

King City Farmers' Market ~ Rules and Regulations

INSTRUCTIONS

- a) Read King City Certified Farmers' Markets Rules and Regulations
- b) Complete all applicable form(s). To obtain forms and applications contact King City's Chamber of Commerce and Agriculture.
- c) Return signed form(s) with required permits, licenses and other documents to King City's Chamber of Commerce and Agriculture at 200 Broadway Ave. Suite #40 King City CA 93930, phone: 831-385-3814 or fax: 831-386-9462 or email: kingcitychamber@sbcglobal.net

*Rules and rate schedule subject to change.

I. PURPOSE AND GOVERNANCE

King City Certified Farmers' Market is established for the benefit of both Producers and Consumers. It Provides Producers with direct market outlets at which they can sell at prices primarily higher than wholesale and provides consumers with an opportunity to buy fresher food at prices normally lower than retail. The Market operates in accordance with the Food and Agriculture Code, Article 5, Division 21, section 58101, 58101.5, 58103, 58104.

II. REQUIRED BY ALL PARTICIPANTS

Participants are responsible to know and follow all city, state, county and federal law and all of the current Rules and Regulations including but not limited to California Agricultural Code and California Health and Safety Code.

Participants are responsible to furnish King City with copies of current required documents from The city, state, county and federal government for applicable activities the Participant conducts at the Market. It is the responsibility of every Participant at the Market to post their current required documents.

Participants must be able to show location and capability of processing or, if processing is done by a second party, the method used to insure that the processed product returned is the original product submitted by the Participant for processing. Receipts, volume data, and letters verifying methodology may be required following CA Agricultural Code CA ADC §1392.1 (f).

PRODUCE VENDORS: To sell fresh fruits, vegetables and nuts at the Market the Producer must Have a Certified Producer Certificate issued by the Agricultural Commissioner in the country of origin of his/her produce (state law). The Certified Producer, Immediate Family member, or her/his Employee must carry at all times and post prominently during Market selling hours a current embossed Certified Producers Certificate when participating in Market. Any farmer, producer, owner representative, agent or employee whose Certified Producer Certificate has been revoked or canceled, or has been expelled or suspended from a Certified Farmers' Market shall be denied admission to sell at the Market for her/himself or on behalf of any other Producer.

Organic Registration and Certified Organic Verification: Each year Producers claiming "Certified Organic" production must provide proof of Organic certification in accordance with the United States Department Agriculture (USDA) National Organic Program (NOP) laws. All Organic (USDA exemption candidates only) or Certified Organic Producers must be registered within their county in the State of California. If a farm is Certified Organic, the farm must be certified by a federally approved third-party organization showing current certification. Producers must provide this Organic Certification documents from a Federal/State Organic Registration.

If the Producer is selling processed agricultural products, the Producer must have a Food Industry Health Permit from the county the processing is taking place. Must have King City Business License.

If the Producer is providing samples of processed agricultural products, the Producer must follow the sanitary requirements for Food Handling.

PREPARED FOOD VENDOR: temporary Food Facility Permit issued by the County of Monterey County, possesses a copy of, and follows the sanitary requirements for Food Handling.

If food is prepared off the Market site the Participant must have a Food Industry Health Permit: Permit issued by the County Health Department to food processors of goods intended for retail sales. This permit approves the location where food preparation occurs. Must have King City Business License.

If applicable: Food Registration Permit and Vending Vehicle Permit.

PLANT GROWERS: Nursery License and if applicable a Nursery Certified Producer Permit. Must have King City Business License.

ARTS AND CRAFTS VENDOR: Must have King City Business License.

II. SALES AT THE MARKET

WHO MAY SELL ARE ONLY APPLICANTS APPROVED BY THE MARKET MANAGER AND/OR BOARD OF DIRECTORS TO BE PARTICIPANTS.

WHAT MAY BE SOLD AND WHERE: Each new commodity added to the original application and revised Producers Certificates must be submitted to the Market Manager for review, possible limitation, denial, or accepted by the Market Manager before any new commodities can be sold. No live birds or live animals for human consumption may be sold at the Market.

NON-PROFIT CORPORATIONS, COMMUNITY GROUPS AND SCHOOL CLUBS: Any items related to or in support of Non-Profit Corporations, Community Groups and School Clubs for fund raising purposes may be sold or given away with the approval of the Market Manager. No items may compete with products offered for sale by a Certified Producer, Prepared Food Vendor. Selling select products are permitted on a limited basis.

