

NEVADA COUNTY CERTIFIED GROWERS MARKET, INC.

RULES AND REGULATIONS

1.0 STATEMENT OF INTENT

The Nevada County Certified Growers Market is a diversified market, offering both certifiable and non-certifiable agricultural products for sale. Although the Direct Marketing Rules do not apply to non-certifiable products, the same producer-to consumer philosophy applies to all items sold at the Market.

The Market provides producers with the opportunity to sell their fresh local products directly to the consumer without the intervention of a middleman. The market is a Certified Farmers Market and is operated in accordance with regulations established in the California Code of Regulations Title 3 (Agriculture), Division 3 (Economics), Chapter 1 (fruit and vegetable standardization), Subchapter 4 (fruits, nuts, and vegetables), Article 6.5 (direct marketing). It is certified by the county Agricultural Commissioner as a Direct Marketing outlet for producers of fresh fruits, nuts, vegetables, eggs, honey, flowers, and nursery stock. These producers, when individually certified by the Commissioner, may sell their produce directly to consumers without meeting the standard pack and container requirements for such products. All produce must meet minimum quality standards. Sale of fresh fruits, nuts, and vegetables for commercial resale is prohibited unless the product complies with all applicable size, standard pack, container and labeling requirements.

2.0 MANAGEMENT

The Market is managed, operated, and controlled by the Nevada County Certified Growers' Market, Inc., a not for profit organization. (NCCGM, Inc.)

3.0 HOURS OF SALE

Saturday Market Hours: 8:00 a.m. – 12:30p.m. No bagging or selling is allowed before 8:00 a.m.

Tuesday Market Hours: 2:00 p.m – 5:30 p.m. No bagging or selling is allowed before 2:00 pm.

Thursday Market Hours: 2:00 p.m. – 5:30 p.m. No bagging or selling is allowed before 2:00 p.m.

- 3.1 Board of Directors will determine at their annual January Planning Session if additional mid-week markets will be scheduled. Dates and hours of operation will be determined at that time. Directors will select the non-profit organizations that will participate at all NCCGM markets.
- 3.2 A One hour set-up and take-down time before and after Market hours will be allowed.

4.0 RESERVATIONS

- 4.1 Advance stall space reservations are available at this time.
 - 4.1.1 Each producer wishing reserved space for the season must apply to the Board by April 1 each year.
 - 4.1.2 In the event that there is more than one (1) producer requesting a specific stall space, spaces will be allocated according to the following criteria
 - 4.1.2.1 Seniority is established separately for each Market location.

The following Point system will be used:

 - Application filed by April 1 10 points
 - Number of markets attended prior year 1 point per market
 - Number of years attending the market 1 point per year. (March 2003)
 - 4.1.3 The producer in a reserved stall space must show by 7:00 a.m. (1 hour before the start of market) or the space may be filled by another producer.
 - 4.1.4 Each producer with a reserved stall space, who decides not to sell on any given market day must notify the Market Manager before 6:00 pm the prior day of the market day.
 - 4.1.5 In the event a producer does not comply with the requirements in 4.1.4 above, a written warning will be given to the producer and they may lose their reserved stall space for two markets. Further violations will result in the suspension of the certified producer's reserved stall space rights, and he/she will forfeit his reserved stall for the remainder of the market season.

- 4.1.6 Any producer aggrieved by the decision of the Market Manager or the Board of Directors to forfeit his/her reserved stall space may appeal to the Board of Directors in writing. The Board's decision will be given in writing within 30 days of receipt of the complaint following the next convened Board meeting.

5.0 STALL SIZE and STALL SET-UP

5.1 Each stall is approximately 12' wide and 20' long. All producers shall keep their vehicles, produce, and tables within marked parking spaces. No part of a producer's vehicle or stall set-up shall encroach on the lane reserved for pedestrians. Aisle space shall not be used without permission from the Market Manager. Pedestrian flow may not be impeded due to producer set-up. Each producer will accept the space assigned by the Market Manager, in the event space assignment becomes necessary.

