

Visalia Farmers Market Association

Rules and Regulations

Mission

- A. Promote a viable food system.
- B. Maintain the agricultural traditions of the Central Valley.
- C. Operate regular certified farmers market events in accordance with State, county, and city laws for the benefit of both producers and consumers.
- D. Educate consumers and promote public awareness about food buying alternatives.
- E. Support access to fresh fruits and vegetables for WIC and Cal Fresh populations.

Intent

The California Certified Farmers' Markets are designed to give smaller growers an opportunity to sell their produce directly to the consumer without the usual size, standard pack, and certain container and labeling requirements.

The VFMA selects growers/vendors based on quality, diversity and desirability of the products they offer, amongst other factors (see pg 4 under Membership). The VFMA may also select participating growers/vendors based upon their ability to supply the market with enough products and their willingness and ability to confirm to all market rules and regulations. The Visalia Farmers Market Association reserves the right to refuse membership to any new applicant when the market is oversupplied with certain products, space is limited, product is of limited demand and the demand is being met, the product does not meet the VFMA guidelines, or the market is limited by %s as specified in the VFMA By Laws.

Certified farmers markets are required to operate in accordance with Direct Marketing Regulations contained in the California Code of Regulation and the California Food and Agricultural Code, as well as to applicable regulations of the California Health and Safety Code.

Definitions:

- A. Certified Farmers Market.** A location authorized by the County Agricultural Commissioner where certified producers of fresh fruits, vegetables, honey, eggs, flowers, nursery stock and nuts may sell their produce directly to consumers and be exempt from standard packing and grading regulations.
- B. Market.** Visalia Farmers Market operated by VFMA for a particular date or dates.
- C. Market Manager.** The person or persons empowered by VFMA to implement the rules, regulations, policies and directives of the VFMA Board of Directors. The Market Manager may delegate powers and authorities to other individuals from time to time.

D. Certified Producer Member. A person authorized by the County Agricultural Commissioner to sell agricultural products (fruits, vegetables, honey, eggs, flowers, nursery products and nuts) directly to consumers at a Certified Farmers Market. Such products must be produced upon land controlled by the Certified Producer. The Producer may be, for the purposes of this article, a person, partnership, corporation or any other entity. This is a voting membership.

E. Auxiliary Member. A person, other than a Certified Producer, a Per Diem Vendor, or a Community Organization, selling goods and/or services for a profit. This is a voting membership.

F. Per Diem Vendor. A person, other than a Certified Producer, Auxiliary Vendor, or Community Organization, selling goods and/or services for a profit on a per market basis or a person or entity authorized by VFMA to offer food primarily intended for consumption at the Market and/or additional products as approved by the VFMA Board of Directors. This is a non-voting membership.

G. Community Organization. An organization which has applied and been approved by the VFMA Board of Directors and follows community group market policy and rules.

H. Participant. A person authorized by VFMA to offer products, goods or services at the Market. For purposes of these Regulations, the term "person" includes an individual, partnership, corporation, limited liability company, or any other kind of entity or business organization.

I. Required Documents. Documents that the VFMA requires of its Participants, and consist of but not limited to the following: Seller's Permit (Auxiliary and Per Diem); Business License (Auxiliary and Per Diem); Insurance Certificate; a signed or initialed copy of these Regulations; Annual Letter of Intent; Producer Certificate (Certified); and the Additional Required Documents applicable to the Participant's classification as set forth in the in the VFMA Rules and Regulations for that classification.

J. Additional Required Documents for Certified Producers. If the Certified Producer represents any product as "organic," the written authorization from the CCOF or other certifying organization. In addition to the foregoing, a participant must provide, upon request by an enforcing officer or the Market Manager, any certificate, documentation, information or identification that may be reasonably required to show that the requirements of law and of these regulations are being met.

K. Seller's Permit. A valid permit issued by the State of California to vendors selling taxable items. NOTE: All vendors selling taxable items must display their Seller's Permit, which must indicate their market location, and must have a copy of their tax identification number on file with the VFMA Market Manager.

L. Business License. A current license issued by the City of Visalia to transact business for a stated period (which shall include the applicable Markets), in conformity with the provisions of ordinances of the City of Visalia.

