

# **Marin Agricultural Institute**

## **Rules and Regulations**

**Adopted: March 11, 2004**  
**Amended: November 5, 2009**

## Marin Farmers Markets Rules and Regulations

Table of Contents	Page Number
I. Purpose	1
II. Governance	1
III. Non-Predatory Policy	1
IV. Type of Markets	1
V. Criteria for Admission of Certified Producer and Products	1
Restrictions for Farmers	2
Requirements for Certified Producers to Use Second Certificates	3
Requirements for Meat Sellers	3
Requirements for Non-Certifiable Vendors	4
Requirements for Nursery Vendors	5
Requirements for Fisherman	5
Requirements for Food Purveyors	5
Requirements for Restaurants	6
Requirements for Artisans	6
Products Prohibited at Marin Farmers Markets	7
VI. General Market Rules, Policies and Requirements	7
Direct Marketing Law	7
Reselling	7
Market Hours	7
Certified Producer Attendance	7
Cancellations	8
Arrival, Departure and Selling Time	8
Setup, Safety and Sanitation	9
Sampling Requirements	10
Signs	11
Farm/Vendor Identification	11
Permits and Licenses	11
Growing Practices	11
Prices	11
Noise, Disturbance, Intrusion, and Obstruction of Commerce	12
Food Coupons	12
Assignment of Selling Space	12
Description of Selling Space	12
Animals	13
Free Speech	13
Free Speech sign-in sheet	14
Standards of Conduct	15
VII. Discipline or Removal of a Producer from the Market	15
VIII. Grievances and Due Process	16
IX. Definitions	16

## **PURPOSE**

The Marin Agricultural Institute (MAI), established for the benefit of both family farm producers and consumers (in accordance with state, county and local laws), offers great diversity of both certifiable and non-certifiable farm goods for sale. MAI provides producers with a direct marketing outlet for crops that they grow themselves and consumers with an opportunity to buy direct from the producer a variety of fresh, high quality produce in an atmosphere that fosters community and conviviality. Other objectives include community outreach and education about nutrition, food preparation, food crops and agricultural systems.

## **GOVERNANCE**

The MAI Board of Directors is elected by the membership. The Board of Directors has developed the following market Rules & Regulations to govern the operations, administration and management of all MAI markets and to clarify and supplement the California Direct Marketing Regulations of the California Department of Food and Agriculture. The MAI Board of Directors may change, delete or modify these market Rules and Regulations from time to time and to enforce them in accordance with due process. (See page 13, Grievances and Due Process) MAI requires all participants in the markets to be members in good standing of MAI (see Bylaws).

The Board of Directors of MAI, its management, staff and designated agents will implement and enforce all market rules and regulations in a fair and equitable manner.

## **NON-PREDATORY POLICY**

MAI will not enter into an RFP process against other market associations while another farmers market organization is in contract. MAI will only bid for a new market location if the relationship with the existing market association has already been cancelled by the city or private entity asking us to bid. MAI will not pursue contracts for markets that are being run by other organizations; this is detrimental to California Certified Farmers Market Associations and their individual members. Farmers are best served, not by divisiveness, but by working with one another.

## **TYPE OF MARKETS**

The MAI markets are Certified Farmers' Markets, operating in accordance with the California Food and Agriculture Code which are hereby incorporated by reference to be part of these market Rules & Regulations. Copies of the applicable code sections are available at the MAI office for review upon request or visit [www.cdfa.ca.gov](http://www.cdfa.ca.gov). Each market is managed, operated and administered by MAI.

## **CRITERIA FOR ADMISSION OF CERTIFIED PRODUCER AND PRODUCTS**

MAI's approval of selling privileges is for a limited period of time, never exceeding one year and is a privilege not a right. The date when selling privileges expire is a function of the Vendor's status (farmer, year round or seasonal, food vendor, etc.) Farmer selling privileges are based upon their particular Growing Calendar as approved by MAI management. All products are subject to

restriction by MAI. Admittance to the market is given to Vendors based on their strengths in the following areas (in order of priority):

1. All vendors selling at MAI farmers' markets must be members of MAI and submit a signed signature page indicating that they will abide by these rules and a signed hold harmless agreement.
2. Producer's history with MAI (including adherence to market rules and regulations, seniority of Producer in MAI system, market attendance, history of positive consumer/producer relationships, payment of fees, submission of load lists and courteous behavior).
3. Unique or unusual product offerings. Enhancement of overall product mix at market without creating excessive supply as determined by demand and as assessed by the Market Manager.
4. High quality products for sale that meet minimum quality standards.
5. Locally grown, defined as grown in the same or adjacent counties of the farmers' market the producer attends.
6. Producers demonstrated effectiveness at enhancing consumer knowledge of the products being sold and how they were produced (via seller's presence, knowledgeable employees, and good brochures and handouts).

