



**Market Rules for the Wednesday's at Winn**

**Days/Hours:**

Wednesdays, April 26, 2023 – October 25, 2023

3:00 p.m.-7:30 p.m.

**Location:**

28th Street between P & Q

**Contact Information:**

Midtown Association

Address: 1401 21<sup>st</sup> Street, Unit A  
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## **I. General Market Information**

The Wednesdays at Winn (“**Market**”) is a direct marketing outlet for producers (both certified and uncertified) to sell their agricultural products directly to consumers without meeting the usual size, 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, (formerly California Administrative Code) (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 farmers’ market offering agricultural goods (both certified and non-certifiable), non-agricultural goods and services for sale. 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 agricultural and food production. The market supports these values by having farmers and other 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.* Intermittent vendors will be admitted at the discretion of the market manager.

*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.

## **II. Governance**

The market is managed, owned, and operated by the Midtown Association. The market manager, as appointed by the Executive Director and the Midtown Association Board of Directors, is responsible for making, implementing, and enforcing all policy decisions in a fair and equitable manner under the direction of the Midtown Association and may at any time, amend, delete, or modify the following market rules, and then provide reasonable notification to all vendors.

Any approved vendor or applicant aggrieved by the action of the market manager or other designated agent of the market can appeal to Midtown Association Executive Director.

### III. Admissible Vendors and Products

- i. Admissible vendors and products fall in the following categories. *Qualifying to sell at the market does not automatically ensure admission in the market.* Admissible vendors must apply to sell at the market and be approved by the market manager 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 as necessary, and awards selling privileges on a week-to-week basis. The right to sell at the market is terminable at any time by written notice to the applicable vendor by the market manager.*
- ii. **Agricultural Producers** are vendors who produce and sell the following:
  - a. 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, and that have been produced or grown on property controlled by a certified producer. See 3 CCR Section 1392.2(l). Certifiable agricultural products may only be sold by the certified producer of thereof or, subject to subject to the requirements applicable to second certificates listed in Section VIII.1 below, another certified producer.
  - b. Non-certifiable Agricultural Products – Non-certifiable agricultural products include (i) all certified agricultural products listed above that have been processed (such as dried fruits and vegetables, processed nuts, juices, jams and jellies, oils, viticulture products, and pickled or smoked agricultural products), (ii) products from any tree, vine or plant and their flowers (including processed products), (iii) livestock (cattle, goats, poultry, rabbits, etc.) and their products (including dairy products and jerky), and (iv) fish and shellfish produced under controlled conditions in waters or ponds located in California. See 3 CCR Section 1392.2(m). 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.
    - i. 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 and *do not contain genetically modified ingredients (GMOs)*. 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 Producers Certificate.
  - c. Second Certificates – 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 of the market manager and also subject to the requirements applicable to second certificates listed in Section VIII.1 below.

- iii. **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 Sacramento County department of public health and the State of California.
- iv. **Artisan and Craft Sellers** are vendors who create their own non-edible artisan or craft works and reside in the Sacramento Region.
- v. **NOTE:** Unless a specific term is used (i.e., certified producer), the term “**vendor**” as used in these market rules, shall include certified producers of agricultural products, uncertified producers of non-certifiable agricultural products, prepared and cooked food vendors, artisan and craft sellers, service providers and any other organization operating under the jurisdiction of the market.

#### **IV. Vendor Application and Product Admission**

1. **Application** – Every prospective vendor must apply through the Explore Midtown website at <http://exploremidtown.org/vendors> and apply through the Manage My Market platform. All items intended for sale shall be listed on the application and on their profile and only those items approved for sale will be allowed to be sold. The application must be submitted into Manage My Market for the market manager to view prior to the vendor being able to sell at the market. Vendors already selling at the market that wish to add new products to their approved list must first secure approval by the market manager prior to offering these for sale.
  - a. The completed application packet shall include:
    - i. A completed vendor application through Manage My Market that identifies all items intended for sale at the market.
    - ii. If applying to sell agricultural products, a producer must provide a description of the soil fertility and visual appearance of their produce, as well as methods they use to control weeds and pests in their application;
    - iii. Evidence satisfactory to the market manager of the applicant’s compliance with all applicable California certified farmers’ market, health, labeling, permitting, and any other necessary requirements; and

- iv. If requested by the market manager, product samples to evaluate quality and compliance with all applicable labeling and other requirements imposed by applicable law.
- v. If the vendor is requesting to use a vehicle or trailer for the market, they must provide a picture, dimensions, and description of the vessel. Only approved vehicles or trailers may be used at the Midtown Farmers Market.
- vi. Payment of a \$25 application fee.

**2. 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 market manager. In his/her discretion, the market manager will consider:

- a. Whether the vendor is certified as organic.
- b. The level of the vendor’s knowledge about their products and practices, in order to enhance the customer experience.
- c. The price, quality and freshness of the vendor’s product(s);
- d. The uniqueness of the vendor’s product(s);
- e. The overall mix of products offered by all market vendors and consumer demand;
- f. The number of available spaces and other limitations of the market;
- b. The environmentally-friendly measures undertaken by the vendor, such as reusable packaging;
- c. The aesthetics and attractiveness of the vendor’s overall market setup; and
- d. The vendor’s positive or negative history of compliance with all applicable federal, state, county and city statutes, rules, regulations, ordinances and orders and these market rules;
- e. Any outstanding balances owed to the Midtown Association for the Midtown Farmers Market or Wednesdays at Winn. Vendors must have a zero balance to be approved;
- f. The weekly commitment of the vendor;
- g. The vendor’s ability to directly participate in the market in lieu of sending an employee; and
- h. Any other factor(s) deemed relevant by the market manager in his/her discretion.

