



North Coast Growers' Association

Humboldt County Farmers' Markets

www.northcoastgrowersassociation.org

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NCGA CERTIFIED FARMERS' MARKET RULES AND AND REGULATIONS **FOR AGRICULTURAL MEMBERS**

A. CERTIFICATES AND PERMITS

1. As a market participant you must be a current NCGA member and comply with NCGA rules and regulations. All applicable Humboldt County Department of Agriculture, CA Department of Agriculture Direct Marketing Certified Farmers Market Program, and USDA regulations must be strictly adhered to.
2. A Certified Producer's Certificate must be obtained from the Humboldt County Agricultural Commissioner in order to sell fruit, vegetables, nuts or other agricultural products at the Certified Farmers' Market (CFM) (See California Code of Regulations Title 3, Division 3, Chapter 1, Subchapter 4, Article 6.5, Section 1392 for a complete listing of Direct Marketing Regulations).
3. All non-certifiable agricultural products must have and be accompanied by a verifiable listing of the fresh product on the producer's certificate of the producer selling.
4. You may only sell products that you have grown. You cannot sell on a commission basis for anyone else. As a Certified Producer (CP), you may sell produce for up to two other Certified Producers, in addition to your own. According to the CA Department of Food and Agriculture Direct Marketing regulations, you may sell for only two additional producers in a twelve month period and are required to have the names of the other producers who you are selling for, or who are selling for you, listed on your Producers Certificate.
5. It is required that you inform the market manager when you are going to be selling for a Second Producer.
6. You can have an immediate family member or salaried employee sell for you, but they cannot receive a commission on sales.
7. You must maintain and observe all state and federal regulations for product maturity and quality. The Direct Marketing Certificate does not exempt you from these requirements (Section 1392.4).
8. An approved and sealed scale for the current year is required to be at your stall space for all products sold by weight.
8. Members sign a compliance agreement as part of NCGA membership. Failure to comply with all applicable regulations jeopardizes the market, and may result in disciplinary action against you, including the possibility of suspension or permanent loss of membership.
9. All certified producers must turn in a load list for each market day they sell at a CFM. The California Code of Regulations 1392.9 (b) defines a load list as an itemized list, from each producer, of all the products sold at the Farmers' Market each market day. It is used in conjunction with the Certified Producers Certificate to verify that a producer is selling only the agricultural commodities he/she is producing. The market manager reserves the right to institute a fine in the amount of double the daily stall fees after two warnings for failure to turn in a load list. The market manager also reserves the right to disallow entry to a market if a producer fails to turn in a load list by the following market.

B. HEALTH DEPARTMENT GUIDELINES

1. Vendors selling processed agricultural products must comply with all applicable health department regulations, the health department must approve processing facilities, and vendors must provide documentation to the market manager. All agricultural products used in processing must be listed on the vendor's Producer's Certificate. Additional ingredients allowed are limited.

2. All food products must be elevated a minimum of 6 inches above ground level at all times. This includes off-loading prior to setting up your displays. State health laws prohibit the placing of food products on the ground or sidewalk. Tables are suggested as an appropriate means of displaying and selling. Off-loading onto empty boxes or pallets is recommended.
3. Sampling of food is permitted at NCGA CFMs. Producers must follow the Humboldt County Department of Health and Social Services Division of Environmental Health regulations for sampling of produce or processed food products at the Market. See Market Manager for a list of specific regulations.
4. Labeling of all closed containers is required. Labels must include the identity and address of the producer, and the identity and quantity of the product.

C. STALL ASSIGNMENTS AND PROCEDURES

1. Space assignment priority is given to NCGA grower members (see below E1). Appeals may be submitted in writing to the NCGA Board of Directors. No NCGA member may hold more than one stall space at any given time.
2. Stall spaces are assigned by the Market Manager. The full stall space is 16 feet at the Saturday Market. Stall spaces at the weekday markets will be distributed according to the number of vendors attending each market, with a minimum of 10 Ft. per vendor. Space size will vary within the available space at the manager's discretion. Assignment at all markets is based on seniority. The Market Manager will assign spaces for new members with thought to product distribution.
3. Stall spaces will be held until 30 minutes prior to the start of each market, at which time the Market Manager may assign another vendor to your space. Please be sure to arrive at least 30 minutes prior to the start of each market so you are set up and ready to sell by the time the market begins. If you are unable to be at a market where you have been assigned a space, you must call the Market Manager as far in advance as possible, but no later than 48 hours prior to the start of the market. This allows the Manager to assign your space to someone else for that date. At the manager's discretion, you must pay the maximum stall fee to the NCGA if you do not show up at the Market without calling 48 hours in advance, or for repeated late arrivals.
4. Each stall must be identified with a sign. You may not sell at the market if you do not have the following information posted:
 - a. Grower's name or farm name (phone # optional)
 - b. Farm location
 - c. Certified Producer's Certificate
 - d. Resale permit, if selling anything other than an exempt food item
 - e. City of Arcata Business License (for selling at the Arcata CFM)
 - f. Organic Registration from the State (CDFA) if you are selling as organic
 - g. Organic certification from a USDA certifying agency if you are selling over \$5000 of product as organic.
 - h. Nursery license, if selling more than \$1000 per year of nursery product, Nursery exempt license if selling under this amount.
5. You may not start selling before the opening market time at the Saturday Arcata Plaza Market. Each grower must wait for the opening signal prior to selling. All stalls must be cleaned-up and cleared from the market no later than one hour after closing. Producers may be charged a \$10 fine for stall areas not thoroughly cleaned.
6. The set up and break down procedures for vendor stalls at any market location will be established by the board, conveyed and enforced by the market manager for the purpose of courteous, efficient and safe set up and break down. Sellers that are not packed and out of market within one hour of the closing of a market, will receive 1 warning from the manager, and can then be fined a full stall fee.

