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North San Diego Certified Farmers Market (CFM-0207)

2014-2015 **Market Rules** as of November 8, 2014

The **North San Diego Certified Farmers Market**, at the *Sikes Adobe Historic Farmstead*
Located at the Gateway to the **San Pasqual Valley Agricultural Preserve**

- The **Sikes Adobe Historic Farmstead** (*the Historic Site*) is owned and operated by the San Dieguito River Park Joint Powers Authority (*the Site Owners*).
- The **North San Diego Certified Farmers Market** is operated by Win4Web, Inc (*the Market Board*).
- The **North San Diego Certified Farmers Market** is managed by Claire Winnick (*the Market Manager*).

Operating Hours:

every **Sunday**: 10:30 a.m. to 3:30 p.m. (year-round; rain-or-shine)

Closed only on Easter Sunday, 4th of July, and Christmas/New Years Day, and *only* when they fall on a Market Day.

Market Day Schedule:

- 9:00am - 9:45am: Sellers check in and set up.
- Break-down begins upon the official closing of the market. Sellers may not begin to close up or break down booths until the market has officially closed.

General Rules:

- It is the responsibility of the certified producers and all employees and/or family members to read, understand and comply with these rules, as well as State and County Agriculture Regulations pertaining to Farmers Markets and Direct Marketing Regulations.
- Producers of certifiable agricultural produce must obtain a Certified Producer's Certificate from the California Department of Agriculture before participating in the Market. Certified Producers may not sell any products not listed on their current Producers Certificate.
- As a Certified Farmers Market, NSDCFM is subject to all pertinent local, state and federal regulations and laws.

STATEMENT OF INTENT

NATURE OF THE MARKET: The CFMs (Certified Farmers' Markets) are diversified markets offering certifiable agricultural products and non-certifiable agricultural products. The sale of non-agricultural products is not permitted in the certified area, but may be offered at the manager's discretion in the "other purveyors" section. The CFM provides producers with the opportunity to sell their fresh, California produce directly to the consumer without the intervention of a middleman.

Each CFM is operated in accordance with regulations established in the California Administrative Code (Title 3, Article 6.5) pertaining to Direct Marketing and the California Food and Agricultural Code Chapter 10.5 Direct Marketing. Each market is certified by the County Agricultural Commissioner as a direct marketing outlet for producers to sell their products directly to consumers without meeting the usual size, standard pack, and container requirements for such products. However, all produce must meet minimum quality standards.

RULES AND REGULATIONS FOR ALL SELLERS AT THE CERTIFIED FARMERS MARKET

In order to ensure the successful maintenance of the CFM as an efficient outlet for producers to sell their products directly to consumers, we have adopted the following set of Rules and Regulations.

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- I. **INTENT AND IMPLEMENTATION.** The purpose of this set of rules is to govern the operation, administration, and management of the CFM (Certified Farmers' Market) under the control of this Market Board.

The Owner/Operator of this Certified Farmers' Market, its management, and its designated agents will implement and enforce all Rules and Regulations pertaining to the operation of the Certified Farmers' Market under its control in a fair and equitable manner.

Market participants have the right to appeal the imposition by the management/operator of any fine, suspension, or expulsion from this market. If an appeal is requested, market participants will have an opportunity to dispute the alleged violation and the proposed penalty.

1. The Market Manager will provide participants with a written notice of an alleged violation, delivered in person or via email by the Market Manager with the factual basis for the violation and the proposed penalty, within 7 calendar days.
2. Vendors may appeal to the Market Board in writing by Certified Mail (with delivery receipt) within 14 days of receipt of a violation notice. Vendor must submit all evidence, documentation, and commentary in support of the appeal in writing at the time the appeal is requested.
3. The Market Board will convene to consider the vendor's request for appeal within 7 days of receipt of the vendor's written request for appeal and will review all submitted evidence, documentation and written comments; a written decision will be issued to the vendor within 7 days of the meeting of the Market Board.
4. The Market Manager will respond to the vendor with a short, written statement of the Market Board's decision on the appeal within 14 days of the original receipt of the written request for appeal, either in person or by certified mail. The stated decision of the Market Board is final.
5. While the appeal process is proceeding, any decisions by the Market Manager will be obeyed by the vendor until the appeal is final.

