

# ORANGE HOME GROWN CERTIFIED FARMERS & ARTISANS MARKET RULES AND REGULATIONS

**NATURE OF THE MARKET:** The Orange Home Grown Farmers and Artisans Market (OHGFAM), established in May of 2011, is a diversified community-based farmer's market offering for sale to the general public agricultural products (both certifiable and non-certifiable) as well as non-agricultural artisan products.

The OHGFAM provides certified producers with the opportunity to sell their fresh, California grown products directly to the consumers without an intermediary.

The OHGFAM is operated in accordance with regulations established in the California Administrative Code (Title 3, Article 6.5) pertaining to Direct Marketing and the California Food and Agriculture Code Chapter 10.5 Direct Marketing. The market is certified by the County Agricultural Commissioner as a direct marketing outlet for producers to sell their products directly to consumers without meeting the usual size, standard pack and container requirements for such products. However, all produce must meet minimum quality standards. This market is subject to all pertinent local, county, state and federal regulations and laws. All participating producers are expected to be familiar with the current Direct Marketing Regulations and these Rules and Regulations.

The OHGFAM is divided into two sections: the Certified Agricultural section and the Non-Certified Section. The non-certifiable agricultural products and non-agricultural products add variety and enhance the festive ambiance of the Farmers' Market.

1. **Certified Products:** Any California farmer who owns, leases or rents land, demonstrates control of the growing ground and practices the art of agriculture is eligible to apply to the OHGFAM. Applicants may obtain an application from the OHG website and may submit applications and supporting documentation via mail, email or in-person year round.

2. **Non-certifiable Processed Agricultural Products:** Non-certifiable Processed Agricultural Products are prepared or packaged foods where the primary ingredient(s) are grown by the market participant and have included items such as pesto, olives, and nut brittle.

A. **Prepared and Pre-packaged Food:** Pre-Packaged Foods are foods prepared and packaged off site in a Health Department certified kitchen and include items such as chocolates, breads and sandwiches. Prepared and pre-packaged food may only be sold in the Non-certified Section of the market. Prepared Food is prepared on site such as omelets, burritos and pancakes.

B. **Retail:** Retail products are permitted seasonally and on the 4<sup>th</sup> Saturday of the month at OHGFAM only and may include but are not limited to handmade clothing, accessories, pottery, books, art, home goods, etc. Retail products do not include any food products.

C. **Entertainment:** Musical entertainment, children's art activities, cooking demos, etc.

The OHGFAM is managed, operated and controlled by Orange Home Grown Foundation (OHG) a 501(c)3 community-based nonprofit. *The Market operates each Saturday between the hours of 9:00 AM and 1:00 PM.*

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## **MANAGEMENT**

Market Manager: Nikki Patino [nikkiohg@gmail.com](mailto:nikkiohg@gmail.com)

Executive Director: Megan Penn [mpennohg@gmail.com](mailto:mpennohg@gmail.com)

## **FOR ALL SELLERS AT THE CERTIFIED FARMERS' MARKET**

In order to ensure the successful maintenance of the OHGFAM as an efficient outlet for producers to sell their products directly to consumers, OHG has established the following set of Rules & Regulations to govern the operation, administration, and management of OHGFAM.

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### **I. INTENT AND IMPLEMENTATION**

The purpose of this set of rules is to govern the operation, administration and management of the Certified Farmers' Market under the control of this organization. The OHG Board of Directors of this organization, its management and its designated agents will implement and enforce all Rules and Regulations pertaining to the operation of the Certified Farmers' market under its control in a fair and equitable manner. OHG reserves the right to make additions or deletions to these rules when deemed necessary. Written notice of these changes will be provided to the producers.

