



## 2024 Market Rules and Regulations for Approved Sellers

To ensure the successful maintenance of the Market as an efficient and effective outlet for producers to sell their products directly to consumers, the St. Helena Farmers' Market (SHFM) has established the following rules for approved sellers.

### A. Admission of an Approved Seller.

1. To become an approved seller at the Market, a prospective seller must complete an Application to Sell. All items intended for sale shall be listed on the application and only those items approved for sale will be allowed to be sold. The application must be approved and all required certificates and permits provided prior to the seller exercising the privilege of selling at the Market.
2. Admission to the Market as an approved seller shall be subject to consideration of an approved seller's history of compliance with:
  - a. State, Local Government and Market rules.
  - b. California Department of Food & Agriculture rules and regulations.
  - c. Safety and insurance requirements.
  - d. Admission to the Market shall be based on consideration of the following factors as determined by the Market Manager (MM) and SHFM Board of Directors (BOD):
    1. number of years of selling at the Market
    2. consumer demand
    3. record of attendance
    4. market commodity mix
    5. compliance with the Market Rules and Regulations
    6. local production (Napa and adjacent counties).
  - e. The number of approved seller stall spaces for each category of products shall be set by the MM and SHFM BOD.

### B. Admission of Product

1. Admission of a product shall be based on market commodity mix and consumer demand as determined by the MM.
2. Admission of product will be based on the producer's history of selling such product.
3. Admission of product will be based on the present competitive availability (number of sellers) of the producer's product. If practical, monopolies and surfeits (gluts) should be avoided.

### C. General Rules and Regulations for all Sellers

1. To become a Qualified Vendor at the Market, a prospective vendor must submit an "Application to Sell" prior to exercising the privilege of selling at the Market to include:
  1. The completed Application to Sell.
  2. Copies of all required documents.
2. No peddlers or unauthorized vendors will be permitted at the Market.

3. Only Qualified Vendors may sell at the Market. A family member or employee may sell for a Qualified Vendor, but may be required to show the MM proof of status upon request, such as a current W-4 form and/or a payroll check stub.
4. Vendors recognize that the SHFM BOD, the MM, or another Market Representative may, by appointment, visit the vendor's premises for the reasonable inspection to determine whether the vendor is in compliance with the certificate, license, or permit conditions.
5. All scales must bear a current seal from the Napa County Sealer of Weights and Measure.
6. Sellers shall only display or advertise items that have been approved for sale. Sellers may promote their farm-related activities at their stalls at the discretion and approval of the MM.
7. Prices must be clearly posted. Collusion among producers to change prices or exertion of any influence, pressure, or persuasion to cause a producer to increase prices is strictly forbidden (State law).
8. Packaged and processed products must be labeled with the name of the farm or producer, the address, and the weight of the contents. Co-op products and labels are not acceptable; use farm/producer name, name of product, adding weight and lot numbers to verify that the product came from the producer.
9. **Reservations and No-Shows:** Advance stall space reservations are required. If a vendor reserves a space and fails to either cancel at least 24 hours before the Market begins or appear on the Market day the vendor is considered a **"no show"**. If the vendor is a no-show then a fee equal to the amount of the stall fee will be charged for each stall that had been reserved. Payment of the No-Show Fee must be received by the MM no later than the beginning of the next market you are scheduled to attend. In case of an emergency that occurs within 12 hours before the market, you must notify the MM by telephone at 707/486-2662 between 5:00 a.m. and 6.30 a.m., so that your stall space will not be held for you. Messages will be retrieved from the Market Cell Phone up to 20 minutes before the market opens.

