western North Carolina Agricultural Center grounds, provided, however, any aggrieved party may appeal pursuant to the Administrative Procedure Act.
- (b) Any person who violates any of these Rules will forfeit all privileges and premiums, when applicable, and be subject to such penalty as these Rules may provide.

History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43L .0307 TRAFFIC REGULATIONS

- (a) North Carolina laws relating to traffic, parking and the operation of motor vehicles shall be in full force and effect as to all parts of the Western North Carolina Agricultural Center.
- (b) Parking on the Agricultural Center grounds is permissible 24 hours per day during any event taking place at the complex with the exception of the North Carolina Mountain State Fair. Parking during the North Carolina Mountain State Fair is prohibited between the hours 1:00 a.m. and 6:00 a.m. All trucks and motorized vehicles must complete their deliveries and be off the grounds by 2:00 p.m. each day. No deliveries will be allowed (with the exception of ice) by the Agricultural Center between 2:00 p.m. and midnight during the fair. During the period of the fair, certain locations within the Agricultural Center grounds will be designated "restricted area." Parking or vehicular traffic within such restricted areas is prohibited without special permit. At any time, if a vehicle is left more than 24 hours after an event has vacated the grounds, it may be towed away and impounded at owner's risk and expense.
- (c) All vehicles shall be parked in a designated parking area including horse and livestock trailers. No horse or livestock trailer will be allowed to park adjacent to stall barns. Any trailer or any other vehicle left adjacent to the stall barn area for more than eight hours may be towed away and impounded at owner's risk and expense. During the North Carolina Mountain State Fair only those vehicles that are classed as exhibits and are parked in the exhibition area can be on the grounds, except those that are parked in designated areas. No unauthorized vehicle may be operated in the independent or carnival midway during the period of the annual North Carolina Mountain State Fair. Western North Carolina Agricultural Center personnel are authorized to use vehicles, when necessary, on the grounds during the fair in performance of duties.
- (d) Vehicles and contents that are parked in designated parking area will be left at owner's risk.
- (e) Any trailer or similar vehicle used for sleeping or cooking must be parked in the limited areas established for that purpose.
- (f) A vehicle parked in violation of North Carolina statutes and these Rules shall be removed to a parking lot outside the fence. Administration office shall be notified of make of vehicle, license and where it is moved to. Western North Carolina Agricultural Center is not responsible for any damage in moving or after moving said vehicle.

(g) The manager of the Western North Carolina Agricultural Center shall have authority to order the placement of such traffic control or restrictive signals and signs on the Agricultural Center grounds as he shall deem necessary for the proper safety, protection and control of said grounds.

*History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43L .0308 ADVERTISING MATTER

(a) Distribution of advertising material or matter of any kind, nature, or description by concessionaires, exhibitors, patrons attending annual exhibitions on the Western North Carolina Agricultural Center grounds, political parties, or by any other person or persons whomsoever, is prohibited on the Agricultural Center grounds unless such distribution shall be from within the assigned and designated space and shall have been first duly authorized by the Western North Carolina Agricultural Center Manager upon application thereto, and that advertising material or matter of any kind, nature or description shall be on the counter or display area and shall not be handed out unless the material is requested by a patron attending an event at the Western North Carolina Agricultural Center. Promiscuous handing out of such material, even from designated areas, is prohibited.

(b) The distribution in any manner of advertising material having a gummed or adhesive backing, such as labels, lapel badges, car bumper or window stickers, etc., whether such distribution shall be from a contracted exhibit or concession space or elsewhere, is prohibited upon the Agricultural Center grounds. Persons or firms found distributing such materials shall immediately forfeit all space right and in addition, may be held financially responsible for any and all damage done to or occasioned by the Western North Carolina Agricultural Center as a result of these materials being affixed to Agricultural Center property by third parties.

(c) Operation of a sound truck or other mobile vehicle equipped with a public address system or sign, whether such vehicle is in motion or parked on the Agricultural Center grounds, whether within or without the fenced-off area thereof, is hereby prohibited unless authorized by the Western North Carolina Agricultural Center Manager.

(d) For the purpose of enforcing the provisions of this Section, it is hereby determined that the Western North Carolina Agricultural Center property shall consist of and constitute that certain area of land in Buncombe County, North Carolina bounded on the south by property owned by the North Carolina Department of Transportation (proposed NC 280 Interchange), on the east by I-26, on the north by Fanning Bridge Road and on the west by Airport Road.