### **II. STATE REGULATIONS**

#### ***AGRICULTURAL PRODUCTS SELLERS:***

A. Except as provided in subsection (f) below, producers or certified producers may sell or offer to sell only agricultural products which they have produced to consumers at a certified farmers' market. The certified producer's immediate family, producers' parents, children, grandparents and grandchildren or a relative regularly residing in the producers' household or an employee(s) of the producer may sell the certified producer's agricultural products at the market. 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. Proof of status of an employee is an authorized agreement proving that the person selling is an employee of the Qualified Producer and Producer agrees to provide copies of W2's requested of any employee.

No certifiable agricultural products may be sold at a certified farmers' market unless such products are listed on the Certified Producer's Certificate (CPC).

The regulations of the California Department of Food and Agriculture pertaining to Direct Marketing (Article 6.5, Title 3 of the California Code of Regulations) are hereby incorporated by reference to be part of these rules. Specifically restated are the following provisions of such regulations:

1. Producers of fresh fruits, nuts, vegetable, shell eggs, honey, flowers and nursery stock must obtain a CPC prior to selling such commodities at a Certified Farmers' Market. Such commodities must have been produced by the producer by the practice of the agricultural arts upon land which the producer farms and owns, rents, leases or sharecrops.
2. 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 with the

exception that all prepackaged closed consumer containers of agricultural products shall be labeled with the identity of the product (such as oranges-Valencia), 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 six (6) or fewer items which are fully visible, does not need a statement of count.

3. All agricultural products sold at the market shall comply with the regulations of the California code governing maturity and quality.
4. All agricultural products, other than exempt fresh fruits, nuts and vegetables, which are sold at markets, must comply with all applicable laws pertaining to their grading and labeling.
5. All agricultural products sold at the market 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.
6. All agricultural products, including fresh fruits, nuts and vegetables, sold for the commercial of commercial resale must be in compliance with all applicable size, standard pack, containers and labeling requirements of state laws and regulations.

B. All agricultural products, when sold or offered for sale at a certified farmers' market or at or near the point of production, shall comply with all applicable requirements of Article 1 (beginning with Section 113700), 2, 3, 4, 5, 6, 7, 11, 13, and 15 of Chapter 4 (California Uniform Retail Food Facilities Law), Division 104, Part 7, of the California Health and Safety Code, and Chapters 1 (beginning with Section 109875), 2, 4, 5, and 8 (California Sherman Food, Drug, and Cosmetic Law), and Division 104, Part 5, of the California Health and Safety Code.

C. Only agricultural products may be sold or offered for sale at a certified farmers' market. The sale of nonagricultural products shall not be permitted in the area designated as a certified farmers' market.

D. CPCs - The certified producer's embossed photocopy certificate shall accompany the certified agricultural products during transportation and shall be conspicuously posted prior to the point of sale.

E. Scales -When any agricultural products are sold by weight, the type of scale used shall be approved, tested and sealed by the County Agricultural, Sealer of Weights and Measures and the weighted devices current County registration must accompany said scale when applicable.

F. Other CPCs - When a producer has been granted by the market the privilege of selling for up to two other certified producers, it must be under the following conditions:

- (1) A certified producer shall not represent, nor be represented by more than two (2) other certified producers in a twelve (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 a certified farmer's 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 agricultural products which he/she has produced and which are greater than the amount by volume offered for sale for another 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

(6) The producer applying for 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 farmers' market may prohibit or otherwise establish rules regarding sales permitted under this subsection that are more restrictive, provided that such prohibition or restriction is contained in the market's written rules and regulations.

(9) A certified producer who sells certified agricultural products on behalf of another certified producer or whose products are sold by another certified producer at a certified farmers' market shall keep for a period of not less than three years, the following records relating to such products:

(i) Date of transfer to seller and accurate amount of products, by weight, dry measure, or count, transferred. Each separate product and amount shall be recorded according to variety.

(ii) 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.

(iii) Names of both certified producers involved. This will be granted on a case-by-case, product-by-product and season-by-season basis.

