



**Urban Village
Farmers’ Market Association**

RULES AND REGULATIONS

2018

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*Page 10/11 must be executed by owner (or authorized participant representative), and returned to UVFM within one month of receipt.

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I. Philosophy of the Markets and Purpose of the Rules

Urban Village Farmers Market Association (UVFM) operates Certified Farmers' Markets in accordance with state, county and local law for the benefit of farmers and consumers alike. Its purpose is to provide the community with a place to buy fresh produce direct from producers in a congenial atmosphere and to provide producers with a direct market for their goods.

The purpose of these rules is to govern the operation, administration and management of any Certified Farmers' Market under the control of the UVFM. In issuing rules, it is not our intent to burden participants with needless rules and regulations, but to ensure the smooth operation of the market.

UVFM management and its designated agents will implement and enforce all rules and regulations pertaining to the operation of any UVFM Certified Farmers' Market in a fair and equitable manner. We welcome suggestions for ways to improve the market.

II. Definitions

A. Certified Producer

A person or entity authorized by the County Agricultural Commissioner to sell fresh fruits, vegetables, nuts, apiary products, shell eggs, cut flowers and nursery products directly to consumers at a Certified Farmers' Market. Products must be produced upon land controlled by the certified producer.

B. Producer

1. A person or entity that produces agricultural products other than certified produce by practice of the agricultural arts upon the land or waters which the person or entity controls. These products may include but are not limited to: poultry and meat products; aquacultural products; viticulture products; dried fruits and vegetables; juices, jams, or other processed agricultural products.

2. A person or entity that catches pelagic fish or shellfish from boats which the person or entity controls (fisherman).

C. Food Vendor/Hot Food Vendor

1. A person or entity that produces or controls the production of prepared/packaged foods.

2. A person or entity preparing food products for on-site consumption.

D. Artisan

A person or entity that designs and is involved in all aspects of producing their art or craft.

E. Seller

Collectively, all categories above will be referred to as Vendors.

III. Application Procedure to Sell in the Market

A. Unsolicited inquiries

Sellers may make unsolicited inquiries about the availability of space for their products in the market by submitting an application along with a copy of their producer certificate, or for food/art vendors, a list of their products to the UVFM. The management will respond to unsolicited inquiries within one week of receipt. In the event that space is not available at the time, producer certificates and product lists will be kept on file for one year. If space is available, a producer or vendor may be invited to attend the market on a trial basis at the discretion of the market manager.

B. Invitations

The market management will issue invitations to farmers to attend the market in January of each year. Farmers should return their application by the end of February. Food Vendor/Artisan invitations are issued in March, and applications should be returned by the end of April.

C. Required Documentation

As part of the application process, producers and food vendors shall supply UVFM with copies of any permits, licenses and documents that are required by state or local regulations for the conduct of their business, as well as a map of their governing location and a complete list of the products they are requesting permission to sell.

D. Notification of Admission

After submitting their documentation, prospective farmers will receive a confirmation notice by March 1st detailing any limitations on products they may bring and the time frame of their attendance at the market. Upon market management's receipt of necessary documentation, farmers and food vendors are immediately confirmed for markets specified on invitation, unless notified otherwise. Artisans must still notify market manager at least 24 hours prior to attending a particular market.

IV. Admission of Sellers

A. Who May Sell

1. Certified Producers and Producers

Certified producers, producers, their immediate family or relatives residing in the producer's household, and their employees may sell at the market. An employee is any person employed by the producer at a regular salary or wage; it does not include a person who is reselling or whose compensation is primarily based on a commission of sales.

2. Food Vendors and Artisans

Although state laws regarding Certified Farmers' Markets do not apply to non-agricultural products, the same producer-to-consumer philosophy applies to all items sold at any Market. Artisans must be the producer of the product. Food vendors and their employees may sell.

B. Criteria for Admission of a Seller

Admission to sell at any market shall be at the reasoned discretion of the Market Management. In making any determination in this regard, the management shall consider the following:

1. Producers/Food Vendors who meet the quality and product mix standards established by the market management for any particular season.
2. Maintaining a strong representation of seasonal, organic, diverse, and specialty products.
3. The number of unreserved spaces and other limitations of the markets including the extent to which the product(s) the producer/food vendor proposes to sell is (are) currently over or under represented at the Market.
4. Producer/Food Vendor's history of compliance with state, local government, and market rules and regulations.
5. Producer/Food Vendor's record of market attendance and history of market participation (number of years and weeks selling at the market). All other things being equal, preference will be given to participants from previous seasons.
6. Maintaining a balance of producers to other sellers, in conformance with the market policy of including other sellers as a complement to, rather than as direct competition for, producers.