(e) The prohibitions and restrictions relating to advertising in these Rules shall not be construed as being applicable to lettered service trucks advertising a concern or its products while making necessary deliveries of merchandise or service to concessionaires or exhibitors on the Agricultural Center grounds, or the normal small advertising on bumpers and windows of vehicles.

*History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43L .0309 ADMISSION REGULATIONS

(a) All persons entering the Western North Carolina Agricultural Center grounds during the North Carolina Mountain State Fair must have an admission ticket, except persons holding worker's permits. Fair management shall issue one-time-only admission tickets to persons who are employed by the fair or are asked to appear on the grounds by the fair management for a purpose relative to the operation of the fair.

(b) The gates of the Western North Carolina Agricultural Center shall open one hour prior to fair time and close one hour after closing of the fair midway each day of the fair. Opening of the fair midway and exhibit building may vary each day of the fair.

(c) The Western North Carolina Agricultural Center Manager shall operate a pass-out system at one or more of the outside gates during the fair. Persons exiting through these gates shall, upon request, have their hand or vehicle stamped for readmittance through the same gate without additional charge. Readmittance must occur before 10:00 p.m. on the same day as pass-out or the hand stamp shall not be honored.

History Note: Authority G.S. 106-6.1;

Eff. June 1, 1994;
Amended Eff. November 1, 2011; July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43L .0310 GENERAL

- (a) Any person or persons who shall make, aid, countenance or assist in making any noise, riot, disturbance and all persons who shall collect in bodies or crowds on the Western North Carolina Agricultural Center grounds for unlawful purposes or to the annoyance or disturbance of citizens and those who are attending or participating in an event at the Agricultural Center or lawfully on the Agricultural Center grounds may be expelled from the complex for such period of time as the manager of the complex may determine.
- (b) Any person who engages in any unlawful activity or behavior, or any activity or behavior which interferes with or is detrimental to the operation of the Agricultural Center may be expelled from the Agricultural Center grounds for such period of time as the manager of the Western North Carolina Agricultural Center may determine.
- (c) Any person who shall unnecessarily or maliciously beat, abuse or injure any animal on the Western North Carolina Agricultural Center grounds shall be subject to the penalties and punishment provided in Paragraph (a) of this Rule.
- (d) No person shall carry from the specific area of any concession or other place of sale on the grounds of the Agricultural Center, any liquid beverage in glass containers, nor shall any person, when in motion about the grounds, carry any such liquid beverages in glass containers. This Section shall not apply to non-alcoholic liquids brought into the Agricultural Center grounds as a part of picnic meals or the like when consumed and used in a stationary locale. This Rule is promulgated for the welfare and protection of all visitors to the Agricultural Center and violators hereof shall be subject to the penalties provided in Paragraph (a) of this Rule.
- (e) Dogs and cats are not allowed on the Agricultural Center grounds unless they are under leash, are under the control of the person having possession of such animal or are on display in an exhibit contracted by the Agricultural Center or a promoter who is leasing facilities.

History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43L .0311 BOOTH RULE

- (a) Solicitation of donations or the sale, offering for sale or distribution of any item, including written or printed material, is prohibited, except from an assigned space in compliance with 02 NCAC 43L. This Rule does not apply to wholesale vendors operating in accordance with 02 NCAC 43L.
- (b) Any person who violates this Rule may be ejected from the Agricultural Center grounds and prohibited from returning.

History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43L .0312 COMMERCIAL EXHIBITS AND CONCESSIONS

- (a) The Western North Carolina Agricultural Center management shall allow the lessee to handle the sale of all exhibit space within the confined leased facilities, with the exception of the North Carolina Mountain State Fair. The lessee shall pay the Agricultural Center twenty-five dollars (\$25.00) per concessionaire for any assigned space granted to the lessee under his contract. No concessions are granted to lessee or anyone acting under the lessee for the sale or dispensing of any kind of beverages or foods. During the North Carolina Mountain State Fair the Agricultural Center may issue the two following types of contracts:
 - (1) Concession Contracts shall include all contracts for the sale or delivery of food, merchandise or service on or from leased premises during the period of the North Carolina Mountain State Fair. Concessionaires who operate according to Agricultural Center rules may be allowed to renew their contracts. Space not claimed by former occupants within the time specified, may be made available to new applicants.
 - (2) Commercial Exhibit Contracts shall include all contracts for exhibition of goods, machinery and services for advertising purposes. Institutions or individuals operating under exhibit contracts may be permitted to

take orders and partial deposits for future delivery, but may not make delivery on or from their premises during the period of the North Carolina Mountain State Fair. The same rule regarding renewal of space holdings by former concessionaires applies to commercial exhibitors.

