

Nevada City Farmers Market Rules and Regulations

Mission statement:

To enhance the quality of life in Nevada City and surrounding areas by providing access to fresh, high quality locally grown products and other unique food items, a community meeting place and consumer education. To support regional sustainable producers by providing them with direct access to consumers.

Voting Rights of Members

- Vendors who have paid the annual membership fee have voting rights and may become board members. Voting rights and board involvement are restricted to the business owner. One vote per member.
- “Friends of the Farmers Market” are non-voting members.

Criteria for Admission of Certified Producer and Products

NCFM approval of selling privileges is for a limited period of time, never exceeding one year and is a privilege not a right. The date when selling privileges expire is a function of the vendor's status (farmer, year round or seasonal, food vendor, etc.) Farmer selling privileges are based upon their particular Growing Calendar as approved by NCFM management. All products are subject to restriction by NCFM .

Admittance to the market is given to vendors based on their strengths in the following areas (in order of priority):

- 1) All vendors selling at the NCFM must either:
 - a. become members of the market association and submit a signed signature page indicating that they will abide by these rules.
 - Or
 - b. must submit a signed signature page indicating that they will abide by these rules.
- 2) Producer's history with NCFM (including adherence to market rules and regulations, seniority of Producer in NCFM system, market attendance, history of positive consumer/producer relationships, payment of fees, submission of load lists and courteous behavior.
- 3) Unique or unusual product offerings. Enhancement of overall product mix at market without creating excessive supply as determined by demand and as assessed by the Market Manager.
- 4) High quality products for sale that meet minimum quality standards.
- 5) Locally grown, defined as grown within 50 -75 miles of the market location.

6) Producers demonstrated effectiveness at enhancing consumer knowledge of the products being sold and how they were produced (via seller's presence, knowledgeable employees, and good brochures and handouts).

Other factors affecting admission of a Vendor include:

- Space available at market.
- NCFM preferences for balance between unprocessed farm products and prepared foods at market, and for prioritizing market access for farmers with value added products versus food purveyors with similar products.
- Individual farms are given preference over Partnerships and small to moderate family businesses over larger enterprises.
- Importance of NCFM as a marketing outlet for the farm's overall marketing strategy (direct sales vs. utilization of distributors).
- Processed products feature seasonal and regional ingredients purchased from local farmers

Restrictions for Farmers

- Crops grown in soil fumigated with Methyl Bromide (MBr) or harvested crops protected in storage with MBr may not be sold at NCFM .
- Livestock, meat or dairy product raised or developed using Bovine Growth Hormone (BGH) may not be sold at NCFM .
- Raw agricultural products should be minimally handled or processed before packing for market. Preference is given to farmers bringing field-run or better grades. Waxed produce is not allowed at market unless approved by NCFM . Labels on produce are discouraged at market.
- Any farmer wishing to sell new crop items not previously approved to sell at market must submit for approval a list of new crops. Substantial additions to existing approved product lines are also subject to management approval. Mixed operations (certified organic/ conventional) must submit documentation as to harvest location/lot number and yield and must present products for sale in a manner approved by NCFM
- The sale of products listed on the Growing Calendar for each farmer may be restricted by the market manager, and must be approved by NCFM annually. The produce offered for sale may be restricted by product type, product quantity, commodity or season for any reason, at the sole discretion of NCFM . Restrictions are imposed to ensure a balance of variety, range of products, quantity and season.
- A certified producer or entity may only have one stall or a contiguous second space at a market per certified producer certificate (except in the case of second certificate products approved for sale by NCSFM).

Applicants wishing to request an exception to the above restrictions must submit a written explanation of the difficulties that are unique to their business and plan a timeline for achieving compliance. NCFM will review the request and consider whether or not to grant a conditional exception.

Requirements for Certified Producers to Use Second Certificates

- The selling Producer may not sell for more than one additional Producer during the calendar year.
- Stall signage must clearly indicate to the consumer which products are produced at which farms. The products must be clearly separated and ownership clearly identified at the stall. Any rules regarding signage for growing practices or other purposes must be followed independently for the two sets of product.
- Producers with a second certificate shall pay a supplemental stall fee of \$10 per market day.
- The Producer must grow the majority (75%) of the products sold at their stall each market day as measured by volume, weight, commodity or dollar amount.
- Second certificate sales will not be granted to Producers to supplement their own type of product supply.

