

# Nut Tree Certified Farmers Market

A Certified Farmers' Market and heritage project of the Vacaville Museum.  
Nut Tree Plaza 1681 East Monte Vista Ave., Vacaville, CA 95688

## Local Harvest Markets' Rules and Regulations 2010

### ***Purpose***

To provide the community with a local Certified Farmers Market (CFM) for nine months of the year offering certifiable agricultural products as well as non certifiable agricultural products for sale directly from producer to consumer. The Nut Tree Local Harvest Market also wishes to showcase local artisans and food purveyors in an area adjacent to the market.

This CFM is conducted in accordance with the California Administrative Code Title 3 Article 6.5. This CFM is managed, operated and controlled by Local Harvest Markets (LHM), a heritage project of the Vacaville Museum. The LHM governing body and its executive director will have the authority to implement and enforce these Rules and Regulations at its Certified Farmers Market and will do so in a fair and equitable manner.

To conduct this market in a fair and equitable manner we have created the following rules and regulations.

### ***Admission into Market***

To become a market vendor all agricultural producers will need a valid Certified Producers Certificate (CPC) to sell agricultural products of their production in Solano County. Vendors will be subject to a farm visit at the point of production by LHM. The CFM wishes to provide seasonal produce from local producers whenever possible and will give preference to producers located within a 50 mile radius of Vacaville, CA. Potential vendors must complete an application form, provide all required permits, certificates and show proof of liability insurance before the market manager can evaluate the needs and availability of the current market and consider the application. Samples of product(s) may be requested.

A market producer will be allowed to sell only the products approved on their market application. A commitment contract is written up between the market manager and the producer listing out the approved products that can be sold at the market and when the market producer will be attending the market in good faith. Failure to fulfill a prior years' commitment contract can result in failure to secure the same slot in the market during the following year. Cancellation fees are only charged for weekly cancelations made less than 72 hours prior to the market opening, no cancelation fee is charged when a commitment contract is broken, however; it will result in a written violation. No additional items other than those listed in the commitment contract may be displayed or sold without market manager's prior approval. Any attempt to sell an unlisted item is considered to be a violation of these Rules and Regulations and will result in a written violation for the vendor. A market producer may request to add a product mid-season by

submitting a written request to the market manager. All requests will be assessed based on the markets current variety and demand before responding within a reasonable time and manner.

Local Harvest Markets can offer the Slow Food Solano organization the opportunity to rent a booth adjacent to the certified farmers market where they are permitted to sell the agricultural products of up to eight of their members on a market day. Slow Food Solano is a non profit organization that is devoted to eating real food as well as the LHM mission of helping local farms feed their community. There is no resale permitted nor is there any commission sales allowed. Slow Food will be selling agricultural products produced by their members only for the benefit of the Slow Food organization and the market's variety of local produce. Slow Food must fill out one application per year to sell at the market and pay \$5.00 for each producer member represented on that market day, not to exceed eight producer members. Slow Food must follow all rules and regulations of the market. Slow Food must present high quality produce which embellishes the variety of the local producer market. All products sold and prices are subject to the discretion of the market manager.

Second Certificates: Current market producers may sell certified products for another certified producer who is not present on that market day if they meet the requirements within Section 1392.4 of the California Administrative Code as well as the following:

- The second producer must have a copy of a valid CPC on site at the market.
- The names of each producer must be present on the CPC of the other producer.
- Pay an additional fee of \$10 to the stall fee of the current producer for each additional certificate they are selling under (limit two.)

***Removal of any producer***

Once an applicant is verified and accepted by Local Harvest Markets to sell at their certified farmers markets they are then referred to as a Market Producer. Market Producers must maintain a good standing with LHM and its sponsor. All market participants are expected to conduct themselves in a polite and presentable manner and abide by the following:

- All state and local government laws and regulations.
- Complete an LHM application prior to each market season, pay application fee and weekly stall fees.
- Fulfill commitment contract in good faith.
- Compliance with the market site-specific rules in the market's Standard Operating Procedures (SOP) document provided to and signed by each vendor.
- Conduct themselves in an honest and professional manner at all times.
- Appropriate dress.

- Communicate any and all issues regarding the CFM, its vendors or customers with the market manager or LHM governing body.
- Maintain safe and sanitary conditions at all times.
- Notify market manager of any schedule changes within 72 hours of the market day.
- Provide reliable and consistent product quality and market presence.
- Complete and return required load lists.

Any single violation of these Rules and Regulations may result in a written violation. A producer will be suspended from the CFM after a second written violation for a period of no longer than one year. A third violation is a complete withdrawal from the CFM and an end to the business relationship. Any disputes as a result of these Rules and its representatives can be appealed to the LHM governing body within a period of 90 days of the written violation.

All new producers will have a 30 day trail period during which time they may be released from the market if the producer does not satisfy the terms of their agreement with LHM.

