



REDLANDS SATURDAY MORNING CERTIFIED FARMERS' MARKET RULES **Information • Rules • Application (Revised 12/14)**

YEAR ROUND FARMERS' MARKET

PURPOSE AND GOALS

The Saturday Morning Certified Farmers' Market is an event organized, administered and operated by the City of Redlands. The purpose of Saturday Morning Certified Farmers' Market (Market) is to promote business in downtown Redlands. This event is designed to:

- Establish a farmers-only market for the purpose of complimenting, not competing with, the Thursday Market Night activities.
- Create an opportunity to introduce downtown businesses to residents and visitors who are downtown to attend the certified market.
- Provide local growers and producers of agricultural commodities direct marketing opportunities.
- Promote the sale of locally grown agricultural products.
- Improve the variety, freshness, taste and nutritional value of products available in the Redlands area.
- Make healthy, locally and regionally produced foods accessible to all.
- Provide an educational forum for consumers to learn the uses and benefits of quality, locally and regionally grown agricultural products.
- Enhance the quality of life in the Redlands area by providing a community activity which fosters social gathering and interaction.
- The governing body and its designated agents shall implement and enforce all rules and regulations pertaining to the operation of a certified farmers' market in a fair and equitable manner.

1. **CERTIFIED FARMERS' MARKET AUTHORIZATION.** The Market is a certified farmers' market operating in accordance with regulations established in the provisions of California Code of

Regulations, Title III, Division 3, Chapter 1, Subchapter 4, Article 6.5, entitled Direct Marketing. The Market is subject to all applicable local, state and federal laws and regulations. All participating Producers shall become familiar with the provisions of the Direct Marketing regulations.

2. **MARKET LOCATION - STREET CLOSURE.** The location of the Market is downtown Redlands. The Market will operate between the hours of 8:00 a.m. and 11:00 a.m. Producers are not allowed to set up prior to the initial street closure at 7:00 a.m. At no time may a Producer interfere with local business. Producers may begin selling as soon as they are set up.
3. **CERTIFIED PRODUCER.** Only Certified Producers, Certified Organic Producers and Producers, as defined herein, (collectively, Producer) are eligible for participation in the Market. A “Certified Producer” is defined as anyone who is growing agricultural products which are certified by the California Department of Food and Agriculture (CDFA), and who has a Certified Producer’s Certificate as proof of Producership. Certified agricultural products are:
 - i. Fresh fruits
 - ii. Fresh vegetables
 - iii. Unshelled nuts
 - iv. Shell eggs
 - v. Honey and apiary products
 - vi. Cut flowers
 - vii. Nursery stock
4. **PRODUCER.** A “Producer” is defined as anyone growing any agricultural product not certifiable as above, but with proof of producership satisfactory to the City. Products which are considered non-certifiable agricultural products include processed products from certified agricultural products such as:
 - i. Juices
 - ii. Olives
 - iii. Jams and jellies

- iv. Dried fruits
- v. Shelled and roasted nuts
- vi. Fish and shellfish from aqua-culture
- vii. Livestock products
- viii. Other processed agricultural products.

5. **CERTIFIED ORGANIC PRODUCER.** A “Certified Organic Producer” is defined as anyone who is a member of an organic certification program such as California Certified Organic Farmers (CCOF), Cooperative of California Organic Growers (CCOG), or Demeter. Certified Organic Producers pay an organic inspection fee and are authorized to display specific signage indicating membership in the organic certification program to which they belong. In addition, all Producers wishing to claim “organic” production must be registered as an organic producer with their County Agricultural commissioner’s office and must post a copy of their organic registration form at their stand. All organic Producers must also post the following language at their stand “Organically grown in accordance with the Organic Foods Act.”

6. **PRODUCERS AND PERMITS.**

- A. A “Certified Producer” must provide satisfactory proof to the City that the Producer is selling what the Producer caught, grew, collected or raised. In addition, a family member or salaried employee can sell for a Certified Producer. No commission sales, produce brokers, or resale are allowed by a Certified Producer or any other person. Any Certified Producer who sells produce not of the Producer’s own production, while representing the produce as such, shall be permanently expelled from the Redlands’ Saturday Morning Certified Farmers’ Market.
- B. Each Certified Producer must obtain a copy of the Producer’s Certificate listing San Bernardino County as an “authorized county,” if the certificate was issued outside of San Bernardino County.
- C. The Market Manager may require the Certified Producer to provide supporting and additional documentation as needed. All leases and agreements between Market participants and third

parties that pertain to Market activity must be made available upon request to the Market Manager and be appropriately documented.