(b) Due to grounds or space alterations or other changes, the Agricultural Center management shall have authority to eliminate certain previously available space from year to year. In such instances, the Agricultural Center reserves the right to offer substitute locations or to discontinue contracts entirely.

*History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43L .0313 APPLICATIONS

Mountain State Fair Application for space either in buildings or on the grounds shall be directed to:
Western North Carolina Agricultural Center
1301 Fanning Bridge Road
Fletcher, North Carolina 28732

*History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43L .0314 OCCUPANCY OF SPACE

(a) This Rule applies only to the North Carolina Mountain State Fair. Any other event occupancy of space will be handled by the event promoter.

(b) No space shall be occupied until full payment is made. The original copy of the rental contract shall be signed and returned to the Agricultural Center Manager. Final payment on Concession and Commercial Exhibit Contracts is due at the Western North Carolina Agricultural Center Office no later than August 15. Renters of space shall keep a copy of the rental contract on the rented premises.

*History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43L .0315 FORFEITURE

(a) This Rule applies only to the North Carolina Mountain State Fair. For any other event, the promoter of the event may establish their own forfeiture rule.

(b) Space assigned and not occupied by 4:00 p.m. on the first day of the fair, as well as all fees previously paid, shall be forfeited to the Agricultural Center as liquidated damages. Any space which is not open for business or does not have an attendant at the space during normal operating hours of the fair, shall, at the option of the Agricultural Center Manager, be forfeited. Space rental contracts shall not be canceled by the lessee without written notification to Western North Carolina Agricultural Center Manager by August 15.

*History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43L .0316 EXTORTION OF FAIR PATRONS OF THE WNC AGRICULTURAL CENTER

Any extortion practiced by a lessee or anyone working under the lessee's contract may, in the discretion of the Agricultural Center management, serve as grounds for the forfeiture of contract money paid, or expulsion from the grounds, or both.

History Note: Authority G.S. 106-530; 106-6.1;

Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43L .0317 REMOVAL OF STRUCTURES AND MATERIAL

Any person, firm or corporation owning buildings or materials upon the Agricultural Center grounds without lease, or whose lease has expired, who shall fail to remove same within 72 hours, shall forfeit all claim thereto and the Western North Carolina Agricultural Center may take possession thereof and the property will become the property of the Agricultural Center.

History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43L .0318 AREA RESTRICTIONS

During the North Carolina Mountain State Fair a lessee must confine his business, and the promotion and advertising of same on the Agricultural Center grounds to the space assigned him. Failure to comply with this Rule may subject lessee to forfeiture of space privileges without reimbursement. Restrictions during other events will be enforced by the event promoter.

History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43L .0319 LOUDSPEAKERS

No loudspeaker, amplifier, radio or other broadcasting device is permitted on the Agricultural Center grounds unless written permission is obtained from the Western North Carolina Agricultural Center Manager. Approved loudspeakers must be kept at a reasonable volume so as not to disturb normal business transactions in adjoining exhibits nor the general public. The Agricultural Center management reserves the right to revoke loudspeaker permission if the provisions of this Rule are not observed.

History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43L .0320 DRESS OF LESSEES

Lessees and their employees must wear reasonably clean clothing. Persons found working, in violation of this Rule, shall be required to comply or leave the grounds.

History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43L .0321 STORAGE TRAILERS

Storage trailers will be allowed for any event where a lessee has rented or leased an entire building or the entire grounds. During the Mountain State Fair trailers used for storage of supplies or offices as a direct part of the concessions or exhibits will be permitted to park on the Agricultural Center property in a location determined by the Agricultural Center management and must have a sticker or receipt on the trailer proving payment has been made for this privilege.

History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43L .0322 DISPLAY OR SALE OF WEAPONS

The display or sale of weapons of any type is prohibited on the Agricultural Center grounds unless such display, sale or distribution is specifically authorized under the terms of an exhibit or concession contract executed by the Agricultural Center Manager. Failure to comply with this Rule shall be cause for the immediate termination of contract and removal from the Agricultural Center property.

