

MENDOCINO COUNTY FARMERS MARKET ASSOCIATION
RULES AND REGULATIONS

Revised Jan 25, 1998
Jan 15, 2000
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Jan 23, 2010

I. INTENT AND IMPLEMENTATION

These Rules and Regulations are meant to govern the operation, administration and management of the Certified Farmers Markets (CFM's) under the sponsorship and direction of the Mendocino County Farmers Market Association (MCFARM).

II. MARKET RULES

Vendors must conduct themselves in a manner that reflects MCFARM expectations. Producers, family members, employees, and others representing them at the market must abide by the following rules:

A. Attendance Notification

The Market Manager may require a one week advance notification of intent to attend the market prior to the first selling day of a member. All applicable documents must be provided to the Market Manager prior to selling at that market. The application and membership dues must be received by the Office Manager before a vendor may sell at the market.

B. Bags and Litter

Sellers using bags or other wrapping materials for their customers shall ensure that such materials do not litter the market. All vendors shall bring a trash receptacle for the convenience of their customers and for themselves. Before leaving the market, all matter in the selling area, including an area extending into the common customer traffic area, must be completely removed and taken with the seller.

C. Certificates

Vendors with producer certificates must post the embossed copy at the market. All applicable certificates must be visibly posted by each vendor. Producer certificates with two or more names listed as producer, must provide evidence of partnership or other legitimate business agreement. Copies of each certificate must be given to the Office Manager and the Market Manager of each market where the vendor intends to sell. One is the limit for second certificates in our association (see state regulations for other requirements).

D. Food Coupons

1. MCFARM is authorized as an organization to accept Food Stamps with EBT devices at some of our markets. The managers of these markets will provide the necessary information regarding the acceptance and redemption of script for the specific foods allowed.

2. Certified Ag producers are encouraged to accept WIC coupons from customers, but must be registered with the state WIC program before accepting them and should post signs to indicate acceptance. Specific WIC regulations will be received by the state after registration. Vendors are responsible for marking each coupon with their registered number before redeeming the coupons at their own bank.

E. Arrival and Departure

The arrival and departure times of the sellers are to be determined by the Market Managers. Vendors will be expected to abide by these hours (unless permission is granted for special circumstances) for the safety and integrity of the markets. Late arrivals may be required to park outside of the market area and carry their products to their space.

F. Pricing

All prices must be clearly marked or posted. Collusion and deceptive pricing practices are prohibited. Bargaining with the consumer is specifically allowed. Deliberate and significant undercutting of a competitor's pricing to gain market advantage is strongly discouraged.

G. Selling Space

Assignment of selling space will be at the discretion of the Market Manager. The Market Manager will attempt to assign sites so that vendors will have some consistency in their weekly location. Non-ag vendors may not be placed in the certified vendors' selling area, as per state law for CFM's. Vendors are expected to cooperate when space adjustments are requested by the Market Manager. Vendors are encouraged to communicate in a cooperative manner with their vendor neighbors to accommodate individual space needs.

H. Setups and Safety

Vendors should display products in a clean and attractive way, and should minimize safety hazards. All display tables frontage must be behind the setup line designated by the management. No boxes or produce displays may extend in to the common customer traffic area. Tables and other display fixtures must be sturdy, stable, and not overloaded. All canopies and umbrellas must be completely secured by weights or tie downs or they will be subject to immediate removal. Electric cords must be placed, marked and/or taped down in a way that greatly reduces the risks of tripping on them.

I. Communication with Customers

Vendors should be honest, courteous, and conduct themselves at all times in a friendly and businesslike manner. In addition, vendors should be knowledgeable about the product, how it is used, grown or produced, and communicate this information clearly to customers.

J. Noise Factors

Vendors must refrain from playing radios other electronic music players during market sales hours and avoid the practice of loud hawking or shouting to promote products.

K. Appearance

Vendors must be presentable, wearing shirts and shoes during market hours.

L. Pets and Smoking

Smoking is prohibited in the market place or adjacent to your vehicle during market hours. Show courtesy by keeping your distance from the market and consider the wind direction if smoking, including market setup/takedown times, as this affects the comfort of other vendors and the promotional aspects of our healthy markets. Keep your pets at least 20 feet from the market area and not in your vehicle if the vehicle is parked within the market place.

M. Respectful Conduct

Vendors must treat each other, staff, customers, and officials with respect. All members must comply with the decisions of the Market Manager, the Market Rules and Regulations, the MCFARM Bylaws, and other decisions of the association.

N. Complaints

Complaints or concerns regarding the market may be communicated to the Market Manager or the General Manager. If there are concerns regarding member rights, contact a Member Representative. Member opinions are requested in the annual MCFARM surveys. There are systems in place for resolving conflicts in a fair manner. Refer to MCFARM Bylaws and/or request information for grievance procedures. Public complaints are not acceptable, as they waste valuable promotional dollars that affect all vendors.