**State Regulations:** The regulations of the California Department of Food and Agriculture pertaining to Direct Marketing (Title 3, Article 6.5) are to be part of these rules and regulations.

1392.4. Conditions of Direct Marketing.

(a) Except as provided in subsection (f) below, producers or certified producers may sell or offer to sell only agricultural products which they have produced to consumers at a certified farmers' market. The certified producer's immediate family or employee(s) may also act for and sell the certified producer's agricultural products. No certifiable agricultural products may be sold at a certified farmers' market unless such products are listed on the certified producer's certificate.

(b) All agricultural products, when sold or offered for sale at a certified farmers' market or at or near the point of production, shall comply with all applicable requirements of Article 1 (beginning with Section 113700), 2, 3, 4, 5, 6, 7, 11, 13, and 15 of Chapter 4 (California Uniform Retail Food Facilities Law), Division 104, Part 7, of the California Health and Safety Code, and Chapters 1 (beginning with Section 109875), 2, 4, 5, and 8 (California Sherman Food, Drug, and Cosmetic Law), and Division 104, Part 5, of the California Health and Safety Code.

(c) Only agricultural products may be sold or offered for sale at a certified farmers' market. The sale of nonagricultural products shall not be permitted in the area designated as a certified farmers' market.

(d) The certified producer's embossed photocopy certificate shall accompany the certified agricultural products during transportation and shall be conspicuously posted at the point of sale.

(e) When any agricultural products are sold by weight, the type of scale used shall be approved by the Department of Food and Agriculture, and shall be tested and sealed for use by the county sealer-director of weights and measures.

(f) A certified farmers' market may allow, or prohibit, a certified producer or his/her immediate family member or employee to sell at that market certified agricultural products on behalf of a maximum of two other certified producers including, but not limited to, separate entities, such as partnerships, in which the certified producer has an interest as an individual member. If such a practice is allowed, the following provisions shall be met by the certified producer and shall be specified in the certified farmers' market's rules and regulations:

- (1) A certified producer shall not represent, nor be represented by more than two other certified producers in a 12-month period.
- (2) Each certified producer's certified agricultural products to be sold or offered for sale shall be separated and identifiable by each certified producer's 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 certified producer that is conducting sales at a certified farmer's market.

(4) The name of the certified producer who is selling the products of another certified producer shall appear on the certificate of the person or entity for whom the certified producer is selling.

(5) The certified producer selling for another certified producer shall be selling or offering for sale, at the same certified farmers' market on the same day, certified agricultural products which the certified producer conducting the sales has produced and which are in greater volume than the volume offered for sale for the other 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 day of sale.

(6) The producer applying for certification shall obtain and 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 the products sold.

(8) The operator of a certified farmers' market may prohibit or otherwise establish rules regarding sales permitted under this subsection that are more restrictive, provided that such prohibition or restriction is contained in the market's written rules and regulations.

(9) A certified producer who sells certified 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:

(i) Date of transfer to seller and accurate amount of products, by weight, dry measure, or count, transferred. Each separate product and amount shall be recorded according to variety.

(ii) Date of sale and accurate amount of products, by weight, dry measure, or count, sold. Each separate product and amount shall be recorded according to variety.

(iii) Names of both certified producers involved.

(10) A certified producer subject to this subdivision shall produce, for inspection, records required by this section upon demand of a representative of the department or county agricultural commissioner.

(g) The provisions of this section, and any amendments thereof, shall apply to all new certified producer's certificates, including renewals, upon filing with the Secretary of State, unless another effective date has been designated by the Office of Administrative Law. Certified producer's certificates already issued shall conform to the requirements of this section, and any amendments, within twelve (12) months of the certificate issue date.

(h) Any person selling organic products or representing products as organic at a certified farmers' market shall conspicuously post at the point of sale a photocopy of his or her current State of California organic registration and, if applicable, documentation of his or her organic certification. Prior to posting organic documents, it is permissible to conceal from public view acreage and dollar amounts pertaining to annual sales. A complete photocopy of the original, unaltered, current organic document(s) shall, upon the request of an enforcement officer, be made available for review at any time during participation in a certified farmers' market.

(i) Any person selling organic products or representing products as organic on behalf of another certified producer at a certified farmers' market shall conspicuously post at the point of sale a photocopy of the represented certified producers' current State of California organic registration and, if applicable, documentation of the represented certified producers' organic certification. Prior to posting organic documents, it is permissible to conceal from public view acreage and dollar amounts pertaining to annual sales. A complete photocopy of the original, unaltered, current organic document(s) shall, upon the request of an enforcement officer, be made available for review at any time during participation in a certified farmers' market.

(j) A certified producer shall not sell or represent sprouts as his or her own production resulting from practicing the agricultural arts if less than 50 percent of the seeds, legumes or nuts in any package or container have sprouts that have emerged from the seed, legume or nut coat, husk, pericarp or other type of covering.