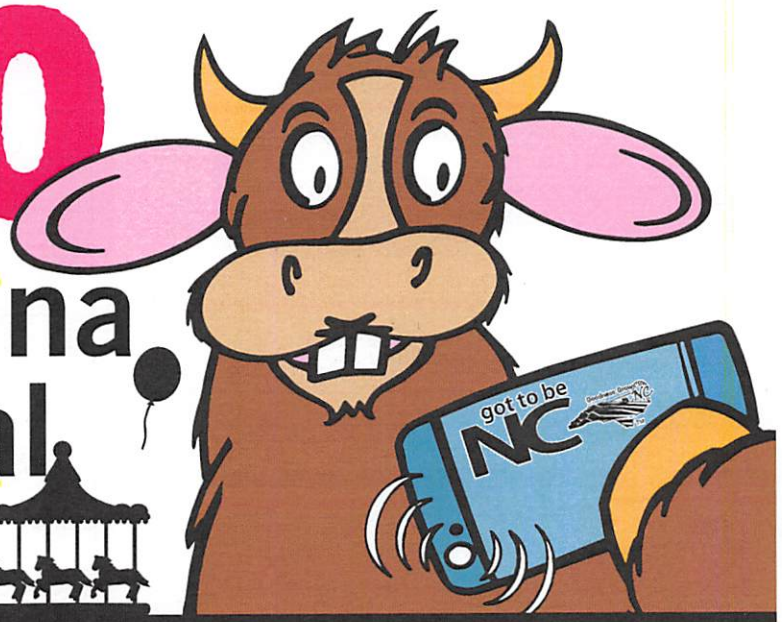
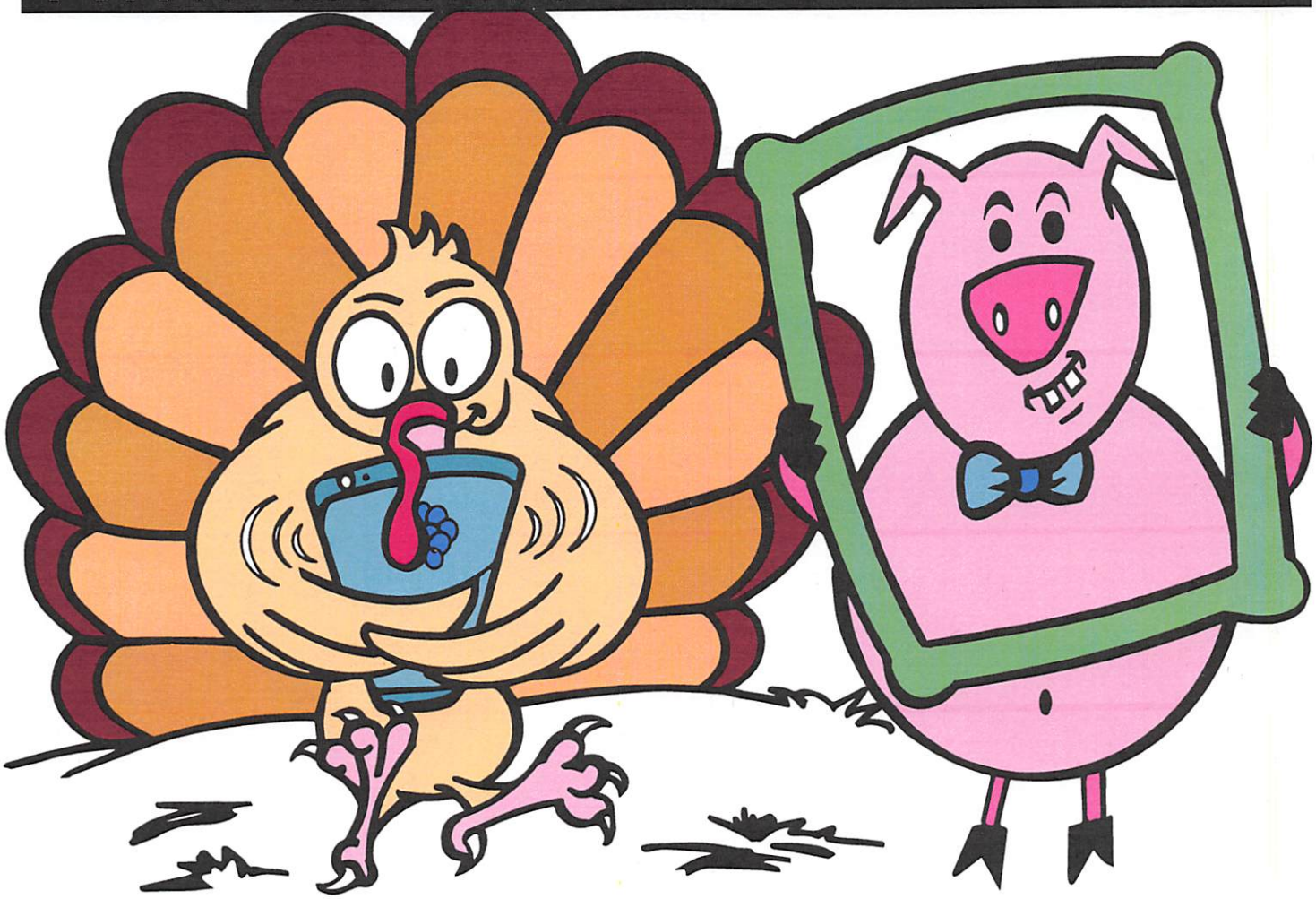
2020 North Carolina Agricultural Fairs



FAIR MANAGERS HANDBOOK



SHARE A FAIR

Steven W. Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services

January 1, 2020

Our Mission

Agricultural Fairs have impacted North Carolina communities for more than 150 years and are an important annual tradition. Agricultural Fairs offer the ever-increasing urban population a place and an opportunity to learn about our state's agricultural heritage. It is true that our state's agricultural landscape is constantly changing, and the amount of agricultural production and content in your county may not be what it used to be. But it continues to be important for Fairs to keep the tradition of agricultural production, heritage crafts, and growing and preserving techniques alive for current and future generations to understand.

This fact is part of the reason why we offer certain exhibit categories in our premium books. While it is important to keep an eye on specific classes within your categories and to update or eliminate information where necessary, it is also necessary to continue to offer the exhibit categories listed in the required minimum exhibits section of this handbook, because these categories speak directly to the traditions we can't afford to forget.

If you worry that you will not meet the requirements in this handbook, *please* contact the N.C. Department of Agriculture & Consumer Services for assistance. The NCDA&CS wants your agricultural fair to succeed. While we can't do the work of getting competitors and entries into your fair, we can help you find informational resources, ideas, guidance and contacts. On a case-by-case basis, we can create solutions to ensure that your fair highlights agricultural information from your region and meets the requirements to be an agricultural fair.

Handbook and Paperwork

The 2020 Fair Manager's Handbook contains the information, applications and ideas you need to put on a successful fair. Please complete all of the information in the post Fair Evaluation Form as required.

You can also download electronic versions of the handbook, including all applications and reports, as well as signage and other resources at:

www.ncagr.gov/markets/fairs/fairmanagerinfo.htm

E-mail: Steve.Troxler@ncagr.gov

1001 Mail Service Center, Raleigh, North Carolina, 27699-1001 (919) 707-3000 ● Fax (919) 733-1141

TTY: 1-800-735-2962 Voice: 1-877-735-8200

An Equal Opportunity Employer

2020 Fair Manager's Checklist

REMEMBER!
KEEP A COPY OF ALL DOCUMENTS FOR YOUR FILES

got to be NC AGRICULTURAL FAIRS

Application for Agricultural Fair Certification
(Due at least 60 days prior to opening your fair)

Send to: Division of Marketing
Attn: Kevin Hardison
NCDA&CS
1020 Mail Service Center
Raleigh, North Carolina 27699-1020

Date Sent_____

Sent by _____

Application for Animal Contact Exhibit Permit
(Due 30 days prior to opening your fair, if you plan to have an animal contact exhibit)

Send to: Attention Animal Exhibit Permits
Emergency Programs Division
NCDA&CS
1035 Mail Service Center
Raleigh, NC 27699-1030

Date Sent_____

Sent by _____

Premium Book (Due 30 days prior to opening your fair) Date Sent_____

Evaluation Form (Due within 90 days of closing your fair) Date Sent_____

Financial Form (Due within 90 days of closing your fair) Date Sent_____

Send to: Kevin Hardison
County Fair Coordinator
NCDA&CS
1020 Mail Service Center
Raleigh, NC 27699-1020

You are all set for the 2020 fair season!