III. ADMISSION OF A PRODUCER AND PRODUCTS TO A MARKET

Admission policies are based on support for local agricultural producers. In MCFARM's Articles of Incorporation, the first purpose of our association is to provide farmers markets for agricultural products that are produced in Mendocino and nearby counties. "Nearby counties" is currently defined as Sonoma, Lake, and Humboldt counties. Admission of other products is also based on these locations.

A. Local Produce Vendors

Vendors with certified produce from Mendocino and nearby counties, shall be accepted until all spaces are full. All products that are listed on their primary producer certificates shall be accepted at each market.

1. Vendors must notify the market manager before the season begins in order to be assured a space in that market.
2. Managers of markets that may reach maximum capacity should give first priority to certified vendors from Mendocino County and nearby counties who have participated in MCFARM for 2 or more years and are members in good standing. Preference shall also be given to local vendors who are returning to that specific market from the previous season. Remaining spaces shall be filled by the manager by the date of request for acceptance into the market.
3. Market Managers shall use their reasoned discretion in determining acceptance of a second certificate, utilizing admission policies for the product.
4. In order to be placed in the certified section of the market, any crafts sold by this produce vendor must be created from

products harvested on the farm , must not predominate by volume or value, and must be accepted by the Market Manager.

5. Participating vendors who experience a crop failure will not lose their opportunity to be admitted to a market the following year. Payment of dues is not necessary for one year of non-vending, but it will ensure voting rights.

B. Long Distance Growers

1. Long Distance growers have limited access to MCFARM markets. Market Managers have the responsibility to refuse admittance to any producers from out of the county, other than those from nearby counties (Lake, Sonoma, or Humboldt), or producers who are already members, unless the following conditions will be met:

a. It is determined that the market will have ample space for the projected local producers.

b. The products will not directly compete with products from local producers nor significantly take away sales from local producers with other agricultural products.

c. The acceptance of the producer will enhance the market by bringing new products that are not grown in abundance locally.

d. The fuel distance will be mitigated by other factors such as fuel efficient vehicles, reasonable growing distance for the type of product, exceptional growing practices/products etc.

e. The origin of the products will be reasonably easy to monitor and the producer agrees to a site visit by a member of OC prior to acceptance. Any necessary expenses, such as fuel or lodging, will be provided by the producer who is applying to our markets.

f. Upon the Market Manager's recommendation to include the long distance grower, the participating vendors must vote with a 2/3 majority vote to allow that vendor's participation.

2. The Market Manager has the right to place limits on the products or the dates in which the long distance grower may participate. A two week notification is required by the Market Manager if later changes in the market indicate that it is no longer in the best interest of local producers or the Market Manager's time for the long distance grower's participation.

3. As an Ag Member, a long distance grower has the right to participate in MCFARM decision making. However, in the interest of preserving MCFARM's finances and staff time, exclusion of long distance growers or their products does not give them any rights to MCFARM's grievance procedures or special hearings.

C. Non-Certified Ag Producers (e.g. meat, aqua cultured oysters, cheese)

New Non-Certified Producers will only be allowed in markets that have sufficient space to allow maximum participation from all certified producers who notify the manager before the season begins. Market Managers must have the latitude to use their discretion in considering market supply and demand for non-certified ag products, but these producers have admission priority over other non-ag food products.

E. Other Food Products

Admission of producers of other food products such as processed food, wild seafood, seaweed, salt etc. is determined by market need, based on Market Manager discretion and has priority over admission of crafts. At least one of these factors should be present to assist the manager in determining admission:

1. The food is harvested or caught in the region of Mendocino County or nearby counties.

2. The food is grown or raised by the vendor and processed locally.

3. It is a local business selling processed specialty foods.

F. Food to Go

Admission of food to go is based on Market Manager discretion, available space, and the need to provide market hospitality. The market image, healthfulness of the product, and the inclusion of local ingredients are important factors to consider.

G. Crafts

For the specific markets that accept crafts, admissions shall be based on Market Manager discretion. The manager may also rely on a volunteer committee for reviewing work prior to admission. Market Managers should strive to keep the number of

craft vendors below 25% of the number of certified vendors. A rotating schedule may be utilized to meet this percentage and still allow greater participation. The following factors assist the manager in determining admission:

1. It appears that at least 75% of the work in the craft item is created by the local vendor.
2. The person uses local products when possible.
3. The product is unique and the quality is commendable.

IV. STATE REGULATIONS

The regulations of the California Department of Food and Agriculture, pertaining to Direct Marketing (Article 6.5, Group 4, Subchapter 1, Chapter 3, Title 3 of the California Administrative Code), are hereby incorporated by reference to be part of these regulations. For details on specific subjects, see your Market Manager. Specifically restated are the following provisions of the regulations:

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

B. Fresh fruit, nuts, or vegetables listed on a Producer's Certificate may be sold directly to consumers exempt from size, standard pack, container, and labeling requirements with the exception that all prepackaged closed consumer containers of agricultural products shall be labeled with the name, address, zip code and e-mail or web address of the producer and a declaration of identity and net quantity of the commodity in the package. However, a package containing 6 or fewer items which are fully visible does not need a statement of count.