Requirements for Non-Certifiable Vendors

- Non-certifiable producers may, with written consent sell at the NCFM . Although State laws regarding Certified Farmers' Markets do not apply to non-certifiable and non-agricultural products, the same producer-to-consumer philosophy shall apply for all items sold at NCFM . These products add variety and enhance the festive ambiance of the market (they will be permitted on a limited basis outside the area designated as a certified farmers' market).
- In reference to the authorized non-certifiable agricultural products listed above, a Certified Producer's Certificate will be required to substantiate the Producer's claim to grow the primary ingredients. The Producer must provide the location and be capable of processing or, if processing is performed by a second party; the method used to ensure that the processed product contains a majority (75%) of the original raw ingredient grown by the Producer for processing. In addition, such product must satisfy all public health, labeling, permitting and other requirements pertaining to processed products.
- The products defined above may include but not be limited to the following:
 1. Fresh juices and beverages prepared from fresh fruits and vegetables.
 2. Flower arrangements and wreaths.
 3. Jams, preserves, vinegar, oils and flavored oils.
 4. Selected baked goods.
 5. Dairy and meat products where the seller plays a substantial role in the husbandry of the animals and the production of the raw product.
 6. Other products approved by the NCFM and consistent with the intent of the CFM program to give California farmers direct access to customers for the sale of their agricultural products such as wool, leather, hides, and etcetera.
 7. Prepared food such as unpackaged and packaged baked and processed goods prepared at a location approved by the local health authority and sold by the vendor who produces them.
 8. Drinks such as soda, water, tea and coffee.
 9. Ready-to-eat foods prepared in part or wholly at the market site.

Requirements for Nursery Vendors

- The Vendor shall have performed the propagation, germination, planting of cuttings or division work for all potted plants, trees or nursery starters that are sold at NCSFM
- All Nursery vendors selling products at NCFM will be required to show the following original documents: 1) Nursery License; 2) Nursery Seller's Permit; 3) State Board of Equalization Permit.
- It is strictly forbidden for Vendors to purchase plants for the sole and immediate intent to resell them without sufficient propagation as defined by category by NCFM or without necessary growing time, to be determined by NCFM management
.Noncompliance will result in \expulsion from the market.

Requirements for Food Purveyors

- All Food Purveyors selling products at NCFM will be required to show the following original documents: 1) Food Industry Health Permit; 2) Retail Sales Vending Permit for on-site food preparation; 3) Food Registration Permit for prepackaged food.

Products Prohibited at NCFM Markets

- Styrofoam containers, Styrofoam cups or Styrofoam packaging are not allowed at the market.
- GM ingredients may not be used in any processed item (see Special Requirements for Farmers above).
- Live birds or live animals for human consumption.
- Products purchased by a seller that have not been approved by NCSFM. (Sodas, water, coffee and tea).
- Unauthorized certified or non-certifiable agricultural products.
- Crops grown using Genetically Modified (GM) seed planted after March 1, 2000 may not be sold at the market. Consult NCFM for a current list of these crops, which include varieties of canola, soy, corn, tomato, radicchio, summer squash, potatoes, cotton and papaya.

Note: since there are no labeling requirements for GM seeds, the only sure way to avoid growing crops using unlabelled GM seeds, is to give preference to certified organic agricultural products and processed foods.

NCFM Coupon Redemption Policy

In an effort to encourage consumers to patronize the market, NCFM will invest in a postcard campaign to households in the 95959 zip code. The card will act as a coupon, offering the customer \$1 off of a \$5 purchase from the vendor of their choice. NCFM will send out about 3,000 postcards, and we expect a total of between 90-180 to be redeemed, spread over all vendors. In exchange for this advertising, you agree to honor postcards redeemed by customers at your booth.

GENERAL MARKET RULES, POLICIES AND REQUIREMENTS

Direct Marketing Law

As noted previously, the regulations of the California Department of Food and Agriculture pertaining to direct marketing (Article 6.5, Group 4, Chapter 3, Title 3 of the California Administrative Code) are incorporated by reference to be part of these market Rules & Regulations. The NCFM interpretation of the Agricultural Code will determine the answers all questions and disputes about their application.

Reselling

The reselling of any product or goods in the Certified Farmers' Market area of a NCFM is strictly prohibited. Any participant violating this section of the market Rules & Regulations will have their selling privileges immediately revoked.

Market Hours

The hours of operation of the NCFM are from 8:30-12:30pm Saturdays beginning June 19th and ending October 30th but are subject to change as conditions warrant and as determined by the Market Manager. The market operates rain or shine.

