

# RULES, REGULATIONS, AND AGREEMENT TO SELL

**MISSION STATEMENT:** To provide a venue for certified farmers to market diverse high quality agricultural products to the local community.

The following constitutes the Rules, Regulations, and Agreement to Sell at the Sonoma Valley Certified Farmers' Market (herein called "SVCFM"):

## I. EACH VENDOR IS REQUIRED TO READ THESE RULES AND REGULATIONS. YOUR SIGNATURE ON THE APPLICATION VERIFIES THAT YOU HAVE READ AND AGREE TO ABIDE BY THESE MARKET RULES AND REGULATIONS.

**Guidelines - The following are guidelines for inclusion or exclusion from the market.**

A. **Determination** - In making this determination, the Market Management Subcommittee and the Market Manager shall consider the following priorities:

1. **History of Compliance** - Producer's history of compliance with state and local government, and market Rules and Regulations.
2. **History of Participation** - Producer's history of market participation.
3. **Availability and Volume** - The present competitive availability and volume of producer's product within the market.
4. **Space Considerations** - The number of stalls available.
5. **Market Limitations** - Other limitations of the market relating to logistical, space, product source, or health and safety issues.
6. **Certification** - Vendors selling fruits, nuts, raisins, vegetables, eggs, herbs, mushrooms, honey, fresh cut flowers, nursery stock, must be certified by the county Agricultural Department in which they reside, and the documents must be readily available.
7. **Local Preference** - First preference is given to Sonoma Valley growers, second to growers within Sonoma County, third to out-of-Sonoma County growers with products not available within the county; but all certified products must be grown in California.
8. **Application** - Producers must submit a completed application as required by SVCFM.

B. **Admission** - Admission of a producer may be conditioned upon a period of attendance and the type of product. Certified holders at the Farmers' Markets are required to be in practice of Agricultural Production and/or Agricultural Arts. The definitions established by the California Department of Food and Agriculture and set forth in Title 3, California Code of Regulations, Section 1392.2 apply to SVCFM, and applicants are to be familiar with relevant regulations, including, without limitation, the following definitions:

1. **Producer** - A person or entity that produces agricultural products by practice of the agricultural arts upon land which the person or separate entity controls. Producer may be, for the purposes of this article, a person, partnership, corporation, or any other entity.
2. **Certified Producer** - A producer authorized by the County Agricultural Commissioner to sell certified agricultural products, produced by practice of the agricultural arts upon land which the certified producer controls, directly to consumers at the Certified Farmers' Market.
3. **Certified Producer's Certificate** - A certificate issued by the County Agricultural Commissioner in the county of production authorizing the transportation and sale of certified agricultural products pursuant to this article.

**Protocols - The following are the protocols for inclusion or exclusion from the market.**

C. **Notification Sequence** - The decision on whether to admit an applicant is made with the concurrence of the Market Management Subcommittee and the Market Manager. Applicants shall be informed of the decision within one month of the date the application was submitted. In the event the applicant is denied admission, the Market Manager will inform the applicant of the cause

of the decision in writing, citing the specific guidelines for exclusion from the market listed in 1.A. of the Rules, Regulations and Agreement to Sell, and supported by a detailed description of the cause of exclusion. (For example, if reason 1.A.2 "Producer's history of market participation" is cited, a 1-2 sentence description providing specific and reasonably understandable detail of this shall be provided to the applicant). Applicants not admitted to the market may appeal this decision by filing a complaint form with the Market Manager within 10 calendar days of receiving the rejection notice. Such appeals will be on the agenda of the next scheduled meeting of the Market Management Subcommittee. Applicants may reapply at any time and as often as desired by submitting an application to the Market Manager.

- D. **Market Participation** - Participation of a producer (or vendor, seller, or grower—these terms as used here all indicate an applicant who has been approved as a participant in SVCFM) represents such person's agreement that he/she has read, understood, and agreed to abide by all of the terms set forth in this document by signing the SVCFM application.