5.2 Signage requirements and restrictions: Certification and/or licensure must be prominently displayed for public inspection per Board instruction; see supplemental enclosure with application packet.

6.0 SAFETY/HEALTH GUIDELINES

6.1 All producers are expected to be familiar with the Market's safety guidelines, and to comply with them. All producers will immediately comply with the Market Manager's directions in matters related to safety.

6.1.1 Each stall shall have a trash receptacle for public use. It is the responsibility of each stall user to dispose of trash collected, and to clean up his/her own stall area.

6.1.2 No display table may be filled over carrying capacity; produce arrangements must be stable.

6.1.3 Legs to tables must be secure, and tables must not cave in.

6.1.4 All connecting rods of shade setups shall be secure in their fittings. Shade setups shall be anchored or weighted down against the wind.

6.1.5 Tarps shall be securely fastened.

6.1.6 All boxes or crates of produce shall be kept at least 6" off the ground [CURFFL 27831(A)]. Boxes/crates shall be free of sharp edges, protruding nails, and wire.

6.1.7 Sampling will now be allowed according to revised regulations. Each producer--- must be responsible for learning and following regulations pertaining to his/her particular operation.

6.1.8 No smoking is permitted during Market hours. (State law)

6.1.9 No vehicle shall be permitted to drive in the center aisle between the one hour before Saturday Market, ½ hour before midweek market.3/03

All producers arriving after 8 AM(Saturdays), or 2:30 PM(Mid-week) will be allowed access to their stall by means other than driving in the center road aisle, i.e., walking or using the parking aisles.

6.1.9.1 A producer arriving after Market start time, may be asked not to sell.3/03

6.1.10 No live animals, dogs, birds, or fowl may be kept or allowed within 20 feet of any area where food is stored or held for sale. This does not apply to guide , signal, or service animals. CURFFL 27831(d)].

6.1.11 No bicycling is allowed in the Market.

6.1.12 One wheel of the vehicle must be blocked, front and back, upon immediate arrival into the stall space. Minimum Size: 4" thick by 6" wide; Maximum Size: 6" thick by 10" wide; and cut at a 45 degree angle. Material must be wood, metal, or approved by Market Manager.

7.0 GENERAL MARKET RULES AND REGULATIONS FOR SELLERS

7.1 In order to ensure the successful maintenance of the Market as an effective outlet for producers to sell directly to consumers, the Nevada County Growers Market, Inc. has established the following:

7.1.1 To become qualified to sell at the Market, a prospective producer must initiate and complete an Application-to-Sell packet and be a member of NCCGM. The packet must be submitted and be approved by the Board of Directors prior to the Producer exercising the privilege of selling at the Market. The Application-to-Sell packet includes:

7.1.1.1 The completed Application-to-Sell form which must be signed by the applicant(s) to indicate acceptance of all terms.

- 7.1.1.2 Copies of all appropriate certificates, licenses, inspections, permits, and proof of insurance.
- 7.1.1.3 Producers may be required to provide a map showing location of land on which products will be produced, plus a county parcel map of the property.
- 7.1.1.4 Non-certifiable products are any products (e.g. breads, lotions, sprays, oils, soaps, candies, or crafts) that contain an ingredient or substance that is certifiable. A producer must either grow part of the product or contract with one of the certified producers of NCCGM for raw materials to be used in the non-certifiable product. The producer must furnish copies of any relevant receipts, contracts, or documents of origin, if requested by the Board of Directors.
- 7.1.1.5 A producer may be removed or suspended from any market or having selling privileges in the market conditioned, modified or limited by the Market Manager or Board for any of the following reasons:
- a. Failure to obey and conform to state, local government or market rules and regulations.
 - b. Causing or maintaining an unsafe or unsanitary condition at the market. All producers and their representatives are expected to maintain personal hygiene as per State Environmental Health & Safety Code 114020, Article 15 for Farmer's Markets..
 - c. Unreasonable or outrageous conduct detrimental to the welfare of the market, including, but not limited to the consumption or use of alcoholic beverages or drugs or being under the influence of such, overt or covert harassment of other producers or their representatives, or consumers(which may be verbal or physical behavior including spatial intimidation or nonverbal behavior such as staring or mumbling to others while staring at the producer or representative), malicious gossip(slander, libel with other producers, consumers), violent behavior(verbal or nonverbal behavior, intimidation or implied threats) toward another producer, producer's family members or those persons working for the producer, interfering with another producer's movement(impeding set-up, business transactions or break-down), or solicitous actions(asking for political, religious, or social support or favors or circulating petitions which may have the potential for disruption of normal Market transactions) during business hours. Producers are expected to maintain high

