



Napa Farmers Market Rules and Regulations January 2019

I. STATEMENT OF INTENT

OUR MISSION: The Napa Farmers Market (NFM) is a California Certified Farmers Market committed to supporting our local farmers and providing a place for the community to find, connect and learn about the best, field-fresh and sustainably grown produce, specialty food products and artisan goods available direct from the source. Educating the consumer, preservation of the environment and providing a place for non-profits to promote their causes while serving as a platform for small business incubation for local services, and cottage food operations.

A. NATURE OF THE MARKET: NFM is diversified, offering both certifiable and non-certifiable goods for sale and providing local citizens with direct access to high quality fresh foods. NFM supports and promotes local agriculture.

Non-certifiable goods (processed/gourmet foods, crafts) add variety and enhance the festive ambiance of the Market. Although the State Direct Marketing Rules do not apply to the non-certifiable goods, the same producer-to-consumer philosophy applies for all items sold at the Market. The Market provides producers with the opportunity to sell their fresh local products directly to the consumer without the intervention of a middleman.

NFM is a Certified Farmers Market and operated in accordance with regulations established in the California Administrative Code (Title 3, Chapter 3, Group 4, Article 6.5, and Section 1392) on Direct Marketing. It is certified by the Napa County Agricultural Commissioner as a Direct Marketing outlet for producers of fresh fruits, nuts, vegetables, eggs, honey, flowers and nursery stock. The Market is subject to all pertinent local, state and federal regulations and laws. ***The resale of products is prohibited except for verified nonprofit organizations. Nonprofit organizations selling food products, must comply with all governing agencies and outlined regulations.***

B. GOVERNANCE: NFM develops policies in conjunction with the existing Board of Directors (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. NFM reserves the right to delete or modify its policies, procedures, and rules and regulations, with the approval of the governing BOD.

NFM has appointed a Market Manager (MM) whose primary responsibilities are market logistics and administration. The MM oversees other staff to the manage market and aid sellers and consumers. The MM reports to the NFM BOD President and is governed by the BOD's decisions and policies. The BOD and MM have the responsibility of determining which sellers are accepted into the market based on several 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.

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

C. LOGO AND NAME PROTECTION STATEMENT: No use of the NFM logo or name will be permitted without written permission from the NFM BOD.

II. DEFINITION OF TERMS

Approved Seller: a person or entity who's Application to Sell has been approved by NFM.

- 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).
- Prepared Foods – cooked, canned, baked, preserved or otherwise significantly treated.
- Artisans – created, sewn, constructed or otherwise fashioned from component materials.

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.

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.

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.

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.

Load List (or Load Sheet): A form created by the NFM BOD that all sellers of all agricultural products (certified, non-certifiable, and nursery stock) shall fill out and return to the MM each time sellers sell products on any given market day, this includes sellers of cut flowers.

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.

Non-Agricultural Seller: A person who produces and sells other than agricultural products, such as a prepared foods or crafts seller.

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.

Organic: A term that is regulated by the California Organic Foods Act of 2003. To use the term organic, products 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.

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.

Seller: Someone approved to sell at the Market.

III. PERMITS, LICENSES, REGISTRATIONS AND OTHER DOCUMENTS

Apiary Registration: Beekeepers must register apiaries with the County Agricultural Commissioner in which the hives are located.

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 seller 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.

Certified Farmers Market Sales Permit (Type 79): Allows wineries to sell and sample wine at farmers' markets.

Certified Farmers Market Beer Sales Permit (Type 84): Allows beer manufacturers to sell sealed containers of beer at certified farmers' markets.

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.

City of Napa Business License: Required for anyone selling at the Market.

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.

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.

Egg Handlers Registration: Growers will need to obtain an egg handler's registration number from the California Department of Food and Agriculture (CDFA). There is a \$15 mill fee per year for egg handlers who sell at a certified farmer's market. Forms to register with CDFA are available from the Agricultural Commissioner's Office or on the CDFA website.

Load Lists (or Sheets): The State of California requires that Load Lists be provided to the MM each Market. Certifiable Producers must list all items sold at the Market as they appear on the CPC as well as the quantities sold in the indicated section of the Load List.

