

# El Sobrante Farmers Market

## **APPLICATION INFORMATION**

### **Procedure to become an approved seller:**

1. Read the El Sobrante Farmers Market Rules.
2. Completely fill out the application form.
3. Return the completed form along with photocopies of insurance certificate, appropriate permits and licenses by mail to:

El Sobrante Farmers Market  
C/o Martha Booz, Market Manager  
3823 Valley Lane  
El Sobrante, CA 94803  
510-222-4698 landline  
510-206-7367 mobile

The Market Manager's email is [mlbooz@calnatives.com](mailto:mlbooz@calnatives.com), but the documents must be mailed to have valid signatures.

4. When received, your completed application will be submitted to the El Sobrante Chamber of Commerce Board of Directors for approval.
5. The Market Manager will notify you of the approval decision by paper mail or email, and assuming the decision is positive, the Market Manager will contact you about selling at the market, or you may contact the Market Manager.

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## **GENERAL MARKET INFORMATION: HOURS AND LOCATION:**

The El Sobrante Farmers Market will be open from mid-May to mid-Oct, 2011, on Sundays. This season is 20 weeks.

Market Location: In the parking lot behind the Elks Club, 3931 San Pablo Dam Road, El Sobrante, CA, 94803. The lot has an asphalt section and a gravel section. The Market will be held on the gravel section. Customers will park next door in the parking lot of the Bank of America. There is a gate from the back of the Bank lot to the Elks lot.

Market Hours: Sundays, 11 am – 3 pm, with setup available at 10 am and cleanup until 4 pm, rain or shine, and on all holidays, e.g. July 4 and the Sunday of Labor Day weekend.

If the farmer support is sufficient we will hold a Harvest Festival for the four Sundays in September, 2010.

## **APPROPRIATE INSURANCE, LICENSES AND PERMITS REQUIRED:**

### **INSURANCE**

All vendors must provide a certificate of insurance (Accord 25 or equivalent) showing Commercial General Liability and Products/Completed Operations coverage of at least \$1,000,000. If any vehicles are to be parked in the vendor booth, or used for vendor operations, the certificate must also list Commercial Auto Liability of at least \$1,000,000. Certificate holder is El Sobrante Chamber of Commerce, 3769B San Pablo Dam Rd, El Sobrante CA 94803

### **LICENSES AND PERMITS**

Agricultural Sellers – see <http://www.cdfa.ca.gov/mkt/meb/forms.html> for further info on licensing.

- Certified Producers Certificate (County Agriculture Commission)
- Non-Certified Agricultural Producers (County Health Dept.)
- Avocado Inspection Certification/Avocado Inspection Permit (County Ag)
- Nursery Stock License (State CDFA Ag)
- Apiary Registration (County Ag)
- Organic: Registration and/or Certification
- Cut Flowers/Gourds and other non-edible Ag Products: State Business License from Franchise Tax Board

Non-Agricultural Sellers

- Prepared Foods: County Department of Health Permit
- Crafts: State Board of Equalization Sellers Permit

# EL SOBRANTE FARMERS MARKET RULES AND REGULATIONS

## **I. STATEMENT OF INTENT**

**NATURE OF THE MARKET:** The El Sobrante Farmers Market ("Market") offers agricultural and non-agricultural goods for sale. The Market is a Certified Farmers Market and is operated in accordance with regulations established in the California Code of Regulations, Title 3, section 1392 on Direct Marketing. See also <http://www.cdfa.ca.gov/is/i & c/cfm.html>

The Market is certified by the County Agricultural Commissioner as a direct marketing outlet for producers of agricultural products. These producers may sell their agricultural products directly to consumers without meeting the usual size, standard pack and container requirements for such products except in the case of eggs and pre-packaged items. However, all produce must meet minimum quality standards.

The non-agricultural goods (usually crafts) add variety and enhance the festive ambiance of the Market. The same producer-to-consumer philosophy applies for all items sold at the Market, including non-agricultural items.

The resale of all products is prohibited, except by Non-Profit Organizations and Community Information Groups.

**MANAGEMENT:** The El Sobrante Farmers Market is managed, operated and controlled by the El Sobrante Chamber of Commerce ("ESCC") under the guidance of the Market Manager. The El Sobrante Farmers Market Manager shall implement and enforce all rules and regulations pertaining to the operation of the Market in a fair and equitable manner. Any approved seller or applicant aggrieved by the action of the Market Manager or a customer should appeal to the ESCC, whose decision shall be final.

**CURRENT STALL FEE STRUCTURE:** Stall sizes and fees at the El Sobrante Farmers Market are \$25 per week for a 10' x 10' stall, and \$40 for a 20' x 10' stall. Farmers must apply and be approved before coming to the market. See application, last page. The application fee is \$100. There is no fee based on the dollar volume sold, as required by other Markets.