**Other factors affecting admission of a Vendor include:**

- Space available at the market.
- MAI's preferences for a balance between unprocessed farm products and prepared foods at the market, and for prioritizing market access for farmers with value added products versus food purveyors with similar products.
- Individual farms are given preference over Partnerships and small to moderate family businesses over larger enterprises.
- Importance of MAI as a marketing outlet for the farm's overall marketing strategy (direct sales vs. utilization of distributors).
- Processed products feature seasonal and regional ingredients purchased from MAI farmers

**Restrictions for Farmers**

- Crops grown in soil fumigated with Methyl Bromide (MBr) or harvested crops protected in storage with MBr may **not** be sold at MAI markets.
- Livestock, meat or dairy product raised or developed using Bovine Growth Hormone (BGH) may not be sold at MAI markets.
- Raw agricultural products should be minimally handled or processed before packing for market. Preference is given to farmers bringing field-run or better grades. Waxed produce is not allowed at market unless approved by MAI. Labels on produce are discouraged at market.
- Any farmer wishing to sell new crop items not previously approved to sell at market must submit for approval a list of new crops. Substantial additions to existing approved product lines are also subject to management approval. Mixed operations (certified organic/conventional) must submit documentation as to harvest location/lot number and yield and must present products for sale in a manner approved by MAI.

- The sale of products listed on the Growing Calendar for each farmer may be restricted by the market manager, and must be approved by MAI annually. The produce offered for sale may be restricted by product type, product quantity, commodity or season for any reason, at the sole discretion of MAI. Restrictions are imposed to ensure a balance of variety, range of products, quantity and season.
- A certified producer or entity may only have one stall or a contiguous second space at a market per certified producer certificate (except in the case of second certificate products approved for sale by MAI).

Applicants wishing to request an exception to the above restrictions must submit a written explanation of the difficulties that are unique to their business and plan a timeline for achieving compliance. MAI will review the request and consider whether or not to grant a conditional exception.

### **Requirements for Certified Producers to Use Second Certificates**

- The selling Producer may not sell for more than one additional Producer during the calendar year.
- Stall signage must clearly indicate to the consumer which products are produced at which farms. The products must be clearly separated and ownership clearly identified at the stall. Any rules regarding signage for growing practices or other purposes must be followed independently for the two sets of product.
- Producers with a second certificate shall pay a supplemental stall fee as established by MAI.
- The Producer must grow the majority (75%) of the products sold at their stall each market day as measured by volume, weight, commodity or dollar amount.
- Second certificate sales will not be granted to Producers to supplement their own type of product supply.

### **Requirements for Meat Sellers**

- USDA Requirements
  1. All livestock must be slaughtered in USDA inspected facility per federal law except where exemption is allowed. Seller must provide to MFM management current USDA slaughter facility identification number and receipts from most recent slaughter. Seller's USDA slaughter may be verified by MFM management via phone call to claimed federal inspection facility.



2. All meat goods sold at markets must be made, processed and packaged in USDA facilities and all primary packaging must display proper USDA labeling.
  3. All meat goods sold at markets must be stored in USDA approved storage facilities. Seller's USDA approved storage may be verified by MFM management via receipts or phone verification of claimed facility.
- Sourcing
    1. All meat sold at farmers markets must come from animals raised by seller with the exception that meat sellers are allowed to sell meat from up to three other ranches/farms approved by market management.
    2. All meat sold at farmers markets must be source verified, i.e. all ranches/farms must be confirmed and approved by MFM and all farms/ranches must be open to examination and assessment by market management. Farm/ranch visits may be required before acceptance into market and approval will be at MFM discretion.
    3. All meat products must be individually labeled and labels MUST INCLUDE RANCH/FARM OF ORIGINAL ORIGIN.
  - Insurance
    1. Meat sellers must provide MFM with required business insurance and product liability insurance.

### **Requirements for Non-Certifiable Vendors**

- Non-certifiable producers may, with written MAI approval, sell at MAI Markets. Although State laws regarding Certified Farmers' Markets do not apply to non-certifiable and non-agricultural products, the same producer-to-consumer philosophy shall apply for all items sold at MAI markets. These products add variety and enhance the festive ambiance of the market (they will be permitted on a limited basis outside the area designated as a certified farmers' market).
- In reference to the authorized non-certifiable agricultural products listed above, a Certified Producer's Certificate will be required to substantiate the Producer's claim to grow the primary ingredients. The Producer must provide the location and be capable of processing or, if processing is performed by a second party; the method used to ensure that the processed product contains a majority (75%) of the original raw ingredient grown by the Producer for processing. In addition, such product must satisfy all public health, labeling, permitting and other requirements pertaining to processed products.
- The products defined above may include but not be limited to the following:
  1. Fresh juices and beverages prepared from fresh fruits and vegetables.
  2. Flower arrangements and wreaths.
  3. Jams, preserves, vinegar, oils and flavored oils.
  4. Selected baked goods.
  5. Dairy and meat products where the seller plays a substantial role in the husbandry of the animals and the production of the raw product.
  6. Other products approved by MAI and consistent with the intent of the CFM program to give California farmers direct access to customers for the sale of their agricultural products such as wool, leather, hides, and etcetera.
  7. Prepared food such as unpackaged and packaged baked and processed goods prepared at a location approved by the local health authority and sold by the vendor who produces them.

