

SANTA YSABEL FARMERS MARKET

Sundays, 12:00–4:00 pm
Enthral Inc. 501c3
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CERTIFIED FARMERS MARKET
RULES AND REGULATIONS

STATEMENT OF INTENT

NATURE OF THE MARKET: The CFMs (Certified Farmers' Markets) are diversified markets offering certifiable agricultural products and non-certifiable agricultural products. The sale of non-agricultural products is not permitted in the certified area. The CFM provides producers with the opportunity to sell their fresh, California produce directly to the consumer without the intervention of a middleman.

Each CFM is operated in accordance with regulations established in the California Administrative Code (Title 3, Article 6.5) pertaining to Direct Marketing and the California Food and Agricultural Code Chapter 10.5 Direct Marketing. Each market is certified by the County Agricultural Commissioner as a direct marketing outlet for producers to sell their products directly to consumers without meeting the usual size, standard pack, and container requirements for such products. However, all produce must meet minimum quality standards.

RULES AND REGULATIONS FOR ALL SELLERS AT THE CERTIFIED FARMERS MARKET

In order to ensure the successful maintenance of the CFM as an efficient outlet for producers to sell their products directly to consumers, we have adopted the following set of Rules and Regulations.

1. INTENT AND IMPLEMENTATION

The purpose of this set of rules is to govern the operation, administration, and management of the CFM (Certified Farmers' Market) under the control of this organization / producer.

The Operator of this Certified Farmers' Market, its management, and its designated agents will implement and enforce all Rules and Regulations pertaining to the operation of the Certified Farmers' Market under its control in a fair and equitable manner.

Market participants have the right to appeal the imposition by the management/operator of any fine, suspension, or expulsion from this market. The market will provide participants with:

- A. Notice of the alleged violation with the factual basis for it and the proposed penalty.
- B. (A reasonable time period, i.e. 30 days, etc.) ~~XX~~ days to request an appeal.
- C. If an appeal is requested, an opportunity to dispute the alleged violation and the proposed penalty.
- D. A short, written statement of the market's decision.

2. STATE REGULATIONS

The regulations of the California Department of Food and Agriculture pertaining to Direct Marketing (Article 6.5, Title 3 of the California Code of Regulations) are hereby incorporated by reference to be part of these rules.

Specifically restated are the following provisions of such regulations:

A. Producers of fresh fruits, nuts, vegetable, shell eggs, honey, flowers and nursery stock must obtain a Certified Producer's Certificate prior to selling such commodities at a Certified Farmers' Market. Such commodities must have been produced by the producer by the practice of the agricultural arts upon land which the producer farms and owns, rents, leases or sharecrops.

B. 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. (One exception is that all prepackaged closed consumer containers of agricultural products shall be labeled with the identity of the product (such as oranges), name, address, and zip code of the producer and a declaration of net quantity of the commodity in the package in both Metric and inch-pound units. However, a package containing six (6) or fewer items, which are fully visible, does not need a statement of count.)

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

D. All agricultural products sold at the market 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.

E. Only the producer, producers' parents, children, grandparents and grandchildren or a relative who regularly resides in the producers' household or an employee of the producer may sell the producers' products at the market. (An employee is a 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 whose compensation is primarily based on a commission of sales. Proof of status of an employee is an authorized agreement signed by the producer. The Producer agrees to provide copies of W2's when requested of any employee.)

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

G. When an agricultural product is sold by weight, the type of scale used shall be approved, tested and sealed by the County Agricultural, Sealer of Weights and Measures and the weighing devices' current County registration must accompany said scale when applicable.

H. 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. A certified producer shall not represent, nor be represented by more than two other certified producers in a twelve (12) month period.

2. Each certified producers' certified agricultural products to be sold or offered for sale should be separated and identifiable by each certified producers valid certificate at the point of sale.

3. The name of the certified producer for whom another certified producer is selling shall appear on the certificate of the person selling his/her products.

4. The name of the certified producer who is selling the products of another certified producer shall appear on the certificate of the person for whom he/she is selling.

5. The certified producer selling for another certified producer shall be selling or offering for sale agricultural products which he/she has produced and which are greater than the amount by volume offered for sale for another certified producer. For purposes of this section, the volume shall be measured by the weight or dollar value of the products at the time and point of sale. This volume requirement shall apply only at the beginning of each sale day.