M. Rules and Regulations. These Regulations, as may be amended from time to time.

N. Annual Letter of Intent. Annually submitted form, indicating intentions for expansion or retraction or products being sold at VFMs, subject to approval.

O. Producers Certificate- As authorized by the County Agricultural Commissioner.

P. Consumer. A person who purchases products for private household use, or for non-profit sale or distribution, but not a person who purchases products for commercial sale, distribution, or processing into other food products for resale.

Q. Employee. With the exception of members of the Immediate Family, as defined below, persons employed by the seller on a regular basis.

R. Immediate Family. Parents, children, grandparents, grandchildren, and, in addition, any other person regularly residing in the Producer's household.

Certified 1. Certified Agricultural Products-

Agricultural products, which are certified under the jurisdiction of the County Agricultural Commissioner relative to inspection and verification of compliance with the provisions of this article, include fresh fruits, nuts, vegetables, shell eggs, honey, flowers, herbs and nursery stock. Nursery products require a nursery license issued through the Ag. Department. Only certified produce can be

sold. Resale of produce or commissioned sell of produce is prohibited.

Second Cert. While selling his/her own certified produce, a merchant may sell produce from one other certified producer, who is also a member of the VFMA. In this case, both certificates must be displayed and produce must be clearly separated. The selling merchant must have a letter from the second party, which authorizes permission to sell. A copy of this authorizing letter must be given to the market manager. Commissioned sales and buying and selling between certified producers is prohibited, however a certified producer who is performing the selling may charge the other certified producer cost sharing expenses related to the transportation and sell of products.

Organic Certification. If you advertise as “organically grown” you must be certified by a third party inspection agency and registered with the state of California as an organic grower. Supporting documentation must be clearly posted during market hours and provided to the Market Manager. You may however advertise “no sprays or pesticides used.”

Certified 2. Non-Certifiable Agricultural Products-

Non-Certifiable agricultural products include all certified agricultural products that have been processed, those products other than certified agricultural products noted above from any tree, vine or plant and their flowers (including processed products), livestock (including rabbits) and livestock products, and fish and shellfish produced under controlled conditions in waters or ponds located in California.

Although these products are not “certified”, they must have been produced or derived from plants or animals raised or produced by the producer. These non-certifiable processed agricultural products include, or have added to them a limited number of ingredients or additives that act only as preservatives or are essential in the preparation of the product.

1. If applicable, sellers of non-certifiable agricultural products must obtain a certified producer’s certificate for the fresh product from which the processed product was derived.
2. Shelled nuts, raisins, and dried fruit and vegetables must be placed in clean, plastic bags with the appropriate IRQ labels attached. Dried fruits must declare if sulfur has been used in the drying process.
3. Fresh cured olives and fresh extracted juices must be placed in clean and sterile jars or commercial containers. They must also have the appropriate IRQ labels attached, along with the warning: MUST BE REFRIGERATED

Auxiliary 1. Processed foods -

Processed foods such as baked goods, breads, jams, jellies, relishes, blended juices, pickled products that that are not derived from a Certified Producers Certificate.

Auxiliary 2. Live Animals-

Live animals do not have to be certified at this time. They must, however, be positioned at least 25 feet from the nearest produce sales.

Auxiliary 3. Crafts-

Crafts may be sold at the VFMA if the following conditions are met:

- a. Articles must be handmade, be of an original or unique design, and be produced or made by the seller.
- b. The component materials must be sufficiently modified from their original state to demonstrate fine craftsmanship.

Per Diem 1. Hot Food/Concessions- Hot food and beverage items ready for immediate consumption.

Per Diem 2. Miscellaneous- Additional non-voting market vendors approved on a daily basis and paying a daily rate to sell products that meet with the VFMA By Laws and Rules and Regulations, and that are approved by the VFMA Board of Directors.

Community Groups-

See attached Community Group Market Policy and Registration Form.

Membership

The Visalia Farmers Markets are operated as an association in accordance to By-Laws and State, Local and Market Rules and Regulations. It is governed by elected officers and managed by a contracted market manager.

