

GOVERNING RULES & REGULATIONS
FARMERS MARKET OLD TOWN CLOVIS
PRESENTED BY THE BUSINESS ORGANIZATION OF OLD TOWN (B.O.O.T.)

Revised January 2016

I. PURPOSE

The Old Town Clovis Farmers Market is a certified farmers market along with food, beverages and family oriented activities, operated by the Business Organization of Old Town Clovis (B.O.O.T.), for the purpose of promoting the area known as Old Town Clovis. B.O.O.T. reserves the right to modify any of these rules and regulations, or any policies or procedures adopted by B.O.O.T. from time to time, without prior notice.

II. GOVERNANCE

The market operated by B.O.O.T. is a certified farmers market, operating in accordance with these regulations and the laws and regulations set forth by state, county and local government. The B.O.O.T. Board of Directors and Market Manager may also develop additional policies and procedures to regulate Market operations in a fair and equitable manner. B.O.O.T. reserves the right at any time to change, delete or modify its policies, procedures and rules and regulations without notice.

III. DEFINITIONS

- A. B.O.O.T.** The Business Organization of Old Town (B.O.O.T.) is a non-profit organization comprised of businesses within the Parking and Business Improvement Area (PBIA). B.O.O.T. administers the Farmers Market, and also produces other events and programs, and also develops other marketing strategies for the area known as Old Town Clovis.
- B. Certified Farmers Market.** A location authorized by the County Agricultural Commissioner where certified producers of fresh fruits, vegetables, honey, eggs, flowers, nursery stock and nuts may sell their produce directly to consumers and be exempt from standard packing and grading regulations.
- C. Market.** Old Town Clovis Farmers Market operated by B.O.O.T. for a particular date or dates.
- D. Market Manager.** The person or persons empowered by B.O.O.T. to implement the rules, regulations, policies and directives of the B.O.O.T. Board of Directors. Unless otherwise designated by B.O.O.T., the Executive Director of B.O.O.T. shall be the Market Manager. The Market Manager may delegate powers and authorities to other individuals from time to time.
- E. Certified Producer.** A person authorized by the County Agricultural Commissioner to sell agricultural products (fruits, vegetables, honey, eggs, flowers, nursery products and nuts) directly to consumers at a Certified Farmers Market. Such products must be produced upon land controlled by the Certified Producer.
- F. Commercial Seller.** A person, other than a Certified Producer, a Producer, or a Non-Profit Organization, selling goods and/or services for a profit.
- G. Non-Profit Organization.** An organization which is recognized by the Internal Revenue Service as being organized and operated in accordance with Internal Revenue Code Section 501(c)(3).
- H. Producer.** A person or separate entity that produces agricultural products by practice of the agricultural arts upon land which the person or separate entity controls. Producer may be, for the purposes of this article, a person partnership, corporation or any other entity.
- I. Participant.** A person authorized by B.O.O.T. to offer products, goods or services at the Market. For purposes of these Regulations, the term "person" includes an individual, partnership, corporation, limited liability company, or any other kind of entity or business organization.
- J. Food Vendor.** A person or entity authorized by B.O.O.T., and according to offer food primarily intended for consumption at the Market.
- K. Required Documents.** Documents that B.O.O.T. requires of its Participants, and consist of but not limited to the following: Seller's Permit; Business License; Insurance Certificate; the Application and Agreement; a signed or initialed copy of these Regulations; and the Additional Required Documents applicable to the Participant's classification as set forth in the Appendix for that classification.
- L. Additional Required Documents for Certified Producers.** If the Certified Producer represents any product as "organic," the written authorization from the COOF or other certifying organization. In addition to the foregoing, a participant must provide, upon request by an enforcing officer or the

Market Manager, any certificate, documentation, information or identification that may be reasonably required to show that the requirements of law and of these regulations are being met.

