

# **DAVIS FARMERS MARKET**

## **APPLICATION INFORMATION**

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

1. Read the Davis Farmers Market Rules.
2. Completely fill out the application form.
3. Return the completed form along with photocopies of appropriate permits and licenses by mail to:  
Davis Farmers Market  
P.O. Box 1813  
Davis, CA 95617  
530-756-1695      FAX 530- 756-1858  
www.davisfarmersmarket.org  
  
or in person at the Market.
4. When received, your complete application will be submitted to the DFMA Governing Board for approval.
5. You will be notified by the Market office of the decision.
6. If your application is approved, you should contact the Market Manager to arrange to sell at the Market.

## **INDEX:**

**Reservations-page 2**

**General Market Information-page 2**

**License and permit agencies-page 2**

**Stall Fee Structure-page 3**

### **Rules:**

- I. Statement of Intent-page 3**
- II. Definition of Terms-pages 4-6**
- III. Rules for Approved Sellers-pages 6-15**
- IV. Rules for Non-profit & Community Information Groups-page 16**
- V. Application-page 17**

**DFMA 12/04**

**RESERVATIONS:**

Advance stall space reservations are required for all Markets. If a seller reserves a space and fails to either cancel at least 36 hours previous or appear to do business on the Market Day, a fine equivalent to the minimum stall fee shall be assessed to the seller.

**GENERAL MARKET INFORMATION:**

**HOURS AND LOCATION:** All Markets are open year-round, rain or shine.

Market Location: Central Park, 4th & C Streets

Market Hours:  
Saturdays: 8 am-1 pm year round

Wednesdays:  
Apr-Oct: 4:30 pm -8:30 pm  
“Picnic in the Park”

Nov-Mar: 2:00 pm-6:00 pm

**APPROPRIATE LICENSES AND PERMITS:**

Agricultural Sellers -

- Certified Producers Certificate (County Ag)
- Non-Certified Agricultural Producers (County Health Dept. and County Ag)
- Avocado Inspection Certification/Avocado Inspection Permit (County Ag)
- Nursery Stock License (State CDFA Ag)
- Apiary Registration (County Ag)
- Organic: Registration and/or Certification
- Cut Flowers/Gourds and other non-edible Ag Products: Sellers Permit (\*)
- Wine: Alcoholic Beverage Control Permit #79 (\*\*)

Non-Agricultural Sellers

- Ocean Fish: Fish and Game Licenses, Boat Registration, Commercial Permits, Dock Landing Receipts
- Prepared Foods: County Department of Health Permit, Business License (City)
- Crafts: State Board of Equalization Sellers Permit, Business License (City)

**LOCAL LICENSING AGENTS:**

Yolo Co. Ag Commissioner  
70 Cottonwood Street  
Woodland, CA 95695  
(530) 666-8140

Yolo Co. Dept. of Health  
20 Cottonwood Street  
Woodland, CA 95695  
(530) 666-8646

City of Davis  
23 Russell Blvd.  
Davis, CA 95616  
(530) 757-5651

(\*) State Board of Equalization  
9823 Old Winery Place  
Sacramento, CA 95827  
(916) 227-6700

Dept. of Fish & Game  
3211 S Street  
Sacramento, CA 95816  
(916) 227-2233

(\*\*)Wine: CA  
Alcoholic Beverage  
Control-Permit 79  
www.abc.ca.gov

# DAVIS FARMERS MARKET

## RULES

### I. STATEMENT OF INTENT

NATURE OF THE MARKET: The Davis Farmers Market (“Market”) is a diversified Market offering agricultural (both certifiable and non-certifiable) and non-agricultural goods for sale.

The Market is a Certified Farmers Market and is operated in accordance with regulations established in the California Code of Regulations, Title 3, section 1392 *et seq.* on Direct Marketing. See also Cal. Food & Ag. Code §§ 47000 *et seq.* and <http://www.cdfa.ca.gov/is/fveqc/cfmprogram.htm>.