(10) A certified producer subject to this subdivision shall produce, for inspection, records required by this section upon request by an enforcing officer, agent of a representative of the department or county agricultural commissioner or Market Manager, any certification, documentation, information or identification that may be reasonably required to show that the conditions are being met.

G. The provisions of this section, and any amendments thereof, shall apply to all new CPCs , including renewals, upon filing with the Secretary of State, unless another effective date has been designated by the Office of Administrative Law. CPCs already issued shall conform to the requirements of this section, and any amendments, within twelve (12) months of the certificate issue date.

H. **Organics** - Any person selling organic products or representing products as organic at a certified farmer's market shall conspicuously post at the point of sale a photocopy of his or her current State of California organic registration and, if applicable, documentation of his or her organic certification. A complete photocopy of the original, unaltered, current organic document(s) shall, upon the request of an enforcement officer, be made available for review at any time during participation in a certified farmers' market. All products grown produced or processed as organic must be labeled according to the requirements of the Organic Foods Production Act of 1990. Certified producers selling organic products in California must comply with the California Organic Products Act of 2003 (COPA), effective January 1, 2003. Organic product must be registered with California Department of Food and Agriculture. Registration must be prominently displayed. In addition, product requiring certification by an USDA accredited certification agency must also prominently display the certification seal.

Other types of organic certification will be considered at the discretion of OHGFAM market management.

I. **Sprouts** - A certified producer shall not sell or represent sprouts as his or her own production resulting from practicing the agricultural arts if less than 50 percent of the seeds, legumes or nuts in any package or container have sprouts that have emerged from the seed, legume or nut coat, husk, pericarp or other type of covering.

**CALIFORNIA RETAIL FOOD CODE:**

When selling at the market, the producer and the producer's agricultural products shall comply with all applicable requirements of the California Retail Food Code and the California Sherman Food, Drug and Cosmetic Law, specifically:

- (1) All food and containers of produce shall be stored at least six inches off the floor or ground or under any conditions that are approved.
- (2) **Sampling** - Food preparation (except trimming) is prohibited at Certified Farmers' Markets with the exception of food sampling that in accordance with Article 15 of the Health and Safety Code and/or the County Health Agency. Distribution of food samples may occur provided that the following sanitary conditions exist:
  - (a) Samples shall be kept in clean covered containers approved by the health agency.
  - (b) All food samples shall be distributed by the producer in a sanitary manner.
  - (c) Clean disposable plastic gloves shall be used when cutting food samples.
  - (d) Food intended for sampling shall be washed or cleaned in another manner of any soil or other material by potable water in order that it is wholesome and safe for consumption.
  - (e) Toothpicks or disposable utensils shall be used to distribute samples.
  - (f) Notwithstanding Section 114205, potable water shall be available for hand washing and sanitizing as approved by the enforcement agency.
  - (g) Potentially hazardous food samples shall be maintained at or below 45 degrees F and shall be disposed of within two (2) hours after cutting.
  - (h) Wastewater shall be disposed of in a facility connected to the public sewer system or in a manner approved by the enforcement agency. See VI F(2)
  - (i) Utensils and cutting surfaces shall be smooth, nonabsorbent, and easily cleanable or single use articles shall be used.
  - (j) Utensils and cutting surfaces must be washed and sanitized (use a chlorine solution of 1 teaspoon or capful of liquid bleach per gallon of water).
  - (k) Pits, peels, food waste and rubbish shall be disposed in leak proof garbage receptacles with close fitting lids.

*The Market Manager may issue additional sampling guidelines that are more restrictive than those of the state or county.*

- (3) **Processed foods** must be processed in an approved kitchen facility, properly packaged and labeled under clean and sanitary conditions.
- (4) **Dried fruit and shelled nuts** sold in an unpackaged bulk form must be displayed with a cover and conform to dispensing methods approved by the local health department.
- (5) **Animals** - No live animals, birds or fowl may be kept or allowed within twenty (20) feet of any area where food is stored.
- (6) **Artisans** - Vendors selling nonagricultural food products are considered "artisans" at the OHGFAM and are required to have a valid County of Orange Environmental Health Permit and are not considered part of the Certified Farmers Market.
- (7) **Facilities** - Approved toilet and hand-washing facilities are available onsite at OHGFAM.