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. The Agricultural Commissioner may issue a "Fee Exempt Nursery License" if your anticipated annual sales of nursery stock amounts to less than \$1,000. The "Fee Exempt Nursery License" allows you to sell nursery stock only in Napa County. If you wish to sell nursery stock in additional counties and/or your expected sales will be greater than \$1,000, you must obtain a license to sell nursery stock from the California Department of Food and Agriculture. The basic fee is \$100. Applications for this license are available from the Agricultural Commissioner's Office.

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.

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.

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.

State Board of Equalization (SBE) Sellers Permit: Required for all sellers of non-edible items.

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 sellers, including existing restaurants, are required to apply for a Temporary Food Facility Permit when participating in a temporary event. A TFF permit is valid for one single food booth only. If a seller is operating more than one booth at an event, a permit must be obtained for each booth location. The original permit must be posted in the booth during operation, photocopies will not be accepted.

Type 01 Beer Manufacturer License: Authorizes beer manufacturers to brew more than 60,000 gallons annually.

Type 02 Winegrower License: Authorizes the sale of wine to consumers and winetasting's under prescribed conditions.

Type 23 Beer Manufacturers License: Authorizes beer manufacturers to brew less than 60,000 gallons annually.

WIC Application: If you want to pay your stall fees with WIC tokens then you must submit a copy of your completed WIC application.

IV. RULES 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, NFM 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 prior to the seller exercising the privilege of selling at the Market. A completed application packet includes:
 - a. The completed application-to-sell; and
 - b. Copies of all appropriate certificates and permits
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.
3. Admission to the Market shall be based on consideration of the following factors as determined by the MM and NFM BOD:
 - a. Number of years of selling at the market
 - b. Consumer demand
 - c. Record of attendance
 - d. History of late cancelations, no-shows and late arrivals
 - e. Market commodity mix
 - f. Compliance with the Market Rules and Regulations
 - g. Local production (Napa and adjacent counties).
 - h. Prior Market performance; display, sales, and neighborliness.
4. The number of approved seller stall spaces for each category of products shall be set by the NFM BOD.
5. Admission of an approved seller may be conditioned by the type of product.
6. All new sellers will be subject to a ninety (90) day at-will probationary period from the first date of selling.
7. Returning sellers may also be subject to provisional approvals to be outlined by MM and NFM BOD if seller's history reflects attendance issues or trouble following the outlined Rules and Regulations.

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.

V. GENERAL RULES AND REGULATIONS FOR ALL SELLERS

- A.** To become a Qualified Seller at the Market, a prospective seller must submit an Application to Sell prior to exercising the privilege of selling at the Market, including the following:
 1. The completed Application to Sell.
 2. Copies of all required documents.
- B.** No peddlers or unauthorized sellers will be permitted at the Market.
- C.** Only Qualified Sellers may sell at the Market. A family member or employee may sell for a Qualified Seller.
- D.** Sellers recognize that the NFM BOD, the MM, or another market representative may, by appointment, visit the seller's premises for the reasonable inspection to determine whether the seller is in compliance with the certificate, license, or permit conditions.
- E.** Scales: must bear a current seal from the County Sealer of Weights and Measure from the county in which the seller is located.

