

# WINDSOR CERTIFIED FARMERS MARKET

## 2022 Rules & Regulations

### SECTION A: STATEMENT OF INTENT

Philosophy of the Market: The Windsor Certified Farmers Market ("WCFM") is a diversified Market offering quality agricultural (both certified and non-certified) and non-agricultural products for sale and to offer a place where visitors of all ages can gather to experience and learn about farming, cooking and healthy living,

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

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 nonagricultural items.

Management: The Windsor Certified Farmers Market is managed, operated and controlled by Windsor Certified Farmers Market, Inc. ("WCFM") and is under the authority of an ordinance adopted by the Town of Windsor. The Windsor Certified Farmers Market Governing Board ("WCFM Governing Board"), its market manager, and all other designated agents and volunteers shall implement and enforce all rules and regulations pertaining to the operation of the Corporation and the Market in a fair and equitable manner. Any approved seller or applicant aggrieved by the action of the Market Manager or other WCFM agent can appeal to the WCFM Governing Board whose decision shall be final.

Current Stall Fee Structure for Sundays: Stall fees at the Windsor Certified Farmers Market for farmers and processed foods are calculated as a percent of the seller's gross sales for that market day with a minimum stall fee per day for Farmers of \$10 and for processed of \$15, For Crafters & Food Vendors there is a flat fee per market day for crafters at \$30 and for Food Vendors at \$40.

As of January, 2015 per AB 1871, the California Department of Food & Agriculture requires all Certified Farmers Markets to pay a fee equal to the number of vendors participating and selling goods under the authority and management of the certified farmers' market operator for each participating 'market day, This (\$2) fee will be added to the stall fee collected by the Market Manager for each vendor whose products were presented for sale on each market day.

### SECTION B: RULES AND REGULATIONS 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 Windsor Certified Farmers Market, Inc. has established the following rules for approved sellers.

#### ADMISSION OF AN APPROVED SELLER

(Only approved sellers shall be permitted to sell at the Market.)

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, 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,
  - c. A Check or Cash Administration fee of \$25-(N)

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: Number of years selling at the market; market commodity mix, consumer demand; record of attendance; compliance with the WCFM Rules and Regulations and local production (Sonoma and surrounding Counties within 150 miles). Practical monopolies and surfeits (gluts) should be avoided so that all vendors do well.
4. A certified producer shall not represent, nor be represented by more than two other certified producers in a 12 month period.
5. Product sales by different farms at the same vendor stand shall separate the products from each farm or ranch and correspondingly post the required sign or banner in direct relationship with the sales display of the products produced by each farm.
6. The WCFM Market Manager shall set the number of approved seller stall spaces for each category of products. The type of product may be considered for admission as an approved seller.

### SECTION C: GENERAL RULES FOR ALL SELLERS

1. Only approved sellers as defined in each category (as defined in sections E and F of these Rules) may sell at the Market. A family member or employee may sell for an approved Seller. Sellers with employees are required to fill out the Town of Windsor Workers Comp Form each year with application. The Market Manager may require proof of employee status (current W-4 form and/or payroll check stub) upon request.
2. All sellers must complete and submit the WCFM Application each year, indicating their products to sell at the Market.
3. Sellers must grant permission to the Market Manager or other WCFM 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.
4. NO peddlers or resale vendors will be permitted at the Market. Resale of products at the Market is prohibited except as provided in Section E of the Rules - Resale is permitted by non-profit organizations, including the Market Corporation, 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 Manager prior to sale.
5. 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 WCFM 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.
6. All scales must bear current seal from the County Sealer of Weights and Measures (e.g. sellers from Sonoma County can obtain a scale permit from the Sonoma County Weights and Measures. Discounts are given if you bring scale in with your Ag Permit.)
7. All processed agricultural products that sellers offer for sale shall state in a clear manner by package label, container label, or bulk sales signage that they consist only, with the exception of incidental flavorings and necessary preservatives, of agricultural products grown or raised by the farm or ranch selling them, the farm or ranch name, and the city where the farm or ranch is located. In addition, every processed product shall identify on a package label, container label, or on bulk sales signage the registration number or other identity reference of the facility where the food was processed.
8. Sellers who engage in collusion among sellers to raise prices or any attempt to influence a seller to increase/decrease prices is strictly prohibited.