(8) **Smoking** of cigarettes, cigars, pipe tobacco, and other nicotine products are not permitted on market premises or within 25 feet of common commerce area comprised of sales personnel and shopping customers of the certified farmers market.

(9) **Consumption of alcoholic beverages** or any controlled substance while at the market is prohibited and is a violation, which is grounds for immediate dismissal from the market with reinstatement of selling privileges contingent upon a review by the OHG Board.

(10) **Over Ripe**- If produce is overripe and must be consumed the same day, the customer must be informed in advance of the sale of the product.

### III. ADMISSION OF A PRODUCER TO THE MARKET

No producer who was not an active producer with OHGFAM in the previous year shall be admitted to sell at OHGFAM until the producer has successfully completed an inspection by OHG's designated manager to verify the authenticity of the producer's certified production of agricultural products. Any producer who disagrees with the result of the manager's findings may file a written appeal with the Board of Directors within thirty (30) days of the date of that report. The decision of the Board, made at the next regular scheduled meeting, shall be final.

Admission to sell at OHGFAM shall be at the reasonable discretion of market management and the OHG Foundation. OHG reserves the right to terminate a producer's participation in the market at any time if any of the following bullet items are not being met. The OHGFAM management considers the following bullets when welcoming a producer to participate in the OHGFAM:

- Products may not contain genetically modified ingredients or be grown from genetically engineered seeds.
- Producer's positive or negative history of the compliance with state, local government and market Rules & Regulations.
- Producer's history of market participation. When practical, significant weight, priority, and preference should be given to producers returning from previous seasons.
- Preference is given to producers who follow sustainable farming practices. Sustainable farming takes into account proximity to market, which for OHGFAM purposes are all crops grown in California. Sustainable farming practices include organic (no synthetic products, regulated by State and Federal regulations), Integrated Pest Management (IPM), "Low Input" which refers to minimal use of synthetic fertilizers and pesticides, as well as other practices including crop rotation, crop diversity, water conservation, composting, use of cover crops to increase soil fertility and any methods that use natural means to control weeds, pests and disease. Sustainable farming practices also include fair wages for workers and humane treatment of farm animals.
- The competitive availability and number of sellers of producer's product present within the market. If practical, monopolies and surfeits (gluts) should be avoided.
- Whether the present number of sellers of producer's product is adequately supplying consumer demand.
- The number of unreserved spaces and other limitations of the market.
- Desirability of crops - crops which are in demand, are one-of-a-kind or of exceptional quality or uniqueness, are preferred over crops already in sufficient supply at the market.
- Preference is given to growers whose primary distribution is local, not national.

- Participation does not guarantee that all products listed on a Producer’s Certificate will be allowed to be held for sale. Limitations may be placed at the Management’s discretion.
- A Certified Producer shall not represent, nor be represented, by more than two other Certified Producers at the OHGFAM in a twelve (12) month calendar year. Certified Producers must get approval from Market Management prior to selling for additional producers.
- Criteria specifically for meat, poultry, and dairy:
  - All meat and poultry sold at the OHGFAM must be processed at a United States Department of Agriculture (USDA) or licensed State facility (chicken does not require USDA certification approved processing facility in accordance with the Federal and State meat processing standards).
  - No livestock, meat, or dairy goods in which growth hormones, such as rBGH, were administered may be sold at OHGFAM.
  - Preference is giving to grass fed and finished meat products.
  - Preference given to producers of livestock, meat and dairy products that have a “Certified Humane” designation from Humane Farm Animal Care ([www.certifiedhumane.org](http://www.certifiedhumane.org)).