8. Drinks such as soda, water, tea and coffee. No beverage may be sold that contains the following ingredients: high fructose corn-syrup, aspartame, phosphoric acid, and/or artificial flavorings.
9. Ready-to-eat foods prepared in part or wholly at the market site.

### **Requirements for Nursery Vendors**

- The Vendor shall have performed the propagation, germination, planting of cuttings or division work for all potted plants, trees or nursery starters that are sold at MAI markets.
- All Nursery vendors selling products at MAI will be required to show the following original documents: 1) Nursery License; 2) Nursery Seller's Permit; 3) State Board of Equalization Permit.
- It is strictly forbidden for Vendors to purchase plants for the sole and immediate intent to resell them without sufficient propagation as defined by category by MAI or without necessary growing time, to be determined by MAI management. Noncompliance will result in expulsion from the market.

### **Requirements for Fishermen**

- All fish, fresh or processed (i.e. smoked) ocean and shellfish, must be harvested from a fishery by properly licensed boats and sold at the market by the fisherman, family member or employee.
- Fish caught in local waters will have preference over fish from other California waters.
- MAI adopts the following guidelines based on the Monterey Bay Seawatch criteria for endangered fish:

MAI does not allow fish on the RED list to be sold at the markets.

If fishermen catch fish themselves, they can sell fish on the YELLOW list.

If fishermen resell fish, they can sell fish on the GREEN list.

- All commercial fishers selling products at MAI will be required to show the following original documents: 1) Boat License; 2) Fish & Game License; 3) Landing receipts, and if selling local crab: 4) Permit to catch crab; 5) Pilot License; 6) Aquaculture permit.
- Retail Sales Vending Permit (from County Environmental Health Department where market is held).

### **Requirements for Food Purveyors**

- All Food Purveyors selling products at MAI will be required to show the following original documents: 1) Food Industry Health Permit; 2) Retail Sales Vending Permit for on-site food preparation; 3) Food Registration Permit for prepackaged food.
- Styrofoam containers, Styrofoam cups or Styrofoam packaging are not allowed at the market.
- GM ingredients may **not** be used in any processed item (see Special Requirements for Farmers above).
- Pending California State Legislature action, MAI will be proactive and phase out sale of foie gras at all markets by the end of 2007. No new vendors who sell foie gras will be allowed in the market [as of 10/22/09].

## **Requirements for Restaurants**

- Restaurants are strongly encouraged to use produce that is in season and purchased from the farmers that are participating in MAI markets.
- Restaurants are also strongly encouraged to use dairy products, bread, and other baked goods from dairies and bakeries that participate in MAI markets.

## **Requirements for Artisans**

All interested Artisans must first submit a complete application and be approved by the Jury Committee. A complete application includes:

- A) Five 5"x7" photos of the work the artisan intends to sell
- B) One photo of the artisan's booth/display
- C) One photo of the artisan working in their work area or studio. (This photo is used only to verify that the artisan does the work, and is not shown to the Jury Committee.)

The Artisan must either self-produce the work or, if there are employees, be in complete control of all aspects of production. Work produced with commercial kits, molds, patterns, plans, prefabricated forms or other commercial methods is not permitted. New artisans requesting entry into the Association will have their work juried (the Jury Committee will meet on a quarterly basis). The work the artisan displays must be similar in style, quality and method to the work juried.

MAI reserves the right to verify any given information in an appropriate manner, including visiting the place of production. MAI does not grant exclusive rights to any category or product.

MAI is a membership organization and all vendors are required to become members of Marin Agricultural Institute.

All Artisans selling products at MAI will be required to show the following original document: State Board of Equalization Seller's Permit.

Artisans can earn points for attending markets and jobs as follows:

- A. One cumulative point for yearly membership.
- B. One point for attending any market/s at least one time per month (non-cumulative).
- C. One point for attending Novato, Fairfax, Hayward, Newark markets (non-cumulative).
- D. One point for attending Novato, Fairfax, Hayward, Newark markets once per month while they are operational (non-cumulative).
- E. One point for being on the Artisan Jury and attending all three juries for the year (non-cumulative).
- F. Two points for being an Artisan Board Member for a one-term year (non-cumulative).
- G. One point for participating in 50 markets in a year.

## **Products Prohibited at MAI Markets**

- Live birds or live animals for human consumption.
- Bakery products where MAI hosts a bakery at the Market.
- Products purchased by a seller that have not been approved by MAI. (Coffee, tea.)