Partnerships between farmers, for marketing purposes only, are permitted. Partnerships between farmers must satisfy any or all of the following criteria:

- i. Control of growing ground as evidenced by a lease signed by the Certificate holder as lessee.
- ii. Partners shall not be farmers who have been denied entry into the Market for any reason (i.e. violations, excess crop).
- iii. Partners shall not be farmers who are using the Market to sell produce culls.
- iv. Partnerships shall not be formed or re-formed on a frequent basis to artificially prolong a grower's selling season.

D. To participate in the Market, all Certified Producers shall obtain, where applicable, the following documentation as proof of Producership:

- i. Photocopy of Certified Producers' Certificate listing San Bernardino County as an "authorized county."
- ii. Signed Hold Harmless Agreement in the form attached hereto as Exhibit "A."
- iii. Board of Equalization Permit, listing 35 Cajon Street, Redlands, CA 92373 as location for business
- iv. Health Permit
- v. License(s)/Processors'/Receivers' License
- vi. Apiary Registration
- vii. Avocado Exemption Permit or proof of inspection
- viii. Grower Authorization (if selling for another producer)
- ix. Employee Authorization Letter
- x. Organic Registration
- xi. CCOF or CCOG Registration

- E. All of the above documentation with the exception of the “Hold Harmless” agreement shall be posted in front of or within the grower space. Separation of commodities and certificates is required if selling for other Certified Producers. A copy of all documentation shall be made available to and kept on file with the Market Manager.
- F. All participating producers are responsible for keeping their proof of producership documentation current and valid.
7. **ADMISSION OF PRODUCERS.** Certified Producers with appropriate documentation shall be considered for participation in the Market based upon the following criteria:
- i. Residence: growers from Redlands will be given priority for selling space.
 - ii. Seniority: based upon the length of time the individual has been on the waiting list.
 - iii. Market History: based upon applicant’s history of violations of local or state Direct Marketing rules.
8. **ADMISSION OF PRODUCTS.** Products are admitted to the market with adequate variety to ensure a wide product mix and to fulfill consumer demand. Products are admitted to the Market in accordance with Section 7 above, as well as:
- i. Desirability and Quality of Crop: unique, “one of a kind” crops or crops of exceptional quality will be given extra consideration when an adequate commodity mix exists in the Market.
 - ii. Market staff reserves the right to determine the classification and participation to provide the product mix desired for the Market.
 - iii. There is no guarantee of exclusivity.
 - iv. Available spaces will be filled, not held or reserved for future use.
9. **GENERAL OPERATING PROCEDURES.**
- A. Farmers and their representative are expected to conduct themselves in a safe and courteous manner at the Market. Any behavior deemed disruptive to the operations of the market will be grounds for expulsion from the Market, with reinstatement to be based upon review by the

Market Management.

- B. Each Producer shall pay eight percent (8%) of his/her gross sales to the Market Manager at the conclusion of each Market.
 - C. Gross sales are to be declared on a load sheet. All load sheets must be completely filled out as to commodities brought in, commodities sold, and income per commodity. Market Management will monitor sales reporting as necessary to check for accuracy.
 - D. Producers will be individually responsible for conformance to local, state and federal laws. State sales tax shall be collected by Producer for non-food items. All Producers selling taxable items must display a Board of Equalization permit listing the market location.
 - E. The Market Manager reserves the right to relocate Producers or Certified Producers and/or reassign spaces at his/her discretion.
 - F. Market information, rules, and applications are subject to change without notice.
10. **RAIN OR INCLEMENT WEATHER.** The Market will be open rain or shine unless the Market Manager deems the weather too dangerous.
11. **HOLIDAYS.** The Market will be closed on holidays if it falls on a Saturday.
12. **SELLING SPACE.**
- A. Producers wishing to participate in the Market must contact the Market Manager to reserve a space, if one is available. Spaces are assigned to local farmers first. Special consideration may be given to producers with seniority, short-season and/or specialty crops. The Market Manager may determine when any particular commodity is in excess, or in demand, and assign space accordingly. Final decision for space assignment rests with the Market Manager.
 - B. No Producer can sell at two separate spaces within the Market with the same proof of producership.
 - C. Producers are required to maintain their individual selling space in a clean, safe and sanitary manner. Produce trimmings shall be swept up and placed in a box or bag. Producers are responsible for bagging and removing their own trash from the downtown area at the close of the

market. Producers shall not leave any garbage or empty boxes.