- M. Business License.** A current license issued by the City of Clovis to transact business for a stated period (which shall include the applicable Markets), in conformity with the provisions of ordinances of the city of Clovis.
- N. Insurance Certificate.** A certificate of insurance issued to B.O.O.T. by an insurance company licensed in California, stating that the Participant has current policy of public liability, property damage, and product liability insurance then in effect, naming the B.O.O.T. as additional insured, with limits of liability in the amount of at least one million dollars (\$1,000,000) combined single limit, and stating that B.O.O.T. shall be given at least 30 days notice of any change or termination of such coverage. The term of the policy, as indicated on the certificate, shall be for a period that does not end until after the last Market of the applicable year.
- O. Application and Agreement.** The Application and Agreement to be executed by each Participant, and which shall hold B.O.O.T., City of Clovis, Clovis Community Development Agency, Event Sponsors, and Event Location Owners, their officers, employees, and agents, harmless against any and all claims, demands, causes of action, costs, attorney fees and liabilities.
- P. Regulations.** These Regulations, as may be amended from time to time.
- Q. Seller's Permit.** A valid permit issued by the State of California to vendors selling taxable items. NOTE: All vendors selling taxable items must display their Seller's Permit, which must indicate their market location, and must have a copy of their tax identification number on file with the B.O.O.T. office.
- R. Consumer.** A person who purchases products for private household use, or for non-profit sale or distribution, but not a person who purchases products for commercial sale, distribution, or processing into other food products for resale.
- S. Employee.** With the exception of members of the Immediate Family, as defined below, persons employed by the seller on a regular basis, but not including persons whose compensation in whole or in part is based on, or consists of, commission on sales.
- T. Immediate Family.** Parents, children, grandparents, grandchildren, and, in addition, any other person regularly residing in the Producer's household.

IV. GENERAL RULES

A. Acceptable Vendors

1. FOOD VENDORS who shall be one of the following:
 - a. *Entree Food Vendors* are Food Vendors who sell items for the main course of a meal (e.g., pizza, tacos), together with appropriate side dishes and non-alcoholic beverages. **Market fees must be paid one week in advance of all markets.**
 - b. *Specialty Food Vendors* are Food Vendors who sell non-main course items such as "finger foods" (e.g., popcorn, shaved ice, desserts, appetizers) together with non-alcoholic beverages.
 - c. *Gourmet Food Vendors* are Food Vendors who sell non-certifiable agricultural products and/or packaged foods (e.g., bread, sauces, coffee beans, jerky). According to the Department and Fresno County Health Department, Gourmet Food Vendors may also be subject to the rules and regulations applicable to Certified Producers.
2. COMMERCIAL SELLERS, SPONSORS AND NON-PROFIT ORGANIZATIONS.
Approved Commercial Sellers, Sponsors and Non-Profit Organizations selling approved products may be permitted on a limited basis.
3. CERTIFIED PRODUCERS.
Certified Producers, who are subject to the Additional Requirements for Certified Producers set forth in the Appendix and according to the Department of Food and Agriculture, California Code of Regulations.
4. NUMBER OF VENDORS.
The number of approved vendors in each category is at the discretion of B.O.O.T.

B. Acceptable Products

1. Only products or services listed on the application and approved by B.O.O.T. and any applicable governmental agency, may be sold. Only non-alcoholic beverages may be sold. Beverages are described as brewed coffee (non-flavored), sodas, iced tea, and lemonade.
 - a. Items are subject to inspection at any time by the Market Manager, Department of Agriculture, Fresno County Department of Health Services or any other applicable governmental agency.
 - b. Any items not meeting minimum standards may not be sold, and must be removed immediately when detected.
 - c. Prepackaged products sold in closed or sealed containers must be labeled as to content, quantity or weight, the grade (if applicable) and the name and address of the Producer.
 - d. All product pricing should fall within the Market average.

C. Fees & Fee Structure

1. A one hundred and fifty dollar (\$150.00) Market Reservation Fee reserves the vendor space. The Market Manager and/or B.O.O.T. Board of Directors reserve the right to terminate a Participant's membership. Membership fees must be paid before the opening date of the market in accordance with the approved application process deadlines.
2. Any Participant selling or distributing samples of any foods (including fruit) shall pay a fee for County of Fresno Health Services inspections.
3. Each Participant will be charged a space fee according to category.
 - a. *Certified Producers* shall pay a fee of ten percent (10%) of the gross sales per Market but not less than Forty Dollars (\$40.00) per space.
 - b. *Entrée Food Vendors* shall pay one hundred and sixty-five dollars (\$165.00) per Market. B.O.O.T. member fees are discounted to one hundred and forty-five dollars (\$145.00).
Fees are due one week in advance of all markets.
 - c. *For Profits*, including *Specialty/Gourmet Food Vendors, Craftsmen, Artisans, Businesses/Services* shall pay fifteen percent (15%) of gross sales per Market but not less than thirty-five dollars (\$35.00). If booth is for information only, the fee is \$35/night.
 - e. *Attractions* shall pay fifteen percent of their gross sales per Market.
4. Fees shall be paid to the Market Manager/market staff no later than 9:30 PM each Friday night.
5. Failure to pay may result in suspension or termination of privileges, with fines, as determined by the Market Manager and/or the B.O.O.T. Board of Directors.
6. Participants are subject to sales auditing without prior notification.

