

Mariposa Certified Farmers' Market



Rules and Regulations

Wednesdays
May 1st - October 30th
4:30-6:30pm
5029 Stroming Road, Mariposa

Mariposafarmersmarket@gmail.com
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1. General Market Information

The Mariposa Certified Farmers' Market (known as "market" or MCFM in the rest of this document) is a certified farmers' market, certified by the Mariposa County Agricultural commissioner as a direct marketing outlet for producers (both certified and uncertified) to sell their agricultural products directly to consumers without meeting the usual size and standard pack and container requirements for such products. All produce must meet minimum quality standards. The market is operated in accordance with regulations established in the California Code of Regulations CCR, ([Title 3, Division 3, Chapter 1, Subchapter 4, Article 6.5 1392, et seq.](#)) pertaining to direct marketing. The market and all who participate in it are subject to all applicable federal, state, county and city statutes, rules, regulations, ordinances and orders.

The market is a diversified certified farmers' market offering agricultural goods (both certified and non-certifiable) and non-agricultural goods and services for sale. The market is also a place for local community non-profits to set up informational booths to help promote their services. The non-certifiable agricultural goods and the non-agricultural goods and services add variety and enhance the festive ambiance of the market. The same producer-to-consumer philosophy required of producers of agricultural goods by the direct marketing regulations also applies for all other vendors of items sold at the market.

The market is committed to local, sustainable and organic (when available) agricultural and food production. The market supports these values by having farmers and vendors who share this philosophy sell their products at the market. *We expect all vendors to join us and commit to sell each day of the market.* Seasonal vendors (vendors who are hoping to only join for a few weeks/months) will be admitted at the discretion of the market's advisory committee.

All participating market vendors are expected to be familiar with the provisions of the direct marketing regulations and these market rules. The market reserves the right to make additions or deletions to these market rules when deemed necessary. Written notice of these changes will be provided to the market vendors.

2. Governance

The market is fiscally sponsored by the Original Merced County Certified Farmers' Market. Their sole purpose is to be the market's fiscal sponsor. All decisions for the market are made by the Mariposa Market Advisory Committee.

The market manager, designated by the Mariposa Certified Farmers' Market Advisory Committee, is responsible for implementing and enforcing all policy decisions in a fair and equitable manner. These decisions are made by the Mariposa Certified Farmers' Market Advisory Committee. The market manager is also responsible for all paperwork needed by CDFA, Mariposa County's Agricultural Department, Mariposa County's Environmental Health Department, Mariposa County's Public Works Department and any other county or state offices. The market manager is not a member of the Advisory Committee and therefore has no "vote" for market decisions. The manager or committee members can call on the committee to vote on items/vendors/etc. at any time throughout the year.

The market manager and/or the Market Advisory Committee may at any time, amend, delete or modify the following market rules. If so, they will deliver these new amendments to vendors in a written form.

Any approved vendor or applicant aggrieved by the actions of the market manager or other designated agent of the market can appeal to the Market Advisory Committee whose decision is final. This appeal will require a formal meeting with the Advisory Committee.

The Mariposa Certified Farmers' Market Advisory Committee is made up of vendors (agricultural and non-agricultural products) and community members who have been a part of the Mariposa Certified Farmers' Market for at least 3 years. Community members must be affiliated with either non-profits who work with the farmers' market or work for Mariposa County departments who are affiliated with the market. The committee members must have a basic understanding of how the market functions, and the pertinent history of the market as well.

3. Admissible Vendors and Products

Admissible vendors and products fall into the following categories: Agricultural Producers, Prepared and Cooked Food Vendors, Artisan and Craft sellers, and Service Providers/Non-profits. *Qualifying to sell at the market does not automatically ensure admission into the market.* Admissible vendors must apply to sell at the market and be approved by the Mariposa Farmers' Market Advisory Committee to do so before they are authorized to sell at the market. *The market reserves the right to require that vendors re-apply for admission annually, even though selling privileges are only week-to-week. The right to sell at the market is terminal at any time by written notice to the applicable vendor by the market manager.*

a. **Agricultural Producers** are vendors who produce and sell the following:

- **Certifiable Agricultural Products** - Agricultural products, such as fresh fruits, nuts, vegetables, shell eggs, honey, flowers, fungus and nursery stock, are certified under the jurisdiction of the county agricultural commissioner, as evidenced by a current Certified Producer's Certificate (CPC), and that have been produced or grown on property controlled by a certified producer. Certifiable agricultural products may only be sold by the certified producer or subject to the requirements applicable to second certificates listed below. [Cal. Code Regs. Tit. 3, § 1392.2 - Definitions | State Regulations](#)
- **Non-certifiable Agricultural Products**
 1. All certified agricultural products listed above that have been processed (such as dried fruits and vegetables, processed nuts, juices, jams and jellies, oil, viticulture products, and pickled or smoked agricultural products).
 2. Products from any tree, vine or plant and their flowers (including processed products).
 3. Livestock (cattle, goats, poultry, rabbits, lamb, etc.) and their products (including dairy products and jerky).
 4. Fish and shellfish produced under controlled conditions in waters or ponds located in California.