- i. All vendors will be assessed on these criteria utilizing and an Application Assessment Rubric and selected based on their score and stall availability for the product and vendor type (See Exhibit C.)
- j. **Approval** – The market manager will make the final determination of which vendors may sell at the market. Only vendors who have completed the required application process and have been approved in Manage My Market to sell by the market manager may sell at the market – such vendors are referred to as “approved vendors.”
- k. **Acceptance** – If a vendor’s application to sell has been approved in Manage My Market by the market manager, the following documents must be submitted into the Manage My Market profile promptly following such approval:
  - l. A copy of all appropriate certificates, permits and registrations;
  - m. A copy of the insurance policies and (for automatable and general liability coverage) additional insured certificate(s) and endorsement(s) evidencing the vendor’s compliance with the policy limits and other insurance requirements stated in Section IX below;
  - n. An executed Participation Agreement (in the form attached hereto as Exhibit A or via electronically);
  - o. An executed Hold Harmless Agreement (in the form attached hereto as Exhibit B or via electronically); and
  - p. If requested by the market manager, product samples in order to evaluate quality and compliance with all applicable labeling and other requirements imposed by applicable law.
- q. **Change of Ownership; No Assignment** – There is no assignment of a selling space in the market in the event a participating vendor is sold. Change of business ownership requires submission of a new application to the market manager, 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.

## **V. Fees and Load Lists**

- 1. **Stall Fees** – A stall fee will be assessed each week for the following week’s participation in the market. The stall fee schedule is as follows:
  - a. Agricultural Producers: A \$40 flat fee weekly per 10x10 space.
  - b. Prepared and Cooked Food Vendors: A \$50 flat fee weekly per 10x10 space.

- c. Artisan and Craft Vendors: A \$50 flat fee per 10x10 space.
- d. Vehicles and Trailers (Food Trucks): \$50 per 10’x10’ Stall Space Needed (Upon Approval Only)
- e. Service Providers/All Other Vendors: Must Apply through our Sponsorship Division (email Krystine@exploremidtown.org)

Fees are subject to change at any time upon not less than 30 days prior written notice from the market manager.

- 2. **Fee Remittance** – Stall fees are to be remitted on the Manage My Market webpage in advance of the market. Auto Charges will be processed the Tuesday before the market. ***All payments must be made via credit or debit card through autopayment on Manage My Market.*** No cash payments will be accepted, no exceptions. Vendors with outstanding stall fees will not be allowed to participate in the market.
- 3. **Load Lists** – Certified producers need to fill out accurate load lists for the certified agricultural products sold at the market each week. All load lists must list the name of the certified producer, identity of each product sold (including varieties), and quantity sold. Load lists are collected at the end of the market by the market manager and are subject to inspection by the county agricultural commissioner’s inspectors. If a vendor has a second certificate (subject to the requirements of these market rules), a load list pertaining to each separate certificate shall be filled out.

#### 4. Additional Fees-

- a. Fines from CDFA or Regulatory Agencies – Fines assessed based on vendor infractions by the CDFA or any regulatory agency will be the responsibility of the vendor. Fines will be invoiced via Manage My Market. Payment must be remitted by the violation’s due date from the regulatory agency.
- b. Handwashing Stations- all farm vendors and prepared food vendors are required to have a handwashing station in their stall.
- c. Tardiness- any vendor arriving less than 15 minutes before market start time or breaking down early is considered in violation of market rules and will be assessed a \$15 late fee.
- d. Vehicles in Market Footprint – any vendor with an unapproved vehicle or trailer in the market footprint less than 15 minutes before market start time or less than 15 minutes after the market closes will be assessed a \$15 late fee.
- e. Garbage – any vendors who fail to clear garbage from their assigned vendor area or leave garbage at the event will be notified that this may jeopardize their ability to participate in the market in future. Any vendor in violation of the



stated rules regarding waste management will be charged back the cost of the violation.

5. **Notice of Cancellation** – All vendors are required to give notice of cancellation at least forty-eight (48) hours prior to the market day - by 9 a.m. Monday to avoid stall fee charges. **A no show at the Market or cancelation with less than 48 hours' notice will result in a full stall fee to be charged.**
1. **Inclement Weather Cancellations** – The market will be canceled by 12:00PM on the Tuesday preceding the market if Acuweather predicts any of the following:
  - a. Extreme Temperature -- Above 105 F for longer than two hours of the market
  - b. Excessive Winds -- Above 15 mph
  - c. Precipitation -- 80% chance of .3 (3/10) inch/hour or more.
  - d. Air Quality –AQI of 200 or greater

Wednesdays at Winn is open every Wednesday from April 26, 2023-October 25, 2023, including holidays, but the market may be cancelled due to unforeseen circumstances including, but not limited to, natural disasters, emergency situations, inclement weather, and hazardous conditions. As much notice as possible will be given to market vendors, customers, and stakeholders.

## **VI. Stall Assignment, Set Up and Break Down Timeline, Waste Disposal and Clean Up, Vendor Offloading and Parking, Stall Appearance and Signage**

1. **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. Vendors do not have seniority.
  - a. Vendors may not share their stall space. If on the day of the market 2 vendors combine their booths, they will be asked to pay for the space originally assigned and will be asked to return to their assigned booth for next market. Final decision for space assignment and location rests with the market manager.
2. **Set Up and Break Down Timeline, Waste Disposal, Clean Up**
  - a. Timeline – The hours for the market are from 3:00 p.m.-7:30 p.m. *Vendors may start setting up no earlier than an hour and a half before the start of the market and must leave no later than one hour after the end of the market.* Sales prior to the posted opening hours of the market or after the posted closing hour of the market are allowed only at the discretion of the

market manager. 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.

- (1) Trailers – Vendors using approved trailers/food trucks must arrive no later than an hour before the start of the market.
- b. 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. Any wastewater generated during the market (such as from washing of produce or utensils or cooking) must be collected by the vendor, removed from the market area in a container with a lid, and properly disposed of through the approved plumbing system.
- c. 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 vendor’s trash and wastewater must have been properly disposed. No trace of vendor should be left. Vendor’s stall space should be pristine.

### 3. Vendor Off Loading and Parking

- a. All vendor vehicles must be clear of the market’s pedestrian areas between the hours of 2:45pm to 7:30pm. Vendors 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.*

### 4. Stall Appearance, Generators, Electricity and Signage

- a. Stall Appearance:
- b. 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. Bring necessary equipment for all weather conditions and sun exposure. Vendors can bring another umbrella to cover products or keep ice from melting. Tables and other display fixtures must be sturdy, stable, and not overloaded. All tents/shade shelters must be tied down and completely secured at the beginning of each market (prior to the official opening of the market) or be subject to immediate

removal. All equipment's must be in good condition and able to be securely anchored.