To become an approved seller at the market, a prospective seller must complete an application to sell. Membership applications will only be accepted from the actual certified grower, non-certifiable agriculture producer, and auxiliary merchant, or per diem applicant business owner.

All items intended for sale shall be listed on the application and only those items approved for sale will be allowed to be sold. Expansion of products sold at market must be approved by Board of Directors.

Applications to sell are due by the 15th of each month. The application is then reviewed and voted on by our Board of Directors the following month at our monthly board meeting that occurs the third Monday of each month. Applicants will be notified of the Board's Decision within 10 days of each respective meeting. The application process can take up to 6 weeks.

Approval for membership is determined with the following priority.

1. Locality
2. Size of farm and/or business
3. Preference for growers with no prior violations
4. Desirability of/ demand for product
5. Product mix
6. Length of stay
7. Fresh products

If approval is granted,

\$ 50.00 membership fee due within 30 days of membership approval and cannot start until paid.

A \$ 50.00 membership fee is required each Nov. and due not later than Dec. 1st with the annual letter of intent. This fee entitles one vote (Certified and Auxiliary members) on the policies set by the Association.

Each year all members must complete and submit the VFMA annual letter of intent (ALOI) to the market office in October, indicating their plans to sell at the market the following year, an approximation of attendance dates, and a list of the products they would like to sell (including any new products not previously sold (**approval is not guaranteed**) and any deletion of products previously sold).

Required Paperwork per Vendor Type

Copies of all required paperwork must be provided to the market manager and kept updated by the VFMA member.

Certified Agricultural Vendors

- Producers Certificate-The official embossed certificate must be displayed at the CFM stall. The certificate, or photocopy, must be carried when transporting produce to the market. The VFMA Market Manager must be provided with a photocopy of the certificate.

- Signed acknowledgement of VFMA Rules and Regulations
- ALOI
- Proof of auto insurance

Non-Certifiable Agriculture Vendors

- Producers Certificate-The official embossed certificate must be displayed at the CFM stall. The certificate, or photocopy, must be carried when transporting produce to the market. The VFMA Market Manager must be provided with a photocopy of the certificate.
- Signed acknowledgement of VFMA Rules and Regulations.
- Nursery license (if applicable)
- Applicable health and processing permits, licenses, and seals
- Proof of traceability and production within CA
- ALOI
- Proof of auto insurance

Auxiliary Vendors

- Sellers permit- Board of Equalization
 Tax registration certificate- City of Visalia
 Necessary Health Permits (when applicable)
 Proof of traceability and production within CA
- Signed acknowledgement of VFMA Rules and Regulations.
 ALOI
 Proof of auto insurance

Per Diem Vendors

- Sellers permit- Board of Equalization
 Tax registration certificate- City of Visalia
 Necessary Health Permits (when applicable)
 Proof of traceability and production within
- Signed acknowledgement of VFMA Rules and Regulations.
 ALOI
 Proof of auto insurance

Stall Space and Fees and Market Attendance

- ♣ Market manager assigns spaces. Seasonal or inconsistent vendors must notify the Market Manager of their return to market at least two Saturdays in advance of desired start date at market. This allows time for a stall space to be prepared.
- ♣ One space= one parking space or 10x10' space. Umbrella space= 5x5' space. If necessary, additional space may be granted contingent on space availability and pre-approval by Membership Committee and Market Manager. Limit is three (3) spaces.
- ♣ Seasonal and or inconsistently attending vendors will be assigned spaces subject to availability and manager's discretion. There is no guarantee that seasonal vendors will return to the same space each season.

- ♣ Space may be reassigned if two consecutive markets are missed without notification to the market manager.

Vendors who fail to notify the market manager of a cancellation twice in a three-month period or cancel a market 3 times in a 3-month period may permanently lose their stall assignment for that market and have their membership eligibility reviewed by the board of directors.

Failure to notify market manager at least 2 days in advance of market absence, except in case of an emergency, shall result in a fine of \$20.00.