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

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

The resale of all products is prohibited except as provided in these Rules; Section IV., 4, Rules and Regulations for Non-Profit Organizations and Community Information Groups.

MANAGEMENT: The Davis Farmers Market is managed, operated and controlled by the Davis Farmers Market Association, Inc. ("DFMA") and is operated under the authority of an ordinance adopted by the City of Davis. The Davis Farmers Market Board of Directors ("DFMA Governing Board"), its Executive Director, market managers, and all other designated agents shall implement and enforce all rules and regulations pertaining to the operation of the Association and the Market in a fair and equitable manner. Any approved seller or applicant aggrieved by the action of the Market Manager or other DFMA agent can appeal to the DFMA Governing Board whose decision shall be final.

Davis Farmers Market Association Membership Regulations are separate from these Market Rules. Membership regulations, information and membership application forms can be obtained from the Market Manager or the Davis Farmers Market office.

CURRENT STALL FEE STRUCTURE: Stall fees at the Davis Farmers Market are calculated as a percentage of the seller’s gross sales for that market day with minimum fees. Members of the Davis Farmers Market Association, Inc. pay a lower stall fee percentage than non-members. A stall fee will be collected for each space used, even in the case of no sales.

## **II. DEFINITION OF TERMS**

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

**Agricultural Producer or Producer:** A person or entity who produces agricultural products by the practice of the agricultural arts upon land which the person or entity controls.

**Active Participant:** One of the approved sellers comprising a member entity. An active participant is an approved seller who has been designated by the member entity to represent the member entity in the DFMA and to exercise the rights of membership including, but not limited to, the right to vote, receive all mailings and inspect records.

**Approved Seller:** A person whose application to sell has been approved by the DFMA Governing Board and who is selling or offering for sale at the Market an approved item or commodity which he/she has:

### **as in Agricultural-**

- a. Grown upon land which the person controls, in the case of fresh fruits and vegetables, nuts in the shell, nursery stock, cut flowers, processed agricultural products.
- b. Bred, raised, cultivated, or collected in the case of animal, poultry, wine, worms, fish, aquaculture, eggs, honey, and bee products;

### **as in Prepared Foods-**

Cooked, canned, baked, preserved, or otherwise significantly treated,

### **as in Crafts-**

Created, sewn, constructed, or otherwise fashioned from component materials items thematic with the image of the farmers market.

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

**Certifiable Agricultural Products:** Fresh fruits and vegetables, nuts in the shell, honey, eggs, nursery stock, and cut flowers which have been produced as the result of the practice of the agricultural arts by a producer upon land which the producer controls. These items shall be considered agricultural products only when in the possession of the producer who produced them, the producer's employees, or the producer's immediate family or a consumer.

**Certified Farmers Market:** A location approved by the County Agricultural Commissioner of the county where products may be sold by Agricultural Producers 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.

**Certified Farmers Market Certificate:** A certificate which authorizes the location wherein products may be sold by Agricultural Producers directly to consumers. Any Certified Farmers Market Certificate shall be considered valid only when bearing original signatures of the issuing Agricultural Commissioner and the authorized representative of the certified farmers market.

**Certified Producers Certificate:** 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 Director and the original kept on file at the county of origin. Photocopies of the original Certified Producer's Certificates should be considered valid only when bearing an embossment from the issuing Agricultural Commissioner.

**Consumer:** A person who purchases and receives products at a certified farmers market, but not a person who purchases products for commercial resale unless such products comply with all applicable size, standard pack, containers, and labeling requirements.

**Crafts Review Committee:** A committee comprised of local artisans appointed by the DFMA Governing Board and a DFMA Board member that reviews all crafts submitted for approval to be sold at the Davis Farmers Market. This committee reviews crafts based on criteria set forth by the DFMA Governing Board.

