

Del Mar Certified Farmers Market Rules 2018

The Del Mar Certified Farmers Market has been organized to benefit the growers and consumers. It allows growers to sell directly to the public and provides consumers an opportunity to buy fresh quality produce.

The market operates every Saturday from 1 - 4 pm. The market is located at the Del Mar Civic Center, 1050 Camino Del Mar, Del Mar, CA 92014.

All rules and regulations pertaining to the operation of this certified farmers market shall be implemented and enforced in a fair and equitable manner.

1. All sellers of certifiable produce must be certified by the county in which the goods are grown. The certificate is issued under authority of Title 3, Chapter 3, Article 6.5 of the California Administrative Code. It authorizes the certified producer to sell produce directly to consumers. Items that can be sold in the designated Certified Farmer's Market are any agricultural product certified by the California Department of Food and Agriculture or the Federal Department of Agriculture.
2. Producer is defined as a person or separate entity that produces agricultural products by practice of the agricultural arts upon land which the person or separate entity controls. In addition, a family member or salaried employee can sell for a producer.
3. Anybody found to be in non-compliance with the Department of Food and Agriculture and incurring any fine by them will be responsible for paying the fine, and will be suspended from the market one day for the second occurrence and permanently removed for the third.
4. Any certified producer may sell the items of one or two other certified producers if the selling producer carries and displays at the market the certificates of the other grower(s) and they have to be cross-referred. The certified producer's product must exceed by weight, volume and price the other producer's goods. In addition, all items sold need to be listed in the certificate. Products on each certificate must be displayed separately.
5. Prices must be clearly posted. Collusion among growers to raise prices or exertion of any influence, pressure, or persuasion to cause a grower to increase prices is strictly forbidden.
6. All vendors of taxable items are required to show proof of registration with the State Board of Equalization and are independently responsible to collect and account for sales tax.
7. All commodities sold must meet the requirements of California Food and Agricultural Codes. Only quality produce may be sold or displayed. The Manager is authorized to have poor quality produce pulled from a display and sale.
8. Food vendors are to have all necessary certificates from the Department of Health. All certificates must be displayed for the market manager and other producers, vendors and the public to inspect throughout each market day. If upon an inspection, the market is fined by the Dept. of Health for non-compliance, the vendor will be responsible to pay the fine.

9. Consumption of alcoholic beverages, smoking or illicit drug use is forbidden on the market premises. Anyone found to be inebriated or otherwise impaired, is discourteous or who creates a disturbance will be asked to leave the premises. Any inappropriate statement or action towards a customer, vendor, market manager, city or county official or other person(s) conducting business within the market will be considered a violation of market rules and will be grounds for disciplinary action. Failure to comply with any request made by the market manager or other negative, threatening or rude behavior will result in immediate expulsion from the market. (See rule 24.)
10. All Certified Producers and Food Vendors are required to submit a legible copy of their certificates and permits to the Market Manager prior to selling in the market and when requested to do so thereafter.
11. Fee slips and load lists of all products sold at the Market will be turned in at the end of each market day. It is the responsibility of the producer or his/her representative to fill in the load list accurately and completely with the date, the name of the business or person listed on the certificate, total sales and all applicable fees. In addition, all certified producers need to identify, as listed on their certificate, each item with the quantity sold on the load list. Failure to do so will result in a one day suspension on the first offense, two days for the second and removal from participation on the third offense.
12. The Market Fees are as follows:
 - Certified Farmers: 8% of Sales or \$8 minimum, whichever is greater,
 - Food Vendors: 8% of Sales or \$8 minimum, whichever is greater,
 - Crafters/Artisans: 10% of Sales or \$25 minimum, whichever is greater,
 - Other Vendors: 10% of Sales or \$25 minimum, whichever is greater,
 - Services: to be determined by the Board and Market Manager.Pre-sale business or any special orders on market days are to be included in the gross sales of the day. Any vendor not complying with this rule will be immediately asked to leave the market.
13. Drive in - Unload - Parking. Most of the vendors are allowed to drive in and unload. You should unload only and set up display AFTER moving your vehicle. Vendor Parking is in the Parking Garage towards the back. Leave the spaces closer to the market entrance for your customers. Vendors positioned on the upper Plaza unload from their car temporarily parked along Camino Del Mar, and subsequently move their vehicle to the back of the Parking Garage as well.
14. All items to be sold by produce vendors must be placed at least 6 inches off the ground.
15. Sellers may lose the privilege of selling at the market for unsafe vehicles, tables, signs, racks, and other display aids. All items must be secured, and must not obstruct traffic flow, and care must be taken when setting up and breaking down so that the safety of shoppers and other market participants is not jeopardized.
16. All produce vendors must have a banner/signage representing the name of the farm and the county where the produce is grown. The sign must say "We Grow What We Sell" and be displayed during market hours.
17. Organic products may be advertised as such only if they have been certified by the appropriate regulatory agency and must also be listed on the certificate.

