

## GOVERNING RULES FOR CCCFM Inc. 2017

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## **I. Statement of Purpose, Implementation & Enforcement**

The purpose of Contra Costa Certified Farmers' Markets, Inc. (CCCFM) is to operate Certified Farmers' Markets in Contra Costa County in accordance with all applicable laws, ordinances and regulations (Applicable Laws) for the mutual benefit of producers of certifiable agricultural products, non-certifiable agricultural products, and non-agricultural products that are offered for sale directly to consumers without the intervention of middlemen. All agricultural products sold at the markets are subject to federal and state marketing orders, laws, rules and regulations, and local health and safety laws, regulations, and ordinances.

Under the California Department of Food and Agriculture, the County Agriculture Commissioner certifies qualifying markets as direct marketing outlets for agricultural Producers to sell their products *directly* to the general public. All agricultural produce must meet applicable minimum quality standards but does not have to meet the usual size for standard pack, labeling, and container requirements.

The markets may introduce additional non-certifiable agricultural products and non-agriculture products to enhance and strengthen the uniqueness of what is offered at the Farmers' Market. This direct marketing philosophy applies to Producers of non-certifiable agricultural products and non-agricultural products. Even though, these products are not regulated by the State Direct Marketing regulations, they are required to comply with the local county and city laws. **Producers may not resell any products produced by others.**

CCCFM established, and maintains and manages, a number of certified farmers' markets in Contra Costa County. It does this by enforcing applicable governmental rules and regulations, and by establishing and enforcing these Governing Rules in a fair and equitable manner in order to facilitate an effective and efficient sales outlet for our members and consumers.

## **II. State Regulations**

CCCFM is governed by California law, including portions of the Food & Agricultural and Health & Safety Codes. In enforcing these California Codes and other laws, CCCFM may turn over evidence of violations to the appropriate authorities, including but not limited to County Agricultural and Environmental Health Inspectors.

## **III. Application Process**

Agricultural and Non- Agricultural Producers may apply to a market for the applicable annual seasons. Existing members must apply for membership annually. Approval is not guaranteed.

Approval of application shall be limited to the duration of the market's annual season:

Walnut Creek, Sundays, January 1st-December 31st in the year 2017

Orinda, Saturdays, April 1-November 18th in the year 2017

CCRMC, Tuesdays, May 2nd-August 29th in the year 2017

Market dates are subject to change. CCCFM reserves the right to decide to open/close for Holidays.

1) Create your online account: Visit the CCCFM website at [www.cccfm.org](http://www.cccfm.org) and apply via the [www.managemymarket.com](http://www.managemymarket.com) link. Create an account or log in to your existing account. Ensure your contact information is accurate and any links you provide are operational. Complete your product list, uploading photos of your product is encouraged and helpful as are pictures of your set up.

2) Upload licenses pertaining to your unique business.

Examples of licenses may include:

- a. Current Certified Producers Certificate (applicable to Farmers).
- b. Organic Certification (if applicable)
- c. Health Department Certificate (for commercial kitchens)
- d. Vehicle Insurance Card
- e. Processed Food Registration (if applicable)

If approved a General Liability Insurance Certificate will be required (see Section V for specific language and limits). **All licenses and insurance documents must be on file prior to participating and it is the participant's responsibility to keep these up to date at all times.**

3) Apply: Using the "My Markets" function of your online account follow the prompts and be sure to provide as much information and as many photos as possible. Incomplete applications cause review delay. Once your application is received an invoice will be emailed to you for the application fee, which is \$40 for the 2017 market season. Your application will be promptly reviewed once payment is received. Payments may be made using the PayPal link provided on the emailed invoice or by check mailed to: CCCFM 1155C Arnold Drive, Martinez, CA 94553. CCCFM may request samples of your product and shall be delivered to management by pre-arrangement, usually at the Walnut Creek Sunday Market. \*Application fees for applicants with past participation may be waived.

4) Check Application Status: Your application status will be updated throughout the review and you will be notified via email. Initial review is typically 10 business days but often takes longer. You may call the market hotline at any time to inquire about your application status (925) 431-8361.

#### **IV. Admission to Market**

Admission to sell at each market shall be in the sole discretion of the Executive Director of CCCFM, or his or her delegate. In making the determination the following will be carefully considered:

- Customer demand for product and the applicant's ability to produce.
- Applicant's negative or positive history of compliance with state, local government and market rules and regulations.
- Applicant's history of market participation.
- Balance of competitive availability of product and/or adequately supplying the customer demand.
- Space availability.

\*Admission limitation - A producer's participation may be limited to a portion of an annual market season. This limitation may be based on the nature of seasonality (ie: agricultural seasons) or confined by the Market Manager for reasons of space limitations.