All forms can be downloaded from
www.ncagr.gov/markets/fairs/fairmanagerinfo.htm

North Carolina Department of Agriculture & Consumer Services

Steve Troxler, Commissioner of Agriculture

2020 Agricultural Fair Permit Application

DO NOT WRITE IN THIS BOX NCDA&CS Use Only Date Received _____

1. **Official Name of Fair:**_____

   - Name of Fair Manager: _____
   - Fair Manager's Email Address: _____
   - Mailing Address where Fair Manager can be reached year-round (including City and Zip code):
     _____
   - Fair Manager's Phone Number: _____
   - Fair Mangers Cell Phone Number:_____
   - Organization Operating Fair:_____
     Is organization a Non-Profit Organization? ☐ **YES** ☐ **NO**

2. **Fairgrounds Contact Information**
   Physical Address of Fairgrounds (include City and Zip code, and County):_____
   _____

   - Mailing Address of Fairgrounds if different from Physical Address (include City and Zip code):
     _____
     _____
   - Fair Website Address: _____
   - Fair Phone Number:_____ • Fair Fax Number: _____
   - On what type of physical property does the Fair operate? (Actual "Fairgrounds," school, farm, convention center, etc.): _____
   - Tax ID #: _____
   - 2020 Fair Dates: _____ • Tentative 2021 Fair Dates: _____

Hours of Operation

Mon _____ Tues _____ Wed _____ Thurs _____ Fri_____ Sat _____ Sun _____

Cost of Admission: Adults _____ Children_____

Other _____

Special Admission Days: _____

CarnivalOperator:_____
Total Number of Rides: _____ Total Number of Games: _____

This form has been completed accurately to the best of my knowledge.

_____ _____

Fair Managers Signature Date

Fair Premium Book

DUE: 30 days before start of your 2020 fair

NC Administrative Code Subchapter 43G, 02 NCAC 43G .0104 PREMIUMS

Premium requirements have expired. Therefore, premiums are no longer required to be considered an agricultural fair.

NOTE: *Your premium book will be held on file at the NCDA&CS and will be considered factual information in determining the eligibility for your fair to be recognized as an Agricultural Fair.*

Please complete and return this form with your premium book:

Name of Fair _____

Dates of Fair _____

_____ _____

Fair Manager's Signature **Date**

Please submit this form and a copy of your Premium Book to the following address:

Kevin Hardison, County Fair Coordinator
NCDA&CS
1020 Mail Service Center
Raleigh, NC 27699-1020

North Carolina Department of Agriculture & Consumer Services

Steve Troxler, Commissioner of Agriculture

2020 Agricultural Fair Evaluation Form

DO NOT WRITE IN THIS BOX **NCDA&CS Use Only**
Date Received Completed Report:

Required Information

Questions refer directly to the laws and rules that pertain to agricultural fairs in the North Carolina General Statutes, Article 45, and North Carolina Administrative Code, Subchapter 43G. Answers provided in this section will be considered factual information in determining a fair's eligibility and rights to receive a license to operate an agricultural fair. Answer all questions fully and to the best of your ability.

This form must be returned within 90 days of the last day of the fair.

Return To:
Kevin Hardison, County Fair Coordinator
1020 Mail Service Center
Raleigh, NC 27699-1020

Any question concerning this report or any other required information can be addressed to Kevin Hardison at 919-707-3123 or via email: Kevin.Hardison@ncagr.gov

1. **Official Name of Fair** (Refer to G.S. 106-520.1, 106-520.2 and 106-520.3.):

_____

2. **Fair Supervision** (Refer to G.S. 106-520.4.):

   - Name of Fair Manager: _____
   - Is Fair Manager a Paid Employee of the Fairgrounds, a Volunteer, or Other (for example, a Cooperative Extension Agent, a Contract Employee, etc.): _____
   - Fair Manager's Email Address: _____
   - Mailing Address where Fair Manager can be reached year-round (including City and Zip code):

     _____
   - Fair Manager's Phone Number: _____
   - Fair Mangers Cell Phone Number: _____

3. **Fairgrounds Contact Information** (Refer to 02 NCAC 43G .0106):

   - Physical Address of Fairgrounds (include City and Zip code): _____

     _____
   - Mailing Address of Fairgrounds if different from Physical Address (include City and Zip code):

     _____

     _____
   - Fair Website Address: _____
   - Fair Phone Number: _____ • Fair Fax Number: _____
   - On what type of physical property does the Fair operate? (Actual "Fairgrounds," school, farm, convention center, etc.): _____
   - Fairgrounds Owner: _____
   - Fair Operated By: _____
   - Tax ID #: _____
   - Is Fair Operator a Non-Profit Organization? ☐ **YES** ☐ **NO**
   - 2020 Fair Dates: _____ • Tentative 2021 Fair Dates: _____
   - Operating Hours: Mon _____ Tues _____ Wed _____

     Thurs _____ Fri _____

     Sat _____ Sun _____

4. **Classification of Fair** (Refer to 02 NCAC 43G .0101):

   - Cost of Admission: Adults _____ Children _____

     Other _____

     Special Admission Days: _____
   - Rides and Games: Total Number of Rides: _____ • Total Number of Games: _____

Required Information

5. **Minimum Exhibit Requirements** (Refer to 02 NCAC 43G .0103):

Exhibit Types	Minimum # of Entries Required	Total # Exhibits/ Entries	Total # of Exhibitors
Booths/Displays: 4-H, FFA, FHA or other high school or college vocational displays	3		
Booths/Displays: Extension homemaker, commodity group, farm organization, or individual displays	3		
Booths/Displays: Community, educational, industrial, civic, or volunteer group activities	3		
Farm Equipment: Farm, lawn, garden machinery or equipment (new or antique) on display	5		
Field Crops: Such as tobacco, corn, soybeans, peanuts, wheat, hay or ensilage, cotton, sorghum, oats, barley, rye, etc.	15		
Horticultural Crops: Such as apples, peaches, pears, grapes, sweet potatoes, Irish potatoes, cucumbers, peppers, tomatoes, peas, beans, squash, okra, pumpkins, melons, tree nuts, Christmas trees, turf grass, sod, herbs, pine needles, etc.	20		
Food conservation: Such as canned fruits, vegetables, pickles, jams, jellies, preserves, juices, etc.	20		
Baked goods: Baked goods, such as cakes, pies, breads, cookies, candies, etc.	10		
Handicrafts: Handicrafts, such as needlepoint, crochet, knit, crosstitch, embroider, etc.	20		
Clothing: Such as women's, men's, youth, infant apparel, etc.	10		
Arts: Such as crafts, photography, hobbies, painting, etc.	20		
Flowers: Such as singles, arrangements, potted plants, hanging baskets, dried flowers, etc.	10		
Live Animal: Such as dairy/beef cattle, swine, goats, sheep, horses, mules, poultry, rabbits, wildlife, etc.	10		
Miscellaneous Entries (eggs, honey, meats, etc.)			
Totals	150		

6. **Adequate Facilities** (Refer to 02 NCAC 43G .0103):

Report the status of your facilities	**Adequate? (Yes / No)**	**Planned Improvements & Notes**
Display/housing area for exhibits/entries		
Barns/pins for animal exhibits		
Picnic tables/eating places		
Drinking fountains		
Restrooms		

This form has been completed accurately to the best of my knowledge and is an accurate reflection of the services and facilities associated with _____ (Fair Name).

NOTE: This Agricultural Evaluation Form must be returned within 90 days of the last day of the fair. This form will be held on file at the NCDA&CS and will be considered factual information.

_____ _____

Fair Manager's Signature Date

2020
NORTH CAROLINA AGRICULTURAL FAIR
FINANCIAL REPORT

Due within 90 days of the last day of the fair, unless written request is received for extension (Refer to 02 NCAC 43G .0105)

Mail to: Kevin Hardison, 1020 Mail Service Center Raleigh, NC 27699-1020

NAME OF FAIR_____**YEAR**_____

RECEIPTS:

Gate Admissions, Number_____	$_____
Free Admissions, Number _____ (estimate)	
Entertainment Admission	$_____
Parking	$_____
Mid-Way Receipts	$_____
Rentals (Space, Concessions, Privilege Fees)	$_____
Entry Fees	$_____
Premium List Advertising / Sponsorships	$_____
All Other Receipts	$_____
TOTAL RECEIPTS:	$_____
Premiums Offered, Catalog Total (Refer to 02 NCAC 43G .0104)	$_____

DISBURSEMENTS:

Premiums Paid	$_____
Ribbons & Trophies	$_____
Printing (Tickets, Premium Books, Programs, Signage, etc.)	$_____
Entertainment	$_____
Utilities	$_____
Advertising	$_____
Salaries & Labor	$_____
Travel Expense	$_____
Facility Improvements Made or Paid For Since End of 2017 Fair	$_____
Insurance	$_____
Rentals	$_____
Taxes paid on Admission	$_____
All Other Disbursements	$_____
TOTAL DISBURSEMENTS:	$_____
BALANCE +/(-)	$_____

NOTICE…Financial Statement by a C.P.A. will not substitute for this report.