*History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43L .0323 AUTHORITY TO PROHIBIT CERTAIN EXHIBITS

The Agricultural Center Manager shall have authority to deny acceptance or prohibit the showing of any exhibit, animal, concession or show that may be falsely entered or represented; to deny acceptance or prohibit the showing of an exhibit, animal, concession or show or to remove any sign, banner, display material or advertising matter if such exhibit or display is contrary to law, or violative of the Center's valid interest in providing for the health, safety and protection of the public, or otherwise detrimental to the commercial interests of the Center.

*History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43L .0324 ASSIGNMENT OF CONTRACTS

Contracts or portions thereof may not be assigned, interest therein sublet, or otherwise disposed of without the written consent of the manager. Obligations provided for in said contracts, including payments for space, electrical hook-up, electrical power and gas, shall remain the obligation of initial lessee, irrespective of approved subleasing or assignment otherwise provided.

*History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43L .0325 GAS OR ELECTRIC SERVICE

- (a) The Agricultural Center is not responsible or liable for failure of electric service.
- (b) No one shall tamper with, or change, any of the general lighting in any of the Agricultural Center buildings, and no electric connection, excluding plug-ins, shall be made by any person not in the direct employ, or under the supervision of, the Agricultural Center Manager.
- (c) Prices quoted for electric service are for having electrical power available to the Lessee. Lessee is responsible for all internal wiring and is responsible for having adapter plugs, if necessary, to connect to Agricultural Center's electrical system.
- (d) Agricultural Center Manager reserves the right to terminate service if conditions of contract are violated.
- (e) This Rule applies only during North Carolina Mountain State Fair.

*History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43L .0326 EXHIBITS AND EXHIBITORS

- (a) The entry department will be open to receive and return exhibits two days prior to the North Carolina Mountain State Fair and two days following the fair, 9:00 a.m. to 5:00 p.m.

- (b) On the last night of the fair, after closing of the fair, exhibits may be packed up and stored for removal. Vehicles will be permitted to enter fair grounds to remove exhibits two hours after the closing on the last day of fair. Livestock, poultry, and rabbits will have a special release time on the last day of the fair.
- (c) No fair superintendent or other employee shall be permitted, directly or indirectly, to make an entry in any department of the fair over which he presides or wherein he may be employed.
- (d) The fair manager may limit exhibits to the facilities available at any given time.

*History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43L .0327 LIVESTOCK SANITATION AND OFFICIAL VETERINARIAN

- (a) All livestock exhibits will be subject to the rules and policies as established by the State Veterinarian.
- (b) Premises and Management:
 - (1) All buildings for the use of animals, including exhibition halls or rings, stables, yards and pens, shall be maintained in a sanitary condition. All such buildings, rings, stables and pens shall be thoroughly cleaned and disinfected prior to the exhibition.
 - (2) If practical, a quarantine division shall be established. If such quarantine division is not available, the owner of any livestock or poultry showing symptoms of any infectious or communicable disease may be required to immediately remove such livestock or poultry from the exhibition premises.
 - (3) The animal health laws and rules of North Carolina will be strictly enforced.
- (c) The official veterinarian shall perform the following:
 - (1) Approve the cleaning and disinfection of the premises before the exhibition is opened and before any domestic animals or poultry are allowed admission to the premises;
 - (2) Inspect all livestock and poultry on the date admitted to the premises and refuse admission to any animal or bird showing symptoms of any infectious or communicable disease;
 - (3) He shall refuse admission to any livestock not accompanied by proper health certificates when required; provided, he may approve admission if he is satisfied that proper health certificates are being procured or are in transit from the point of origin and provided he is satisfied that such livestock has not been exposed to disease;
 - (4) He shall inspect all livestock on the exhibition premises at least once daily and shall order the immediate removal or isolation of any animal or bird showing symptoms of any infectious or communicable disease, and shall order and supervise the cleaning and disinfecting of any area from which suspect animals or birds are removed;
 - (5) At the conclusion of the exhibition, he shall forward a written report to the Board of Agriculture of all violations, if any, of these Rules by an exhibitor of the management, and any other pertinent information relative to the exhibit.