D. APPLICATION PROCEDURE

1. Only approved Participants may sell at Farmers Market. Applicants seeking approval as Participants must comply with the procedures outlined below. Successful Applicants will receive a confirmation email and space assignment.
 - a. Application and Agreement must be duly completed, signed, and submitted for approval.
 - b. All additional documentation requested by the Market Manager must be received and all required fees must be paid. Required documents must be completed, signed, and received by established deadlines.
 - c. The Applicant may be required to attend a Participants Meeting

E. APPROVAL AND ASSIGNMENT OF SELLING SPACE

1. Approval, space assignment and other factors relating to the assignment of selling space within a Market shall be the sole discretion of B.O.O.T. In making any determination in this regard, B.O.O.T. may consider any one or more of the following:
 - a. An Old Town Clovis business
 - b. A Clovis business
 - c. Quality of product or service
 - d. Seniority
 - e. Product or service desirability

- f. Product or service diversity
- g. Electrical needs
- h. Attendance
- i. Display and presentation
- j. Customer service
- k. Past performance with B.O.O.T., Department of Health, Fire Department, and any other applicable agencies
- l. Space availability
- m. Vehicle size

F. MARKET DATES

- 1. B.O.O.T. determines the opening and closing dates of the Market each year.
- 2. Until otherwise determined by B.O.O.T., the Old Town Clovis Farmers Market will run on consecutive Friday evenings.

G. MARKET HOURS

- 1. B.O.O.T. determines the hours the Market shall operate. Until otherwise determined by B.O.O.T., the Market hours of operation are as follows:
 - a. The Market is open for operation from 5:30 PM until 9:00 PM.
 - b. **Sales may not begin until the official announcement of the Market opening.**
 - c. No products or services may be presold. Pre-selling includes (but not limited to) bagging, setting aside, preparing, or reserving in any fashion for a customer before the official opening of the Market.
 - d. Food preparation may begin before the opening of the Market, but food sales to customers may not take place until the official Market opening has been announced.

H. PARTICIPANT MARKET PROCEDURES

- 1. SET UP
 - a. **Set up of any kind may not begin earlier than 4:30 PM. You may not double park, park sideways or in any way disrupt parking that can be used by Old Town Customers prior to 4:30PM. This will be enforced in 2015. Violators will be asked to miss the next Market.**
 - b. Set up must be completed *before* 5:30 PM.
 - c. Market Manager shall direct the traffic flow, except that the Participant is solely responsible for the safe movement and operation of all vehicles, trailers, carts and the like.
 - d. If an unauthorized vehicle is in the Participant's designated space, notify the Market Manager/staff. The Manager or staff member will follow procedure set forth by the Clovis Police Department. The Market Manager may reserve the right to reassign or adjust the Participant's space assignment.
- 2. CLOSING PROCEDURE AND TAKE DOWN
 - a. Take down shall not begin earlier than 9:00 PM, including awnings, tables, etc., and must be completed by 10:00 PM.
 - b. All fees and required documents must be delivered to the Market Manager/staff no later than 9:30 PM.
 - c. No vehicle may enter, move or leave the Market between 5:30 PM and 9:00 PM, or outside those hours unless it is safe to do so and you have been given permission by the Market Manager or Market staff.
 - d. The Market Manager shall determine the priority of entering, moving and leaving the Market, except that the Participant is solely responsible for the safe movement and operation of all vehicles, trailers, carts and the like.
 - e. No vehicle may enter the market area until an official announcement has been made allowing access.