- II. **STATE REGULATIONS.** The regulations of the California Department of Food and Agriculture pertaining to Direct Marketing (Article 6.5, Title 3 of the California Code of Regulations) are hereby incorporated by reference to be part of these rules.

Specifically restated are the following provisions of such regulations:

1. Producers of fresh fruits, nuts, vegetable, shell eggs, and honey 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.
 - A. Producers of flowers and nursery stock must obtain a Certified Producer's Certificate prior to selling such commodities at a Certified Farmers' Market as described above. 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. Alternately, flowers, nursery stock and other non-edible produce may be offered for sale outside the Certified Farmers' Market section, in the uncertified "other purveyors" section.
 - C. Producers offering live plants, cut flowers, or other nursery stock, whether included in the Certified Farmers Market or in the "other purveyors" section, must provide a copy of a valid License to Sell Nursery Stock when applicable.
2. Fresh fruits, nuts and vegetables listed on a producer's certificate may be sold directly to consumers exempt from size, standard pack, container and labeling requirements. (One exception is that all prepackaged closed consumer containers of agricultural products shall be labeled with the identity of the product (such as oranges), name, address, and zip code of the producer and a declaration of net quantity

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of the commodity in the package in both Metric and inch-pound units. However, a package containing six [6] or fewer items, which are fully visible, does not need a statement of count.)

3. All agricultural products sold at the market shall comply with the regulations of the California Code governing maturity and quality.
4. All agricultural products sold at the market 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.
5. All products sold as organic must be registered with the State of California in the County of origin. A valid organic registration must be posted at the point of sale. Use of the terms “organic”, “organically grown”, “no sprays” and “no chemicals” are subject to the prior approval of the NSDCFM Manager. To use the term “organic” while participating in the North San Diego Certified Farmers Market, the Producer must possess and post a current “Organic Producer’s Registration” form, issued by the appropriate agency.
6. Only the producer, producers’ parents, children, grandparents and grandchildren or a relative who regularly resides in the producers’ household or an employee of the producer may sell the producers’ products at the market. (An employee is a person employed by the producer at a regular salary or wage, on either a full or part-time basis. It does not include a person who is reselling or whose compensation is primarily based on a commission of sales.) Proof of status of an employee is an authorized agreement signed by the producer. The Producer agrees to provide copies of W2’s when requested of any employee.
7. The certified producers’ embossed photocopy certificate must accompany the certified agricultural products during transportation and must be conspicuously posted at the point of sale.
8. When an agricultural product is sold by weight, the type of scale used shall be approved, tested and sealed by the County Agricultural, Sealer of Weights and Measures and the weighing devices’ current County registration must accompany said scale when applicable.
9. When a producer has been granted by the market the privilege of selling for up to two other certified producers, it must be under the following conditions:
 - A. A certified producer shall not represent, nor be represented by more than two other certified producers in a twelve (12) month period.
 - B. Each certified producers’ certified agricultural products to be sold or offered for sale should be separated and identifiable by each certified producers valid certificate at the point of sale.
 - C. The name of the certified producer for whom another certified producer is selling shall appear on the certificate of the person selling his/her products.
 - D. The name of the certified producer who is selling the products of another certified producer shall appear on the certificate of the person for whom he/she is selling.
 - E. The certified producer selling for another certified producer shall be selling or offering for sale agricultural products which he/she has produced and which are greater than the amount by volume offered for sale for another 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 sale day.
 - F. The producer applying for certification shall submit to the agricultural commissioner, prior to certification, written authority from said other certified producers’ to sell on their behalf.
 - G. 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 products sold.
 - H. A certified producer who sells 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 and amount of products transferred by variety.
 - ii. Date and amount of products sold by variety.
 - iii. Names of both certified producers involved.

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- I. This will be granted on a case-by-case, product-by-product and season-by-season basis.
 - J. Historical use of additional certificates is not a guarantee for continued future use. This is a revocable privilege situation.
10. A producer shall provide, upon request by an enforcing officer or Market Manager or agent, any certification, documentation, information or identification that may be reasonably required to show that the conditions of the regulations are being met.
11. The NSDCFM Manager will distribute **Load Lists** each week to Certified Producers, as required by the Dept. of Agriculture. The lists are to be filled out completely with:
- date,
 - name of producer,
 - certificate number,
 - naming all products sold at the Farmers Market that market day *exactly* as it appears on the certified producers' certificate,
 - along with the amount (listed as each, lbs, pots, stems, bunches, dozen) of each sold.