Certified Farmers' Market Area: Only Certified produce and plants produced by the Producer in California may be sold at the Market and brokered fish may be caught in other U.S. waters. No Vendors, Non-profit Corporations or Community Groups will be permitted in the designated Certified Farmers' Market area under Section 56181 of the Agricultural Code. No resale of any commodities will be allowed in the Certified Farmers' Market area at the Market except for Seafood Brokers.

The following below may be offered for sale under this designation:

1. Certified Products: fresh fruits, vegetables, nuts, eggs, honey, nursery and flowers (produced by the Producer and an approved second certificate Producer if applicable).
2. Non-Certifiable Products: dried fruits and vegetables, juices, teas, medical herbs, wine, cheese, pelagic and fresh water fish and shellfish, poultry, meats, and other agricultural products may be sold if produced or caught (as in fish) by the Producer selling them.

Community Event Area: Prepared food, non-certified plants with a nursery stock license and new products are allowed.

IV. PROCESS OF APPROVAL

A. APPLICATION PROCEDURE:

Only those who have had their application reviewed and approved by the Market Manager may sell or participate in the Market.

1. Permission to occupy a space at a Market is given only after King City Market Manager has received copies of all required documents and confirmed a space reservation for the Applicant.
2. There may be a review of each Participant for quality of products and suitability of product.
3. All Participants must provide products for tasting and promotional uses when asked by the Market Manager
4. In the event that a Participant entity changes its "active Participant" designation, including, but not limited to change in entity structure, death, divorce or retirement, or changes to the individual approved Participant comprising the original Participant entity, then a new application for acceptance to attend the Market must be filed with and approved by the Market Manager.

B. RESERVATIONS:

Space for Participant will be configured and determined by the Market Manger. The Market Manager cannot guarantee a regular space in any of the Market.

C. WAITING LIST:

Existing vendor commodity requests are considered using the following admissions criteria: competitive status, year the Applicant made their commodity request, Organic status, location of operation, scale of operation and presentation of product/stall. New Applicants that are accepted to the wait-list are ranked based on the following criteria: primary certificate or secondary certificate, year the Applicant is applying, Organic Status, location of operation, scale of operation and Participant's attendance at other markets.

D. ANNUAL PARTICIPANT APPROVAL:

The Market Manager makes recommendations to the Board of Directors based on the following criteria for admission to participate in the Market or annual renewal privileges to sell at any Market:

1. Participant's positive or negative history of compliance with city, state, federal, King City Rules, and Regulations and the timely receipt of required documentation
2. Participant's history of Market participation. When practical, significant weight, priority and preference should be given to Participants returning from previous seasons
3. The competitive availability and number of Participants with similar products present within the Market. If practical, monopolies and surfeits (gluts) should be avoided
4. Whether the present numbers of Participants with similar products are adequately supplying consumer demand.
5. Preference in admitting or renewing privileges will be contingent upon the criteria set-forth by the King City Board of Directors
6. The quality, presentation and display of the product(s)
7. Participants and/or their family members who regularly attend Market themselves and provide great customer service

V. MARKET DAY

A. ASSIGNMENT OF SELLING SPACE:

The Participant's location, space size and other factors of assignment of selling space within a Market shall be at the reasoned discretion of the Market Manager. In making any determination in this regard, the Market Manager shall consider the following:

1. Quality of product, display, presentation and customer service
2. The maintenance of good present and past Consumer-Producer relationships
3. Length of seniority for the space
4. The principles of good Market and product promotion
5. The maintenance of good product mix and consumer traffic flow in the Market

If a Participant does not attend the Market week-after-week the Participant may lose their selling space.

B. PAYMENT OF FEES:

Stall fees must be paid one week in advance (i.e. for weekly vendors, payment made each week is for stall fee for the next week). 48 Hour cancellation notice must be given; otherwise stall fee shall be forfeited. Exceptions to these rules will be at the discretion of the Market Manager.

Weekly Fee for Booth space:

Type of Vendor	Non-Chamber members	Chamber members
Produce	30.00	20.00
Prepared Food	40.00	30.00
Arts & Crafts	20.00	15.00

C. BUSINESS LICENSE:

All vendors must obtain a City of King Business License for an annual fee of \$20. Please contact City Hall at 831-385-3281 for details.

D. HOURS OF SALE:

Wednesday from 4PM to 7PM. Vendors may NOT start selling prior to 4 PM and MUST stop selling at 7 PM. An air horn may be used to signify start & stop times.

E. SET-UP AND DEPARTURE POLICIES

Set up is 3:00 PM- 4:00 PM; clean up is 7:00 PM- 8:00 PM. Vendors are not allowed to set up until 3PM. Tear down must be completed by 8 PM. Set up and Tear down hours will be strictly enforced.