#### D. Stall Space Regulations

1. Vendors must accept the stall space assigned by the MM.
2. Vendors must provide their own tables, chairs, umbrellas, canopies and all other equipment they may need.
3. Vendors are required to arrive no later than 7:15 a.m. to set up their stalls. Reserved space may be released by the MM to another vendor 20 minutes before the Market begins if the vendor has not arrived. Late arrivals will be subject to placement at MM's discretion, or may be denied entry. Vendors must remove their equipment within an hour after closing time. No vehicles may pull in or out of the Market between 6.45 a.m. and 12.15 p.m.
4. Vendors must maintain their stall space in a neat and sanitary condition. Each vendor shall remove containers, waste, and trimmings before leaving the Market.
5. The SHFM BOD sets the number of stall spaces for each category or product.
6. Stall fees are determined by the SHFM BOD. All sellers must pay their stall fees according to the current fee schedule. Stall fees are collected by the MM at the end of each Market.
7. Load lists: All sellers must complete a load list each Market and submit to the MM.
8. Laws: All sellers must comply with all applicable Federal, State, and local laws, ordinances, and regulations.
9. Sellers must display a sign bearing the producer's business/farm name, and county of origin. The letters on the sign must be a minimum of 2 inches in height.
10. All required permits and licenses shall be displayed prominently during selling hours. This includes, but is not limited to, the Certified Producers Certificate, Nursery Stock License and Nursery Seller's Permit, County Health Permit, and Aquaculture License, State Board of Equalization Seller's Permit. All sellers must comply with California Health and Safety Code section 114350(b) as it may be amended from time to time, or any other law regulating food sampling at a certified farmer's market, and the guidelines listed below.

Failure to do so may result in fines levied per occurrence. Any fines levied on the Market by the County of Napa Environmental Health Department for incorrect sampling procedures shall be assessed to the vendor responsible for the noncompliance.

11. All foods shall be stored at least six inches off the floor or ground or under any other conditions that are approved.

#### **E. Food Sampling Rules (Subject to Covid Regulations)**

Distribution of food samples is allowed provided that the following sanitary conditions exist:

1. Samples shall be personally distributed only by the seller to the customer on a one-to-one basis, Customers are not to serve themselves. Any samples observed to be in violation will be removed and discarded. Samples shall be distributed by the producer in a sanitary manner.
2. Samples shall be kept in approved, clean, covered containers.
3. Clean, disposable plastic gloves shall be used when cutting samples.
4. Food intended for sampling shall be washed, or cleaned in another manner, of any soil or other material by potable water in order that it be wholesome and safe for consumption.
5. Potable water shall be available for hand washing and sanitizing as approved by the local enforcement agency.
6. Potentially hazardous food samples shall be maintained at or below 45 degrees Fahrenheit. All other food samples shall be disposed of within two hours after cutting.
7. Utensil and hand washing water shall be disposed of in a facility connected to the public sewer system or in a manner approved by the local enforcement agency.
8. All garbage and rubbish shall be stored and disposed of in a manner approved by the enforcement officer.

#### **F. Standards of Conduct**

Sellers who do not comply may be subject to suspension or expulsion from the Market.

1. Sellers shall be honest and shall conduct themselves at all times in a courteous and business-like manner. Rude, abusive or other disruptive or offensive conduct is not permitted.
2. Conduct by sellers that is materially and seriously prejudicial to the reputation or operation of the Market is not permitted.
3. Sellers experiencing any difficulty with customers or other sellers in this regard should refer the matter promptly to the MM.
4. No radios or boom boxes may be played during market hours. No loud hawking, shouting or barking to promote products is allowed.
5. All product promotion must occur within the space assigned to the producer and not in any common area.
6. Seller's pets are not allowed in the Market within 20 feet of where food is stored or sold per the CA State Health and Safety Code. This does not apply to guide dogs, signal dogs or service dogs when used in the manner specified in Section 54.1 of the California Civil Code
7. Sellers are responsible for the actions of their representatives, employees or agents.
8. All sellers must comply with all applicable Federal, State and local laws, ordinances and regulations.
9. All sellers and their employees must adhere to the Market vehicle parking policy.

## **G. Single-Use Plastic Bag Reduction**

1. All Sellers must be in compliance with the City of St. Helena ordinance reducing the use of single-use plastic bags. Vendors **must not distribute single-use plastic bags with handles**. While produce bags are permitted, they must be thick enough plastic to be reusable or labeled as compostable and have no handles.