Farmers may pay ahead for the whole season, and receive a 20% discount.

### **STALL RESERVATIONS:**

A specific stall space will be assigned to you before the Market opens, and will be your space for the season. You are welcome to visit the site with the Market Manager to locate your space ahead of time. You will be assigned a parking space as well, if you keep your truck at the market.

If you have questions about the fee structure or stall reservation, please contact the market manager, using the contact info on the first page. She will answer your questions.

## II. RULES AND REGULATIONS FOR APPROVED SELLERS

In order to ensure a successful Market, the El Sobrante Chamber of Commerce has established the following rules for approved sellers:

### **SECTION A: ADMISSION OF AN APPROVED SELLER**

1. To become an approved seller at the Market, a prospective seller must complete an application-to-sell. All items intended for sale shall be listed on the application and only those items approved for sale may be sold. The application must be approved prior to the seller exercising the privilege of selling at the Market. A completed application packet includes:

- a. The completed application-to-sell
- b. Copies of all appropriate certificates and permits include insurance

**Only approved sellers shall be admitted to sell at the Market.**

2. The ESCC will set the number of stall spaces.

3. The type of product to be sold is relevant to the decision as to whether the farmer or other seller may sell at the Market.

### **SECTION B: ADMISSION OF PRODUCT**

1. Admission of a product shall be based on market commodity mix and consumer demand as determined by the market manager.

2. Admission of product will be based on the number of sellers of the producer's product. If practical, monopolies and gluts will be avoided.

### **SECTION C: GENERAL RULES FOR ALL SELLERS**

1. Only approved sellers may sell at the Market. All approved sellers must appear to sell for their first Market Day. A family member or employee may sell for an approved Seller. A family member or employee of an approved seller may sell for one other certified seller. Seller employers or employees may be required to show the Market Manager proof of employee status (current W-4 form or letter on Farm letterhead identifying the employee) upon request. Employees may not receive commissions.

2. Sellers must permit the Market Manager or other ESCC representatives to enter the seller's premises for the reasonable inspection of: land, facilities, proof of ownership, and other applicable agreements in order to determine whether the seller is in compliance with the certificate, license, or permit conditions. Such inspection, if any, will be by appointment only.

3. Resale of products at the Market is prohibited except by non-profit

organizations, so long as the resale of items is related to or in support of their organization for fundraising purposes. The Market Manager must approve all resale items sold by the non-profit organizations at the Market prior to sale.

4. Sellers shall only display or advertise items that have been approved for sale. All products offered for sale in a gift box or other container must be ESCC approved items and be of the seller's own production. Sellers may promote their farm-related activities at their stalls.

5. All scales must bear a current seal from the County Sealer of Weights and Measures. Pre-packaged items sold by weight must be labeled with the net weight and name and address of the seller.

6. Sellers must post prices. Failure to post signs may result in fines levied per occurrence. Collusion among sellers to raise prices or any attempt to influence a seller to increase prices is strictly prohibited.

7. Sellers must display a sign (at least 12" x 24") bearing the producer's business/farm name, phone or email, and county of origin.

8. All required permits and licenses must be displayed prominently during selling hours. This includes, but is not limited to, the Certified Producers Certificate (state law), Nursery Stock License and Nursery Seller's Permit (state law), or County Health Permit.

9. All sellers must comply with Health and Safety Code regulating food sampling at a certified farmer's market, and the guidelines listed below. Any fines levied on the Market by the County Environmental Health Department for incorrect sampling procedures shall be recovered from the vendor responsible for the non-compliance.

- a. All foods shall be stored at least six inches off the floor or ground or under any other conditions that are approved.
- b. Distribution of food samples is allowed provided that the following sanitary conditions exist:
  1. The seller must distribute any samples to a customer him- or herself. Customers are not to serve themselves. Any samples observed to be in violation will be removed and discarded. The producer must distribute samples in a sanitary manner.
  2. Samples shall be kept in approved, clean, covered containers.
  3. Clean, disposable plastic gloves shall be used when cutting samples.
  4. Food intended for sampling shall be washed of any soil or other material by potable water to keep it wholesome and safe for consumption.
  5. Potable water shall be available for hand washing and sanitizing as approved by the local enforcement agency.
  6. Potentially hazardous food samples shall be maintained at or below

45 degrees Fahrenheit.