standards of honesty and integrity, and to conduct themselves at all times in a courteous and business-like manner. Behaviors such as those outlined above will not be tolerated and are immediate grounds for suspension from participation in the Market by the Market Manager. If a producer or representative is suspended from a Market, that person(s) must leave promptly and may not return to any Market until the violation has been addressed. Producers having problems with other producers should refer the matter to the Market Manager (9/01.) who will investigate the concern and complete a written report citing the outcome. Producers having complaints or concerns about the NCCGM should put the complaints in writing to the attention of the Board. Producers may attend the Board Meetings to address concerns or leave voice mail at the following telephone number:(530) 265-5551.

7.1.1.5.4 Failure to attend a previously reserved market space without adequate prior notification.

7.1.1.5.5 The occurrence of any condition or limitation that was placed on the admission of the producer, e.g., behavioral pattern(s) or the producer's product, e.g., product that does not meet minimum quality), to any market.

A producer is responsible for the actions of the producer's representatives, employees or agents. If reasonable under the circumstances, the Market Manager must attempt to give adequate notice of violation prior to the actual action of removal and/or other disciplinary action.

7.1.2 No peddlers or vendors, other than Qualified Producers, will be permitted at the Market. Resale of another Producer's products at the Market is prohibited. In addition, no commissions may be paid or received in connection with sales at the Market.

7.1.3 A family member or employee may sell for a qualified (certified or licensed) Producer, but may be required to show the Market Manager proof of status upon request, unless listed on Application-to-Sell form NCCGM 92-2. Proof of employee status may be shown by presenting the Market Manager with a current W-4 form, a payroll check stub, or a letter signed by the Certified Producer, stating that the person is an employee.

- 7.1.4 The qualified producer may be required to sell his/her produce in person.
- 7.1.5 The qualified producer must grant permission to the Market Manager or other NCCGM representative to enter producer's premises for the reasonable inspection of land, facilities, proof of ownership, partnership agreement, land lease, and/or other applicable agreements, in order to determine whether producer is in compliance with the certificate, license, or permit conditions.
- 7.1.6 Only qualified Producers may sell at the Market. No secondaries (one producer selling for another producer) will be allowed. In order to accommodate a qualified producer, who due to an unanticipated emergency, is unable to sell, the following is required
- a. Notify the Market Manager or a Board Member prior to noon, the Friday preceding market day.
 - b. The person selling for the absent producer must also be a qualified producer and must also be selling his/her own produce.
 - c. The designated producer must display both growers certificates or licenses.
 - d. Each qualified producers' agricultural product must be separate and identifiable.
 - e. Both qualified producers must have an Application-to-Sell form on file with the Market Manager.
 - f. A producer of only non-certifiable agricultural products may sell only his/her products and must also meet the emergency requirements.
 - g. Approval of the aforementioned requirements must be given by the Board of Directors.
- 7.1.7 Certified/licensed Producers may sell non-certifiable agricultural products as a supplement to their certifiable/licensed agricultural products.
- 7.1.8 All scales must bear a current seal from the County Sealer of Weights and Measures. (Producers from Nevada County can obtain a scale permit from Nevada County Agricultural Commissioner, 255 S. Auburn St., Grass Valley. Telephone: 530- 273-2648)
- 7.1.9 Prepackaged closed consumer containers of agricultural products shall be labeled with the name, address, and zip code of the producer, and a declaration of identity and net quantity of the commodity in the package. (A package of six

or less items which are fully visible to purchaser does not need a statement of count.)