- Unauthorized certified or non-certifiable agricultural products.
- Crops grown using Genetically Modified (GM) seed planted after March 1, 2000 may **not be** sold at the market. Consult MAI office for a current list of these crops, which include varieties of canola, soy, corn, tomato, radicchio, summer squash, potatoes, cotton and papaya. Note: since there are no labeling requirements for GM seeds, the only sure way to avoid growing crops using unlabelled GM seeds, is to give preference to certified organic agricultural products and processed foods.
- Any beverage with the following ingredients: high fructose corn syrup, aspartame, phosphoric acid, and/or artificial flavorings

## **GENERAL MARKET RULES, POLICIES AND REQUIREMENTS**

### **Direct Marketing Law**

As noted previously, the regulations of the California Department of Food and Agriculture pertaining to direct marketing (Article 6.5, Group 4, Chapter 3, Title 3 of the California Administrative Code) are incorporated by reference to be part of these market Rules & Regulations. MAI's interpretation of the Agricultural Code will determine the answers all questions and disputes about their application.

### **Reselling**

The reselling of any product or goods in any CFM area of a MAI Market is strictly prohibited. Any participant violating this section of the market Rules & Regulations will have their selling privileges immediately revoked at all MAI markets.

### **Market Hours**

The hours of operation of all MAI Markets will be established by the Board of Directors and are subject to change as conditions warrant and as determined by the Market Manager. This information is available at the MAI office upon request. MAI operates markets year round, rain or shine.

### **Certified Producer Attendance**

Certified Producers are expected to attend confirmed markets each week throughout their season. Switching or dropping markets within their season as defined in the reservation process is allowed only with market manager approval.

### **Cancellations**

During peak season (April-November), vendors must contact the MAI office at least 72 hours prior to each Market day to cancel their reservation and avoid stall fee charges for late cancellations. During winter season (December-March), vendors must contact the MAI office at least 48 hours prior to each Market day to cancel their reservation and avoid stall fee charges for late cancellations.

1. Vendors who cancel less than 72 hours in peak season (or less than 48 hours in winter season) before Market day will be required to pay the stall fee.
2. Eligible vendors (farmers, fishermen, food purveyors, temporary food facilities and commercial) will be given three **free** rain dates per market that they can use during the winter season (December 1-March 31) **when the weather is bad**, provided that the vendor gives notice prior to the market or shows up the day of the market and says they are taking a rain date. If an eligible vendor fails to show up at a market for which they have been scheduled (No Show), the vendor cannot use one of their three free rain dates. Vendors must be regularly scheduled on a weekly basis throughout the winter season to receive the rain dates. Any vendor who misses more than three markets in the winter season (December 1-March 31) is not eligible for the three free rain dates per market.
3. Artisans, like all other vendors who sign up for a full winter season, will get the same amount of rainy days as other vendors. They will get their rainy days after the season is over.

- MAI Market Managers have the discretion to cancel a market in the event of dangerous or extreme weather conditions, with no refunds offered. Eligible vendors may, however, choose to use one of their three **free** rain dates per market during the winter season (see #2 above for more information).
- If a National holiday falls on a market day, the market may be switched to another day at the discretion of MAI.
- No Show: a pre-confirmed farmer/vendor that does not show up at a market, nor calls to cancel before market setup.
- Producers, who have two or more No Shows at a market during their designated season, may lose their stall space reservation and will be fined \$50.
- Artisans may have three cancellations (not two) without the possibility of them losing their space in the market.

### **Arrival, Departure and Selling Time**

- Producers/Vendors are allowed a one-hour set-up and take down time before and after the scheduled market hours.
- Producers/Vendors are required to arrive at least 30 minutes prior to the start of the market or their assigned stall space will be reassigned; they may be required to off load their products for safety reasons and/or they may be fined \$25 and/or prohibited from participating in that day's market.
- Producers/Vendors may leave only after the market has closed and a safe exit can be made.
- Producers/Vendors may not conduct sales until ½ hour before the market opens or may not conduct sales ½ hour after the market has closed. The first violation will result in a \$200 fine per sale and the second violation will result in a 90 day suspension from the markets.

- Producers/Vendors may not leave their stall space before the market closes without approval from the Market Manager.
- To facilitate monthly in-market promotions and activities, stall fees are payable one week in advance. The payment schedule may be modified due to bad weather or at the discretion of the market manager.
- Backyard growers (definition) may receive a discounted stall fee.
- Load lists complete with the farm and owner name, employee signature and producer certificate number must be returned to the Market Manager no later than 72 hours after the close of the Market. Failure to turn in completed load lists by this time will result in a verbal warning. The second time per year to fail to turn in a load list will result in a \$50 fine. The third failure to submit a completed load list, the producer will not be admitted to the markets until their load lists are current. A \$25 administrative fee will be assessed for each letter written after the first warning.