## **H. Disciplinary Action Process**

1. Whenever the MM, in good faith, believes a vendor has violated the conditions of the permit to sell, the SHFM may immediately:
  - a. Expel the vendor from the Market.
  - b. Call for suspension of permits including Certified Producer's Certificate.
  - c. Suspend the vendor's permit including Certified Producer's Certificate for 30 days or until a hearing is held before the SHFM BOD. The SHFM BOD must inform the vendor of the reasons for the suspension.
  - d. The SHFM will send a written notice of suspension within ten (10) days.
2. If the SHFM, after a hearing, determines that the vendor has violated the permit conditions, it may extend the suspension period to a maximum of sixty (60) days. The SHFM may revoke the privilege of any vendor whose privileges have been suspended more than twice in a two-year period and has the right to notify other Farmers' Market Managers.
3. Whenever the SHFM suspends a vendor's privileges, the vendor may, within ten (10) days of the action at issue, file a written request for a hearing with the SHFM. The SHFM shall then hold the hearing within 35 days of the date of filing. The person who made the request shall be notified in advance of the time and place of the hearing and shall be allowed to appear and present evidence.
4. After such hearing, the SHFM may refer the matter to another governmental agency with jurisdiction over the subject at issue. The SHFM shall promptly notify the vendor, in writing, of its decision and findings of fact supporting the decision.
5. Whenever a SHFM vendor has had their Certified Producers Certificate revoked by the Agricultural Commissioner, or any Certified Farmers' Market, the Application to Sell will be canceled. When the Certificate is reinstated, the vendor may resubmit an Application to Sell.

## **I. Rules and Regulations for Sellers of Certified Agricultural Products**

**(includes growers and producers of vegetables, fruits, nuts, honey, shell eggs, nursery stock and cut flowers).**

1. Sellers in this category are those who have grown or produced the products they sell at a facility the seller controls.
2. Certified Producer Certificate. The vendor shall post a Certified Producer's Certificate, properly endorsed and embossed by the issuing County Agricultural Commissioner and the County Agricultural Commissioner in the county the Market it held. The certified producer shall submit a copy of the signed certificate as part of the application process each year and Napa must be listed.

3. **Second Certificates:** A certified producer may sell for another certified producer provided that the seller is also selling his/her own product, he/she displays both growers' certificates, and he/she notifies the MM that he/she is selling for another producer. In addition, each certified producer selling at the Market through another producer must:
  - a. Have an approved application-to-sell on file with the MM.
  - b. Have been granted permission to sell the second certificate products by the Market Manager.
  - c. Have a separate display of product, not to be mixed in any way with the primary
4. **Other Permits -** Copies of all current applicable permits or licenses necessary to sell plants, apiary products, aquaculture, processed or potentially hazardous products, must be submitted to the SHFM MM and posted prominently at the Market.
5. **Growing Practices:** Signs and labels must clearly identify the products on a vendor's table that are certified organic. Use of any other terms must not be misleading. Farming practices must be fully and truthfully disclosed when customers inquire. Failure to do so will result in disciplinary action, including possible revocation of selling privileges. All produce grown hydroponically or in greenhouses must be so labeled.

## **J Rules and Regulations for Sellers of Non-Certifiable Agricultural Products**

**Includes Live Animals, Livestock, Fish, Aquaculture, Wine, Worms, Dried Fruits and Vegetables, Processed Nuts, Juices, Pickled Fruits & Vegetables, Jams.**

1. Sellers in this category are those who have grown, bred, raised, or cultivated, the products in fresh or processed form. These sellers may have their products dried, ground, roasted, juiced, smoked or otherwise altered in one stage process by a second party. All sellers of non-certifiable agricultural products must obtain a certified producer's certificate for the fresh product from which the processed product was derived. The certified producer's certificate must have been issued by the Agricultural Commissioner from the county where the fresh product was grown or produced. These fresh products must be listed on the certificate and an embossed photocopy certificate shall accompany the processed non-certifiable agricultural products during transportation and shall be posted at the Market. All certificates must be displayed in full view of customers during each market.
2. Only those processed agricultural products which a producer can verify are his/her own product will be allowed for sale at the Market.