## II. PRODUCT CONDITIONS

- A. **Certificate** - Every grower using SVCFM's facilities must obtain a Certified Producer's Certificate (CPC) from their own County Agricultural Commissioner listing the crops produced and such information as is required. All certificates from outside Sonoma County must list Sonoma County on their certificate.
- B. **Secondary Certificate** - A grower may sell the product of one other certified grower with the permission of the Market Manager. A list of regulations governing the use of second certificate will be given to entities selling with a second certificate, which is obtained from the Agriculture Department.
- C. **Nursery License** – All plant vendors must have a nursery license from the county wherein the nursery is located. The nursery license must be conspicuously posted at the market.  
**Any grower who sells vegetable plant starts** shall have produced the starts from seed, bulb, or vegetable plant propagation or in the event that the plant starts have been purchased, they must have been held by the farmer for thirty (30) days prior to sale. It is recommended that the grower maintain all seed buying records in case of audit, or in the case of heirloom produce, the grower should have a written record of the origin of the seed.
- D. **Organic** – In order to claim that a product is "organic" the producer must be registered with the State of California Department of Agriculture and/or certified by a third party certifier. The word "organic" may not be used to describe a product unless proper registration/certification has been obtained.. Organic registration certificates must be conspicuously posted at the market.
- E. **Eggs** – Egg sellers must have the appropriate egg handlers permit and must abide by state labeling requirements.
- F. **Commodity Requirements** - All commodities sold at SVCFM shall meet the requirements of applicable statutes and regulations. For commodities that must be weighed, scales or balances are required and must be sealed by a County Sealer of Weights and Measures.
- G. **Product/Vendor Limitations** - Unless otherwise specifically listed as an additional authorized agricultural or non-agricultural product in this section, only fruits, nuts, raisins, vegetables, eggs, herbs, mushrooms, honey, fresh cut flowers, and nursery stock listed on a producer's certificate may be sold at SVCFM. Shelled nuts and dried fruits are authorized if not altered in form, and raisins must be produced from the original item listed on the certificate. Admission of any agricultural product to SVCFM shall be at the discretion of the Market Manager. In making this determination, market management shall consider the following as priorities:
1. **Availability** - The present competitive availability and volume of producer's product within SVCFM.
  2. **History** - Producer's history of selling such product within SVCFM.
  3. **Quality** - The quality of the product intended to be offered for sale by the producer.
  4. **Other** - Other limitations affecting product admission to further the best interests of SVCFM and its participants, as determined by Market Management.
- H. **Other Agricultural Products** - Additional authorized agricultural products that may be admitted with concurrence of the Market Manager and the Subcommittee for sale within SVCFM are: jams and jellies, milk, butter, yogurt, cheese, juice, olives, olive oil, and pickles. All of the products listed in this paragraph must be produced from the original item listed on the certificate. These items

require a health certificate and are governed by specific health regulations.

- I. **Other Non-agricultural Products** - Other additional authorized non-agricultural products that may be admitted with concurrence of the Market Manager and the Subcommittee for sale at SVCFM, but under the auspices of the Market Manager are: cheese, fish and shellfish, bakery products, vinegar, pasta, and other processed foods and crafts as guests of SVCFM. Preference is given to local artisans, and **the artisans and processed vendors must make all of the products sold** at SVCFM.
- J. **Product Standards** - All California maturity and quality standards must be met. Field run produce shall be encouraged. Culls of "lowest grade only" sales are discouraged and may be prohibited.
- K. **IMPORTANT! - DO NOT IGNORE ANY ADVICE GIVEN BY THE AGRICULTURAL COMMISSIONER'S OFFICE OR COUNTY OF SONOMA HEALTH DEPARTMENT.**