### **Setup, Safety and Sanitation**

MAI's goal is to provide a tidy, safe and aesthetically pleasing market. Causing or maintaining an unsafe or unsanitary condition at the market will not be tolerated. Vendors must adhere to the following regulations:

- Scales must be approved commercial scales and certified by the County Sealer, Office of Weights and Measurements for the current year.
- All MAI Markets are conducted in accordance with State and Federal laws and local laws. Producers are expected to be familiar with MAI safety guidelines and to comply with them. Producers shall immediately comply with the Market Manager's directions in all matters relating to safety.
- All display table frontages must be adjacent to the setup line unless otherwise approved by MAI. Boxes, produce display or signs may not extend into customer traffic aisles. Generally, all certified producer tables within a stall must run "border to border." No stall set-up may allow for customer access behind the selling tables of a vendor's stall or of a neighboring stall. If selling is permitted along side of stall at least 24 inches of space must be set aside by that vendor's stall space for customer access. Side access may be restricted if customers have access to the back area of adjacent stalls.
- Every stall shall have a trash receptacle for public use. (A food purveyor that offers product for on-site consumption must provide a full-size garbage can and dispose of its contents off site.) Refuse collected is to be disposed of off-site by each Producer. Before leaving the market, all matter and debris in the vendor's area, including an area halfway into the common traffic area must be completely removed and taken with the producer without regard to whether the litter originated in the vendor's area. Failure to leave the area free of debris will result in a \$25 clean up fee.
- MAI places receptacles in the common area aisle for use by market consumers and customers. Vendors who place the debris resulting from operation of their stall in receptacles intended for MAI customers or in a City dumpster or down a City drain will be assessed \$100 fine for the first violation in a year and \$200 for the second violation in a year.
- If operations at the certified farmers' market result in staining of the concrete not able to be cleaned by the farmer or vendor, a fee will be assessed to cover the cost of appropriate cleaning process.

- Tables must be sturdy and stable with tops covered.
- Tables shall not be filled beyond load capacity and the products on the display table must be secured.
- All elements of shade equipment and shelters including tarps must be secured to Producer's tables/vehicles or weighted sufficiently to be stable during rain and windy conditions or be subject to immediate removal.
- Tarps must be similarly secured.
- All boxes, crates or bags of produce and other food products must be kept at least 6" off the ground surface as per State Health and Safety Code, Section 27831.
- Smoking is not allowed in the market. Smoking is only allowed 10 feet outside the entrance to the market.
- All producers must show proof of product liability insurance.
- Producer's vehicle use must not endanger customers or other producers. Producers are liable for vehicle use.
- Pets are not allowed in the market as per State Health and Safety Code.
- Preparation of food products (except trimming) is prohibited.
- Dried fruit and shelled nuts sold in an unpackaged bulk form must be displayed with a cover and conform to dispensing methods per County Environmental Health Department.
- All products sold as Organic must be prominently labeled as "Certified Organic" with the certifying agency name.
- Seller providing plastic bags for their customers shall not litter the market with bags or bag-hanging tabs.
- Any trimming of produce must be done so that trimmings fall in an appropriate container and not on the ground.
- When providing samples of any kind, a trash receptacle must be provided for public use and State Health and Safety code rules and regulations must be strictly adhered to. Stall area, including back area, shall be kept clean of excessive produce trimmings, produce to be thrown away and excessive piles of boxes. Stall area is to remain tidy during market hours of operation.

## **Sampling Requirements**

Producers sampling products must:

- Keep samples in clean, covered containers approved by the County Environmental Health Department.
- Use toothpicks or disposable utensils to distribute the samples.
- Dispose of pits, peels, and rubbish in leak proof garbage receptacles with close-fitting lids.
- Use clean, disposable plastic gloves when cutting produce for samples.
- Wash and clean produce intended for sampling using a five (5) gallon water container with a dispensing valve to leave hands free for washing; a waste-water container; soap dispenser and paper towels for hand washing.
- Wash and sanitize utensils and cutting surfaces using a 5 gallon container containing a bleach/water solution (use 1 tablespoon of household bleach per gallon of water).
- Cutting surfaces must be smooth, non-absorbent, and easily cleanable.
- Self service by customers is permitted for "shaker nuts" only.
- Producer must have control over samples at all times. Self service by customers is prohibited.

- Any fines received by a certified farmers' market from a County Environmental Health Department for incorrect sampling procedures will be assessed to the vendor responsible for the non-compliance.

Failure to abide by these sampling requirements may result in revoking your approval to provide samples to the market customers.

## **Signs**

All sellers must have clearly identifiable and displayed signage with their names or name of their farm/business, permits, and growing practices. Each commodity is required to have a clear, readable identification sign with price per unit as approved by MAI.

## **Farm/Vendor Identification**

All vendors must display a sign, with lettering at least 3 inches high, clearly identifying their name or the name of their establishment and preferable, the city or town and county where their production occurs.

## **Permits and Licenses**

California Department of Food and Agriculture Direct Marketing Regulations require that all permits and licenses will be prominently displayed during selling hours, including a current embossed Certified Producer's Certificate.

## **Growing Practices**

Signs and labels must clearly identify the products on a Vendor's table that are certified organic. Use of other terms should not obfuscate production methods. 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. This includes all greenhouse produce and plant production and hydroponic produce and plant production, which all must be marked accordingly.