A separate Load List must be completed for each certificate being used by the Producer. Completed lists are to be returned in the fee envelope at the end of each Market.

Failure to properly fill out the load sheet shall result in a warning. A second failure to correctly fill out the load sheet shall result in a one month suspension of selling privileges.

12. When selling at the market, the producer and the producers' agricultural products shall comply with all applicable requirements of the **California Retail Food Code**, specifically:
- A. All produce and containers of produce must be kept at least 6 inches above the ground at all times (including during setup, loading, and unloading).
 - B. Food preparation (except trimming) is prohibited at all Certified Farmers' Markets with the exception of food samples in accordance with Chapter 12 of the California Retail Food Code.
 - On site food preparation within the Certified Farmers Market will be considered providing that the producer possesses and displays a valid and appropriate Health Permit from the local jurisdiction, and that the producer has produced all raw products used, as evidenced by their Certified Producer Certificate. Incidental items including flavorings are allowed in the production of on-site prepared foods within the Certified Section.
 - C. Off-site processed foods must be processed in an approved kitchen facility, properly packaged and labeled under clean and sanitary conditions. The producer/seller must display a corresponding valid and appropriate Health Permit from the local jurisdiction.
 - D. Dried fruit and shelled nuts sold in an unpackaged bulk form must be displayed with a cover and conform to dispensing methods approved by the local health department.
 - E. No vendors' pet animals are allowed in the market, except for Service Animals as specified in Section 54.1 of the Civil Code and scheduled entertainment, or that is part of the vendor's display that has been approved by the Market Manager.
 - F. 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 for Service Animals as specified in Section 54.1 of the Civil Code).
 - G. Vendors selling any non-agricultural food products are required to have a valid Health Permit from the local jurisdiction and are not considered part of the Certified Farmers' Market.
 - H. **Samples:** Producers are encouraged to provide samples when possible. If the certified producer is giving away samples or selling prepared food products it is the responsibility of the vendor to

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read, understand and comply with all Department of Environmental Health rules and regulations. Distribution of samples performed in a manner which will ensure safe, unadulterated samples for the public, may be allowable. Each grower shall regard the following guidelines:

- i. Keep samples in clean, covered containers approved by the local health agency.
- ii. Use toothpicks/disposable utensils to distribute the samples. Avoid hand contact.
- iii. Dispose of pits, peels, food waste and rubbish in leak proof garbage receptacles with close fitting lids.
- iv. Use clean, disposable plastic gloves when cutting produce for samples.
- v. Produce intended for sampling shall be washed or cleaned of any soil or other material so as to be wholesome and safe for consumption.
- vi. Utensils and cutting surfaces shall be washed and sanitized (i.e., a chlorine solution of one teaspoon or capful of liquid bleach per gallon).
- vii. Cutting surfaces shall be smooth, nonabsorbent and easily cleanable and approved by the local environmental health agency.
- viii. A complete and operational approved hand-wash station is set up in each vendor booth that is offering samples.

III. ADMISSION OF A PRODUCER INTO THE MARKET. Certified producers are admitted into the NSDCFM based on the following considerations:

- i. San Pasqual Valley area/San Diego County farmers have first priority.
- ii. Consumer demand for the crop or product.
- iii. Number of producers in Market with same crop.
- iv. Space Available
- v. Seniority on Waiting List

Admission to sell at the Certified Farmers' Market shall be at the reasonable discretion of the Market Manager. In making this determination, a manager will consider the following:

1. Producers' positive or negative history of the compliance with the state, local government and market Rules and Regulations.
2. Producers' history of market participation. When practical, significant weight, priority, and preference should be given to producers returning from previous seasons.
3. The competitive availability and number of sellers of producers' product present within the market. If practical, monopolies and surfeits (gluts) should be avoided.
4. Whether the present number of sellers of producers' product is adequately supplying consumer demand.
5. The number of unreserved spaces and other limitations of the market.
6. Participation does not guarantee that all products listed on a Producer's Certificate will be allowed to be held for sale. Limitations may be placed at the Management's discretion.
7. Change of farm ownership requires submission of a new application to the Certified Farmers Market, which will be processed as a new admission. The transfer or change of ownership does not grant or guarantee the new owner the same admission or current stall space assignment as the previous owner.
8. Admission of a producer may be conditioned by period of attendance and type of product allowed limitations.
9. Any producer aggrieved by the Managers' decision may appeal in writing for review by the management of the market. They may refuse to review, agree to review, and may uphold, modify, or negate a Managers' decision.

