

Nevada City Farmers Market Association 2019 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.

SECTION 1: DEFINITIONS

The following definitions apply to the context of the Rules and Regulations unless otherwise specified within a particular category.

Active Participant: One of the individuals comprising an entity. If the entity becomes a member of the NCFMA, the active participant is designated by the entity to represent it in the NCFMA and to exercise the rights of membership including, but not limited to, the right to vote, serve on the board of directors, receive all mailings and inspect records.

Certified Farmers Market, CFM: A location approved by the County Agricultural Commissioner of the county where agricultural products are sold by producers or certified producers directly to consumers, or to individuals, organizations, or entities that subsequently sell or distribute the products directly to end users.

Certified Producer: A producer authorized by the County Agricultural Commissioner to sell certified agricultural products at a certified farmers market.

Certified Producers Certificate: A certificate issued by the County Agricultural Commissioner in the county of production authorizing the transportation and sale of certified agricultural products.

Code: California Food and Agriculture Code, Division 17, Chapter 10.5, Section 47000, and California Code of Regulations, Title 3, Division 3, Chapter 1, Subchapter 4, Article 6.5, Section 1392.

Community Event: Section of the market where non-agricultural and other non-farm vendors sell their goods.

Entity: A group of two or more individuals each of whom is joined by marital status, partnership, corporate status, family farm status, co-op, joint venture or other legal status.

Employee: Except members of the immediate family as defined below, persons employed by a vendor at a regular salary or hourly wage, either full time or part-time, but not including any persons whose compensation in whole or in part is based on, or consists of a commission on sales.

Family Member: Parents, children, spouse, grandchildren, grandparents, and in addition any other family member regularly residing in the vendor's household.

Growing Calendar: Official crop list documenting each producer's expected crops for the season. Growing Calendars certified by the County Agricultural Commissioner constitute a Certified Producers Certificate.

Load List: A form created by the NCFMA that all certified producers shall fill out and return to the management each time vendors sell products on any given market day.

Locally Grown: Products that are produced within 75 miles of the Nevada City Farmers Market.

Market: The event operated by the NCFMA that consists of a Certified Farmers Market and a Community Event in Union Street and Robinson Plaza.

Market Manager: A person or persons empowered to implement the rules, regulations, policies, and directives of the NCFMA Board of Directors.

Member: A vendor who completes the membership form and pays the required annual membership dues as set forth by the NCFMA. If the vendor is an entity, the rights of membership are exercised by the entity's active participant.

NCFMA: Nevada City Farmers Market Association

Non-Agricultural Products: Goods offered for sale at the Market other than certified agricultural and non-certifiable agricultural products. These include prepared foods, arts and crafts.

Non-Agricultural Vendor: An individual or entity that produces and sells other than agricultural products, such as prepared foods, arts or crafts.

Notice of Proposed Suspension: A document informing a vendor of a proposed rescission, suspension or modification of selling privileges at the Nevada City Farmers Market, and informing a vendor of the time, place and reason for a hearing before the NCFMA Board of Directors regarding such proposed rescission, suspension or modification.

Primary Certificate Vendor: A certified producer who occupies his or her own assigned booth space at the Market.

Producer: A person or separate entity that produces agricultural products by the practice of the agricultural arts upon land which the person or separate entity controls.

Representative: A family member, employee or agent of a vendor at the Market.

Second Certificate Vendor: A certified producer whose product is sold at a primary certificate vendor's booth in the market.

Vendor: An individual or entity whose application to sell has been approved by the NCFMA and who is selling or offering for sale at the Market approved items or commodities.

SECTION 2: ADMISSION TO THE MARKET

- A. **Timing:** NCFMA 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 market season. Vendors are required to re-apply every year/season.
- B. **Criteria:** Admittance to the market is based on following criteria (in order of priority).
1. All vendors selling at the Market must submit a signed signature page indicating that they have read, understood and agree to abide by these rules and regulations.
 2. History with NCFMA including but not limited to: adherence to market rules and regulations, length of Market participation, weekly market attendance, history of positive consumer/producer relationships, payment of fees, submission, if applicable, of load lists, and courteous behavior.
 3. Unique or unusual product offerings as submitted on the current Vendor Application. Enhancement of overall product mix at the Market without creating excessive supply as determined by demand and as assessed by the Market Manager and Board of Directors.
 4. High quality products for sale.
 5. Locally grown products.
 6. Demonstrated effectiveness at enhancing consumer knowledge of the products being sold and how they were produced (via vendor's presence, knowledgeable employees, and print materials).
 7. Attractive and effective presentation of goods for sale.
- C. **Other factors** affecting admission include:
1. Space available at the Market.
 2. Balance between unprocessed agricultural products and prepared foods at the Market, with priority market access for certified producers who offer value-added products over food purveyors with similar products (e.g. jam, fruit juice).
 3. Individual farms are given preference over partnerships and small to moderate family businesses over larger enterprises.
 4. Importance of the Market as a marketing outlet for the vendor's overall marketing strategy (direct sales vs. utilization of distributors).