All of these products may be dried, ground, roasted, juiced, smoked or otherwise altered in a one-stage process by a second party. Products in this category must have been produced or derived from plants or animals grown, bred, raised, cultivated or collected upon land which the producer thereof controls. Appropriate proof of producership must be produced.

A certified producer may sell non-certifiable agricultural products if such products (including the ingredients comprising such products) have been produced or derived from plants or animals raised or produced by such certified producer. The ingredients may be in a solution such as brine or vinegar, but (for example) if olive oil is used, olives must be on the Certified Producer's Certificate.

- **Second Certificates** - These will be permitted in the case of agricultural products that are not otherwise available for sale at the market from a vendor who is a direct producer of such products, subject to the approval by the advisory committee.
- b. **Prepared and Cooked Food Vendors** are vendors who sell edible products, other than certified and non-certifiable agricultural products. These include products such as foods that have been cooked, canned, preserved or otherwise prepared for on-site consumption, pre-packaged foods that are non-farmstead products (such as processed dairy), and baked goods. All items in this category sold at the market must be processed and served in accordance with the applicable rules and regulations of the Mariposa County Department of Public Health (Environmental Health) and the State of California.
- c. **Artisan and Craft** sellers are vendors who create their own non-edible artisan or craft works. These products can include soap, natural body products, pottery, paintings, etc.
- d. **Service Providers** are vendors who provide services (such as entertainment, education, non-profit entities) that are relevant to the market and its values.

4. Vendor Application and Product Admission

- a. **Application** - Every prospective vendor must complete an application to sell. All items intended for sale shall be listed on the application and only those items approved for sale will be allowed to be sold. The application must be submitted to and approved in writing by the market manager and Advisory Committee. Vendors already selling at the market that wish to add new products to their approved list must first secure approval by the advisory committee prior to offering these for sale.

The completed application packet shall include:

- A completed vendor application that identifies all items intended for sale at the market
 - Evidence satisfactory to the market manager of the applicant's compliance with all applicable California Certified Farmers' market, health, labeling, remitting, and any other necessary requirements
 - If requested by the manager, product samples in order to evaluate quality and compliance with labeling.
 - Hold Harmless agreement signed
- b. **Admission** - All seller applications will be assessed on a case-by-case basis. Admission of vendors and products to the market will be at the discretion of the Mariposa Farmers Market Advisory Committee. Admission of products is based on the MCRM commodity mix and consumer demand as determined by the MM, the producer's history of selling product, present competitive availability (number of sellers) of the producer's product. If practical, monopolies and surfeits (gluts) should be avoided. Questions or concerns about this can be brought to the attention of the Advisory Committee for further discussion.

To ensure the successful maintenance of the Mariposa Certified Farmers' Market (MCFM) as an efficient and effective outlet for producers to sell their products directly to consumers, the MCFM has established the following guidelines for Approved Sellers and their products.

1. Admission to the MCFM shall be based on consideration of the following factors as determined by the market manager and Advisory Committee:
 - a) History of compliance with:
 - i. California Department of Food and Agriculture rules and regulations,

- ii. California Department of Public Health rules and regulations,
 - iii. All other Federal, State, County and City rules and regulations,
- b) Preference
- i. Vendors committing to the entire season
 - ii. Number of years of selling at the MCFM and prior MCFM performance (display, sales, and neighborliness)
 - iii. Size and ownership of farm (family owned vs. corporate owned)
 - iv. Products that are unique, in demand and, add to the overall balance and cultural diversity of products available at the MCFM
 - v. Products that if added to the MCFM will not create too many of the same or similar products
 - vi. Sellers ability to directly participate in the MCFM in lieu of sending an employee(s)
 - vii. Ability to successfully interact with other vendors and the MCFM staff
 - viii. Local production

2. The number of Approved Seller stall spaces for each category of products shall be set by the market manager and Advisory Committee.

3. Returning Sellers may also be subject to provisional approvals to be outlined by market manager and Advisory Committee if seller's history reflects attendance issues or trouble complying with Rules and Regulations.

- c. Acceptance - If a vendors' application to sell has been approved, the following documents must be provided to the market manager promptly:
- A copy of all appropriate certificates, permits and regulations. If any of these things expire and new ones are issued to the vendor during the market season, the vendor must resubmit the new copies to the manager immediately.
 - A copy of the additional insured certificate (more information found in section 9)
 - A signed Participation Agreement (attached to these rules as Exhibit A)
 - A signed Hold Harmless Agreement (attached to these rules as Exhibit B)
 - If requested by the market manager, product samples in order to evaluate compliance with labeling rules.
- d. Change of Ownership - change of business ownership requires written notification or the market manager, and may be processed as a new admission. The transfer or change of ownership does not grant or guarantee the new owner the same admission or urgent stall space assignment as the previous owner.

