



## RULES & REGULATIONS 2022 Market Season

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**Disaster Disclaimer:** Due to natural disasters, public health emergencies and other unplanned incidents, the market location, dates, and hours may change at any time. We will modify Rules & Regulations and implement policies to protect health and safety as needed based on the incident(s).

**General Code of Conduct (pg. 7):** The Napa Farmers Market (NFM) is a safe, community enriching farmers market open to all regardless of race, religion, age, sex, sexual orientation, personal identity, or political beliefs. We do not tolerate abuse or discrimination in any form be it to shoppers, other Sellers, staff, regulatory officials, or volunteers. **Anyone determined by the Market Manager or Assistant Market Manager to conduct themselves in a manner deemed abusive, disruptive, offensive, derogatory, threatening, or dangerous, or in disregard of the rules or laws that govern the NFM will be asked to leave the premises.** Sellers who do not comply may be subject to suspension or expulsion from the NFM.

***All Rules and Regulations will be implemented and enforced in a fair, non-discriminatory and equitable manner.***

## **I. STATEMENT OF INTENT**

- A. Mission:** The Napa Farmers Market is a California Certified Farmers Market committed to supporting local farmers and providing an inclusive place for our community to gather and purchase farm-fresh, sustainably grown produce, specialty foods and artisan goods directly from the source. We strive to educate the consumer, preserve the environment, address food insecurity, and connect people to our community partners.
- B. Vision:** To be a farmers market nationally recognized for our role as an essential local food business supporting a sustainable, equitable and accessible local food and economic system while creating inclusive space for a healthier community.
- C. Nature of the Market:** NFM is diversified, offering both certifiable and non-certifiable goods for sale and providing local residents, and visitors with direct access to high quality fresh foods. NFM supports and promotes local agriculture.

Non-certifiable goods (specialty foods and artisan crafts) add variety and enhance the festive ambiance of the NFM. Although California Direct Marketing Rules do not apply to the non-certifiable goods, the same producer-to-consumer philosophy applies for all items sold at the NFM. The NFM provides producers with the opportunity to sell their fresh local products directly to the consumer without the intervention of a middleperson.

NFM is a California Certified Farmers Market and operates in accordance with regulations established in the California Administrative Code (Title 3, Chapter 3, Group 4, Article 6.5, and Section 1392) on Direct Marketing. It is certified by the Napa County Agricultural Commissioner as a Direct Marketing outlet for producers of fresh fruits, nuts, vegetables, eggs, honey, flowers and nursery stock. The NFM is subject to all pertinent local, state, and federal regulations and laws.

***The resale of products is prohibited except for verified nonprofit organizations. Nonprofit organizations selling food products, must comply with all governing agencies and outlined regulations.***

- D. Governance:** The NFM develops policies in conjunction with the existing Board of Directors (BOD) to regulate market operations and has adopted the following regulations to clarify and supplement the California Department of Food and Agriculture (CDFA) Direct Marketing Regulations. The NFM reserves the right to delete or modify its policies, procedures, and rules and regulations, with the approval of the governing BOD.

The NFM BOD has appointed a Market Manager (MM) whose primary responsibilities are market logistics and administration. The MM oversees other staff (including the Assistant Market Manager, who has delegated authority to oversee market operations) to manage the NFM and aid Sellers and consumers. The MM reports to the NFM Board of Director's (BOD) President and is governed by the BOD's decisions and policies. The BOD and MM have the responsibility of determining which Sellers are accepted into the NFM based on several criteria including uniqueness of product, physical space

available at the NFM and the amount of commerce the NFM can sustain based on the current shopping/buying trends.

It is the MM's responsibility to create the layout of the NFM. Sellers must respect the MM's decision on stall placement. All efforts are made to give each Seller a location that will best optimize their business, but Sellers must recognize that the NFM is a finite location and neither the MM nor NFM can guarantee any level of business for the Seller.

## II. GENERAL MARKET INFORMATION

### A. 2022 Market Season:

*Due to unplanned incidents, the market location, dates, and hours may change at any time.*

- **Location:** City of Napa Parking Lot, 1100 West Street, Napa, CA 94559
- **Hours:** 8 a.m. – 12 p.m.
- **Saturday Market**
  - **Dates:** January 8 – December 31, 2022
- **Tuesday Market**
  - **Dates:** April 5 - December 27, 2022

## III. GUIDELINES FOR BECOMING AN APPROVED SELLER

To ensure the successful maintenance of the NFM as an efficient and effective outlet for producers to sell their products directly to consumers, the NFM has established the following guidelines for Approved Sellers and their products.

### A. Admission of an Approved Seller

1. To become an Approved Seller at the NFM, a potential Seller must complete a Vendor Application online at [www.napafarmersmarket.org/apply](http://www.napafarmersmarket.org/apply). All items intended for sale shall be listed on the application and only those items approved for sale will be allowed to be sold. The application must be approved prior to the Seller exercising the privilege of selling at the NFM. A completed application includes:
  - a) The completed Vendor Application and
  - b) Copies of all appropriate certificates, permits and documentation
  - c) Receipt of the application fee
    - a. New vendors may submit their application fee after all other aspects of their application have been approved
2. Admission to the NFM shall be based on consideration of the following factors as determined by the MM and NFM BOD:
  - a) History of compliance with:
    - i. California Department of Food and Agriculture rules and regulations,
    - ii. California Department of Public Health rules and regulations,
    - iii. All other Federal, State, County and City rules and regulations,
    - iv. NFM rules and regulations including vendors that have been charged Late Cancellation and No-Show penalties and have had excessive absences,