## **K Rules and Regulations for Sellers of Non-Agricultural Products**

**Packaged Prepared Foods, Prepare Food for Onsite Consumption and Artisans.**

1. **Rules and Regulations for Sellers of Processed/Prepared Foods**
  - a. Sellers in this category are those who have cooked, canned, baked, preserved or otherwise treated the product they sell. Sellers shall prepare the finished product.
  - b. All sellers must obtain and display all applicable permits, including a permit from the health department of the county from which the products originate.
  - c. All processed/prepared foods/food vendors must provide the Market with proof of product liability insurance naming the Market as an additional insured.
  - d. All products within this category shall bear labels including: the name of the product, ingredients, weight, the qualified seller's name and address. (See California Uniform Retail Food Facilities Law, Articles 6 and 15, Health and Safety Code, sections 27590 et seq. and 27831 et seq., respectively.)

- e. Low acid canned foods are prohibited from the Market (including, but not limited to, vegetables, meats, low acid olives).
- f. Packaging and containers for processed and prepared foods must be recyclable.

## 2. Rules and Regulations for Artisans Selling Crafts.

- a. Sellers in this category are those who have created, sewn, constructed, or otherwise fashioned from component materials the item(s) they sell. The component materials must be sufficiently modified from their original state to demonstrate fine craftsmanship.
- b. Each craft application must include a photocopy of appropriate permits, i.e. seller's permit from the State Board of Equalization and Business License if applicable.
- c. A representative sample and photos of each craft item to be sold at the Market must be included when submitting the Application to Sell. Only those items approved at the review may be sold at the Market.
- d. A rotating stall space assignment schedule will be applied to approved Artisan sellers.
- e. The above rules apply to all sellers of crafts, including Agricultural Producers who may sell soaps, lotions, scrubs, and salves that they create made from the agricultural and processed agricultural products they produce (must be listed on their Certified Producers Certificate). The sale of these crafts by Agricultural Producers must take place in the designated craft area of the market.

## L. Rules and Regulations for Non-Profit Organizations and Community Information Groups

- 1. Non-profit organizations and community information groups (organizations) shall be allowed at the Market whenever space is available. Each group or individual is allowed to come as needed during the year. All organizations must set up in the space assigned by the MM.
- 2. All organizations must complete the Non-Profit Application and submit to the MM at least 5 days prior to the first date they would like to attend the Market.
- 3. An applicant must provide the MM with satisfactory proof of the organization's non-profit status and of his/her position as a representative of the organization.
- 4. Only non-profit and community information organizations may engage in the resale of items related to or in support of their organizations for fundraising purposes. All resale items must be pre-approved by the MM and may not compete with the sales of other sellers.
- 5. Organization representatives shall not interfere with Market operations by aggressively soliciting signatures, donations or attention. Such activities shall not block sidewalks or access to assigned stall spaces.
- 6. The Market retains the right to regulate the time, place and manner of activities relating to displays, signs, posters, placards and other expressions of the interests represented. The use of fighting words, obscenities, grisly or gruesome displays or highly inflammatory slogans likely to provoke a disturbance may be prohibited by the MM.
- 7. Each organization must prominently display its name, and must comply with all applicable market rules.



## M. Safety and Health Guidelines

1. Every stall shall have a trash box receptacle for public use.
2. No display tables may be filled over carrying capacity; items on display must be stable; table legs must be secure and tables must not cave in.
3. All connecting rods of the shade set-ups must be secure in their fittings. Shade set-ups must be tied to vendor's tables or vehicle, or otherwise secured with weight; tarps must be securely fastened.
4. All boxes or crates of produce and other food products must be kept 6" off the ground under Section 27831 of the CA Health & Safety Code.
5. No smoking by sellers is permitted within the Market area during Market hours.
6. Vehicle flow must not endanger pedestrians. No vehicles may pull in or out of the market during official market hours of operation.
7. Seller's pets are not allowed in the Market within 20 feet of where food is stored or sold per Section 27831 of the State Health & Safety Code. This does not apply to guide dogs, signal dogs, or service dogs when used in the manner specified in Section 54.1 of the California Civil Code.
8. No bicycling, skating, or skateboarding is allowed.
9. All sellers shall keep their vehicles, merchandise and tables within marked spaces or as the MM designates. Pedestrian flow may not be congested due to a vendor's set-up.

