

RULES AND REGULATIONS FOR ARBUCKLE CERTIFIED FARMERS' MARKET

STATEMENT OF INTENT

NATURE OF THE MARKET: The Arbuckle Certified Farmers' Market (ACFM) has been created by the Arbuckle Revitalization Committee to enliven the downtown area of Arbuckle, and to give all Colusa County residents a weekly destination to purchase high quality produce and hand-made farm products directly from the producer. The ACFM is a diversified market offering both certifiable and non-certifiable goods for sale. The ACFM provides producers with the opportunity to sell their fresh, local products directly to the consumers without the intervention of a middleman. ACFM is operated in accordance with regulations established in the California Administrative Code (Title 3, Chapter 3, Group 4, Article 6.5, Section 1392) pertaining to Direct Marketing.

ACFM is certified by the County Agricultural Commissioner as a direct marketing outlet for producers to sell their crops directly to consumers without meeting the usual size, standard pack and container requirements for such products. However, all produce must meet minimum quality standards.

The non-certifiable goods add variety and enhance the festive ambiance of the Farmers' Market. Although the State Direct Marketing regulations require the producers of fresh fruit, nuts, vegetables, flowers, honey, eggs, nursery stock, and plants be required to be certified, the same producer-to-consumer philosophy applies for all items sold at the Market. All products at a Certified Farmers' Market are either grown by or made by the seller. The resale of products is prohibited.

MANAGEMENT: The Arbuckle CFM is managed, operated and controlled by the Arbuckle Revitalization Committee Board. The Market Manager and Market Committee are responsible for Market logistics and administration.

RULES AND REGULATIONS FOR ALL SELLERS AT CERTIFIED FARMERS' MARKETS.

In order to ensure the successful maintenance of the ACFM as an efficient outlet for producers to sell their products directly to consumers, the ACFM has established the following set of rules and regulations.

I. INTENT AND IMPLEMENTATION

The purpose of this set of rules is to govern the operation, administration and management of the Arbuckle Certified Farmers' Market under the control of this organization. The rules of a Certified Farmers' Market are in place to ensure that quality control and health standards are maintained in all produce and food products offered at the Market. ACFM Management will implement and enforce all rules and regulations pertaining to the operation of the Arbuckle Certified Farmers' Market in a fair and equitable manner.

II. CATEGORIES AND GENERAL RULES FOR SELLERS

A. **Certifiable Ag Products:** *fresh fruits, nuts, vegetables, shell eggs, honey, flowers, and nursery stock*
Sellers in this category are those who have grown or produced the products they sell on a facility which the seller controls. Producers must obtain a **Certified Producers' Certificate** prior to selling such commodities at a Certified Farmers' Market.

B. **Non-Certifiable Ag Products:** Live Animals, Livestock, Fish, Aquaculture, Wine, Worms, Dried Fruits and Vegetables, Processed Nuts, Juices, Pickled Fruits & Vegetables, Jams. Sellers in this category are those who have grown, bred, raised, or cultivated, the products in fresh or processed form. These sellers may have their products dried, ground, roasted, juiced, smoked or otherwise altered in one stage process by a second party. All sellers of non-certifiable agricultural products must obtain a **Certified Producer's Certificate** for the fresh product from which the processed product was derived. Only those processed agricultural products which a producer can verify are his/her own product will be allowed for sale at the Market. Dry yard and/or processing plant receipts may be requested for verification. All sellers must obtain and display all necessary permits, including health permits and any other applicable permits.

C. **Non-Agricultural Products:** *Prepared food and Crafts*

1. **Processed/Prepared Foods:**

Sellers in this category are those who have cooked, canned, baked, preserved or otherwise treated the product they sell. Sellers shall prepare the finished product. All sellers must obtain and display all applicable permits, including a permit from the health department of the county from which the products originate. All processed/prepared foods/food vendors must provide the market with proof of product liability insurance. All products within this category shall bear labels including: the name of the product, ingredients, weight, the qualified seller's name and address (see California Uniform Retail Food Facilities Law, Articles 6 and 15, Health and Safety Code, sections 27590 et seq., and 27831 et seq., respectively). Low acid canned foods are prohibited from the Market (including, but not limited to, vegetables, meats, low acid olives).

All processed certifiable agricultural products must have and be accompanied by a verifiable listing of the fresh product on producer's certificate of the producer selling.