5. Fees and Load List

- a. Annual Fee - there is an annual fee of \$25 due from every vendor each year.
- b. Stall Fee - a stall fee will be collected each week. All vendors except non-profit services will be charged a \$10 weekly stall fee. Second certificates are \$5 a week. Vendors are expected to bring the manager

(or designated collector) their stall fee at the end of every market. Vendors must come in person to the manager (or designated collector) and then wait for a receipt.

- c. Load Lists - all agricultural vendors must fill out accurate load lists for the amount of agricultural products sold at that market. All load lists must list the name of the certified producer, identity of each product sold (including variety - which should match their CPC), and the quantity sold. Load lists are collected at the end of the market by the manager and are subject to inspection by the county agricultural commissioner's inspectors. If a vendor has a second certificate, a load list pertaining to each separate certificate shall be filled out.

6. Cancellations

- a. Notice of Cancellation - All vendors are required to give notice of cancellation at least two hours prior to the market start (*i.e. by 2:30pm on the market Wednesday) to avoid a stall fee charge. Notification of planned cancellations should be given to the market manager via text (201-602-5879) or email (mariposafarmersmarket@gmail.com).
- b. Failure to notify - Vendors who fail to notify the market manager of a cancellation two or more times within a three-month period or who cancel three or more times within a three-month period may permanently lose their stall space for the market.

7. Stall Assignment, Set-up and Break Down Timeline, Waste Disposal and Clean up, Vendor parking, Stall Appearance and Signage

- a. **Stall Assignment** – The vendor's location, space size and other considerations are at the market manager's discretion, based on the vendor's customer relationships, the product mix, customer flow, promotion, growth of the market, security and other considerations.

All space is provided as a privilege; no vendor shall be able to sell his/her market space to another vendor or to another individual/entity to whom they transfer their business.

Final decision for space assignment and location rests with the market manager. Every effort is made to assign permanent space locations to market participants, whether participation is seasonal or year-round. This ensures continuity, which is beneficial to the participant and to the overall operation of the market. However, occasionally changes must be made in space assignment(s), which are unavoidable. Such decisions are made at the market manager's discretion for the benefit of overall market operations.

b. **Set Up and Break Down Timeline, Waste Disposal, Clean Up**

- Timeline – The hours for the market are from 4:30-6:30pm each Wednesday. *Vendors may start setting up no earlier than 3:00pm, and must leave no later than 7pm.* Sales prior to the posted opening hours of the market are not allowed. Vendors must be able to conduct a sale until the market closes. Vendor signage and product prices must remain in place until closing. Tables that are no longer being used because the product is sold out may be broken down prior to the published closing time. Vendors may leave the market site prior to the published closing time only upon the approval of the market manager, who will assess public safety and welfare.
- Waste Disposal – Vendor's trash shall be removed and taken by the vendor and disposed of properly. Trash receptacles will only be available for customer's waste and not for the vendor's waste.
- Clean Up – Before the vendor may leave the market, both the vendor's stall and the surrounding area must be totally free of all debris (including produce trimmings) and freshly swept, and all of

the vendor's trash and waste water must have been properly disposed of. No trace of the vendor should be left. Vendor's stall space should be pristine. Any vendor leaving behind an unclean stall or surrounding area is subject to a fine – \$10 for the 1st offense, \$25 for the 2nd offense, \$50 for the 3rd offense. More than two of such violations are grounds for dismissal from the market.

c. Vendor Offloading and Parking

All vendor vehicles must be clear of the market's pedestrian areas between the hours of 4:15 pm and 6:30pm. Vendors arriving at the market on or after 4:15pm must offload their vehicle from the area designated by the market manager for such purpose. When they are permitted in the market, vendors must drive their vehicles slowly and carefully. *Customer and vendor safety is a priority.* More than two warnings from market management for unsafe driving is grounds for dismissal from the market.

d. Stall Appearance and Signage

- Stall Fixtures – Vendors must provide their own tables, chairs and tents/shade shelters, and place tablecloths on all tables being used to display products for sale. Tables and other display fixtures must be sturdy, stable and not overloaded. All tents/shade shelters must be secured (car tie or sandbags are preferred) in the event of any wind at the market or be subject to immediate removal. Vendors are liable for any damage or injury caused by any unsecured items belonging to the vendor.
- Common Customer Traffic Aisle – No boxes, signs or produce displays may extend in the common customer traffic aisle way. Vendors who display products on a side table must allow at least 24 inches of side aisle in vendor's space for customer ingress and egress.
- Identification Signs:
 - All producers must display a sign identifying their name or the name of their establishment and the city or town where their production occurs.
 - All applicable licenses, permits and registrations must be posted during selling hours and in clear view and/or reach of the customer.
 - All products sold as organic must be prominently labeled as "Certified Organic."
 - All prices must be clearly marked or posted with the name of the product being sold. Collusion and deceptive pricing practices are prohibited. Bargaining with the consumer is specifically allowed.
 - Signs that state "No Spray" (or a variation thereof) are not permitted. That phrase is vague and misleading.
 - Certified producers may use the terms "No Chemicals" and "Pesticide Free" to advertise their products.
 - All signs posted by vendors are subject to the approval of the market manager. No signs may be placed in the common customer traffic aisle way.