This report will be held on file at the NCDA&CS and will be considered factual information in determining the eligibility and rights to receive a license to operate an agricultural fair.

_____ Fair Manager's Signature

_____ Date

Rules To Read

- General Statutes Chapter 106, Article 45:
  Agricultural Societies and Fairs
- NC Administrative Code Subchapter 43G:
  Agricultural Fairs
- NC Administrative Code 41A:
  Sale of Turtles Restricted
- General Statutes 14-363.1:
  Animal Novelties
- NC Administrative Code 52K:
  Animal Exhibitions
- General Statutes Chapter 99E, Article 4:
  Agri-tourism Activity Liability
- Letter from NCDA&CS Standards Division:
  LP-gas (propane) law and regulations

Article 45.

Fruit and Vegetable Handlers Registration Act.

§ 106-501.1. Definitions.

The following definitions shall apply when used under this Article:

(1) "Commissioner" means the Commissioner of Agriculture of the State of North Carolina.

(2) "Consignment" means any transfer of fruits and vegetables by a seller to the custody of another person who acts as the agent for the seller for the purpose of selling such fruits and vegetables.

(3) "Department" means the Department of Agriculture and Consumer Services.

(4) "Farmer" means any person who produces fruits or vegetables or both.

(5) "Handler" means any person in the business of buying, receiving, selling, exchanging, negotiating, processing for resale, or soliciting the sale, resale, exchange, or transfer of any fruits and vegetables purchased from a North Carolina farmer, received on consignment from a North Carolina farmer, or received to be handled on net return basis from a North Carolina farmer.

(6) "Net return basis" means a purchase for sale of fruits and vegetables from a farmer or shipper at an unfixed or unstated price at the time the fruits and vegetables are shipped from the point of origin, and it shall include all purchases made "at the market price," "at net worth," and on similar terms, which indicate that the buyer is the final arbiter of the price to be paid.

(7) "Processing" means any act or operation that freezes, dehydrates, cans, or otherwise changes the physical form or characteristic of fruits and vegetables. (2018-113, s. 1(b).)

§ 106-501.2. Registration required.

(a) Prior to conducting business in North Carolina, a handler shall register with the Department, free of cost, by providing to the Department the following information:

(1) The handler's name.

(2) The handler's principal place of business.

(3) The type of fruits and vegetables handled by the handler.

(4) The annual volume, in dollar amount, of fruits and vegetables handled by the handler in North Carolina.

(b) A handler shall update the Department within 60 calendar days of any change in information required under subdivision (a)(1), (a)(2), or (a)(3) of this section.

(c) A handler shall update the Department of the annual volume required under subdivision (a)(4) of this section by February 1st of each year.

(d) Information collected under this Article shall be held confidential by the Department and not subject to public records disclosure. (2018-113, s. 1(b).)

§ 106-501.3. Exemptions to registration.

This Article shall not apply to:

(1) A farmer or group of farmers in the sale of fruits and vegetables produced by the farmer or group of farmers.

(2) A handler who pays at the time of purchase with United States cash currency or a cash equivalent, such as a money order, cashier's check, wire transfer, electronic funds transfer, or PIN-based debit transaction, or a credit card.
(3) A restaurant.
(4) A retailer that sells fruits and vegetables to end-use consumers through retail establishments or food stands operated by the company, its affiliates, or subsidiaries. (2018-113, s. 1(b).)

§ 106-501.4. Authority of the Board of Agriculture.

The Board of Agriculture may adopt rules to implement this Article. (2018-113, s. 1(b).)

§ 106-501.5. Civil penalties.

(a) The Commissioner may assess a civil penalty of not more than one hundred dollars ($100.00) per violation against any person or business entity who violates a provision of this Article or any rule adopted thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(b) Civil penalties for failure to register or provide updated information under this Article shall only be issued after a 15-calendar-day notice has been provided to the handler and the handler fails to remedy the deficiency within the 15 days. (2018-113, s. 1(b).)

§ 106-501.6. Injunctions.

In addition to the remedies provided in this Article and notwithstanding the existence of any adequate remedy at law, the Commissioner is authorized to apply to any court of competent jurisdiction, and such court shall have jurisdiction upon hearing and for cause shown to grant, for a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate any of the provisions of this Article or any rule promulgated thereunder. Such injunction shall be issued without bond. (2018-113, s. 1(b).)

Article 45.

Agricultural Societies and Fairs.

Part 1. State Fair.

§ 106-502. Land set apart.

For the purpose of the operating of a State fair, expositions and other projects which properly represent the agricultural, manufacturing, industrial and other interests of the State of North Carolina, there is hereby dedicated and set apart 200 acres of land owned by the State or any department thereof within five miles of the State Capitol, the particular acreage to be selected, set apart, and approved by the Governor and Council of the State of North Carolina. (1927, c. 209, s. 1; 1959, c. 1186, s. 1.)

§ 106-503. Board of Agriculture to operate fair.

(a) The State fair and other projects provided for in G.S. 106-502, shall be managed, operated and conducted by the Board of Agriculture established in G.S. 106-502. To that end, said Board of Agriculture shall, at its first meeting after the ratification of this section, take over said State fair, together with all the lands, buildings, machinery, etc., located thereon, now belonging to said State fair and shall operate said State fair and other projects with all the authority and power conferred upon the former board of directors, and it shall make such rules and regulations as it may deem necessary for the holding and conducting of said fair and other projects, and/or lease said fair properties so as to provide a State fair.

(b) The Board of Agriculture may adopt regulations establishing fees or charges for admission to the State Fairgrounds and for services provided incidental to the use of the State Fairgrounds.

(c) The Board of Agriculture, subject to the provisions of Chapter 146 of the General Statutes, may establish a schedule of rental rates for fair properties and specifications for the issuance of premiums so as to provide a State fair and other projects.

(d) The Board of Agriculture shall provide and maintain recycling bins for the collection and recycling of newspaper, aluminum cans, glass containers, and recyclable plastic beverage containers at the State Fairgrounds. (1931, c. 360, s. 3; 1959, c. 1186, s. 2; 1981, c. 495, s. 4; 1981 (Reg. Sess., 1982), c. 1359, s. 2; 1987, c. 827, s. 34; 1991, c. 336, s. 2.)

§ 106-503.1. Board authorized to construct and finance facilities and improvements for fair.

(a) Borrowing Money and Issuing Bonds. – For the purpose of building, enlarging and improving the facilities on the properties of the State fair, the State Board of Agriculture is hereby empowered and authorized to borrow a sum of money not to exceed one hundred thousand dollars ($100,000), and to issue revenue bonds therefor, payable in series at such time or times and bearing such rate of interest as may be fixed by the Governor and Council of State: Provided, that no part of the payments of the principal or interest charges on said loan shall be made out of the general revenue of the State of North Carolina, and the credit of the State of North Carolina and the State Department of Agriculture and Consumer Services or the agricultural fund, other than the revenue of the State fair funds, shall not be pledged either directly or indirectly for the payment of said principal or interest charges. The receipts, funds, and any other State fair assets may be pledged as security for the payment of any bonds that may be issued.

(b) Contracts and Leases; Pledge of Gate Receipts, etc. – For the further purpose of acquiring, constructing, operating and financing said properties and facilities on the North Carolina State fairgrounds, the Board of Agriculture may enter into such agreements, contracts and leases as may be necessary for the purpose of this section, and may pledge, appropriate, and pay such sums out of the gate receipts or other revenues coming to the State Board of Agriculture from the operation of any facilities of the State fair as may be required to secure, repay, or meet the principal and interest charges on the loan herein authorized. Prior to execution, the Board of Agriculture shall consult with the Joint Legislative Commission on Governmental Operations on all agreements, contracts, and leases authorized under this subsection. The preceding sentence applies only to agreements, contracts, and leases with an estimated revenue to the State of one hundred thousand dollars ($100,000) or more.

(c) Gifts and Endowments. – The State Board of Agriculture may receive gifts and endowments, whether real estate, moneys, goods or chattels, given or bestowed upon or conveyed to them for the benefit of the State fair, and the same shall be administered in accordance with the requirements of the donors. (1945, c. 1009; 1959, c. 1186, s. 3; 1997-261, s. 109; 2001-487, s. 71.)

§ 106-503.2. Regulation of firearms at State Fair.

(a) Except as otherwise provided in this section, the Commissioner of Agriculture is authorized to prohibit the carrying of firearms in any manner on the State Fairgrounds during the period of time each year that the State Fair is conducted.