Seller must be able to show location and capability of processing or, if processing is done by a second party, the method used to insure that the processed product returned is the original source product submitted by the producer for processing. Receipts, volume data, and letters verifying methodology may be requested or required. Seller must show that all processing was accomplished under safe and sanitary conditions and, if applicable, obtain, furnish and display any and all health permits necessary.

2. **Crafts:**

Sellers in this category are those who have created, sewn, constructed, or otherwise fashioned from component materials the item(s) they sell. The component materials must be sufficiently modified from their original state to demonstrate fine craftsmanship. Each craft application must include a photocopy of appropriate permits, i.e. seller's permit from the State Board of Equalization and Business License if applicable. Photos of each craft item to be sold at the Market must be submitted at the time of review. Only those items approved at the review may be sold at the Market. The above rules apply to all sellers of crafts, including Agricultural Producers who may sell soaps, lotions, scrubs, and salves that they create made from the agricultural and processed agricultural

products they produce (must be listed on their Certified Producers Certificate). The sale of these crafts by Agricultural Producers must take place in the designated craft area of the market.

D. Non-profit organizations and community information groups

Non-profit organizations shall be allowed at the Market whenever space is available. Each group or individual is allowed to come as needed during the year. All organizations must set up in the space assigned by the Market Manager. An organization's request for a space must be made to the Market Manager prior to the Market day. Designated spaces for organizations shall be made available on a first-come, first-served basis. An applicant must provide the Market Manager with satisfactory proof of the organization's non-profit status and of his/her position as a representative of the organization. Only non-profit and community information organizations may engage in the resale of items related to or in support of their organizations for fundraising purposes. All resale items must be pre-approved by the Market Manager and may not compete with the sales of the ACFM sellers. Each organization must prominently display its name, and must comply with all applicable Market rules.

No peddlers or unauthorized sellers will be permitted at the Market.

III. STATE REGULATIONS

The regulations of the California Department of Food and Agriculture pertaining to Direct Marketing (Article 6.5, Group 4, Subchapter 1, Chapter 3, Title 3 of the California Administrative Code) are incorporated in the following rules. (The complete CDFA rules can be found online at: <http://www.cdfa.ca.gov/is/regulations.html>)

A. Fresh fruits, nuts and vegetables listed on a producer's certificate may be sold directly to consumers exempt from size, standard pack, container, and labeling requirements. All prepackaged, closed consumer containers of agricultural products shall be labeled with the name, address and zip code of the producer and a declaration of identity and net quantity of the commodity in the package. However, a package containing 6 or fewer items, which are fully visible, does not need a statement of count.

B. All agricultural products sold at the market shall comply with the regulations of the California code governing maturity and quality.

C. All agricultural products sold at the markets are subject to the provisions of federal marketing orders, state marketing orders, state laws and regulations enforced by any state agency, or any other local health and safety laws, regulations or ordinances.

D. Only the producer or the producers' parents, children, grandparents and grandchildren or a relative regularly residing in the producer's household or an employee of the producer may sell the producer's products at the market. An employee is any person employed by the producer at a regular salary or wage, on either a full or part time basis. It does not include a person who is reselling or show compensation is primarily based on a commission of sales. Proof of status of an employee is an authorized agreement proving that the person selling is an employee of the Qualified Seller. An employee may not sell for more than one Qualified Seller at a time.

E. The certified producer's embossed photocopy certificate must accompany the certified agricultural products during transportation and must be conspicuously posted at the point of sale.

F. When any agricultural product is sold by weight, the type of scale used shall be approved, tested and sealed by the County Agricultural Commissioner, Sealer of Weights and Measures.

G. When a producer has been granted by the market the privilege of selling for up to two other certified producers, it must be under the following conditions:

- 1) The agricultural products shall be separated at the stand and clearly identifiable by the respective certificate.
- 2) The producer selling for the other producers must also sell or offer for sale agricultural products, which the producer selling has produced. The producer selling must start the market day with at least 50% of the total produce from his own production.
- 3) Prior to sale, the producer selling has furnished a written letter from the additional producer(s) which verifies the selling producer's authority to sell their product on their behalf and have his name cross-referenced on the additional producer(s)' certificate.
- 4) A grower selling under a partnership; the partnership will be considered one certificate.