### III. MARKET CONDITIONS

- A. **Copies** – Copies of all relevant permits insurance, insurance documentation, etc., must be given to the Market Manager.
- B. **Space Allocation** - To sell at SVCFM, Growers must file and display the required credentials (CPC) and **must accept the space assigned by the Market Manager**. Vendor booth assignment is the responsibility of the Subcommittee and the Market Manager, governed by and in compliance with State and County Health and Agriculture departments statutes, rules, and guidelines. Because vendors change frequently during the year due to seasonal and other reasons, site assignment responsibility is delegated to the Subcommittee to the Market Manager. The Market Manager has sole discretion to assign spaces on each market day. A vendor who disagrees with the space assignment may submit a complaint as provided in the complaint procedure.
- C. **Dried fruits and nuts** - Dried fruits and nuts must be protected by a sneeze guard and an umbrella or canopy.
- D. **EDIBLE PRODUCTS - ALL EDIBLE PRODUCTS MUST BE STORED AT LEAST SIX (6) INCHES ABOVE THE GROUND.**
- E. **Styrofoam** - Styrofoam is prohibited.
- F. **Labeling Requirements** – Products must be labeled as follows.
  - 1. Processed foods must be labeled with the name, address, the contents, and weight of the product.
  - 2. Fish must be truthfully and accurately labeled with respect to the state and/or country of origin.
  - 3. If a vendor has a closed package for an item sold at the market, the package must be labeled with IRQ (Identity, Responsible party, and Quantity) along with the city, state, and ZIP code of product origin. (Website is not accepted.)
  - 4. All containers and boxes used to hold product on display must have either grower label or no previous label visible.
- G. **Health Department Rules** - Health Department Rules must be followed if samples are given and producers must show the Market Manager knowledge of all the rules. Processed vendors who sell ready to eat food must meet with the Market Manager to verify the vendor's understanding and compliance with the rules. If Health Rules are violated:
  - First: A warning will be issued.
  - Second: There will be a fine of \$50.00.
  - Third: There will be a fine of \$100.00.
  - Fourth: The vendor will be discharged from SVCFM.
- H. **Health Violations** - Notwithstanding the foregoing, the Market Manager may, in his/her judgment terminate participation of a vendor immediately for certain violations of Health Rules.
- I. **Vendor Sampling** - If a vendor has differences with the Health Department about sampling, the vendor must apply for the vendor's own Health permit and will not be covered by SVCFM's Permit.
- J. **Re-inspection Fees** - If the vendor is responsible for a re-inspection fee charged to SVCFM, the vendor cited must pay the fee.
- K. **AB2168 Receipt** - AB2168 requires a grower providing products for a restaurant or caterer to issue a receipt that is dated and has the name of the grower with city, state, and ZIP code.

- L. **Liability Insurance** - All processed vendors must carry liability insurance.
- M. **Load List** - The state requires that every certified producer turn in a complete and accurate load list (an itemized list stating quantity of each product sold) at the end of each market to the Market Manager. A sample form will be provided by the Market Manager. Failure to do so will result in a fine.
- N. **Product Removal** - The Market Manager may warn a grower that product sold does not meet the applicable codes or other regulations and may require removal of these items.
- O. **Space Maintenance** - All vendors must maintain their assigned spaces in a clean, safe, and sanitary condition and when vacating such spaces, remove from the premises all trash, equipment, produce, trimmings, wrappings, and containers. Umbrellas, canopies, and awnings must be securely anchored to **avoid liability for oneself or SVCFM**. Each vendor shall defend, indemnify, and hold harmless SVCFM, its governing body, the Market Manager, and each of their respective agents, employees, contractors, and/or representatives from any loss, claim, or action arising from or in any way connected with the vendor's conduct, sales, or other activities at or in relation to the market.
- P. **Signs** - All vendors' signs should be kept within vendor's booth perimeter unless previously approved by the Market Manager.
- Q. **Booth Arrangement** - Vendor's booth space must be in alignment with neighboring vendors' booths with direction and approval of the Market Manager.
- R. **Conduct** - Sellers are expected to maintain high standards of honesty, and to conduct themselves in a courteous and business-like manner at all times. **No personal interaction of an unseemly manner will be tolerated and is prohibited at the market.**
  - 1. **No smoking** - There is NO SMOKING in stall areas by all vendors.
  - 2. **A Vendor Forum** - Vendors should bear in mind that the primary purpose of SVCFM is to be a forum for farmers, food processors, and artisans. Using SVCFM as a forum for political views and promotions is not permitted in vending areas. An area of SVCFM is reserved for nonprofit or not-for-profit political/social/ecological causes.
  - 3. **SVCFM Forum** - There will be no conduct detrimental to the welfare of SVCFM.
  - 4. **Consumption** - During market hours, no vendor or vendor representative shall consume, or cause to be consumed, any substance known to or reputed to affect behavior.
  - 5. **Conditions** - No unsafe or unsanitary condition may be caused or maintained at SVCFM.
  - 6. **Advertising** - Seller shall get prior written approval from the SVCFM Market Manager for advertising that affects SVCFM.
  - 7. **Noise Pollution** - Playing of radios or any instrument deemed an annoyance by SVCFM market management is prohibited.
  - 8. **Live Animals** - No live animals, birds, or fowl are allowed in any area where food is sold or stored, with the following exemptions: guide dogs and any animals, birds, or fowl, on presentation of papers declaring the dog, animal, bird, or fowl exempt.