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IV. ADMISSION OF PRODUCTS TO THE MARKET. Only fresh fruits, nuts, vegetables, shell eggs, honey, flowers and nursery stock listed on a producers' certificate, or non-certifiable agricultural items made from these products may be sold within the Certified Farmers Market section. All edible fresh produce must be Certified, and may only be offered for sale within the Certified Section.

Admission of any certifiable agricultural or non-certifiable agricultural product to the certified market shall be at the reasonable discretion of the Market Manager. In making any determination in this regard, the Market Manager shall consider the following:

1. Producers' history of selling such product within the market. When practical, significant weight and preference should be given to the products sold by the producer in previous seasons.
2. The present competitive availability (number of sellers) of producers product within the certified market. If practical, monopolies and surfeits (gluts) should be avoided.
3. The type of relative quality of the product intended to be offered for sale by the producer. Field run produce shall be encouraged. Culls or lower-grade only sales are prohibited.
4. Admission of a product to be sold by a particular producer may be conditioned by period of sale, location of sale, variety, quality and other general or specific limitations. Producers choosing to bring a new item to sell that they have not been selling previously must notify the Market Manager in advance, and obtain prior permission to sell that product. The producer must produce all such products by the practice of the agricultural arts upon land, which the producer farms and owns, rents, leases or sharecrops. Misrepresentation of products will result in expulsion of Market.
5. Preference will be given to Certified Producers over sellers of pre-packaged and/or processed food products, who may be currently selling or applying for entry into the "other purveyors" (non-certified foods) section of the market.
6. The market may impose other limitations and market policies affecting product admission.

Additional authorized processed and/or non-certifiable agricultural products, which may be admitted by the Market Manager for sale within the Certified Farmers' Market are:

- Dried beans, grains, dried fruits and vegetables and nuts listed on producers' certificate.
- Shelled nuts, including those which have been roasted, salted or flavored.
- Dried herbs and spices.
- Fresh fruit juices.
- Livestock, fish and shellfish.

The producer must have produced all such raw products by the practice of the agricultural arts upon land, which the producer farms, owns, rents, leases or sharecrops. Incidental items including salt, flavoring and preservatives are allowed in the production of non-certifiable agricultural products.

Producer must be able to show location and capability of processing. If processing is done by a second party then the method used to insure that the processed product returned is the original source product submitted by the producer for processing must be demonstrated. Receipts, volume data, and letters verifying methodology may be requested or required.

V. ASSIGNMENT OF SELLING SPACE. The producer's location, space size and other factors of assignment of selling space within a market shall be at the reasonable discretion of the Market Manager. Sellers must accept the stall space assigned to them by the Market Manager. Historic use of same amount or location of space is not guaranteed.

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All locations are assigned by the NSDCFM Manager. Sellers may not change locations or expand selling area without approval. Certified Producers will be located in booths within the boundaries of the Certified Farmers Market. Other Purveyors, such as producers selling non-certified produce, food vendors and crafters/specialty vendors, informational displays and demos will be located in booths outside the boundaries of the Certified Farmers Market area.