3. DISPLAY ALL PERMITS AND LICENSES
 - a. All required permits and licenses shall be provided and must accompany all foods and during transportation and shall be displayed prominently during selling hours. This posting includes, but is not limited to; Food Industry Health Permits, Health Department Inspection Report, Certified Producers Certificates, City Business Licenses all other required permits and licenses.
 - b. A Participant shall provide, upon request by an enforcing officer or Market Manager, certificate, documentation, information or identification that may be reasonably required to show that the conditions of the regulations are being met.
 - c. Scales shall be approved commercial scales, and certified by the County Sealer, Office of Weights and Measures, for the current year.
4. VENDOR SPACE
 - a. The Market is conducted in accordance with state and federal laws and local ordinances.
 - b. Participants are required to comply and cooperate with all agency representatives.
 - c. Participants are required to be familiar and comply with all health and safety guidelines.
 - d. Participants will immediately comply with the Market Manager's directions in all matters, particularly relating to safety.
 - e. The Market Manager and the Fresno County Environmental Health Agency, Fire Department, Fresno County Agricultural Commissioner, California Department of Food and Agriculture, or any other applicable agency, have the right to remove products and/or restrict or terminate the operation of any Participant which, in their judgment, violates health or safety codes pertaining to the sale or distribution of products or services.
 - f. Participants shall comply with all applicable requirements of the California Uniform Retail Food Facilities Law, the County of Fresno Health Department Special Event Food Requirements, Fresno County Agricultural Commissioner, California Department of Food and Agriculture, and any other applicable agency.
 - g. When selling at the Market, the vendor and the vendor's agricultural products shall comply with all applicable laws and regulations, including but not limited to:
 - i. Every stall shall have a container for trash.
 - ii. No display tables may be filled over carrying capacity; items on display must be stable.
 - iii. Table legs must be secure and table must not cave in.
 - iv. All connecting rods of the shade set-ups must be secure in their fittings. Shade set-ups must be tied to seller's table or vehicle.
 - v. Tarps must be securely fastened.
 - vi. All boxes or crates of produce and other food products must be kept 6" off the ground under Section 21831 of the California Health & Safety Code.
 - vii. If the local health authority approves, distribution of samples in a manner that will ensure safe, unadulterated samples for the public may be allowable, under the following guidelines:
 - (1) Keep samples in clean covered containers approved by the local health agency.
 - (2) Use toothpicks or disposable utensils to distribute the samples.
 - (3) Dispose of pits, peels, food waste and rubbish in leak proof garbage receptacles with close fitting lids.
 - (4) Use clean disposable plastic gloves when cutting produce for sampling.
 - (5) Produce intended for sampling must be washed and cleaned so as to be wholesome and safe for consumption.
 - (6) Utensils and cutting surfaces must be washed and sanitized (use a chlorine solution of one teaspoon or cap of liquid bleach per gallon of water).

- (7) Cutting surfaces must be smooth, nonabsorbent and easily cleaned.
- (8) Potable water shall be available for hand washing and sanitizing as approved by the local enforcement agency.
- (9) Smoking is not permitted in the event area and immediate sales area during market hours (State Health and Safety Code).
- (10) Vendor vehicles may not exceed the space allowances either by length, width, or height. If the height of the vehicle in any way restricts store fronts, the Market Manager may determine the vehicle not allowed.

5. DESCRIPTION OF SELLING SPACE AND REQUIREMENTS

- a. Space Size
 - i. *Entree Food Vendors* - 20 ft. wide X 18 ft. from the curb to the center of the street.
 - ii. *Specialty/Gourmet Food Vendors* - 12 ft. wide X 18 ft. from the curb to the center of the street.
 - iii. *Certified Producer* – one parking stall width, and a length of 18 feet from the edge of the curb.
 - iv. Vehicle height may not restrict the front of businesses.
 - v. Vehicle length may not exceed the space allowance of 18 feet.
 - vi. Space size for Commercial Sellers, Sponsors, and Non-Profit Organizations shall be as determined by the Market Manager.
- b. All displays, awnings, umbrellas, tables, etc., must stay within the space boundaries and may not encroach into any walkway, curb, sidewalk, fire lane, alley, or neighboring space.
- c. Participants are responsible for providing signs and displays including, but not limited to, tables, awnings, chairs, etc.
- d. All promotions and sales shall occur within the designated space assigned.
- e. Unoccupied space may not be used without permission from the Market Manager.
- f. Electricity and water is not generally available at Market sites and will not be guaranteed.
- g. Electricity is not guaranteed and consumption may be restricted by the Market Manager.
- h. All wiring and electrical connections must conform to all applicable codes and regulations.
- i. Participants using electrical power must have and use a UL approved power strip with a GFI breaker.
- j. All equipment, products, display tables, awnings, etc., must be maintained in a safe manner.
- k. All Participants shall accept the space assigned by the Market Manager.
- l. No vendor may assign or sublet his/her space.
- m. All vendor space and displays must be clean and attractive.
- n. In the event an unauthorized vehicle is parked in Participant’s designated space during the set up period the Market Manager/staff will follow the procedure set forth by the Clovis Police Department. The Market Manager/staff may exercise the right to reassign the Participant’s designated space.