Upon approval, applicant will be invoiced for and must pay by due date a \$150.00 membership fee per annual season, regardless of the number of markets at which a Producer sells. Late payments shall be assessed an administrative late fee of \$50. Membership fees are nonrefundable for any reason.

#### **V. Insurance**

A. Producers must at all times while selling at a CCCFM market, have and maintain in force and effect a current insurance policy(s) as follows:

- 1) Commercial General Liability with limits equal to or greater than \$1,000,000 Each Occurrence/\$2,000,000 General Aggregate/2,000,000 Products & Completed Operations (or included)/ \$100,000 Damage to Rented Premises/ \$5,000 Medical Expense.
- 2) CCCFM must be named as an Additional Insured ( CCCFM Inc., its directors, officers, employees and volunteers) and provide the completed Acord certificate with endorsement CG2011 (01-96) or its equivalent attached.
- 3) Producers must provide CCCFM with the Additional Insured certificate with the required coverage limits prior to participation.
- 4) Provide Evidence of Automobile Insurance
- 5) Provide Evidence of Workers Compensation Insurance if producer has employees.

Certificate Holder should read as follows: CCCFM Inc. 1155C Arnold Drive #276 Martinez, CA 94553. Please deliver certificates & endorsement via email as a combined pdf attachment to: [certs@cccfm.org](mailto:certs@cccfm.org)

## **VI. Product Approval**

All products sold at the market must be approved by CCCFM management in its discretion. This includes products submitted with the initial application and those which may be added during the annual market season. Additions to product list held online in the member's account may be made at any time, however new products may not be offered for sale at the market until approved. Admission of a product may be conditioned by period of sale, location of sale, variety, quality and other specific limitations.

Producer must show that all processing was accomplished under safe and sanitary conditions and if applicable, furnish any and all health permits that are necessary, including but not limited to county and state issued permits, registration and licenses.

Any producer aggrieved by a product approval may appeal using the process defined in Article XVI, below.

- A. For Certified Products, these products must have been produced by the Producer by the practice of the agricultural arts upon land, which the Producer farms. All of the following must be listed on the Certified Producer's Certificate:
  - 1) Beans, grains, fruits, nuts and vegetables
  - 2) Nuts, which may include those that have been roasted, salted or flavored, but not candied, coated or covered. \*Raw almonds must be clearly labeled as such.
  - 8) Dried herbs, spices & fruits (may require a Cottage Food or PFR)
  - 4) Fresh fruit juices (with current State Processed Food Registration)
  - 5) Flower arrangements, plant starts and wreaths.
  - 6) Eggs (with current Egg Handler's Permit)
  
- B. Value Added Products from Certified Producer's (i.e., jams, sauces, pickled products)
  - 1) Must accompany a verifiable listing of the fresh product on the Producer's CPC.
  - 2) Must show location and capability of the processing or, if processing is done by a second party; the method used to ensure that the processed product returned is the original source product submitted by the Producer for processing. Documents such as; receipts, volume data, and letters verifying the method may be requested or required alongside a State Processed Food Registration.
  
- C. For Non-Certifiable Agricultural Products:
  - 1) Products such as meat, cheese and dairy may be approved. Federal, State and local County regulations must be met and proof provided to CCCFM.

- 2) Raw Sheared Wool may be allowable (as identified by the recently passed AB 2324).

D. For Non-Agricultural Products:

- 1) Must be produced in an approved facility (may include permitted: Commercial Kitchens, Cottage Food Operations and Commissarys)
- 2) Must be transported in a way that ensures health and safety.
- 3) Must be kept at compliant holding temperatures and comply with health and safety code at all times.
- 4) Products containing additives (such as MSG) shall not be approved.
- 5) May require a Processed Food Registration.
- 6) CCCFM may require that all or a portion of raw ingredients to produce the non-agricultural item be sourced from a fellow CCCFM Producer, with documentation of purchase.

## **VII. Selling Space & Stall Fee**

A. Selling Space:

- 1) The Market Manager assigns stalls and may re-assign without notice if necessary. The Market Manager's decision is final and not subject to appeal.
- 2) A single stall is approx. 10' x 10' (geographical limitations may impact actual space available for use).
- 3) Selling Space may appear long or wide as necessary for market filling and flow at the discretion of the Market Manager.

B. Stall Fee

- 1) CCCFM stall fees may vary according to market location.
  - a) The Walnut Creek Sunday Market shall be \$45 per market day.
  - b) The Orinda and CCRMC Markets shall be \$37 per market day.
- 2) Stall Fee shall not be adjusted or changed in any way because of assigned space. (i.e., fee will not be lowered because Producer feels its selling space is not as good as another or for any other reason).
- 3) Stall Fees are increased according to the amount of the space used. If a stall and a half is used the charge will be for one and a half times the appropriate rate, if two stalls are used the fee will be charged at twice the appropriate rate, etc. The Manager will determine fees for additional space used.
- 4) New members will be assigned a stall before each market. The Market Manager has the final say on the assignment of stalls.
- 5) Discounts for inclement weather may be given at the discretion of the Market Manager.