(d) Exhibitors must make all applications for entry, specifying the number of animals or birds for which accommodations are desired, directly to:

Entry Department
Western North Carolina Agricultural Center
1301 Fanning Bridge Road
Fletcher, North Carolina 28732

All applications must be accompanied by the entry fee or other fees required by the special rules of the particular competitive department in which entry is made. The superintendent of the department will make all assignments of space for exhibits.

*History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43L .0328 ENTRY REQUIREMENTS

- (a) All applications for entry must be made in accordance with instructions and rules of the department premium list. Entry blanks and department rules may be obtained from:

Entry Department
Western North Carolina Agricultural Center
1301 Fanning Bridge Road
Fletcher, North Carolina 28732

The entry blanks, after being filled out and signed, must be filed with the entry department not later than the date specified for the closing of entries in the various department of the fair.

- (b) Entry closing dates for each of the competitive departments will be determined by the fair manager and will be posted in the department premium list.
- (c) Exhibitors in the horse, cattle, swine, sheep and poultry departments must pay, upon filing application for entry, the fees required in these departments.
- (d) Any animal or exhibit which shows evidence of artificial means having been employed with intent to deceive for the purpose of removing or remedying physical defects or conformation, shall, together with any other entry or entries owned by the exhibitor of same, be forthwith excluded from participation in any of the awards. The said exhibitor likewise shall be prohibited from participation in competition and any and all awards or premiums previously awarded to said exhibitor shall be withdrawn. The judge in each classification shall have authority to make a final determination in the matter.
- (e) All animals entered under a breed classification must have been recorded in an association recognized by the particular breed. Exhibitors must produce a certificate or registry at the request of the superintendent in charge of the department.
- (f) All animals shown must be owned by the exhibitor from the time of making entry, except as otherwise provided in special rules of the department.
- (g) Exhibitors making entries and not exhibiting, shall forfeit all fees paid for entry, stalls, pens and space.
- (h) Corporations or partnerships entering for competition must be in lawful existence at the time of making entry, and all cases must be bona fide, and affidavits relating thereto may be required by the fair manager from appropriate persons.
- (i) Exhibits which have been erroneously entered may, at the discretion of the fair manager or the superintendent of the department, be transferred to their proper lots previous to judging. If such lots have been judged, they shall not be rejudged.
- (j) Should any individual, partnership or corporation enter an animal or article in a name other than that of the bona fide owner, except as otherwise provided in special department rules, or attempt to perpetrate a fraud by the misrepresentation of any facts, or in the exhibition of said animal or article, the entry thus made shall not be allowed to compete for or receive any premiums, and said individual, partnership or corporation may, at the option of the fair manager, be barred from further showing, and any premiums previously awarded may be forfeited.
- (k) Articles entered for premiums which are the result of mechanical or artistic skill, must be entered in the name of the artist, inventor, manufacturer or maker.
- (l) The fair manager reserves the right to refuse entries or prohibit the exhibition of animals or articles entered if the showing of such animals or articles is contrary to law, or violative of the fair's valid interest in providing for the health, safety and protection of the fair-going public.

*History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23,
2017.*

02 NCAC 43L .0329 JUDGES AND JUDGING

- (a) The judges shall read carefully the general rules and all special rules under the head of the department or class in which they are to serve, and especially note and follow those rules bearing on the classes to be judged by them.
- (b) Judges shall not award prizes to an unworthy exhibit. No premium or distinction of any kind shall be given to any animal or article that is not deserving. This Rule shall be in effect whether or not there is competition.
- (c) Judges shall report to the superintendent any exhibitor who in any way, whether in person or by agent or servant, interferes with them or shows any disrespect to them during the judging. The superintendent may, in his discretion, demand a proper apology from such exhibitor or exclude him from further competition. The fair may withhold from such exhibitor any or all premiums that have been awarded and expel him from further exhibiting at the fair.
- (d) The judges and persons acting as clerks to the judges, must use special care, after awards have been made, to see that the same are properly entered in the award book, for it is upon this entry that the payment of premiums is made.
- (e) The judge, superintendent and clerk recording the awards of the department must sign the award book at the close of each class immediately after all awards in said class have been made.
- (f) Judges will not award premiums to any article or animal because of its mere presence. No premium will be awarded to any exhibit that does not possess high intrinsic merit. Unless otherwise specified in the department rules, no exhibitor may win

more than two premiums in any one individual class and not more than one premium in any group class. Premiums will be paid to winning exhibitors as soon after the awards are made as it is possible to compile and check all reports. Premiums not paid during the fair will be mailed to the exhibitor at the post office address given on his entry form.