**DFMA:** Davis Farmers Market Association, Inc.

**DFMA Governing Board:** The Board of Directors or other ruling committee of the Davis Farmers Market Association, Inc.

**Davis Farmers Market Association, Inc.:** The entity that controls, manages and operates the markets (DFMA)

**Employee:** Except members of the immediate family as defined below, persons employed by an approved seller at a regular salary or hourly wage, either full time 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.

**Entity:** A group of two or more approved sellers each of whom is joined by either marital status, partnership, corporate status, family farm status, co-op, joint venture or other legal status.

**Family Member:** Parents, Children, grandchildren, grandparents, and in addition any other family member regularly residing in the approved seller's household.

**Land Which the Agricultural Producer Controls:** Land which the agricultural producer farms and owns, rents, leases or share crops.

**Load List:** A form created by the DFMA Board of Directors that all sellers shall fill out and return to the management each time sellers sell products on any given market day.

**Market:** The Davis Farmers Market which is permitted (certified) by the Yolo County Agricultural Commissioner as a Certified Farmers Market.

**Market Manager:** A person or persons empowered by the Governing Board to implement Market policies and directives, and to oversee the operation of the Market.

**Member:** An approved seller who is accepted into the Davis Farmers Market Association and pays the required annual membership dues as set forth by the DFMA Governing Board.

**Non-Agricultural Products:** Goods offered for sale at the Market 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 category of products 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.

**Non-Profit Organization:** An organization which has current tax-exempt status under the law of the State of California.

**Notice of Proposed Suspension:** A document informing a seller of a proposed rescission, suspension or modification of selling privileges at the Davis Farmers Market, and informing a seller of the time, place and reason for a hearing before the DFMA Governing Board regarding such proposed rescission, suspension or modification.

**Organizations:** For the purpose of Section IV, non-profit and community information groups.

**Peddlers or Vendors:** Persons who sell items they did not produce themselves; a re-seller.

**Prepared Foods Seller:** A person, who through the practice of the culinary arts, produces prepared foods.

**Primary Certificate Seller:** A certified agricultural producer who occupies his or her own assigned stall space at the Market.

**Seasonal Seller:** A seller whose normal practice is to sell for a period of less than a full year. For example, a seller who grows commodities limited to the fall harvest, or a single commodity seller such as a peach seller, is a seasonal seller.

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

**Seller:** An approved seller

**Year Round Seller:** A seller whose normal practice is to sell at the Market throughout the calendar year.

### **III. RULES FOR APPROVED SELLERS**

In order to ensure the successful maintenance of the Market as an efficient and effective outlet for producers to sell their products directly to consumers, the Davis Farmers Market Association has established the following rules for approved sellers:

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

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

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

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

2. Admission to the market as an approved seller shall be subject to consideration of an approved seller's history of compliance with state, local government and market rules.

3. Stall space allocation shall be based on consideration of the following factors as determined by the market manager and DFMA Governing Board: membership in the Davis Farmers Market Association, number of years of selling at the market; consumer demand; record of attendance; market commodity mix, compliance with the DFMA Rules and Regulations and local production (Yolo and adjacent counties).

4. Sellers do not have to be members of the DFMA to sell at the Market. Sellers who are not DFMA members shall not be given priority for stall space allocation, and may be admitted based on space availability and the discretion of the Market Manager.

5. Second Certificate sellers shall be allocated stall spaces only after primary certificate sellers are accommodated and only on a case by case basis at the discretion of the Market Manager and the Governing Board.