- F. Product display or advertising: only items that have been approved for sale may be displayed or advertised. Sellers may promote their farm-related activities at their stalls at the discretion and approval of the MM.
- G. Product prices: must be clearly posted for each product being sold. Collusion among producers to change prices or exertion of any influence, pressure, or persuasion to cause a producer to increase or decrease prices is strictly forbidden by California law.
- H. 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.
- I. Reservations and No-Shows: Advance stall space reservations are required. *If a seller reserves a space and fails to either cancel at least 24 hours before the Market begins or appear on the Market day, the seller is considered a "no show." If the seller 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 707.501.3087 by 7:30am for a Saturday market, or by 7:30am for a Tuesday market, 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.*
- J. Late Arrivals and Early Departures: Vehicles CANNOT be in motion in the Market aisles between 8:00am and 1:15pm. This is a liability issue for the Market, and is why we put barricades at the end of the aisles at 8:00am. The BOD requires that all vehicles be parked by 8:00am. Do not move the barricades or drive over the landscaped islands to enter the Market late. If you arrive later than 8:00am then you must off-load from outside the Market aisles. Late arriving vehicles *may* be admitted to the market *at the Market Manager's discretion based on evaluation of the safety of our market guests. Late arrivals are subject to a \$10 fee in addition to their stall fee. Sellers that depart the Market prior to 1:15pm are subject to a \$10 fee in addition to their stall fee.*
- K. Stall space:
 1. Sellers must accept the stall space assigned by the MM.
 2. Equipment: sellers must provide their own tables, chairs, umbrellas, canopies and all other equipment they may need.
 3. Arrival and departure: sellers are required to arrive no later than 8:00am to set up their stalls. Reserved space may be released by the MM to another seller 30 minutes before the Market begins if the seller has not arrived. Late arrivals will be subject to placement at MM's discretion, or may be denied entry. Sellers must remove their equipment and depart the market area by 2:00pm. No vehicles may pull in or out of the market between 8:00am and 1:15pm.
 4. Sellers must maintain their stall space in a neat and sanitary condition. Each seller shall remove containers, waste, and trimmings before leaving the Market.
 5. The NFM BOD sets the number of stall spaces for each category or product.
 6. Stall fees are determined by the NFM BOD. All sellers must pay their stall fees per the current fee schedule. Stall fees are collected by the MM at the end of each Market.
 7. Load lists: All sellers of agricultural products must complete a load list each Market and submit to the MM before departing the Market.
 8. Laws: All sellers must comply with all applicable Federal, State, and local laws, ordinances, and regulations.
 9. Sign: All sellers must display a sign (at least 12" x 24") 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. Permits and licenses: must 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, Aquaculture License, and State Board of Equalization Seller's Permit.

11. Compliance: 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 seller responsible for the noncompliance.
12. Food storage: all foods shall be stored at least six inches off the floor or ground or under any other conditions that are approved.
13. Food samples: distribution is allowed if the following sanitary conditions exist:
 - a. 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.
 - b. Samples shall be kept in approved, clean, covered containers.
 - c. Clean, disposable plastic gloves shall be used when cutting samples.
 - d. 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.
 - e. Potable water shall be available for hand washing and sanitizing as approved by the local enforcement agency.
 - f. 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.
 - g. 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.
 - h. All garbage and rubbish shall be stored and disposed of in a manner approved by the enforcement officer.
- L. **Conduct.** NFM is a safe, community enriching market open to all regardless of race, religion, age, sex, sexual orientation, personal identity, or political beliefs. We do not tolerate abuse or discrimination in any form be it to shoppers, other sellers, staff, regulatory officials, or volunteers. Anyone reported to conduct themselves in a manner deemed abusive, derogatory, threatening, or dangerous, or in disregard of the rules or laws that govern the market will be asked to leave the premise. Sellers who do not comply may be subject to suspension or expulsion from the Market.
 1. Sellers shall be honest and shall conduct themselves always 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 includes no pets in seller's vehicles. 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. Sellers are requested to park inside their designated stall space so that the maximum number of parking spaces are available for customers. Sellers that off load and do not park within their stall are requested to

park at least four rows to the west or in the South Napa Marketplace parking lot. Sellers that have more than one vehicle must park these vehicles in the South Napa Marketplace parking lot.

- M. Single-Use Plastic Bag Reduction: all Sellers must comply with the City of Napa ordinance reducing the use of single-use plastic bags. Please go to www.cityofnapa.org/plasticbags for information on how this change affects your business.
- N. Canopies and Umbrellas: for the safety of the Market and to minimize liability to the Market and to seller, canopies and umbrellas should always be secured so that they will not be dislodged for any reason. If you have concerns about shade, please note such on your application.
- O. Fragrances and odors: the fragrances of basil, peaches, fresh lavender and roses are a big part of the beauty of the Market. The NFM BOD has agreed that anything that diminishes these aromas must be avoided. That would include hairspray, perfume, artificial fragrances used in soaps, exhaust from cars left idling, exhaust from generators, etc.
- P. Photos and videos: seller will allow photos or video taken at the Market to be used on the Market website, or by anyone else who might want to promote the NFM.

