

Market Rules and Regulations

1. Intent and Implementation

The purposes are to govern the operation, administration and management of the certified farmers' market that are operated by duly certified producer Jose Reynoso DBA Bay Fresh Berry Producer (hereinafter "Bay Fresh") and its management team (All Bay Farmers' Market Association hereinafter "ABFMA") will implement and enforce all rules and regulations pertaining to the operation of its certified farmers' markets.

2. State Regulations

The regulations of the California Department of Food and Agriculture pertaining to Direct Marketing (Article 6.5, Group 4, Subchapter 1, Chapter 3, and Title 3 of the California Administrative Code) are hereby incorporated by reference to be part of these rules.

Specifically restated are the following provisions of such regulations.

- A. Producers of fresh fruits, nuts, vegetables, shell eggs, honey, flowers, and nursery stock must obtain a Certified Producer's Certificate prior to selling such commodities at a certified farmers' market. Such commodities must have been produced by the practice of agriculture upon the land which the producer farms and owns, rents, leases or sharecrops.
- B. Fresh fruits, nuts and vegetables listed on a producer's certificate may be sold directly to consumers exempt from size, standard pack, container, and labeling requirements to the exception that all prepackaged closed consumer containers of agricultural products shall be labeled with the name, address and zip code of the producer and a declaration of identity and net quantity of the commodity in the package. However, a package containing 6 or less items which are fully visible does not a statement of count.
- C. All agricultural products sold at Bay Fresh/ABFMA markets shall comply with the regulations of the California code governing maturity and quality.
- D. All agricultural products other than exempt fresh fruits, nuts and vegetables, which are sold at Bay Fresh farmers' markets, must comply with all applicable laws pertaining to their grading and labeling.
- E. All agricultural products sold at Bay Fresh/ABFMA markets are subject to the provisions of federal marketing orders, state marketing orders, state laws and regulations, enforced by any state agency, or any other local health and safety laws, regulations or ordinances.
- F. Only the producers or the producer's parents, children, grandparents and grandchildren or a relative regularly residing in the producer's household or an employee of the producer may sell the producer's products at Bay Fresh markets. An employee is a person employed by the producer at a regular salary or wage, on either a full or part-time basis. It does not include a person who is reselling or whose compensation is primarily based on a commission of sales.
- G. The certified producers' embossed certificate must accompany the certified agricultural products during transportation to the market and must be conspicuously posted at the point of sale. Any certified producer who has not paid requisite state or county certificate fees will not be allowed to sell in the certified farmers' market.
- H. When any agricultural product is sold by weight, the type of scale used shall be approved, tested and sealed by the County Agricultural Commissioner, Sealer of Weights and Measures.
- I. Once a producer has been granted by Bay Fresh/ABFMA the privilege of selling for up to two other certified producers, it must be under the following conditions:
 - 1. The agricultural products shall be separated at the stand and clearly identifiable by the respective certificates.
 - 2. The producer selling for the other producers must also sell or offer to sell agricultural products which the producer selling has produced.
 - 3. Prior to sale, the producer selling has furnished a written letter from the additional producer(s) which verifies the selling producer's authority to sell their product on their behalf.
 - 4. The producer selling for another must have the name(s) of additional certificate holders cross-referenced on their certificate, in turn, the producer who is having products sold for them, must have the selling producer's certificate cross-referenced on their certificate.