## N. WIC Coupons and EBT Tokens

1. SHFM participates in the California WIC and EBT Programs and asks its farmers to accept the coupons for appropriate products.
2. WIC Checks are acceptable for the purchase of fresh fruits and vegetables, edible herbs, cheese, whole grains, pasta and tortillas. They cannot be used to purchase non-produce foods including honey, nuts, eggs, baked goods, flowers, or pre-packaged dried fruit. WIC checks can be given directly to participating growers for the produce.
3. EBT Tokens will be available in \$5 and \$1 amounts and can be used for the purchase of fruits, vegetables, meats, fish, poultry, dairy products, breads, cereals and seeds and plants which produce food.
4. You may not give "cash change" for purchases made with EBT tokens. EBT tokens of a smaller amount can be given as change for EBT Purchases.
5. All tokens are to be turned in to the MM at the end of the market day in exchange for stall fees.
6. Any tokens received after the MM has completed collecting stall fees for the day may be held until the next market day for exchange for stall fees.

## O. Governance

1. SHFM develops policies in conjunction with the existing BOD to regulate Market operations and has adopted the following regulations to clarify and supplement the California Department of Food and Agriculture (CDFA) Direct Marketing Regulations. SHFM reserves the right to delete or modify its policies, procedures, and rules and regulations, with the approval of the governing BOD.
2. SHFM has appointed a MM whose primary responsibilities are market logistics and administration. **The MM oversees other staff and provides assistance to the producers and consumers.** The MM reports to the SHFM BOD's President and is governed by the BOD's decisions and policies. The BOD and MM have the responsibility of determining which vendors are accepted into the market based on a number of criteria including uniqueness of product, physical space available at the market and the amount of commerce the market can sustain based on the current shopping/buying trends.

3. It is also the MM's responsibility to create the layout of the market. Vendors are asked to please respect the MM's decision on stall placement. All efforts are made to give each vendor a location that will best optimize their business, but vendors must recognize that the market is a finite location and neither the MM nor SHFM can guarantee any level of business for the vendor.

## **P. Logo and Name Protection Statement**

1. No use of the SHFM logo or name will be permitted without written permission from the SHFM BOD.

## **Q. Definition of Terms**

1. Approved Seller: a person or entity whose Application to Sell has been approved by the SHFM.
2. Agriculture: Grown upon land which the applicant controls (fresh vegetables and fruits, nuts in the shell, nursery stock, cut flowers, processed agricultural products). Bred, raised, cultivated or collected (animals, poultry, wine, worms, fish, aquaculture, eggs, and honey).
3. Prepared Foods: cooked, canned, baked, preserved or otherwise significantly treated.
4. Artisans: created, sewn, constructed or otherwise fashioned from component materials.
5. Certified Agricultural Producer: A producer authorized by the County Agricultural Commissioner to sell directly to consumers at a Certified Farmers Market certified agricultural products produced upon land which the certified producer controls.
6. Certified Farmers Market (CFM): A location approved by the County Agricultural Commissioner of the county where products may be sold by Agricultural Producers directly to consumers.
7. Certified Producers Certificate (CPC): A certificate which authorizes the transportation to and sale of products at a Certified Farmers' Market. The certificate shall be issued by the County Agricultural Commissioner on a form approved by the California Department of Food & Agriculture and the original kept on file at the county of origin. Photocopies of the original Certified Producer's Certificates should be considered valid only when bearing an embossment from the issuing Agricultural Commissioner.
8. Cottage Food Operation (CFO): Allows persons using home kitchens to make and sell non-potentially hazardous foods which are those foods that are unlikely to grow harmful bacteria or other toxic microorganisms at room temperature. In order to sell CFO foods at a farmers market, the operator must have either a Class A Registration or a Class B Permit approved by the County of Napa Department of Environmental Health. If the CFO product(s) to be sold at the Market are made primarily with produce grown by the seller, the CFO product(s) may qualify to be sold in the certified section of the farmers market. A Certified Producer Certificate is required to sell produce and CFO foods in the certified section of the farmers market, and in that case, a Temporary Food Facility permit is not required. The Certified Producer Certificate is issued by the County of Napa Agricultural Commissioner's Office.
9. Load List (or Load Sheet): A form that all sellers shall fill out and return to the MM each time sellers sell products on any given market day.
10. Non-Agricultural Products: Goods offered for sale at the Market other than certified agricultural and non-certified agricultural products. These include prepared foods and crafts.
11. Non-Agricultural Seller: A person who produces and sells other than agricultural products, such as a prepared foods or crafts seller.
12. Non-Certifiable Agricultural Products: Agricultural products that are not certified. Includes, but is not limited to, wine, worms, fish, aquaculture, livestock, poultry, dried fruits and vegetables, and processed agricultural products such as nuts, oils, nut butters, jams, pickles and smoked products.