9. All vendors of agricultural products shall post an obvious sign or banner at the point of sale that states the name of the farm or ranch, the County where the farm or ranch maintains the production grounds that produced the products being offered for sale is located, and a statement that "We Grow what We Are Selling" or "We Raised what We Are Selling" or "We Grow What We Sell" or similar phrases that clearly represent that the farm or ranch is only selling agricultural products that they themselves have grown or raised on California land that they possess or control.
10. 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 Sellers 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.
11. All sellers must comply with Health and Safety Code section 1143500 as it may be amended from time to time, or any other law regulating food sampling at a certified farmers 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:
    - i. 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.
    - ii. Samples shall be kept in approved, clean, covered containers.
    - iii. Clean, disposable plastic gloves shall be used when cutting samples.
    - iv. Food intended for sampling shall be washed, or cleaned in potable water in order that it is wholesome and safe for consumption.
    - v. Potable water shall be available for hand washing and sanitizing as approved by the local enforcement agency.
    - vi. 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.
    - vii. 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.
12. 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.
13. The WCFM Governing Board sets stall fees. All sellers must pay stall fees according to the Current fee schedule set by the WCFM 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.
14. Sellers in the Agricultural Products Category shall complete a load list on each Market day and submit it to the Market Manager before departing from the Market.
15. Stall space assignments:
  - a. Sellers must accept the stall space assigned by the Market Manager.
  - b. Market operating hours are: 9:30 to 12:30 pm on Sundays and 5-8 pm on Thursdays. Market arrival times are a minimum of 30 minutes before the start of a Market. Departure times are no earlier than 15 minutes after closing time of the Market and

no later than 1 hour after the Market closes. Manager can fine up to \$100 if vendor is found to be operating a vehicle in the Market boundaries during Market open hours.

- c. Market Manager must be notified of absence by noon on Friday before Sunday Market or minimum booth fee will be assessed. Each Vendor receives 2 Sunday Sick Days per season in case of unforeseen circumstances. Manager must be notified at least one week prior to all Thursday Markets or minimum booth fee will be assessed. Call or Text Manager, Tina at 707-246-6741. DO NOT Send Email to report absence. When a seller repeatedly ignores Market arrival and departure times or repeatedly fails to notify Manager of his or her intentions to sell at the Market the Manager may revoke the sellers stall space reservation and or move vendor to a different space.
  - d. Sellers must maintain their stall spaces in a clean and sanitary condition. Each seller shall remove containers, waste, and droppings before leaving the Market. Sellers shall not use the City trash bins. Refuse collected must be disposed off-site by sellers. Sellers must provide their own tables, tents and anything needed in their booth.
16. Standards of Conduct: Sellers that 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. Sellers experiencing any difficulty with customers or other sellers in this regard should refer the matter promptly to WCFM management.
  - c. NO radios or boom boxes may be played during market hours, NO loud hawking, shouting or barking to promote products is allowed.
  - d. All product promotion must occur within the space assigned to the producer and not in front of booth or any aisles adjacent to booth.
  - e. Sellers pets are not allowed in the Market per the CA State Health and Safety Code, this includes no pets in sellers vehicles.
17. Sellers are responsible for the actions of their representatives. employees, or agents.
18. All sellers must comply with all applicable Federal, State and local laws, ordinances and regulations.
19. All sellers must submit in writing any complaints or grievances that they wish the Governing Board to address.

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

1. A seller may be removed or suspended from the market or have selling privileges in the market conditioned, modified, limited or terminated by the WCFM Governing Board.
2. Sellers who are in violation of any state, local or WCFM Rules and Regulations, or who are aggrieved by a WCFM Governing Board decision, will be subject to the following procedures.
  - a. Whenever the Market Manager or WCFM 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 WCFM Governing Board at the time and place in the notice. The seller shall be entitled to present written evidence and written argument to the

WCFM Governing Board before the hearing and shall be entitled to present written and oral evidence at the hearing. The seller may, at his sole expense, be represented by legal counsel at the hearing or in written communication to the WCFM Governing Board. The WCFM 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 WCFM Governing Board, the challenge shall be limited to raising only those issues raised at the hearing or in written correspondence delivered to the WCFM Governing Board at or prior to the hearing.

- d. The WCFM 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/her designee. The WCFM Governing Board may, in its discretion, continue the hearing once to a future date.
- e. If the WCFM 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 60 days.
- f. The WCFM Governing Board may suspend, for any period deemed appropriate or may revoke, the permit of any seller whose permit has been previously suspended. The WCFM Governing Board may also refer the matter to a governmental agency with jurisdiction over the subject at issue. The WCFM 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 WCFM when and if requested 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 WCFM Governing Board, may file a written request with the Market Manager requesting reconsideration of a determination made by the WCFM Governing Board. The person requesting reconsideration shall file the written request within ten days of the adoption of the WCFM Governing Board determination. (If seller does not file a timely request, the WCFM Governing Board shall not take any action pursuant to this section and the WCFM Governing Board's decision shall be considered final. If a timely request for reconsideration has been filed, at the next available meeting the WCFM Governing Board shall consider the request for reconsideration and shall receive any oral or written testimony. The WCFM Governing Board's decision shall be final after this 2<sup>nd</sup> meeting.)
- 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.
- 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 Windsor Certified Farmers Market, and may not be guaranteed admission to sell.

## SECTION E: RULES AND REGULATIONS FOR SELLERS OF CERTIFIED and NONCERTIFIED AGRICULTURAL PRODUCTS

(Agricultural products means a fresh or processed product produced in California including fruits, nuts, vegetables, herbs, mushrooms, dairy, eggs, honey, pollen, unprocessed bees wax, propolis, royal jelly, flowers, grains, nursery stock, livestock meats, poultry meats, rabbit meats,



and Fish, including shellfish that is produced under controlled conditions in waters located in California.)