- c. Generators and Electricity: If required for their stalls, vendors must provide their own generator(s); however, permission to use a generator must first be obtained from the market manager.
- d. Identification Signs:
  - (1) All producers must display a sign identifying their name or the name of their establishment and the city or town where their production occurs.
  - (2) All applicable licenses, permits and registrations must be posted during selling hours and in clear view and/or reach of the customer.
  - (3) All products sold as organic must be prominently labeled as "Certified Organic."
  - (4) 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.
  - (5) Signs that state "No Spray" (or a variation thereof) are not permitted. That phrase is vague and misleading.
  - (6) Certified producers may use the terms "No Chemicals" and "Pesticide Free" to advertise their products (but all inputs must be fully disclosed in the Growing Practices Information Form).
  - (7) 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) See Sections IX and X below for additional signage requirements.

## **VII. Licenses, Permits and Documentation**

1. 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).
2. 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.

3. 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.

#### 4. Certified Producers

- a. 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. Certified producers using GMO seeds will not be admitted to the market.
- b. 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):
  - c. A current embossed copy of its Certified Producer’s Certificate listing those commodities (both certified and non-certifiable) the producer is offering for sale. Please mark on the certificate those products which the vendor will bring to the market and (if different from the harvest months) the months during which the vendor will sell such products.
  - d. A Growing Practices Information Form stating the methods used to control weeds, pests, soil fertility and visual appearance of the producer’s produce. Growing Practices Information Forms are available for review by customers. Certified producers and producers are responsible for keeping the Growing Practices Information Form current and accurate.
  - e. An Employee Authorization Letter, using the county of Sacramento agricultural commissioner’s form, signed by the producer, naming each employee and family member that may sell for the producer at the market. Family members must also be listed with an indication of their relationship to the owner. Records showing proof of employment (e.g. W2 form, pay stubs) must be submitted to the market manager upon request. No commission sales are allowed.
- f. To the extent applicable:
  - i. A current state organic registration document (for organic sales).

- ii. A current third-party organic certificate (for organic sales, if all organic commodities sold exceed \$5,000).
  - iii. Avocado Inspection Certification/Avocado Inspection Permit (County Ag).
  - iv. Second certificate (must be approved by the market manager, as noted below).
  - v. All other applicable documentation set forth in these market rules.
- g. Identity, Responsibility, and Quality Requirements: A certified producer may sell to chefs, schools, and market basket programs provided that the seller issues a detailed “memorandum” listing the identity, responsibility, and quantity (IRQ) of the items sold. This ensures produce sold or consumed by an entity other than the purchaser can be traced back to the certified producer. Commercial resale market participants must comply with pertinent labeling and packaging requirements. Assembly Bill 2168 stipulates that commercial resale of produce may take place at a certified farmer’s market as long as the produce is sold in compliance with standardization requirements for packaging and labeling. Products not covered in standardization code must be packed and labeled with IRQ.
- h. 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*:
1. A certified producer may not sell for, nor be represented by, more than one other certified producer in any 12-month period.
  2. 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.
  3. 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
  4. 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.

5. The certified producer selling for another certified producer shall be selling or offering for sale, at the market on the same day, certified agricultural products which the certified producer conducting the sales has produced itself and which are in greater volume than the volume offered for sale for the other certified producer. For purposes of this rule, 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.
6. The certified producer applying for second certification shall obtain and submit to the agricultural commissioner, prior to certification, written authority from said other certified producers to sell on their behalf.
7. Commission sales and buying and selling between certified producers is prohibited. Any payment made for the service of one certified producer selling for another certified producer shall not be related to the volume or value of the products sold.
8. 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 keep for a period of not less than three years, the following records relating to such products:
  9. Date of transfer to seller and accurate number of products (by weight, dry measure, or count) transferred. Each separate product and amount shall be recorded according to variety.
  10. Date of sale and accurate amount of products (by weight, dry measure, or count) sold. Each separate product and amount shall be recorded according to variety.
  11. Names of both certified producers involved.
  12. 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.
  13. If a certified producer who sells certified agricultural products at the market on behalf of another certified producer is unable to verify his/her sales on any market day, he/she will not be permitted to participate in the market.
  14. Each certified producer must have a separate load sheet.

15. Each certified producer is responsible for stall fee payments.
  16. A certified producer whose products are sold by another certified producer at the market must be able to identify the quantity and identity of their crops sold at the market. Failure to do so will result in revocation of all selling privileges for such producer's products.
  17. Second certificates will not be granted to a certified producer for the sole purpose of supplementing its own type of product supply.
  18. 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.
  19. 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.
  20. For additional rules and regulations pertaining to second certificates, see section 1392.4(f) of the Direct Marketing Regulations.
5. **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.
- a. 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. If a brand name will be used on the egg cartons, it also needs to be registered with CDFA. 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. The CDFA registration fee is \$15.
  - b. 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:
    - i. Name, Address, Zip Code

- ii. Size and Grade (example: Medium-Grade A)
- iii. “Keep Refrigerated”
- iv. Sell by Date (may not exceed 30 days from packing date)
- v. Julian Date (packing date; consecutive date of the year on which eggs were packed)
- vi. State Handler Code (example: CA1234)
  
- vii. Superlative descriptions or other amplifications of grade or size are not permitted on containers. Prohibited words include “fancy”, “select”, “premium”, “superior,” “oversize,” and “gian.” See Section 1354(c)(1) of the Direct Marketing Regulations.
- viii. 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 producer 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.
- ix. 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.
- x. Required Documents: In addition to the applicable documentation described in Section VIII.1 above, certified producers selling eggs at the market must submit the following documents to the market manager and must also have copies conspicuously posted with its Certified Producer Certificate:
  1. State Egg Handler Registration and all other applicable CDFA registrations (e.g., organic registration, brand name registration).
  2. A current third party organic certificate (for organic sales, if all organic commodities sold exceed \$5,000).