- J. Agricultural producers who are certified organic must conspicuously post three documents; Certified Producer's certificate, Organic certification and Organic registration.
- K. A producer shall provide, upon request, by an enforcing officer or market manager, any certification, documentation, or identification that may be reasonably required to show that the conditions of the regulations are being met.
- L. When selling at the markets the producer and the producers' agricultural products shall comply with all applicable requirements of the California Uniform Retail Food Facilities Law and the California Sherman Food, Drug and Cosmetic Law, specifically,
 - 1) All products and containers of produce must be kept at least 6 inches above ground.
 - 2) Food preparation is prohibited.
 - 3) Processed foods must be processed in an approved facility and properly packaged and labeled under clean and sanitary conditions. Unexpired Processed Food Registration certificates (PFR) should be submitted with application.
 - 4) Dried fruit and shelled nuts in and unpackaged bulk form must be displayed with a cover and conform to dispensing methods approved by the local health department.
 - 5) No live animals, birds or fowl may be or allowed within 20 feet of any area where food is stored or held for sale.
 - 6) Vendors selling nonagricultural products are required to have a valid permit from the local jurisdiction and are not considered part of the certified farmers' market with food vendors in the nonagricultural section of Bay Fresh markets adhering to all rules and regulations set forth by the county health department in which the market takes place.
 - 7) All products sold as organic must be grown, produced, or processed in accordance with the Health and Safety Code. Products must be prominently labeled or represented "Organically grown in accordance with the California Organic Foods Act of 1990."
 - 8) **Smoking is not permitted in or around display and immediate sales area.**
 - 9) **Alcohol is not permitted in or around display and immediate sales area. Failure to comply will result in immediate expulsion from the market with readmission to market at discretion of Management.**
 - 10) If the local health authority approves, distribution of samples in a manner which will ensure safe, unadulterated samples for the public may be allowed. In such regard the following are set forth as the guidelines:
 - a) Keep samples in clean covered containers approved by the county health agency.
 - b) Use toothpicks or disposable utensils to distribute the samples
 - c) Dispose of pits, peels, food waste and rubbish in leak-proof garbage receptacles with close-fitting lids.
 - d) Use clean disposable plastic gloves when cutting produce for samples.
 - e) Produce intended for sampling must be washed and cleaned so as to be wholesome and safe for consumption.
 - f) Utensils and cutting surfaces must be washed and sanitized (use a chlorine solution of one teaspoon or capful of liquid bleach per gallon of water.)
 - g) Cutting surfaces must be smooth, non-absorbent and easily cleanable.

Admission to Market

Admission to sell at any Bay Fresh/ABFMA market shall be at the reasonable discretion of Bay Fresh/ABFMA. In making this determination, a manager should consider the following:

- A. Producer's positive or negative history of the compliance with state, local government and market Rules & Regulations.
- B. Producer's history of market participation. When practical, significant weight, priority and preference should be given to producers returning from previous seasons.
- C. The competitive availability and number of sellers of producer's product is adequately supplying consumer demand.
- D. Whether the present number of sellers of producer's product is adequately supplying consumer.
- E. The number of unreserved spaces and other limitations of the market.
- F. A Certified Producer shall not represent, nor be represented by more than one other Certified Producer at any Bay Fresh/ABFMA market in a 12-month calendar year unless approved in writing.

Change of business ownership requires submission of a new application to Bay Fresh/ABFMA, which will be processed as a new admission. The transfer or change of ownership does not grant or guarantee the new owner the same admission or current stall space assignment as the previous owner.

Admission of a producer may be conditioned by period of attendance time and type of product allowed limitations.

Sales of Organic Products: The only products that may be promoted, represented or sold as organic are those that meet the requirements of the Organic Foods Production Act of 1990. The promotion, representation or description of products as organic that do not meet the requirements of the Organic Foods Production Act of 1990 is a violation of the law and these Rules and Regulations.

1. If a producer is selling both Organic and Conventionally grown products at the same stall, clear and concise separation of the products and signage shall be required.
2. All signage denoting Organic and Conventionally grown products the terms “organic” and “conventionally grown,” “non-organic,” or any equivalent term, must use lettering of roughly equal size and weight on each sign. Handlers must prevent the comingling of organic products with non-organic products and protect organic products from contact with prohibited substances.

Violations of these rules or policies may result in a fine, penalty or other disciplinary action. The severity of any penalty or discipline imposed shall be directly related to the gravity or repetition of the violation. The following disciplinary steps are issued by Bay Fresh/ABFMA, duly certified producer of Monterey County, dba Bay Fresh Berry Producer. Severity of penalties will be dependent upon the nature and intent of the offense and may not necessarily follow in the order below. **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.**

- A. An oral warning
- B. A written notice of violation
- C. A written notice of violation with a fine not to exceed \$50.00
- D. A written notice of violation with a fine determined by violation
- E. Market suspension of up to eighteen (18) months

A producer is responsible for the actions of the producer’s representatives, employees or agents. If possible and reasonable under the circumstances, a Market Manager must attempt to give adequate warning and notice of consequential action prior to the actual action of removal or other disciplinary action.