7.1.10 Producers are required to post prices. Collusion among producers to fix prices, or any attempts to influence a producer to increase/decrease prices are strictly forbidden under State law. When selling by the pound, all prices must be in five cent increments.

7.1.11 Stall fees are set by the Board of Directors. Supplemental Fee Schedules are included in the Application Packet for the designated year. All producers must pay stall fees according to current fee schedule. Stall fees are collected by the Market Manager at the end of each market day or before the producer leaves the Market. Fees must be paid by 1:00 PM on Saturday Market; fees paid after 1:30 PM will be charged an additional \$10.

7.1.11.1 If a producer fails to pay their stall fee prior to leaving, a written warning shall be given and the producer will not be able to sell until their stall fee has been paid. If a producer fails to pay their stall fee a second time, the producer will be required to pay an additional \$10.00 and will not be able to sell until they have paid the stall fees in full.

7.1.12 Stall space shall be shared by no more than two qualified Producers. The fee shall be the same as a producer in a single space.

7.2 In order to maintain economic viability and product diversity at the Market, the Board of Directors may control the composition of market products or the number of producers of products (e.g., tomatoes, peaches) for set time periods (e.g., producers may be asked to sell at alternative Market sites based on seniority status). . The following point system will be used to determine which producer will be allowed to sell if the Board determines that a product needs to be limited:

- a. Nevada County Grower/Producer 25 pts.
- b. Grower/producer is seller 25 pts..
- c. Number of days producer participated at a Market the prior year. 1pt per market
- d. Number of years the producer has been a member of the Market. 1pt per year
- e. Organic producer 5 pts.
- f. No quality violations issued by Market Manger 5 pts. 3/03

8.0 NON-COMPLIANCE WITH MARKET REGULATIONS

- 8.1 Non-compliance with State Direct Marketing Regulations, pertinent State, County, and local regulations, and/or regulations set forth herein, may result in:
- a. Forfeiture of right to sell at NCCGM and membership.
 - b. Suspension or fines, and/or costs or loss of sales incurred as a result of violation.
 - c. Market Manager has the authority to impose fines and/or suspensions until the Board meets to consider reinstatement or further action.
- 8.2 All violations will result in a written citation of the violation and will be forwarded to the Board. All producers are required to sign the violation indicating receipt of the written violation. Refusal to sign written violation will be noted by the Market Manager on the Violation Sheet.
- 8.3 Violations will be dealt with by the Board of Directors, and appropriate penalties assessed.
- 8.4 Any person aggrieved by a decision of the Market Manager may appeal to the NCCGM Board of Directors in writing. The Board's decision will be given in writing within 30 days of the receipt of the complaint, by the President or Vice-President of the Board.
- 8.5 Written violations will be carried over from one year to the next to demonstrate patterns of behavior by the producer in question.

9.0 RULES AND REGULATIONS FOR PRODUCERS OF CERTIFIABLE AGRICULTURAL PRODUCTS

(Fresh Fruits, Nuts, Vegetables, Eggs, Honey, Flowers and Nursery Stock)

- 9.1 All fresh fruits, nuts, vegetables, eggs, honey, flowers, and nursery stock must be sold in accordance with State Marketing Regulations for Certified Producers.
- 9.2 All producers of fresh fruit, nuts, vegetables, eggs, honey, and flowers must obtain an embossed copy of their original Certified Producer's Certificate as issued by the Agricultural Commissioner of the county in which the product has been produced. All produce to be sold must be listed upon the embossed certificate. All certificates, including State Nursery License and Inspection must be displayed in full view of the customers during each Market.

- 9.3 Qualified producers in this category are those who have grown the products they sell upon land which they own or control. Qualified producers of nursery stock holding a state license to sell nursery stock are not required to be certified in order to sell at the Markets. Producers of nursery stock not holding a state nursery license must have propagated the products they list on their Certified Producers Certificate in order to sell at the Market. All producers must have stock growing under their control for at least sixty (60) days prior to bringing said stock to Market.
- 9.3.1 Organic producers must display their Receipt of Registration as an Organic Producer, issued by the county in which the organic product listed on their Certified Producers Certificate was produced. A copy of the “Organic Producer/Handler/Processors Applications and Registration Certificate: shall be conspicuously displayed along with the embossed Certified Producers Certificate.
- 9.3.2 Organic products must be prominently labeled as follows: “Organically grown in accordance with the USDA Guidelines.
- 9.4 Signs claiming no use of non-organic pesticides, herbicides and/or fungicides are prohibited. Growers wishing to advertise “Organic Produce” must comply with the USDA Rules.