6. **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.
  - a. 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. The California Department of Food and Agriculture has application forms for the CDFA nursery license on their website. Contact your home county agricultural commissioner’s office for assistance.
  - b. 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.
  - c. Required Documents – In addition to the applicable documentation described in Section VIII.1 above, certified producers selling nursery stock or cut flowers at the market must submit the following documents to the market manager and must also have copies conspicuously posted with its Certified Producer Certificate:
    - d. State Nursery License (or, if applicable, a Fee Exempt Nursery License)
    - e. Seller’s Permit (for cut flowers only)
7. **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.
  - a. Required Documents – In addition to the applicable documentation described in Section VIII.1 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:
    - b. County Health Department Farmers Market Vendor Permit (for all prepackaged and processed food).
    - c. A current state organic registration document (for organic sales).
    - d. A current third party organic certificate (for organic sales, if all organic commodities sold exceed \$5,000).
  - e. Proof of Producership – Producers selling non-certifiable agricultural products at the market may be asked to produce documentation or verification related to the

production of non-certifiable agricultural products. Verification may involve a site visit to Vendor's place of business with due notice (no less than 24 hours) by the market manager to verify rule compliance.

## 8. Meat Sellers

- a. Meat Requirements
- b. All meat sold at the market must be slaughtered, processed and packaged in a USDA inspected facility as required by federal law.
- c. All packaging must display proper USDA labeling and must state the ranch or farm of origin.
- d. All meat brought to the market must be stored in a USDA approved
- e. All meat must have been raised free of bovine growth hormone and GMO feed.
- f. All meat sold at the market must have been raised by the seller.
- g. Required Documents – In addition to any applicable documentation described in Section VIII.1 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:
  - i. USDA slaughter facility ID number
  - ii. Receipts from most recent slaughter (receipts thereafter when asked by the market manager)
  - iii. A current state organic registration document (for organic sales)
  - iv. A current third party organic certificate (for organic sales, if all organic commodities sold exceed \$5,000)

## 9. Fish and Seafood Sellers

- a. Banned Seafood – The market prohibits any sales of fish that are currently on the Seafood Watch “Red List.”
- b. 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:
- c. Fishermen Selling Their Own Catch:

- i. Boat registration
- ii. Fisherman's retail license
- iii. Dock landing receipts
- iv. Commercial fishing permits
- v. Aquaculture permit

d. **Sellers of 3<sup>rd</sup> Party fish and seafood products (not of Seller's own catch):**

- i. Receipts evidencing proof of purchase (point of origin)

10. **Non-Agricultural Products** – State laws regarding certified farmers' markets do not apply to non-agricultural products (prepared and cooked food products, artisan and craft products, and services). These items must be sold outside the area within the market that is designated as a certified farmers market.

11. **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 Sacramento 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).

- a. Vendor Requirements – All food items, both prepackaged and prepared on-site, sold by a vendor must be produced by such vendor.
- b. 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:
  - i. County health department temporary food facility or mobile food facility permit (if cooking at the market).
  - ii. A current state organic registration document (for organic sales).
  - iii. A current third-party organic certificate (for organic sales, if all organic commodities sold exceed \$5,000).
  - iv. Written evidence that all products sold at the market were prepared in a certified commercial kitchen.
  - v. Business license.
- c. Additional Product Requirements

- i. Produce used in prepared or prepackaged food may not have been grown from GMO seeds.
- ii. Fish and seafood currently on the Seafood Watch Red List may not be used in prepared or prepackaged food.
- iii. Meat used in prepared or prepackaged food must have been raised free of bovine growth hormone and GMO feed.

## 12. Artisan/Craft Sellers

- a. Vendor Requirements – The artisan/craft seller must be the creator of the work and reside or work in the Sacramento Region.
- b. Required Documentation – All artisan/craft sellers must submit the following documents to the market manager and must also conspicuously post a copy at the point of sale:
  - i. State Board of Equalization Seller’s Permit
  - ii. Business License (If Applicable)

## 13. Prohibited Sales – The following items may not be sold or offered for sale at the market by any vendor:

- a. Products containing genetically modified ingredients or products grown from genetically engineered seeds.
- b. Livestock, meat, and dairy products from animals raised using bovine growth hormone or raised with GMO feed.
- c. Prepared food containing soy, corn or canola oil, unless they are organic. Receipts and proof of brand may be requested by the market management at any time.
- d. Food products and beverages with high fructose corn syrup, aspartame, or artificial flavorings.
- e. Still bottled water and other beverages, except with the written approval of the market manager.
- f. Products not listed on the applicable vendor’s Certified Producer’s Certificate (if such vendor is a certified producer) or its Market Participation Agreement.

## VIII. Insurance

- 1. 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:

2. **Automobile Liability** – With a minimum limit of \$1,000,000 per incident.
  - a. Automobile-liability insurance providing coverage at least as broad as ISO Form CA 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury, with limits of not less than one million dollars (\$1,000,000) per occurrence. The policy shall provide coverage for owned, non-owned and/or hired autos as appropriate to the operations of The Corporation. No automobile liability insurance shall be required if the contractor agrees to the following certification: “I certify that a motor vehicle will not be used in the performance of any work or services under this agreement.” (Exhibit B – Hold Harmless Agreement)
3. **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. In addition to the additional insured, a separate endorsement stating that the vendors insurance is “primary and ours is non-contributory.” If you are selling alcohol, you must have liquor liability coverage in an amount no less than \$1,000,000 per occurrence and \$2,000,000 general aggregate.
4. **Worker’s Compensation Insurance** – Must conform to the limits required in the state where the work is performed. A waiver of subrogation should also be provided.
5. **Employer’s Liability** – With a minimum limit of \$1,000,000 per incident.
6. **Additional Insured** –Wednesdays at Winn and the market (including their respective directors, officers, employees, staff and agents), and the City of Sacramento must each be named as an additional insured under the automobile, general liability, liquor liability (if applicable) and the other applicable policies. The certificate holder information for the certificates to be issued for Wednesdays at Winn and the market is as follows:
  - a. Midtown Sacramento PBID Corporation, Midtown Farmers Market Certified Farmers’ Market, Wednesdays at Winn, and the City of Sacramento and their respective directors, officers, employees, staff, and agents must be added as additional insureds on required and applicable policies.
  - b. Name: Midtown Sacramento PBID Corporation
  - c. Address: 1401 21st Street, Unit A Sacramento, CA 95811
  - d. Phone: 916-442-1500

7. The issued, executed certificate(s) evidencing the required additional insured coverage for Wednesdays at Winn and the market, 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 through Manage My Market system.