- v. Safety and insurance requirements, and
  - vi. NFM's environmental goals (zero waste)
- b) Preference
- i. Vendors committing to the entire season (does not include Artisans)
  - ii. Number of years of selling at the NFM and prior NFM performance (display, sales, and neighborliness)
  - iii. Organic certification of products
  - iv. Size and ownership of farm (family owned vs. corporate owned)
  - v. Exceptional level of knowledge of their products and practices in order to enhance the customer experience
  - vi. Sellers ability to directly participate in the NFM in lieu of sending an employee(s)
  - vii. Ability to successfully interact with other vendors and the NFM staff
  - viii. Products that do not include GMO ingredients or are grown from GMO seeds
  - ix. Products that are unique, in demand and, add to the overall balance and cultural diversity of products available at the NFM
  - x. Products that if added to the NFM will not create too many of the same or similar products
  - xi. Local production (Napa and adjacent counties)
  - xii. Farms and businesses owned by the Black, Indigenous and Persons of Color (BIPOC) individuals and families
3. The number of Approved Seller stall spaces for each category of products shall be set by the NFM BOD.
  4. Admission of an Approved Seller may be conditioned by the type of product.
  5. All new Sellers will be subject to a ninety (90) day at-will probationary period from the first date of selling.
  6. Returning Sellers may also be subject to provisional approvals to be outlined by MM and NFM BOD if Seller's history reflects attendance issues or trouble complying with Rules and Regulations.
  7. Once a Seller and the start date they requested are approved, NFM guarantees them a stall(s) at the market starting on that date.
    - a) If a Seller is unable to start on the approved date, then Seller must notify the MM and request approval of a new start date. Notification must be made by email as soon as possible but not later than one week prior to the approved start date.
    - b) Failure by Seller to properly notify MM of a start date change may result in the Seller being charged for the stall fees they would have paid for that date.
    - c) MM will approve a request to change a Seller's start date if the change does not negatively affect the overall Seller schedule for the Market.

**B. Change of Ownership:**

1. An Approved Seller may not assign their right to a stall space in the event of a change in business ownership.
2. Change of business ownership requires submission of a new application and payment of an Application Fee.

3. The new owner of the business is not guaranteed they will become an Approved Seller merely because they acquired the business of a previously approved Seller.

**C. Admission of a Product**

1. Admission of a product shall be based on the NFM commodity mix and consumer demand as determined by the MM.
2. Admission of product will be based on the producer's history of selling such product.
3. Admission of product will be based on the present competitive availability (number of Sellers) of the producer's product. If practical, monopolies and surfeits (gluts) should be avoided.

## **IV. GENERAL RULES AND REGULATIONS FOR ALL SELLERS**

**A. Approved Seller**

1. Only Approved Sellers may sell at the NFM. Family members or employees may sell for an Approved Seller.
2. No peddlers or unauthorized sellers will be permitted at the NFM.
3. Sellers recognize that the NFM BOD, the MM, or another NFM representative may, by appointment, visit the Seller's premises for the reasonable inspection to determine whether the Seller is in compliance with the certificate, license, or permit conditions.

- B. Scales:** Any scales used must bear a current seal from the County Sealer of Weights and Measures from the county in which the Seller is located.

**C. Product display or advertising:**

1. Only items that have been approved for sale may be displayed or advertised.
2. Sellers may promote their farm-related activities at their stalls at the discretion and approval of the MM.

**D. Product prices:**

1. Must be clearly posted for each product being sold.
2. Collusion among producers to change prices or exertion of any influence, pressure, or persuasion to cause a producer to increase or decrease prices is strictly forbidden by California law.

**E. Single-Use Plastic Bag Ban:**

1. Single-use plastic bags are banned at the Napa Farmers Market in compliance with the City of Napa ordinance eliminating the use of single-use plastic bags.
2. All Sellers are required to use compostable bags such as green Bio Bags or brown paper bags.

**F. Packaged and processed products:**

1. Must be labeled with the name of the farm or producer, the address, and the weight of the contents.
2. Co-op products and labels are not acceptable.

**G. Product packaging:**

1. Styrofoam is banned at the NFM. Vendors may not use Styrofoam in any form to package any products sold at the NFM.
2. All food utensils, plates, beverage containers, straws, and napkins must be compostable.

3. All product packaging must be biodegradable, compostable, or recyclable unless there is no viable alternative. Failure to use acceptable packaging when a viable alternative is available may cause sale of the product(s) to be banned from the NFM until acceptable packaging is used.
4. Beverages in plastic bottles are banned.
5. **Failure to abide by the product packaging rules will result in a warning for the first offense and may result in a \$15 fine per market for subsequent offenses.**

#### H. Cancellations, No-Shows and Emergencies:

1. Sellers must request market dates on the online application. Sellers are expected to attend the market dates for which they have been approved.
2. Changes to a Seller's approved schedule must be approved by the MM prior to the date of the change.
3. Notice of cancellation, including the reason for the cancellation, must be received by the MM no later than 12:00 p.m. on Sunday (before the Tuesday market) and no later than 12:00 p.m. on Thursday (before the Saturday market). Failure to do so will result in a cancellation penalty equal to the amount of the stall fee that would have been due for the stall(s) reserved for that day. NFM will accept most emergencies as a legitimate reason for cancellation but acceptance of any reason for cancellation is at the discretion of the MM. NFM will accept cancellations due to the availability of a farmer's product without question.
4. If a Seller has an approved space and fails to cancel in accordance with the above or appear on the market day, the Seller is considered a "No-Show." **If the Seller is a No-Show, then a fee equal to the amount of the stall fee will be charged for each stall that was reserved on their next invoice.**
5. Continued absences due to cancellations and no-shows may result in the Seller's suspension or termination.
6. In case of an emergency that occurs within 12 hours before the market, the MM must be notified by email at [manager@napafarmersmarket.org](mailto:manager@napafarmersmarket.org) or cell phone (call or text) at (707) 501-3087 no later than 7:30 a.m. so that your stall space may be reassigned as needed.