Certified Producer Attendance

Certified Producers are expected to attend confirmed markets each week throughout their season. Switching or dropping markets within their season as defined in the reservation process is allowed only with market manager approval.

Cancellations

During the market season vendors must contact the NCFM manager at least 48hours prior to each Market day to cancel their reservation and avoid stall fee charges for late cancellations.

1. Vendors who cancel less than 48hours before Market day may be required to pay the stall fee.
2. The NCFM Market Manager has the discretion to cancel a market in the event of dangerous or extreme weather conditions.
3. No Show: a pre-confirmed farmer/vendor that does not show up at a market, nor calls to cancel before market setup. Producers who have two or more No Shows at a market during their designated season may lose their stall space reservation and may be fined \$50

Arrival, Departure and Selling Time

- Producers/Vendors are allowed a one-hour set-up and take down time before and after the scheduled market hours.
- Producers/Vendors are required to arrive at least 30 minutes prior to the start of the market or their assigned stall space may be reassigned; they may be required to off load their products for safety reasons.
- Producers/Vendors may leave only after the market has closed and a safe exit can be made.
- Producers/Vendors may not conduct sales until 8am when the market opens and the bell or other signal has been heard. Vendors may conduct sales after the market has formally closed but must be packed up and out of the area by 1pm. Violations may result in expulsion from the market.
- Producers/Vendors may not leave their stall space before the market closes without approval from the Market Manager.

Setup, Safety and Sanitation

NCFM 's goal is to provide a tidy, safe and aesthetically pleasing market. Causing or maintaining an unsafe or unsanitary condition at the market will not be tolerated. Vendors must adhere to the following regulations:

- Scales must be approved commercial scales and certified by the County Sealer, Office of Weights and Measurements for the current year.
- The NCFM is conducted in accordance with State and Federal laws and local laws. Producers are expected to be familiar with the NCFM safety guidelines and to comply with them. Producers shall immediately comply with the Market Manager's directions in all matters relating to safety.
- All display table frontages must be adjacent to the setup line unless otherwise approved by NCSCM. Boxes, produce display or signs may not extend into customer traffic aisles. Generally all certified producer tables within a stall must run "border to border". No stall set-up may allow for customer access behind the selling tables of a vendor's stall or of a neighboring stall.

If selling is permitted along side of stall at least 24 inches of space must be set aside by that vendor's stall space for customer access. Side access may be restricted if customers have access to the back area of adjacent stalls.

- Every produce vendor and food vendor stall shall have a trash receptacle for public use. (A food purveyor that offers product for on-site consumption must provide a full-size garbage can and dispose of its contents off site.) Refuse collected is to be disposed of off-site by each Producer. Vendors who do not dispose of their own trash and use the NCFM trash receptacles, may be fined up to \$50. Before leaving the market, all matter and debris in the vendor's area, including an area halfway into the common traffic area must be completely removed and taken with the producer without regard to whether the litter originated in the vendor's area. Failure to leave the area free of debris will result in a \$25 clean up fee.

- NCFM places receptacles in the common area aisle for use by market consumers and customers.
- Tables must be sturdy and stable with tops covered.
- Tables shall not be filled beyond load capacity and the products on the display table must be secured.
- All elements of shade equipment and shelters including tarps must be secured to Producer's tables/vehicles or weighted sufficiently as to be stable during rain and windy conditions or be subject to immediate removal.
- Tarps must be similarly secured.
- All boxes, crates or bags of produce and other food products must be kept at least 6" off the ground surface as per State Health and Safety Code, Section 27831.
- Smoking is not allowed in the market. Smoking is only allowed 10 feet outside the entrance to the market.
- Producer's vehicle use must not endanger customers or other producers. Producers are liable for vehicle use.
- Pets are not allowed in the market as per State Health and Safety Code.
- Dried fruit and shelled nuts sold in an unpackaged bulk form must be displayed with a cover and conform to dispensing methods per County Environmental Health Department.
- All products sold as Organic must be prominently labeled as "Certified Organic" with the certifying agency name.
- Seller providing plastic bags for their customers shall not litter the market with bags or bag-hanging tabs.
- Any trimming of produce must be done so that trimmings fall in an appropriate container and not on the ground.
- When providing samples of any kind, a trash receptacle must be provided for public use and rules and regulations for the State Health and Safety code must be strictly adhered to. Stall area, including back area, shall be kept clean of excessive produce trimmings, produce to be thrown away and excessive piles of boxes. Stall area is to remain tidy during market hours of operation.