VI. OTHER MARKET RULES, POLICIES AND REQUIREMENTS.

1. **Conduct:** All producers shall sell/market their products in a manner satisfactory to the Market Manager and in an honest, conscientious and businesslike manner.
2. **Prices:** All prices must be clearly marked or posted, with prices readable by shoppers. Collusion and deceptive practices are prohibited. Bargaining with the consumer is specifically permitted.
3. **Leaving Early:** It is vital to the success of the Market and out of respect for other vendors that all vendors remain open for business until the official end of the Market. Unless you have completely sold out of product, if you pack up and/or break down before the official closing time, a \$25 penalty charge may be applied. (If it is unavoidable for you to leave early on a given market day, contact the Manager for pre-approval). If you have completely sold out of all available product, contact the NSDCFM Manager before starting to pack up/break down.
4. **Required Postings.** All sellers must have submitted copies of the following to the NSDCFM and must post in their booth, visible to customers, prior to commencing sales: Up-to-date Embossed Certified Producer's Certificate; Health Certificate (as applicable); Nursery license (plants/cut flowers). Sellers of taxable items are required to show proof of registration with the State Board of Equalization and are responsible for collecting sales tax.
5. **Product Quality.** All products sold must be of reasonably high quality. Each seller is individually responsible for conformance to all local, state and federal laws and regulations. For edible items, this includes conformance to Department of Environmental Health standards.
6. **New Products/Items:** Producers/sellers may not sell any item not listed on the approved NSDCFM application without prior approval of the NSDCFM manager.
7. **Trash/Waste.** All sellers are required to keep their immediate area clean and safe. Sellers must provide their own trash containers for their own use, and a second container for customers use if samples are offered or any items for immediate consumption are sold. Please do not empty individual trash containers into the market's community trash cans at any time; disposal of vendor's waste is available in the market-provided dumpster (located in the parking lot area) both during and immediately after the market hours.
8. **Smoking.** Smoking is not allowed in the market area, or anywhere on the Sikes Adobe Farmstead Grounds.
9. **Alcohol/Intoxicant Consumption.** Consumption of alcoholic beverages and/or other intoxicants is prohibited on the Market premises, except as may be expressly allowed by NSDCFM. Anyone judged to be "under the influence" will be asked to leave the premises immediately.
10. **Attire.** Appropriate clothing and foot coverings must be worn at all times while on the Market premises.
11. **Employees.** Only persons listed as employees or authorized sellers for a vendor may assist any vendor at the NSDCFM.
12. **Booth Equipment.** Vendor must provide at minimum a 10x10 canopy, and all of their own displays and equipment. Canopies should be of a solid color that is consistent with the Farmers Market environment. Vendors are responsible for providing everything used in the set-up and operation of their market display. In an effort to present a pleasant and attractive setting for the public, the Market Manager may require/restrict the use of certain types of shades, awnings, or tables. The market does not provide canopies, tables, chairs or access to power.
13. **Independent Power:** Generators are permitted, providing they are low-noise and do not produce any odor. Use of a generator in the market must be approved by the Market Managers in advance; vendors may be required to demonstrate the unit's performance prior to approval.

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14. **Parking.** Vehicles are to be parked in locations as directed by the Market Manager.
15. **Attendance:** Producers/sellers are asked to notify the NSDCFM if they will not be attending the next week's Market. Producers/sellers or their representative must properly notify the NSDCFM Manager no later than the Wednesday before the Sunday market day if they are unable to participate on that given day. Failure to provide the required advance notice may result in cancellation of further reservations, and the producer/seller will be required to pay the weekly minimum fee for that space upon returning to the Market. This includes (but is not limited to) missing the market without the minimum required notice due to: weather or conditions, illness, unexpected scheduling conflicts, personal matters, equipment failure, etc.
 - a. Space will not be reserved for a producer/seller who elects to be absent from the Market for whatever reason (other than the end of seasonal product) for more than two consecutive Markets. Rather, producers/sellers on the approved waiting list will be given first priority for that selling space.
 - b. Producers who fail to notify the Market Manager of a cancellation twice in a three (3) month period or cancel a market three (3) times in a three (3) month period may permanently lose their space in the market.
16. **Rain/Weather/Other Conditions.** The North San Diego Certified Farmers Market is a "Rain-or-Shine" market. Only in extreme situations where the health/safety of the vendors/customers may be at risk will the market be canceled or close early due to conditions. All vendors are expected to have an inclement weather contingency participation plan *before* making application with the NSDCFM. Scheduled but absent vendors will be required to pay the weekly minimum fee for that space upon returning to the Market.
 - a. If conditions cause the market to close within the first hour, there will be no fee charged to vendors in attendance; scheduled but absent vendors will be required to pay the full weekly minimum fee for that space.
 - b. If conditions cause the market to close within the first 2-hours, there will be a minimum fee of ½ the minimum, or ½ of the flat-fee. If conditions cause the market to close after 2 hours in operation, the day's full market fees will be due.
 - c. If it begins to rain or other conditions develop, cover up/secure/protect items and check with the Market Manager about the status of the market BEFORE closing up and/or tearing-down.
17. **Market Closure Policy.** The market will not operate when there is a declared State of Emergency for the local area &/or there is a possible/likely threat to the health/safety of vendors/shoppers at the market location.
 - a. Any decision to cancel the Sunday market "in advance" will be based on there being a declared State of Emergency in effect &/or a possible/likely threat to the market location existing at or after 5pm on the Friday before.
 - b. A decision to cancel the upcoming Sunday's Farmers Market that is announced as early as Friday evening will be final, even if conditions improve over the following 36-42 hours leading to the scheduled market start time on Sunday.
 - c. The latest announcements, the status of the Farmers Market, and the most up-to-date information in the event of an emergency or possible market closure will be posted in a timely manner on the market's Facebook page. [facebook.com/NSDCFM](https://www.facebook.com/NSDCFM)
18. **Vehicles.** Vehicles must be maintained in a safe manner, and must have gas caps.
19. **Display signs.** Signs, racks and other display aids must be secured in fittings, must not obstruct traffic flow, and care must be taken when setting up and breaking down so that shoppers are not jeopardized.
20. **Setups:**
 - a. Tables are not to be filled beyond capacity. Tables and other display fixtures must be sturdy, stable and not overloaded.
 - b. All display table frontage must be behind the setup line designated by the Market Manager.
 - c. No boxes, flower or produce displays may extend into the common customer traffic aisle way.