6. The number of approved seller stall spaces for each category of products shall be set by the DFMA Governing Board.

7. Admission of an approved seller may be conditioned by the type of product.

8. All new sellers will be subject to a ninety (90) day at-will probationary period from the first date of selling.

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

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

2. Admission of product will be based on the 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.

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

1. Only approved sellers as defined in each category (as defined in sections E, F and G of these Rules) may sell at the Market. All approved sellers must appear to sell for their first Market Day. A family member or employee may sell for an approved Seller. A family member or employee of an approved seller may sell for a second certificate seller. Seller employers or employees may be required to show the Market Manager proof of employee status (current W-4 form and/or payroll check stub) upon request. Employees may not receive commissions.
2. Each year round sellers must sell his/her products in person at least once per year. Seasonal approved sellers must appear in person to sell for their first market day of the season.
3. All sellers must complete and submit the DFMA annual Letter of Intent to the Market office in October of each year, indicating their plans to sell at the Market the following year, and listing the products they would like to sell (including any new products not previously sold and any deletion of products previously sold),
4. Sellers must grant permission to the Market Manager or other DFMA representatives to enter the seller's premises for the reasonable inspection of: land, facilities, proof of ownership, partnership agreement, land lease and other applicable agreements in order to determine whether the seller is in compliance with the certificate, license, or permit conditions.
5. No peddlers or vendors will be permitted at the Market. Further, resale of products at the Market is prohibited except as provided in Section E of these Rules. Resale is permitted by non-profit organizations, including the Market Association, so long as the resale of items is related to or in support of their organization for fundraising purposes. All resale items sold by the non-profit organizations at the Market must be approved by the Market Management prior to sale.
6. Sellers shall only display or advertise items that have been approved for sale. All products offered for sale in a gift box or other container must be DFMA approved items and be of the seller's own production. Sellers may promote their farm-related activities at their stalls at the discretion and approval of the Manager.
7. All scales must bear current seal from the County Sealer of Weights and Measures (e.g. sellers from Yolo County can obtain a scale permit from the Yolo County Agricultural Commissioners office, 70 Cottonwood, Woodland, CA (916) 666-8140).
8. Pre-packaged items sold by weight must be labeled with the net weight and name and address of the seller.
9. Sellers must post prices. Failure to post signs may result in fines levied per occurrence. Collusion among sellers to raise prices or any attempt to influence a seller to increase prices is strictly prohibited.
10. 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. Failure to display a sign may result in fines levied per occurrence.



11. All required permits and licenses shall be displayed prominently during selling hours. This includes, but is not limited to, the Certified Producers Certificate (state law), Nursery Stock License and Nursery Seller's Permit (state law), County Health Permit, and Aquaculture License, State Board of Equalization Seller's Permit (state law). Failure to post permits and licenses may result in fines levied per occurrence.

12. All sellers must comply with 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 Market by the County Environmental Health Department for incorrect sampling procedures shall be assessed to the vendor responsible for the non-compliance.

a. All foods shall be stored at least six inches off the floor or ground or under any other conditions that are approved.

b. Distribution of food samples is allowed provided that the following sanitary conditions exist:

(1.) Samples shall be personally distributed only by the seller to the customer on a one-to-one basis, Customers are not to serve themselves. Any samples observed to be in violation will be removed and discarded. Samples shall be distributed by the producer in a sanitary manner.

(2.) Samples shall be kept in approved, clean, covered containers.

(3.) Clean, disposable plastic gloves shall be used when cutting samples.

(4.) Food intended for sampling shall be washed, or cleaned in another manner, of any soil or other material by potable water in order that it be wholesome and safe for consumption.

(5.) Potable water shall be available for hand washing and sanitizing as approved by the local enforcement agency.

(6.) Potentially hazardous food samples, shall be maintained at or below 45 degrees Fahrenheit. All other food samples shall be disposed of within two hours after cutting.

(7.) Utensil and hand washing water shall be disposed of in a facility connected to the public sewer system or in a manner approved by the local enforcement agency.

(8.) All garbage and rubbish shall be stored and disposed of in a manner approved by the enforcement officer,

13. Sellers of salad mix shall post a notice indicating that the mix is field harvested and should be rinsed before serving. If the salad mix has been washed in a certified kitchen in accordance with health department regulations, such notice is not needed.