F. CANCELLATIONS: All Markets run rain or shine.

Booth cancellations must be made 48hrs in advance (by 4 pm Monday prior) or stall fee shall be forfeited. Exceptions to this rule will be at the sole discretion of the Market Manager.

G. DISPLAY ALL PERMITS AND LICENSES:

All required documents shall be provided and must accompany all produce and products during transportation and shall be displayed prominently during all Market selling hours.

H. PARTICIPANT SPACE

1. Every stall MUST have a tent, umbrella or similar cover provided by the vendor in order to participate in the Market.
2. There will be a 12x12 space provided with the daily fee for each market date. Any additional space needed will incur an additional fee of \$5 per 6X12 spaces.
3. Every stall shall have a trash bin for public use, 5 gallon minimum size is required. Remove trash accumulation regularly at the end of the Market day.
4. No display tables may be filled over carrying capacity. Items on display must be stable. Table legs must be secure and must not cave in.
5. Tents and shade set-ups must be tied down or weighted. All connecting rods of the shade set-ups and weights must be secure in their fittings. Tarps must be securely fastened.
6. All boxes or crates of produce and other food products must be kept 6 inches off the ground under Section 27831 of the State Health & Safety Code.
7. If the local health authority approves, distribution of samples in a manner which will ensure safe, unadulterated samples for the public, may be allowable. In such regard, the Participant must follow all *California State health guidelines*:
 - a. Keep samples in clean covered containers approved by the local health agency.
 - b. Use toothpicks or disposable utensils to distribute the samples.

- c. Dispose of pits, peels, food waste and rubbish in leak proof garbage receptacles with close fitting lids.
 - d. Use clean disposable gloves when cutting produce for samples.
 - e. Produce intended for sampling must be washed and cleaned to be wholesome and safe for consumption.
 - f. 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).
 - g. Cutting surfaces must be smooth, non-absorbent and easily cleanable.
8. Smoking is not permitted in or 20 feet surrounding the Market.
 9. No live animals, birds or fowl may be kept or allowed within 20 feet of any area where food is stored or held under Section 27831 of the State Health & Safety Code.
 10. No dogs, bicycling, skating, or skateboarding is allowed in the Market.
 11. At least a two feet pathway must always exist between Participants' stall spaces. No Participant can occupy this space at any time.
 12. Food preparation (except trimming) is prohibited without a Monterey County Temporary Food Facility Permit.
 13. Processed foods must be processed in an approved facility and properly packaged and labeled under clean and sanitary conditions.
 14. 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 Monterey County Health Department.
 15. Participants selling non-Certified food or products are required to have a valid permit from the local jurisdiction and are not considered part of the Certified Farmers' Market.
 16. All Participants must receive permission by the Market Manager to park their vehicle in the Market or near their booth space. The Market Manager will review, limit, deny, or approve a Participant to park their vehicle in or near their stall space based on location, space availability, and Participant seniority. Participants must keep their vehicles, merchandise and tables within their assigned stall space. No part of the Participants vehicle or stall set up may encroach on the mandated fire lane. Pedestrian flow may not be congested due to a Participant set up.
 17. All promotions and sales shall occur within the stall space provided.
 18. A Participant who rents more than one space shall rent them contiguously.
 19. Electricity and water are not generally available at Market sites.
 20. No Participant may assign, share, or sublet his/her space.
 21. Participant shall maintain the stall space assigned to them in a clean and sanitary condition. When vacating their space, Participants must remove all equipment, product, trimming, wrappings, and containers within one hour after closing of the Market. Participants are responsible for cleaning their own stalls and the aisle area in front of their stalls. The Participant shall reimburse the King City for any expenses incurred to return the stall space to the condition in which it was found (reasonable wear and tear excepted).
 22. Exits from booth: From within the booth, the exit pathway leading to the exterior shall not be less than 36 inches and the width of the exit door. There shall be no obstruction of the exit door or exit pathway.
 23. Fire extinguishers: Any booth using any type of heat-generating appliance shall have a fire extinguisher that is at least 2A 10BC. In some cases, an additional fire extinguisher may be required. All fire extinguishers new or used are required to be serviced once a year and have a current tag on the extinguisher. Each fire extinguisher is tagged by the service company as to the date the extinguisher service date. If there is no tag on the extinguisher, the unit must be serviced. Check the telephone directory for licensed fire extinguished service companies. All fire extinguishers shall be mounted in a visible and accessible location, preferably near the exit. Know where the fire extinguisher is located at all times.
 24. Cooking equipment: Any type of cooking equipment or process that produces uncontrolled flame will not be allowed inside the booth. No combustible material will be allowed directly above uncontrolled flame. Any combustible structural component of a booth located within 36 inches of cooking equipment shall be protected by a non-absorbing and noncombustible material, approved by the State Fire Marshal.
 25. Gas cylinders: No gas cylinders will be allowed within a booth unless the cylinder is an intricate part of the appliance. Example: gas fired barbecue with cylinder attached. Gas lines subject to mechanical damage shall be protected. All gas cylinders, including spares, shall be firmly secured in place to prevent accidental fall-over. Every gas-fired appliance shall have a gas shutoff valve. Maintain a safe distance between flammable gas cylinder and any heat source.
 26. Clean all cooking surfaces regularly to prevent the buildup of grease.