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- d. Producers who display produce on a side table must allow at least 24 inches of side aisle in producer's space for customer ingress and egress.
 - e. All shades and shelters must be tied down and completely secured in windy conditions or be subject to immediate and uncompromised removal.
 - f. Before any sales transactions are allowed, the producer's area must be cleared and cleaned of any produce trimmings or debris of any type.
 - g. Absolutely no rubbish of any type will be allowed on stall grounds, the consumer area directly surrounding the stall, or in any other contiguous area that could constitute a health or safety issue.
 - h. Before the producer may leave the market, both the stall and the surrounding area must be totally free of any produce and debris. Failure to follow the above referenced issues will result in revocation of the sellers stall space and a \$50.00 fine after the first written warning.
21. **Vendors' Children.** Young children who are unable to help in selling can create a health or safety hazard and should not be brought to the market without the prior permission of the NSDCFM manager. If the Manager believes there is no hazard or distraction presented by said child or children, the privilege will be considered. Vendors must supervise their children at all times; the NSDCFM staff, customer areas, and other vendors may not be used as alternatives to appropriate child-care.
22. **Inappropriate Language.** Sellers may lose their privilege of selling for publicly making negative comments about another seller and/or their products, or for using foul or abusive language toward anyone.
23. **Noise: Disturbance and Intrusion.** With few exceptions, radios are not allowed to be played in vendor stalls during market sales hours. No loud hawking, barking or shouting to promote product is allowed. All producer promotion must occur within the space assigned to the producer and not in any common area. Disruptive action in the market is prohibited.
24. **Behavior:** Any statement and/or action which is deemed to be offensive, abusive or otherwise inappropriate to a customer, Market Manager, market staff person, attending producer, staff person, or any official from a city, county, or state agency conducting business within the Market parameters, will be considered a violation to these market rules and will be subject to any or all disciplinary steps indicated in these market rules. Failure to comply with any request made by Management, negative, abusive, threatening or rude behavior toward Management or other sellers, or consumers, or any other socially unacceptable behavior will result in immediate and permanent expulsion from the Market.
25. **Identification Signs:** All producers must display a sign identifying their name or the name of their establishment and the city or town where their production occurs. Signs posted by producers are subject to approval of the Market Manager.
26. **Bags and Litter:** Sellers using plastic bags for the convenience of their customers shall insure that such bags do not litter the market. Sellers using T-shirt style plastic bags shall insure that the connecting tabs are fastened securely or are removed prior to the presentation for customer use.
27. **Amendments.** These Market rules may be amended at any time.

VII. APPLICATION, RESERVATION AND FINANCIAL REQUIREMENTS

1. **North San Diego Certified Farmers Market (NSDCFM) application:** An approved application is required from all interested sellers to be a vendor at the North San Diego Certified Farmers Market (NSDCFM). Fill out completely and include details about the uniqueness and quality of your products. Include current copies of all required State and County permits, as well as pictures of your product and how you will display it.
2. **Signed Rules and Regulations** from all market applicants are mandatory for participation.
3. A producer must provide copies of **Certified Producer Certificates** and all other appropriate agreements and permits annually, due when any certificate, permit and/or agreement are renewed.
4. **All producers must pay stall fees** according to the current fee schedule set by the management. Stall fees are collected at the Information Booth along with the load sheets. Receipts are issued. A current fee

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schedule is included in the application package. Fees are due at the end of Market before departing. Fees are subject to change.