6. The producer applying for certification shall submit to the agricultural commissioner, prior to certification, written authority from said other certified producers' to sell on their behalf.

7. Commission sales and buying and selling between certified producers is prohibited. Any payment made for the service of one certified producer selling for another certified producer shall not be related to the volume or value of products sold.

8. A certified farmers' market may prohibit or otherwise make sales permitted under this subsection more restrictive, provided that such prohibition or restriction is contained in the market's rules and regulations.

9. A certified producer who sells agricultural products on behalf of another certified producer or whose products are sold by another certified producer at a certified farmers' market shall keep for a period of not less than three years, the following records relating to such products:

- a. Date and amount of products transferred by variety.
- b. Date and amount of products sold by variety.
- c. Names of both certified producers involved.

10. This will be granted on a case-by-case, product-by-product and season-by-season basis.

11. Historical use of additional certificates is not a guarantee for continued future use. This is a revocable privilege situation.

I. A producer shall provide, upon request by an enforcing officer or Market Manager or agent, any certification, documentation, information or identification that may be reasonably required to show that the conditions of the regulations are being met.

J. When selling at the market, the producer and the producers' agricultural products shall comply with all applicable requirements of the California Retail Food Code, specifically:

1. All produce and containers of produce must be kept at least 6 inches above the ground.
2. Food preparation (except trimming) is prohibited at all Certified Farmers' Markets with the exception of food samples in accordance with Chapter 12 of the California Retail Food Code.
3. Processed foods must be processed in an approved kitchen facility, properly packaged and labeled under clean and sanitary conditions.
4. Dried fruit and shelled nuts sold in an unpackaged 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 for sale.
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 registered with the State of California in the County of origin. A valid organic registration must be posted at the point of sale.
8. Smoking is not allowed in produce display and immediate sales areas.
9. If the local health authority approves, distribution of samples in a manner which will ensure safe, unadulterated samples for the public, may be allowable. Each grower shall regard the following guidelines:
 - Keep samples in clean covered containers approved by the health agency.
 - Use toothpicks or disposable utensils to distribute samples.
 - Dispose of pits, peels, food waste and rubbish in leak proof garbage receptacles with close fitting lids.
 - Use clean disposable plastic gloves when cutting produce for samples.
 - Produce intended for sampling must be washed and cleaned so as to be wholesome and safe for consumption.
 - 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).
 - Cutting surfaces must be smooth, non-absorbent and easily cleaned.

3. ADMISSION OF A PRODUCER INTO THE MARKET

Admission to sell at the Certified Farmers' Market shall be at the reasonable discretion of the Market Manager. In making this determination, a manager will consider the following:

A. Producer's positive or negative history of the compliance with the state, local government and market Rules and Regulations.

B. Producers history of market participation. When practical, significant weight, priority, and preference should be given to producers 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 number of sellers of producers' product is adequately supplying consumer demand.

E. The number of unreserved spaces and other limitations of the market.

F. Participation does not guarantee that all products listed on a Producer's Certificate will be allowed to be held for sale. Limitations may be placed at the Management's discretion.

Change of farm ownership requires submission of a new application to the Certified Farmers Market, which will be processed as a new admission. The transfer or change of ownership does not grant or guarantee the new owner the same admission or current stall space assignment as the previous owner.

Admission of a producer may be conditioned by period of attendance and type of product allowed limitations.

Any producer aggrieved by the Managers' decision may appeal in writing for review by the management of the market. They may refuse to review, agree to review, and may uphold, modify, or negate a Managers' decision.

4. ADMISSION OF PRODUCTS TO THE MARKET

Only fresh fruits, nuts, vegetables, shell eggs, honey, flowers and nursery stock listed on a producers' certificate, or non-certifiable agricultural items made from these products may be sold at the market. Admission of any certifiable agricultural or non-certifiable agricultural product to the market shall be at the reasonable discretion of the Market Manager. In making any determination in this regard, the Market Manager shall consider the following:

A. Producers' history of selling such product within or adjacent to the market. When practical, significant weight and preference should be given to the products sold by the 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. The type of relative quality of the product intended to be offered for sale by the producer. Field run produce shall be encouraged. Culls or lower grade only sales are prohibited.

D. Other limitations and market policies affecting product admission. 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. Producers choosing to bring a new item to sell that they have not been selling previously must notify the Market Manager, and obtain permission to sell that product. The producer must produce all such products by the practice of the agricultural arts upon land, which the producer farms and owns, rents, leases or sharecrops. Misrepresentation of products will result in expulsion of Market.