## **Prices**

All prices must be clearly marked or posted in 2" minimum height letters/numbers and list each individual item for sale. Collusion and deceptive pricing practices are strictly prohibited. Bargaining with the consumer is allowed.

## **Noise, Disturbance, Intrusion, and Obstruction of Commerce**

Radios may not be played during market sales hours. Loud hawking, shouting or barking is not allowed. All product promotion must occur within the space assigned to the producer and not in any common area. Unreasonable or outrageous conduct and disruptive activities, is prohibited. Bicycling, skateboarding, riding scooters or rollerblading is not permitted. Any violations of this section that results in 1) verifiable consumer complaints, 2) obstruction of any nearby vendor to

conduct sales or 3) reflects or adversely affects the welfare of the market negatively, will result in immediate disciplinary action of a fine and/or suspension or expulsion from the market.

MAI does not permit videotaping, recording or photography of the Markets for television or commercial use without prior written approval from MAI along with a signed hold harmless agreement.

## **Food Coupons**

All farmers that participate at the MAI markets must participate in the Farmers Market Nutrition Program (also known as WIC). Farmers participating in this program must redeem coupons through their bank. WIC coupons may be accepted by market managers by those farmers without business checking accounts on a case by case basis.

## **Assignment of Selling Space**

The Producer's stall locations are not permanent and may be changed at the discretion of market management for any market day during the season and/or annually. In making any determination in this regard the Market Manager will consider the following:

- A history of good consumer/producer relationships.
- Providing good product mix and consumer traffic flow, including fire department requirements.
- Exhibiting the principles of good market and product promotion.
- Tenure of participation in MAI markets.
- Quality of product display, customer service and participation of owner at markets.

Confirmed stall reservations are considered commitments by Producers to participate in the markets on either a weekly, biweekly or space availability basis and a commitment by MAI to provide a space. (Seasonal growers who come regularly should have annual reservations). See section on Cancellations for those procedures.

## **Description of Selling Space**

- MAI tries to provide space for a vehicle and a 10 x 10 selling space. Each stall space is approximately 8-12' deep by 10' wide. In some markets with inadequate vehicle parking space, the Market Manager may designate some spaces as download only. Large trucks (define by measurement) may be disallowed parking within the market regardless of the number of stalls occupied at manager's discretion.
- Producers must keep their vehicles, merchandise and tables within the designated stall space.
- The Producer's vehicle or stall set-up may not encroach on the mandated fire lane or pedestrian flow area. All promotions and sales must occur within the assigned stall space.
- Producers who rent more than one space shall rent that amount of space for the season.
- Electricity and water are not available at the market.
- Producers cannot transfer or sublet their assigned stall space.

## **Animals**

The California Uniform Retail Food Facilities Law (a section of the California Health and Safety Code) states "no live animal shall be kept or allowed within 6 meters (20 feet) of any area where food is stored or kept for sale." The only exception is for service dogs. Vendor pets are not allowed at the market.

## Free Speech

“Free Speech Zones” have been designated in each market operated by Marin Agricultural Institute. The following rules apply to all person(s) wishing to participate in the “Free Speech Zones”:

- Please go to the information booth at each of our markets and ask for the market manager. He/She will assign you a space for that market on the day requested. Spaces are limited and will be assigned strictly on a first-come, first-serve basis. (The market manager may *not* grant or deny space simply on the basis of your political or religious views.)
- You may set up a card table or folding table no larger than [6' x 3'] in your assigned space. Larger tables are not permitted because they impede the flow of traffic and create safety hazards during emergency evacuations.
- In conducting your free-speech activities, you may not block or impede traffic flow around the entrance to the market, around any designated exits, or in any fire lanes.
- You may not block, restrict access to, or otherwise interfere with the operation of the market or its vendors.
- Because umbrellas and tents can cause injuries if they are not adequately set up and secured, you like all the other vendors are *not* permitted to set them up in the free-speech area without first submitting a complete application to the market manager with evidence of insurance coverage as per application as well as follow all the rules and regulations regarding set-up and tie down requirements for all market vendors equipment during inclement weather. You may obtain an application form at [www.marinfarmersmarkets.org](http://www.marinfarmersmarkets.org)
- We ask that you respect our patrons' right to privacy by not pushing unwanted materials on them.
- We encourage you to restrict your distribution of flyers and other material, both to cut down on waste and to avoid the buildup of trash that could impede the flow of traffic in the market.
- To respect the right of all people in the free-speech zone to be heard and to allow our patrons to hear emergency evacuation alarms, we do not allow amplification equipment in the free-speech zone.
- Commercial activities are not permitted in the free-speech zone.
- The above rules have been instituted to protect the safety of our patrons and to guarantee the free-speech rights of people who visit our markets. Violation of any of the above rules may result in your removal from the market and/or a denial of subsequent access to the free-speech zone.
- Individuals wishing to participate in the “Free Speech Zone” must fill out the following sign-in sheet prior to participation in the appropriate market showing that they acknowledge these rules.