8. Licenses, Permits and Documentation

All vendors must comply with all applicable federal, state and local laws, ordinances and regulations and obtain all necessary licenses, permits and registrations. All certified and non-certifiable agricultural product sales shall be in conformity with the current Direct Marketing Regulations applicable to certified producers (California Code of Regulations Title 3, § 1392).

Since the market is certified as a direct marketing outlet, producers may sell their agricultural products directly to consumers without meeting the usual size, standard pack, container and labeling requirements for such

products, except in the case of eggs and pre-packaged items. However, all produce must meet minimum quality standards.

All vendors are responsible for ensuring that all documentation on file with the market manager is kept current. This includes contract information including addresses, phone numbers, ownership documentation, employee agreements and production maps.

A. Certified Producers

- Certified Producer Defined: A “certified producer” is a producer authorized by the county agricultural commissioner to sell certified agricultural products, produced by the practice of agricultural arts on land that the certified producer controls, directly to consumers at a certified farmers’ market. In addition, an immediate family member or salaried employee of a certified producer may sell on behalf of such certified producer. Certified producers must provide appropriate proof that they produce what they or their permitted representatives sell.
- Documentation: All certified producers (including certified organic farmers) must submit the following documents to the market manager and must also post a copy at the point of sale (in clear view and/or reach of the customer):
 - A current embossed copy of its Certified Producer’s Certificate listing those commodities (both certified and non-certifiable) the producer is offering for sale.
 - Vendors must ensure that any individuals selling on their behalf are compliant with all county, state, and federal laws governing employment.
 - To the extent applicable:
 - A current state organic registration document (for organic sales).
 - A current third-party organic certificate (for organic sales, if all organic commodities sold exceed \$5,000).
 - Avocado Inspection Certification/Avocado Inspection Permit (County Ag).
 - Second certificate (must be approved by the market manager, as noted below).
 - All other applicable documentation set forth in these market rules.
- Second Certificates: A certified producer (including farmers, nurserymen, fishermen and other agricultural producers) may sell for another certified producer (including, but not limited to, separate entities, such as partnerships in which the certified producer has an interest as an individual member) *only at the express written permission of the market manager and subject to the following rules:*
 - Each certified producer’s certified agricultural products to be sold or offered for sale shall be separated and identifiable by each certified producer’s valid certificate at the point of sale. These items should be on a separate table.
 - The name of the certified producer for whom another certified producer is selling shall appear on the certificate of the certified producer that is conducting sales at the market.
 - The name of the certified producer who is selling the products of another certified producer shall appear on the certificate of the person or entity for whom the certified producer is selling.
 - A certified producer who sells certified agricultural products on behalf of another certified producer or whose products are sold by another certified producer at the market shall produce, for inspection, records required by this section upon demand of a representative of the department or county agricultural commissioner.
 - Each certified producer must have a separate load sheet.
 - Each certified producer is responsible for stall fee payments.
 - Each additional certificate must be applied for and is subject to the approval of the market manager. Products subject to a second certificate can only be sold after such approval has been granted.

- Second certificates will only be granted if the products subject to the second certificate are not available directly from another agricultural vendor approved for the market. *Second certificate approval may be revoked by the market manager at any time that the products subject to the second certificate become available directly from another agricultural vendor approved for the market.*

B. Certified Producers Selling Eggs – Certified producers selling eggs at the market must follow the California Department of Food and Agriculture (CDFA) laws regulating the handling and sale of shell eggs.

- CDFA Registration – Certified producers selling eggs they have produced (or acquired from another certified producer to sell, subject to the requirements applicable to second certificates) must first register with the CDFA as an egg “handler” and obtain a state handler code. See Food and Agriculture Code (FAC) 27510, 27541, 27633, 27661. CDFA’s Egg Quality Control Program may be contacted at (916) 445-4243; <http://www.cdfa.ca.gov> (link to registration form is under “Browse by Subject-Market/Inspect-Egg Quality Program”); or through your home county’s Agricultural Commissioner’s office.
- Animal Care Act - Proposition 12. All producers and distributors of shell eggs (quail excluded) must have certification from CDFA showing that they are in compliance with the ACA.
- Carton Labeling Requirements – Eggs must be properly labeled and graded as to quality and size. See FAC 27651, 27662, 27644, and Section 1354 of the Direct Marketing Regulations. Each egg carton must have the following information:
 - Name, Address, Zip Code
 - Size and Grade (example: Medium-Grade A)
 - “Keep Refrigerated”
 - Sell by Date (may not exceed 30 days from packing date)
 - Julian Date (packing date; consecutive date of the year on which eggs were packed)
 - State Handler Code (example: CA1234)