C. Duration of Admission

1. Admission is on a year-by-year basis, with the year starting on January 1st.
2. There will be an annual re-evaluation of every market participant by December 1st.
3. Market participants will be notified of invitation or exclusion by January 15th of each year at the latest. However, the market management will give earlier notification to any market participant if it is decided at any earlier date that this participant will not be invited to return.

D. Membership Fee

The annual, voluntary market Membership Fee (\$50) entitles the seller to a reduced stall fee. The annual membership period is from January through December for producers, and April through March for artisans and food vendors.

E. Fee Structure

The UVFM charges a flat fee per space. All stalls exceeding the standard 10-foot width are subject to an additional full stall fee. Stalls measuring or exceeding two standard widths will pay double stall fees. Vendors using an "L" or "U" configuration may do so at no additional charge, upon Market Manger approval.

Fees may be reduced at the Market Manager's discretion on days of inclement weather.

Farmer stall fees are \$40.00 (member), \$45.00 (non-member). Backyard (less than ¼ acre) grower rates are \$30.00.

Food Vendor stall fees are \$50.00 (member), \$55.00 (non-member).

Hot Food Vendor stall fees are \$65.00 (member), \$70.00 (non-member) and are allowed to sell drinks.

Artisan stall fees are \$45.00 (member), \$50.00 (non-member).

V. Admission of Products to the Market

A. Approval of Products

All products offered for sale must have the prior approval of the market management.

B. What May Be Sold

1. Only agricultural products produced within the State of California or its coastal waters may be sold in the Certified Farmers' Market area. All agricultural products must have been produced through the practice of the agricultural arts upon land, or harvested from waters, which the producer owns, rents, leases, or sharecrops.
2. All processed agricultural products must have and be accompanied by a verifiable listing of the fresh product on the producer's certificate if applicable. Such products must be clearly labeled with producers name, address, ingredient list and weight. The seller must be able to show location and capability of processing or, if products are processed by a second party, the method used to ensure that the processed product returned is the original product submitted by the seller for processing. Receipts, volume data, and letters verifying methodology may be requested or required.
3. Certain non-agricultural products may be sold outside the Certified Farmers' Market area. These include select food items offered for sale by their maker and art or crafted items produced by the Artisan.

C. Criteria for Admission of a Product

The management aims to offer customers a broad selection of products and prices without making the market so competitive and the products so redundant that market sellers cannot make a reasonable income. The management reserves the right to prohibit sellers from offering certain products, based on the following considerations:

1. Seller's history of selling such product within or adjacent to the market. When practical, significant weight and preference shall be given to products sold by the seller in previous seasons.
2. The present competitive availability of the product within the market; that is, whether present sellers of the product are adequately meeting consumer demand. To the extent practical, monopolies and oversupply will be avoided.
3. The type and relative quality of the product intended to be offered for sale by the seller, as well as the proposed price.
4. Other limitations and market policies affecting product admission.

D. Second Certification

Upon written authority, and prior approval of the market management, a certified producer may be granted permission to sell for one other certified producer, under the following conditions:

1. There shall be a supplemental market fee of \$20.00 per day.
2. The agricultural products shall be separated at the stand and identified by producer.
3. More than 50% of the products sold must be those of the producer selling.
4. Second certificate producer's name must be listed on seller's Certified Producer Certificate.
5. The sellers name must be listed on the second producers' certificate.

VI. General Market Rules, Policies and Requirements

The regulations of the California Department of Food and Agriculture pertaining to direct marketing (Article 6.5, Group 4, Chapter 3, Title 3 of the California Code of Regulations) are hereby incorporated by reference to be part of these rules. Market management's interpretation of the Agricultural Code will control all initial questions and disputes about their application.

In most cases, penalties for non-compliance with the market rules follow a progression as detailed in Section VII (page 9), and beginning with a warning. However, a few rules carry stiffer penalties or immediate fines; such penalties are indicated below.