#### I. Late Arrivals and Early Departures:

1. Vehicles CANNOT be in motion in the NFM aisles between 7:30 a.m. and 12:05 p.m. This is a liability issue for the NFM and is why barricades are placed at the market exits at 7:30 a.m.
2. All vehicles must be parked in their stall space by 7:30 a.m. Barricades may not be moved by Sellers.
3. If Sellers arrive later than 7:30 a.m., they may be required to offload from outside the NFM aisles. Late arriving vehicles may be admitted to the market at the MM's discretion based on the safety of market guests. **Late arrivals are subject to a \$15 fee in addition to their stall fee.**
4. **Sellers that depart the market prior to 12:05 p.m. or in an unsafe manner are subject to a \$15 fee in addition to their stall fee.**

#### J. Stall space:

1. **Placement:** Sellers must accept the stall space(s) assigned by the MM.
2. **Equipment:** Sellers must provide their own tables, chairs, umbrellas, canopies and all other equipment they may need. Canopies must be in compliance with CPAI-84, the standard for flammability of recreational tents, with a minimum weight of 24 pounds per tent leg.
3. **Arrival and Departure:** Sellers are required to arrive before 7:30 a.m. to set up their stalls. Reserved space may be released by the MM to another Seller 30 minutes before the market begins if the Seller has not arrived. Late arrivals will be subject to placement at MM's discretion or may be denied entry.

Sellers must remove their equipment and depart the market area by 1:30 p.m. No vehicles may pull in or out of the market between 7:30 a.m. and 12:15 p.m.

4. **Set Up:** Sellers' display and stall space must be attractive, not overly cluttered, visually pleasing, and fit with the general aesthetic of a farmers market.
5. **Waste:** Sellers must maintain their stall space in a neat and sanitary condition. Each Seller shall remove all containers, waste, and trimmings before leaving the market. Sellers may not dispose of trash, compostable or recyclable items in the NFM's containers or in the market site's containers (i.e. City of Napa). **Failure to not properly dispose of trash, compostable or recyclable items will result in a warning for the first offense and may result in a \$15 fine for subsequent violations.**
6. **Load lists:** All Sellers of agricultural products must complete a load list each market day and submit to the MM before departing the market.
7. **Laws:** All Sellers must comply with all applicable Federal, State, and local laws, ordinances, and regulations.
8. **Signs:**
  - a. All Sellers must display a sign (at least 12" x 24") bearing the producer's business/farm name, and county of origin. The letters on the sign must be a minimum of 2 inches in height.
  - b. A-frame signs are only allowed directly in front of the stall, they are not allowed to block foot traffic in market aisles.
9. **Permits and licenses:** Must be displayed prominently during selling hours. This includes, but is not limited to, the Certified Producer Certificate, Nursery Stock License and Nursery Seller's Permit, Napa County Environmental Health Temporary Food Facility Permit (original), Aquaculture License, and State Board of Equalization Seller's Permit.
10. **Compliance:** All Sellers must comply with California Health and Safety Code section 114350(b) as it may be amended from time to time, or any other law regulating food sampling at a Certified Farmer's Market, and the guidelines listed below. Failure to do so may result in fines levied per occurrence. Any fines levied on the NFM by Napa County Environmental Health Department for incorrect sampling procedures shall be assessed to the Seller responsible for the noncompliance.
11. **Food Storage:** All foods shall be stored at least six inches off the floor or ground or under any other conditions that are approved.
12. **Food Samples:** Food samples may only be distributed once a Safe Sampling Plan has been approved by the MM.

**K. Conduct:**

1. NFM is a safe, community enriching farmers market open to all regardless of race, religion, age, sex, sexual orientation, personal identity, or political beliefs. We do not tolerate abuse or discrimination in any form be it to shoppers, other Sellers, staff, regulatory officials, or volunteers. Anyone determined by the MM or Assistant MM to conduct themselves in a manner deemed abusive, disruptive, offensive, derogatory, threatening, or dangerous, or in disregard of the rules or laws that govern the NFM will be asked to leave the premises. Sellers who do not comply may be subject to suspension or expulsion from the NFM.
2. Sellers shall be honest and shall conduct themselves always in a courteous and business-like manner. Rude, abusive or other disruptive or offensive conduct is not permitted.
3. Conduct by Sellers that is materially and seriously prejudicial to the reputation or operation of the NFM is not permitted.

4. Sellers experiencing any difficulty with customers or other Sellers in this regard should refer the matter promptly to the MM.
5. No radios or boom boxes may be played during market hours. No loud hawking, shouting or barking to promote products is allowed.
6. All product promotion must occur within the space assigned to the producer and not in any common area.
7. Seller's pets are not allowed in the market within 20 feet of where food is stored or sold per the California State Health and Safety Code; this includes no pets in Seller's vehicles. This does not apply to guide dogs, signal dogs, or service dogs when used in the manner specified in Section 54.1 of the California Civil Code
8. Sellers are responsible for the actions of their representatives, employees or agents.
9. All Sellers must comply with all applicable Federal, State and local laws, ordinances and regulations.
10. Sellers are requested to park inside their designated stall space so that the maximum number of parking spaces are available for customers. Sellers that offload and do not park within their stall are requested to park in an area designated by the MM. Sellers that have more than one vehicle must park these vehicles in the same designated area.

**L. Canopies and Umbrellas:**

1. For the safety of the market and to minimize liability to the NFM and to Sellers, canopies and umbrellas must always be secured with a minimum weight of 24 pounds per leg.
2. Failure to use proper weights may result in a \$30 fine. If sufficient weights are not available to borrow, Sellers may not be allowed to use their canopy.
3. Canopies and umbrellas must meet the requirements of CPAI-84, the standard for flammability of recreational tents.

**M. Signage:** A-frames or any other form of portable signage promoting the Seller cannot be placed outside the market area. A-frame signs are only allowed directly in front of the Seller's stall, they are not allowed in market aisles.

**N. Fragrances and odors:**

1. Anything that diminishes natural aromas of the market must be avoided, including hairspray, perfume, artificial fragrances used in soaps, exhaust from cars left idling, exhaust from generators, etc.
2. Sellers with strong smelling products will be assigned stalls where other Sellers will not be affected.

**O. Photos and videos:** Seller will allow photos or video taken at the market to be used on the NFM website, or by anyone else who might want to promote the NFM.