(b) Notwithstanding subsection (a) of this section, any prohibition under this section shall not apply to the following persons:

(1) Any person exempted by G.S. 14-269(b)(1), (2), (3), (4), or (5).

(2) Any person who has a concealed handgun permit that is valid under Article 54B of this Chapter [Chapter 14 of the General Statutes], or who is exempt from obtaining a permit pursuant to that Article, who has a handgun in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle. A person may unlock the vehicle to enter or exit the vehicle provided the firearm remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit. (2015-195, s. 4(a).)

§ 106-504. Lands dedicated by State may be repossessed at will of General Assembly.

Any lands which may be dedicated and set apart under the provisions of this Article may be taken possession of and repossessed by the State of North Carolina, at the will of the General Assembly. (1927, c. 209, s. 4(a).)

Part 2. County Societies.

§ 106-505. Incorporation; powers and term of existence.

Any number of resident persons, not less than 10, may associate together in any county, under written articles of association, subscribed by the members thereof, and specifying the object of the association to encourage and promote agriculture, domestic manufactures, and the mechanic arts, under such name and style as they may choose, subject to any other applicable provisions of law, and thereby become a body corporate with all the powers incident to such a body, and may take and hold such property, both real and personal, as may be needful to promote the objects of their association.

Whenever any such association is formed subsequent to April 1, 1949, a copy of the articles of incorporation shall be filed with the Secretary of State, together with any other information the Secretary of State may require. A fee of ten dollars ($10.00) shall be paid to the Secretary of State when such articles are filed. Upon receipt of such articles in proper form, and such other information as may be required, and the filing fee, the Secretary of State shall issue a charter of incorporation.

The corporate existence shall continue as long as there are 10 members, during the will and pleasure of the General Assembly. (1852, c. 2, ss. 1, 2, 3; R.C., c. 2, ss. 6, 7; Code, s. 2220; Rev., ss. 3868, 3869; C.S., s. 4941; 1949, c. 829, s. 2.)

§ 106-506. Organization; officers; new members.

Such society shall be organized by the appointment of a president, two vice-presidents, a secretary and treasurer, and such other officers as they may deem proper, who shall thereafter be

chosen annually, and hold their places until others shall be appointed. And the society may from time to time, on such conditions as may be prescribed, receive other members of the corporation. (1852, c. 2, s. 3; R.C., c. 2, s. 7; Code, s. 2221; Rev., s. 3869; C.S., s. 4942.)

§ 106-507: Repealed by Session Laws 2013-316, s. 5(d), effective January 1, 2014, and applicable to admissions purchased on or after that date.

§ 106-508. Funds to be used in paying premiums.

All moneys so subscribed, as well as that received from the State treasury as herein provided, shall after paying the necessary incidental expenses of such society, be annually paid for premiums awarded by such societies, in such sums and in such way and manner as they severally, under their bylaws, rules and regulations, shall direct, on such live animals, articles of production, and agricultural implements and tools, domestic manufacturers, mechanical implements, tools and productions as are of the growth and manufacture of the county or region, and also such experiments, discoveries, or attainments in scientific or practical agriculture as are made within the county or region wherein such societies are respectively organized. (1852, c. 2, s. 7; R.C., c. 2, s. 9; Code, s. 2223; Rev., s. 3873; C.S., s. 4945; 1949, c. 829, s. 2.)

§ 106-509. Annual statements to State Treasurer.

Each agricultural society entitled to receive money from the State Treasurer shall, through its treasurer, transmit to the Treasurer of the State, in the month of December or before, a statement showing the money received from the State, the amount received from the members of the society for the preceding year, the expenditures of all such sums, and the number of the members of such society. (1852, c. 2, s. 8; R.C., c. 2, s. 10; Code, s. 2224; Rev., s. 3874; C.S., s. 4946.)

§ 106-510. Publication of statements required.

Each agricultural society receiving money from the State under this Chapter shall, in each year, publish at its own expense a full statement of its experiments and improvements, and reports of its committees, in at least one newspaper in the State; and evidence that the requirements of this Chapter have been complied with shall be furnished to the State Treasurer before he shall pay to such society the sum of fifty dollars ($50.00) for the benefit of such society for the next year. (1852, c. 2, s. 9; R.C., c. 2, s. 11; Code, s. 2225; Rev., s. 3875; C.S., s. 4947.)

§ 106-511. Records to be kept; may be read in evidence.

The secretary of such society shall keep a fair record of its proceedings in a book provided for that purpose, which may be read in evidence in suits wherein the corporation may be a party. (1852, c. 2, s. 5; R.C., c. 2, s. 12; Code, s. 2226; Rev., s. 3876; C.S., s. 4948.)

Part 3. Protection and Regulation of Fairs.

§ 106-512. Lien against licensees' property to secure charge.

All agricultural fairs which shall grant any privilege, license, or concession to any person, persons, firm, or corporation for vending wares or merchandise within any fairgrounds, or which

shall rent any ground space for carrying on any kind of business in such fairgrounds, either upon stipulated price or for a certain percent of the receipts taken in by such person, persons, firm, or corporation, shall have the right to retain possession of and shall have a lien upon any or all the goods, wares, fixtures, and merchandise or other property of such person, persons, firm, or corporation until all charges for privileges, licenses, or concessions are paid, or until their contract is fully complied with. (1915, c. 242, s. 1; C.S., s. 4950.)

§ 106-513. Notice of sale to owner.

Written notice of such sale shall be served on the owner of such goods, wares, merchandise, or fixtures or other property 10 days before such sale, if he or it be a resident of the State, but if a nonresident of the State, or his or its residence be unknown, the publication of such notice for 10 days at the courthouse door and three other public places in the county shall be sufficient service of the same. (1915, c. 242, s. 2; C.S., s. 4951.)

§ 106-514. Unlawful entry on grounds a misdemeanor.

If any person, after having been expelled from the fairgrounds of any agricultural or horticultural society, shall offer to enter the same again without permission from such society; or if any person shall break over [open] the enclosing structure of said fairgrounds and enter the same, or shall enter the enclosure of said fairgrounds by means of climbing over, under or through the enclosing structure surrounding the same, or shall enter the enclosure through the gates without the permission of its gatekeeper or the proper officer of said fair association, he shall be guilty of a Class 3 misdemeanor. (1870-1, c. 184, s. 3; Code, s. 2795; 1901, c. 291; Rev., s. 3669; C.S., s. 4952; 1993, c. 539, s. 793; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 106-515. Assisting unlawful entry on grounds a misdemeanor.

It shall be unlawful for any person or persons to assist any other person or persons to enter upon the grounds of any fair association when an admission fee is charged, by assisting such other person or persons to climb over or go under the fence or by pulling off a plank or to enter the enclosed grounds by any trick or device or by passing out a ticket or a pass or in any other way. Any violation of this section shall be a Class 3 misdemeanor. (1915, c. 242, ss. 3, 4; C.S., s. 4953; 1993, c. 539, s. 794; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 106-516: Repealed by Session Laws 2013-316, s. 5(d), effective January 1, 2014.

§ 106-516.1. Carnivals and similar amusements not to operate without permit.

Every person, firm, or corporation engaged in the business of a carnival company or a show of like kind, including menageries, merry-go-rounds, Ferris wheels, riding devices, circus and similar amusements and enterprises operated and conducted for profit, shall, prior to exhibiting in any county annually staging an agricultural fair, apply to the sheriff of the county in which the exhibit is to be held for a permit to exhibit. The sheriff of the county shall issue a permit without charge; provided, however, that no permit shall be issued if he shall find the requested exhibition date is less than 30 days prior to a regularly advertised agricultural fair. Exhibition without a permit from the sheriff of the county in which the exhibition is to be held shall constitute a Class 1

misdemeanor: Provided, that nothing contained in this section shall prevent veterans' organizations and posts chartered by Congress or organized and operated on a statewide or nationwide basis from holding fairs or tobacco festivals on any dates which they may select if such fairs or festivals have heretofore been held as annual events. (1953, c. 854; 1963, c. 1127; 1991 (Reg. Sess., 1992), c. 1030, s. 26; 1993, c. 539, s. 795; 1994, Ex. Sess., c. 24, s. 14(c); 2005-435, s. 43.)

§§ 106-517 through 106-520: Repealed by Session Laws 2013-316, s. 5(d), effective January 1, 2014, and applicable to admissions purchased on or after that date.

Part 4. Supervision of Fairs and Animal Exhibitions.

§ 106-520.1. Definition.

As used in this Article, the word "fair" means a bona fide exhibition designed, arranged and operated to promote, encourage and improve agriculture, horticulture, livestock, poultry, dairy products, mechanical fabrics, domestic economy, and 4-H Club and Future Farmers of America activities, by offering premiums and awards for the best exhibits thereof or with respect thereto. (1949, c. 829, s. 1.)