6. ATTENDANCE

- a. Each Participant is required to participate in every individual Market or designated dates during the Market Year.
- b. Special circumstances may excuse the Participant from participating at an individual Market if written notice showing good cause, in the sole determination of the Market Manager, is given to the Market Manager at least 5 working days prior to the absence.
- c. A single unexcused absence will result in a fine in an amount to be determined by B.O.O.T., and or the Market Manager.
- d. Repeated absences may result in fines and/or other disciplinary action in the discretion of B.O.O.T.
- e. Food Vendors in all categories are committed to the full schedule of Market dates.

7. CLEAN UP

- a. Each Participant shall maintain the space assigned to them in a clean, attractive and sanitary condition.

- b. Each Participant shall leave the space in a “broom clean” condition.
- c. Each Participant is individually responsible for cleaning their stalls and the aisle area in front of their stall.
- d. Trash may not be dumped in any Clovis trash receptacles.
- e. Disposal of cardboard boxes and product is the Participant’s responsibility.
- f. Storm drains, flowerbeds, planters or streets may not be used for disposal of trash or any other materials.

8. STANDARDS OF CONDUCT

- a. Participants and employees, Immediate Family, and others representing Participants must be:
 - i. Courteous, professional and presentable.
 - ii. Knowledgeable about product and communicate clearly to customers.
 - iii. Honest.
 - iv. Considerate to each other, the Market Manager and other market staff, agency representatives, customers, officials and must treat all of them with respect and cooperation.
 - v. Alcohol free. No consumption of alcoholic beverages, or any one under the influence of alcohol, or in possession of alcohol, will be allowed to participate.
 - vi. Honorable. Yelling, swearing, name-calling, arguing, or physical aggression and any other inappropriate behavior will not be tolerated.
 - vii. Responsible for reporting any complaints about other Participants or the Market management, rules and policies to the Market Manager or B.O.O.T. Board of Directors.
 - viii. Respectful, and must refrain from harmful remarks about vendors or the Market. Such remarks may be subject to legal liability for damages caused.
 - ix. Dressed appropriately. Shirt and shoes are required.
 - x. Vendor’s shall not smoke within their space.

V. NON-COMPLIANCE

Participants who do not comply with pertinent state, federal, county, local regulations, any other applicable regulations, or these Regulations, may be subject to fines, suspension, and/or termination as provided below.

A. DISCIPLINARY PROCEDURE

- 1. If possible and reasonable under the circumstances, the Market Manager will attempt to give adequate warning and notice of possible consequential action prior to the actual disciplinary action.
 - a. Minor violations, determined at the sole discretion of the Market Manager, may be subject to a verbal warning by the Market Manager.
 - b. Notice of major violations and repeated violation(s) will be given in writing and may specify the penalty imposed.
 - c. Recurring violations may result in more stringent penalties including but not limited to suspension, and/or additional fines, and/or termination. A meeting of the B.O.O.T. Board of Directors will be convened within ten (10) working days of the offense to consider appropriate action.
- 2. Penalties for rule violation will be determined by the Market Manager and/or the B.O.O.T. Board of Directors. The Market Manager has the power to levy fines in an amount not exceeding \$150.00, per violation and/or to suspend a Participant from the remainder of a current Market and up to one additional individual Market. The B.O.O.T. Board of Directors has the power to levy fines in an amount not exceeding \$500.00, per violation and/or impose any other penalties. Any fine or suspension imposed may be reviewed by the B.O.O.T. Board of Directors at the request of the Market Manager, any Board member, or an aggrieved Participant pursuant to the appeal procedures set forth below. On such review, the Board may affirm the fine or suspension imposed, or may increase or decrease any such penalty or impose a different or additional penalty or penalties. Penalties for rule violation may include any and all options listed below:
 - a. Suspension for one or more individual Markets

- b. Monetary fines
- c. Termination from future participation in the Market.
- 3. In cases of extreme or disruptive misconduct or violation, the Market Manager and/or the B.O.O.T. Board of Directors have the authority to impose an immediate suspension.
- 4. Participants are responsible for and will be held accountable for the actions of their Employees, Immediate Family, agents, representatives, and invitees.