**P. Logo and Name Protection:** No use of the NFM logo or name will be permitted without permission from the MM.

## V. SAFETY AND HEALTH GUIDELINES

**A. Disaster and Emergency Response**

1. Additional rules, regulations and policies may be implemented based on guidance from the California Department of Public Health, California Department of Food and Agriculture, Napa County (Agricultural Commissioner, Environmental Health, Public Health) and City of Napa in order to protect health and safety at the market.
2. The market may be cancelled at any time if the air quality is **very unhealthy/hazardous**. When wildfire smoke is present in the area, the MM will communicate regularly with Sellers about the status of the



market. The MM will provide as much notice as possible if the market needs to be cancelled based on air quality forecasts.

- B. Waste receptacles:** Every vendor selling food for onsite consumption or offering samples shall have a composting receptacle for public use.
- C. Display tables:** May not be filled over carrying capacity; items on display must be stable; table legs must be secure, and tables must not cave in.
- D. Canopies and Umbrellas (Shade Set Ups):**
  - 1. All connecting rods of the shade set-ups must be secure in their fittings.
  - 2. Shade set-ups must be secured with weights totaling a minimum of 24 pounds per leg.
  - 3. Failure to use proper weights may result in a \$30 fine. If sufficient weights are not available to borrow, Sellers may not be allowed to use their canopy.
- E. Smoking prohibited:** No smoking is permitted within the market area either before or during market hours.
- F. Movement of vehicles:**
  - 1. Vehicle flow must not endanger pedestrians.
  - 2. No vehicles may pull in or out of the market area between 7:30 a.m. and 12:05 p.m.
- G. Seller's pets:** Not allowed in the market within 20 feet of where food is stored or sold per Section 114.259.5 of the California State Health & Safety Code. This does not apply to guide dogs, signal dogs, or service dogs when used in the manner specified in Section 54.1 of the California Civil Code.
- H. Bicycling, skating, roller blading, skateboarding or any other device with wheels:** Not allowed by Sellers, customers, staff or volunteers.
- I. Sellers setup:**
  - 1. Vehicles, merchandise and tables must be within marked spaces or as the MM designates. Pedestrian flow may not be congested due to a Seller's setup.
  - 2. Umbrellas may be placed in front of a Sellers marked space only if it does not block pedestrian flow and has sufficient weights.
  - 3. A-Frame or any other type of signage cannot block pedestrian flow.

## **VI. FEES AND PAYMENT OF FEES**

- A. Application fee:**
  - 1. Not required:
    - a. If you are a veteran
    - b. If you are a nonprofit
  - 2. The non-refundable application fee must be received before your application will be processed.
  - 3. If the name on the check does not match your business name, write your business name with "2021 App Fee" in the memo.
  - 4. Checks should be made payable to the Napa Farmers Market and mailed to P.O. Box 10822, Napa CA 94581.
  - 5. Application fees are:
    - a. New vendor: \$50
    - b. Returning vendor: \$45

## **B. Stall Size and Fees**

1. Stall fees are determined by the NFM BOD.
2. All stalls are 10 ft. wide
3. Nonprofits are not charged a stall fee
4. An additional \$2 per vendor California Department of Food and Agriculture (CDFA) Fee is added to the fees below
5. Fees for stall rentals per market are:
  - a. Saturday Markets
    - i. \$47 per first stall for Certified Producers, non-certifiable ag, artisans, and specialty food vendors + \$2 CDFA Fee per Market =
      1. \$49 one stall
    - ii. \$40 per stall additional stall
      1. \$89 two stalls
      2. \$129 three stalls
      3. \$169 four stalls
    - iii. \$70 per food truck + \$2 CDFA Fee = \$72
  - b. Tuesday Markets
    - i. \$35 per first stall for Certified Producers, non-certifiable ag, artisans, and specialty food vendors + \$2 CDFA Fee per market =
      1. \$37 one stall
    - ii. \$30 per additional stall =
      1. \$67 two stalls
      2. \$97 three stalls
    - iii. \$45 per food truck + \$2 CDFA Fee = \$47

## **C. Stall fee collection and payment**

1. Collection
  - a. Stall fees will be invoiced monthly after the last market of the month.
  - b. Payment of the invoice is due upon receipt. The Seller has 14 days to pay the invoice before it is considered late.
  - c. Alternative arrangements for payment must be approved by the MM in advance.
  - d. After the 25<sup>th</sup> of the month, a \$25 late payment fee may be added to the next invoice.
2. Payment
  - a. Invoices can be paid using the following:
    - i. Check made payable to Napa Farmers Market
    - ii. Cash (coins not accepted)
    - iii. Credit Card

## **VII. Alternative Forms of Currency**

NFM staff will exchange alternative forms of currency at the market before 11:30 a.m. After 11:30 a.m., the Seller must wait until the next market day to receive payment.

**A. Market Bucks:** Must be accepted by all vendors. Sellers will be reimbursed by NFM staff.

**B. Cal Fresh (black) tokens:**

- a. Must be accepted for fruit, vegetables, edible herbs, plant starts, breads/cereals, dairy, meat, fish, poultry and honey.
- b. Sellers will be reimbursed by NFM staff.
- c. Sellers that are not allowed to accept CalFresh (black) tokens will **not** be reimbursed.

**C. Market Match (green) tokens:**

- a. Must be accepted for fruit, vegetables, edible herbs, and plant starts
- b. Sellers will be reimbursed by NFM staff.
- c. Sellers that are not allowed to accept CalFresh (green) tokens will **not** be reimbursed.

**D. WIC Checks:** Approved farmers will be reimbursed by NFM staff.

**E. Senior Farmers Market Nutrition Checks:** Approved farmers will be reimbursed by NFM staff.

**F. Fruit & Veggie Bucks:** Must be accepted for fruits and vegetables only. Sellers will be reimbursed by NFM staff.

## VIII. DISCIPLINARY ACTION PROCESS

**A. Violations:** Whenever the MM, in good faith, believes a Seller has violated the conditions of the permit to sell, NFM may immediately take action accordingly.