10.0 REGULATIONS FOR SELLERS OF NON-CERTIFIABLE AGRICULTURAL PRODUCTS

- 10.1 Qualified producers of processed fresh fruits, nuts, vegetables, eggs, and honey must have the produce, which they have processed, listed on their Certified Growers Certificate. These producers may have had their products dried, ground, roasted, smoked, or otherwise altered by a second party.
- 10.1.1 Processed food must be produced in an approved facility, and properly packaged and labeled. [CURFFL 27591]
- 10.1.2 Dispensing methods for bulk sales of ready-to-eat non-certifiable agricultural products, such as dried fruit and shelled nuts, shall be approved by the Health Department. [CURFFL 27591]
- 10.1.2.1 All producers must obtain and display all applicable permits, including a permit from the Health Department of the county in which the product originated.

10.1.3 Organic products which have been processed must be prominently labeled per USDA Regulations.

11.0 RULES AND REGULATIONS FOR SELLERS OF PROCESSED FOODS

- 11.1 All processed products must have been produced by the producer on land he/she controls and must have the approval of the Board of Directors prior to being presented for sale at the Market.
- 11.2 Qualified producers in this category are those who have cooked, dried, canned, preserved, or otherwise treated the products they sell. Producers must be able to show location and capability of processing or, if processing is done by a second party, the method used to ensure that the processed product returned is the original product submitted by the producer for processing. Receipts, volume data, ingredients utilized, and letters verifying methodology may be required.
- 11.3 All producers must obtain and display all applicable permits. Producers must show that all processing was accomplished under safe and sanitary conditions, and, if applicable, obtain, furnish, and display any and all health permits necessary.
- 11.4 All products within this category should bear labels including: the name of the product, ingredients, weight, and the qualified producer's name and address. [CURFFL Articles 6 and 15]
- 11.5 Low acid canned foods are prohibited in the Market. (e.g., vegetables, meats, low acid olives)

12.0 RESTRICTED SALE OF CERTAIN NON-CERTIFIABLE AGRICULTURAL PRODUCTS

- 12.1 The sale of poultry and poultry products, livestock (including rabbits) and livestock products, fish and shellfish produced under controlled conditions in waters and ponds located in California, and their products, are permitted to be sold in Certified Farmers Markets.3/02

13.0 NON-AGRICULTURAL PRODUCTS

- 13.1 Only juried, non-agricultural products which are documented by photos or samples submitted to the Board designated jurying committee prior to Special Events Days shall be permitted. Consumable items must meet the requirements for health and safety as set forth by the County of Nevada and State of California

14.0 RULES AND REGULATIONS FOR NON-PROFIT ORGANIZATIONS AND COMMUNITY INFORMATION GROUPS

14.1 All applications submitted by non-profit organizations, or by community information groups, will be addressed on a case-by-case basis by the Board of the Directors of the NCCGM.

15.0 APPENDIX

15.1 The following definitions apply to the context of the Rules and Regulations, unless otherwise specified within a particular category.

CFM Certified Farmers Market

CURFFL California Uniform Retail Food Facilities Law

Certifiable Fresh fruits, nuts, vegetables, eggs, honey, flowers and nursery

Products stock which have been produced as the result of the practice of agricultural arts by a producer upon land which the producer controls. Such fruits, etc., are certifiable/licensed products only when in the possession of the producer who produced them, the producer's employees, or immediate family. These products are certifiable by the County Agricultural Commissioner or licensed by the State of California

Certified A location approved by the County Agricultural Commissioner of

Farmers the County where products may be sold by Certified Producers

Market directly to consumers. A Certified Farmers Market may be operated by one or more Certified Producers, by a non-profit organization, or by a local government agency.