§ 106-520.2. Use of "fair" in name of exhibition.

It shall be unlawful for any person, firm, corporation, association, club, or other group of persons to use the word "fair" in connection with any exhibition, circus, show, or other variety of exhibition unless such exhibition is a fair within the meaning of G.S. 106-520.1. (1949, c. 829, s. 1.)

§ 106-520.3. Commissioner of Agriculture to regulate.

The Commissioner of Agriculture, with the advice and approval of the State Board of Agriculture, is hereby authorized, empowered and directed to make rules and regulations with respect to classification, operation and licensing of fairs, so as to insure that such fairs shall conform to the definition set out in G.S. 106-520.1, and shall best promote the purposes of fairs as set out in such definition. Every fair, and every exhibition using the word "fair" in its name, except fairs classified by the Commissioner of Agriculture as noncommercial community fairs, must comply with the standards, rules and regulations set up and promulgated by the Commissioner of Agriculture, and must secure a license from the Commissioner of Agriculture before such exhibition or fair is staged or operated. No license shall be issued for any such exhibition or fair unless it meets the standards and complies with the rules and regulations of the Commissioner of Agriculture with respect thereto. (1949, c. 829, s. 1.)

§ 106-520.3A. Animal exhibition regulation; permit required; civil penalties.

(a) Title. – This section may be referred to as "Aedin's Law". This section provides for the regulation of animal exhibitions as they may affect the public health and safety.

(b) Definitions. – As used in this section, unless the context clearly requires otherwise:

(1) "Animal" means only those animals that may transmit infectious diseases.

(2) "Animal exhibition" means any sanctioned agricultural fair where animals are displayed on the exhibition grounds for physical contact with humans.

(c) Permit Required. – No animal exhibition may be operated for use by the general public unless the owner or operator has obtained an operation permit issued by the Commissioner. The Commissioner may issue an operation permit only after physical inspection of the animal exhibition and a determination that the animal exhibition meets the requirements of this section and rules adopted pursuant to this section. The Commissioner may deny, suspend, or revoke a permit on the basis that the exhibition does not comply with this section or rules adopted pursuant to this section.

(d) Rules. – For the protection of the public health and safety, the Commissioner of Agriculture, with the advice and approval of the State Board of Agriculture, and in consultation with the Division of Public Health of the Department of Health and Human Services, shall adopt rules concerning the operation of and issuance of permits for animal exhibitions. The rules shall include requirements for:

(1) Education and signage to inform the public of health and safety issues.
(2) Animal areas.
(3) Animal care and management.
(4) Transition and nonanimal areas.
(5) Hand-washing facilities.
(6) Other requirements necessary for the protection of the public health and safety.

(e) Educational Outreach. – The Department shall continue its consultative and educational efforts to inform agricultural fair operators, exhibitors, agritourism business operators, and the general public about the health risks associated with diseases transmitted by physical contact with animals.

(f) Civil Penalty. – In addition to the denial, suspension, or revocation of an operation permit, the Commissioner may assess a civil penalty of not more than five thousand dollars ($5,000) against any person who violates a provision of this section or a rule adopted pursuant to this section. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation.

The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(g) Legal Representation by Attorney General. – It shall be the duty of the Attorney General to represent the Department of Agriculture and Consumer Services or designate a member of the Attorney General's staff to represent the Department in all actions or proceedings in connection with this section. (2005-191, s. 1(b).)

§ 106-520.4. Local supervision of fairs.

No county or regional fairs shall be licensed to be held unless such fair is operated under supervision of a local board of directors who shall employ appropriate managers, who shall be responsible for the conduct of such fair, and otherwise comply with the standards, rules and regulations promulgated by the Commissioner of Agriculture. The Commissioner of Agriculture, with the advice and approval of the State Board of Agriculture, shall make rules and regulations requiring county and regional fairs to emphasize agricultural, educational, home and industrial exhibits by providing adequate premiums. (1949, c. 829, s. 1.)

§ 106-520.5. Reports.

Every fair shall make such reports to the Commissioner of Agriculture, as said Commissioner may require. (1949, c. 829, s. 1.)

§ 106-520.6. Premiums and premium lists supplemented.

The State Board of Agriculture may supplement premiums and premium lists for county and regional fairs and the North Carolina State Fair, and improve and expand the facilities for exhibits at the North Carolina State Fair, at any time or times, out of any funds which may be available for such purposes. (1949, c. 829, s. 1.)

§ 106-520.7. Violations made misdemeanor.

Any person who violates any provision of G.S. 106-520.1 through G.S. 106-520.6 is guilty of a Class 1 misdemeanor. (1949, c. 829, s. 1; 1993, c. 539, s. 797; 1994, Ex. Sess., c. 24, s. 14(c).)

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.

10A NCAC 41A .0302 SALE OF TURTLES RESTRICTED

(a) To prevent the spread of salmonellosis from pet turtles to humans, no turtle with a carapace length of less than four inches shall be sold, offered for sale, or bartered by any retail or wholesale establishments except as follows:

(1) the sale of turtles shall be allowed to institutions for scientific or educational purposes;

(2) the sale of turtles shall be allowed for food purposes; and

(3) wholesale establishments dealing in the sale of turtles shall be allowed to sell turtles to other wholesale or retail establishments outside of the State of North Carolina, subject to the applicable state and federal laws.

(b) For establishments selling turtles in accordance with Paragraph (a) of this Rule, the following information, or words having similar meaning, shall be posted at every display of turtles for retail sale, printed on the sales receipt issued by the seller at the time of the sale, or printed on an information sheet accompanying the sales receipt issued by the seller:

"CAUTION: Children under 5 years old and people with weak immune systems (such as chemotherapy patients or those with HIV/AIDS) should avoid contact with reptiles. These people can get very sick from a germ called Salmonella that reptiles carry. Reptiles include lizards, snakes, alligators, and turtles. Wash hands thoroughly after handling turtles or material that had contact with turtles. Do not allow water or any other substance that had contact with turtles to come in contact with food or areas where food is prepared. Do not bathe turtles or clean their tanks in your kitchen or bathroom and do not have close contact with turtles which could allow direct contamination of the mouth (e.g., kissing, etc.)."

(c) The seller shall keep a record of all purchases, losses, and other dispositions of turtles for at least one year.

History Note: *Authority G.S. 130A-144;*
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. May 1, 2017; February 3, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

§ 14-363.1. Living baby chicks or other fowl, or rabbits under eight weeks of age; disposing of as pets or novelties forbidden.

If any person, firm or corporation shall sell, or offer for sale, barter or give away as premiums living baby chicks, ducklings, or other fowl or rabbits under eight weeks of age as pets or novelties, such person, firm or corporation shall be guilty of a Class 3 misdemeanor. Provided, that nothing contained in this section shall be construed to prohibit the sale of nondomesticated species of chicks, ducklings, or other fowl, or of other fowl from proper brooder facilities by hatcheries or stores engaged in the business of selling them for purposes other than for pets or novelties. (1973, c. 466, s. 1; 1985 (Reg. Sess., 1986), c. 967, s. 4; 1993, c. 539, s. 245; 1994, Ex. Sess., c. 24, s. 14(c).)

SUBCHAPTER 52K – ANIMAL EXHIBITIONS

SECTION .0100 – PURPOSE AND SCOPE

02 NCAC 52K.0101 PURPOSE

The purpose of this Subchapter is to establish standards for animal exhibitions at agricultural fairs to reduce the likelihood of the transmission of disease from animals to humans.

History Note: Authority G.S. 106-520.3A;
Eff. September 1, 2006.

02 NCAC 52K.0102 SCOPE

The rules in this Subchapter apply to animal exhibitions at agricultural fairs where animals are displayed for the purpose of physical contact with humans.

History Note: Authority G.S. 106-520.3A;
Eff. September 1, 2006.

SECTION .0200 - DEFINITIONS

02 NCAC 52K.0201 DEFINITIONS

As used in this Subchapter:

(1) "Agricultural fair" or "fair" means a fair required to be licensed by the Commissioner of Agriculture pursuant to G.S. 106-520.3.

(2) "Animal contact exhibit" means any exhibit at an agricultural fair where there are animals displayed for the purpose of petting, holding, feeding, or other physical contact by humans, including but not limited to, petting zoos, pony rides and poultry handling exhibits.

(3) "Commissioner" means the Commissioner of Agriculture or the Commissioner's authorized representative.

(4) "Department" means the North Carolina Department of Agriculture and Consumer Services.

(5) "Transition area" means the area between an animal contact exhibit exit and the closest hand-washing station.

History Note: Authority G.S. 106-520.3A;
Eff. September 1, 2006.