H. A producer shall provide, upon request by an enforcing officer or Market Manager, any certificate, documentation, information or identification that may be reasonably required to show that the conditions of the regulations are being met. If such conditions are not met and the market is assessed additional fees for follow-up inspections at the market, the grower(s) responsible for the follow-up inspections will be equally assessed the total cost of the follow-up inspection.

I. When selling at the markets the producer and the producer's agricultural products shall comply with all applicable requirements of the California Uniform Retail Food Facilities Law and the California Sherman Food, Drug and Cosmetic Law, specifically:

- 1) All produce and containers of produce must be kept at least 6 inches above the ground.
- 2) Food preparation (except trimming and sampling) is prohibited.
- 3) Processed foods must be processed in an approved facility, properly packaged and labeled under clean and sanitary conditions.
- 4) Dried fruit and shelled nuts sold in an unpacked, bulk form must be displayed with a cover and conform to dispensing methods approved by the local health department.
- 5) No live animals, birds or fowl may be kept or allowed within 20 feet of any area where food is stored or held safe. No dogs are allowed in the market.
- 6) Vendors selling non-agricultural food products are required to have a valid health permit from the local jurisdiction and are not considered part of the Certified Farmers' Market.
- 7) All products sold as organic must be grown, produced, or processed in accordance with the Health and Safety Code. Products must be prominently labeled or represented "ORGANICALLY GROWN IN ACCORDANCE WITH THE CALIFORNIA ORGANIC FOODS ACT OF 1990."
- 8) Smoking is not permitted in produce display and immediate sales area.

9) If the local health authority approves, distribution of samples in a manner which will insure safe, unadulterated samples for the public, may be allowed. In such, each grower should regard the following as suggested guidelines:

- (a) Keep samples in clean covered containers approved by the local health agency.
- (b) Use toothpicks, tongs, rubber gloves or disposable utensils to distribute the samples.
- (c) Dispose of pits, peels, food waste and rubbish in leak-proof garbage receptacles with close fitting lids.
- (d) Use clean disposable plastic gloves when cutting produce for samples and provide temporary hand washing and utensil cleaning facilities.
- (e) Produce intended for sampling must be washed and cleaned so as to be safe for consumption.
- (f) Utensils and cutting surfaces must be washed and sanitized (use a chlorine solution of one teaspoon or capful of liquid bleach per gallon of water).
- (g) Cutting surfaces must be smooth, non-absorbent and easily cleaned.

10) If a grower or food purveyor is not in compliance with the California Uniform Facilities Law or the California Sherman Food, Drug and Cosmetic Law and the market is cited for non-compliance, the grower(s)/food purveyor(s) responsible for the infraction(s) will be equally assessed the total amount of the fine imposed upon the market.

IV. ADMISSION OF A PRODUCER TO THE MARKET

Admission to sell at any market shall be at the reasoned discretion of the Market manager and the Market board. In making any determinations in this regard, a manager should consider the following:

- A. Producer's positive or negative history of compliance with state, local government and market rules and regulations.
- B. Producer's history of market participation. When practical, significant weight, priority and preference should be given to growers returning from previous seasons.
- C. The competitive availability and number of sellers of producers' product present within the market. If practical, monopolies and surfeits (gluts) should be avoided.
- D. Whether the present numbers of sellers of producer's product are adequately supplying consumer demand.
- E. The number of unreserved spaces and other limitations of the market.
- F. Period of attendance time and limitations of type of product allowed may condition admission of a producer.

V. ADMISSION OF PRODUCTS TO THE MARKET

Unless otherwise specifically listed as an additional authorized agricultural, processed agricultural or non-agricultural product in this section, only fresh fruits, nuts, vegetables, shell eggs, honey, flowers and nursery stock listed on a producer's certificate may be sold in the Certified area at the market.

Admission of any agricultural or processed agricultural product to the market or non-agricultural product to an area adjacent to the Certified area shall be at the reasoned discretion of the Market Manager. In making any determination in this regard, the Market Manager shall consider the following:

- A. Producer's history of selling such product within or adjacent to the market. When practical, significant weight and preference should be given to products sold by producer in previous seasons.
- B. The present competitive availability (number of sellers) of producers product within or adjacent to the market. If practical, monopolies and surfeits (gluts) should be avoided.
- C. Whether the present seller's or producer's product are adequately supplying consumer demand.
- D. The type of relative quality of product intended to be offered for sale by the producer. Field run produce shall be encouraged. Culls or lowest grade only sales shall not be allowed.