VI. DISCIPLINARY ACTION PROCESS

- A. Whenever the MM, in good faith, believes a seller has violated the conditions of the permit to sell, NFM may immediately:
 - 1. Issue files in accordance with these outlined Rules and Regulations.
 - 2. Suspend the seller from future market participation.
 - 3. Expel the seller from the Market.
 - 4. Call for suspension of permits including Certified Producer's Certificate.
 - 5. Suspend the seller's permit including Certified Producer's Certificate for 30 days or until a hearing is held before the NFM BOD. The NFM BOD must inform the seller of the reasons for the suspension.
 - 6. NFM will send a written notice of suspension within ten (10) days.
- B. If NFM, after a hearing, determines that the seller has violated the permit conditions, it may extend the suspension period to a maximum of sixty (60) days. NFM may revoke the privilege of any seller whose privileges have been suspended more than twice in a two-year period and has the right to notify other Farmers' Market Managers.
- C. Whenever NFM suspends a seller's privileges, the seller may, within ten (10) days of the action at issue, file a written request for a hearing with NFM. NFM 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.
- D. After such hearing, NFM may refer the matter to another governmental agency with jurisdiction over the subject at issue. NFM shall promptly notify the seller, in writing, of its decision and findings of fact supporting the decision.
- E. Whenever a NFM seller 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 seller may resubmit an Application-to-Sell.

VII. 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).

- A. Sellers in this category are those who have grown or produced the products they sell on a facility which the seller controls.
- B. Certified Producer Certificate: the seller 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.

- C. 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 grower's 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:
 - 1. Have an approved application-to-sell on file with the MM.
 - 2. Have been granted permission to sell the second certificate products by the MM.
 - 3. Have a separate display of product, not to be mixed in any way with the primary
- D. 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 NFM MM (and BOD) and posted prominently at the Market.
- E. Growing Practices: signs and labels must clearly identify the products on a seller'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.

VIII. RULES AND REGULATIONS FOR SELLERS OF NONCERTIFIABLE AGRICULTURAL PRODUCTS (Includes Live Animals, Livestock, Fish, Aquaculture, Wine, Worms, Dried Fruits and Vegetables, Processed Nuts, Juices, Pickled Fruits & Vegetables, Jams).

- A. 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.
- B. Only those processed agricultural products which a producer can verify are his/her own product will be allowed for sale at the Market. Dry yard and/or processing plant receipts may be requested for verification of producership.
- C. All sellers must obtain and display all necessary permits, including health permits and any other applicable permits.

IX. RULES AND REGULATIONS FOR SELLERS OF NONAGRICULTURAL PRODUCTS (Packaged Prepared Foods, Prepare Food for Onsite Consumption and Artisans).

A. Rules and Regulations for Sellers of Processed/Prepared Foods

- 1. 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.
- 2. All sellers must obtain and display all applicable permits, including a permit from the health department of the county from which the products originate.
- 3. All processed/prepared foods/food sellers must provide the Market with proof of product liability insurance naming the Market as an additional insured.
- 4. 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.)

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

B. Rules and Regulations for Artisans Selling Crafts.

1. 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.
2. 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.
3. 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.
4. A rotating stall space assignment schedule will be applied to approved Artisan sellers.
5. 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.

X. RULES AND REGULATIONS FOR NON-PROFIT ORGANIZATIONS AND COMMUNITY INFORMATION GROUPS

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. 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.
- G. Each organization must prominently display its name, and must comply with all applicable market rules.

XI. RULES AND REGULATIONS FOR WINERIES

- A. Sellers in this category are those wineries that produce their wine entirely from grapes grown and bottled by the licensee. Sellers must hold a Certified Farmers Market Sales Permit (Type 79) which allows winegrowers to sell and sample wine at farmers' markets. They also must hold a Type 02 Winegrower License which authorizes the sale of wine to consumers and wine tastings under prescribed conditions.
- B. Tastings must be conducted by either the licensee, a member of licensee's family, or an employee of licensee.
- C. The area for the event must be separated from the remainder of the market by some permanent or temporary barrier (wall, rope, cable, etc.).
- D. Tasting is limited to three ounces of wine per person per day.
- E. No open container of wine may leave the instructional tasting area.