5. Prepared food and value added items that feature seasonal and regional ingredients purchased from local certified producers.

SECTION 3: CERTIFIED FARMERS MARKET REGULATIONS

- A. All participating producers must be **certified** by their local County Agricultural Commissioner's office. All **permits and licenses** will be prominently displayed during selling hours, including a current embossed Certified Producer's Certificate (certified producers only).
- B. **Raw agricultural products** should be minimally handled or processed before packing for the Market.
- C. **Stickers** on produce are discouraged at the Market.
- D. **Scales** must be approved commercial scales and certified by the County Sealer, Office of Weights and Measurements for the current year.
- E. The following **products are prohibited** from the Market:
 1. Crops grown in soil fumigated with Methyl Bromide (MBr) or harvested crops protected in storage with MBr.
 2. Livestock, meat or dairy product raised or developed using Bovine Growth Hormone (BGH).
 3. Waxed produce.
 4. The sale of products listed on the Growing Calendar for each certified producer, but NOT included on the Vendor Application.
 5. Unauthorized certified or non-certifiable agricultural products.
 6. Crops grown using Genetically Modified (GM) seed or plants planted after March 1, 2000.
- F. **Product restrictions** are imposed to ensure a balance of variety, range of products, quantity and season.
 1. Products may be restricted by type, quantity, commodity or season at the sole discretion of the Market Manager and NCFMA Board of Directors.
 2. Any certified producer wishing to sell products not previously approved to sell at the Market must submit a written request for approval of the new crops. If the products were not listed on the Certified Producers Certificate submitted with the original Vendor Application, a revised Certificate is required.

3. 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. The Market Manager will review the request and consider whether or not to grant a conditional exception.
 4. Restrictions, if needed, are usually imposed on the newest vendors admitted to the Market, but other factors are considered when imposing restrictions.
- G. **Reselling:** The reselling of any product or goods in the Certified Farmers' Market is strictly prohibited.
- H. **Sellers:** The certified producer, his/her immediate family or employee(s) may sell at the CFM (Code 1392.4 (a)).
- I. **Signs:** Assembly Bill 1871, which took effect January 1, 2015, requires new signage. At this time, the California Department of Food and Agriculture has not revised the Code of Regulations to give specifics, for example, sign and font sizes. The NCFMA will notify producers as soon as the regulations are in place. Code 47004 (c) (1) states:
1. Each vendor must post a conspicuous sign that contains:
 - a. The name of the farm or ranch.
 - b. The county where the production grounds are located.
 - c. A statement that "We Grow What We Are Selling" or "We Raised What We Are Selling" or a similar phrase.
 2. All **processed** agricultural products must be clearly marked including:
 - a. A statement that they consist only of agricultural products grown or raised by the farm or ranch selling them.
 - b. The name and location of the farm or ranch.
 - c. The registration number or other identity reference of the facility where the food was processed.
- J. **Organic Labeling and Signage**
1. All products sold as Organic must be prominently labeled as "Organic" with the certifying agency name.
 2. Mixed operations (organic/conventional) must submit documentation as to harvest location/lot number and yield and must present products for sale in a manner approved by the CDFA and NCFMA.
- K. **Second Certificates**
1. Restrictions to second certificates
 - a. The primary certified vendor may not sell for more than 2 additional Producers in a 12-month period (Code 1392.4 (f)).

- b. The Producer must grow at least 75% of the products sold at their booth each market day as measured by volume, weight, commodity or dollar amount.
- c. Second certificate sales will not be granted to Producers to supplement their own type of product supply.
- d. The only sellers at the booth are the primary certified vendor, his/her immediate family members and employee(s). (Code 1392.4(f)).

2. Code Requirements are the same as for booth sharing, see J (1) and (2), above. Any rules regarding signage for growing practices or other purposes must be followed independently for the two sets of product.