Superlative descriptions or other amplifications of grade or size are not permitted on containers. Prohibited words include “fancy”, “select”, “premium”, “superior,” “oversize,” and “giant.” See Section 1354(c)(1) of the Direct Marketing Regulations.
- Selling Eggs As Organic: In order to sell eggs as organic, the certified producer must be registered as organic with CDFA’s Organic Program. Additionally, if sales of all organic commodities produced are over \$5,000, certified producers must be certified as organic from an accredited organic certification agency. A copy of the certified producer’s organic registration and (if applicable) organic certification must be provided to the market manager and also conspicuously posted with its Certified Producer Certificate.
- Recycled Cartons: Egg producers and egg handlers may not reuse another egg producer’s or handler’s carton which bears a name without permission. See FAC Section 27634. Recycled cartons may only be used if the label on the recycled carton is completely obliterated and covered with the correct label.

C. Nursery Stock and Flower Vendors – Certified producers selling nursery stock or cut flowers at the market must have performed the propagation, planting or germination for all plants sold.

- CDFA Nursery License – Certified producers selling nursery stock or cut flowers at the market are subject to the CDFA’s laws and regulations, and must obtain a state nursery license issued by CDFA. See FAC Section 6721.
- Fee Exempt Nursery License – A “Fee Exempt Nursery License” may be issued by your agricultural commissioner’s office if your annual sales are less than \$1,000. This license allows you to sell nursery stock and cut flowers only in your home county.

D. **Non-certifiable Agricultural Product Sellers** – Producers selling non-certifiable agricultural products (such as such as dried fruits and vegetables, juices, jams, oils, viticulture products, shelled nuts, poultry, meat, aquaculture products, and processed dairy) at the market must satisfy all public health, labeling, permitting and any other requirements pertaining to processed food products.

- Required Documents – In addition to the applicable documentation described above, producers selling non-certifiable agricultural products at the market must submit the following documents to the market manager and must also have copies conspicuously posted at the point of sale:
 - County Health Department Farmers Market Vendor Permit (for all pre-packaged and processed food).
 - A current state organic registration document (for organic sales).
 - A current third party organic certificate (for organic sales, if all organic commodities sold exceed \$5,000).

E. **Meat Sellers**

All meat sold at the market must be harvested and fabricated in a USDA inspected facility as required by federal law.

- All packaging must display proper USDA labeling and must state the ranch or farm of origin.
- All meat sold at the market must have been raised by the seller.
- Required Documents – In addition to any applicable documentation described above, producers selling meat at the market must submit the following documents to the market manager and must also have copies conspicuously posted at the point of sale:
 - USDA harvest facility ID number
 - Receipts from most recent harvest (receipts thereafter when asked by the market manager)
 - A current state organic registration document (for organic sales)
 - A current third party organic certificate (for organic sales, if all organic commodities sold exceed \$5,000)

F. **Fish and Seafood Sellers**

- Required Documents – In addition to any applicable documentation described in Section VIII.1 above, vendors selling fish or other seafood at the market must submit the following documents (to the extent applicable) to the market manager and must also have copies conspicuously posted at the point of sale:
- **Fishermen Selling Their Own Catch:**
 - Boat registration
 - Fisherman’s retail license
 - Dock landing receipts
 - Commercial fishing permits
 - Aquaculture permit

G. **Prepackaged and Prepared On Site Food Vendors** (prepackaged foods, bakery products, food and beverages prepared on-site, etc.) – All food items sold at the market must be processed and served in accordance with the applicable rules and regulations of the Mariposa County Department of Public Health and the State of California. The foregoing also applies to prepackaged and prepared fresh beverage items (such as fruit juices).

- Vendor Requirements – All food items, both prepackaged and prepared on-site, sold by a vendor must be produced by such vendor.
- Blind Tasting – All prepared food is subject to a blind tasting to assure product quality and appeal.
- Required Documentation – All prepared and prepackaged food vendors must submit the following documents to the market manager and must also conspicuously post a copy at the point of sale:

- County health department temporary food facility or mobile food facility permit (if cooking at the market) and/or Cottage Food Permit.
- A current state organic registration document (for organic sales).
- A current third party organic certificate (for organic sales, if all organic commodities sold exceed \$5,000).
- Written evidence that all products sold at the market were prepared in a certified commercial kitchen or in an approved home kitchen prepared by a vendor with a valid Cottage Food Permit.

H. Artisan/Craft Sellers

- Vendor Requirements – The artisan/craft seller must be the creator of the work. The artisan/craft seller must have an in-person meeting with the market manager to present their crafts for approval by the market manager or the market’s craft coordinator.

I. Service Providers/Non Profit information tables

- Vendor Requirements – The services offered must bring entertainment, education or other utility that is relevant to the market (as determined by the market manager).

J. Prohibited Sales – Items may not be sold or offered for sale at the market by any vendor unless specifically approved by the market manager.