XII. RULES AND REGULATIONS FOR CRAFT BREWERIES

- A.** Sellers in this category must hold a Certified Farmers Market Beer Sales Permit (Type 84) which allows beer manufacturers to sell beer at farmers' markets. They also must hold either a Type 01 Beer Manufacturer License which authorizes the brewing of more than 60,000 barrels of beer per year or a Type 23 Small Beer Manufacturer License which authorizes the brewing of less than 60,000 barrels of beer per year.

XIII. RULES AND REGULATIONS FOR THE FREE SPEECH ZONE

The Market has a designated Free Speech Zone. Individuals wishing to use the Free Speech Zone must fill out a sign-in sheet which the MM will make available at the information booth in the market. NFM instituted these rules to both protect the safety of NFM's customers and to guarantee the free speech rights of people who visit the Market. Violation of any of these rules may result in an individual's removal from the market and/or a denial of subsequent access to the Free Speech Zone.

- A.** Space Assignment. The MM will assign space to an individual wishing to use the Free Speech Zone on the day requested. Space is limited; the MM will assign them strictly on a first-come, first-serve basis.
- B.** Non-Discrimination Policy. The MM will not grant or deny space simply based on the Market Participant's race, color, religion, gender, sexual orientation, or origin.
- C.** Set-Up Requirements. In setting up their space, individuals wishing to use the designated Free Speech Zone must comply with the following rules:
 - 1. Individuals may set up a card table or folding table no larger than six feet by three feet in their assigned space. Larger tables are not permitted because they impede the flow of traffic and can create safety hazards during emergency evacuations.
 - 2. Because umbrellas and tents can cause injuries if they are not adequately set up and secured, individuals using the Free Speech Zone, like all Market Participants, are not permitted to set them up without providing the MM with evidence of liability insurance coverage and naming NFM as additional insured. In addition, individuals using the Free Speech Zone must follow all set-up and tie-down requirements set out in these Rules.
- D.** Conduct. In conducting their free-speech activities, individuals using the Free Speech Zone must comply with the following rules:
 - 1. Individuals may not block or impede traffic flow around the entrance to the Market, around any designated exits, or in any fire lanes. Individuals may not block, restrict access to, or otherwise interfere with the operation of the Market or its sellers.
 - 2. Individuals must respect NFM customers' right to privacy by not pushing unwanted materials on them.
 - 3. NFM encourages individuals using the Free Speech Zone to restrict their distribution of flyers and other material, both to cut down on waste and to avoid the buildup of trash that could impede the flow of traffic in the Market.
 - 4. To respect the right of all people in the Free Speech Zone to be heard and to allow our patrons to hear emergency evacuation alarms, NFM does not allow amplification equipment in the Free Speech Zone.
 - 5. Commercial activities are not permitted in the Free Speech Zone.
 - 6. Messages of hate, intimidation, or discrimination will not be tolerated at NFM.

XIV. SAFETY AND HEALTH GUIDELINES

- A.** Every stall shall have a trash box for public use.
- B.** 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.
- C.** All connecting rods of the shade set-ups must be secure in their fittings. Shade set-ups must be tied to seller's tables or vehicle, or otherwise secured with weight; tarps must be securely fastened.

- D. 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.
- E. No smoking by sellers is permitted within the Market area during Market hours.
- F. Vehicle flow must not endanger pedestrians. No vehicles may pull in or out of the market during official market hours of operation.
- G. 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
- H. No bicycling, skating, or skateboarding is allowed.
- I. 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 seller's set-up.

XV. WOMEN, INFANTS AND CHILDREN (WIC) CHECKS

- A. NFM participates in the California WIC program and encourages its farmers to accept the checks for appropriate products.
- B. WIC checks are acceptable for all fresh fruits, vegetables and cut herbs but NOT honey, dried fruits, nuts or non-certified food products.
- C. You may not give "change" for purchases made with WIC checks.
- D. WIC checks can be turned in to the MM at the end of the market day in exchange for cash or they can be used for payment of stall fees.
- E. Any WIC checks received after the MM has completed collecting stall fees for the day may be held until the next market day for exchange for cash.
- F. Sellers should stamp or write their WIC Identification Number on all checks as required by the WIC Program.