(g) No person who is an exhibitor can act as judge in a class in which he is showing.

(h) If there is any question as to the regularity of an entry, or the right of any animal or article to compete in any lot, the judge or judges shall report same to the superintendent in charge for adjustment.

(i) A faithful observance of all rules governing the exhibit will be required and when in doubt as to the application or meaning of a rule, the superintendent in charge shall construe same by giving his opinion. This opinion, when required by either exhibitor or judge, must be reduced to writing and returned to the entry department with the award books.

(j) In judging livestock, the decision of the official veterinarian and judge as to soundness shall be final.

(k) The decision of the judges shall be final in all cases, except when mistake, fraud, misrepresentation, or collusion, not discovered at the time of the award, is alleged. In such cases, the fair manager shall make the final decision from which no appeal will lie.

*History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43L .0330 PROTESTS AND APPEALS

(a) All protests from a decision of a judge must be made by noon the day after the award has been made to:
Fair Manager

Western North Carolina Agricultural Center
1301 Fanning Bridge Road
Fletcher, North Carolina 28732

An award is made when the notation of the decision of the judge is entered in the department award book.

(b) All protests must be made in writing and be accompanied by five dollars (\$5.00) which will be retained by the fair if the protest is not sustained.

(c) No protest or appeal based upon the statement that the judge or judges are incompetent or have overlooked an animal or article will be considered by the fair manager.

(d) All questions in disputes or differences not covered by these Rules shall be referred to the fair manager, whose decision shall be final.

*History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43L .0331 PREMIUMS AND AWARDS

(a) The following colors will be used in designating awards except for a horse show:

- | | | |
|------|-----------------------------|--------------|
| (1) | Championship or Sweepstakes | Royal Purple |
| (2) | Reserve Champion | Lavender |
| (3) | First Premium | Blue |
| (4) | Second Premium | Red |
| (5) | Third Premium | White |
| (6) | Fourth Premium | Pink |
| (7) | Fifth Premium | Yellow |
| (8) | Sixth Premium | Dark Green |
| (9) | Seventh Premium | Light Green |
| (10) | Eighth Premium | Tan |
| (11) | Ninth Premium | Gray |
| (12) | Tenth Premium | Light Blue |

(b) Where there are fewer animals or articles shown in lots than the number of premiums offered, the judge may, in his discretion, award a prize or prizes of such grade as the animal or article deserves.

- (c) In the livestock departments, where there is but a single exhibitor in a division (lot) of any class, the judge shall award but one premium; where only two exhibitors and only two animals are showing, two premiums may be awarded, but if there two exhibitors and three or more animals showing, three premiums may be awarded; where there are three or more exhibitors, all premiums may be awarded. Where this Rule conflicts with special rules in any department, the latter will govern.
- (d) No animal will be awarded a prize unless promptly brought into the show ring when its lot is called.
- (e) Special prizes will not be accepted for classes that do not conform to the regular classification of the department in which they belong.
- (f) Specials must carry money prizes or articles of intrinsic value. Cups, meals or other articles offered as specials must be in the hands of the manager or the entry department on the opening day of the fair or awards will not be made.
- (g) Cash premiums awarded in the livestock departments will be paid by check made out to exhibitor and mailed to the post office address of exhibitor as given on the entry blank.
- (h) Premium money will be withheld in all instances when exhibits are removed from the grounds prior to the official time of release.
- (i) The Agricultural Center reserves the right to make such reductions in premiums of the fair as financial conditions at the time the premiums are payable may justify.

*History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43L .0332 AVAILABILITY OF FACILITIES

Use of buildings and grounds shall be subject to the approval of the manager of the Western North Carolina Agricultural Center on the basis of the following:

- (1) being in the public interest;
- (2) not in conflict with activities arranged and conducted as a part of the program for year-round use of the Agricultural Center grounds;
- (3) use by an organization, group, firm or individual accepting by execution of a written contract the rules and rental schedules herein prescribed;
- (4) manager may limit the booking of similar events when deemed by him to be in the best interest of Western North Carolina Agricultural Center; and
- (5) at the option of the manager, an event may have first refusal on the same corresponding date in a subsequent year.