14. Stall fees are set by the DFMA Governing Board. All sellers must pay stall fees according to the current fee schedule set by the DFMA Governing Board. Stall fees are collected by the Market Manager at the end of each Market Day. Sellers must comply with stall fee payment procedures. Failure to do so may result in fines levied per occurrence.

15. Sellers in all categories shall complete a load list on each Market day and submit it to the Market Manager before departing from the Market.

16. Stall space assignments:

a. Sellers must accept the stall space assigned by the Market Manager.

b. Whenever a seller does not adhere to Market arrival and departure times, or fails to notify the Manager of his/her intention to sell at the Market on a specific day, the Manager may revoke the seller's stall space reservation for two weeks. Market arrival times are one hour before the start of a Market. Departure times are no earlier than the closing time of the Market and no later than one hour after the Market closes.

c. Sellers must maintain their stall spaces in a clean and sanitary condition. Each seller shall remove containers, waste, and trimmings before leaving the Market. Sellers shall not use the City trash bins. Refuse collected must be disposed off-site by sellers.

d. Sellers must provide their own tables.

17. Standards of Conduct:

Sellers who do not comply with these standards of conduct may be subject to discipline as set forth in Section D of these rules.

a. Sellers shall be honest and shall conduct themselves at all times in a courteous and business-like manner. Rude, abusive or other disruptive or offensive conduct is not permitted.

b. Conduct by sellers that is materially and seriously prejudicial to the reputation or operation of the Market is not permitted.

c. Sellers experiencing any difficulty with customers or other sellers in this regard should refer the matter promptly to DFMA management.

d. No radios or boom boxes may be played during market hours. No loud hawking, shouting or barking to promote products is allowed.

e. All product promotion must occur within the space assigned to the producer and not in any common area.

f. Seller's pets are not allowed in the Market per the CA State Health and Safety Code; this includes no pets in seller's vehicles.

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

19. All sellers must comply with all applicable Federal, State and local laws, ordinances and regulations.
20. All sellers must comply with the Market's Safety Program and Emergency Protocol.
21. All sellers and their employees must adhere to the Market vehicle parking policy. Non-compliance may result in fines being levied.
22. All sellers must submit in writing any complaints/grievances that they wish the Governing Board to address.

#### **SECTION D: DISCIPLINE OR REMOVAL OF AN APPROVED SELLER; APPEALS**

*Section 14.01.060 of the Davis Municipal Code sets forth the authorized discipline or removal of an approved seller as well as the appeal process. In the event of a conflict between this Section D and Section 14.01.060 of the Davis Municipal Code, the Municipal Code shall govern.*

1. A seller may be removed or suspended from any market or have selling privileges in the market conditioned, modified, limited or terminated by the DFMA Governing Board.
2. Sellers who are in violation of any state, local or DFMA rules and regulations; or who are aggrieved by a DFMA Governing Board decision, will be subject to the following procedures:
  - a. Whenever the Market Manager or DFMA Governing Board believes a seller has violated the conditions of the permit to sell or any of the rules or regulations of the Market, the Market Manager may issue a verbal or written warning or may issue a notice of proposed suspension.
  - b. Any verbal warning or informal written warning shall be followed by written notice of proposed suspension documenting such warning. Such written notice of proposed suspension or modification of selling privileges shall be mailed or personally delivered to the seller within seven (7) days of such verbal warning. The notice shall state the time and place of the Governing Board hearing on the proposed suspension or other action. Such hearing shall be held no later than thirty (30) days after mailing or personal service of the written notice of proposed suspension. The Market Manager shall inform the seller of the reasons for the warning or notice.
  - c. If the Market Manager issues a notice of proposed suspension, the seller may appear at a hearing before the DFMA Governing Board at the time and place in the notice. The seller shall be entitled to present written evidence and written argument to the DFMA Governing Board before the hearing and shall be entitled to present written and oral evidence at the hearing. The seller may, at his or her sole expense, be represented by legal counsel at the hearing or in written communication to the DFMA Governing Board. The DFMA Governing Board does not transcribe its proceedings. If a seller wishes to obtain a verbatim record, the qualified seller shall arrange for attendance by a court reporter or for some other acceptable means of recordation. Such arrangements shall be at the qualified seller's sole expense. If the seller challenges in court