27. When cooking, an adult shall never leave the food cooking unattended and do not wear loose-fitting clothing.
28. Keep combustibles away from all heat sources.
29. All generators must be approved by the Market Manager before they are used at the Market. Generators must be very quiet (the generator noise level must run under 64dB at full load). We encourage the use of propane.
30. All Participants must stay within their stall space. Participants must not extend out into the pathways between Participants' stall spaces, fire lane, or into traffic area. If space is available, Participants can "spill out" (less than two feet) in front of their stall space without an additional stall fee if they do not extend into the pathways, fire lane, or traffic area.

I. SIGNAGE AND PROMOTION

1. **Prices must be clearly posted on all products.** Collusion among Participants to change prices or exertion of any influence, pressure or persuasion to cause a Participant to increase prices is strictly forbidden (state law).
2. Packaged products must be labeled with the name of the farm or Producer, the address and the weight of the contents (state law). Co-op products and labels are not acceptable; use farm/Producer name and adding weight and lot numbers to verify that the product came from the Producer.
3. Organic and Conventional commodities sold in the same stall space need clear, visible and non-confusing signage stating which products are Organic and which products are Conventional. Failure to post these signs will result in noncompliance resulting in one warning and further non-compliance will result in not allowing both types of products to be sold in one booth space.
4. Any Participant claiming to have "Certified Organic" produce or products shall grow or process the products in accordance with the USDA NOP rules and regulations, effective October 2002. Participants can only claim "Certified Organic" if they are certified by an approved USDA agency.
5. Participants with gross sales of \$5000.00 or less annually are exempt from USDA certification requirements. These Participants must follow the USDA Organic Farming protocols but are not required to obtain certification. These Participants are allowed to promote the word "Organic" only. These Participants are not allowed to promote the phrase "Certified Organic". These farmers may be required to provide documentation to verify annual sales of \$5000.00 or less.
6. "No Spray", "No Chemicals", "No Pesticides" and other such claims shall be affirmed by a Notarized affidavit stating, "at no time during the growing season or post-harvest handling of this commodity have any synthetic pesticides, herbicides, fungicides or other toxic applications been used". Upon receipt of notarized affidavit, "No Synthetic Sprays" shall be the only language used to describe the above claims. In these cases when synthetic chemical fertilizers are used, the signs shall also state "Synthetic Fertilizer Used". When these claims are made, the Pesticide Use sign including the notarized affidavit shall be posted at the Participant stand.
7. Transitional Organic is a term not recognized by the State Organic Program. You may not use the term.
8. IDENTIFICATION SIGNS: All Participants are encouraged to display a sign identifying their farm name or the name of their business and the city or town where their production occurs.

VI. EXPECTED BEHAVIOR BY ALL VENDORS:

- Knowledgeable about their products (how they are used, grown or produced) and clearly communicate this to Customers.
- Courteous, professional and presentable.
- Display products in a clean, presentable and attractive way.
- Honest and conduct themselves at all times in a courteous and business-like manner.
- Dress and behave in an appropriate manner. Everyone is expected to wear shirts and shoes or sandals.
- Using illegal drugs, drinking alcoholic, yelling, hawking, swearing, name calling, slanderous remarks, throwing items, fighting and other offensive behavior will not be allowed.
- Treat others, Staff, Customers and Officials with respect.
- Slanderous or defamatory remarks made about anyone are subject to legal liability for damages caused.

VII. VIOLATIONS OF RULES AND REGULATIONS

IMMEDIATE EXCLUSION: A Participant may be immediately excluded from the premises of the Market if that Participant has failed in a serious degree to observe the Rules and Regulations or otherwise acted in a manner causing immediate threat, imminent threat or harm to anyone (Board of Directors, Market Manager, fellow Participants including Employees, Customer or the general public). An immediate exclusion will be followed by suspension and/or termination of the Vendor Approval.

The above rules may be amended as deemed appropriate by the King City Farmers Market Chair, Manager or Board of Directors at anytime.