Management will review all disciplinary actions at a regularly scheduled meeting.

Any producer removed or disciplined by the action of Bay Fresh/ABFMA shall have the right of written appeal and review by Bay Fresh/ABFMA.

If a producer challenges Bay Fresh/ABFMA in a court of law and the court finds in favor of Bay Fresh/ABFMA, said producer agrees to pay all costs associated with the legal action.

The penalty for producers who sell products not of their own production is suspension and/or a fine subject to the discretion of Bay Fresh/ABFMA. This applies to the owner(s), producer(s), employee(s) or other representatives associated with the business. The maximum suspension period shall be eighteen (18) months and withdraw all consideration with respect to past participation for sale. Suspended party(s) shall not sell for her (himself) or on behalf of any other producer during the suspension period at any market operated by Bay Fresh/ABFMA. A fine of up to \$1,000.00 shall be due upon suspension. Conditions for re-entry will include the costs of two (2) inspections by designated representatives to the farm or other location(s) where products are produced, processed or held.

A second violation will cause permanent disqualification from all Bay Fresh/ABFMA markets

A Producer that is cited by the Department of Agriculture or the Environmental Health Department and/or causes a re-inspection will be responsible for the re-inspection fees. A producer whose violation results in a penalty or fine against Bay Fresh/ABFMA or one of Bay Fresh/ABFMA markets will be responsible for reimbursement of the penalty or fine.

REQUIRED DOCUMENTATION

- A. For Certified Agricultural Producers

1. All certified agricultural producers must submit to Bay Fresh/ABFMA a signed Application to Sell for the current year.
2. All certified agricultural producers must submit to Bay Fresh/ABFMA copies of unexpired certified producers certificates for all growing areas and all producers for which they intend to sell products in Bay Fresh/ABFMA's farmers' markets. This includes certified producers certificates for all growing areas and products represented in the markets as second certificates
3. All certified agricultural producers must submit to Bay Fresh/ABFMA an unexpired Certificate of Liability Insurance which names Bay Fresh as well as ABFMA as an additional insured (this also includes any other additional insureds as required). Do not send copies of the policy or billing notices.
4. All certified agricultural producers selling certified organic products must submit to Bay Fresh/ABFMA unexpired organic registration from the State of California or unexpired organic certification from the producers' certifying agency.

B. For non-Agricultural Producers

1. All certified agricultural producers must submit to Bay Fresh/ABFMA a signed Application to Sell for the current year.
2. If selling a food product for which all preparation of the food is done at the farers' market, all non-agricultural producers must submit to Bay Fresh/ABFMA, a complete and accurate copy of an unexpired county-issued health permit for the commissary in which food and equipment is stored outside of market hours.
3. All non-agricultural producers selling food products in an Bay Fresh/ABFMA markets in San Joaquin, Contra Costa or Santa Clara County must submit a complete and accurate copy of an unexpired Temporary Food Facility permit issued by the county's Environmental Health Department, unless the producer's sales are exclusively through a mobile food facility (stickered vehicle) or a Cottage Food Operator permit (CFO). In the case of Contra Costa County, submit a signed TFF to the market manager (along with any applicable fees) prior to coming to sell at market. The market manager will provide you with said form for completion.
4. All non-agricultural producers must submit to Bay Fresh/ABFMA an unexpired Certificate of Liability Insurance which names Bay Fresh and All Bay Farmers' Market Association (ABFMA) as additional insureds. Do not send copies of the policy or billing notices.
5. All non-agricultural producers selling pre packaged food items need to provide a copy of their current Processed Food Registration (PFR).
6. All non-agricultural producers selling certified organic products must submit to Bay Fresh/ABFMA unexpired organic registration from the State of California or unexpired organic certification from the producers' certifying agency.