5. The full value of all gross sales transaction receipts, including cash, checks, credit card sales, NSDCFM "Market Money", coupons, vouchers, EBT tokens, sales to/from other vendors, value of vendor-trades, etc is to be included as part of a vendor's gross sales reported at the end of each market day.

VIII. ENFORCEMENT OF RULES - Disciplinary Actions/Procedure

1. **Permission to Enter Selling Premises.** Producer/seller grants permission to the NSDCFM Manager or other NSDCFM staff to enter the seller's premises for the reasonable inspection of land, facilities, product(s) and records in order to determine whether the seller is in compliance with Market regulations and permit conditions.
2. The NSDCFM manager and designated agents shall implement and enforce all rules and regulations pertaining to the operations of a certified farmers' market in a fair and equitable manner.
3. The NSDCFM Manager and any other Market agent has the right to issue warnings and take appropriate action against participating sellers who violate these rules and any other applicable regulations and laws. Any seller, club, group or persons participating in the Market must comply with all applicable rules.
4. The severity of any penalty or discipline imposed by the Market Manager shall be directly related to the gravity or repetition of the violation.
5. A producer is responsible for the actions of the producers' representatives, employees or agents.
6. The benefit of the doubt will be given to the customer should a dispute arise between seller and customer. The seller will defer to the judgment of the NSDCFM manager.
7. Producers and their employees agree to amicably abide by any directions given by any NSDCFM staff member pertaining to location, required postings, cleanliness and behavior while selling at the Market.
8. If possible and under the circumstances, a Market Manager must attempt to give adequate warning and notice of consequential action prior to the actual action of removal or other disciplinary action.
9. Violations of these rules or policies may result in any of the following disciplinary steps being used by the Manager, Assistant Manager or Market Board Members. Severity of penalties will be dependent upon the nature and intent of the offense and may not necessarily follow the order below:
 - a. A verbal warning.
 - b. A written warning/notice of violation.
 - c. Market suspension/loss of space priority of any length up to eighteen months.
 - d. Revocation of permission to sell at the NSDCFM.
10. The Market Manager shall **immediately suspend** a certified producer's selling privileges if the producer's certificate is expired, suspended or revoked.
11. The Market Manager shall **immediately suspend** a food seller's privileges if the seller's permit, license or certificate is expired, suspended or revoked.
12. Whenever a producer does not adhere to Market arrival and departure times, the manager may revoke the producer's stall space reservation for two weeks. The second suspension will be for a period of sixty (60) days commencing upon the effective date of the Notice of Suspension. The arrival time for each market is no later than 45 minutes before the published opening time, and departure time is no earlier than the official close of the market hours.
13. The penalty for producers who sell products not of their own production is suspension from selling at the market for 30 days. A second time of selling products not of their own production shall result in permanent disqualification from the market. The suspension includes all of the employees of the producer.
14. Producers who take an action that interferes with, jeopardizes, or who are disruptive to Market operations, order, vendor moral and/or discipline or who negatively impacts the Markets relationship with consumers or market site personnel or landlords or other entity (other than a regulating one) will be expelled from the Market covered by these rules.

KEEP THIS DOCUMENT FOR YOUR RECORDS

- 15. Immediate expulsion from the Market may occur for any offense deemed by the NSDCFM Manager to be a serious or flagrant violation of NSDCFM rules and regulations or local, state or federal laws.
- 16. A producer that is cited by the Department of Agriculture or the Environmental Health Department and/or causes a re-inspection of the market will be responsible for the re-inspection fees.
- 17. If a producer challenges management or the Market Manager in a court of law and the court finds in favor of the management or the Market Manager, said producer agrees to pay all costs associated with the legal action.

By signing below, I hereby state that I have read, understand and agree to follow all rules and procedures outlined in these rules for the **North San Diego Certified Farmers Market**. I also understand that failure to conform to stated rules may result in the privilege of participating in this Market being revoked.