1. **Public safety violations.** If the violation appears to affect public safety the MM, at his or her sole discretion, may immediately suspend the offending Seller and escort them from the market.
2. **Other violations of the Rules & Regulations.**
  - a. Request that Seller immediately correct the violation.
  - b. If Seller fails to immediately correct the violation, MM may temporarily suspend the Seller from future market participation until a hearing is held before the NFM BOD at their next regularly scheduled meeting.
  - c. Issue fines in accordance with those outlined in the Rules and Regulations.

**B. NFM BOD Hearing:**

1. If after a hearing, it is determined that the Seller has violated the permit conditions, the BOD may extend the suspension period to a maximum of sixty (60) days.
2. NFM may revoke the privilege of any Seller whose privileges have been suspended more than twice in a two-year period and has the right to notify other California Certified Farmers Markets.
3. After a hearing, NFM may refer the matter to a governmental agency with jurisdiction over the subject at issue. NFM shall promptly notify the Seller, in writing, of its decision and findings of fact supporting the decision.

**C. Certified Producers:**

1. Whenever a Seller has had their Certified Producers Certificate revoked by the Agricultural Commissioner the Vendor Application will be canceled and the Seller will lose their privilege to sell at the NFM.

2. When the Certificate is reinstated, the Seller may resubmit a Vendor Application.

## **IX. SELLERS OF CERTIFIED AGRICULTURAL PRODUCTS**

*Includes growers and producers of vegetables, fruits, nuts, honey, shell eggs, nursery stock and cut flowers.*

- A. Qualification:** Sellers in this category are those that have grown or produced the products they sell on a facility the Seller controls.
- B. Certified Producer Certificate (CPC):**
1. Seller must post their properly endorsed and embossed CPC from the county or counties where agricultural products are grown or produced. The CPC must be conspicuously posted at the Seller's stall.
  2. Seller must submit a copy of their CPC as part of the application process each year and Napa County must be listed on the CPC.
  3. Seller must immediately submit a copy of a new CPC if the one submitted with their application has expired.
- C. Second Certificates:**
1. A Certified Producer may sell for another Certified Producer provided that the Seller is also selling their own product and displays both grower's CPCs.
  2. A Certified Producer selling for another Certified Producer must include the second Certified Producers CPC as part of the documents submitted with their application. If during the market season a Certified Producer wishes to sell for another Certified Producer, copy of the CPC for the second Certified Producer must be provided when requesting the MM's approval to sell for the second Certified Producer.
  3. In addition, each Certified Producer selling at the Market through another producer must:
    - a. Have been granted permission to sell the second certificate products by the MM.
    - b. Have a separate display of product, not to be mixed in any way with the primary products of the Certified Producer.
    - c. A Certified Producer may sell for no more than two other Certified Producers.
- D. Other Permits:** Copies of all current applicable permits or licenses necessary to sell plants, apiary products, aquaculture, processed or potentially hazardous products, must be submitted as part of the application process each year and posted prominently at the Sellers stall at the NFM.
- E. Growing Practices:**
1. Signs and labels must clearly identify the products on a Seller's table that are certified organic.
  2. Use of any other terms must not be misleading.
  3. 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.
  4. All produce grown hydroponically or in greenhouses must be so labeled.

## **X. SELLERS OF NON CERTIFIABLE AGRICULTURAL PRODUCTS**

*Includes dairy (milk, cream, sour cream, butter, ice cream, cheese, yogurt), livestock (beef, pork, lamb, and goat), poultry (chicken, duck, goose, quail and rabbit), fish, aquaculture, wine, worms, dried fruits and vegetables, processed nuts, juices, pickled fruits & vegetables, jams, smoked products, oils and vinegars.*

- A. Qualification:**

1. Sellers in this category are those who have grown, bred, raised, or cultivated, the products in fresh or processed form. These Sellers may have their products dried, ground, roasted, juiced, smoked or otherwise altered in one stage process by a second party.
2. All Sellers of non-certifiable agricultural products must obtain a Certified Producer Certificate for the fresh product from which the processed product was derived. The Certified Producer Certificate must have been issued by the Agricultural Commissioner from the county 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 NFM. All certificates must be displayed in full view of customers during each market.
3. Only those processed agricultural products which a producer can verify are their own product will be allowed for sale at the market. Dry yard and/or processing plant receipts may be requested for verification of producership.

**B. Dairy Product Sellers:** Products must come from stock owned by Seller and processed and stored in a CDFA licensed facility.

**C. Livestock and Poultry (Meat) Sellers:**

1. All meat sold at the NFM must be slaughtered, processed and packaged in a USDA inspected facility.
2. All packaging must display proper USDA labeling and must state the ranch or farm of origin.
3. All meat brought to the NFM must have been stored in a USDA approved storage facility.
4. All meat must have been raised free of bovine growth hormone, GMO feed, antibiotics and medicated feed.
5. All meat sold at the NFM must have been raised by the Seller for at least three-fourths of its life. Documents required include USDA slaughter facility ID number and receipts from the most recent slaughter (MM may request receipts during the market season).

**D. Fish and Seafood Sellers:**

1. The NFM prohibits any sales of fish that are currently on the Monterey Bay Seafood Watch “Red List.”
2. Only fish caught in season from the waters of California, Oregon, Washington and Alaska are allowed. Fish which are local include, halibut, king salmon, flounder, petrale and other soles, sand dabs, smelt, black cod, rock cod, ling cod, catfish, albacore tuna, oysters, clams, Dungeness crab, king crab, shrimp and prawns. The origin and source of all fish and seafood products must be displayed.
3. Documents to be provided include receipts evidencing proof of purchase (point of origin).

**E. Other Permits:** All Sellers must obtain and display all necessary permits, including health permits and any other applicable permits.

## **XI. SELLERS OF NON AGRICULTURAL PRODUCTS**

*Includes packaged and prepared foods, prepared food for onsite consumption and artisans*

**A. Qualification:** 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. Packaged and Prepared Foods and Prepared Food for Onsite Consumption:**

1. All Sellers must obtain and display all applicable permits, including a permit from the health department of the county from which the products originate.