A. No reselling

No re-sale of any products shall occur in the markets.

B. Market Days & Hours

- California Avenue (Palo Alto) – Sunday, 9:00am to 1:00pm, year 'round.
- Cambrian Park Farmers' Market – Wednesday, 4:00pm to 8:00pm, May - September.
- Campbell Farmers' Market – Sunday, 9:00am to 1:00pm, year 'round.
- Castro Valley Farmers' Market – Saturday, 10:00am to 2:00pm, year 'round.
- Montclair Farmers' Market – Sunday, 9:00am to 1:00pm, year 'round
- Old Oakland Farmers' Market – Friday, 8:00am to 2:00pm, year 'round.
- Santa Clara Farmers' Market – Saturday, 9:00am to 1:00pm, year 'round.
- Sunnyvale Farmers' Market – Saturday, 9:00am to 1:00pm, year 'round.
- Temescal Farmers' Market – Sunday, 9:00am to 1:00pm, year 'round.
- Willow Glen Farmers' Market – Saturday, 9:00am to 1:00pm, year 'round.

C. Reservations and Cancellations

1. A seller is responsible for giving at least one week's notice of starting and ending dates.
2. A seller must make a reservation at least 3 days in advance.
3. We ask that cancellations be made as soon as sellers know they will not attend, and at latest the day before the market by 4:00 p.m. All cancellations must be made by a phone call to the UVFM office; in-person verbal notices are not acknowledged nor considered an approved cancellation. Sellers who cancel without adequate notice, or fail to cancel their reservation, will be charged the stall fee for the vacated space. Exceptions can be made for emergencies at the discretion of market management.
4. Sellers are allowed 4 absences per market per year without charge. This shall not include absences due to seasonality of product. Sellers are responsible for the full stall fee for their 5th and each additional absence from the market. Market management may make exceptions under certain circumstances.

D. Arrival and Departure

Sellers should arrive at least one hour prior to the published opening time of the market and may arrive two hours ahead. Due to safety considerations, sellers are expected to stay for the entire duration of the market. If seller is sold-out and obtains the market managers permission and assistance, an exception can be made. Failure to arrive before the market start time, or departure before the end of the market, will result in a fine of \$50. Seller is not guaranteed a space if arrival is after published market start time.

Sellers may, at the management's discretion, begin selling prior to the official opening hour.

E. Assignment of Selling Space

The producer's location and space size shall be assigned at the reasoned discretion of the market management. In making any determination, the management shall consider the following:

1. The maintenance of good consumer-producer relationships. Specifically, management shall attempt to maintain continuity by allocating spaces to their previous users whenever possible.
2. The maintenance of good product mix and consumer traffic flow.
3. Quality of product, display, presentation, customer service and owner attendance.

F. Setup, Safety, and Sanitation

Our goal is to have a neat, safe, and aesthetically pleasing market. Causing or maintaining an unsafe or unsanitary condition at the market is prohibited.

All display table frontages must be behind the setup line designated by management; no boxes or produce displays may extend into the common customer traffic areas. Producers who display produce on a side table must allow at least 24 inches of side aisle within the producer's space for customer ingress and egress. Tables and other display fixtures must be sturdy, stable, and not overloaded. All shades and shelters must be tied down and completely secured in windy conditions or be subject to immediate removal.

Any vendor required by local health agencies to have hand washing or ware washing operations must:

1. Have them set up before engaging in sales or food preparation activities.
2. Bring at least a 5-gallon container with fitted lid to capture wastewater.
3. Dispose of all wastewater in the sanitary sewer system.

Market managers will inspect for compliance with these rules before the stated opening time of the market.

G. Cleanup, Litter, and Barricades

Before transacting any sales, sellers shall ensure that their selling areas and the immediately surrounding grounds are cleared and free of any produce trimmings, droppings, or other litter. Any trimming of produce must be done so that trimmings fall in a box or container and not in the ground. Every stall must have a trash receptacle for public use.

Before leaving the market, all matter and debris in the seller's area, including an area extending halfway into the common traffic area, must be completely removed and taken with the producer, without regard to whether the litter originated in the seller's area.