3. Booth space to accommodate Second Certificates

- a. The NCFMA supports the use of Second Certificates by certified producers who would not otherwise be able to participate in the market. Therefore,
- b. Double booths will be prioritized for certified vendors holding second certificates and contributing to increased diversity of products available at the Market, see Section 11.C (5), below.

L. **Booth Sharing:** The NCFMA allows booth sharing on a case-by-case basis though it is not encouraged. Each applicant proposing to share a booth is required to fill out the complete application and submit all necessary permits including insurance. A seller, see H above, must be present for each farm or ranch sharing the booth. The following rules apply (Code 47004 (b) and (c) (1)):

- 1. The products from each farm or ranch must be clearly separated.
- 2. Post the required sign, see I (1) above, in direct relationship with the sales display of the products produced by each farm.

SECTION 4: NON-CERTIFIABLE PRODUCTS

A. **Non-certifiable producers** may, with written consent sell at the Market.

- 1. 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 the Market.
- 2. These products add variety and enhance the festive ambiance of the Market.

B. **Authorized non-certifiable** agricultural products list:

1. Fresh juices and beverages prepared from fresh fruits and vegetables.
 2. Jams, preserves, vinegar, oils and flavored oils.
 3. Dairy and meat products where the vendor plays a substantial role in the husbandry of the animals and the production of the value added product.
 4. Wool, leather, hides, etc.
 5. Other products approved by the NCFMA and consistent with the intent of the CFM program to give California certified producers direct access to customers.
- C. 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.
1. The Producer must provide the location and be capable of processing or, if a second party performs processing, the method used to ensure that the processed product contains a majority of the original raw ingredient grown by the Producer for processing.
 2. In addition, such product must satisfy all public health, labeling, permitting and other requirements pertaining to processed products.

D. Nursery Plant Vendors

1. 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 the Market.
2. All Nursery vendors selling products at the Market will be required to show the following original documents: 1). Nursery License; 2) Nursery Seller's Permit; 3) State Board of Equalization Permit.
3. It is strictly forbidden for Vendors to purchase plants for the sole and immediate intent to resell them without sufficient propagation or without necessary growing time.

SECTION 5: COMMUNITY EVENT REGULATIONS

A. Food Purveyors

1. Permits and Licenses: All Food Purveyors selling products at the Market will be required to show the following original documents:
 - a. Environmental Health Permit

- b. Nevada County Food Vendor Application
 - c. Food Registration Permit for prepackaged food
 - 2. Restrictions on prepared food products: Product restrictions are imposed to ensure a balance of variety, range of products, quantity and season as well as health and nutritional values as an expression of the NCFMA. The following products are prohibited from the Market:
 - a. Sodas, bottled water, plastic bottled drinks, processed foods
 - b. Food products NOT prepared directly by the vendor (bagged chips, candy, junk food, etc)
 - c. Live birds or live animals for human consumption
 - 3. Food Service items/packaging
 - a. Styrofoam containers, Styrofoam cups or Styrofoam packaging are not allowed at the market.
 - b. Re-usable, washable service items are strongly encouraged, followed by recyclable or compostable items.

B. Artisans and Non-Food items

- 1. NCFMA will provide booth spaces each market for artisan and non-food vendors.

SECTION 6: ATTENDANCE, SAFETY AND LOGISTICS OF MARKET DAYS

- A. **Mandatory Meeting:** Once admitted to the market, all new and returning vendors must attend a mandatory meeting conducted by the Market Manager prior to the start of the market season. If the vendor is unable to attend the mandatory meeting, he/she will be charged a \$25 fee to meet individually with the market manger prior to the start of the market season.
- B. **Direct Marketing Law:** As noted previously, the regulations of the California Department of Food and Agriculture pertaining to direct marketing (Code 47000 to 47062) are incorporated by reference to be part of these market Rules & Regulations. The NCFMA interpretation of the Agricultural Code will determine the answers to all questions and disputes about their application.
- C. **Attendance and Confirmed Market Dates:** Vendors are required to identify which Market dates they wish to attend on their application. The Market Manager will confirm the dates for which space is available. Vendors are expected to attend all confirmed market dates.