**Change of business (farm) ownership** requires submission of a new application to OHGFAM, 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.

#### **IV. ADMISSION OF PRODUCTS TO THE MARKET**

Unless otherwise specifically listed as an additional authorized agricultural, processed agricultural or nonagricultural product in this section, only fresh fruits, nuts, vegetables, shell eggs, honey, flowers and nursery stock listed on a producer’s certificate may be sold at the market.

Admission of any certifiable agricultural or non-certifiable agricultural product to the market or nonagricultural artisanal products to an area adjacent to the market shall be at the reasonable discretion of the Market Management. Market Management shall be notified in writing one week prior to bringing a new product to the OHGFAM. Produce must receive written approval by Market Management prior to selling any new products at the OHGFAM. In making any determination in this regard the Market Management shall consider the following:

- A. First preference given to applicants whose established restaurant, certified kitchen, or residence resides within the local business district of the OHGFAM.
- B. Producer’s history of selling such product within or adjacent to the market. When practical, significant weight and preference should be given to products sold by producer in previous seasons.
- C. Ingredient Sourcing: Products sold at the market must be homemade (rather than purchased fully processed and re-sold) and that incorporate ingredients which are grown in California, Organic if applicable, seasonal in nature, and from fair trade practices.
- D. The present competitive availability (number of sellers) of producers product within or adjacent to the market. If practical, monopolies and surfeits (gluts) should be avoided.

- E. The type of relative quality of the product intended to be offered for sale by the producer. Field run produce shall be encouraged. Culls or lowest grade only sales shall be discouraged and may be prohibited.
- F. Other limitations and market policies affecting product admission. Admission of a product to be sold by a particular producer may be conditioned by period of sale, location of sale, variety of sale variety, quality, and other general or specific limitations. Producers choosing to bring a new item to sell that they have not been selling previously must notify the Market Manager, and obtain permission to sell that product. Samples may be required.

*\*Additional authorized non-certifiable agricultural products, which may be admitted by the Market Manager for sale within the OHGFAM are:*

- Dried beans, grains, fruits, nuts, and vegetables listed on producer's certificate.
- Shelled nuts, including those, which have been roasted, salted or flavored, but not candied, coated or covered.
- Dried herbs and spices.
- Fresh fruit juices.
- Flower arrangements and wreaths.

The producer must have produced all such raw products by the practice of the agricultural arts upon land, which the producer farms, owns, rents, leases or sharecrops. Artisans- All non-certifiable agricultural products must have and be accompanied by a verifiable listing of the fresh product on producer's certificate of the producer selling. Misrepresentation of products will result in expulsion of market. Vendor will be notified in writing.

Producer must be able to show location and capability of processing or, if processing is done by a second party, the method used to insure that the processed product returned is the original source product submitted by the producer for processing. Receipts, volume data, and letters verifying methodology may be requested or required.

Producer must show that all processing was accomplished under safe and sanitary conditions and, if applicable, obtain, furnish and display any and all health permits necessary.

Producers wishing to sell a product other than those listed immediately above must submit a written application for approval to the Market Management.

Any producer aggrieved by the Market Management's decision may appeal in writing for review by the Board of Directors. The decision of the Board of Directors made at the next regular scheduled meeting shall be final.

## **V. ASSIGNMENT OF SELLING SPACE**

The producer's location, space size and other factors of assignment of selling space within a market shall be at the reasonable discretion of Market Management. Sellers must accept the stall space assigned to them by the Market Manager. Historic use of same amount or location of space is not guaranteed. In making any determination of the assigned space, the Market Manager shall consider the following:

- A. The maintenance of present and past consumer-producer relationships.



- B. Causing or maintaining an unsafe or unsanitary condition at the market.
- C. Unreasonable or outrageous conduct considered detrimental or prejudicial to the purposes and interest of the market or the OHG.
- D. Failure to attend at a previously reserved market space without adequate prior notification.
- E. The occurrence of any condition or limitation, which was placed on the admission of the producer or the producer's product to any market.
- F. Location assignments may need to change based on absentees, redesign of market layout, etc. This move is at the discretion of the market manager.