Street closures (barricades) must remain in place from the time the Market Manager deploys them until the Market Manager retrieves them. It is the responsibility of ALL vendors and their employees to replace the barricades each time when entering OR exiting the market. Vendors not complying will be subject to a \$50 fine.

H. Identification Signs

All producers must display a sign, legible at ten feet, clearly identifying their name or the name of their establishment and, preferable, the city or town where their production occurs.

Sellers of Agricultural Products must also conspicuously post signage indicating:

1. The county of production
2. 'We grow what we sell' or an equivalent statement.
3. Any second certificate products

Processed agricultural products must have a label or sign stating that with the exception of flavorings, preservatives, or spices all products are grown or raised by the producer offering them for sale and include the registration number of the facility that performed the processing. Meat and dairy products need to show the identity of their respective processing facilities or bottling plants.

I. Permits and Licenses

All required permits and licenses shall be prominently displayed during selling hours, including current Producer Certificate.

J. Prices

All prices must be clearly marked or posted. Collusion and deceptive pricing practices are prohibited. Bargaining with the consumer is specifically allowed.

K. Noise, Disturbances and intrusion

No radios may be played during market sales hours. No loud hawking, shouting or barking to promote products is allowed. Unreasonable or outrageous conduct and disruptive action, including the throwing of anything are prohibited.

All product promotion must occur within the space assigned to the producer and not in any common area. Sampling of products must be done within assigned selling space.

L. Smoking

There shall be no smoking in the market.

M. Bags

If Sellers choose to provide bags for customers, UVFM accepts paper bags along with biodegradable bags certified by BPI or ASTM under ASTM D64400-04 Standard Specification for Compostable Plastics. Plastic and "degradable" bags are not permitted. This ban includes plastic "t-shirt" bags and LDPE produce rolls. The ban DOES NOT include the OPP flower sleeves or pre-packaged items at this time. To be exempt from this ban, seller must submit proposal to UVFM citing reasons for exemption.

N. Compliance with Food and Drug Laws

When selling at market, sellers and their products shall comply with all applicable requirements of the California I Uniform Retail Food Facilities Law and the California Sherman Food Drug and Cosmetic Law, specifically:

1. All produce and containers of produce must be kept at least 6 inches off the ground.
2. Food preparation (except trimming and cutting samples) is prohibited in the Certified Farmers' Market area.
3. Processed foods must be processed in an approved facility and properly packaged, labeled , and stored under clean and sanitary conditions.

4. Dried fruit and shelled nuts sold in an unpacked bulk form must be displayed with a cover and conform to dispensing methods approved by the local health department.
5. No live animals, birds or fowl may be kept or allowed within 20 feet of any area where food is stored or held for sale.
6. Sellers of nonagricultural food products are required to have a valid permit from the local jurisdiction and are not considered part of the Certified Farmers' Market.
7. All products sold as organic must be grown, produced, or processed in accordance to standards of the National Organic Program (NOP) administered by the U.S. Department of Agriculture. Organic certification by a government accredited certification agency must be displayed.
8. Samples may be distributed in accordance with the following guidelines:
 - a. Vendors shall distribute samples directly and individually to consumers to prevent customers from touching any remaining samples or the containers.
 - b. Keep samples in clean, covered containers approved by the local health agency.
 - c. Use toothpicks or disposable utensils to distribute the samples.
 - d. Dispose of pits, peels, and rubbish in leak-proof garbage receptacles with close-fitting lids.
 - e. Use clean, disposable plastic gloves when cutting produce for samples.
 - f. Produce intended for sampling must be washed and cleaned.
 - g. Utensils and cutting surfaces must be washed and sanitized (use a chlorine solution of one teaspoon liquid bleach per gallon of water).
 - h. Cutting surfaces must be smooth, non-absorbent, and easily cleanable.

O. Partnerships and Cooperatives

Producer certificates with two or more names listed as producer must provide acknowledged evidence of partnership or other legitimate business agreement. Co-operative farming agreements will not be regarded as partnerships. Farmers who wish to sell products from another farm in their county, must do so on a second certificate.