1. Switching: During the market season vendors must contact the Market Manager if they wish to switch confirmed market dates. At least one week's notice is required. Switching will be accommodated on a space available basis.
2. Cancellation: During the Market season, vendors must notify the Market Manager by 10 a.m. on the Wednesday prior to the market date to cancel a confirmed market date, call or text [\(530\) 206-3000](tel:5302063000). At most two (2) cancellations are permitted per season. Booth fees collected for a cancelled date are transferrable to another market date in the same season.
3. No Show: A vendor who does not attend a confirmed market date is a No Show unless the vendor satisfies the cancellation criteria above. No show booth fees are not refundable and not transferrable.
4. Market Cancellation: The Market Manager has the discretion to cancel a market in the presence of dangerous conditions. No booth fees will be collected.

D. Arrival, Departure and Market Hours: Compliance with the following rules is essential to creating a safe Market.

1. The hours of operation of the Market are from 8:30am to 1:00pm Saturdays beginning June 1st and ending November 16th, 2019 but are subject to change as conditions warrant and as determined by the Market Manager. The market operates rain or shine.
2. Vendor arrival time is between 7:00 - 8:00am to set up. Vendors must refrain from setting up in the street until the street is officially closed and barricaded.
 - a. No cars are permitted to enter the market after 8:00am. If a vendor arrives after 8:00am, their assigned booth space may be reassigned and they will be required to off load their products outside of the market area for safety reasons.
 - b. All Vendors must finish offloading and remove their vehicles from Union Street by 8:15am.
 - c. When driving into the Market for set up, all vehicles must enter Union Street from Broad Street and exit Union Street toward Coyote or Main Street.
 - d. If a vendor violates any of the market load-in or load-out rules (written or unwritten) they will be issued a "strike." After three strikes, the vendor will automatically be permanently removed from the market.
3. Certified Producers are required to completely and accurately fill out a Load List provided by the NCFMA at the end of each Market and return it to the Market Manager. Failure to do so will result in a verbal warning. Repeated failure to fill out and return Load Lists will result in a \$50 fine per offence.

4. Vendor departure time is only after the Market has closed and a safe exit can be made. Vendors must break down their booth completely before retrieving their vehicle. Vendors may not leave their booth space before the Market closes without prior approval from the Market Manager and only with a safe exiting plan. Traffic flow reverses for take down.
 5. **Take Down Duties:** Vendors may be asked to help complete takedown tasks after the Market each week if volunteer help is unavailable.
 6. **Sale Times:** Vendors may not conduct sales until 8:30am 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 2:00pm.
- E. **Safety and Sanitation:** Compliance with the following rules is essential to creating a safe, tidy and aesthetically pleasing Market.
1. **General Safety:** the Market is conducted in accordance with State, Federal and local laws. Vendors shall immediately comply with the Market Manager's directions in all matters relating to safety.
 2. **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.
 3. **Display tables and vendor space set up:**
 - a. Frontages must be adjacent to the setup line unless otherwise approved by NCFMA. Boxes, produce display or signs may not extend into customer traffic aisles.
 - b. Tables must be sturdy and stable. Plastic tables must be covered with cloth.
 - c. Tables shall not be filled beyond load capacity and the products on the display table must be secured.
 - d. No booth set-up may allow for customer access behind the selling tables of a vendor's booth or of a neighboring booth.
 - e. If selling is permitted alongside of booth at least 24 inches of space must be set aside by that vendor's booth space for customer access. Side access may be restricted if customers have access to the back area of adjacent booths.
 - f. 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.
 4. **Trash Handling**

The Market's receptacles

- a. NCFMA places receptacles in the common area aisle for use by market customers.

Vendor provided receptacles:

- b. Every certified produce and food purveyor booth shall have a trash receptacle for public use.
- c. A food purveyor that offers product for on-site consumption must provide a garbage can and dispose of its contents off site.
- d. All vendors providing **plastic bags** for their customers shall not litter the market with bags or bag-hanging tabs.
- e. 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 vendor without regard to whether the litter originated in the vendor's area.
- f. **Fines:**
 - i. Vendors who use the Market's trash receptacles for vendor related trash may be fined up to \$50 per violation.
 - ii. Failure to leave booth area and aisles free of debris will result in a \$25 clean up fee per violation.
- g. When providing samples of any kind, a trash receptacle must be provided for public use.
- h. Booth area, including back area, shall be kept clean of excessive produce trimmings, produce to be thrown away and excessive piles of boxes during market hours of operation.

5. Food product handling:

- a. 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.
- b. 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.

6. Smoking is not allowed in the market.

7. Vendor vehicle use must not endanger customers or other vendors. Vendors are liable for vehicle use.

8. **Carryout Bags** supplied by a vendor to a customer at the point of sale for the purpose of transporting the vendor's products out of the booth must comply with Nevada City Ordinance 2014-03.