VI. APPEAL

A. APPEAL PROCEDURE

- 1. Any person aggrieved by a decision of the Market Manager or the B.O.O.T. Board of Directors may request a hearing.
 - a. The request must be in writing, addressed to the B.O.O.T. Board of Directors, and submitted at least two weeks in advance of the next scheduled Board meeting.
 - b. The appealing party will be given at least 5 days notice of the date, time, and place of the Board meeting, at which time the appealing party will have the right to be heard on the matter.
 - c. The Board's decision will be given in writing to the appealing party within thirty (30) days of the receipt of the complaint.

A. MANDATORY GUIDELINES FOR FOOD VENDORS

MARKET FEES ARE DUE 1 WEEK IN ADVANCE OF ALL MARKETS

ALL PREVAILING COMMUNITY EVENT FOOD VENDOR REQUIREMENTS SET FORTH BY THE COUNTY OF FRESNO DEPARTMENT OF PUBLIC HEALTH MUST BE FOLLOWED.

1. ***Additional Documents Required for Food Vendors*** are the County Health Community Event Food Vendor Application and fee - **complete menu with prices.**
 - a. COUNTY OF FRESNO PUBLIC HEALTH DEPARTMENT COMMUNITY EVENT FOOD VENDOR APPLICATION refers to the permit issued by the Fresno County Health Department to providers of food products intended for retail sales, and which specifies that food preparations (if applicable) are permitted at the Market. There is a fee for the Community Event Food Vendor Application.
 - b. MENU WITH PRICES constitutes a complete list of items and prices of items to be sold at the Market. NOTE: No change in menu items or prices during a Market year may be made without approval from B.O.O.T.
2. Food may be prepared on site or in an approved commercial facility, such as a restaurant or church kitchen. Food prepared in a private home may **NOT** be sold or given away.
3. Foods must be protected from consumer contact, insects, dust, and other sources of contamination during transit, preparation, and display.
 - a. Prepare food in a booth or an area shielded from the public.
 - b. Use disposable food handling gloves and clean utensils when handling ready to eat foods or foods that will not be cooked before serving.
 - c. Keep all foods, food containers, utensils, and packaging materials off the ground on tables, pallets, or shelves.
 - d. Keep foods wrapped or in covered containers whenever possible.
 - e. Keep condiments, such as salsa, in dispensers or containers, with attached lids, or single serving packets.
 - f. Keep ice used in beverages separate from ice used for cooling foods.
 - g. All bulk beverages must be dispensed from a container with a spigot. Ladling is not permitted.
4. Potentially hazardous foods (e.g., meats, tamales, cooked beans, cooked rice, potato salad) must be kept either cold (below 41 degrees Fahrenheit) or hot (above 140 degrees Fahrenheit).
5. A metal probe thermometer for checking food temperatures must be utilized. (NOTE: The sale of potentially hazardous foods which have been held at improper temperatures will not be allowed.)
6. Water used in foods and beverages must be from an approved source. Provide commercially bottled water for foods and beverages prepared on site.
7. If unpackaged foods are handled, a hand washing facility is required. This facility must consist of warm running water, a squeeze or pump bottle or soap, paper towels, and a container to collect the dirty water. An air pump thermos of a container with a spigot can be used to provide running water. (NOTE: The hand washing facility must be set up prior to the preparation or sale of foods. Hands must be washed before handling food and after using the toilet.)
8. A container of sanitizing solution (one teaspoon household bleach per gallon of water) is required in booths handling unpackaged foods. The sanitizing solution is to be used to sanitize wiping cloths and utensils.
9. Liquid water must be disposed of in a sanitary manner. Do not dump wastewater or grease onto the ground.
10. An adequate number of leak-proof garbage containers must be provided to contain garbage and other refuse.
11. Food handlers must wear clean clothes and confine their hair with hairnets, scarves or hats.
12. Smoking and the use of tobacco in any form is prohibited in food handling areas.