- ♣ Moving vehicles are not allowed in the market foot traffic space **30 minutes before** the market begins and until a minimum of **15 minutes after** the market ends AND when there are no longer customers in the market foot traffic space OR until the manager deems it safe to do so.
- ♣ If you arrive late, you must accept a spot on the end or carry in equipment and products. If you leave early you must carry out equipment and products to load your vehicle outside of the market.
- ♣ Growers must provide their own tables, bags, tarps or umbrellas and change box with sufficient change. All equipment must be set up to meet all safety and health requirements. This includes the presence of canopy weights.
- ♣ A space fee of 6% total gross sales or \$10min. per space (\$5 min. per umbrella space) is due at the end of each market. Per Diem Members pay \$20 per market. In addition, all members pay \$2.00 fee per market to CDFA. Payment must be in cash. Checks will not be accepted.

Scales and Prepackaged Items

If you sell produce by weight, you must use a certified scale regulated by the Ag. Commissioner Weights and Measures Department for each current year. You may also sell by the bunch, basket, or piece. If you sell in closed packages, the package must contain a label that has your name, address, zip, products name, amount or weight.

Selling Practices

Set Up-

- ♣ Sellers must arrive no earlier than 2 hours prior and no later than 30 minutes prior to the published opening time of the market.
- ♣ The first row of parking spaces are reserved for our customers. We require vendors to park beyond the first row of parking at all markets.
- ♣ Set up begins one hour before the official start of the market. When the market is on the street set up cannot begin until the streets are barricaded.

Sales-

- ♣ Sales may start at 7:30 am on Saturdays and 4:30 pm on Thursdays if seller chooses.

Clean-Up-

- ♣ All stall spaces must be swept and left in a sanitary condition.

- ♣ All vehicles must be loaded and the premises vacated within one hour after the official closing time of the market.
- ♣ Sellers may leave the market site prior to the published closing time only upon approval from the market manager.
- ♣ Seller will be subject to a \$20.00 fine, payable at the next market, if stall space is left in a messy condition.

Stall fees-

- ♣ Must be paid within 30 minutes after the official close of the market.

Signage-

- ♣ A sign or I.D tag identifying your business/farm name and county of origin must be posted at the point of sale.
- ♣ In addition, all certified agriculture vendors must visibly post the statement “ We grow what we sell”
- ♣ Prices of produce and products must be posted and easily seen by the consumer
- ♣ All required permits and licenses must be displayed prominently during selling hours. Seller will be subject to a \$20.00 fine for failure to post the required documents.

Code of Ethics

- ♣ Vendors shall act professionally and conduct themselves accordingly.
- ♣ Customers shall be treated fairly and with dignity.
- ♣ Profanity or shouting by a vendor can result in a Market citation.
- ♣ The market manager shall handle irresolvable disputes.
- ♣ The market manager may require a vendor to refund a customer up to \$20.00 to resolve a dispute. Manager’s decisions are final.
- ♣ No unsupervised children shall be allowed to run around the market and adjacent areas.
- ♣ No skateboarding shall be allowed in the market foot traffic areas.
- ♣ No pets will be brought to the market.
- ♣ No smoking shall occur within the market.
- ♣ Individuals will not verbally “run down” fellow vendor’s produce in order to increase their own sales.
- ♣ No “hawking” is permitted. (This means you may not carry around and offer goods for sale or advertise your product by shouting or calling out to customers potentially distracting them from other vendors)

Hours of Operation

1. Thursday Evening Market

Seasonal with daylight savings time

Set up: No earlier than 4:00 pm

Market Hours March through Sept.: 5:00- 8:00 pm
Vendors may start selling at 4:30 pm

2. Saturday morning Market

Year-Round

Rain or shine

Set up: begins at 7 am

Market Hours: 8:00- 11:30 am

Vendors may start selling at 7:30 am

Health, Safety and Standardization Laws

Health-

It is the responsibility of each individual vendor to remain up to date and in compliance with County and State Health Regulations that are subject to change.

The following are specifications of the VFMA:

- ♣ Any samples given of dried or shelled produce must be offered from a closed or covered container that no one can reach into, and must be handled with the aid of plastic gloves, tongs, or toothpicks.
- ♣ Freshly cut samples must be accompanied by these sanitary facilities: fresh water to wash and clean utensils, washing facilities for the growers' hands, soap dispenser, paper towels, and a system for catching the used water.
- ♣ Samples must be kept in a covered container and toothpicks or forks must be provided to handle the samples.
- ♣ Trash receptacles must be provided for the toothpicks, forks, and leavings.
- ♣ A grower, except when using clean plastic gloves or tongs, may not handle samples.
- ♣ Whole samples may be given without these requirements as long as the sample is clean and free of toxic sprays. The grower cannot handle these samples.
- ♣ Never handle money and then produce that is not normally washed.