F. Booth Fees

1. A schedule of booth fees is contained in the Vendor Application.
2. The first booth fee is due May 20, subsequent booth fees are due one week prior to the market date.
3. Booth fees may be paid in advance for a half or full season, see the schedule. In advance payment reduces the fee per market. Booth fees paid in advance are not refundable.
4. There is a \$25 service charge for each bounced check.

SECTION 7: FOOD SAMPLING REQUIREMENTS

- A. State Health and Safety codes must be strictly adhered to. Vendors sampling products must:
 1. Keep samples in clean, covered containers approved by the County Environmental Health Department.
 2. Use toothpicks or disposable utensils to distribute the samples.
 3. Dispose of pits, peels, and rubbish in leak proof garbage receptacles with close-fitting lids.
 4. Use clean, disposable plastic gloves when cutting produce for samples.
 5. 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.
 6. 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).
 7. Cutting surfaces must be smooth, non-absorbent, and easily cleanable.
 8. Self-service by customers is permitted for "shaker nuts" only.
 9. Producer must have control over samples at all times.

- B. Any fines received by a certified farmers' market from a County Environmental Health Department for incorrect sampling procedures will be assessed to the vendor responsible for the non-compliance.
- C. Failure to abide by these sampling requirements may result in revoking your approval to provide samples to the market customers.

SECTION 8: SIGNAGE

- A. All vendors must have clearly identifiable and displayed signage with their names or name of their business. Agricultural producers should consult Section 3, I.
- B. **Product Labeling:** Each commodity is required to have a clear, readable identification sign with price per unit. Agricultural producers should consult Section 3, I.
- C. **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.
 - 1. Bargaining with the consumer is allowed.
 - 2. To promote fairness and customer satisfaction, vendors are encouraged to keep consistent pricing throughout the market day and to avoid "price dropping" at the end of the market.

SECTION 9: WIC & EBT AND SPECIAL PROGRAMS

- A. Certified producers are encouraged to participate in the Farmers Market Nutrition Program (also known as WIC). Certified producers participating in this program must redeem coupons through their bank.
- B. NCFMA is an authorized Electronic Benefits Transfer (EBT) vendor for Food Stamp recipients. Vendors are responsible for accepting NCFMA EBT tokens for eligible foods only. EBT tokens are redeemed by NCFMA daily at the end of the Market.

SECTION 10: NCFMA Coupon Redemption Policy

- A. In an effort to encourage consumers to patronize the market, NCFMA reserves the right to invest in a direct marketing mailer targeted to area residents. The mailer may act as a coupon, offering the customer \$1 off of a \$5 purchase from the vendor of their choice.
- B. In exchange for this advertising, you agree to honor coupons redeemed by customers at your booth

SECTION 11: DESCRIPTION OF SELLING SPACE

- A. The Vendors' booth locations are not permanent and may be changed at the discretion of the Market Manager for any Market day during the season and/or annually. In making any determination in this regard, the Market Manager will consider the following:
1. History of good consumer/producer relationships.
 2. Good product mix and consumer traffic flow.
 3. Good market and product promotion.
 4. Tenure of participation in the Market.
 5. Quality of product display, customer service and participation of owner at markets.
- B. Confirmed booth reservations are considered commitments by vendors to participate in the markets identified in the vendor application and confirmed by the Market Manager and a commitment by NCFMA to provide a space.
- C. Description of Selling Space
1. All vendors, with the exception certified producers who meet the criteria in 5, below, may have one booth space.
 2. Each booth space measures 10 x 10.
 3. Vendors must keep their merchandise and tables within the designated booth space.
 4. Vendors' booth set-up may not encroach on the mandated fire lane or pedestrian flow area. All promotions and sales must occur within the assigned booth space.
 5. Certified Producers who are members of the NCFMA may request two adjacent booth spaces. Double booths are first prioritized to producers who hold a second certificate and then to producers with diverse or unique product offerings.
 6. Electricity and water are not available at the market.
 7. Generators are not permitted at the market.
 8. Vendors cannot transfer or sublet their assigned booth space.