Admission of a product to be sold by a particular producer may be conditioned by period of sale, location of sale, variety, quality and other general or specific limitations.

VI. STALL RESERVATIONS AND ASSIGNMENT OF SELLING SPACE

Stall reservations are considered commitments by farmers and food purveyors to participate in the Market. The producer's location, space size and other factors of assignment of selling space within a market shall be at the reasoned discretion of the Market Manager. A typical stall space is 10 feet wide by 10 feet deep. Sellers must accept the stall space assigned to them by the Market Manager. A seller's stall space in the market is not guaranteed to be in the same location every week. In making any determination of the assigned space, the Market Manager shall consider the following:

- A. The maintenance of positive, present and past consumer/producer relationships.
- B. The maintenance of good product mix and consumer traffic flow.
- C. The principles of good market and product promotion.

VII. STANDARDS OF CONDUCT

Producers and employees representing producers must be:

- A. Knowledgeable about product, how it is used, grown or produced and communicate that clearly to the customers.
- B. Courteous, professional and presentable at all times.

- C. Able to display products in a sanitary, presentable and attractive manner.
- D. Honest and to conduct themselves at all times in a courteous and business-like manner. Participants are expected to dress (shirt, pants and footwear) and behave in an appropriate manner. Drinking, yelling, swearing, name-calling, slanderous remarks and other rude behavior will not be tolerated.
- E. Able to refer matters to a market manager when experiencing difficulty with customers.
- F. Expected to treat each other, staff, customers and officials with respect.
- G. Able to refer complaints about other participants or the Market Rules and Regulations in writing to the Market manager, or to the Board of Directors.
- H. Aware that harmful remarks made about producers or the market are subject to legal liability for damages.

VIII. DISCIPLINE OR REMOVAL OF A PRODUCER FROM THE MARKET

A producer may be removed or suspended from any market or markets or have selling privileges in the market conditioned, modified or limited by a Market Manager for any of the following reasons:

- A. Failure to obey and conform to state, local government or market rules and regulations. A certified grower who has completed a full hearing process before the State Department of Agriculture and/or the County Agricultural Commissioner and has been found to be selling at any Certified Farmers' Market, products not of his production or the production of his approved second certificate, is subject to permanent removal from ACFM.
- B. Causing or maintaining an unsafe or unsanitary condition at the Market.
- C. Unreasonable or outrageous conduct considered detrimental or prejudicial to the purposes and interest of the Market or ARC.
- E. Failure to attend at a previously reserved market space without adequate prior notification.
- F. Behavior that obstructs any other vendor's commerce or ability to transact business at the market.

The severity of any penalty or discipline imposed by the Market manager shall be directly related to the gravity or repetition of the violation.

A producer is responsible for the actions of the producer's representatives, employees or agents. Any producer removed or disciplined by the action of the Market Manager in regard to the reasons above shall have the right of appeal and review by the ACFM Committee and/or ARC Board.

IX. OTHER MARKET RULES, POLICIES AND REQUIREMENTS

A. Product Limitations. Only California grown produce may be sold in the market. Sales of out-of-season (California) produce are allowable only to the extent of their reasonable and normal storage life or proof that such produce was produced by producer in greenhouse facilities operated by such producer.

B. Certificates. Producer certificates with two or more names listed as producer must provide acknowledged evidence of partnership or other legitimate business agreement unless the additional names are for second certificate purposes.

C. Load Sheets. Return your completed load sheet with your farm name to your Market Manager no later than 1/2 hour after the close of the Market. (Load sheets list your sales for the day).

D. Prices. All prices must be clearly marked or posted in 2" minimum height letters/numbers for each commodity offered for sale. Collusion and deceptive pricing practices are prohibited.

E. Arrival and Departure. Sellers shall arrive at least 30 minutes prior to the published opening time of the market and leave or have their set-up packed up and cleaned up, to the side of the market within one hour and 15 minutes after the published closing time of the market. Failure to leave your stall and common area in a clean manner and/or set off to the side of the site within this time frame may result in a fine. Sellers may leave the market site prior to the published closing time for emergencies only and upon the approval of the Market Manager who will assess public safety and welfare at that time.

F. No Stall Coverage by Market Managers. Market Managers are not allowed to sell for growers and vendors while they take personal breaks. Please make arrangements to visit the bathroom before the start of market or have a neighbor watch your stall when you are temporarily out.