#### IV. **MARKETING AND PRICING**

**Relevance** - Relevant fees and charges are set forth on the attached schedule. The governing body of SVCFM may revise fees and charges at any time, at its discretion.

- A. **Sales** - Vendor may begin selling at any time their booth is set up to sell.
- B. **Posting Requirements** - **The following must be conspicuously posted at each market:**
  - 1. The name of the farm or business identified as the product source.
  - 2. All relevant producer's certificates, second certificates, organic certificates, nursery licenses, and health department certificates.
  - 3. Prices of all products.
- C. **Absence and Tardiness Policy** - **At least one hour prior to the beginning of a market, the vendor must notify the Market Manager that they will not be in attendance by calling either cell phone number 707 321-7549 or 707 538-7023.** A \$10.00 fine will be added to the vendor's next market fee if notification is neglected. This fine will be increase by \$10.00 for each subsequent lack of notification of the Market Manager by the vendor. However, market management, at any time and at management's discretion, retains the rights of vendor removal granted by these Rules and Regulations.
 

**Absence** - Failure to occupy a previously reserved market space without adequate prior notice.

**Vendors arriving later than 8:50 am Friday** mornings will be considered late, and may not occupy their usual space, and, for liability reasons, may not pass through the market. Tardy vendors will be subject to placement at the discretion of the Market Manager, then off-load into the assigned space and park on the street. **If the vendor is going to be late, please call the Market Manager at 707 321-7549.**

- D. **Departure** – Vendors must remain set up until the closing of the market even if sold out, unless arrangements to leave early have been made with the market manager.
- E. **Acceptable Personnel** - Products may be sold by the grower, a member of his/her immediate family, hired help, or a paid employee, with the approval of the Market Manager.
- F. **Price Control** - Collusion among growers to raise prices, or to exert any indulgence, pressure, or persuasion to cause a grower to change prices is forbidden.
- G. **State Fee** - Due to state regulations, the market is required to collect \$2.00 (two dollars) per market for each vendor. The Market Manager will collect these fees monthly.
- H. **Contractual Agreements** - Producers who are involved in renting or sharecropping, partnerships or contracting agreements and similar contractual agreements need to disclose this information to market management.

V. **Licenses**

- A. **Resale License** - All cut flowers, crafts, and most processed items require a resale number from the State Board of Equalization.
- B. **Business License** - Any vendor who is not under the Agriculture Department must have a business license from the City of Sonoma. (This includes cut flowers.)

VI. **Farm Inspection – BUYING AND SELLING OF AGRICULTURAL PRODUCTS NOT OF ONE'S OWN PRODUCTION, I.E., PEDDLING, IS STRICTLY PROHIBITED.**

- A. In the event that the Market Manager believes that an agricultural vendor is “peddling,” it is his or her duty to report said violation to the farm inspector, the farm inspection committee, and the California Department of Agriculture.
- B. All vendors are required to permit the Subcommittee, members of a designated management committee of the Subcommittee, a representative from the Department of Agriculture, the Market Manager and/or a market appointed inspector or committee to inspect their facilities, farm, and/or certified kitchen.
- C. Refusal to permit inspection is grounds for suspension or revocation of the privilege to sell at SVCFM.
- D. In the event that an inspection reveals that a farmer is selling product in violation of these Rules and Regulations, the vendor will be subject to immediate suspension of their privilege to sell at SVCFM according to the discretion of market management.
- E. The vendor may appeal a management decision. For the procedure, see Section VII.
- F. A record of findings shall be sent to other market managers and to the California Department of Agriculture.