SECTION .0300 - SIGNAGE

02 NCAC 52K.0301 SIGNAGE

An animal contact exhibit shall provide visible signage at the entrance and exit of the exhibit to educate the public regarding:

(1) the fact that animal contact may pose a health risk;

(2) items that are prohibited in animal areas;

(3) the identity of high risk populations, including:

  (a) the elderly;

  (b) children under the age of six;

  (c) women who are pregnant;

  (d) people with an existing health condition; and

(4) the location of hand-washing stations.

History Note: Authority G.S. 106-520.3A;
Eff. September 1, 2006;
Amended Eff. September 1, 2014.

02 NCAC 52K.0302 MINIMUM SIZE OF LETTERING ON SIGNAGE

All lettering on signs shall be at least 3/8 inch high.

History Note: *Authority G.S. 106-520.3A;*
Eff. September 1, 2006.

SECTION .0400 – OPERATIONS AND STAFFING

02 NCAC 52K.0401 FENCING

(a) Animals and bedding shall be separated from the public with fencing to minimize the public's contact with manure and bedding. This does not apply to:

(1) animal rides (including pony, camel, and elephant rides);
(2) milking booths; or
(3) the petting of an animal held or restrained outside of its housing area by an exhibit operator or patron as part of an educational or photographic opportunity where there is limited possibility of contact with manure and bedding.

(b) Fencing shall be at least 29 inches high. On the side(s) of the exhibit intended for public contact, the fencing shall have a solid board or panel at the bottom at least eight inches high to contain manure and bedding.
(c) Fencing may allow children to reach through or over to pet and feed animals.

History Note: *Authority G.S. 106-520.3A;*
Eff. September 1, 2006;
Amended Eff. September 1, 2014.

02 NCAC 52K.0402 PROHIBITED ITEMS

In order to minimize hand to mouth contact, no pacifiers, baby bottles, drink cups, food, drink or smoking shall be allowed in animal contact exhibits.

History Note: *Authority G.S. 106-520.3A;*
Eff. September 1, 2006.

02 NCAC 52K.0403 AGE REQUIREMENTS

Unsupervised children less than six years old shall not be permitted in animal contact areas.

History Note: *Authority G.S. 106-520.3A;*
Eff. September 1, 2006.

02 NCAC 52K.0404 FEEDING OF ANIMALS

Only food provided by the animal contact exhibit may be fed to the animals. Animal food shall not be provided in containers that are human food items, such as ice cream cones.

History Note: *Authority G.S. 106-520.3A;*
Eff. September 1, 2006.

02 NCAC 52K.0405 STAFFING; COMPLIANCE

An animal contact exhibit shall be staffed at all times of operation by at least one person who has the authority to ensure that the exhibit complies with this Subchapter. The owner, operator or person in charge of an animal contact exhibit shall be responsible for compliance with this Subchapter, and shall not knowingly permit violations by its employees, agents or patrons.

History Note: *Authority G.S. 106-520.3A;*
Eff. September 1, 2006.

02 NCAC 52K.0406 SURFACES; EXHIBIT AREAS

(a) Surfaces in the animal contact exhibit that can be touched by both fair patrons and animals shall be made of impervious material, and shall be cleaned and disinfected daily and at any time visible contamination is present.
(b) All animal fencing, feed troughs, and open watering systems shall be disinfected prior to and at the end of each fair.
(c) Contact animal exhibits shall be held on impervious surfaces whenever feasible.
(d) Impervious exhibit areas shall be cleaned and disinfected at the end of the fair.
(e) Exhibit areas that are not impervious shall be cleaned of all manure at the end of the fair and shall not be used for human activities for at least six months after cleaning.
(f) Paragraphs (c) and (e) of this Rule shall not apply to pony rides.

History Note: *Authority G.S. 106-520.3A;*
Eff. September 1, 2006.
Amended Eff. November 1, 2008.

02 NCAC 52K.0407 WASTE DISPOSAL
The fair shall designate a manure disposal area and shall control wastewater runoff. The animal contact exhibit shall have a designated area for temporary storage of animal waste and shall not transport such waste through areas occupied by fair patrons. Manure disposal and storage areas shall be inaccessible to the public, unless waste is bagged and placed in a closeable dumpster.

History Note: *Authority G.S. 106-520.3A;*
Eff. September 1, 2006.

SECTION .0500 – FOOD, DRINK AND HAND-WASHING

02 NCAC 52K.0501 HAND-WASHING STATIONS
(a) Hand-washing stations with soap, running water, paper towels and disposal containers shall be located within 10 feet of the exit of an animal contact exhibit, wherever feasible.
(b) Hand-washing stations suitable for small children shall be available in the same area as the stations in Paragraph (a) of this Rule.
(c) Signage shall be provided to direct patrons to hand-washing stations.
(d) In order to promote hand-washing with soap and water, dispensers for waterless hand sanitizing lotions, gels or hand wipes shall not be provided in the transition or exhibit area. Such dispensers may be placed at the entrance of milking booths to reduce the potential for introduction of disease to the exhibit animals.

History Note: *Authority G.S. 106-520.3A;*
Eff. September 1, 2006;
Amended Eff. September 1, 2014; November 1, 2008.

02 NCAC 52K.0502 FOOD AND DRINK
Food and beverages for human consumption shall not be sold, prepared, served, or consumed in transition areas.

History Note: *Authority G.S. 106-520.3A;*
Eff. September 1, 2006.

SECTION .0600 - ANIMAL KEEPING, CERTIFICATIONS AND EXHIBITION

02 NCAC 52K.0601 HEALTH CERTIFICATE; VACCINATIONS
(a) An official health certificate as defined in 02 NCAC 52B .0202, a rabies vaccination certificate (when applicable), and any other documentation required by 02 NCAC 52B for species or state of origin, shall accompany all animals contained in a public contact setting.
(b) An animal for which there is an approved rabies vaccine, but which is too young to receive rabies vaccination, is prohibited from animal contact exhibits unless proof of rabies vaccination, within the preceding 12 months, of the mother is provided.

(c) Initial rabies vaccination shall be administered at least 30 days prior to the event. Subsequent vaccinations for livestock shall be no more than one year prior to the event and may be within 30 days of the event if proof of previous vaccination is provided. Dogs and cats shall be in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6.
(d) If no licensed rabies vaccine exists for a particular species (such as rabbits, goats, llamas, and camels), no vaccination is required.

History Note: *Authority G.S. 106-520.3A;*
Eff. September 1, 2006;
Amended Eff. November 1, 2008.

02 NCAC 52K.0602 DAILY MONITORING
Animals shall be monitored daily by exhibit personnel for signs of illness. Animals that exhibit signs of illness shall be removed from public contact immediately.

History Note: *Authority G.S. 106-520.3A;*
Eff. September 1, 2006.

02 NCAC 52K.0603 HIGH RISK ANIMALS
Animals that pose a high disease risk to humans, as determined by the State Veterinarian or his representative, shall not be allowed in animal contact exhibits.

History Note: *Authority G.S. 106-520.3A;*
Eff. September 1, 2006.

02 NCAC 52K.0604 BIRTHING ANIMALS
No near-birth or birthing sheep, cattle or goats and no sheep, cattle or goats that have given birth within the previous two weeks shall be allowed in animal contact exhibits.

History Note: *Authority G.S. 106-520.3A;*
Eff. September 1, 2006.

SECTION .0700 - PERMITTING AND RECORD-KEEPING

02 NCAC 52K.0701 PERMITTING
(a) Each animal contact exhibit shall be inspected and permitted by the Department prior to opening at a sanctioned agricultural fair.
(b) Permitting applications for animal contact exhibits will be included in the annual County Fair Handbook distributed by the Department. Applications and other information shall be forwarded by the fair manager to all contracted animal contact exhibits or completed by fair staff for exhibits operated by the fair.
(c) In order to be permitted when the fair opens, an animal contact exhibit shall be set up and ready for inspection at least two hours before the fair opens.
(d) Permits shall be valid for exhibition at other fairs listed on the permit application, unless the permit has been suspended or revoked.
(e) A permit may be suspended or revoked by the Commissioner or his authorized representative for any violation of this Subchapter or G.S. 106-520.3A, in accordance with the Administrative Procedure Act.

History Note: *Authority G.S. 106-520.3A;*
Eff. September 1, 2006.

02 NCAC 52K.0702 RECORDS
Each contact animal exhibit shall keep a record of daily disinfection and animal monitoring during each fair. Records shall be maintained for a period of one year and shall be made available for inspection by the Commissioner of Agriculture or his designee.

History Note: *Authority G.S. 106-520.3A;*
Eff. September 1, 2006.

Article 4.

Agritourism Activity Liability.

§ 99E-30. Definitions.

As used in this Article, the following terms mean:

(1) Agritourism activity. – Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity. "Agritourism activity" includes an activity involving any animal exhibition at an agricultural fair licensed by the Commissioner of Agriculture pursuant to G.S. 106-520.3.