(See a Certificate of Insurance example in Exhibit D.)

8. **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 Wednesdays at Winn.

## **IX. Stall Postings**

### 1. Certified Producers

- a. All certified producers must display an embossed photocopy of their certificate and those of other certified producers for whom they are authorized to sell in clear sight of the consumer or upon the commodity table. (Separation of commodities and certificates will be required if selling for other certified producers.) CCR Section 1392.4(d). See Sections VIII.1.b and VIII.1.d above.
  - b. All certified producers utilizing employees or non-family members must have a letter on file with the agricultural commissioner office and with the market manager naming those employees and naming the markets at which they intend to have their employees selling. CCR Section 1392.4(f). See Section VIII.1.b above.
  - c. **Vendor's Name** – Vendors are required to display a sign (at least 12" x 24") identifying their business name and city or town of production. Agricultural Vendors and prepared and cooked food vendors are also required to display their address and contact information.
  - d. **Product Information and Claims** – Vendors shall only display or advertise items that have been approved for sale.
2. **Prices** - Prices shall be clearly noted for the benefit of the consumers. Prices should, whenever possible, be below retail prices. Collusion or any pressure among vendors to alter prices is strictly forbidden, based on federal anti-trust law.
    - a. To avoid unfair competition, backyard farmers that sell their product as a supplemental income or hobby, shall not price their goods below a reasonable and fair market price.

3. Product Variety - Vendors are strongly encouraged to display signs identifying their products by name and variety. Notes about the product taste and uses are also encouraged as they help sales.
4. Nursery Stock and Cut Flowers – All individual plants or blocks of plants may be required to be labeled plainly and legibly as to the correct name.
5. Organic Products – Vendors may only make organic claims (whether in signs or verbally) if they are in current good standing with their organic certifier (if all organic commodities sold exceed \$5,000) and have a current state Organic registration. The Organic Certificate (if all organic commodities sold exceed \$5,000) and current Organic Registration Form must both be clearly posted at the stand. Additionally, no producer may use the term “organic” unless the following language is posted at their stall:
  - a. “ORGANICALLY GROWN IN ACCORDANCE WITH CALIFORNIA ORGANIC FOODS ACT”
6. Additional signage indicating membership in or certification by an organization, which certifies organic farming practices, such as California Certified Organic Farmers (CCOF) may also be posted in addition to the Organic Foods Act language. Organic producers must maintain three years of records to verify compliance with organic standards. When an organic grower is also selling non-organic produce at the same stand, the non-organic produce must be clearly separated from the organic produce and clearly labeled “non-organic.” *A market violation will be issued to anyone who falsely advertises “Organic” growing practices, either in signs or in verbal claims.*
7. “No Pesticides” and “No Chemicals” Claims - Producers that are not certified organic or that do not have a current organic registration and that wish to claim “No Pesticides” or “No Chemicals” must identify, on their Growing Practices Information Form (available from the market manager) any synthetically compounded product applied to the crop. The Growing Practices form must be posted immediately adjacent to the “No Pesticides” or “No Chemicals” sign. The words “No Spray” are not permitted in any signage, as they are vague and do not identify compounds applied. *A market violation will be issued to anyone claiming No Pesticides” without a Growing Practices Information Form posted immediately adjacent to the sign claiming, “No Pesticides.”*
8. Packaged Product Labeling – All packaged goods (including produce sold in a closed bag or container and all prepackaged items) must comply with the Fair Packaging and Labeling Act. See CCR Title 4. Labels must include the following basic information:
9. A declaration of identity that is the common or usual name of the commodity.
10. A declaration of responsibility which includes the name, address, and zip code of the manufacturer, packer, or distributor. A street address is required if the name is not listed in a current directory.
11. A declaration of the quantity of the commodity in the lower 30% of the principal display panel area. Consumer packages are required to have both SI and inch-pound units.

12. Scales – When any products are sold by weight, the type of scale used shall be approved by the CDFG and shall be tested and sealed for use by the county sealer/director of weights and measures. All scales must have a valid and current seal issued by the seller's home county's department of agriculture/weights and measures. Official seals from any California county are valid throughout the state. CCR Section 1392.4(e).
13. Permits and Licenses – A copy of all permits and licenses shall be made available to and kept on file with the market manager and must be kept up to date by vendor.

### **X. Inspections and Audits**

1. Product Inspections – All commodities and products shall be subject to inspection at any time by the County Agricultural Commissioner, the environmental health division (Sacramento County department of public health) and/or the market manager.
2. Specific to Certified Producers – The market manager will be contacted when a Sacramento County agricultural commissioner Inspector starts his routine inspection. If any problems or notices of non-compliance (violations) are found, the inspector will again contact the market manager to resolve these problems.
  - a. Violations include:
    - i. No current embossed certificate (expired, revoked or none) or not posted.
    - ii. Commodity being sold not on certificate.
    - iii. Commodities being sold not of producer's own production.
    - iv. Employee Authorization Letter not in possession or on file with the market manager.
    - v. Second certificate not posted, nor commodities or other producers separated.
    - vi. Load lists not prepared or collected.
    - vii. Deceptive pack.
    - viii. Mislabel/misleading statements.
    - ix. Falsifying document.
    - x. Scale not sealed within the last 12 months.
    - xi. Any quality or maturity violation.
3. Nursery Stock and Cut Flowers – All certified producers shall, upon request of the market manager or agricultural inspector, supply verification that, in fact, these



agricultural products are of their own production. (i.e., proof of purchase date and source material (company agent)).