Additional authorized processed and/or non-certifiable agricultural products, which may be admitted by the market Manager for sale within the Certified Farmers' Market are:

- Dried beans, grains, dried fruits and vegetables and nuts listed on producers' certificate.
- Shelled nuts, including those which have been roasted, salted or flavored.
- Dried herbs and spices.
- Fresh fruit juices.
- Livestock, fish and shellfish.

The producer must have produced all such raw products by the practice of the agricultural arts upon land, which the producer farms, owns, rents, leases or sharecrops. Incidental items including salt, flavoring and preservatives are allowed in the production of non-certifiable agricultural products. Producer must be able to show location and capability of processing. If processing is done by a second party then the method used to insure that the processed product returned is the original source product submitted by the producer for processing must be demonstrated. Receipts, volume data, and letters verifying methodology may be requested or required.

5. ASSIGNMENT OF SELLING SPACE

The producer's location, space size and other factors of assignment of selling space within a market shall be at the reasonable discretion of the market manager. Sellers must accept the stall space assigned to them by the market manager. Historic use of same amount or location of space is not guaranteed. The following Rules and Regulations apply to stall space:

A. The Market Manager shall suspend a producer's selling privileges if the producer's certificate is revoked.

B. Whenever a producer does not adhere to Market arrival and departure times, the manager may revoke the producer's stall space reservation for two weeks. The second suspension will be for a period of sixty (60) days commencing upon the effective date of the Notice of Suspension. The arrival time for each market is no later than 60 minutes before the published opening time.

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 producers' representatives, employees or agents. If possible and under the circumstances, a Market Manager must attempt to give adequate warning and notice of consequential action prior to the actual action of removal or other disciplinary action.

The penalty for producers who sell products not of their own production is suspension from selling at the market for 30 days. A second time of selling products not of their own production shall result in permanent disqualification from the market. The suspension includes all of the employees of the producer.

A producer that is cited by the Department of Agriculture or the Environmental Health Department and/or causes a re-inspection will be responsible for the re-inspection fees.

6. OTHER MARKET RULES, POLICIES AND REQUIREMENTS

A. Prices: All prices must be clearly marked or posted. Collusion and deceptive practices are prohibited. Bargaining with the consumer is specifically allowed.

B. Market Hours: Arrival and departure. Sellers must arrive one (1) hour prior to the published opening time of the market and leave within one hour after the published closing time of the market. Sellers may leave the market site prior to the published closing time only upon the approval of the Market Manager who will assess public safety and welfare.

C. Setups: Safety and Sanitation. All display table frontage must be behind the setup line designated by the Market Manager. No boxes, flower or produce displays may extend into the common customer traffic aisle way. 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 in windy conditions or be subject to immediate and uncompromised removal.

Before any sales transactions are allowed, the producer's area must be cleared and cleaned of any produce trimmings or debris of any type. Absolutely no rubbish of any type will be allowed on stall grounds, the consumer area directly surrounding the stall, or in any other contiguous area that could constitute a health or safety issue. All trash must be removed by vendors following close of market. Before the producer may leave the market, both the stall and the surrounding area must be totally free of any produce and debris. Failure to follow the above referenced issues will result in revocation of the sellers stall space and a \$50.00 fine after the first written warning.

D. Noise: Disturbance and Intrusion. With few exceptions, no radios are allowed to be played during market sales hours. No loud hawking, barking or shouting to promote product is allowed. All producer promotion must occur within the space assigned to the producer and not in any common area. Disruptive action in the market is prohibited.

E. 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.

F. Bags and Litter: Sellers using plastic bags for the convenience of their customers shall

insure that such bags do not litter the market. 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.

G. Conduct: Any statement and/or action which is deemed to be offensive, abusive or otherwise inappropriate to a customer, market manager, market staff person, attending producer, staff person, or any official from a city, county, or state agency conducting business within the Market parameters, will be considered a violation to these market rules and will be subject to any or all disciplinary steps indicated in these market rules. Failure to comply with any request made by Management, negative, abusive, threatening or rude behavior toward Management or other sellers, or consumers, or any other socially unacceptable behavior will result in immediate and permanent expulsion from the Market.