13. Organic: A term that is regulated by the California Organic Foods Act of 2003. In order for someone to use the term organic, they must comply with all the regulations contained in this act. The most basic requirement is for the user of the term organic to be registered with the California Department of Food & Agriculture.
14. Second Certificate Seller: An approved certified agricultural producer who sells his or her product at the Market at a primary certificate seller's stand in the market.

## **R. Permits, Licenses, Registrations and Other Documents**

1. Apiary Registration: Beekeepers must register apiaries with the County Agricultural Commissioner in which the hives are located.
2. Certificate of Liability Insurance: A document issued by an insurance company/broker that is used to verify the existence of insurance coverage under specific conditions granted to listed individuals. Required by the Market as proof that a vendor has at least \$1 million in liability coverage. Must also include Product Liability Insurance coverage of at least \$1 million for sellers of dairy, meat, preserves, olive oil all other prepared food, fish, and sausage. NFM must be shown as an additional insured.
3. Certified Farmers Market Sales Permit (Type 79): Allows wineries to sell and sample wine at Farmers Markets.
4. Certified Farmers Market Beer Sales Permit (Type 84): Allows beer manufacturers to sell sealed containers of beer at certified farmers' markets.
5. Certified Producer Certificate: Issued by the County Agricultural Commissioner where the crops are grown which exempts a producer of fresh fruits, vegetables, nuts, eggs, honey, flowers and nursery stock from standard size, standard pack, container and labeling laws, and which permits the producer to transport and sell their produce at CFMs. Embossed copies of the Certificate are required to be displayed at the CFM location. Certificates are valid for the calendar year in which they are issued and must be renewed annually. Certificates are valid for participation in all CFM's throughout California.
6. Class A Registration: A copy must be provided for anyone wishing to sell at the Market as a Cottage Food Operator engaged only in the direct sale of cottage food products.
7. Class B Permit: A copy must be provided for anyone wishing to sell at the Market as a Cottage Food Operator engaged in the direct or indirect sale of cottage food products.
8. Driver's License: A copy must be provided for every person operating a vehicle within the Market area.
9. Egg Handlers Registration: Growers will need to obtain an egg handler's registration number from the California Department of Food and Agriculture (CDFA). Forms to register with CDFA are available from the Agricultural Commissioner's Office or on the CDFA website.
10. Load Lists (or Sheets): The State of California requires that Load Lists be provided to the MM for each Market. Certifiable Producers must list all items sold at the Market as they appear on the CPC as well as the quantities sold on the reverse side of the Load List.
11. Nursery License: If you are selling nursery stock at a certified farmers' market, you must have a copy of your nursery license with you at the market. Applications for this license are available from the Agricultural Commissioner's Office.
12. Organic Certification: If your gross sales are greater than \$5,000, then you must additionally obtain Organic Certification from CCOF or another USDA recognized organization.
13. Organic Registration: If your produce is grown organically and you want to advertise "Organically Grown" to the public you must obtain Organic Registration from the California Department of Food & Agriculture (CDFA) through your county Ag. Commissioner's Office.
14. Product Liability Insurance: Minimum \$1 million in coverage is required for sellers of dairy, meat, preserves, olive oil and all other prepared food, fish, and sausage.
15. State Board of Equalization (SBE) Sellers Permit: Required for all sellers of non-edible items.

16. Temporary Food Facility Permit: The California Health and Safety Code section 114387 requires a Temporary Food Facility (TFF) Permit of any person or organization providing food to be consumed onsite at a permitted public event. All food vendors, including existing restaurants, are required to apply for a Temporary Food Facility Permit when participating in a temporary event.
17. Vehicle Insurance: Proof of coverage must be provided upon request for all vehicles that will enter the Market area.