D. During Market hours, the Proof of Producership (as defined above) shall:

- i. Be posted within area of assigned space;
- ii. Be current;
- iii. List San Bernardino County as “authorized county;”
- iv. List commodities offered for sale.

E. Grower’s space is defined as the street area occupied by his/her vehicle and display. No portion of a producer’s truck or display may extend into the fire lane.

F. Growers who will not be attending the market must notify the Market Manager at least one week prior to the date of absence, unless special arrangements are made with management. Growers who cannot attend the market due to unforeseen circumstances such as illness or vehicle breakdown must contact the Market Manager within 24 hours after market day to confirm a selling space for the following week.

G. Market Management tries to keep each selling space occupied each week. New growers will be assigned the selling spaces of growers who have notified management of an absence. Any grower who skips a Market without prior notification or reasonable cause for absence, thereby leaving a selling space empty, may lose his/her selling privileges. Repeat absences, regardless of their cause or if notification was provided, may, at the discretion of the Market Manager, result in the temporary or permanent loss of the selling space.

13. **EMPLOYEES.**

A. All Certified Producers utilizing employees must have a letter of authorization on file with the San Bernardino County Agricultural Commissioner’s office and with the Market Manager naming those employees authorized to sell at the Redlands’ Saturday Morning Certified Farmers’ Market. An employee is defined as any person with the exception of members of the Producer’s immediate family. Immediate family is defined as the Producer’s parents, children, grandparents,

grandchildren and in addition, any other family member regularly residing in the Producer's household.

- B. An employee may sell for one additional certified producer in any 12-month period or for two additional certified organic producers provided that the grower for whom the employee works has obtained the Market Manager's permission to sell for other growers. Employees may not reserve space for a grower. Space reservations are made only between growers and management.
- C. Employment authorizations must be available with proof of producership.

14. **CONDITIONS: PRODUCERS SELLING FOR PRODUCERS.**

- A. A Certified Producer may sell for one other Certified Producer in any 12-month period. The absentee Certified Producer must apply to and obtain permission from the Market Manager before being allowed to participate in the Market. Absentee Certified Producers are not guaranteed a space to sell in the Market.
- B. If an absentee grower is unable to verify his/her sales on any Market day, he/she will not be permitted to participate in the Market.
- C. In the case of cut flowers and nursery stock, a Certified Producer may only sell items of his/her own production.
- D. When one Certified Producer is selling for another Certified Producer, both Certificates shall be available and produce should be separated so as to be identified by Certificate. The absentee grower's letter of authorization must also be available upon request.
- E. The Certified Producer who is selling must also sell agricultural products of his or her own production.
- F. An absentee grower may sell via one designated producer only.

15. **PRICING, PACKAGING AND LABELING.**

- A. All closed or sealed containers must be labeled with: contents (if product is not readily

identifiable), weight, name, address, and zip code of the Producer. If the package contains six items or less and items are visible and sold by count, a quantity statement is not required.

- B. All Producers utilizing a weighing device (scale) must have the scale tested and sealed within the previous twelve months. It is the Producer's responsibility to register scales and pay any fees associated with registration.
- C. Prices must be posted and clearly legible. Collusion among Producers to set price or exertion of any influence, pressure, or persuasion to cause a Producer to set price is strictly forbidden by state and federal laws.
- D. No producer may use the term "organic" either in written or verbal claims, unless the following language is posted: Organically grown in accordance with California Organic Foods Act."
- E. Additional signage indicating membership in or certification by an organization which certifies organic farming practices, such as California Certified Organic Farmers (CCOF) may also be posted in addition to the Organic Foods Act language. A market violation will be issued to anyone who falsely advertises "Organic" growing practices, either in written or verbal forms.