7. Utensil and hand washing water must not be disposed of on the gravel, asphalt or soil of the Elks Club parking lot. Any wastewater must be disposed of in the toilet provided.
  8. All garbage and rubbish shall be stored and disposed of in a manner approved by the Market Manager. (See below for further on garbage and trash disposal.)
11. Sellers of salad mix shall post a notice indicating that the mix is field harvested and should be rinsed before serving. If the salad mix has been washed in a certified kitchen in accordance with health department regulations, such notice is not needed.
12. Stall fees are set by the ESCC. All sellers must pay stall fees according to the current fee. The Market Manager will collect stall fees at the beginning of each Market Day. Sellers must comply with stall fee payment procedures.
13. Stall space assignments:
- a. Sellers must accept the stall space assigned by the Market Manager.
  - b. Whenever a seller does not adhere to Market arrival and departure times, or fails to notify the Manager of his/her intention NOT to sell at the Market on a specific day, the Manager may revoke the seller's stall space reservation. Market arrival times are between one hour and thirty minutes before the start of a Market. Departure times are no earlier than the closing time of the Market and no later than one hour after the Market closes.
  - c. Sellers must maintain their stall spaces in a clean and sanitary condition. Each seller shall remove containers, waste, and trimmings before leaving the Market. Sellers may use the green and brown trash bins provided by the ESCC. Only compostable produce waste may be put in green bins; the brown bins are for all other non-compostable waste. If there is no more room in either the brown or green bins, the seller must take their own refuse away. The seller's stall area must be clean when the seller leaves for the day.
  - d. Sellers must provide their own tables, chair, and stall covering.
  - e. Trucks may be parked only on the asphalt lot toward the back in a location assigned by the Market Manager. If your truck is leaking oil or other fluid, you must provide a pan to catch the drips and keep it in place under your truck.
17. Standards of Conduct:
- Sellers who do not comply with these standards of conduct may be subject to discipline as set forth in Section D of these rules.
- a. Sellers shall be honest and shall conduct themselves at all times in a courteous and business-like manner. Rude, abusive or other disruptive or offensive conduct is not permitted.
  - b. Conduct by sellers that is materially and seriously prejudicial to the reputation or operation of the Market is not permitted.

- c. Sellers experiencing any difficulty with customers or other sellers should refer the matter promptly to the Market Manager, preferably while the customer is still at the Market.
- d. No radios or boom boxes may be played during market hours. No loud hawking, shouting or barking to promote products is allowed.
- e. All product promotion must occur within the space assigned to the producer and not in any common area.
- f. Seller's pets are not allowed in the Market per the CA State Health and Safety Code; this includes no pets in seller's vehicles. (Customer pets are not permitted either, except seeing-eye dogs.)

18. Sellers are responsible for the actions of their representatives, employees or agents.

19. All sellers must comply with all applicable Federal, State and local laws, ordinances and regulations. Sellers are responsible for knowing these laws.

20. All sellers and their employees must adhere to the Market vehicle parking policy. Non-compliance may result in ticketing or fines being levied.

21. All sellers may bring grievances or complaints to the attention of the Market Manager, and if it is serious enough, must submit in writing any complaints/grievances to the ESCC.

#### **SECTION D: RULES AND REGULATIONS FOR SELLERS OF CERTIFIABLE AGRICULTURAL PRODUCTS**

Certifiable Agricultural Products are: Fresh Fruits and Vegetables, Nuts in the shell, Eggs in the Shell, Honey, Cut Flowers, and Nursery Stock

1. Sellers in this category are those who have grown or produced the products they sell on land they control.

2. All certified agricultural products must be sold in accordance with State Direct Marketing Regulations for Certified Producers (Cal. Code of Regulations, Title 3, Paragraph 1392.

[http://www.cafarmersmarkets.info/laws-legislation/ca\\_code\\_of\\_regs.pdf](http://www.cafarmersmarkets.info/laws-legislation/ca_code_of_regs.pdf)

3. All sellers of certified agricultural products must obtain a Certified Producer's Certificate issued by the Agricultural Commissioner from the county in which the produce is grown. All products for sale must be listed on the certificate and an embossed photocopy certificate shall accompany the certified agricultural products during transportation and be posted at the Market. All certificates shall be displayed in full view of customers during each Market.

4. Second Certificates: A certified producer may sell for another certified producer provided that the seller is also selling his/her own product, he/she displays both growers' certificates, and he/she notifies Market staff that

- he/she is selling for another producer. In addition, each certified producer selling at the Market through another producer must:
- a. have an approved application-to-sell on file with the Market Manager
  - b. have been granted permission to sell the second certificate products by the Market Manager
  - c. appear to sell for the first market day and at least once thereafter during the season
  - d. agree to pay a separate stall fee
  - e. have a separate display of product, not to be mixed in any way with the primary producer's product. At least 50% (based on fair Market value) of each primary certificate holder's product for sale must be of his/her own production.