G. Set-ups, Safety and Sanitation: All display table frontage must be behind the set-up line designated by the Market Manager. No boxes or produce displays may extend into the common customer traffic aisles without the prior approval of the market manager. Producers who display produce on a side table must allow at least 24 inches of side aisle in producer's space for customer ingress and egress. Tables and other display fixtures must be sturdy, stable and not overloaded. All shades and shelters must be tied down and completely secured at the beginning of the Market. Seller's vehicle use must not endanger customers or other sellers.

Before transacting any sales, the grounds of the customer traffic aisle and selling area of the producer must be cleared and cleaned of any produce trimmings or droppings. Any trimming of produce must be done so trimming will fall in a box or container and not on the ground. Before leaving the market, all matter in producer's selling area, including an area extending half way into the common customer traffic area, must be completely removed and taken away with the producer. Failure to do so may result in a fine.

Noise, Disturbance and Intrusion: With few exceptions, no radios are allowed to be played during market sales hours. Although no loud hawking, barking or shouting to promote product is allowed, occasional product broadcasting into the market aisle in a conversation level voice is allowed and encouraged. All product promotion must occur within the space assigned or immediately adjacent to the producer and not in any common area. Disruptive action and the throwing of anything in the market are prohibited.

H. Identification Signs: All producers must display a sign identifying their name or the name of their establishment and the city or town where their production occurs.

I. Bags and Litter: Every stall will have a trash box for public use. Sellers using plastic bags for the convenience of their customers shall insure that such bags do not litter the market under windy conditions. Sellers using T-shirt style plastic bags shall insure that the connecting tabs are fastened securely or are removed prior to the presentation for customer use. Sellers of dry garlic and dry onions shall insure that the skins of such produce do not litter the market.

J. Qualified Sellers shall observe all fire lanes while loading and unloading.

K. Qualified Sellers shall sell/market their goods in a manner satisfactory to the Market. Stall design, layout, merchandising and appearance are subject to approval by Market Manager. All table coverings and side panels are subject to approval by Market Manager.

L. Qualified Sellers shall sell/market their goods in a manner satisfactory to the Market Manager and in an honest, conscientious and business-like way.

M. Sellers are responsible for supplying their own tables, tents, chairs, table coverings and all other items used in their display area.

X. APPLICATION AND RESERVATION PROCESS

A. To become a QUALIFIED SELLER at the ACFM, a prospective seller must initiate and complete an Application-to-Sell packet. The completed Application-to-Sell packet includes:

- 1) The completed Application form.
- 2) Copies of the grower's most recent Certified Producer Certificate(s).
- 3) Copies of all appropriate licenses and health permits as required.
- 4) For Craft vendors, include photographs of your work

B. All sellers must pay stall fees/donations according to the current fee/donation schedule set by the ACFM board. Stall fees/donations are collected at the end of each Market day. Stall fees/donations are in place to cover all administrative and advertising costs of the Market, as well as to contribute to the Arbuckle Revitalization Committee's ongoing efforts in the revitalization of downtown Arbuckle.

XI. GRIEVANCES AND DUE PROCESS

Whenever the Market Manager, in good faith, believes a vendor has violated the conditions of the permit to sell, ACFM may immediately:

1. Expel the vendor from the Market.
2. Call for suspension of permits including Certified Producer's Certificate.
3. Suspend the vendor's permit including Certified Producer's Certificate for 30 days or until a hearing is held before the ACFM Committee and/or ARC Board. ACFM must inform the vendor of the reasons for the suspension.

ACFM will send a written notice of suspension within five (5) days. Whenever ACFM suspends a vendor's privileges, the vendor may, within ten (10) days of the action at issue, file a written request for a hearing with ACFM. ACFM shall then hold the hearing within 35 days of the date of filing. The person who made the request shall be notified in advance of the time and place of the hearing and shall be allowed to appear and present evidence.

After such hearing, ACFM may refer the matter to another governmental agency with jurisdiction over the subject at issue. ACFM shall promptly notify the vendor, in writing, of its decision and findings of fact supporting the decision.

Whenever an ACFM vendor has had their Certified Producers Certificate revoked by the Agricultural Commissioner, or any Certified Farmers' Market, the Application-to-Sell will be canceled. When the Certificate is reinstated, the vendor may resubmit an Application-to-Sell.