2. All processed/prepared foods/food Sellers must provide the NFM with proof of product liability insurance naming the NFM as an additional insured.
3. 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 et seq. and 27831 et seq., respectively.)
4. Low acid canned foods are prohibited at the NFM (including, but not limited to, vegetables, meats, low acid olives).
5. Packaging and containers for processed and prepared foods must be compostable. The use of Styrofoam products is forbidden.
6. Preparers of foods for onsite consumption must use compostable products for serving including compostable plates, cups, napkins, and eating utensils. The use of anything plastic is forbidden.
7. Beverages in plastic bottles cannot be sold at the NFM.
8. **Failure to comply with #5, #6 or #7 above will result in a warning for the first offense and may result in a \$15 fine per market for subsequent offenses.**

**C. Artisans:**

1. NFM is a "Makers Market" and as such anything offered for sale must have been made by the Seller.
2. Sellers in this category are those who have created, sewn, constructed, or otherwise fashioned from component materials the item(s) they sell. The component materials must be sufficiently modified from their original state to demonstrate fine craftsmanship.
3. 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.
4. A representative sample and photos of each craft item to be sold at the NFM must be emailed to [manager@napafarmersmarket.org](mailto:manager@napafarmersmarket.org) prior to submitting the Application to Sell. Only those items approved at the review may be sold at the NFM.
5. A rotating stall space assignment schedule will be applied to approved Artisan Sellers.
6. The above rules apply to all Sellers of crafts, including Agricultural Producers who may sell soaps, lotions, scrubs, and salves that they create made from the agricultural and processed agricultural products they produce (must be listed on their Certified Producer Certificate). The sale of these crafts by Agricultural Producers must take place in the designated craft area of the NFM.

## **XII. NONPROFIT ORGANIZATIONS AND COMMUNITY GROUPS**

**A. Qualification:**

1. Nonprofit and community organizations shall be allowed at the NFM if space is available.
2. Preference is given to organizations that align with the NFM Mission and Vision.
3. Political and religious messaging, education, advocacy and affiliated organizations are not allowed inside the market and may use the Free Speech Zone instead.
4. Each group or individual may apply to come to the NFM as often as necessary during the year.
5. All organizations must set up in the space assigned by the MM.

- B. Application:** All organizations must complete an online application at [www.napafarmersmarket.org/apply](http://www.napafarmersmarket.org/apply) at least five days prior to the first date they would like to attend the NFM.

- C. Nonprofit Status:** As part of the application process, a nonprofit must provide satisfactory proof of the organization's nonprofit status and of his/her position as a representative of the organization.
- D. Certificate of Liability Insurance:** Organizations must submit a Certificate of Liability Insurance naming the NFM as an additional insured. If this is not possible, the organization must get approval from the MM.
- E. Resale of Items:**
  - 1. 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.
  - 2. All resale items must be pre-approved by the MM and may not compete with the products of other Sellers.
- F. Conduct:**
  - 1. Organization representatives shall not interfere with NFM operations by aggressively soliciting signatures, donations or attention. Such activities shall not block sidewalks, access to the market or access to assigned stall spaces.
  - 2. The NFM 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 may be prohibited by the MM.
  - 3. Each organization must prominently display its name, and must comply with all applicable NFM rules including set-up by 7:30am and not leaving the market before 12:15 p.m.

## **XIII. WINERIES**

### **A. Qualification:**

- 1. Sellers in this category are those wineries that produce their wine primarily from grapes grown in Napa County and bottled by the licensee.
- 2. Sellers must hold a Certified Farmers' Market Sales Permit (Type 79) which allows winegrowers to sell and sample wine at Farmers' Markets. They also must hold a Type 02 Winegrower License which authorizes the sale of wine to consumers and wine tastings under prescribed conditions.

### **B. Tastings and Sales:**

- 1. Must be conducted by either the licensee, a member of the licensee's family, or an employee of the licensee.
- 2. Tasting is limited to three ounces of wine per person per day.
- 3. The area for tasting and sales must be separated from the remainder of the market by some permanent or temporary barrier (wall, rope, cable, etc.).
- 4. No open container of wine may leave the tasting and sales area.

## **XIV. CRAFT BREWERIES**

### **A. Qualification:**

- 1. Sellers must hold a Certified Farmers Market Beer Sales Permit (Type 84) which allows beer manufacturers to sell beer at Farmers' Markets.

2. Sellers must also hold either a Type 01 Beer Manufacturer License which authorizes the brewing of more than 60,000 barrels of beer per year or a Type 23 Small Beer Manufacturer License which authorizes the brewing of less than 60,000 barrels of beer per year.

**B. Tastings and Sales:**

1. Must be conducted by either the licensee, a member of licensee's family, or an employee of the licensee.
2. Tasting is limited to eight ounces of beer per person per day.
3. The area for tasting and sales must be separated from the rest of the market by a wall, rope, cable, cord, chain, fence or other permanent or temporary barrier.
4. No open containers of beer may leave the tasting and sales area.

## **XV. FREE SPEECH ZONE**

- A.** Activities of free speech (including but not limited to political campaigns, ballot petitions, religious messaging, etc.) are not allowed inside the NFM to create a neutral environment for all customers, staff, volunteers, and Sellers. Any free speech activities outside of the NFM should not interfere with market operations.
1. Individuals may not block or impede foot or vehicle traffic flow around the entrances/exits to the NFM or in any fire lanes.
  2. Individuals may not block, restrict access to, or otherwise interfere with the operation of the NFM or its Sellers.
- B.** A Free Speech Zone may be available outside the NFM. Space is available on a first come, first served basis, and is not regulated by the NFM.
- C.** In setting up their space, individuals using the Free Speech Zone are encouraged to adopt the following suggestions:
1. Individuals may set up a card table or folding table no larger than six feet by three feet. Table set up should not impede the flow of foot traffic or create safety hazards.
  2. Individuals are advised to use 24 pounds of weight per tent leg because umbrellas and tents can cause injuries if they are not adequately set up and secured.
  3. Individuals should respect NFM customers' right to privacy by not pushing unwanted materials on them.
  4. NFM encourages individuals using the Free Speech Zone to restrict their distribution of flyers and other material, both to cut down on waste and to avoid the buildup of waste that could impede the flow of traffic in the NFM.
  5. Messages of hate, intimidation, or discrimination will not be tolerated at NFM.