\*Stall Fees include a State mandated assessment of \$2.00 per participant per market day. CCCFM collects, tracks and pays these quarterly to the California Department of Agriculture.

## **VIII. Market Days & Times**

The market days and times are scheduled to be as follows:

<b>ORINDA</b>	<b>CCRMC</b>	<b>WALNUT CREEK</b>
Saturdays-9am-1pm	Tuesdays-10am -2pm	Sundays 9am-1pm
April-November	May-September	Year-round

Sales shall end and clean-up shall begin at the official closing time.

## **IX. Absences**

A. The integrity of each market is maintained by regular participation.

- 1) Producers are required to communicate with the Market Manager as soon as they know they will be absent.
  - a) Failure to communicate an absence to Market Manager a minimum of one hour prior to market start time shall be assessed a “No Call/No Show” fee of the amount equal to the regular weekly stall fee. \*This applies to assigned stall spaces exceeding one space.
- 2) Producers are allowed five (5) absences for any reason per their approved annual market season in Walnut Creek. If a Producer does not participate year-round, the amount of allowed absences may be reduced to three (3).
  - a) Producer still must communicate absences to the Market Manager to avoid the No Call/No Show Fee.
- 3) Producers are granted three (3) absences for any reason per their approved annual market season in Orinda and CCRMC.
  - a) Producers still must communicate absences to the Market Manager to avoid the No Call/No Show Fee.
- 4) Producers who have excess allowable absences will be charged their regular stall fee for absences after the limit is reached. These fees must be paid onsite upon return to the market unless other arrangements are made with the Market Manager.
  - a) Any Producer who has excessive allowable absences will be reviewed for continued market participation, and its market selling privileges may be suspended or revoked by CCCFM in its sole discretion.
- 5) Producers should keep stall fee receipts for the record and may be asked to produce them in a situation where there is a disagreement between CCCFM and Producer as to history of absences. If Producer is unable to

show proof of stall fee payment, the Market's Manager's record shall be used.

#### B. Approved Leave of Absence

- 1) Should a matter arise that requires a Producer to be absent from the market for a known amount of time, (whether consecutive or not) he/she may submit in writing a request for a Leave of Absence. An approved Leave of Absence will exempt a Producer from excessive absence fees. Note, CCCFM must maintain a full marketplace in order to cover expenses of operation. Leaves of Absence are considered carefully and only for a limited amount of time.

### **X. Specifics for Certified Producers**

A Certified Producer is a grower/farmer who is authorized by the County Agricultural Commissioner to sell directly to consumers at a Certified Farmers' Market. These products must have been produced by the farmer, by the practice of agricultural arts upon land, which the certified Producer farms and controls, through ownership, rents, lease or sharecropping.

#### A. Certified Producer Certificate (CPC)

- 1) Certified Producers shall obtain, possess, and display a current and valid embossed Agriculture Certificate (CPC) signed or countersigned for use in Contra Costa County prior to selling certifiable agricultural commodities
- 2) Products listed on a Producers' certificate may be exempt from size, standard pack, container, and labeling requirements.

#### B. IRQ Labeling

- 1) All prepackaged closed containers of agricultural products shall require IRQ labeling - the name, address and zip code of the Producer and a declaration of the identity and net quantity of the commodity in the package.

#### C. Grading/Labeling

- 1) All agricultural products, other than exempt fresh fruits, nuts and vegetables sold at the markets must comply with all the Applicable Laws pertaining to their grading and labeling.
- 2) The regulations under the California Code governing maturity and quality of all agricultural products will apply to the products sold at the market. Certified Producers will guarantee less than 3% of "general defect" produce in their load. The Market Manager can require a grower to label a



commodity for processing (canning) and/or to remove a commodity from sale on any given market day based on quality. The Market Manager's decision shall be final. A Producer's refusal to comply shall be grounds for immediate ejection from the market, and other sanctions.

B. All agricultural products, including fresh fruits, nuts and vegetables, sold for the purpose of commercial resale must be in compliance with all applicable size, standard pack, containers and labeling requirements of the state laws and regulations.

C. Use of Scales

- 1) Scale used shall be approved, tested and sealed by the County Agricultural Commissioner, Sealer of Weights and Measures.
- 2) Proof of scale inspection within the last year must be on file in the Certified Producer's online account.

D. Persons Selling for Certified Producer

- 1) Allowable persons to sell on behalf of a Certified Producer shall be him/herself, family member, relative or others residing in the producer's household.
- 2) An employee is allowable when he/she is employed by the Producer at a regular salary or wage, on either a full or part time basis.
- 3) Persons who are reselling or whose compensation is primarily based on a commission of sales are prohibited to sell for a Certified Producer.