(2) Agritourism professional. – Any person who is engaged in the business of providing one or more agritourism activities, whether or not for compensation.

(3) Inherent risks of agritourism activity. – Those dangers or conditions that are an integral part of an agritourism activity including certain hazards, including surface and subsurface conditions, natural conditions of land, vegetation, and waters, the behavior of wild or domestic animals, and ordinary dangers of structures or equipment ordinarily used in farming and ranching operations. Inherent risks of agritourism activity also include the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, including failing to follow instructions given by the agritourism professional or failing to exercise reasonable caution while engaging in the agritourism activity.

(4) Participant. – Any person, other than the agritourism professional, who engages in an agritourism activity.

(5) Person. – An individual, fiduciary, firm, association, partnership, limited liability company, corporation, unit of government, or any other group acting as a unit. (2005-236, s. 1; 2007-171, s. 1.)

§ 99E-31. Liability.

(a) Except as provided in subsection (b) of this section, an agritourism professional is not liable for injury to or death of a participant resulting from the inherent risks of agritourism activities, so long as the warning contained in G.S. 99E-32 is posted as required and, except as provided in subsection (b) of this section, no participant or participant's representative can maintain an action against or recover from an agritourism professional for injury, loss, damage, or death of the participant resulting exclusively from any of the inherent risks of agritourism activities. In any action for damages against an agritourism professional for agritourism activity, the agritourism professional must plead the affirmative defense of assumption of the risk of agritourism activity by the participant.

(b) Nothing in subsection (a) of this section prevents or limits the liability of an agritourism professional if the agritourism professional does any one or more of the following:

(1) Commits an act or omission that constitutes willful or wanton disregard for the safety of the participant, and that act or omission proximately causes injury, damage, or death to the participant.

(2) Has actual knowledge or reasonably should have known of an existing dangerous condition on the land, facilities, or equipment used in the activity or the dangerous propensity of a particular animal used in such activity and does not make the danger known to the participant, and the danger proximately causes injury, damage, or death to the participant.

(c) Nothing in subsection (a) of this section prevents or limits the liability of an agritourism professional under liability provisions as set forth in Chapter 99B of the General Statutes.

(d) Any limitation on legal liability afforded by this section to an agritourism professional is in addition to any other limitations of legal liability otherwise provided by law. (2005-236, s. 1; 2013-265, s. 4.)

§ 99E-32. Warning required.

(a) Every agritourism professional must post and maintain signs that contain the warning notice specified in subsection (b) of this section. The sign must be placed in a clearly visible location at the entrance to the agritourism location and at the site of the agritourism activity. The warning notice must consist of a sign in black letters, with each letter to be a minimum of one inch in height. Every written contract entered into by an agritourism professional for the providing of professional services, instruction, or the rental of equipment to a participant, whether or not the contract involves agritourism activities on or off the location or at the site of the agritourism activity, must contain in clearly readable print the warning notice specified in subsection (b) of this section.

(b) The signs and contracts described in subsection (a) of this section must contain the following notice of warning:

"WARNING

Under North Carolina law, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if such injury or death results from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity."

(c) Failure to comply with the requirements concerning warning signs and notices provided in this subsection will prevent an agritourism professional from invoking the privileges of immunity provided by this Article. (2005-236, s. 1.)

§ 99E-33: Reserved for future codification purposes.

§ 99E-34: Reserved for future codification purposes.

§ 99E-35: Reserved for future codification purposes.

§ 99E-36: Reserved for future codification purposes.

§ 99E-37: Reserved for future codification purposes.

§ 99E-38: Reserved for future codification purposes.

§ 99E-39: Reserved for future codification purposes.

Steve Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services

Standards Division

Stephen Benjamin
Director

March 2, 2011

TO: All North Carolina County Fair and Carnival Concessionaires and Exhibitors

FROM: Richard G. Fredenburg, LP-Gas Engineer

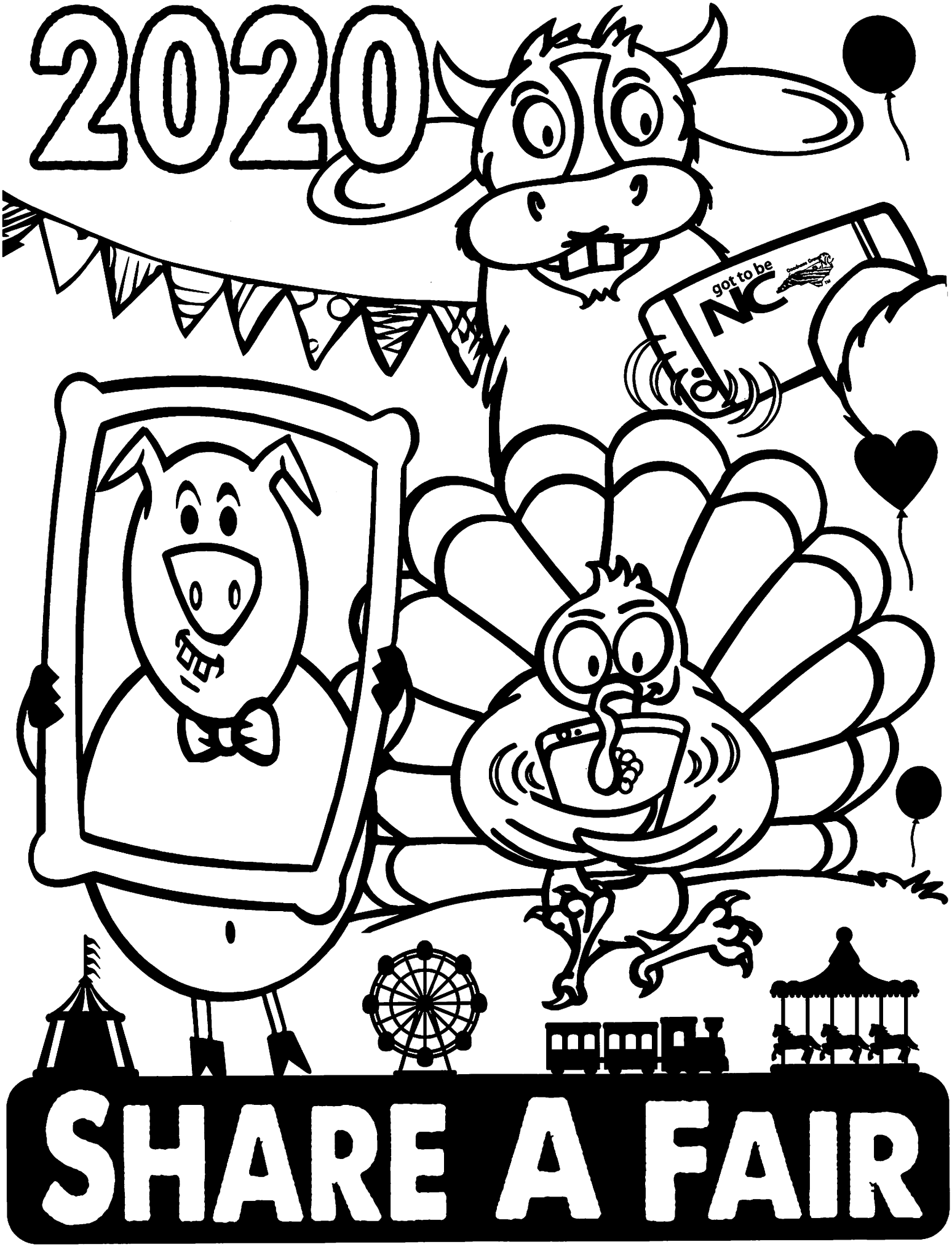
All LP-Gas (propane) installations at North Carolina county fairs and carnivals must be in accordance with the North Carolina LP-Gas Law and Regulations. The requirements of this safety standard include, but are not limited to:

(l) All LP-Gas containers must be maintained as required in the National Fire Protection Association Standard 58 (NFPA 58), 2011 Edition, the *LP-Gas Code*, including being properly painted to prevent corrosion, being in sound condition, and being requalified if more than 12 years old and so marked and visible. OPD requirements apply in North Carolina.
(2) Installed or stored containers will be upright and secured with suitable restraints to prevent tipping over.
(3) Containers not connected into service will have the service valve plugged or the regulator capped, or, if the valve is the Acme-thread type, the valve will not be plugged but may have a dust cap.
(4) All containers will sit on concrete, asphalt, brick, solid wood blocks, or masonry blocks or in a container, such as a "milk crate," to avoid contact with the ground and to provide a stable footing.
(5) Containers shall not be stored in any building, booth, tent, or unventilated vehicle. However, containers having a maximum LP-Gas capacity of 5 lb. may be used inside buildings for public exhibitions or demonstrations. If more than one such container is located in a room, the containers shall be separated by at least 20 ft. Routine preparation of food is not considered to be a demonstration or exhibition.
(6) All containers filled in place will be located so the **fill valve is 10 feet from any ignition source**, or is separated from any ignition source by a vapor-proof barrier to provide 10 feet of separation. If the container is filled only when ignition sources are shut down, the separation may be reduced to 5 feet. **Relief valves must be at least 5 feet from any ignition source**.
(7) All valves, hoses, and piping material will be suitable for LP-Gas service. **Hoses must be marked as LP-Gas approved.**
(8) All piping shall be properly supported and, if necessary, protected from damage.