5. Growing Practices: Signs and labels must clearly identify the products on a vendor's table that are certified organic. Use of any other terms, e.g. 'natural', must not be misleading. Farming practices must be fully and truthfully disclosed when customers inquire. Failure to do so will result in disciplinary action, including possible revocation of selling privileges. All produce grown hydroponically or in greenhouses must be so labeled.

#### **SECTION F: RULES AND REGULATIONS FOR SELLERS OF NON-CERTIFIABLE AGRICULTURAL PRODUCTS**

Non-Certifiable Agricultural Products are: Dried Fruits and Vegetables, Processed Nuts, Juices, Pickled Fruits & Vegetables, Jams.

1. Sellers in this category are those who have grown, raised, or cultivated the products in fresh or processed form. All sellers of non-certifiable agricultural products must obtain a certified producer's certificate for the fresh product from which the processed product was derived, and must be certified by the County Health Department to sell these processed foods. The Agricultural Commissioner must issue the certified producer's certificate where the fresh product was grown or produced. These fresh products must be listed on the certificate and an embossed photocopy certificate shall accompany the processed non-certifiable agricultural products during transportation and shall be posted at the Market. All certificates must be displayed in full view of customers during each market.
2. Only those processed agricultural products which a producer can verify as his/her own product will be allowed for sale at the Market. Dry yard and/or processing plant receipts may be requested for verification of producership.
3. All sellers must obtain and display all necessary permits, including health permits and any other applicable permits.

#### **SECTION G: RULES AND REGULATIONS FOR SELLERS OF NON-AGRICULTURAL PRODUCTS (PREPARED FOODS AND CRAFTS)**

Not more than 20% of the available stalls will be approved for sellers of prepared foods and crafts.

## **1. Rules and Regulations for Sellers of Processed/Prepared Foods**

- a. Sellers in this category are those who have cooked, canned, baked, preserved or otherwise treated the product they sell. Sellers shall prepare the finished product.
- b. All sellers must obtain and display all applicable permits, including a permit from the health department of the county from which the products originate.
- c. All products within this category shall bear labels including: the name of the product, ingredients, weight, the qualified seller's name and address. (See California Uniform Retail Food Facilities Law, Articles 6 and 15, Health and Safety Code, sections 27590, <http://www.dhs.ca.gov/fdb/local/PDF/CURFFL%202006.PDF>)
- d. Low acid canned foods are prohibited from the Market (including, but not limited to, vegetables, meats, low acid olives). Pickled vegetables are acceptable for sale.
- e. Packaging and containers for processed and prepared foods must be recyclable.
- f. The Market may adopt benefits for sellers, including but not limited to financial benefits, incentives and cooperative promotions to encourage principles it wishes to promote.

## **2. Rules and Regulations for Sellers of Crafts**

- a. Sellers in this category are those who have created, sewn, constructed, or otherwise fashioned from component materials the items they sell.
- b. A review committee will review all craft applications for suitability.
- c. Each craft application must include a photocopy of appropriate permits, i.e. seller's permit from the State Board of Equalization and Business License if applicable.
- d. A representative sample and photos/slides of each craft item to be sold at the Market must be submitted at the time of review, and will be returned to the seller upon request. Only those items approved at the review may be sold at the Market.
- e. The above rules apply to all sellers of crafts, including Agricultural Producers who may sell soaps, lotions, scrubs, and salves that they create, which are made from the agricultural and processed agricultural products they produce (must be listed on their Certified Producers Certificate).

### **III. RULES AND REGULATIONS FOR NON-PROFIT ORGANIZATIONS AND COMMUNITY INFORMATION GROUPS**

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

These rules adopted April 2010.

# APPLICATION TO SELL AT THE EL SOBRANTE FARMERS MARKET

Mail to: 3823 Valley Lane, El Sobrante, CA 94803

Producer's Name: \_\_\_\_\_

Business Name: \_\_\_\_\_

Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Business phone:(\_\_\_\_\_)\_\_\_\_\_ Mobile: \_\_\_\_\_

Location of Farm or Business: \_\_\_\_\_

(County Road Intersections OK – For more locations use back)

County of Production: \_\_\_\_\_

List people who may sell for Producer: (use back if necessary)

\_\_\_\_\_  
\_\_\_\_\_

Other Markets at which you sell: \_\_\_\_\_

Certified Producer's Certificate Number: (enclose copy)

\_\_\_\_\_

OR Health Department Number: (enclose copy)

\_\_\_\_\_

List Items you plan to sell and approximately when (use back of page):

I request permission to sell at the El Sobrante Farmers Market. I have read the rules of the Market. I agree to abide by these rules and all other laws, codes and regulations as amended, to cooperate with the Market management, and to pay the required fees.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

APPROVED BY: \_\_\_\_\_ DATE \_\_\_\_\_