E. Second Certificates

- 1) A Certified Producer may ask to act for up to two fellow Certified Producers with approval.
- 2) The secondary certificate cannot account for more than the volume offered for sale under the primary (first) certificate. The volume shall be measured by the weight or dollar value of the products at the time of point of sale.
- 3) The secondary certificate holder must be an approved member of CCCFM and pay the annual membership fee.
- 4) No second certificate will be allowed for any item already being grown and sold by a certified member grower unless approved by CCCFM Board of Directors.
- 5) Second Certified commodities shall be separated and identifiable by each Certified Producer's valid certificate at the point of sale. **Certified organic Producers that also offer conventional products must clearly separate them and label them as such, see "L" below.**
- 6) Certified Producer must add the name and certificate number of the second Certified Producer to their primary certificate and have it endorsed by their county agriculture agent as well as the county they are selling in.
- 7) A separate load sheet must be submitted at the end of the day for each CPC.

- 8) Commissioned sales and/or buying and selling between Certified Producers are prohibited.
- 9) A Certified Producer who sells certified agricultural products on behalf of another Certified Producer or 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 products.
  - a) Date and amount of product transferred by variety
  - b) Date and amount of products sold by variety.
- 10) A Certified Producer shall provide upon request by an enforcing officer or Market Manager, any certificate, documentation, information or identification that may be reasonably required to show that the conditions of the regulations are being met.

#### F. Request for verification

- 1) Certified Producers shall provide upon request by an enforcing officer or Market Manager, any certificate, documentation, information or identification that may be reasonably required to show that the conditions of the regulations are being met.

#### G. County and/or State Department of Agriculture Inspections/Investigations

- 1) Certified Producer receiving two (2) "red tags" from the County or State Agriculture Commissioner for the same commodity within a market season will be reviewed by CCCFM Executive Director for continued participation.
- 2) If a Certified Producer's Certificate is revoked by the County Agriculture Department the Certified Producer becomes ineligible to sell at any CCCFM market. In this case, the Certified Producer's selling privileges shall be immediately suspended and membership may be up for review.
- 3) Certified Producer seeking re-entry into a CCCFM market after a Department of Agriculture investigation may incur charges from CCCFM. The costs of an inspection by a designated representative to the farm or other location(s) where products are produced, processed or held shall be paid by the Producer asking for re-entry.

#### H. Load Lists

- 1) All certified agriculture participants shall submit to the Market Manager their Load List prior to leaving each market day. Load list forms are obtained from the Market Manager. All items trucked to market for sale will be listed in type and quantity as listed on CPC. If a second certificate is being used, a separate Load List must be filled out. The grower shall retain a copy of this form for 3 years. The grower is responsible for retaining a copy for him/herself. The Market may discard its copies after 18 months.

- I. False, deceptive or misleading marketing may be classified as a misdemeanor and punishable by imprisonment or fine by local authorities.

- 1) (From AB 1971): False, deceptive or misleading marketing is unlawful. It is unlawful for any person or entity, or employee or agent of that person or entity, to make any statement, representation, or assertion orally, by public statement, advertisement, signage, or by any means that relates to the sale or availability of agricultural products that is false, deceptive, or misleading regarding any of the following:
  - a) The area of production of the agricultural product
  - b) The identity of the producer of the agricultural product
  - c) The manner and method of production of the agricultural product

J. Avocados

- 1) All Producers bringing avocados to the market for sale must have an accompanying Avocado Exemption permit on file in MMM and onsite at the market.

K. Each Certified Producer shall post a banner stating “We Grow What We Sell” and county of origin.

**XI. Temporary Food Facilities**

The Contra Costa Environmental Health Department (CCEHD) requires market operators (CCCFM) to pull a Temporary Food Facilities (TFF) Permit for any vendor who is cooking and/or open sampling at the market. Producers requiring this permit are billed \$142.00 quarterly, which includes a small processing fee assessed by CCCFM.

*If you are a veteran, you may be exempt from this permit fee, if you think you are eligible, please notify our office and send CCCFM a copy of your DD214.*

The permitting cycle for temporary food facilities is as follows:

Schedule of Contra Costa Environmental Health Temporary Food Facilities Permit Fees

Quarter	Permit Dates	Fee Added to MMM Account*	Date Fee Due
1 <sup>st</sup>	March 1 – May 31	January	February 13
2 <sup>nd</sup>	June 1 – August 31	April	May 13
3 <sup>rd</sup>	September 1 – November 30	July	August 13
4 <sup>th</sup>	December 1 – February 28	October	November 13

Contra Costa Environmental Health requires CCCFM to pull this permit two weeks prior to the previous quarters' expiration. For example, this means that your Second Quarter permit must be pulled by May 17th. CCCFM tries to bill you a reasonable time in advance; however, you are responsible for timely payment based on the schedule above.