9. Insurance

All vendors at the market must maintain at their sole expense the following insurance, which will be full coverage and not subject to self insurance provisions, and must provide evidence of such coverage to the market manager promptly following the approval of their market application:

- a. General Liability – (including coverage for contractual liability, products, premises, independent contractors/vendors, personal injury protection and contractual operations) – With a minimum limit of \$1,000,000 per occurrence for bodily injury and property damage and \$2,000,000 in the aggregate. These limits may be obtained through a combination of general liability and excess liability insurance.
- b. Additional Insured – The Original Merced County Certified Farmers’ Market and the Mariposa Certified Farmers’ Market (including their respective directors, officers, employees, staff and agents) general liability and the other applicable policies. The certificate holder information for the certificates to be issued for the market is as follows:

“The Original Merced County Certified Farmers’ Market, Mariposa Certified Farmers’ Market and their respective directors, officers, employees, staff, volunteers and agents.”

The issued, executed certificate(s) evidencing the required additional insured coverage, together with supporting additional insured endorsement(s), must be provided to the market manager promptly following the approval of a vendor’s market application. For so long as such vendor sells at the market, replacement certificate(s) and endorsement(s) shall be provided to the market manager each time such policies are renewed.

- c. Cancellation or Change Notice – Each insurance policy required by this section must contain a provision that no termination, cancellation or change of coverage can be made without at least thirty days prior written notice to the market manager at mariposafarmersmarket@gmail.com.

10. EBT/SNAP food benefits

- a. Mariposa Certified Farmers' Market now accepts EBT/SNAP food benefits market wide. The accepted items that customers can use their EBT/SNAP benefits on are fruits, vegetables, meat, poultry, fish, seafood, dairy products, breads, cereals, honey, cooking oil, condiments, herbs, spices, coffee beans, and tea. Prepared foods can be purchased for off-site consumption as long as they are not hot or heated at point of sale. These items include chips, popcorn, candy, baked goods, cold beverages (bottled water, soda, iced coffee, smoothies), and cold prepared food (sandwiches, salads, burritos, pizza, tamales, pies, muffins, doughnuts). The market manager will let you know what items you sell that are EBT eligible.
- b. Please do not make judgment or exclude customers because of their EBT/SNAP benefits. If so, the manager has the right to give you a warning and/or remove you from the market.
- c. All tokens can be redeemed at the end of the market from the market manager. Please do not give change to the EBT/SNAP customers. You can give them a few more items to make it even, or ask if they have any change to pay the difference. The tokens are in \$1 and \$5 increments.

11. Inspections and Audits

Product Inspections – All commodities and products shall be subject to inspection at any time by the County Agricultural Commissioner, the Environmental Health division of the Mariposa County Department of Public Health and/or the market manager.

12. Product Quality

- a. Standards – All products will be expected to be of the highest quality (of taste, freshness, or craftsmanship). Vendors of low-quality products may ultimately forfeit their right to sell at the market.
- b. Minimum Grade – All produce must meet USDA minimum grade requirements. Additionally, all containers of produce offered for sale must not exceed CDFA tolerance for spoilage and waste.
- c. Nursery Stock and Cut Flowers – All nursery stock which is being grown or sold shall comply with pest cleanliness quality and varietal trueness of standards (Section 3060.2 Cal. Adm. Code).
- d. Customer Complaints – Customers who have a legitimate complaint about the products they purchase should be given a full monetary refund or replacement of equal value. It is the market's policy to satisfy the customer and to promote good will by being generous. If produce is overripe and must be consumed the same day, the customer must be informed in advance. If a customer wishes to exchange only a partial bag of produce, only partial credit is due.

13. Health and Safety

- a. Legal Requirements – The market is conducted in accordance with applicable local, state and federal laws and ordinances. Vendors should be familiar and in compliance with all health and safety guidelines. Vendors must comply immediately with market management's safety instructions. Vendors and products must comply with the California health code and federal standards.
- b. Stall Safety – Vendors' vehicles, tables, and overhead shades must be maintained and used in a safe manner. Legs must be firmly locked into place on the shades. Tables must have smooth edges and remain stable when loaded with produce. Shades 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. Vendors' vehicles,

tables and merchandise must be within the vendor's assigned stall space and may not impede the customer flow.

By determination of market management, removal of canopies may be required at any time during market hours due to windy conditions. Canopy removal shall take precedence over sales activities. Frame assemblies may remain in place as long as they are securely tied down.