16. **QUALITY.**

- A. All commodities are subject to inspection at any time by the Market Manager. All produce must meet minimum grade requirements, and must represent a "field run" or better quality range. Any container containing culls only will be removed from sale, with a warning issued unless the grower is offering the same product at a "field run" standard or better. Any product not meeting USDA minimum standards may not be sold at any price at the market.
- B. All containers of produce offered for sale must not exceed California Department of Food and Agriculture tolerance for spoilage or waste. A market violation for poor quality will be issued to growers offering containers of produce in excess of tolerance.

17. **SAFETY.**

- A. Producer vehicles, tables and overhead canopies must be maintained and used in a safe manner. Legs must be firmly locked into place on the canopy. Tables must have smooth edges and

remain stable when loaded with produce. Canopies must be tied down or weighted. Tarp poles must not obstruct traffic flow and care must be taken when setting up or taking down displays.

- B. By determination of Market Management, removal of canopies may be required at any time during market hours due to unsafe conditions. Canopy removal shall take precedence over sales activities. Frame assemblies may remain in place as long as they are secured.
- C. All Producers must comply with the Market Safety Program, which requires:
 - i. No display tables filled over capacity;
 - ii. Produce arrangements are stable and not ready to fall;
 - iii. Legs of tables are secure and not caving in;
 - iv. All connecting rods of the canopy set-ups are secure in their fittings;
 - v. Canopy assemblies are tied or weighted down;
 - vi. No pets or selling of animals;
- D. Producers shall replace barricades upon entering and leaving the Market site. If a Producer arrives after the Market has started, his/her vehicle must be escorted into the market by the Market Manager or a Market volunteer.

18. **MARKET VIOLATIONS.**

- A. The Market Manager, and any other authorized designee of the Market Manager, may issue warnings and take appropriate action against Producers who violate these rules or any other applicable regulation or law. Failure to comply with Market rules may result in the privilege of Producer's participation in the Market being revoked. Growers will be issued written notices of violations of Market rules, with the following schedule of penalties:

First Violation: Warning

Second Violation: Warning; possible suspension

Third Violation: Suspension from market

- B. Additional violations may result in permanent revocation of a Producer's selling privilege.

- C. Market customers may file complaints against growers regarding customer service, policy violations and product quality. These complaints will be verified by Market Management. If a customer complaint is justified, the grower is subject to a written warning, following the same penalty schedule listed above.
- D. Producers who consistently fail to comply with market rules and regulations may be subject to suspension or expulsion from the Market. Any Producer wishing to appeal a suspension or expulsion from the Market may submit in writing his/her reasons for retaining selling space in the market to:
- City of Redlands
Redlands' Saturday Morning Certified Farmers' Market Committee
PO Box 3005
Redlands, CA 92373
- E. Market rules are formulated for the event by the City, and will be applied in a fair and equitable manner.
- F. The governing body and its designated agents shall implement and enforce all rules and regulations pertaining to the operation of a certified farmers' market in a fair and equitable manner.

Redlands Saturday Morning Farmers' Market Farmer Agreement

Business Name: _____

Producer Name: _____

Address: _____ City, State, Zip: _____

Day/Evening Telephone: _____

County in which Certified: _____

Months Available to Sell: _____

List of Crops: _____

1. Producer shall defend, and indemnify and hold harmless the City of Redlands and its elected officials, officers, employees and agents from and against all losses, damages, liability, claims, suits, costs and expenses whatsoever, including attorneys' fees, regardless of the merit or outcome of any such claim or suit, arising from or in any manner connected to the willful misconduct or negligent acts, errors or omissions of Producer, and its agents or employees, in connection with Producer's participation in the Redlands' Saturday Morning Certified Farmers' Market, and in the performance of services, work or activities under this Agreement.

2. Producer shall to comply with every rule, regulation, procedure, term and condition set forth in the Redlands' Saturday Morning Certified Farmers' Market Rules ("Rules") attached hereto and incorporated herein by reference, and Producer hereby acknowledges receipt of such rules.

IN WITNESS WHEREOF, this Agreement is executed this _____ day of _____, 201_____.

Certified Producer's Signature

Address **City** **Zip**