## Sign-In Sheet

The undersigned person acknowledges they are the responsible party for the group named which is utilizing the Free speech zone on the date indicated.

The undersigned accepts responsibility for all actions and activity of the group in connection with the Marin Farmers Markets activities.

The undersigned agrees that the group which the undersigned represents (or the undersigned, if acting in an individual capacity) will indemnify and hold harmless the Marin Farmers Markets.

The undersigned person additionally acknowledges they have read the rules for the area and agree to comply with those rules.

Date: \_\_\_\_\_

Group Name: \_\_\_\_\_

Responsible Person: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

ID: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Group Name: \_\_\_\_\_

Responsible Person: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

ID: \_\_\_\_\_

Signature: \_\_\_\_\_

## **Standards of Conduct**

Producers and employees representing producers must be:

- Knowledgeable about their product, how it used, grown or produced and communicate this clearly to the customers.
- Courteous, professional and presentable at all times.
- Display products in a sanitary, presentable and attractive manner.
- Honest and conduct themselves at all times in a courteous and business-like manner. Producers are expected to dress (shirt, pants and footwear) and behave in a polite manner and practice

clean personal hygiene. Drinking alcohol, yelling, hawking, throwing any objects, swearing, name-calling, slanderous remarks and other rude behavior will not be tolerated.

- Producers are expected to treat each other, staff, customers and officials with respect.
- Producers experiencing difficulty with customers are encouraged to refer the matter to the Market Manager.
- Complaints about other Producers or the Market Rules and Regulations must be made in writing to the Market Manager or the Executive Director.
- Slanderous, harmful remarks made about Producers, the Market or Market staff or disparaging comments about other products will not be tolerated.
- Distribution of printed material (other than vendor's product brochures which are pre-approved by MAI), petitions, or political advertisement in MAI markets is disallowed in the permitted area.
- Loitering or solicitation in MAI markets is strictly prohibited.
- Vendors are not allowed to solicit tips in MAI markets.

## **DISCIPLINE OR REMOVAL OF A PRODUCER FROM THE MARKET**

Unreasonable, discourteous or outrageous conduct considered detrimental to the welfare of the Market will not be tolerated. The Market Manager will provide adequate written warning prior to taking disciplinary action. Producers who do not comply with the State Direct Marketing Regulations and pertinent State and County regulations set forth herein, shall forfeit their privilege to sell at all MAI Markets and may be subject to fines and penalties. MAI will also notify the appropriate County Agricultural Commissioners and California Department Food and Agricultural inspection services. A producer may be removed or suspended from any market or markets or have selling privileges in the market conditioned, modified or limited by a Market Manager for any of the following reasons:

- Failure to obey and conform to State, local government or MAI Market rules and regulations.
- Causing or maintaining an unsafe or unsanitary condition at the Market.
- First time failure to attend at a previously reserved Market space without prior notification will require full payment for that space. Additional failure to attend without prior notification will result in further disciplinary measures.
- Behavior that obstructs any other Producer's commerce or ability to transact business at the market.
- If MAI receives a legitimate complaint (which includes customer's name, phone number or complaint in writing from customer) pertaining to quality, conduct or unfair practices from any customer about a vendor, and it is unremedied by the vendor and is determined to be detrimental to other vendor's sales or the market, the following actions will be taken:
  - 1) A written warning will be given to the vendor, including the date, time and nature of complaint.
  - 2) A second complaint from a customer will result in the vendor being subject to a two week suspension of selling privileges. The member has a right to appeal before the Board of Directors.
  - 3) A third complaint from a customer will result in a minimum 90 day suspension and/or permanent removal from the market.
- Vendors or producers are required to satisfy any customer complaint in any circumstance. They must accept returned product and dispose of it off-site. Failure to accept product the consumer wishes to return will result in fines and penalties as determined by MAI.

- Any violation of Marin County Weights and Measures regulations will be subject to a penalty.
- Any infraction of the State, local government or Market rules and regulations will not result in any refund or payment to Producer for any money paid to MAI for stall fees

The severity of any penalty or discipline imposed by the Market Manager will be directly related to the gravity or repetition of the violation.

A Producer is responsible for the actions of the Producer's representatives, employees or agents. Producers removed from a market or disciplined by the action of the Market Manager in regard to the reasons stated above shall have the right of appeal and review by the MAI Board of Directors. The decision by the Board of Directors regarding all of the above matters shall be considered final.

## **GRIEVANCES AND DUE PROCESS**

As set forth in the California Corporations Code; MAI has adopted a grievance/due process procedure that provides a fair and reasonable procedure for members aggrieved by a Market Manager's decision. This procedure is as follows:

- Provides all members of MAI in good standing, an annual copy of these MAI Market Rules & Regulations and amendments within 90 days upon their adoption.
- Provides a written notice of fine, expulsion, suspension or termination indicating the reasons for such action within 15 days of the action taking place.
- Provides an opportunity for the member to be heard, orally or in writing, at least five days before the effective date of the fine, expulsion, suspension, or termination, by the Board of Directors.
- Any grievance by a vendor shall be put in writing (on the back of the load list) and submitted directly to the MAI Executive Director before being addressed by the Board of Directors.