If you fail to turn in required paperwork and/or pay the permit fee on time, CCCFM has no responsibility to pull a permit for you. **YOU MAY NOT OPERATE WITHOUT THIS PERMIT.** The Producer will be responsible for late fees assessed by the Contra Costa Environmental Health at their current rate. In addition, a \$50 late fee may be charged by CCCFM to pull a late permit.

The quarters are fixed. Contra Costa Environmental Health will not prorate the amount even if a seasonal market was not open during part of the fixed quarter or ends before the quarter.

## **XII. Conduct**

- A. All Producers shall refrain from making any statement or taking any action that is offensive, abusive, or otherwise inappropriate to a customer, Executive Director, Market Manager, market staff person, attending producer, sponsor, or any official from a city, county or state agency conducting business within the market area, as determined by the Executive Director or Market Manager. All such conduct will be considered a violation of these rules.
- B. A Producer is responsible for the actions, including maintaining acceptable Producer-customer relations, of its representatives, employees, and agents.
- C. Unreasonable or outrageous conduct considered detrimental or prejudicial to the purposes and interest of the market is in violation of these Rules and Regulations.

## **XIII. Inspections**

If a Producer is cited by the Department of Agriculture or the Environmental Health Department, it shall be solely responsible for all fines. Failure to appear for an inspection or infractions that cause re-inspections resulting in fees of any kind, the Producer shall be responsible for the re-inspection fee.

When selling at the markets, the Producer and the Producer's agricultural products shall comply and abide with the regulations and applicable requirements set by the California Uniform Retail Food Facilities Law, and the California Sherman Food, Drug and Cosmetic Law, which is provided and enforced by the Contra Costa Environmental Health Department.

#### XIV. Health and Safety

- A. Sampling: the distribution of samples for the public may be allowable and approved by the local health authority.
- 1) Producers will ensure safe, unadulterated samples that are prepared in compliance with County Environmental Health and/or County Department of Food & Agriculture.
  - 2) Samples must be kept in approved, clean covered containers and kept so that the public may not freely handle them
  - 3) Under no circumstances will "KNIFE EDGE SAMPLING" be permitted.
  - 4) Food samples shall be distributed by the Producer in a sanitary manner. Vendors shall wear clean disposable gloves approved for food handlers and changed frequently. Money must not be handled by the gloved hand.
  - 5) Provide toothpicks or tongs to distribute samples; include a trash receptacle. Dispose of the pits, peels, food waste and rubbish in leak proof garbage receptacles with close-fitting lids.
  - 6) Keep samples in clean covered containers and unused portions will not be held longer than 2 hours after cutting. Cutting surfaces must be smooth, nonabsorbent and easily cleaned.
  - 7) Perishable samples will be stored and displayed on ice so that the temperature of the product remains at or below 41 degrees F. Holding temps will be monitored by the Market Manager. All items found to be stored at temps higher than prescribed will be removed and not offered for sale or sample.
  - 8) Utensils and cutting surfaces must be washed and sanitized (use a chlorine solution of one teaspoon or capful of liquid bleach per gallon of water).
  - 9) Under **no** circumstance will customers be allowed to **"self-serve samples"**
  - 10) Use of squirt type (ketchup) bottles to sample sauces and spreads in conjunction with sealed bread, bread stick and crackers are acceptable provided cleanliness/sanitation rules are observed.
  - 11) Producers will ensure safe, unadulterated samples that are prepared in compliance with County Environmental Health and/or County Department of Food & Agriculture.
  - 12) A clean and separate preparation/wash station will be used to prepare samples. This station must include at a minimum, a separate table, adequate potable water to cover hand washing, and the washing of fruit and other products intended for consumption, a means of washing utensils including soap and rinse and catch basin. Utensils and cutting surfaces must be washed and cleaned so as to be wholesome and safe for consumption.
  - 13) A container min of 5 gallon capacity is required for wastewater collection.
  - 14) All produce and containers of produce must be kept at least 6 inches above the ground.
  - 15) Must have chlorine test strips and accompanying chart for wash station.

- 16) Dried fruit and shelled nuts sold in an unpackaged bulk form must be displayed with a cover and conform to dispensing methods approved by the local health department.
- 17) IRQ (Ingredients, Responsibility, Quantity) labeling is required where applicable.
- 18) No live animals, birds or fowl may be kept or allowed within 20 feet of any area where food is stored or held safe.

B. Smoking

- 1) Producers are prohibited from smoking in the market and within 50' of the market area.