- a. Nursery Stock – A master list of all plants grown and offered for sale can be used if received from the producer and embossed by the county of origin. This list must be attached to the official embossed certificate which will have written on it “(nursery stock see attached list).” This master list is in lieu of listing all plants on the certificate form.
  - b. Cut Flowers – All cut flower growers/certified producers will be required to show proof of purchase of seed or bulbs upon request.
4. Non-certifiable Agricultural Products – Non-certifiable agricultural products may be sold in the certified portion of a certified farmers market. It is up to the market manager to verify that a non-certifiable agricultural product is of the certified producer’s own production and that such product is listed on his/her certificate.
5. Audits – Market participants shall cooperate with market management for stall audits and/or farm audits. Refusing to comply with audit requests shall result in a market violation, which is grounds for immediate dismissal from the market with reinstatement of selling privileges contingent upon the satisfaction of the conditions determined by the market manager (e.g., if the vendor sells agricultural products, reinstatement may be subject to a farm audit). Market participants are responsible for keeping market management apprised of current certified producer certificate status, address, and phone numbers.
6. Farm Audits – Market management may require that a certified producer or producer provide additional supporting documentation and may either contact agricultural inspectors in the county where crops are grown or conduct a farm inspection to verify production and quality. Market management may verify information from other market managers or industry organizations. Farm audits are conducted by market management to verify that the products being sold are in production at the certified location and in accordance with the provisions of the direct marketing regulations.
7. Farm audits consist of several steps:
8. Stall product audits conducted during the market. Items presented for sale are recorded and photographed.
9. Market management and/or a designated representative visits the farm and documents production and growing practices at the farm. CCR Sections 1392-1392.1.
10. A written report is composed, and findings are presented to the market participant and a copy is kept in the certified producers’ file noting any actions taken for violations or follow up. A copy of the written report may be submitted to the county agricultural commissioner.

11. Certified producers and producers are selected for farm audits based on, but not limited to, the following circumstances:
12. When a certified producer or producer first applies to the market.
13. When information is received requiring field verification.
14. As part of a normal audit cycle.

## **XI. Product Quality**

1. Standards – All products will be expected to be of the highest quality (of taste, freshness, or craftsmanship). Vendors of low-quality products are subject to penalties and may ultimately forfeit their right to sell at the market.
2. Minimum Grade – All produce must meet USDA minimum grade requirements. Additionally, all containers of produce offered for sale must not exceed CDFFA tolerance for spoilage and waste
3. 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).
4. Customer Complaints – Customers who have a legitimate complaint about the products they purchase should contact the vendor who sold them these items and be given a full monetary refund or replacement of equal value. This vendor should report the complaint to the market manager.

## **XII. Health and Safety**

1. 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 and County of Sacramento health code and federal standards.
2. Traffic – No vendor vehicle (except for a vehicle that is parked in the vendor’s stall space in a safe, stationary manner prior to the market’s opening) is allowed in the market as outlined on page 13 under Vendor Off Loading and Parking.
3. 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’ vehicle, tables and merchandise must be within the vendor’s assigned stall space and may not impede the customer flow.

- a. 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.
4. All Vendors must also comply with the following safety rules:
- a. No display tables filled over carrying capacity.
  - b. Product arrangements are stable and not ready to fall.
  - c. Legs of tables are secure and not caving in.
  - d. All connecting rods of the shade set-ups are secure in their fittings.
  - e. Canopy assemblies are tied or weighted down.
  - f. Shoppers are not allowed behind tables or in truck area. Barricades should be erected if necessary for crowd control. All boxes and crates must be neatly stacked and kept clear from walkways, passages and areas of heavy traffic.
  - g. Food booths where cooking is taking place must meet fire department requirements for tarps and canopies and are required to have a fire extinguisher and a container of water on the side.
5. 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:
- a. Hand Washing - All market participants must wash their hands before returning to work after a food or restroom break.
  - b. 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.
  - c. Wastewater - Vendors must collect any waste water they generated during the market from washing produce or utensils. Vendors must then remove their wastewater from the market area in a container with a lid and must dispose of the waste water through the approved plumbing system.
6. Food Safety

- a. 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.
- b. 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). For proper utensil sanitizing, see Section XIII.6.c below.
- c. All food products must be kept a minimum of six (6) inches off the ground.
- d. 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.
- e. 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.
- f. Product Sampling – Providing samples at certified farmers' markets allows customers to try a product before purchasing it. However, unsafe sampling methods can adulterate or contaminate food and can result in food borne illness. The California Retail Food Code requires that basic sanitation practices be followed when samples are dispensed at farmers' markets. Sacramento County's environmental health services (EHS) interprets the state law as follows to ensure that the public's health is protected. During the time of COVID 19, the market manager may require a sampling to cease.
- g. To offer cut samples, vendors must have a complete sampling set up and follow the below sampling guidelines:
- h. Handwashing and utensil washing stations must be set up FIRST. See Section XIII.5 above for the requirements for handwashing and utensil washing stations.
- i. Sampling Set-Up:
  - i. Water container with downward-facing spout (for hands and produce washing).
  - ii. Smooth, non-absorbent cutting board.
  - iii. A knife used exclusively for sampling.
  - iv. 1% chlorine solution for sanitizing the cutting knife and other utensils.

- v. Liquid pump soap dispenser (bar soap is not acceptable).
  - vi. Single use (paper) towels.
  - vii. Toothpicks, wax paper, paper sampling cups or disposable utensils for handing out samples.
  - viii. Bucket to catch wash water.
  - ix. Clean, disposable, plastic gloves when cutting food samples.
- j. Utensil Sanitizing:
- i. Vendors must provide sanitizer solution of 100 ppm chlorine to be positioned at stand or central produce preparation site. Utensils used continuously for slicing, (e.g., knives) must be stored in container of sanitizing solution while not in use.
  - ii. Cutting boards or other utensils, (e.g., bulk storage containers, shaker bottles, food storage containers, etc.) must be sanitized prior to use. Sanitizer may be applied either by spray bottle or immersion in sanitizer and air dried prior to use.
  - iii. All utensils utilized in food service must be food-grade, non absorbent and maintained in good repair.
- k. Sampling Procedures:
- i. 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.
  - ii. 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:
  - iii. Capped squeeze bottle, for items such as honey. Bottle is uncapped and product is squeezed onto a disposable wooden stick for each individual customer. Bottle is re-capped, stick is discarded.
  - iv. Modified shaker bottle, for items such as grapes. Opening in bottle is enlarged to allow bottle to shake out limited number of items, (one or two) into the hand of a customer.