the action taken by the DFMA Governing Board, the challenge shall be limited to raising only those issues raised at the hearing or in written correspondence delivered to the DFMA Governing Board at or prior to the hearing.

d. The DFMA Governing Board shall, at the time and place set forth in the notice, hold a hearing on the proposed suspension. At the hearing, the seller shall be entitled to present written or oral evidence and argument as to why the permit should not be suspended. The Board shall also consider the testimony of the Market Manager or his or her designee. The DFMA Governing Board may, in its discretion, continue the hearing once to a future date.

e. If the DFMA Governing Board, after a hearing, determines that the seller has violated the permit conditions or the Market rules and regulations, it may suspend the seller's permit for a maximum of 90 days.

f. The DFMA Governing Board may suspend, for any period deemed appropriate, or may revoke, the permit of any seller whose permit has been previously suspended. The DFMA Governing Board may also refer the matter to a governmental agency with jurisdiction over the subject at issue. The DFMA Governing Board shall promptly notify the seller in writing of its decision and the findings of fact supporting the decision. Any seller whose permit has been suspended previously must reapply to be a seller at the DFM when requesting to return to selling. Admission is not guaranteed.

g. A seller whose permit has been suspended, or a seller or applicant aggrieved by a decision of the DFMA Governing Board, may file a written request with the Market Manager requesting reconsideration of a determination made by the DFMA Governing Board. The person requesting reconsideration shall file the written request within ten (10) days of the adoption of the DFMA Governing Board determination. If no person files a timely request, the DFMA Governing Board shall not take any action pursuant to this section and the DFMA Governing Board's decision shall be considered final. If a timely request for reconsideration has been filed, at the next available meeting the DFMA Governing Board shall consider the request for reconsideration and shall receive any oral or written testimony. The DFMA Governing Board's decision shall be final.

h. Whenever the Market Manager determines that an immediate suspension of a seller's privilege in the Market is necessary to preserve the health, safety or welfare of the Market customers, other Market sellers, Market staff, or the public, the Market Manager may suspend a seller's permit to sell. Such suspension shall be effective immediately. The Market Manager shall provide the seller with a notice of suspension stating the date, time and place of the DFMA Governing Board's hearing on the suspension. Thereafter, the hearing procedures detailed above shall be followed.

i. Whenever a seller has had their state or county permit to sell at a Certified Farmers Market revoked, that seller must re-apply to sell at the Davis Farmers Market, and may not be guaranteed admission to sell.

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

Fresh Fruits and Vegetables, Nuts in the shell, Shelled Eggs, Honey, Cut Flowers, Nursery Stock

1. Sellers in this category are those who have grown or produced the products they sell on a facility which the seller controls.
2. All certified agricultural products must be sold in accordance with State Direct Marketing Regulations for Certified Producers (Cal. Code of Regs., Tit. 3, § 1392.)
3. All sellers of certified agricultural products must obtain a Certified Producer's Certificate issued by the Agricultural Commissioner from the county in which the produce is grown. All products for sale must be listed on the certificate and an embossed photocopy certificate shall accompany the certified agricultural products during transportation and be posted at the Market. All certificates shall be displayed in full view of customers during each Market.
4. **Second Certificates:** A certified producer may sell for another certified producer provided that the seller is also selling his/her own product, he/she displays both growers certificates, and he/she notifies Market staff that he/she is selling for another producer. In addition, each certified producer selling at the Market through another producer must:
  - a. have an approved application-to-sell on file with the Market Manager;
  - b. have been granted permission to sell the second certificate products by the Market Manager;
  - c. appear to sell for the first market day and at least once thereafter for every 6 months of sales;
  - d. agree to pay a separate stall fee.
  - e. have a separate display of product, not to be mixed in any way with the primary producer's product as in bouquets, dried fruits and salad mixes or gift baskets. At least 50% (based on fair Market value) of each primary certificate holder's produce for sale must be of his/her own production
5. **Growing Practices:** Signs and labels must clearly identify the products on a vendor's table that are certified organic. Use of any other terms must not be misleading. Farming practices must be fully and truthfully disclosed when customers inquire. Failure to do so will result in disciplinary action, including possible revocation of selling privileges. All produce grown hydroponically or in greenhouses must be so labeled.