*History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43L .0333 REHEARSALS: MOVE-IN AND MOVE-OUT PERIODS

For setting up and closing down, the following shall apply:

- (1) Any horse shows under contract for more than one day shall have up to two days to move in and one day to move out.
- (2) Other livestock events shall have one day to move in and one day to move out. The move in and move out days are for the use of horse stalls and cattle barn. Other facilities which are under contract to be used by these events, may be used provided no additional costs are realized by the Agricultural Center.
- (3) One day horse shows and any other events, an additional rental fee will be charged in units of half-days, figured at one-half the stated rental rate per day for moving in and moving out.

*History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43L .0334 LIABILITY

Lessee shall be responsible for any damage to buildings, their fixtures and furnishings, and to all other buildings, land and structures on the Western North Carolina Agricultural Center grounds resulting from or incident to contracted use. Lessee shall, when deemed advisable by the manager of the Agricultural Center, be required to furnish bond or procure public liability insurance (with a company approved to do business in the State of North Carolina), to relieve the Western North Carolina Agricultural Center, Division of Marketing, North Carolina Department of Agriculture and its officers and employees from any and all accounts, bills, damages, suits and claims in any way arising out of the use of the buildings or other facilities on the Agricultural Center grounds by the lessee.

*History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43L .0335 RESERVATIONS AND PAYMENT OF CHARGES

(a) A tentative reservation may be made for use of the building(s) by any organization, group, firm or individual approved by the manager of the Western North Carolina Agricultural Center, subject to the availability of the facilities, without payment of any fee. Such tentative reservation shall automatically expire on the 10th day following the date upon which the tentative reservation was made.

(b) If the date for which a tentative reservation was made is sought to be reserved by any other qualified organization, group, firm or individual, then the person(s) making the tentative reservation shall be allowed 48 hours after due notice in which to execute a written contract for use of the facilities and to pay the required cash deposit which must accompany such a contract.

(c) In any event, a written contract must be executed not less than 24 hours prior to the scheduled start of any and all performance or exhibition events, at which time lessee shall make a cash deposit of not less than the specified "guaranteed minimum."

(d) Lessee shall be required to make full settlement of 10 percent of the gross revenue if greater than "guaranteed minimum," along with payment for any special items or services provided by the Agricultural Center, within 24 hours after the end of the event for which use of the facilities was contracted. The manager of the Western North Carolina Agricultural Center may extend the period for final and full settlement if, in his judgment, additional time is required to determine the accurate gross revenue.

*History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43L .0336 CONCESSIONS

The Western North Carolina Agricultural Center reserves the right to operate or lease any and all concession stands and sales within the arena building and elsewhere on the Agricultural Center grounds and lessee shall have no claim to any revenue from any such concession sales. Lessee desiring to sell any program, books, novelties, records, tapes, tee shirts or other merchandise connected with the event for which the facility was contracted will contact the complex manager and arrange to inventory all items in prior to show time and settle with the complex manager at the end of the event. All items are subject to approval of the complex manager. The Western North Carolina Agricultural Center Manager reserves the right to waive the above it is in the best interest of the Western North Carolina Agricultural Center and the contract with the event lessee.

*History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

02 NCAC 43L .0337 ALCOHOLIC BEVERAGES

(a) The possession, sale, or consumption of any alcoholic beverage shall be in compliance with the State alcoholic beverage control laws set forth in G.S. 18B and rules set forth in 14B NCAC 15.

(b) The sampling or sale of alcoholic beverages at an event on the Western NC Agricultural Center, including the Mountain State Fair, shall require approval by the Manager of the Western NC Agricultural Center or his or her designee in negotiation

and at the time of the signing of the contract to rent the premises. In making this determination, the Manager of the Western NC Agricultural Center Manager shall consider the following factors:

- (1) the nature of the event;
- (2) the time of the event;
- (3) the number of attendees at the event;
- (4) the age of the attendees at the event;
- (5) prior history of the event;
- (6) other events on Western NC Agricultural Center property at that time;
- (7) security needed and available at the time of the event; and
- (8) the health, safety, and welfare of all patrons on Western NC Agricultural Center property.

History Note: Authority G.S. 106-530;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017;
Amended Eff. October 1, 2018.