Safety-

- ♣ No produce may be placed directly on the ground.
- ♣ Displayed produce must be at least 18" off the ground.
- ♣ Tables and displays must be arranged to prevent tripping.
- ♣ Any cords or tripping hazards must be properly taped down.
- ♣ Tarps and Umbrellas must be fastened or anchored to prevent falling down or tipping over in wind.
- ♣ No canopies or umbrellas can be set up in strong wind.
- ♣ Empty boxes and containers must be stacked by merchant's vehicle to prevent tripping.
- ♣ All trimmings and leaving must be swept up from where customer walk.
- ♣ If creating trash, each vendor must provide a trash receptacle.
- ♣ No water may be dumped or drained where customers walk.
- ♣ No vehicles are allowed in the market area other than for loading and unloading of goods and

must be done 30 minutes before the start of the market and a minimum of **15 minutes after** the market ends AND when there are no longer customers in the market foot traffic space OR until the manager deems it safe to do so.

- ♣ Absolutely NO VEHICLE may enter, move or leave the market during the hours of operation- or until the market manager deems it safe to do so.

Standardization-

- ♣ No straight culls, even from a grower's own packing shed may be sold.
- ♣ All produce must contain at least 70% #1 quality or straight field run.
- ♣ Some scarred fruit from hail or wind damage, under-size or over-size fruit considered good and wholesome may be sold with the consumer's knowledge of such defects.
- ♣ Any produce infested or damaged by insects, has open wounds, or in a stage of deterioration may not be sold or displayed.
- ♣ Sub-standard produce, as determined by the County Ag. Inspector, the County Health Dept, or the market manager, can be ordered off the sellers table and cannot be sold at the market. Non-compliance can result in VFMA expulsion and possible certificate suspension.
- ♣ Produce may be sold to a customer for re-sale if it is of # 1 quality and packed in the correct standardized container for that product and properly labeled.

Food Stamps/WIC

To participate in WIC and the EBT/Food Stamp Program the individual farmers must maintain active membership according to WIC specifications and follow WIC requirements according to WIC Annual Rules.

Vendors participating in WIC may accept WIC coupons for fresh fruits and vegetables as long as the product being sold meets their requirements. The vendor must redeem coupons.

All market vendors may accept market EBT script for qualified items.

Market members are expected to treat all WIC and EBT participants in a fair and equitable manner.

Violation

Any violation of rules and regulations, state or local, may result in a citation being issued to the offender by the market manager. After 1 verbal warning and two written citations the offender can be prevented, with the approval of the VFMA Board of Directors, from participating in VFMA farmers' markets and have their membership to the VFMA be reviewed with the potential of expulsion. State violations will be reported to the County Agriculture Commissioner's office and Health Department and may result in the grower's certificate or business' licenses being cancelled or fined.

A member that is cited by the Department of Agriculture or the Environmental Health Department and/or causes a re-inspection will be responsible for the re-inspection fees. A producer or member whose violation results in a penalty or fine against VFMA will be responsible for reimbursement of that penalty or fine.

Appeals

All rules and regulations must be enforced by the market manager and governing board in a fair and equitable manner. If any grower feels he or she has been unjustly treated, they may request a meeting with the governing board and market manager to air their grievances. Upon review of the situation, the

decision of the governing board and market manager are final.

I request permission to sell at markets operated by Visalia Farmers Market Association. I produce and/or grow these products myself. I do not buy products and resell them. I have received and read a copy of Visalia Farmers Market Rules and Regulations- Copy 2015. I agree to abide by these rules, cooperate with market management and pay required fees

I agree to operate in accordance with Direct Marketing Regulations contained in the California Code of Regulations and the California Food and Agricultural Code, as well as to applicable regulations of the California Health and Safety Code.

Signature of owner: _____ Date: _____