- v. Bulk liquid container for items such as juice. Disposed with down-facing, self-closing spout into a cup given to customers by the farmer. Cup is disposable. Thermos is washed in approved kitchen.
  - vi. Small sample cup for items such as sprouts or jams. Disposable paper cups are filled in an approved facility or manner for distribution to customer.
  - vii. Covered serving dish with hinged lid opening on the grower's side. Vendor lifts lid and uses a disposable spoon to scoop out a small sample portion. Disposable spoon is given to customer and discarded.
  - viii. 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.
  - ix. 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.
  - x. A covered trashcan must be available for discarded sample skins and toothpicks.
  - xi. Hands must be washed prior to cutting samples. Plastic gloves may be worn but they do not replace hand-washing requirements.
  - xii. Bucket containing wash water must be disposed of in a public sewer system or taken home for disposal. Wash water may not be dumped in planters or storm drains.
  - xiii. Potentially hazardous food samples shall be maintained at or below 45° F and shall be disposed of within two hours of cutting.
  - xiv. No hot samples of potentially hazardous foods are allowed.
  - xv. Vendor must rewash hands after handling money before handling foods or utensils.
  - xvi. Anyone who is not following these sampling guidelines must immediately stop sampling and get into compliance with the proper procedures. Repeated violations of sampling procedures may result in suspension of sampling privileges.
- l. No Smoking – Smoking (whether by a vendor, a customer, market staff or any other person) is not permitted in the market during market hours.
  - m. No Live Animals – No live animals, birds, or fowl shall be kept or allowed, and no individual shall bring a live animal, bird, or fowl, within 20 feet of any area where FOOD is stored or held for sale within a CERTIFIED FARMERS'

MARKET. This subdivision does not apply to guide dogs, signal dogs, or service dogs when used in accordance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and as provided in Section 36.104 of Title 28 of the Code of Federal Regulations. All guide dogs, signal dogs, and service dogs shall be used and properly identified in accordance with Section 54.1 and subdivision (b) of Section 54.2 of the Civil Code, and Sections 30850, 30851, and 30852 of the Food and Agricultural Code.

### **XIII. Ban on Plastic, Styrofoam, Polystyrene and HDPE**

No plastic, Styrofoam or polystyrene packaging materials, plates, utensils, straws, or other items are allowed to be used by vendors in the market. All prepackaged, prepared onsite and processed foods must be sold/served in either compostable or recyclable materials. Reusable bags are preferred as they are the best sustainable alternative.

### **XIV. Reselling**

Commercial Resale – Certified producers may sell to chefs, schools, and market basket programs provided that the certified producer issues a detailed memorandum listing products sold. This ensures produce sold or consumed by an entity other than the purchaser can be traced back to the certified producer. Commercial resale market participants must comply with pertinent labeling and packaging requirements.

### **XV. Market and Vendor Conduct**

1. Noise – With exceptions given at the discretion of the market manager, no radios are allowed to be played during market sales hours. 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.
2. 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 vendor may be subject to removal.
3. 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.
  - a. 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.

- b. All participants—regardless of their tenure of participation in Wednesdays at Winn, relationship with the Midtown Association, or otherwise—are expected to interact with the Farmers Market Manager and staff in a respectful and constructive way. Refusing to comply with Market staff directions, treating market staff in a disrespectful way, or otherwise acting inappropriately towards market staff will not be tolerated. As provided in Exhibit C, such conduct is considered in reviewing applications by prior participants for admission and may give rise to disciplinary action.
- c. Vendors are expected to dress in a safe manner, including covering their torso and legs and feet, and if serving food, wearing required safety equipment.
- d. Communication – It is the responsibility of market vendors to read all communications from Wednesdays at Winn staff and managers.

#### 4. Market Management and Compliance

- a. The Farmers Market Manager has the authority to interpret, apply, and enforce these rules. The Farmers Market Manager’s role includes making admissions decisions related to a market they oversee, determining the products that may be sold, making market closure and adjustment decisions, overseeing setup and cleanup, making stall assignments, collecting fees, and handling disagreements.
- b. The Midtown Association operates markets in accordance with applicable laws and contracts, including, without limitation, municipal regulations and permitting requirements, emergency or temporary orders issued by relevant regulatory agencies, public health orders and guidelines, and site contracts relating to market operations at specific locations.

#### 5. General Rules – The following rules also apply to all vendors, market staff and volunteers, customers and other individuals attending the market:

- a. 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.
- b. No individual shall be subject to harassment, including based on race, color, religion, gender, sexual orientation or origin.
- c. No materials, which are blatantly offensive, either racially, ethnically, or sexually, shall be allowed for sale.

#### 6. Free speech/soliciting - Petitioners and flyer distributors may not stand inside the market footprint. Individuals/groups wishing to petition/flyer must stand on or beyond the sidewalks surrounding the market footprint. For safety reasons, activities are not allowed



during market set-up and break-down. Distributors may not interfere with market operations, programs, or activations including near vendor booths, live music, and community classes. The use of megaphones, loudspeakers, shouting, hawking and loud noises are prohibited. Political organizations or political statement booths will be prohibited at Wednesdays at Winn.

Uninvited performers (musicians, dancers, buskers, etc.) may not set up to play in the market footprint without the written approval of the market manager. Anyone interested in performing at the market must apply online and obtain insurance for performing at the Midtown Farmers Markets Manager.

## **XVI. Violations and Penalties**

1. Non-compliance – 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 suspension or expulsion from the market, unless otherwise stated in these rules.
2. 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 suspension.
3. Notification Process – The market manager shall provide written notification to vendors explaining the reasoning behind 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 suspension or expulsion unless an immediate suspension is necessary. The notice shall advise the participant that they have five (5) calendar days to submit a written appeal of the proposed action. If they so choose, they may request in this appeal to have an in-person meeting with the Executive Director and a Board Member to hear this issue which will be honored within ten (10) business days of receiving the request. Within five (5) days of the hearing, a final written decision will be provided in response.

## **XVII. Grievance Procedure**

1. Wednesdays at Winn aims to foster good relationships with our vendors and between them. We also recognize that there are times when the need arises for vendors to express concerns or complaints in a formal manner. The purpose of this policy is to allow our vendors to have such concerns, referred to as grievances, addressed internally in a timely and confidential manner. Some examples of these concerns might include safety concerns, vendor relations, policy questions, stall placements, market concerns, or other items you would like to bring to our attention. Grievances should not be made on-site at the market to protect the vendor and visitor experience.