Sampling Requirements

Producers sampling products must:

- Keep samples in clean, covered containers approved by the County Environmental Health Department.
- Use toothpicks or disposable utensils to distribute the samples.
- Dispose of pits, peels, and rubbish in leak proof garbage receptacles with close-fitting lids.
- Use clean, disposable plastic gloves when cutting produce for samples.
- Wash and clean produce intended for sampling using a five (5) gallon water container with a dispensing valve to leave hands free for washing; a waste-water container; soap dispenser and paper towels for hand washing.

- Wash and sanitize utensils and cutting surfaces using a 5 gallon container containing a bleach/water solution (use 1 tablespoon of household bleach per gallon of water).
- Cutting surfaces must be smooth, non-absorbent, and easily cleanable.
- Self service by customers is permitted for "shaker nuts" only.
- Producer must have control over samples at all times. Self service by customers is prohibited.
- Any fines received by a certified farmers' market from a County Environmental Health Department for incorrect sampling procedures will be assessed of to the vendor responsible for the non-compliance.

Failure to abide by these sampling requirements may result in revoking your approval to provide samples to the market customers.

Signs (Farm/Vendor Identification)

All sellers must have clearly identifiable and displayed signage with their names or name of their farm/business and their permits. Certified Growers must in addition to their Certified Producer's Certificate, also clearly post their Farmer Fact Sheet which will be supplied by the market. Each commodity is required to have a clear, readable identification sign with price per unit.

Permits, Licenses

California Department of Food and Agriculture Direct Marketing Regulations require that all permits and licenses will be prominently displayed during selling hours, including a current embossed Certified Producer's Certificate.

Growing Practices

Signs and labels must clearly identify the products on a Vendor's table that are certified organic. All farmers including those who are certified organic, must fill out and clearly display their Farmer Fact Sheet provided by the market prior to the first market day. Use of other terms should not obfuscate production methods. Farming practices must be fully and truthfully disclosed on the Farmer Fact Sheet and when customers inquire. This includes that all greenhouse produce and plant production and hydroponic produce and plant production must be marked accordingly.

Prices

All prices must be clearly marked or posted in 2" minimum height letters/numbers and list each individual item for sale. Collusion and deceptive pricing practices are strictly prohibited.

Bargaining with the consumer is allowed.

Noise, Disturbance, Intrusion, and Obstruction of Commerce

Radios may not be played during market sales hours. Loud hawking, shouting or barking is not allowed. All product promotion must occur within the space assigned to the

producer and not in any common area. Unreasonable or outrageous conduct and disruptive activities, is prohibited.

Bicycling, skateboarding, riding scooters or rollerblading is not permitted within the street closure area.

NCFM does not permit videotaping, recording or photography of the Markets for television or commercial use without prior written approval from NCFM along with a signed hold harmless agreement.

Food Coupons

Farmers that participate are encouraged to participate in the Farmers Market Nutrition Program (also known as WIC). Farmers participating in this program must redeem coupons through their bank. WIC coupons may be accepted by market managers by those farmers without business checking accounts on a case by case basis.

Assignment of Selling Space

The Producer's stall locations are not permanent and may be changed at the discretion of market management for any market day during the season and/or annually. In making any determination in this regard the Market Manager will consider the following:

- A history of good consumer/producer relationships.
- Providing good product mix and consumer traffic flow
- Exhibiting the principles of good market and product promotion.
- Tenure of participation in the NCFM
- Quality of product display, customer service and participation of owner at markets.

Confirmed stall reservations are considered commitments by Producers to participate in the markets on either a weekly, biweekly or space availability basis and a commitment by NCFM to provide a space. (Seasonal growers who come regularly should have annual reservations). See section on Cancellations for those procedures.

Description of Selling Space

- NCFM will provide a 10 x 10 selling space. Each stall space is approximately 8-12' deep by 10' wide.
- Producers must keep their merchandise and tables within the designated stall space.
- The Producer's vehicle or stall set-up may not encroach on the mandated fire lane or pedestrian flow area. All promotions and sales must occur within the assigned stall space.
- Producers may rent more than one stall space
- Electricity is available to a limited number of vendors but water is not available at the market.
- Producers cannot transfer or sublet their assigned stall space.