D. MEMBERSHIP AND STALL FEES

1. Members must apply for NCGA membership by sending annual dues and completing a membership application. There are two types of membership in the association:
 - 1) **Agricultural Members** are members who raise agricultural crops for sale in Humboldt County, and whose products are defined as "agricultural products" by the California Department of Food and Agriculture (CDFA).
 - 2) **Non-Agricultural Members** are members whose products are defined as "non-agricultural" by CDFAs, including but not limited to prepared foods and other processed products.

2018 Annual Membership dues are as follows:

Ag and Non-Ag Members attending Arcata Plaza and weekday market(s): \$150

Ag and Non-Ag Members attending only weekday market(s): \$100

Supporting Members: \$35

(Supporting Members are 2nd producers and those who attend no more than 6 markets per location; do not accrue seniority and may not vote in association business. Supporting members can be Ag or Non-Ag.)

2. Prepared foods vendors must apply for membership with a Non-Ag Membership Application and follow the Rules & Regulations for Non-Ag Members.
3. Annual membership dues are payable March 1st. Dues become delinquent April 1. Delinquent dues will be assessed a \$10/month late penalty until July 1st, after which date seniority will be lost. New members can apply at any time, but must apply at least two weeks prior to the first market they wish to attend.
4. Stall fees are to be paid to the Market Manager no later than 30 minutes after the closing of each market. Stall fees are established at the Spring Membership Meeting each year. Current stall fees:

NCGA Agricultural Members:

Arcata Plaza Main Season: Flat rate \$50 for a full space, \$30 for a half space

Winter Market: \$35 flat rate

Weekday Markets: 10% of your gross sales + \$5 (\$10 minimum, \$25 maximum)

NCGA Non-Agricultural Members:

Arcata Plaza Main Season Food Court: \$80 full stall; \$50 half stall; \$40 third stall

Arcata Plaza Winter Market: \$35 flat rate

Weekday Markets: 15% of your gross sales, with a minimum of \$14 and a maximum of \$34.

E. SENIORITY

1. Seniority is based on the number of consecutive year's attendance as a member. Attendance is defined as participating as a vendor for a minimum of six times at any one market during a season. Supporting members do not gain seniority.
2. A request for one-year leave of absence may be submitted in writing to the Board of Directors. This request together with annual membership dues must be submitted no later than July 1 of the year for which the leave is requested. No more than one request shall be permitted for any three-year period. The Board may approve or deny the request. If the request is approved and the above conditions are met, seniority will be maintained for that year.
3. All changes in farm ownership must be reported in writing to the board within one month's occurrence for the purpose of tracking seniority.
4. The transfer of ownership to a new owner will result in the loss of seniority.

F. OUT OF COUNTY

1. Agricultural Products grown outside of Humboldt County cannot be sold at NCGA markets.

G. GRIEVANCE PROTOCOL

A spirit of respect, consideration and cooperation must exist between members, board members, market patrons, market managers and assistants. It is not acceptable to verbally abuse, yell at or intimidate fellow farmers, customers, board members or market managers.

Whenever the Market Manager, or other agent assigned to do so, acting in good faith, believes a seller has violated any of the NCGA CFM rules;

1. A written warning will be issued and a copy of that warning and a report from the manager will be turned in to the Executive Director and kept on file.
2. A second violation within one growing season will result in a \$20 fine and a report from the manager will be turned in to the Executive Director and the NCGA Board of Directors will be notified of the incident.
3. A third violation within one growing season will result in immediate expulsion from the market with NCGA Board approval and a detailed report to be kept on file.

Re-entry into the market may be attempted through written appeal to the NCGA Board of Directors.

If any other type of misconduct clearly occurs, please report it to the market manager immediately. The market manager will approach both parties and try to resolve the issue at the time of the incident. If resolved, a report of that resolution will be given to the Executive Director documenting the incident.

If no resolution is reached in the matter, both parties will need to file a written complaint at that time. This written complaint will be turned into the Executive Director for further consideration. The Executive Director will try to resolve the issue and then give the NCGA Board a written report on the situation.

If the Executive Director fails to achieve resolution, the matter will be referred to the NCGA Board of Directors. Both parties may be required to attend a meeting with the NCGA Board for discussion of the situation. The Board will review the situation and a final decision will be made. Both parties will be notified as to the final judgment.

Simple apologies between parties may be enough but in extreme cases, penalties may be assessed including Market suspension and/or membership suspension from NCGA. The NCGA Board has the discretion to suspend, revoke, and permanently disallow membership when resolution to grievances cannot be achieved through the process outlined above.