SECTION 12: STANDARDS OF CONDUCT

- A. All vendors are responsible for the **actions of their representatives**. Representatives are required to abide by the NCFMA Rules and Regulations that apply to vendors.
- B. **Noise, Disturbance, Intrusion, & Obstruction of Commerce**

1. Radios may not be played during market sales hours.
2. Drinking alcohol, yelling, hawking, throwing any objects, swearing, name-calling, slanderous remarks and other rude behavior will not be tolerated.
3. All product promotion must occur within the space assigned to the producer and not in any common area unless approved by the Market Manager.
4. Unreasonable or outrageous conduct and disruptive activities, is prohibited.
5. Bicycling, skateboarding, riding scooters or rollerblading is not permitted within the street closure area.
6. Loitering or solicitation in the Market is strictly prohibited.
7. NCFMA does not permit videotaping, recording or photography of the Market for television or commercial use without prior written approval from NCFMA along with a signed hold harmless agreement.

C. Vendors must be:

1. Knowledgeable about their product, how it is used, grown or produced and communicate this clearly to the customers.
2. Courteous, honest and professional.
3. Display products in a sanitary and attractive manner.
4. Dressed appropriately (shirt, pants, shorts or skirts and footwear) and practice good personal hygiene.

D. Handling conflicts

1. Vendors are expected to treat each other, staff, customers and officials with respect.
2. Vendors experiencing difficulty with customers are encouraged to refer the matter to the Market Manager.
3. Complaints about other vendors, volunteers or the Market Rules and Regulations must be made in writing to the Market Manager or the Board President.
4. Unreasonable, discourteous or outrageous conduct considered detrimental to the welfare of the Market will not be tolerated.

5. Slanderous, harmful remarks made about vendors, volunteers, the Market or Market staff or disparaging comments about other products, will not be tolerated.

SECTION 13: DISCIPLINE OR REMOVAL OF A VENDOR FROM THE MARKET

- A. **Noncompliance:** Vendors 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 Market and may be subject to fines and penalties. NCFMA will also notify the appropriate local, state and federal agencies including but not limited to the County Agricultural Commissioners and California Department Food and Agricultural inspection services.
- B. **Other Reasons:** A vendor 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:
 1. Failure to obey and conform to State, Federal or local government or NCFMA Rules and Regulations.
 2. Causing or maintaining an unsafe or unsanitary condition at the Market.
 3. Behavior that obstructs any other vendor's commerce or ability to transact business at the Market.
- C. **Complaints:** If the NCFMA receives or witnesses a legitimate complaint (includes complainant name, phone number or complaint in writing) pertaining to quality, conduct or unfair practices regarding a vendor, and the situation is not immediately rectified by the vendor and is determined to be detrimental to other vendor's sales or the Market itself, 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 will result in the vendor being subject to a two-week suspension of selling privileges. The vendor has a right to appeal before the Board of Directors.
 3. A third complaint will result in a minimum 90-day suspension and/or permanent removal from the Market.
- D. **Satisfaction of Complaints:** Vendors 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.
- E. Any violation of Nevada County **Weights and Measures regulations** will be subject to a penalty.

- F. **No Refunds:** Any infraction of the State, Federal or local government or Market Rules and Regulations will not result in any refund or payment to Producer for any money paid to NCFMA for booth fees.
- G. The **severity of any penalty** or discipline imposed by the Market Manager will be directly related to the gravity or repetition of the violation.

SECTION 14: GRIEVANCES AND DUE PROCESS

- A. **Vendors 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 NCFMA Board of Directors. The decision by the Board of Directors regarding all of the above matters shall be considered final.
- B. **Applicants who are not accepted** for admission to the market by the NCFMA Vendor Selection Committee shall have the right of appeal and review by the NCFMA Board of Directors. The decision by the Board of Directors regarding all of the above matters shall be considered final.
- C. **Procedure:** As set forth in the California Corporations Code, the NCFMA has adopted a grievance/due process procedure that provides a fair and reasonable procedure for vendors or applicants aggrieved by a Market Manager or Vendor Selection Committee decision. This procedure is as follows:
 - 1. Post on the NCFMA website, ncfarmersmarket.org, an annual copy of these NCFMA Market Rules & Regulations and amendments within 90 days upon their adoption.
 - 2. Provide a written notice of fine, expulsion, suspension, termination or non-acceptance indicating the reasons for such action within 15 days of the action taking place.
 - 3. Provide an opportunity for the member to be heard, orally or in writing, at the next regularly scheduled monthly meeting of the Board of Directors. The request to be heard must be made within 15 days of receipt of the written notification.
 - 4. Any grievance by a vendor shall be put in writing and submitted directly to the NCFMA Board President before being addressed by the Board of Directors.