C. For all producers selling taxable items:

1. All producers selling taxable items must certify on their Application to Sell that they are registered with the California State Board of Equalization, that they agree to bear full responsibility for the proper collection and reporting of sales taxes, and they agree to protect and defend Bay Fresh/ABFMA and its farmers' markets in case of any dispute with the State Board of Equalization.

All producers seeking to participate in Bay Fresh/ABFMA markets must complete an application annually and send in membership dues.

- 1) Priority will be given to returning members over prospective applicants.
- 2) Prospective members not placed in a market will have their application fee refunded.
- 3) Criteria for admission to a market: a) product mix and quality of products already in the market. Bay Fresh/ABFMA's goal is to avoid surplus of any one product in the markets.
- 4) Producers' attendance records will be kept, repeated tardiness (more than 5 annually) to a market, excessive no shows (more than 3 annually) constitutes potential forfeiture of stall space.
- 5) Producers' compliance records with county, state and Bay Fresh/ABFMA rules and regulations.

Documents required for selling at the market

- A. Requisite Documentation** – in addition to the completed application and application fee.

- 1) Certified Producers (farmers) Submit a copy of your certified producer's certificate producer's certificate, State Organic Registration(organic producers), Organic certification(organic producers), copies of food facility permits (if selling prepackaged agricultural products)
- 2) Food Purveyors are required to submit a copy of their Commercial Kitchen license and a copy of applicable health permits. Food purveyor must have current permits from the Environmental health department for the county in which the market is located. (please note that Contra Costa County requires the market to hold permits so all quarterly applications to the Health Department are submitted by the Market Manager on the vendor's behalf).

Insurance

- A. Bay Fresh/ABFMA requires all producers to carry liability insurance in the minimum amount of \$500,000 with Bay Fresh and ABFMA named as additional insured on your policy (as well as any other market specific requirements for said additional insureds).
- B. Failure to maintain general liability insurance, naming Bay Fresh as well as ABFMA as additional insured and sponsors (as may be required for participation in some markets) can jeopardize a markets right to exist. This may result in your suspension or expulsion from a market.

Notification of Acceptance

- A. Once your application has been processed, you will be notified by ABFMA Market Manager informing prospective vendor of their acceptance and discuss market attendance with you.
- B. If it is determined that the market is full, you may be placed on the waiting list for each market that you are not reserved. If Bay Fresh/ABFMA is not able to place you in any of its markets, the application fee will be refunded to you.
- C. All decisions of Bay Fresh/ABFMA regarding acceptance and membership are final.

Membership Time Basis

- A. Admission to all Bay Fresh/ABFMA markets will be on a year to year basis starting on January 1st with market year ending December 31st.
- B. Bay Fresh/ABFMA will evaluate the status of its participating members each calendar year; this evaluation will be completed by December 15th, any producers who will not be renewed will be notified by January 31st of the New Year.

Annual Application Fee

The annual application fee is \$150.00 and will be used for promotional, advertising, equipment purchases, permitting and certification fees as well as sponsor maintenance fees. Submission of Application and Fee after February 15th will be \$200 (applies only to current vendors NOT a new vendor joining the market for the first time).

Bay Fresh General Rules and Regulations:

- A. Please check with market management upon arrival each market. You will be assigned a stall space, that will likely become regular, however due to "accordion effect" that occurs when producers come and go for the season, some fluctuation may occur.
- B. Tablecloths are required from every producer participating in Bay Fresh/ABFMA markets.
- C. All vendors are required to have signage or a banner displaying their company name along with the city where production occurs.
- D. Certificates and permits will be posted conspicuously before commencing sales each market day. Your stall should be completely set up by the stated opening time of each market. Early closing and departure must be pre-approved by market management and must be arranged before the market opens for the day.
- E. All producers must arrive no later than 30 minutes prior to the start of the market, after which, **no vehicle movement shall be permitted**. If a producer is late, they will be required to download their wares from outside the market area.
- F. Vendors arriving at market 30 minutes or less prior to start of market will be assessed a late charge of \$25 per event.
- G. **Should a vendor fail to show up at any Bay Fresh/ABFMA market without at least 24 hours confirmed notice (verbal and written confirmation with Market Manager) will incur a "no show" fee of \$50 (payable at next market vendor attends) for the first offense. Each successive "no show" will incur an additional fee of \$25 per event (1st time \$50, 2nd time \$75, etc.) If vendor fails to show up at 3 or more consecutive markets without notice as specified above will not be allowed to return to the market until Bay Fresh/ABFMA's written reinstatement has been issued.**