2. This Grievance Procedure outlines the process you should follow to try to resolve a grievance. Wednesdays at Winn will make a reasonable effort to resolve your grievance if you file a formal complaint.
3. Should you have a grievance you would like to bring to our attention, we ask that you submit your grievance in writing via email to [market@exploremidtown.org](mailto:market@exploremidtown.org) within 14 calendar days following the date you first knew or should have known of the grievance.
4. A member of our market staff will respond in writing within five (5) business days following receipt of your grievance. All grievances must be submitted in writing for us to process and address your concerns in an efficient and timely manner.
5. After reviewing your grievance, our market staff will determine if further action needs to be taken and advise on next steps at that time.

**EXHIBIT A - Participation Agreement**

Wednesdays at Winn

1401 21<sup>st</sup> Street, Unit A, Sacramento, CA 95811

[info@exploremidtown.org](mailto:info@exploremidtown.org)

*Participation Agreement*

The undersigned vendor at the Wednesdays at Winn 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, terms and conditions set forth in the market’s rules.

2. Vendor understands that it has been accepted as a market vendor for the following stall requirements agreed to at the time of application: # of 10’x10’ Stalls: \_\_\_\_\_

(If applicable) Use of Approved Vehicle: (Circle) Yes/No    Dimensions: \_\_\_\_\_

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 producers of agricultural products, uncertified producers of non-certifiable agricultural products, prepared and cooked food vendors, artisan and craft sellers, service providers)

Approved Products: \_\_\_\_\_

In witness whereof, this agreement is executed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Vendor Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Vendor’s Signature: \_\_\_\_\_

Market Manager Signature: \_\_\_\_\_

**Exhibit B – Hold Harmless Agreement**

Wednesdays at Winn Certified Farmers’ Market

1401 21<sup>st</sup> Street, Unit A, Sacramento, CA 95811

[info@exploremidtown.org](mailto:info@exploremidtown.org)

*Hold Harmless Agreement*

The undersigned vendor at the Wednesdays at Winn (“Market”) agrees to the following terms and conditions:

1. Vendor shall indemnify, defend and hold harmless the 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, terms and conditions set forth in the market’s rules. Vendor hereby acknowledges receipt of such Market rules.
3. Worker’s Compensation Insurance - Vendor certifies that the submitted Worker’s Compensation Insurance is following California law. If no Worker’s Compensation insurance is provided, the vendor certifies that they are working within compliance of California law.
4. Commercial Business Auto - Automobile-liability insurance providing coverage at least as broad as ISO Form CA 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury, with limits of not less than one million dollars (\$1,000,000) per occurrence. The policy shall provide coverage for owned, non-owned and/or hired autos as appropriate to the operations of The Corporation. No automobile liability insurance shall be required if the contractor agrees to the following certification: “I certify that a motor vehicle will not be used in the performance of any work or services under this agreement.”

In witness whereof, this agreement is executed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Vendor Name: \_\_\_\_\_

Vendor’s Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

## Exhibit C – 2023-2024 Application Assessment Rubric

Vendor Type: \_\_\_\_\_

Stalls: \_\_\_\_\_

Product Category: \_\_\_\_\_

Total Rating: \_\_\_\_\_

### 2023-2024 Application Assessment Rubric

Business Name: \_\_\_\_\_ Applicant Name: \_\_\_\_\_ Date: \_\_\_\_\_

Website: \_\_\_\_\_ Instagram: \_\_\_\_\_ Previous Vendor: Yes/No

Application Package	No	Yes	Notes
Complete Product List			
Stall Set-Up/Display Photos or Diagram with Dimensions			
\$0.00 Midtown Association Balance (for previous vendors)			
Trailer Photos, Description, and Dimensions (If applicable)			
Product Samples (If requested)			
Vendor Compliance (Does the vendor have a history of rule violations with the Midtown Association or non-compliance with state, city, or county regulations?)			
Required Documents			
Paid Application Fee			

Criteria	Poor 0-1	Fair 2-3	Good 4-5	Rating
<b>Product Differentiation/Uniqueness</b>	Product doesn't Offer any Unique Qualities or Features  Limited Parts/Ingredients are Made by the Vendor	Product Shares Some Similarities with Other Products, but Offers a Unique Quality or Feature  There are a Few Substitutions at the Market	Product is Entirely Unique or New to the Market  There are no Direct Substitutions  Every Component of the Product is Handmade	

Vendor Type:

Stalls:

Product Category:

Total Rating:

<b>Brand</b>	No Website or Social Media Presence	Website and/or Social Media, Used Intermittently	Strong Social Media Presence Professional and/or Intuitive Website (e.g. Online Ordering)	
<b>Sustainability</b>	Use of Soft Plastic Packaging	Minimal Use of Plastic Packaging	Package-Free Vendor Offers Package Recycling	
<b>Product Presentation and Packaging</b>	Inconsistent or Unprofessional Product Presentation	Product Presentation is Consistent, but could be Improved	Packaging Looks Professional and Attractive with Polished Labels and Clearly Identified Prices	
<b>Price, Quality and Freshness</b>	Prices Much Higher Compared to Substitutions Prices Don't Correlate with Value (e.g. Portion Size)	Prices are Comparable to Substitutions	Prices are Fair/Create Value	
<b>Vendor Knowledge About their Products/Practices</b>	Insufficient Knowledge About Product or Ingredient Origins	Limited Knowledge About Product and/or Ingredients	Knowledgeable About Every Step in the Products Lifecycle	
<b>Stall Set-up/Display</b>	Set-up is Disorganized and Unpolished Insufficient Inventory Levels for Stall Space	Set-up isn't Clearly Organized Moderate Product Levels	Set-up is Professional and Organized Display Looks Full and Inviting	
<b>Weekly Commitment</b>	Participating Seasonally or Intermittently Cannot Directly Participate in the Market Regularly (Send an Employee)	Participating Once or Twice a Month Directly Participate Most of the Time (Rarely Send an Employee)	Participating Every Weekend of the Year Directly Participate in Every Market (Never Send Employees)	
<b>Total Rating</b>				

Rank in Product Category:

Product Category Stalls Available:

Approved: Yes/No

Notes:

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