Signature

Date

Name (printed): _____

(ALL VENDORS - Please read, sign and retain this page for your records).

PREPARED & SERVED **FOOD VENDOR** RULES – ADDITIONAL
- **VENDOR COPY** -

1. All food booths are required by the Fire Marshal to have on site, at all times, a minimum of one, at times two, fire extinguishers, if cooking or heating, or using any flame. Sellers must not change propane cylinders during Market hours.
2. All prepared & served food vendors are required to furnish a clean refuse container at their space for their own use and for patrons.
3. All menus must be clearly marked as to price and type. You may not sell food not listed on the approved NSDCFM application without receiving prior approval from the NSDCFM Manager.
4. Prepared & Served Food Vendors must have acquired and submitted a valid Health Department Permit for their serving booth. Restaurants may need an additional health permit to operate outside their establishment.
5. Prepared & Served Food Vendors must acquire, have submitted to NSDCFM, and have on display appropriate Health Department Certificate(s) as required by State and County agencies.
6. NSDCFM strongly suggests the use of recyclable and/or degradable products over the use of polystyrene for environmental reasons.

I have read and understand the Prepared & Served Food Vendor Rules – Additional, and agree to comply with them.

Signature

Date

Name (printed): _____

*(ALL PREPARED & SERVED FOOD VENDORS - Please read, sign and **retain this page for your records**).*

**CRAFTERS, SPECIALTIES, INFO/DEMO RULES – ADDITIONAL
- VENDOR COPY -**

All submitted applications must include the following: a completed and signed application, a signed copy of Crafters, Specialties & Informational Rules (this page), photos of all products/services to be sold, and copy of your California Sellers Permit.

1. Crafters, Specialties & Informational applications are accepted based upon: quality of product(s)/services, space availability, uniqueness of product(s)/services and Market Manager’s assessment of appropriateness of products/services and marketability.
2. Preference for available space will be given to Crafters, Specialties & Informational Vendors offering 50% or more “handmade” crafts that they produce themselves.
3. Crafters, Specialties & Informational Vendors may not sell or display items/services not listed on the approved NSDCFM application without receiving prior approval from the NSDCFM Manager.
4. Crafters, Specialties & Informational booth spaces will be set up in the “Other Purveyors” (non-Certified) section of the Market.
5. New Crafters, Specialties & Informational vendors are accepted on a trial basis. During this time, the Market Manager will continue to evaluate new vendor's attendance, products/services, compliance with rules and cooperation with staff.

I have read and understand the Crafters, Specialties & Info/Demo Rules – Additional, and agree to comply with them.

Signature

Date

Name (printed): _____
(ALL CRAFT, SPECIALTIES & INFORMATIONAL VENDORS - Please read, sign and **retain this page for your records**).

RETURN TO MARKET *if applicable*

PREPARED & SERVED **FOOD VENDOR** RULES – ADDITIONAL - MARKET COPY -

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I have read and understand the Prepared & Served Food Vendor Rules – Additional, and agree to comply with them.

Signature

Date

Name (printed): _____

(ALL PREPARED & SERVED FOOD VENDORS - Please read, sign and return this page to the NSDCFM).

A copy of the complete Market Rules is available: <http://docs.nsdcfm.com/MarketRules.pdf>

RETURN TO MARKET *if applicable*

**CRAFTERS, SPECIALTIES, INFO/DEMO RULES – ADDITIONAL
- MARKET COPY -**

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Signature

Date

Name (printed): _____
(ALL CRAFT, SPECIALTIES & INFORMATIONAL VENDORS - Please read, sign and **return this page to the NSDCFM**).

A copy of the complete Market Rules is available: <http://docs.nsdcfm.com/MarketRules.pdf>

ALL VENDORS: RETURN THIS PAGE TO MARKET

Market Rules

North San Diego Certified Farmers Market

- MARKET COPY -

By signing below, I hereby state that I have read, understand and agree to follow all rules and procedures outlined in these rules for the **North San Diego Certified Farmers Market**. I also understand that failure to conform to stated rules may result in the privilege of participating in this Market being revoked.

Signature

Date

Name (printed): _____

(ALL VENDORS - Please read, sign and return this page to the NSDCFM management).

A copy of the complete Market Rules is available: <http://docs.nsdcfm.com/MarketRules.pdf>