- c. Stall Sanitation – Vendors are required to maintain their individual selling space in a clean, safe and sanitary manner, including protecting the sidewalk and pavement with a tarp from drips from any part of vendor's vehicle as well as from highly staining items, such as oil, cooked food, grapes, berries, etc. Vendors must clean and sweep their selling space prior to leaving the site. Failure to do so may result in market violations. Additionally, vendors must comply with the following:
- Hand Washing - All market vendors must wash their hands before returning to work after a food or restroom break
 - Trash - Vendors are responsible for bagging and removing their own trash (produce waste, overripe or leftover produce and boxes) at the close of market day and ensuring that it is disposed of properly. Trash receptacles will only be available at the market for customer's waste and not for Vendor's waste.
 - Waste Water - Vendors must collect any waste water they generated during the market from washing produce or utensils. Vendors must then remove their waste water from the market area in a container with a lid and must dispose of the waste water through the approved plumbing system.
- d. Food Safety
- All food vendors as well as farmers offering produce samples must have a hand washing station consisting of a five to seven gallon container of potable water (minimum of 101° F) with a hands free dispensing valve. The water supply must drain to a waste receptacle of at least five gallons, and liquid hand-washing soap in a pump or squeeze bottle and a full day's supply of paper towels must be provided.
 - Utensil washing stations must consist of three (3) five (5) gallon container - one with soapy water for washing, one with clean water for rinsing, and one with bleach in water for sanitizing (use one tablespoon of bleach per gallon of water to provide a solution of 100 ppm chlorine).
 - All food products must be kept a minimum of six (6) inches off the ground.
 - Processed foods must be processed in an approved facility, and packaged and labeled under sanitary conditions, and the vendor must display their health department permit.
 - Prepared food vendors must provide adequate facilities to keep hot and cold/iced foods at safe temperatures. They must also provide a clean refuse container for patrons.
- e. Sampling Procedures:
- Produce to be offered for sampling must be washed with potable water and wastewater must be collected in a receptacle and disposed of at an approved site. Producers may pre-wash produce prior to arrival at market as an option. Produce may not be washed at toilet room facilities.
 - Samples must be cut out of reach of customers. Samples must be kept in clean, covered containers approved by the health department such as clear plastic with hinged lids or clear dome covers. Methods of dispensing samples include the following:
 - Capped squeeze bottle, for items such as honey. Bottle is uncapped and the product is squeezed onto a disposable wooden stick for each individual customer. Bottle is re-capped, the stick is discarded.
 - Modified shaker bottle, for items such as grapes. Opening in the bottle is enlarged to allow the bottle to shake out a limited number of items, (one or two) into the hand of a customer.

- Bulk liquid container for items such as juice. Disposed with a down-facing, self-closing spout into a cup given to customers by the farmer. Cup is disposable. Thermos is washed in an approved kitchen.
 - Small sample cup for items such as sprouts or jams. Disposable paper cups are filled in an approved facility or manner for distribution to customers.
 - Covered serving dish with hinged lid opening on the grower's side. Vendor lifts the lid and uses a disposable spoon to scoop out a small sample portion. Disposable spoons are given to customers and discarded.
 - Sliced fruit/vegetables may be stored in *washable containers with lids* and dispensed by grower via *disposable toothpicks*. Plates full of cut samples may not be left out for customers to serve themselves.
 - Sneeze guards, of sufficient width and height so as to intercept fluids and contaminants from the public are permitted for products with an open display to facilitate self-service.
- f. No Smoking – Smoking (whether by a vendor, a customer, market staff or any other person) is not permitted in the market during market hours.
- g. No Live Animals – Live animals are not allowed in the market, with the exception of seeing eye dogs and other service animals. *No vendor may sell to a customer who is in possession of a live animal (except for a service animal) – failure to comply will result in a market violation.* Each vendor shall inform any customer or other individual in possession of a live animal (other than a service animal) who approaches the vendor's stall space that only service animals are permitted in the market and that vendor is not permitted to sell products to customers who violate that rule. Vendors are encouraged to instruct dog owners that the market has a free dog sitting service available.

14. Market Conduct

- a. Noise –No disruptive actions including, but not limited to, loud hawking, barking or shouting to promote vendor's products are allowed. All product promotion must occur within the space assigned to the producer and not in any common area.
- b. Disturbances – Any statements and/or actions which are deemed to be offensive, abusive or otherwise inappropriate to a customer, market manager, market staff or customer, attending producer, sponsor, or any official from a city, county, or state agency conducting business within the market parameters, will be considered a violation to these market rules and will be subject to any or all disciplinary steps indicated in these market rules.
- c. Vendor Conduct – Common courtesy in dealing with customers and other vendors is essential to creating and sustaining loyal customers for all vendors and ultimately developing a successful market.
- Vendors are expected to be honest and to conduct themselves in a courteous, business-like and friendly manner. Everyone is expected to treat other vendors, staff, customers and officials with respect. Vendors are asked to assist the manager in all possible ways to maintain the quiet and friendly atmosphere of the market.
 - Vendors are expected to dress in an appropriate manner, including shirts and shoes or sandals.
 - Sales of products/services not otherwise listed on the certified producer's certificate or selling agreement are strictly prohibited while operating at the market.
- d. General Rules – The following rules also apply to all vendors, market staff and volunteers, customers and other individuals attending the market:
- Rude, abusive, offensive or other disruptive behavior is not permitted. Anyone who is discourteous, belligerent or whose conduct is materially and seriously prejudicial to the reputation or operation of the market will be asked to leave the market by the market manager. Vendors experiencing any difficulty with customers or other vendors in this regard should refer the matter promptly to the market manager.