VII. **CONSEQUENCES OF RULE VIOLATION**

- A. **Procedure** – In the event that the vendor has exhibited behavior that in the judgment of the Market Manager violates these rules, the Market manager is authorized to suspend the vendor's privilege to sell in SVCFM according to the following criteria.
  - 1. In the event that a vendor behaves in an unsafe manner, or endangers other vendors, the manager is authorized to expel the vendor from the market immediately without written warning.
  - 2. Should a vendor engage in behavior that violates these rules, particularly behavior that is discourteous according to the criteria described herein, the Market Manager is authorized to notify the vendor in writing and immediately notify the Market Management Subcommittee.
  - 3. If the vendor continues to engage in behavior that violates these rules, the Market Manager is authorized to immediately advise market management who shall have the authority to suspend the violating vendor from the market.
  - 4. Market management shall address the suspension at their next regularly scheduled meeting, communicate its findings to the violating vendor and provide that vendor with the opportunity to respond to the issue(s) either in writing or in person.

5. The vendor shall not be permitted to attend the market until this process is complete and market management has made a determination of consequences, which must occur within sixty (60) days from the violation date.
6. The Secretary of the market management committee shall keep accurate records. When a vendor has been advised in writing by the Market Manager and market management that he/she has violated these rules, his/her presence in the market shall be suspended for a period of time determined by market management, or terminated depending on the management-estimated severity of the violation. Management, in its sole discretion, has the authority to rule on appropriate consequences.

**B. Dispute Resolution** – In the event there is a dispute or controversy involving vendors and/or staff, all are required to adhere to the following procedures:

1. There is no appeal or complaint for item **VII. A. 1.**
2. A written request must be on file within ten days from the date for the action of SVCFM or there shall be no appeal or complaint.
3. Make an effort to work with the Market Manager to resolve the dispute or controversy.
4. When this fails, or if the dispute or controversy involves the Market Manager, use market management through item **VII. A. 4.** in this agreement.
5. When this fails, or if the dispute or controversy involves the market management, use the association grievance procedure policy.
6. Otherwise, If resolution is unsuccessful, the parties may engage in mediation using a neutral third party as mediator.
7. If resolution continues to be unsuccessful, THE PARTIES MAY SUBMIT THE DISPUTE OR CONTROVERSY TO A NEUTRAL ABITRATOR as provided by the California Code of Civil Procedure Section 1298.

**YOUR AGREEMENT TO THE ARBITRATION PROVISION IS VOLUNTARY: HOWEVER, BY AFFIXING YOUR SIGNATURE TO THE APPLICATION TO SELL AT THE SVCFM YOU AGREE THAT SHOULD YOU CHOOSE TO ENGAGE IN ARBITRATION, YOU WILL ACCEPT ANY DECISION RENDERED BY A NEUTRAL ARBITRATOR AS BINDING WITHOUT FURTHER LEGAL RECOURSE.**

**C. Mediation and/or Arbitration Procedure.**

1. The parties shall mutually agree on a neutral third party arbitrator or mediator, If the parties cannot agree, the market management committee shall select a third party arbitrator or mediator.
2. Each party shall bear one-half (1/2) the cost of mediation or arbitration.
3. If a vendor and SVCFM are involved in formal dispute resolution action, the vendor shall not participate in SVCFM until the matter is resolved.

**D. Application and Re-application** - Applications may be submitted at any time and as often as desired.

These SVCFM Rule and Regulations were revised and approved by the Market Management Subcommittee appointed by the Sonoma County Certified Farmers' Market Association in March, 2015.