## VI. OHGFAM RULES, POLICIES, AND REQUIREMENTS

1) A producer's selling privileges shall be suspended by the Market Manager and/or OHG Board if the producer's certificate is revoked, or if the producer fails to pass OHG's inspection. The first such suspension will be for a period of thirty (30) days, commencing upon the effective date of the Notice of Suspension. The second such suspension will be for a period of sixty (60) days commencing upon the effective date of the Notice of Suspension. A third such suspension, at any time during a producer's affiliation with the OHGFAM will result in expulsion from OHGFAM.

2) Whenever a producer does not adhere to market arrival and departure times or fails to notify the manager of his/her intention to sell at the OHGFAM on a specific day, the manager may revoke the stall space reservation. The second suspension will be for a period of sixty (60) days commencing upon the effective date of the Notice of Suspension.

- **No producer may be on site prior to 7am on Saturdays.** Noise must be kept to a minimum until the 9am Market start time. Consideration to surrounding neighbors is a priority.
- **All producers located within the Palm Avenue street closure designated area must be off the street by 2pm.**

The severity of any penalty or discipline imposed by the manager and/or OHG Board shall be directly related to the gravity or repetition of the violation. A producer is responsible for the actions of the producers' representatives, employees or agents.

*If possible and under the circumstances, a Market Manager must attempt to give adequate written warning and notice of consequential action prior to the actual action of removal or other disciplinary action.*

Any producer removed or disciplined by the action of the Market Manager shall have the right of written appeal and review by the Board of Directors. The Board of Directors after review may uphold, modify, or negate any decision by the Market Manager. The decision by the Board of Directors at the next regular scheduled meeting in regard to all above matters shall be final.

- The penalty for producers who sell products not of their own production is suspension and/or a \$250 fine subject to the discretion of the Board of Directors. This applies to the owner(s), producer(s), employee(s) or other representatives associated with the business. Suspended party(s) shall not sell for her (himself) or on behalf of any other producer during the suspension period.
- A second violation will cause permanent disqualification from the market.

- A producer that is cited by the Department of Agriculture or the County of Orange Environmental Health Department and/or causes a re-inspection will be responsible for the re-inspection fees, and/or any penalties or fines.

**A. Product Limitations.** Sales of out-of-season produce are allowable only to the extent of their reasonable and normal storage life or upon proof that such produce was produced by producer in greenhouse facilities operated by such producer.

**B. Certificates.** Producer certificates with two or more names listed, as producer must provide acknowledged evidence of partnership or other legitimate business agreement. CPCs must be clearly posted.

**C. Prices.** Product prices are set by the individual market participants. All prices must be clearly marked or posted. Collusion and deceptive pricing practices are prohibited. Bargaining with the consumer is specifically allowed.

**D. Load Lists.** Market participants will complete and turn in a daily load sheet for record keeping and billing purposes. Load sheets shall include an itemized list of all products sold at the CFM each day. Additionally, all market participants shall indicate sales by commodity group and total gross sales per commodity group. OHGFAM management will monitor sales reporting as necessary to check for accuracy.

**E. Market Hours:** Arrival and Departure. The hours for any market shall be set by OHG Foundation. *Sellers must arrive no earlier than 2 hours prior to and no later than 45 minutes prior to the published opening time of the market (9am) and leave within one hour after the published closing time of the market (1pm) or as published in the OHGFAM producers application.* Sales prior to the posted opening hours of the market or after the posted closing hours of the market are allowed only at the discretion of the market manager. Sellers 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.