P. Weights and Measures

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

Q. Inspections and Records

1. Farm and Production Facility Visits
 - a. UVFM or its representatives may, upon reasonable notice to Market Vendors, visit and inspect a Market Vendor's farm or facility (including processing facilities, boats, workshops, and studios) in order to confirm that products being sold at UVFM Markets are in production at the farm or facility in compliance with these Rules.
2. Stall Inspections and Records Requests
 - a. Market Managers may, at any time with or without notice, inspect stalls for compliance with these Rules.
 - b. Market Vendors must provide to UVFM upon request documents and records relating to current insurance coverage, permits and licenses, tax-exempt status, and other matters. Market Vendors must cooperate with Market Managers in connection with these inspections and requests.

3. Consequences of Visits or Inspections

- a. The presence of Market Managers or other UVFM staff at a farm, facility, or stall will not limit or affect in any way the Market Vendor's obligation to comply with these Rules. This section does not impose any duty on UVFM to inspect farms, facilities, or stalls, report to Market Vendors the results of any such inspection, or assume any liability of any kind arising from engaging or not engaging in such an inspection.
- b. As provided in Section 5, if as a consequence of a farm or facility visit UVFM learns that a Market Vendor is not acting in accordance with these Market Rules, UVFM may take appropriate disciplinary action and/or notify relevant local, state and federal authorities.
- c. UVFM will notify the Ag Commissioner of the relevant county if UVFM suspects that a Market Vendor is not acting in accordance with Market rules.
- d. Each vendor expressly consents to UVFM's disclosure of information and observations obtained in the course of inspections to governmental authorities, other farmers' market organizations, UVFM market participants, consumers, and other third parties.

VII. Non-Compliance and Penalties

A seller may be removed or suspended from any market or have selling privileges of the market conditioned, modified, or limited by a market manager for any failure to obey or conform to state or local government regulations or market rules and regulations.

A seller is responsible for the actions of its representatives, employees, and agents. The severity of any penalty or discipline shall be directly related to the gravity of the violation. If possible and reasonable under the circumstances, a market manager will give adequate warning and notice of possible disciplinary action prior to actually taking action. Certain severe violations of the rules may lead to immediate disciplinary action. Repeated seller infractions will be treated with increasing severity depending on the nature and gravity of the type violation(s). The typical disciplinary progression will be: 1st offense: Warning. 2nd offense: Fine (up to \$50). 3rd offense: Suspension. 4th offense: Termination.

VIII. Appeals

Any seller aggrieved by a manager's decision may appeal for review by the Farmers' Market. An oral request for review should be followed by a written request. The Executive Director, or its designated representative, may refuse to review or agree to review, and may uphold, modify, or vacate a manager's decision. A decision by the UVFM Board of Directors shall be made in writing and shall be final.

IX. OTHER PARTICIPANTS

Entertainers, event participants, and educators

All musicians, entertainers, event participants, and special attractions at the Farmers Markets' must be pre-approved by the Market Manager in advance. For approved entertainment, demonstrations, or educational exhibits, space is provided free

XI. 2018 RESALE ENFORCEMENT AGREEMENT

I understand that it is strictly forbidden for any producer, as defined in the Urban Village Farmers’ Market Association (UVFM) Rules and Regulations, to resell products whether they are certified or not, at any Certified Farmers’ Market which UVFM operates.

I am also aware that State law forbids the re-sale of fresh fruits, nuts, vegetables, shell eggs, apiary products, flowers, and nursery stock at any Certified Farmers’ Market.

I realize that UVFM will suspend any owner, producer, employee or representative associated with the business that violates this important rule/law. A suspension applies to all Markets managed by UVFM.

Upon first violation, UVFM will fine and suspend the owner(s), producers(s), employee(s), or other representatives associated with the business for a minimum of one (1) year and withdraw all seniority for same. A fine of \$500.00 will be due. Conditions for re-entry will include the costs of two (2) visits to the farm or other locations where products are produced, processed or held.

Upon second violation, there will be permanent disqualification.

In the event the suspended party legally contests a decision of the Board of Directors, and the legal matter results in a decision favorable to UVFM, the suspended or disqualified party shall be liable for payment of the necessary and reasonable attorney’s fees of UVFM.

OWNER/AUTHORIZED PARTICIPANT SIGNATURE

DATE

PRINT FULL NAME

FARM / BUSINESS NAME

STREET ADDRESS

CITY STATE ZIP

AREA CODE - TELEPHONE