13. Persons infected with a communicable disease, such as a cold or “stomach flu” are **NOT** allowed to handle food.
14. If planning to use electrical appliances, secure adequate electrical service at the site. Secure electrical cords to the ground with duct tape to prevent tripping.
15. Steam tables, barbecues, and other heat producing equipment must be blocked off from the public to prevent accidents.
16. If unpackaged foods are handled, a floor of plywood or other protective material is required to protect the ground or pavement from spills.
17. When any flame-producing device is used for heating or cooking, an approved and properly inspected 2A-10BC fire extinguisher shall be placed in the booth or area where the device is being used.
 - a. Participants using storm drains to dump grease or gray water will have participation terminated and will be assessed the cost of any clean up.
 - b. Grease; drippings, splatters, stains, etc., are expressly prohibited (ordinances of City, Health and Fire departments) and may result in termination. Fines and cost of clean up will be assessed.

B. MANDATORY GUIDELINES FOR CERTIFIED PRODUCERS

1. **Additional Documents Required for Certified Producers** are a Certified Producer Certificate and Load Lists and any of the following that are applicable based upon the product(s) produced and sold: Food Industry Health Permit; Food Registration Permit; Nursery License; Nursery Certified Producer Permit; Organic Registration; County of Fresno Community Event Food Vendor Application.

2. Additional Definitions Applicable to Certified Producers

- a. **Certified Producer Certificate.** A certificate issued by the county agricultural commissioner in the county of production authorizing the transportation and sale of certified products pursuant to Department Of Food And Agriculture, California Code of Regulations.

Producers of fresh fruit, nuts, vegetables, shell eggs, honey, flowers and nursery stock must obtain a Certified Producer’s Certificate prior to selling such commodities at a Certified Farmers Market. Such commodities must have been produced by the producer by the practice of the agricultural arts upon land which the producer farms and owns, rents, leases or sharecrops. A certificate issued by the county agricultural commissioner which exempts a producer of fresh fruits, vegetables and nuts from standard size, standard pack, container and labeling laws and permits the producer to transport and sell his/her certifiable agricultural products at a Certified Farmers’ Market.

- b. **Food Registration Permit.** A current permit issued by the State Department of Health Services, Food and Drug Branch to manufacturers of food products intended for wholesale distribution. This permit approves the location of food preparation.
- c. **Nursery License.** A valid license issued by the County Agricultural Commissioner for growing and propagating plants intended for outdoors.
- d. **Nursery Certified Producer Permit.** A current permit issued by the County Agricultural commissioner for transporting plants outside county of origin for sale to public.
- e. **Organic Registration.** A current document of registration issued by the State of California to producers who practice organic farming methods as determined by the State. Issuance of this document legally permits producers to advertise and promote their producer as “organically grown.”
- f. **Consumer.** A person who purchases products for private household use, or for non-profit resale or distribution, but not a person who purchases products for commercial sale, distribution, or processing into other food products for resale.
- g. **Employee.** With the exception of members of the immediate family, as defined below, persons employed by the seller on a regular basis, but not including persons whose compensation in whole or in part is based on, or consists of, commission on sales.
- h. **Immediate Family.** Parents, children, grandparents, grandchildren, and, in addition, any other person regularly residing in the Producer’s household.

- i. **Load List.** A report that identifies the certificate holder, product, amount of product and quantity of products sold at each Market. A signed Load List is required from each Certified Producer for each Market attended.
- j. **Partnership.** A partnership is a separate entity distinct from its individual members. As a separate entity, a partnership must obtain a certified producer's certificate to market, directly to consumers, its agricultural products, which shall be produced by practice of the agricultural arts upon land that the partnership, as a separate entity, exclusively controls.
- k. **Community Event Food Vendor Application.** A Community Event Food Vendor Application is an application to sell or give away cut produce and issued by Fresno County Department of Community Health through the event organizer. Any grower distributing samples is required to complete the application, pay the fee and adhere to all rules and regulations pertaining to Health Department requirements for the handling of food.
A current permit issued by the County Health Department to food processors of goods intended for retail sales or sampling. This permit approves the location where food preparations occur.