- Harmful remarks about other vendors or the market are subject to legal liability.
- No individual shall be subject to harassment, including on the basis of race, color, religion, gender, sexual orientation or origin.
- No materials, which are blatantly offensive, either racially, ethnically or sexually, shall be allowed for sale.
- Vendors are expected to dress in an appropriate manner, including shirts and shoes or sandals.
- Smoking and live animals (with the exception of service animals) are not allowed in the market.
- No bicycling, skating or skateboarding is allowed in the market.
- Petitioners and flyer distributors must stand at the outskirts of the market in the “free speech zone,” not inside the market.
- Uninvited performers (musicians, dancers, buskers, etc.) may not set up to play anywhere they please. The market books talent upon occasion. Anyone interested in performing at the market must obtain the prior written approval of the market manager.

15. **Violations and Penalties**

- a. **Noncompliance** – The market manager and any other agent assigned to do so, has the right to issue warnings and take appropriate action against vendors who violate these market rules and all other applicable regulations and laws. Penalties for violating these rules or other applicable regulations and laws may include fines, suspension of selling privilege or loss of space. Verbal warnings will be followed with a written warning for any violation prior to a fine, suspension or expulsion from the market, unless otherwise stated in these rules. In the case of unreasonable or outrageous conduct considered detrimental to the market’s safety or welfare, the market manager has the authority to impose an immediate fine and/or suspension. Certified producers caught reselling will be subject to a harsher penalty schedule and will permanently lose their space at the market.

- b. **Customer Complaints** – The market takes customer complaints seriously. Once a complaint is submitted, market management will verify it.

- c. **Due Process** – Market management shall provide reasonable due process to vendors prior to the imposition of a fine, suspension or expulsion from the market. The vendor shall receive a written notice if the action includes a fine, suspension or expulsion from the market. The notice shall state the specific reasons for the proposed action. The notice shall be delivered in person or mailed to the vendor prior to the imposition of the fine, suspension or expulsion, unless an immediate suspension is necessary to protect the public health, safety or welfare. The notice shall advise the participant that he or she has fifteen (15) calendar days to submit a written appeal of the proposed action. If an appeal is submitted in a timely manner, then the market’s advisory committee shall arrange a date and time for the appealing vendor to appear before it, or its designee, for an administrative hearing. At the hearing, the appealing vendor will have the opportunity to present evidence and arguments regarding the reasons stated for the proposed action and the appropriateness of the proposed action. The advisory committee will issue a written decision upholding, reversing or modifying the proposed action within fifteen (15) calendar days from the conclusion of the hearing. Until the decision is reached, the market manager’s sanctions remain in effect.

EXHIBIT A - Participation Agreement

Mariposa Certified Farmers' Market
mariposafarmersmarket@gmail.com

Participation Agreement

The undersigned vendor at the Mariposa Certified Farmers' Market ("Market") agrees to abide by the terms defined in this agreement that outlines the terms of the undersigned's participation as a Vendor in the Market.

1. Vendor affirms that it has received and has read and understands the market's rules governing vendor's participation in the market. Vendor agrees to comply with each and every rule, regulation, procedure, term and condition set forth in the market's rules.

2. Vendor understands that it has been accepted as a market vendor in the following category, and may only sell the following product(s) at the Market:

Vendor Category: _____
(E.g., Certified Agricultural Producer, Non-certifiable Agricultural Producer, Non-Agricultural Vendor, Non-profit/Community organization)

Approved Products (will be filled out by manager):

In witness whereof, this agreement is executed this ____ day of _____, 20____.

Vendor name: _____

Address: _____

Phone: _____

Email: _____

Vendor's signature: _____ (please sign with a pen)

Market manager signature: _____

Exhibit B – Hold Harmless Agreement

Mariposa Certified Farmers’ Market
mariposafarmersmarket@gmail.com

Hold Harmless Agreement

The undersigned vendor at the Mariposa Certified Farmers’ Market agrees to the following terms and conditions:

1. Vendor shall indemnify, defend and hold harmless the Original Merced County Certified Farmers’ Market and the Mariposa Certified Farmers’ Market and its officers, directors, agents, employees and volunteers, from and against any and all loss, damages, liability, claims, suits, costs and expenses, whatsoever, including reasonable 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 by vendor, its agents and/or employees in connection with vendor’s participation in the market, and/or in the performance of services, work or activities under this agreement and/or the market’s rules.
2. Vendor agrees to comply with each and every rule, regulation, procedure, term and condition set forth in the market’s rules. Vendor hereby acknowledges receipt of such market rules.

In witness whereof, this agreement is executed this ____ day of _____, 20____.

Vendor name: _____

Address: _____

Phone: _____

Email: _____

Vendor’s signature: _____ (please sign with pen)

Print name: _____

Market Manager signature: _____