The above requirements, and any others which may be applicable, will normally be enforced by fire inspection personnel. If necessary, LP-Gas inspectors from our department can be provided. **Do not ask a gas supplier to violate the rules.**

Every year there are some concession operators who do not adequately plan their space requirements to include their propane tank(s). You may want to plan for additional gas hose or tubing to allow the tank(s) to go behind your booth. All separation requirements of the *LP-Gas Code* apply.

1050 Mail Service Center, Raleigh, North Carolina 27699-1050
(919) 733-3313 ● Fax (919) 715-0524 ● www.ncstandards.org
An Equal Opportunity Affirmative Action Employer


2020
got to be
NC
SHARE A FAIR

2020 Got to Be NC Agriculture Commissioner's Award & Display Contest

Purpose:

The purpose of the Got to Be NC Agriculture Booth Display Contest is to encourage Fairs to incorporate a creative, interactive and interesting exhibit about North Carolina agriculture into their Fair, to add visual interest for fairgoers and engage the public in an educational, agricultural message. ***A more visually interesting and engaging Fair may result in increased attendance, which will help Fairs in their mission to promote NC agriculture.***

Overview:

To participate in the Got to Be NC Agriculture Booth Display Contest, each Fair is encouraged to create its own display showcasing regionally produced agricultural products, agricultural industries and/or agricultural services that highlight the Fair's county or region. Fairs should highlight modern agricultural information in the display by using signage, informed people, interactive activities and/or other means of explaining agriculture in the 21st century.

Information about county agricultural statistics has been provided in the 2020 Fair Manager's Handbook and can be downloaded from NCDA&CS Agricultural Statistics website: www.ncagr.gov/stats. Interactive activity ideas for kids can be downloaded from the NCDA&CS Marketing Kids Stuff website: www.ncagr.gov/markets/kidstuff

The theme this year is **Share-A-Fair**, and points will be awarded for incorporating this theme into the booth display in an original, creative way. The logo, as well as the Got to Be NC Agricultural Fairs logo, can be downloaded from http://www.ncagr.gov/markets/fairs/fairmanagerinfo.htm .The type of products and materials used in the display, the layout design and any interactive activities are up to each individual Fair to decide.

Rules:

Any entry that does not follow the rules will be disqualified. These rules are meant to put all entries on an equal playing field, so that judges can focus on the judging criteria when reviewing entries. Be sure to read the Judging section below to see how booth displays will be judged.

1. Contest entry form should include no more than TWO DOUBLE-SPACED 8.5 x 11 inch typewritten pages explaining how well the display meets the judging criteria.
2. Contest entry form should include at least 1, but no more than 10 color photos showing how well the display meets the Judging Criteria.
3. Exhibits must be self-supporting and fit in a minimum exhibit space of 8' x 8'.
4. Contestant must be a licensed North Carolina Agricultural Fair to participate.
5. Contest Entry Form documents and photos must be submitted to Kevin Hardison by 5 p.m. on Friday, December 4, 2020 at 1020 Mail Service Center, Raleigh, NC 27699-1020.

2020 Got to Be NC Agriculture Commissioner's Award & Display Contest

Judging will be conducted by NCDA&CS employees who are familiar with the Got to Be NC Agricultural marketing brand, and modern agricultural production. Judging will be based solely on the entry form documents and photos submitted. Judges will not evaluate displays in person. It is important for Fairs to follow the rules for submitting an entry and provide a complete and concise explanation of how the display met each of the Judging Criteria.

Judging Criteria will consist of:

- Prominently using the theme "Share-A-Fair"
- Prominently using the Got to Be NC logo
- Prominently showing regionally produced agricultural products, agricultural industries and/or agricultural services from the Fair's county or region.
- Explaining the regionally produced agricultural products, agricultural industries and/or agricultural services from the Fair's county or region through signage, staff people, interactive activities and/or other means of explanation.
- Incorporating information about agriculture in the 21st Century, such as the use of informational signage, agricultural statistics, farmland preservation information, photos, interactive activities and/or other ways of portraying modern agricultural production.
- Involving community partners in the creation of the booth display.
- Involving community partners in the staffing of the booth display.
- Incorporating a Kids Club contest.
- Originality and creativity of the booth content, layout and activities.
- Effectively portraying an agricultural message about North Carolina.

Awards and Recognition

One fair in each of the four categories will be selected to receive the Commissioner's Award and a cash prize of $500. Category 1: attendance less than 15,000; Category 2: attendance of 15,001 – 40,000; Category 3: attendance of 40,001 or more; and Category 4: governmental fairs.

Additional Information

Contact Kevin Hardison at Kevin.Hardison@ncagr.gov or call (919) 707-3123. Submit entry form documents and photos to 1020 Mail Service Center, Raleigh, NC 27699-1020

2020 Got to Be NC Agriculture Commissioner's Award & Display Contest

ENTRY FORM

Rules:
Any entry that does not follow the rules will be disqualified. These rules are meant to put all entries on an equal playing field, so that judges can focus on the judging criteria when reviewing entries. Be sure to read the Sample Judging Sheet to see how booth displays will be judged.

1. Contest entry form should include no more than TWO DOUBLE-SPACED 8.5 x 11 inch typewritten pages explaining how well the display meets the judging criteria (See Sample Judging Sheet for criteria information).

2. Contest entry form should include at least 1, but no more than 10 color photos showing how well the display meets the Judging Criteria (See Sample Judging Sheet for criteria information).

3. Exhibits must be self-supporting and fit in a minimum exhibit space of 8' x 8'.

4. Contestant must be a licensed North Carolina Agricultural Fair to participate.

5. Contest Entry Form documents and photos must be submitted to Kevin Hardison by 5 p.m. on Friday, December 4, 2020. Send entry forms to 1020 Mail Service Center Raleigh, NC 27699-1020 Attn: Kevin Hardison

---

Name of Fair: _____

Fair Dates: _____

2020 Attendance _____

Fair Manager: _____

Phone Number: _____

(This page must accompany your entry)

N.C. Dept. of Agriculture & Consumer Services
Resources to help your Agricultural Fair

- Applications, reports, laws & rules, contest info, resources, animal contact signs, scavenger hunt signs and other information pertaining to N.C. County Fairs can be downloaded from this website:
  - www.ncagr.gov/markets/fairs/fairmanagerinfo.htm

- County Fair dates, locations and links to Fair websites can be found here:
  - www.ncagr.gov/markets/fairs

- Agricultural statistics about your region, which can be used in your Got to Be NC display, or for other signage and exhibits around your fairgrounds.
  - www.ncagr.gov/stats/codata/index.htm

- Educational ideas for your Kids Club activities, or for other educational exhibits and activities can be found here:
  - http://www.ncagr.gov/htm/educational.htm

- Stay up-to-date on NCDA&CS news and events through social media:
  - *In the Field* Blog: http://info.ncagr.com/blog/
  - Facebook: www.facebook.com/NCAgriculture
  - Twitter: http://twitter.com/ncagriculture
  - YouTube: http://www.youtube.com/NCAgriculture

- Contact information
  - Kent Yelverton, NCDA&CS State Fair Manager
    1025 Blue Ridge Road, Raleigh, NC 27607
    Phone: (919) 821-7400, Fax: (919) 733-5079
    Email: Kent.Yelverton@ncagr.gov

  - Dr. Karen Beck, NCDA&CS Emergency Programs Division
    Public Health Surveillance Veterinarian
    1035 Mail Service Center, Raleigh NC 27699-1035
    Phone: (919) 807-4330, Fax: (919) 807-4303
    Email: karen.beck@ncagr.gov

  - Kevin Hardison, County Fair Coordinator
    1020 Mail Service Center
    Raleigh, NC 27699-1020
    Phone: 919-707-3123; Fax: 919-715-0155
    Email: Kevin.Hardison@ncagr.gov

  - Michelle Baker Administrative Assistant
    Veterinary Division- NC Farm ID Program
    Phone: (919) 707-3264, Fax:(919) 733-2277 (Fax)
    Email: Michelle.Baker@ncagr.gov