C. VENDOR AND PRODUCT GUIDELINES

1. ACCEPTABLE VENDORS

- a. Certified producers, producers and their immediate family, and the employees of certified producers, who have been approved to sell at the Market. Non-certifiable products add variety and enhance the festive ambiance of the market. Although State laws regarding Certified Farmers Markets do not apply to non-certifiable products, the same producer-to-consumer philosophy applies for all items sold at any Market. Agricultural producers must be practicing agents upon the land. All producers must be in control of the land or products and must have documentation to verify compliance (including chemical registration documents for farmers) dating back three years.
- b. Commercial Producers and Non-profit Corporations approved commercial participants and approved non-profit corporations selling select products are permitted on a limited basis.
- c. The actual producer (employer) of the product(s) is encouraged to attend the market(s) regularly; however, an employee may sell as long as:
 - i. Records showing proof of employment (pay stubs, W-2 forms, etc.) are submitted upon request.
 - ii. No commissions are paid to or received by the employee in connection with sales at any Market (State law for certified producers).
 - iii. Any and all partners of a partnership are acceptable. In the event of a change in entity, i.e., partnership, the entity must reapply.

2. ACCEPTABLE PRODUCTS

- a. Sellers may offer products for sale under any of the following categories:
 - i. Agricultural
 - ii. Commercial Sellers
- b. Before attending the Market, the seller must receive approval for all the products offered for sale, under the applicable category and approval procedures.
 - i. All products are subject to inspection at any time by the Market Manager and/or the Department of Food and Agriculture, Fresno County Agriculture Commissioner.
 - ii. All produce must be freshly harvested and have the appearance of being so. Culls are not acceptable.
 - iii. Any product not meeting the USDA minimum standards may not be sold, and must be removed when detected.
- c. Producers must supply to the Market Manager, at the end of each Market, an itemized "Load List" consisting of:
 - i. Certificate Producer's name.
 - ii. Market date.
 - iii. Space number.

- iv. List of commodity/variety and load in and quantity sold.
 - v. Signature.
- d. Producers may only sell products listed on “Certified Producer’s Certificate,” and produced within the issuing county. Transporting products into another county(ies) for the purpose of selling at a certified farmers’ market within that county(ies) is permitted only in Authorized Counties as listed on the certificate.
- e. Prepackaged products sold in closed or sealed containers must be labeled as to content, quantity or weight, the grade (if applicable) and the name and address of the Producer.
3. **MARKETING ON BEHALF OF OTHER CERTIFIED PRODUCERS PERMITTED**
- a. A Certified Producer may sell certified agricultural products on behalf of up to two additional certified producers, including but not limited to entities (such as a partnership) in which the Certified Producer has an interest, subject to the following additional provisions:
- i. A certified producer shall not represent, nor be represented by more than two certified producers in a 12-month period.
 - ii. Each certified producer’s certified agricultural products to be sold or offered for sale shall be separated and identifiable by each certified producer’s valid certificate at the point of sale.
 - iii. The name of the certified producer for whom another certified producer is selling shall appear on the certificate of the person for whom the certified producer is selling.
 - iv. The name of the certified producer who is selling the products of another certified producer shall appear on the certificate of the person for whom the certified producer is selling.
 - v. The certified producer selling for another certified producer shall be selling or offering for sale certified agricultural products which the certified producer has produced and which are greater than the amount by volume offered for sale for the other certified producer. For purposes of this section, the volume shall be measured by the weight or dollar value of the products at the time and point of sale. This volume requirement shall apply only at the beginning of each day of sale.
 - vi. The producer applying for certification shall obtain and submit to the agricultural commissioner, prior to certification, written authority from said other certified producers to sell on their behalf.
 - vii. Commission sales and buying and selling between certified producers is prohibited. Any payment made for the service of one certified producer selling for another certified producer shall not be related to the volume or value of the products sold.
 - viii. A certified farmers market may prohibit or otherwise make sales permitted under this subsection more restrictive, provided that such prohibition or restriction is contained in the market’s rules and regulations.
 - xi. A certified producer who sells certified agricultural products on behalf of another certified producer of whose products are sold by another certified producer at a certified farmers market shall keep for a period of not less than three years, the following records relating to such business products:
 - ♦Date and amount of products transferred by variety.
 - ♦Date and amount of products sold by variety.
 - ♦Names of both certified producers involved.
 - x. A certified producer subject to this subdivision shall apply records required by this section upon demand of a representative of the department of agricultural commissioner.

Please read and understand the Governing Rules and Regulations completely as they will be strictly enforced.