**XV. Additional Rules & Regulations**

A. Late Arrival/ Early Departure

- 1) Producers must arrive a minimum one (1) hour before the published market opening time.
- 2) Producer may not pack up during market hours.
- 3) Producers may not leave a market for any reason except in the case of an emergency; if done so, reasonable effort must be made to notify Market Manager.
- 4) Producers must close down and pack up within one hour after the published closing time of the market.
- 5) All dropped off products and equipment must be picked up as soon as possible after the market closing.

B. Communicating with Management

- 1) If Producer's schedule is by pre-arrangement/on-call, it is the Producers' responsibility to notify Market Manager of intent to sell. Failure to do so within 12 hours will result in loss of selling privileges for the scheduled market day.
- 2) Communication between CCCFM and Producer is essential, failure of Producer to promptly return phone calls, reply to emails, provide paperwork and pay fees is an infraction.

C. Deceptive Pricing

- 1) All prices must be clearly and individually posted
- 2) Collusion among growers to raise prices, or any attempt to influence increased prices is prohibited. Bargaining by/with the customers is allowable.
- 3) Scales must be registered with the Department of Weights and Measures and display be visible to customers at all times.

#### D. Product Limitations

- 1) Sales of out of season produce are allowable only to the extent of their reasonable and normal storage life or upon proof that such produce was produced by the Producer in greenhouse facilities operated by the Producer.

#### E. Ethics

- 1) Producers shall guarantee their products. They will conduct themselves in a respectable manner and will adopt the policy that the customer is always right when dealing with customer disputes.

#### F. Organics

1) All products grown, produced, or processed as organic must be labeled according to the requirements of the Organic Food Production Act of 1990. Organic products must be registered with the California Department of Food and Agriculture. Registration must be prominently displayed. In addition, products requiring certification by a USDA accredited certification agency must also prominently display the certification seal.

#### G. Merchandise

- 1) Logo type merchandise sold for sale (i.e., “swag,” such as bags, sweaters, mugs, and the like) are allowable for sale only by Non-agricultural Producers.
  - a) Market Manager must approve all items for sale and may limit the amount allowable for sale. All items offered for sale must be approved before being brought to market, new items must be submitted and wait for approval before being offered for sale.
- 2) Other merchandise for the purpose of marketing may be given to customers as “freebies” or “give-a-ways” by both Agricultural and Non-Agricultural Producers.
  - a) Market Manager must approve all items to be gifted and is free to limit the amount allowable and the timeframe allowable for such a promotion.
  - b) Market Manager must approve all items for sale and may limit the amount allowable for sale. All items offered for sale must be approved before being brought to market, new items must be submitted and wait for approval before being offered for sale.

#### H. Setup, Safety and Sanitation:

- 1) All display table frontage must be behind the set line designated by the Market Manager. No boxes or produce displays may extend into the common customer traffic aisle way. Producers who display produce on a side table must allow at least 24 inches of side aisle in the Producer’s space for customer entry and exit. Tables and other display fixtures must be sturdy, stable and not overloaded. All shades and shelters must be tied

down at all times with weights and completely secured in windy conditions or be subject to immediate removal.

- 2) Before any sales transactions are allowed, the Producer's area must be cleared and cleaned of any produce trimmings or debris of any type. Absolutely no rubbish of any type will be allowed on the stall grounds, the consumer area directly surrounding the stall. Or in any other contiguous area that could constitute a health or safety issue.
  - 3) Area in and around the Producer's stall(s) must be kept in a clean and sanitary condition. This includes sweeping and picking-up debris so as not to present a slip/trip hazard periodically throughout the sales day. Requests for a cleanup will be acted upon in a timely manner. All Growers/Vendors shall provide their own cleaning materials and waste receptacles. All trash must be removed by growers/vendors and taken back with them. A fine will be issued for waste left onsite or in public/city containers.
- I. Bags and litter
- 1) Sellers using plastic bags for the convenience of their customers shall insure that these bags do not litter the market under windy conditions. **Single use, T-shirt style plastic bags are banned in accordance with local City Ordinances.**
  - 2) Encourage customers to bring reusable, washable bags. Such bags are offered for sale at the Market Information Booth.
  - 3) Before the Producer may leave the market, both the stall space and the surrounding area must be totally free of any produce and debris.
  - 4) CCCFM does not provide garbage service to Producers. CCCFM garbage cans and recycling cans are provided for the customer use only. Speak with the manager, if there is a special need.
- J. Cooking Oil and Waste Water
- 1) All vendors that are cooking using oil and/or have waste water must dispose of it off site, and under no circumstances can anything be dumped in nearby landscaping.
- K. Off/On Loading
- 1). Producers who drop-off or off-load and park their vehicle away from the actual market must adhere to the following:
    - a. Arrive at assigned stall, park your vehicle as far from the center of the roadway as possible to allow passage of other Producers.
    - b. Immediately unload all set-up and products. *Do not* begin to set up your stall while off-loading.
    - c. Park your vehicle and return to set up your stall.
    - d. Completely tear-down *before* bringing your vehicle into the market area to reload.
- L. Noise, Disturbance and Intrusion



- 1) No radios are allowed to be played during market hours. No loud hawking, barking or shouting to promote product is allowed.
- 2) All product promotion must occur within the space assigned to the Producer and not in any common area. Disruptive activity and action in the market is prohibited.