# EXHIBIT A: Definition of Terms

**Approved Seller:** a person or entity whose Application to Sell has been approved by NFM.

- A. Agriculture
  1. Grown upon land which the applicant controls (fresh vegetables and fruits, nuts in the shell, nursery stock, cut flowers, processed agricultural products).
  2. Bred, raised, cultivated or collected (animals, poultry, wine, worms, fish, aquaculture, eggs, and honey).
- B. Prepared Foods – cooked, canned, baked, preserved or otherwise significantly treated.
- C. Artisans – created, sewn, constructed or otherwise fashioned from component materials.

**CDFA Fee:** A fee of \$2 for each vendor participating and selling goods under the authority and management of a Certified Farmers' Market operator participating on each market day.

**Certified Agricultural Producer:** A producer authorized by the County Agricultural Commissioner to sell directly to consumers at a Certified Farmers' Market. Certified agricultural products are those produced upon land which the Certified Producer controls.

**Certified Farmers' Market (CFM):** A location approved by the County Agricultural Commissioner of the county where products may be sold by Agricultural Producers directly to consumers.

**Certified Producers Certificate (CPC):** A certificate which authorizes the transportation to and sale of products at a Certified Farmers' Market. The certificate shall be issued by the County Agricultural Commissioner on a form approved by the California Department of Food & Agriculture and the original kept on file at the county of origin. Photocopies of the original Certified Producer Certificates should be considered valid only when bearing an embossment from the issuing Agricultural Commissioner.

**Co-Op Products:** These are products jointly created when more than one farmer contributes products that are then combined with other farmers' products by a third-party. Typically, this is done when farmers do not have the equipment to produce a particular product so a third-party with the necessary equipment is engaged.

**Cottage Food Operation (CFO):** Allows persons using home kitchens to make and sell non-potentially hazardous foods which are those foods that are unlikely to grow harmful bacteria or other toxic microorganisms at room temperature. In order to sell CFO foods at a Farmers' Market, the operator must have either a Class A Registration or a Class B Permit approved by the County of Napa Department of Environmental Health. If the CFO product(s) to be sold at the NFM are made primarily with produce grown by the Seller, the CFO product(s) *may* qualify to be sold in the certified section of the Farmers' Market. A Certified Producer Certificate is required to sell produce and CFO foods in the certified section of the Farmers' Market, and in that case, a Temporary Food Facility permit is *not* required. The Certified Producer Certificate is issued by the County of Napa Agricultural Commissioner's Office.

**CPAI-84:** A standard for flammability of recreational tents. The name **CPAI** stands for Canvas Products Association International.

**Free Speech Zone** (also known as First Amendment zones, free speech cages, and protest zones): Areas set aside in public places for the purpose of promoting political candidates and ballot measures. The existence of free speech zones is based on U.S. court decisions stipulating that the government may reasonably regulate the time, place, and manner but not content of expression.

**Genetically Modified Organism (GMO):** Any organism whose genetic material has been altered using genetic engineering techniques. An organism altered in a way that does not occur naturally by mating and/or

natural recombination. A wide variety of organisms have been genetically modified, from animals to plants and microorganisms.

**Load List (or Load Sheet):** A form created by the NFM BOD that all Sellers of all agricultural products (certified, non-certifiable, and nursery stock) shall fill out and return to the MM each time Sellers sell products on any given market day, this includes Sellers of cut flowers.

**Monterey Bay Seafood Watch List:** A list of what seafood is a green "Best Choice," yellow "Good Alternative," or a red "Avoid." The "Avoid" category is for seafood which is overfished or fished or farmed in ways that harm other marine life or the environment. Health alerts for fish with high levels of contaminants (e.g. mercury, dioxins, PCBs) are also noted.

**Non-Agricultural Products:** Goods offered for sale at the NFM other than certified agricultural and non-certified agricultural products. These include prepared foods and crafts.

**Non-Agricultural Seller:** A person who produces and sells other than agricultural products, such as a prepared foods or crafts Seller.

**Non-Certifiable Agricultural Products:** Agricultural products that are not certified. This includes, but is not limited to, wine, worms, fish, aquaculture, livestock, poultry, dried fruits and vegetables, and processed agricultural products such as nuts, oils, nut butters, jams, pickles and smoked products.

**Organic:** A term that is regulated by the California Organic Foods Act of 2003. To use the term organic, products must comply with all the regulations contained in this act. The most basic requirement is for the user of the term organic to be registered with the California Department of Food & Agriculture.

**Probationary Period:** A 90-day period beginning with the first market attended by the Seller and ending 90 days later.

**Second Certificate Seller:** An approved certified agricultural producer who sells his or her product at the NFM at a primary certificate Seller's stand in the market.

**Seller:** Someone approved to sell at the NFM.

## EXHIBIT B: Permits, Licenses Registrations and Other Documents

**Apiary Registration:** Beekeepers must register apiaries with the County Agricultural Commissioner in which the hives are located.

**Avocado Exemption Permit:** Allows avocado growers selling at Farmers' Markets to avoid inspection for the following: maturity; defects; size, count and weight; standard container and pack; and container markings.

**Certificate of Liability Insurance:** A document issued by an insurance company/broker that is used to verify the existence of insurance coverage under specific conditions granted to listed individuals. Required by the NFM as proof that a Seller has at least \$1 million in liability coverage. Must also include Product Liability Insurance coverage of at least \$1 million for Sellers of dairy, meat, preserves, olive oil all other prepared food, fish, and sausage. NFM must be shown as an additional insured.

**Certified Farmers' Market Sales Permit (Type 79):** Allows wineries to sell and sample wine at Farmers' Markets.

**Certified Farmers' Market Beer Sales Permit (Type 84):** Allows beer manufacturers to sell sealed containers of beer at Certified Farmers' Markets.