- H. All farmers must conspicuously post prices in a clearly visible manner to the public. All prepackaged items need to be clearly labeled with prices marked. The label must contain product identity, net weight and producer's name, address and phone number. If more than one ingredient is used then it must contain a listing of ingredients in descending order by weight. If the product was treated with any preservative, irradiation or pasteurization, this must be disclosed on the label.
- I. All agricultural producers are required to fill out a legible and accurate load list of all products as they appear on the Certified Producer's Certificate and the quantity of each product sold at the certified farmers' market each market day.
- J. All farmers and food vendor must comply with all applicable state and county regulations in regards to sales of food and sampling. All foods must be displayed under a covering such as a canopy or umbrella. Unpackaged ready-to-eat foods must be displayed in a closed bulk dispensing container. Samples must be protected from consumer handling and cross-contamination.
- K. All food vendors must start with five gallons of potable water all non-potable waste water must be carried away by vendor and cannot be disposed of at the market.
- L. Your stall area and immediate surrounding must be swept and maintained throughout the market day, Bay Fresh/ABFMA requires that you maintain an "as clean as or cleaner than when you arrived" standard of your stall space, upon departing each market day. You will be held accountable with potential fines if you do not clean your stall at day's end. The market manager will have a broom and a dust pan, there will be no excuses. **ALL GARBAGE MUST GO HOME WITH YOU.**
- M. The market hours are posted, please remind your customers to come within these hours. Sales must cease as the posted closing time. We do not vehicles inside the market while customers are still present. Please be packed up and clear of the market site within an hour of the posted closing time. Please bear in mind that we are guests of the sponsor and the local merchants. We must maintain respect for them and the property that we are being allowed to use.

ADDENDUM TO BAY FRERSH RULES AND REGS

DATED 01/01/2026

- A. The certified producer is responsible for the actions of the authorized representative(s) of the certified producer and any violations and associated penalties and/or suspensions that stem from the actions of the authorized representative(s) of the certified producer, while selling on behalf of the certified producer at a certified farmers' market.
- B. Each certified producer's certified agricultural products to be sold or offered for sale shall be separated and identifiable by each certified producer's conspicuously posted valid certificate and conspicuously posted sign or banner at the point of sale.
- C. The certified producer selling for another certified producer shall be selling or offering for sale, at the same certified farmers' market on the same day, certified agricultural products which the certified producer conducting the sales has produced and which are in greater volume than the volume offered for sale for the other certified producer. For purposes of this section, the volume shall be measured by the weight or dollar value of the products at the time and point of sale. This volume requirement shall apply only at the beginning of each day of sale.
- D. Buying and reselling between certified producers is prohibited. Any payment made for the service of one certified producer selling for another certified producer shall be a fixed amount and not related to the volume or value of the products sold. A documented agreement, signed by both certified producers, shall be in place prior to the commencement of sales, and shall include reimbursable expenses covered by the payment.
- E. Every person selling certifiable agricultural products within a certified farmers' market shall, at the point of sale:
 - 1. Conspicuously post their valid certified producer's certificate; and
 - 2. Conspicuously post a legible sign or banner that states:
 - (i) The name of the farm or ranch, as listed on the valid certified producer's certificate and "doing business as" name ("dba") (if applicable), as listed on the valid certified producer's certificate; and
 - (ii) The production county where the products being offered for sale were produced; and
 - (iii) A statement of "We Grow What We Sell" or a similar phrase.