M. Identification Signs

- 1) All participants must display a banner/ sign identifying their name or the name of their establishment and the city or town where production occurs. Other signs posted by producers are subject to approval of the Market Manager.

N. Clothing Attire

- 1) Producers and Participants must wear proper, decent clothing and closed-toe shoes while on the market premises.

O. Gifts

- 1) CCCFM Staff may accept gifts from Producers, limited to items on the Producers' approved product list. Value of any gift should not exceed \$25. Producers are never under any obligation to provide gifts to CCCFM staff or volunteers.
- 2) Producers shall not offer gifts to CCCFM staff, and CCCFM staff shall not solicit or receive gifts, in order to influence a market-related decision or to secure favor for any reason.

## **XVI. Violations, Sanctions and Appeal Process**

Violations of Applicable Law or these rules or policies may result in any of the following disciplinary steps being issued by the Market Manager or Executive Director. Severity of the sanctions will be dependent upon the nature and intent of the offense and may not necessarily follow the order below.

- An oral warning
- A written notice with fine
- Suspension of selling privileges at one or more of the CCCFM markets
- Termination of selling privileges at one or more of the CCCFM markets

- A. The severity of any sanction, amount of fine, and/or discipline imposed by the Market Manager shall be directly related to the gravity or repetition of the violation. Fines issued by Market Manager shall be a minimum of \$25 and a maximum of \$100. CCCFM Board of Directors reserves the right to issue greater fines in serious cases, including but not limited to egregious or intentional violations that cause significant disruption to other market participants or customers, interferes with CCCFM staff, endangers the public safety or welfare, or may bring disrepute to the market.

- B. A Market Manager will give reasonable warning and notice of consequential action to the disciplinary action.
- C. The Market Manager is authorized to enforce and issue warnings, notices, and sanctions for violations.
- D. Sanctions may include loss of selling privileges.
- E. An infraction at one CCCFM market may affect all CCCFM markets in which the Producer participates.

#### F. Appeal Process

- 1) Market Manager-issued fines, suspensions or other sanctions may be appealed to the Executive Director, in writing, within 30 days of the violation notice. Late appeals will not be considered.
- 2) Timely appeals shall be limited to the sanction and shall not include a debate of the validity or interpretation of the rules or Applicable Law. The Executive Director shall uphold the Market Manager's decision if there is any reasonable evidence to do so, regardless of the amount of evidence that may support the Producer's position.
- 3) Sanctions upheld by the Executive Director may be appealed to the CCCFM Board of Directors, in writing, within 30 days of the Executive Director's determination.
- 4) CCCFM Board of Directors will review appeals during the next regularly scheduled meeting of the Board. The Board shall uphold the Executive Director's decision if there is any reasonable evidence to do so, regardless of the amount of evidence that may support the Producer's position.
- 5) Suspensions shall remain in effect pending review of appeal. If suspension is overturned, Producer may return to the market; however, CCCFM shall not be responsible for any Producer's revenue lost during suspension, or any other consequence to Producer of any sanctions.
- 6) The decision of the CCCFM Board of Directors shall be final.

### **XVII. The Board of Directors**

The Board of Directors of CCCFM Inc. shall consist of a minimum of three volunteers. A two-thirds (2/3) participation of the Board of Directors shall constitute a quorum for the conduct of business. At a minimum these offices shall be a President, Secretary and Treasurer. No person may hold more than one office. A vacancy in any office shall be filled by the remaining Board of Directors.

#### A. Market Representation

- 1) Only the Board, and those individuals approved by the Board may speak publicly on behalf of CCCFM or its Markets.

#### B. Market Operations

- 1) Day to day market issues are handled through the Market Manager or Executive Director. Complaints with overarching impact, policy problems, and major disputes only should be addressed in writing and presented to the Board at Board meetings.

#### C. Rule Changes

- 1) New rules governing the markets may be adopted by the Board in its discretion at any time without notice or approval of the members or Producers, as allowed in the CCCFM Bylaws. Written changes will be made available on the [www.cccfm.org](http://www.cccfm.org) website.

### **XVIII. Membership**

CCCFM is organized as a California nonprofit mutual benefit corporation. Such corporations are governed by California Corporations Code Sections 7110 – 8910.

- A. 15 days prior notice shall be given in the case of a membership expulsion or termination and the reasons therefor.\*
- B. Member will have an opportunity to be heard in writing, not less than five days before the effective date of a membership expulsion or termination by the Board of Directors.