02 NCAC 43L .0338 CONDITIONS FOR RENTAL OF FACILITIES

For purposes of this Chapter, "day" means the time used between 8:00 a.m. and 12:00 midnight or any fraction thereof. Time prior to or after the day shall be charged at a rate of fifty dollars (\$50.00) per hour plus attending staffing and service fees, unless otherwise agreed by the Agricultural Center management and the user prior to the event. All users are subject to the rules of this Chapter and the terms of the lease agreement.

History Note: Authority G.S. 106-530; 106-6.1;
Eff. June 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

SECTION .0400 - FEES: WESTERN NORTH CAROLINA FARMERS MARKET

- 02 NCAC 43L .0401 RETAIL BUILDINGS**
- 02 NCAC 43L .0402 GATE FEES**
- 02 NCAC 43L .0403 FARMERS AND TRUCKERS SHEDS**
- 02 NCAC 43L .0404 MISCELLANEOUS FEES**
- 02 NCAC 43L .0405 YEARLY DELIVERY PERMIT**
- 02 NCAC 43L .0406 SPACE AVAILABILITY**
- 02 NCAC 43L .0407 SPACE LIMITATIONS**
- 02 NCAC 43L .0408 TRUCK-RENT BASIS**

History Note: Authority G.S. 106-22; 106-530; 106-6.1;
Eff. January 1, 1985;
Amended Eff. July 1, 1998; October 1, 1993; October 1, 1989;
Temporary Repeal Eff. January 1, 2004;
Repealed Eff. June 1, 2004.

02 NCAC 43L .0409 FEES FOR SPECIAL EVENTS

History Note: Authority G.S. 106-530; 106-6.1;
Eff. October 1, 1989;
Temporary Repeal Eff. January 1, 2004;
Repealed Eff. June 1, 2004.

SECTION .0500 - AUTHORITY: DUTIES AND RESPONSIBILITY OF MANAGER

- 02 NCAC 43L .0501 APPLICABILITY**

The rules contained in this Subchapter are applicable to all facilities operated by the State Marketing Authority, including the Western North Carolina Horse and Livestock Facility in Asheville.

History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43L .0502 SUPERVISION OF PERSONNEL

The manager shall have the authority to employ and supervise such personnel as may be needed to properly conduct the general operations of the market, including but not limited to secretarial assistance, persons referred to as "gatemen" to collect fees from producers entering the gate, collect fees from persons operating under retail and wholesale sheds, keep watch of gates during hours when the market is closed to business operations, and perform other related duties as may be requested by the manager; employ personnel to maintain the upkeep of market buildings and grounds, such as collecting trash, garbage and other refuse and employ other personnel as may be required for the proper operations of the market.

History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43L .0503 FUTURE DEVELOPMENT

The manager shall plan for future development of the market, design and modify buildings, and oversee all repairs needed.

History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43L .0504 COLLECTIONS

The manager shall assess and collect the necessary fees, charges and rentals to cover the cost of market operations including salaries, wages, heat, lights, water, alterations, repairs to buildings and grounds, construction of new facilities, and other essential costs.

History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43L .0505 CREATION OF RULES

The manager shall enforce or direct the enforcement of the operational rules contained in this Subchapter.

History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43L .0604 DENIAL

The market manager has the authority to deny any person the privilege of operating on the market who, 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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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 with legal and stated market standards.

History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

02 NCAC 43L .0651 SPUR TRACKS

History Note: Authority G.S. 106-22; 106-530;
Eff. January 1, 1985;
Expired Eff. October 1, 2017 pursuant to G.S. 150B-21.3A.

SECTION .0700 - FEES - PIEDMONT TRIAD FARMERS MARKET

02 NCAC 43L .0701 PAYMENT OF FEES

02 NCAC 43L .0702 GATE FEES

History Note: Authority G.S. 106-22; 106-530; 106-6.1;
Eff. June 1, 1995;
Temporary Repeal Eff. January 1, 2004;
Repealed Eff. June 1, 2004.

SUBCHAPTER 43M - PROCESSING OF EGGS

02 NCAC 43M .0101 COMMINGLING OF SHELL AND EGG PROHIBITED

History Note: Authority G.S. 106-245.16; 106-245.21;
Eff. April 1, 1987;
Expired Eff. October 1, 2017 pursuant to G.S. 150B-21.3A.