Market A certificate which authorizes the location wherein products may be

Certificate	Sold by Certified Producers directly to consumers. Any certified Farmers Market Certificate shall be considered valid only when bearing original signatures of issuing and/or endorsing Agricultural Commissioner and the Market Manager.
Certified Producer	A person or entity authorized by the County Agricultural Commissioner to sell directly to consumers, fresh fruits, nuts, vegetables, eggs, honey, flowers, and nursery stock at a Certified Farmers Market.
Licensed Producer	A person(s) authorized by the State to produce or sell nursery stock inspected by the County Agricultural Commissioner or designee.
Certified Producers Certificate	A certificate which authorizes the sale of certifiable agricultural products at a Certified Farmers Market. A Certified Producers Certificate will be considered valid only when embossed and bearing original signatures of the issuing and/or endorsing Agricultural Commissioner and the Certified Producer.
Consumer	A person who purchases products for private household use or for non-profit resale or distribution, but not a person who purchases products for commercial sale or distribution, or processing into other food products for resale.
Employee	Except for members of the immediate family, as defined below, persons employed by a Qualified Seller at a regular salary, either full or part-time, but not including any persons whose compensation, in whole or in part, is based on, or consists of, a commission on sales.
Family	Parents, children, grandchildren, grandparents, and in addition, any member or other person regularly residing in the Qualified Seller's household.
Governing Board	The Board of Directors of the NCCGM, Inc.

Land Which the Certified Producer Controls Land which the Producer or Certified Producer farms and owns, rents, leases, or sharecrops.

Market The Nevada County Certified Growers Market is certified by the Nevada County Agricultural Commissioner as a Certified Farmers Market.

Market A person or persons empowered by the Governing Board to

Manager Implement Market policies and directives, and to oversee the operation of the Market.

NCCGM Nevada County Certified Growers Market, Inc

Non-Certifiable Agricultural Products Includes goods offered for sale at the Market which cannot be certified by the Agricultural Commissioner. Includes all certified agricultural products that have been processed, and those products, other than certified products, from any tree, vine, or plant, and their flowers (including processed products), any horticulture (including floriculture), viticultural (including wine), vermicultural or apiary products, poultry and poultry products, livestock (including rabbits) and livestock products, and fish and shellfish produced under controlled conditions in waters and ponds located in and around California. All must have been produced on land and water which the producer controls or the state regulates.

NEVADA COUNTY CERTIFIED GROWERS' MARKET A non-profit corporation that controls, manages, and operates the Market.

Producer A person or entity who produces certifiable and/or non-certifiable agricultural products by practice of the agricultural arts upon land which the individual controls.

Harass Wear out, repeated attacks, disturb, besetting with threats or demands in order to get a desired result. It is a succession of petty annoyances or distractions inflicting worry, vexation or other mental tribulation over an extended period of time. Examples: entering a producer's stall without permission and discussing or insisting on being heard; bringing up the same subject over and over again, even though the producer has stated that he/she did not want to discuss the matter; repeatedly accusing a person of wrong doing.

Intimidate to discourage an action by using threats or threatening physical presence. Examples: standing very close to an individual and appearing to loom over that person; posturing or restricting movement.

Rude	unrefined, crude, harsh, severe, discourteous, belligerent, provocative, sarcastic with the intent to hurt.
Courtesy	showing respect, consideration for another or situation
Bully	a person who is habitually cruel to others that are perceived to be vulnerable and maneuverable, often using size or physical strength for intimidation.
Gossip	a person who engages in rumor, usually about another person or product; verbage is often sensational and exaggerated and of intimate issues.
Malicious gossip	engaging in rumor or gossip that has the desire and potential to harm others or see others suffer. Causing ill will by talking about a person who is not present; usually contains partial truths or distortions of fact. The intent is without just cause or reason and to cause harm.
Malign, defame, vilify, libel	applies in general to the expression of evil with malicious intent and connotes falsehood or misrepresentation. Example: statements that the Market is broke because the Board didn't pay taxes; statements that the Board (Members implied) is dishonest.

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