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

D. All agricultural products, other than exempt fresh fruits, nuts and vegetables which are sold at the markets, must comply with all applicable laws pertaining to their grading and labeling.

E. All agricultural products sold at the markets are subject to the provisions of federal marketing orders, state marketing orders, state laws and regulations enforced by any state agency, or any other local health and safety laws, regulations or ordinances.

F. Only the producer or the producer's parents, children, grandparents and grandchildren or a relative regularly residing in the producer's household or an employee of the producer may sell the producer's products at the market. An employee is any person employed by the producer at a regular salary or wage on either a full or part time basis and does not include a person who is reselling or whose compensation is primarily based on a commission of sale.

G. A Certified Producer's Certificate (embossed photocopy) must accompany the certified agricultural products during transportation and must be conspicuously posted at the point of sale.

H. When any agricultural product is sold by weight, the type of scale used shall be approved, tested and sealed by the County Agricultural Commissioner, Sealer of Weights and Measures.

I. When a producer has been granted the privilege of selling for another certified producer, it shall be under the following conditions:

1. The agricultural products shall be separated at the stand and be clearly identifiable by the respective certificates. Seller shall report gross sales separately for each

certificate holder, and shall pay stall fees for each certificate based upon the gross sales for each grower.

2. The producer selling for another producer must also sell or offer for sale agricultural products which the selling producer has produced. Seller's produce shall be predominate by volume or value over that of the other producer.

3. Prior to sale, the producer selling has furnished a written letter from the additional producer which verifies the selling producer's authority to sell their products on their behalf.

- J. A producer shall provide upon request by an enforcing officer or Market Manager, any certificate, documentation, information or identification that may be reasonably required to show that the conditions of the regulations are being met.
- K. All products sold as organic must be grown, produced and processed in accordance with the USDA National Organic Program. The producers of organic labeled produce must be registered as organic producers with the county Agricultural Commissioner. If the operation's gross agricultural income from organic sales totals more than \$5000 annually, the producer needs to be certified organic by an accredited certifying agent.
- L. All fish must be harvested in accordance with state laws.
- M. When selling at the Certified Farmers Markets, the producer and the producer's agricultural products shall comply with all applicable requirements of the California Uniform Retail Food Facilities Law and the California Sherman Food, Drug and Cosmetic Law. Specifically:
1. All produce and containers of produce must be kept at least 6 inches above the ground.
 2. Food preparation (except trimming) is prohibited. Chef demonstrations will comply with the Environmental Health Regulations.
 3. Processed foods must be processed and stored in an approved facility and properly packaged and labeled under clean and sanitary conditions before coming to market. These foods must be transported to market and stored or displayed in an approved manner. A copy of the facility's Health Certificate shall be posted at the seller's point of sale.
 4. Dried fruits, shelled nuts, and other processed foods that are sold in bulk form must be displayed with a cover and conform to dispensing methods approved by the local Environmental Health Department.
 5. Eggs must have the appropriate certification and comply with the storage, packaging, and labeling specifications that are required by the local Environmental Health Department.
 6. No live animals, birds, or fowl may be kept or allowed within 20 feet of any area where food is stored or held for sale, except service dogs which shall be kept on a leash.
 7. Members selling nonagricultural food products are required to have valid permits from the local jurisdiction and are not considered part of the certified section of the Farmers Market.
 8. Smoking is not permitted within the market, at or behind the vendor areas.
 9. All processed certifiable agricultural products must have and be accompanied by a verifiable listing of the fresh product on the seller's Producer's Certificate. Sellers must be able to show location and capability of processing. If the processing is done by a second party, the seller must be able to show the method used to ensure that the processed product that is returned by the processor is from the original product submitted by the producer for processing. Receipts, volume, date, and letters verifying methodology may be requested or required. The seller must show that all processing was accomplished under safe and sanitary conditions, and, if applicable, obtain furnish and display all necessary health permits.
 10. If the local health authority approves, distribution of samples in a manner which ensures safe, unadulterated samples for the public may be allowed. The following guidelines are to be followed:
 - a. Keep samples in clean, covered containers approved by the local health agency.
 - b. Use clean disposable utensils, such as toothpicks, to distribute samples.
 - c. Dispose of pits, peels, food waste and rubbish in leak-proof garbage receptacles with close fitting lids.
 - d. Produce intended for sampling must be washed and cleaned so as to be wholesome and safe for human consumption.
 - e. Utensils and cutting surfaces must be washed and sanitized. Use a chlorine solution of one teaspoon or capful of bleach per gallon of water.
 - f. Cutting surfaces must be smooth, nonabsorbent, and easily cleaned.