**F. Market Attendance, Cancellations, and Notification:**

1) Producers are required to cancel five (5) days prior to market day to avoid a \$25 no show fee charges. Stall fees shall be equivalent to the fees paid the week prior to the producer's absence. Producers who cancel less than five (5) days before market day, regardless of the reason, (i.e. other commitments, employee availability, etc.) are responsible for the \$25 no show stall fee unless the Market Manager can fill the stall.

2) Producers who cancel twice in a three (3) month period or cancel a market three (3) times in a three (3) month period may permanently lose their stall space for the market.

**G. Setup, Safety and Sanitation:**

1) All display table frontage must be behind the setup line designated by the Market Manager. No boxes, flower or produce displays may extend into the common customer traffic aisle way. Producers who display produce on a side table must allow at least 24 inches of side aisle in producer's space for customer ingress and egress. Tables and other display fixtures must be sturdy, stable and not overloaded. All shades and shelters must be tied down and completely

secured at all times, regardless of wind conditions or be subject to immediate and uncompromised removal.

2) Before any sales transactions are allowed, the producer's area must be cleared and cleaned of any produce trimmings or debris of any type. Absolutely no rubbish of any type will be allowed on the stall grounds, the consumer area directly surrounding the stall, or in any other contiguous area that could constitute a health or safety issue. Any waste water generated during the market for washing of produce or utensils must be collected by the producer, removed from the market area in a container with a lid, and properly disposed of at the producer's farm or business through the approved plumbing system which shall discharge into the public sewerage, into an approved private sewage disposal system, or as approved by the enforcing officer.

3) Before the producer may leave the market, both the stall section and the surrounding area must be totally free of any produce and debris. Producers' trash shall be removed by the producer and disposed of properly offsite. *Trash cannot be left behind by the producer. It is the responsibility of the producer to remove and dispose of their own trash.* Failure to follow the above referenced issues may result in revocation of the sellers stall space and/or a \$50.00 fine.

4) **Fire Lanes** - All producers shall observe all fire lanes while loading and unloading and parking.

5) **Tent Regulations** – OHG requires that every vendor have a 10' x 10' fire retardant canopy with the flame retardant certificate or the fire retardant tag sewn inside the tent. Vendors must provide documentation that they are using a flame retardant tent that is in compliance with the Fire Department orders and regulations. The market is subject to fire inspection at any time. Tents must also be secured by weights or tied down at all times.

**H. Noise, Disturbance and Intrusion.** With few exceptions, no radios are allowed to be played during set-up, take-down or during market sales hours. No loud hawking, barking or shouting to promote a product is allowed. All product promotion must occur within the space assigned to the producer and not in any common area. Disruptive action in the market is prohibited. Any disruptive action, including rough housing or throwing of items, is prohibited. No bicycling, skateboarding, roller skating, or riding of scooters is permitted in OHGFAM.

#### **I. 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) Signs posted by producers are subject to approval of the Market Manager.

**J. Bags, Packaging and Litter.** OHGFAM supports eco-friendly practices. Biodegradable packaging is preferred and recommended. Polystyrene foam (Styrofoam) is not allowed at OHGFAM. Sellers are encouraged to promote reusable bags, the use of washable glass jars, etc.

- 1) Sellers using plastic bags for the convenience of their customers must use Eco-friendly biodegradable bags.

#### **K. Conduct.**

- 1) Any statement and/or action which is deemed to be offensive, abusive, or otherwise inappropriate to a customer, market manager, market staff person, attending producer, OHGFAM staff person, sponsor, or any official from a city, county or state agency conducting business within the market parameters, will be considered a violation to these market rules and will be subject to any or all disciplinary steps indicated in these market rules. Failure to comply with any request made by Management, negative, abusive, threatening or rude

behavior toward Management or other seller, or consumers, or any other socially unacceptable behavior will result in immediate and permanent expulsion from the Market.

Producers who take an action that interferes with, jeopardizes, or who are disruptive to market operations, order, vendor moral and discipline or who negatively impacts the market's relationship with consumers or market site personnel or landlords or other entity (other than a regulating one) will be expelled from the market covered by these rules.