1. Sellers in this category are defined as "producer", meaning a person, partnership, corporation, or an otherwise legally formed farm or ranch that produces agricultural products by the "practice of the agricultural acts" upon land that the person of entity owns, rents, leases, sharecrops or otherwise controls and has the documented legal right to possession.

2. All certified agricultural products must be sold in accordance with State Direct Marketing Regulations for Certified Producers. See Cal Food & Ag Code 47000 et seq at <http://www.cdffa.ca.gov/is/fveqc/cfmprogram>

3. All sellers of certified agricultural products must Obtain a *Certified Producer's Certificate* (CPC) 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 own he/she displays both certificates (CPC). 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. Separate the products from each farm or ranch on separate tables and correspondingly post the required sign or banner with the sales display of the products produced by each individual farm.
- d. Second Certificate products are not to be mixed in any way with the primary producer's product as in bouquets, dried fruits, 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. **Organic Growing Practices:** Signs and labels must clearly identify the products on a vendors table that are Certified Organic with Organic Certificate clearly displayed in booth. 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 hydroponics or greenhouse-grown produce must be so labeled.

6. A product that combines an agricultural product with a nonagricultural product or service in a manner that materially increases the purchase price of the product shall disqualify the product from being sold as an agricultural product. (i.e. plants in decorative pots, candles, candy)

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

(Products that are characterized as arts, crafts, bakery, candies, soaps, balms, perfumes, cosmetics, pottery, fabrics, pastas, compost, candles, ceramics and foraged foods)

### 1. Rules and Regulations for Sellers of Food Products.

- a. Sellers in this category are those who have cooked, canned, baked, preserved, or have otherwise treated the product they sell. Sellers shall prepare the finished product themselves.
- 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 a copy of Product Liability Insurance naming as additional insured (as listed below):

**The Windsor Certified Farmers Market, Inc. and the Town of Windsor  
and all officers, employees and volunteers, PO Box 1877, Windsor, CA 95492**

- 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 2759 et seq. and 2783 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 are requested to be recyclable. **All Styrofoam and plastic cups above #1 are prohibited from use.**
2. Rules and Regulations for Thursday Night Food Vendors.
- a. Packaging and containers for prepared foods must be recyclable, no Styrofoam and plastic cups above #1 allowed.
  - b. Priority will be given to local Windsor businesses first, then Sonoma County restaurants and chefs. Space allocation is on an annual basis and determined by the WCFM.
  - c. Vendors must complete a Seller Application and comply with additional requirements (Health Department and Fire Department) as well as all WCFM Rules and Regulations as outlined for sellers of Food Products.
3. Rules and Regulations to sell Arts and Crafts  
(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.)
- a. All craft applications shall be reviewed by the Manager and the WCFM Governing Board.
  - b. 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.
  - c. A representative sample and/or photos 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.
  - d. A rotating stall space assignment schedule could be applied to all craft sellers. The sale of crafts must take place in the designated area of the market or as assigned by the Market Manager.

## SECTION G: RULES AND REGULATIONS FOR NON-PROFIT ORGANIZATIONS, COMMUNITY GROUPS and EDUCATIONAL EXHIBITORS

1. Windsor Area non-profit organizations and community groups shall be allowed at the Market whenever space is available, and must be approved by the WCFM Manager and Board. All organizations must set up in the space assigned by the Market Manager. Market encourages education in farming, nature, nutrition and exercise, especially activities for children.
2. The Market has designated 2 spaces per Sunday Market only for Windsor Area groups. Groups must have a status and they must bring all their own tables and supplies needed.
3. A Windsor Area organization request for a space must be made to the Market Manager prior to the Market day and will be assigned as available.
4. An applicant must provide the Market Manager with satisfactory proof of the organizations 501 (c)(3) non-profit status and of his/her position as a representative of the organization.
5. Only Windsor Area 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 WCFM sellers.

6. 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.
7. The Market retains the right to regulate the time, place, and manner of activities relating to displays, signs, posters, postcards and other expressions of the interests represented. The use of fighting words, obscenities, grisly or gruesome displays, or highly inflammatory slogans likely to provoke a disturbance is prohibited and will be enforced by the Market Manager.
8. Each organization must prominently display its name, and must comply with all applicable Market Rules & Regulations.

#### SECTION H: SALE AND TASTINGS OF ALCOHOLIC BEVERAGES

1. The sale and/or tastings of alcoholic beverages at the Sunday Farmers Markets will be reserved for local non-profit organizations to use as a fundraising effort and is not advised for more than two Market a month, preferably during Market special events.
2. Local non-profit groups must apply for an ABC license and follow all laws pertaining to alcohol service.
3. Arrangements must be made in advance and service location will be designated by the Market Manager and shall be in a separate area from all Market booths/

These Rules & Regulations were adopted by the Windsor Certified Farmers Market Board of Directors in February of 2022. Recorded by Secretary, Marie Ganister.  
We reserve the right to update these Rules & Regulations as deemed necessary.