18. Vendors must maintain the space assigned them in a clean and sanitary condition including protecting the pavement with a tarp from drips from any highly staining items, such as oil, cooked foods, berries, etc. All vendors must have a trash receptacle available for the customers. At the end of market day all spaces must be cleared of any equipment, fruits, vegetables, trimmings, containers, etc. and swept thoroughly clean. Vendors should bring their own broom and dustpan. Trash from the space must be taken home by vendor. No dumping of ice or water, or other fluids at the venue.
Waste Management bins are for customers only - No Exceptions!
19. All growers must control their children in a proper manner and orderly fashion. They must not disturb other sellers who are conducting business, unless they are hired to sell for them.
20. All closed or sealed containers and/or bags must be labeled with the content, producers name, address and zip code.
21. Scales must be in compliance with the Dept. of Weights and Measures. Nothing can be sold by weight unless a certified scale is used. Scales must be in plain sight of the consumer.
22. Market Hours - Arrival and Departure. Sellers must arrive (1) hour prior to the published opening time and leave within (1) hour after the published closing time of the market. The breakdown of vendor area and loading of vehicle is not allowed before 4:00pm. Whenever a vendor does not adhere to market arrival and departure times, the manager may revoke the vendor's stall space reservation for 2 weeks. The second suspension will be for a period of sixty (60) days commencing upon effective date of the Notice of Suspension.
23. If a participating producer chooses to bring a new item to sell that has not been sold previously, the producer must notify the market manager prior to selling and provide an updated certificate if applicable. If upon an inspection, the market is fined by the Dept. of Agriculture for non-compliance, the producer will be responsible to pay the fine.
24. Out of courtesy to other vendors and customers, a vendor must notify/text the Market Manager, Fabian Huertas (760 453-9837) at least 48 hours in advance (Thursday before 1:00 pm) if the vendor is unable to attend the market. The vendor will need to pay the minimum fee for that missed day. If no notice is given at least 48 hours in advance there will be a charge of \$25 per market missed. If you cannot attend due to an emergency the day of the market, you must notify/text the Market Manager to inform him and you will need to pay the minimum fee for that missed day. No shows may be permanently banned from the market.
25. Violation of the market rules or state regulations may result in suspension or expulsion from the market. Disciplinary steps may include:
 - (1) An oral warning from the market manager.
 - (2) Written notice by certified mail of the violation within a week of the date of the incident, detailing the violation and the consequences of said violation.
 - (3) Market suspension for a period of time, up to 18 months.

Intent and Implementation

The purpose of this set of rules is to govern the operation, administration, and management of the CFM (Certified Farmers' Market) under the control of this organization.

The operator of this CFM, its management and its board will impose and enforce all Rules and Regulations pertaining to the operation of the CFM under its control in a fair and equitable manner.

Market participants have the right to appeal the enforcement by the management/board of any fine, suspension, or expulsion from this market.

While the appeal process may be informal, it must provide the following:

- (1) A reasonable time period to request an appeal. Requests have to be received by the DMFM Board of Directors no later than 30 days from the date of the penalty and are to be mailed to: PO Box 57, Del Mar, CA 92014.
- (2) If an appeal is requested, an opportunity to dispute the alleged violation and/or the proposed penalty will be given. **
- (3) A short, written statement of decision will be given in a timely manner.

** No action on the proposed violation will be taken while the appeal is in process.

Participation in this market means I have read the above rules and I agree to abide by them. All my certificates and permits are current and comply with all government entities needed to be a participant.

I have received, read, and agree to follow the Del Mar Certified Farmers Market rules.

Signature

Date

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Farm/Business Name

Phone No.

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Certificate / Permit No.

Expiration Date

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NAMES AND CONTACT INFORMATION OF REPRESENTATIVE OR EMPLOYEE PARTICIPATING AT THE MARKET:

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Signature of Representative

Date

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Phone No.

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PERSON TO CONTACT IN THE EVENT OF AN EMERGENCY WHEREIN YOU OR YOUR EMPLOYEE IS INJURED OR FALLS ILL AT THE MARKET

Name

Phone No.

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This page needs to be returned to the manager within two weeks of receipt