## **DEFINITIONS**

Note: Definitions below designated with asterisks (\*) may have more formal and detailed definitions in California's regulations governing Direct Marketing. Please refer to those regulations if needed. Please refer to State regulations for official definitions. In management of its markets, MAI will ultimately rely on the official definitions.

**MAI:** Marin Agricultural Institute

The non-profit mutual benefit corporation administering Certified Farmers' Markets and other programs at various locations in California.

### **\*CFM: Certified Farmers' Market**

A Farmers Market certified by the State of California for the benefit of both producers and consumers at locations approved by the County Agricultural Commissioner where both certified producers and non-certifiable producers may sell their product exempt from State regulations pertaining to standard container, standard pack, grading, sizing and labeling requirements while meeting minimum quality standards.

**\*Certifiable Agricultural Product:** Products certified by the County Agricultural Commissioner of the county where the product is grown. These products include fruits, nuts, vegetables, eggs,

honey, flowers, and nursery stock.

**\*Non-Certifiable Agricultural Product:** All certifiable agricultural products that have been processed. These products may include, but are not limited to: poultry and meat products, aquacultural products, viticulture products, dried fruits and vegetables: juices, jams, processed dairy products, or other processed agricultural products such as sauces.

**\*Certified Agricultural Producer:** A person or entity authorized by the County Agricultural Commissioner to sell certifiable agricultural products directly to consumers at a Certified Farmers' Market. Products must be produced upon land controlled (land that is owned, rented, leased or sharecropped) by the farmer. The farmer is required to practice the art of agriculture upon land controlled by him/her/entity.

**\*Non-Certifiable Producers:** Categories and definitions, which follow: Fisherman, Artisan, Food Purveyor, Entertainer, Restaurant, Coffee Cart or On-Site Food Product, and Non-Profit Corporation.

**Fisherman:** A person or entity that catches pelagic fish, mollusks or shellfish from boats that the person or entity owns or controls. A fisherman practices the art of fishing.

**Artisan:** A person or entity that through the practice of applied arts and craftsmanship produces and creates their own original artisan products, artwork or craftwork.

**Food Purveyor:** A person or entity that produces or controls the production of prepared foods through the practice of culinary arts.

**Entertainer:** A person or persons, approved by MAI, who entertain patrons with music, dance, or other activities at the Market.

**Restaurant, Coffee Cart or On-Site Food Product:** A person or entity that sells prepared and cooked foods and beverages.

**Non-Profit Corporation:** An incorporated organization that has attained 501C (3) or similar status under the Internal Revenue Service code.

**\*Employee:** Any person employed and paid a wage or salary by the producer either on a full-time or part-time basis. This does not include a person who is reselling or whose compensation is primarily based on a commission of sales. Proof of status of an employee is a written agreement proving that the person selling is an employee of a qualified producer, or a pay stub, or W-2 form, or proof of worker's compensation insurance.

**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. (State Fruit and Vegetable Standardization Code, Section 1392.2). An exemption is made for restaurants and caterers.

**Immediate Family:** Includes parents, children, grandparents, grandchildren, or any other person

regularly residing in the producer's household. (State Fruit and Vegetable Standardization Code, Section 1392.2).

**Growing Calendar:** An annual plan that indicates specific agricultural products a farmer plans to produce and offer for sale at the Certified Farmers' Markets, and the time of the year when they are expected to be available for sale.

**\*CPC: Certified Producer's Certificate**

Certificate issued to a farmer by their County Agricultural Commissioner. The Certificate must list all products that the grower is eligible to sell at a Certified Farmers' Market and must be conspicuously posted at the selling space.

**Second Certificate:** A Certified Producer's Certificate that includes the name of a second farmer who has permitted the first farmer to sell the second farmer's produce. The CPC's will have both farmers' names on them permitting this business relationship. This certificate must be renewed annually and will be revoked if there is a violation of any MAI policies, procedures or rules and/or if the product listed on the second certificate is in oversupply in the market. The use of second producer certificates is permitted only when the product for sale is not represented by a certified producer of a primary certified producer certificate at that farmers' market and must be approved annually by MAI market management.

**Vendors and Products Falling in Multiple Categories.** Vendors whose products or practices place them in more than one category are subject to all of the requirements of each category, with any contradictions to be settled by MAI management. Fees will be based on a vendor's primary categorization as a farmer or non-certifiable producer.

**\*Partnership:** A partnership is a separate entity distinct from its individual members. As a separate entity, a partnership must obtain a certified producer's certificate to market, directly to consumers, its agricultural products, which shall be produced by practice of the agricultural arts upon land that the partnership, as a separate entity, exclusively controls (defined in section 1392.9.1 of State of California direct marketing regulations).

**Reselling:** The action of buying products from another farmer, wholesaler, packer, shipper, store or other food operation and then selling those same products at a certified farmers' market.