Animals

The California Uniform Retail Food Facilities Law (a section of the California Health and Safety Code) states "no live animal shall be kept or allowed within 6 meters (20 feet) of any area where food is stored or kept for sale." The only exception is for service dogs. Vendor pets are not allowed at the market.

Standards of Conduct

Producers and employees representing producers must be:

- Knowledgeable about their product, how it used, grown or produced and communicate this clearly to the customers.
 - Courteous, professional and presentable at all times.
 - Display products in a sanitary, presentable and attractive manner.
 - Honest and conduct themselves at all times in a courteous and business-like manner.
- Producers are expected to dress (shirt, pants, shorts or skirts and footwear) and behave in a polite manner and practice clean personal hygiene. Drinking alcohol, yelling, hawking, throwing any objects, swearing, name-calling, slanderous remarks and other rude behavior will not be tolerated.
- Producers are expected to treat each other, staff, customers and officials with respect.
 - Producers experiencing difficulty with customers are encouraged to refer the matter to the Market Manager.
 - Complaints about other Producers or the Market Rules and Regulations must be made in writing to the Market Manager or the Executive Director.
 - Slanderous, harmful remarks made about Producers, the Market or Market staff or disparaging comments about other products will not be tolerated. .
 - Loitering or solicitation in NCFM is strictly prohibited.

DISCIPLINE OR REMOVAL OF A PRODUCER FROM THE MARKET

Unreasonable, discourteous or outrageous conduct considered detrimental to the welfare of the Market will not be tolerated. The Market Manager will provide adequate written warning prior to taking disciplinary action. Producers who do not comply with the State Direct Marketing Regulations and pertinent State and County regulations set forth herein, shall forfeit their privilege to sell at the NCFM and may be subject to fines and penalties. NCFM will also notify the appropriate County Agricultural Commissioners and California Department Food and Agricultural inspection services. 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:

- Failure to obey and conform to State, local government or NCFM rules and regulations.
- Causing or maintaining an unsafe or unsanitary condition at the Market.

- Failure to attend at a previously reserved Market space without prior notification may require full payment for that space. Additional failure to attend without prior notification may result in further disciplinary measures.
- Behavior that obstructs any other Producer's commerce or ability to transact business at the market.
- If the NCSFM receives a legitimate complaint (includes customer's name, phone number or complaint in writing from customer) pertaining to quality, conduct or unfair practices from any customer about a vendor, and it is unremedied by the vendor and is determined to be detrimental to other vendor's sales or the market, the following actions may be taken:

1) A written warning will be given to the vendor, including the date, time and nature of complaint.

2) A second complaint from a customer will result in the vendor being subject to a two week suspension of selling privileges. The member has a right to appeal before the Board of Directors.

3) A third complaint from a customer will result in a minimum 90 day suspension and/or permanent removal from the market.

- Vendors or producers are required to satisfy any customer complaint in any circumstance. They must accept returned product and dispose of it off-site. Failure to accept product the consumer wishes to return will result in fines and penalties as determined by the market.
- Any violation of Nevada County Weights and Measures regulations will be subject to a penalty.
- Any infraction of the State, local government or Market rules and regulations will not result in any refund or payment to Producer for any money paid to NCFM for stall fees

The severity of any penalty or discipline imposed by the Market Manager will 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. Producers removed from a market or disciplined by the action of the Market Manager in regard to the reasons stated above shall have the right of appeal and review by the NCFM Board of Directors. The decision by the Board of Directors regarding all of the above matters shall be considered final.

GRIEVANCES AND DUE PROCESS

As set forth in the California Corporations Code; the NCFM has adopted a grievance/due process procedure that provides a fair and reasonable procedure for members aggrieved by a Market Manager's decision. This procedure is as follows:

- Provides all members, in good standing, of the NCFM an annual copy of these NCSFM Market Rules & Regulations and amendments within 90 days upon their adoption.

- Provides a written notice of fine, expulsion, suspension or termination indicating the reasons for such action within 15 days of the action taking place.
- Provides an opportunity for the member to be heard, orally or in writing, at least five days before the effective date of the fine, expulsion, suspension, or termination, by the Board of Directors.
- Any grievance by a vendor shall be put in writing (on the back of the load list) and submitted directly to the NCFM Executive Director before being addressed by the Board of Directors.

**Nevada City Farmers Market
2010 Rules and Regulations Agreement**

I, _____ agree that I have read and agree to
abide by the Nevada City Farmers Market Rules and Regulations.

Signature

Date

Print name

Business name