\*A Member's selling privileges as to one or more markets may be suspended effective immediately. Such a suspension does not constitute a membership suspension or expulsion. A member's selling privileges may be suspended concurrent with an appeal process. A membership expulsion or termination automatically applies to all markets for the remainder of the annual membership, and is generally reserved for more significant or egregious situations, repeated violations of these rules or Applicable Law, or a failure to pay membership or related fees.

### **XIX. Definitions**

- A. Producer, person(s) selling goods at the market.
  - 1) An Agricultural Member or Non-Agricultural Member as defined below.
- B. Agricultural Member
  - 1) May be referred to as Certified Producers or Growers.
  - 2) Also includes Producers' of non-certifiable agricultural products such as meat, poultry or cheese.

- 3) Participate and have selling privileges at one or more CCCFM market.
- 4) Membership is applied for and reviewed for approval annually.
- 5) Are subject to the annual membership fee.

#### C. Non-Agricultural Member

- 1) May be referred to as a Temporary Food Facility, Food Producer, Artisan Producer, or Crafter.
- 2) Participate and have selling privileges at one or more CCCFM market.
- 3) Membership is applied for and reviewed for approval annually.
- 4) Are subject to the annual membership fee.

#### D. Community Member

- 1) Those who support the purpose of CCCFM
- 2) May include, CCCFM Board Members, Non-profit Groups, and local Business Sponsors.
- 3) Do not have selling privileges
- 4) Are not members, as defined in Section 5056 of the California Nonprofit Public Benefit Corporation Law, as amended (the "Nonprofit Corporation Law"). CCCFM may from time refer to these members of the Community as "Community Members", but such persons shall not be members within the meaning of Section 5056 of the Nonprofit Corporation Law.
- 5) Membership fee is not applicable.

#### E. Entertainers

- 1) Includes, musicians, face-painters, balloon artists, and henna artists.
- 2) Are invited participants and scheduled by and at the discretion of CCCFM staff.
- 3) Do not have selling privileges, may charge for services and/or solicit tips with approval.
- 4) Are not members of CCCFM, as defined in Section 5056 of the California Nonprofit Public Benefit Corporation Law.
- 5) May be asked to apply for participation in order to maintain contact information as well as required licensing and/or insurance.
- 6) Membership fee is not applicable; however an application fee is required.

**Market safety program and Governing Rules.**

***It is strongly recommend that you make a copy of this page for your employees to read and sign. You are responsible for making them aware of the CCCFM rules and regulations.***

**Market Safety Program:** The following safety program is REQUIRED of ALL Producers participating in the CCCFM sponsored markets. These safety practices are specified by our insurance carrier and officially adopted by the Board. The Market Manager is charged with enforcing safety rules.

Each Producer must read the following rules, and share them with their employees and acknowledge their agreement by electronically “signing” during their online application process.

1. Please educate all members of your staff who are selling your product about your product, the proper sampling procedure, the correct set up- your certificates posted, the arrival time, the departure time, the late fees, the cancellation procedure, the no show fees and safety issues.
2. Please post your farm or business banner on your canopy every week at each market site.
3. Post clearly written product names and price lists for all items that are for sale.
4. Product arrangements shall be stable and secure. Display tables shall not be overloaded, please secure the display table legs or table supports, they must be strong and secure.
5. Make sure your canopies, umbrellas, and other shades are anchored to the ground, weighted down, and secured against the wind. Tarps must be securely fastened at all times during the market.
6. All canopy supports must be securely in place and anchored with weights. They must be put up and taken down with care so as not to injure others. It is your responsibility to bring what you will need and provide your employees with the proper supplies.
7. Overhead signs perpendicular to the walkway, other than unframed fabric signs, are prohibited. Use only canvas signs please. The manager may allow additional directional signage away from the seller's stall, providing that it is not a safety hazard.
8. All growers/vendors and their employees are not to smoke in the market.
9. Eating is not allowed at the sales table to insure no contamination of product being sold.
10. Noise producing equipment, e.g., generators, music sound systems, etc., should be placed and/or modulated in such a way so as to take other growers/vendors, their employees, as well as customers into consideration.
11. ALL GARBAGE GENERATED AT YOUR STALL MUST BE TAKEN BACK WITH YOU.
12. Members children are welcome to participate at the market, however, they must remain under the DIRECT supervision of their parent or guardian at all times and not be allowed to run free at anytime.
13. Bring a working fire extinguisher with you to the market each week.

All Producers and their employees who participate in the Contra Costa Certified sponsored Farmers' Markets agree to the terms of the Rules and Regulations. They agree that they have read the rules. All principals are responsible for making their employees aware of all these rules. No Exceptions. The Governing Rules are found under "Join the Market" on the website: **[cccfm.org](http://cccfm.org)**