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

Live Animals, Livestock, Fish, Aquaculture, Wine, Worms, Dried Fruits and Vegetables, Processed Nuts, Juices, Pickled Fruits & Vegetables, Jams.

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. All sellers of non-certifiable agricultural products must obtain a certified producer's certificate for the fresh product from which the processed product was derived. The certified producer's 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 Market. All certificates must be displayed in full view of customers during each market.

2. Only those processed agricultural products which a producer can verify are his/her own product will be allowed for sale at the Market. Dry yard and/or processing plant receipts may be requested for verification of producership.

3. All sellers must obtain and display all necessary permits, including health permits and any other applicable permits.

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

Priority for stall space will be based on-consideration of the factors set forth in section II; A;3 of these Rules (membership in the DFMA, number of years selling, consumer demand, record of attendance, compliance with the DFMA Rules and Regulations and market commodity mix. In addition, priority will be given to applicants who are local (Yolo and adjacent counties), or whose processed foods are made using raw ingredients from DFMA agricultural sellers.

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

a. Sellers in this category are those who have cooked, canned, baked, preserved or otherwise treated the product they sell. Sellers shall prepare the finished product.

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

c. All processed/prepared foods/food vendors must provide the market with proof of product liability insurance naming the Market as an additional insured.

d. 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.)

e. Low acid canned foods are prohibited from the Market (including, but not limited to, vegetables, meats, low acid olives).

f. Packaging and containers for processed and prepared foods must be recyclable.

g. The Market may adopt benefits for sellers, including but not limited to financial benefits, incentives and cooperative promotions to encourage principles it wishes to promote.

## **2. Rules and Regulations for Picnic in the Park Food Vendors**

- a. All packaging and containers for prepared foods sold by PIP food vendors must be recyclable.
- b. Priority will be given to Downtown Davis Restaurants and space allocation is on an annual at-will admission by the DFMA.
- c. PIP vendors must use products purchased from DFMA sellers in food sold.
- d. PIP vendors must complete a PIP Food Vendor Application and comply with additional requirements (Health Department and Fire Department) as well as all DFMA Rules and Regulations as outlined.

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

- a. Sellers in this category are those who have created, sewn, constructed, or otherwise fashioned from component materials the item(s) they sell. The component materials must be sufficiently modified from their original state to demonstrate fine craftsmanship.
- b. Crafts must be thematic with the farmers market. Crafts must reflect images of agriculture, agrarian lifestyle or the Market in general.
- c. All craft applications shall be reviewed by a craft review committee appointed by the DFMA Governing Board. The crafts review committee shall meet three times a year, or as needed.
- d. 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.
- e. A representative sample and photos/slides of each craft item to be sold at the Market must be submitted at the time of review. Only those items approved at the review may be sold at the Market.
- f. A rotating stall space assignment schedule will be applied to approved craft sellers. Priority stall space allocation will be taken into account as outlined in DFMA Rules and Regulations Section II;A;3.
- g. 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 Producers Certificate). The sale of these crafts by Agricultural Producers must take place in the designated craft area of the market.

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

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

These rules adopted December 2004