Producers who take an action that interferes with, jeopardizes, or who are disruptive to Market operations, order, vendor moral and discipline or who negatively impacts the Markets relationship with consumers or market site personnel or landlords or other entity (other than a regulating one) will be expelled from the Market covered by these rules.

Violations of these rules or policies may result in any of the following disciplinary steps being used by the Manager, Assistant Manager or Board Members. Severity of penalties will be dependent upon the nature and intent of the offense and may not necessarily follow the order below:

1. An oral warning.
2. A written notice of violation.
3. Market suspension of any length up to eighteen months.
4. Expulsion from the Market.

H. All producers shall observe all fire lanes while loading and unloading.

I. All producers shall sell/market their products in a manner satisfactory to the Market Manager and in an honest, conscientious and businesslike manner.

J. Signs posted by producers are subject to approval of the Market Manager.

K. Producers must wear shirts and closed-toe shoes while on the Market premises.

L. Producers are required to cancel two (2) days (48 hours) prior to market day to avoid stall fee charges. Stall fees shall be equivalent to the fees paid the week prior to the producers' absence. Producers who cancel less than two (2) days before market day, regardless of the reason, (i.e. Truck breakdowns, employee availability, etc.) are responsible for the stall fee unless the Market Manager can fill the stall. Generally, a two (2) day notice may be sufficient to allow for filling the space. One-day notice is not sufficient.

M. A prearranged monthly rotation of Stall space, will be acceptable in some situations if the persons involved agree to contact another party of the same booth rotation to cover the space.

M. Producers who fail to notify the Market Manager of a cancellation twice in a three (3) month period or cancel a market three (3) times in a three (3) month period may permanently lose their space in the market.

N. If a producer challenges management or the Market Manger in a court of law and the court finds in favor of the management or the Market Manager, said producer agrees to pay all costs associated with the legal action.

7. APPLICATION, RESERVATION AND FINANCIAL REQUIREMENTS

A. A producer must provide the following annually, due when the Certified Producer's Certificate is renewed:

1. A current application
2. Copies of Certified Producer Certificates and all other appropriate agreements, permits, submitted annually.
3. Signed Rules and Regulations (mandatory for participation).

B. All producers must pay stall fees according to the current fee schedule set by the

management. Stall fees are collected at the Information Booth along with the load sheets. Receipts are issued.

C. Each producer shall itemize all products sold on their product load sheet each market day. The product load sheet shall state the name and registration number of the Certified Producer. Also, it shall state the identity of each product brought to the market as it appears on the certified producers' certificate. Finally, it shall state the quantity of each product brought to the market and the quantity sold that day. The only acceptable units are lbs, stems, dozen eggs, and pots. Failure to properly fill out the load sheet shall result in a warning. A second failure to correctly fill out the load sheet shall result in a one month suspension of selling privileges.

Enthrall Inc. is a 501c3 organization that promotes agritourism through educational programs containing the elements of music, history & sustainability.

We applaud chemical free, local grown food, hand made goods & local services that represent timeless American quality. Handmade, biodegradable, locally sourced materials and renewable energy to produce them are encouraged as well as new items made from re-purposed materials. ie. Bird feeders made from recycled bottles etc. (Used clothing and other resale items sales are not allowed)

Any appropriate booth interactive activities that educate the public are recommended. Recipes, how to leaflets, farm/ company activities and updates to build your customer base, etc. By sharing information and demonstrating to the public how it is important or applies to their lives, we can strengthen our communities through sustainability.

A demonstration area will be available on a rotation basis in the entertainment area with the following proposed schedule:

Noon pm-1:00 pm advanced reserved presentation area for producers & sellers (ie a demo on how your farm produces _____ without chemicals or how it fights pests without poison, etc. Or, wildlife demonstrations that apply to agriculture, etc

1:00pm-2:00 pm hosted open mic music entertainment.

2:00-4:00 featured musical entertainment.

Breaks between activities may be filled with other demonstrations, features, etc.

Pricing:

Producers: 10% + 2.00 per certificate.

Non-certified vendors: 30.00 +2.00 per space or 10% +2.00 whichever is greater

I HAVE RECIEVED THE RULES AND REGULATIONS AND AGREE TO FOLLOW THE RULES AND REGULATIONS OF THE CERTIFIED FARMERS MARKET.

SIGNATURE

DATE

FARM/BUSINESS NAME

TELEPHONE #