**Certified Producer Certificate:** Issued by the County Agricultural Commissioner where the crops are grown which exempts a producer of fresh fruits, vegetables, nuts, eggs, honey, flowers and nursery stock from standard size, standard pack, container and labeling laws, and which permits the producer to transport and sell their produce at CFMs. Embossed copies of the Certificate are required to be displayed at the CFM location. Certificates are valid for the calendar year in which they are issued and must be renewed annually. Certificates are valid for participation in all CFM's throughout California.

**Class A Registration:** A copy must be provided for anyone wishing to sell at the NFM as a Cottage Food Operator engaged only in the direct sale of cottage food products.

**Class B Permit:** A copy must be provided for anyone wishing to sell at the NFM as a Cottage Food Operator engaged in the direct or indirect sale of cottage food products.

**Egg Handlers Registration:** Growers will need to obtain an egg handler's registration number from the California Department of Food and Agriculture (CDFA). There is a \$15 mill fee per year for egg handlers who sell at a Certified Farmer's Market. Forms to register with CDFA are available from the Agricultural Commissioner's Office or on the CDFA website.

**Load Lists (or Sheets):** The State of California requires that Load Lists be provided to the MM each market day. Certifiable Producers must list all items sold at the NFM as they appear on the CPC as well as the quantities sold in the indicated section of the Load List.

**Milk Handler License:** Every person who purchases, handles, or receives bulk unprocessed or pasteurized manufacturing or market milk for the purpose of manufacture, processing, sale, or other handling, must have this license. License is required by the owner, agent, broker, or intermediary purchasing unprocessed or pasteurized bulk milk from a producer (including a cooperative), a producer-handler, or another handler.

**Milk Products Plant License:** Required for the processing and packaging of products including but not limited to fluid milk, yogurt, cheese, cottage cheese, butter and dried milk. Such plants must score a minimum of 80 percent on the official scorecard for milk products plants (FAC 33701) and comply with the requirements for new construction, repairs and sanitation of milk products plants (FAC 33731 - 33782). A separate room dedicated to the manufacturing and packaging of milk products is required, as well as other rooms dedicated to specific operational activities at the facility. The facility may manufacture any quantity of product packaged for sale on or off the premises.

**Nursery License:** If you are selling nursery stock at a Certified Farmers' Market, you must have a copy of your nursery license with you at the NFM. The Agricultural Commissioner may issue a "Fee Exempt Nursery License" if your anticipated annual sales of nursery stock amounts to less than \$1,000. The "Fee Exempt Nursery License" allows you to sell nursery stock only in Napa County. If you wish to sell nursery stock in additional counties and/or your expected sales will be greater than \$1,000, you must obtain a license to sell nursery stock from the California Department of Food and Agriculture. The basic fee is \$100. Applications for this license are available from the Agricultural Commissioner's Office.

**Organic Certification:** If your gross sales are greater than \$5,000, then you must additionally obtain Organic Certification from CCOF or another USDA recognized organization.

**Organic Registration:** If your produce is grown organically and you want to advertise "Organically Grown" to the public you must obtain Organic Registration from the California Department of Food & Agriculture (CDFA) through your county Ag. Commissioner's Office.

**State Board of Equalization (SBE) Sellers Permit:** Required for all Sellers of non-edible items.

**Temporary Food Facility Permit:** The California Health and Safety Code section 114387 requires a Temporary Food Facility (TFF) Permit of any person or organization providing food to be consumed onsite at a permitted public event. All food Sellers, including existing restaurants, are required to apply for a Temporary Food Facility Permit when participating in a temporary event. A TFF permit is valid for one single food booth only. If a Seller is operating more than one booth at an event, a permit must be obtained for each booth location. The original permit must be posted in the booth during operation, photocopies will not be accepted.

**Type 01 Beer Manufacturer License:** Authorizes beer manufacturers to brew more than 60,000 gallons annually.

**Type 02 Winegrower License:** Authorizes the sale of wine to consumers and wine tastings under prescribed conditions.

**Type 23 Beer Manufacturers License:** Authorizes beer manufacturers to brew less than 60,000 gallons annually.

**WIC Application:** If you want to pay your stall fees with WIC tokens then you must submit a copy of your completed WIC application.

## EXHIBIT C: Reference Guide by Vendor Type

Use this Reference Guide to determine which sections of the Rules and Regulations apply to your vendor type.

			Vendor/Organization Type							
Rules & Regulation Section	Page	Certified Producers	Non-Cert. Ag	Specialty Foods	Artisans	Non-Profits	Wineries	Craft Breweries	Free Speech	
I.	Statement of Intent	2	X	X	X	X	X	X	X	
II.	General Information	3	X	X	X	X	X	X	X	
III.	Guidelines for Becoming an Approved Seller	3	X	X	X	X	X	X	X	
IV.	General Rules and Regulations for All Sellers	5	X	X	X	X	X	X	X	
V.	Safety and Health Guidelines	9	X	X	X	X	X	X	X	
VI.	Fees and Payment of Fees	9	X	X	X	X	X	X	X	
VII.	Alternative Forms of Currency	11	X	X	X	X	X	X		
VIII.	Disciplinary Action Process	11	X	X	X	X	X	X	X	
IX.	R&R for Sellers of Certified Agricultural Products	12	X							
X.	R&R for Sellers of Non-Certifiable Agricultural Products	13		X						
XI.	R&R for Sellers of Non-Agricultural Products	14			X	X				
XII.	R&R for Nonprofit Organizations and Community Groups	15				X				
XIII.	R&R for Wineries	15					X			
XIV.	R&R for Craft Breweries	16						X		
XV.	R&R for the Free Speech Zone	16							X	
Ex. A	Definition of Terms	18	X	X	X	X	X	X	X	
Ex. B	Permits, Licenses, Registrations and Other Documents	20	X	X	X	X	X	X	X	
Ex. C	Quick Reference Guide by Vendor Type	22	X	X	X	X	X	X	X	