- 2) All producers shall sell/market their products in a manner satisfactory to the Market Manager and in an honest, conscientious and business-like manner.
- 3) Producers must wear shirts and closed-toe shoes while on the market premises.

#### L. Insurance.

1) Producers must, at all times while selling at the OHGFAM, take out and maintain in full force and effect a current policy or policies of

- General commercial/public liability
- Product liability
- Comprehensive bodily injury
- Fire
- Property Damage
- Workers Compensation

These policies must name OHG Foundation as an Additional Insured; give OHG Foundation ten (10) days advance written notice prior to its cancellation, if canceled during the operating season; and provide coverage of \$500,000 each or greater. A certificate showing proof of insurance naming OHG Foundation as an additional insured shall be filed with OHG Management before entry into the market.

- 2) A current copy of automobile insurance must also be on file
- 3) Proof of insurance must be provided to Market Management via email or hard copy and kept current.

**M. Acceptable Forms of Payment.** All producers shall accept OHGFAM approved methods of customer payment which include Cal Fresh/SNAP/EBT and Market Match (MM) OHGFAM tokens. No other market tokens will be accepted. **Vendors are not allowed to swap, trade, or pay for EBT or MM tokens among each other. This is strictly prohibited.**

**N. Disciplinary Actions.** 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 being issued by the OHG Board or the Market Manager. Severity of penalties will be dependent upon the nature and intent of the offense and may not necessarily follow in the order below:

- A. An oral warning
- B. A written notice of violation
- C. Market suspension of any length, up to eighteen months
- D. Expulsion from the Market.

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.

The Board of Directors will review all disciplinary actions at a regularly scheduled meeting. Any producer removed or disciplined by the action of the Market Manager shall have the right of written appeal and review by the Board of Directors of OHG within thirty (30) days.

The Board of Directors after review may uphold, modify, or negate any decision by the market manager. The decision by the Board of Directors at the next regular scheduled meeting in regard to all above matters shall be final.

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

## **VII. APPLICATION AND RESERVATION PROCESS**

A. Mandatory for participation in OHGFAM, a producer must initiate and complete an Application-to-Sell packet, which includes:

- 1) A current OHGFAM Application-to-Sell (Farmer or Artisan, as appropriate),
- 2) Copies of Certified Producer Certificates or Temporary Food Facility (TFF),
- 3) Insurance Certificates,
- 3) Signed Rules and Regulations,
- 4) and any other appropriate agreements and permits, submitted annually.

B. All producers must pay stall fees according to the current fee schedule (8% of gross sales, \$2.50 CA Agricultural Fee, and \$0.50 City of Orange Fee) set by the Board and subject to change. Stall fees are collected by the Market Manager at the end of each market day and a receipt issued. EBT and MM sales will be tallied on load sheet and OHGFAM EBT and MM tokens will be credited toward market fees.

C. Each producer shall itemize all products sold on their load sheet each market day. The product list shall state the name of the Certified Producer, the identity of each product sold as it appears on the certified producers' certificate and the quantity of each product sold at the market.

E. For purposes of publicizing the market, OHGFAM may promote and share information about market participants, their products, production or growing methods and photographs.

F. The following Rules & Regulations apply to stall space assignments:

- 1) Whenever a producer does not adhere to market arrival and departure times or fails to notify the Manager of his/her intention to sell at the OHGFAM on a specific day, the Manager may revoke the stall space reservation. Such decision will be made in writing by the management to the vendor.
- 2) Historic amount of space allowed or placement is not guaranteed and subject to the discretion of OHGFAM management.
- 3) The number of stall spaces for each category of products is subject to the discretion of market management.

**VIII. DEFINITIONS**

**California Retail Food Code 113871.**

*(a) "Potentially hazardous food" means a food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic micro-organisms, the growth and toxin production of Clostridium botulinum, or, in raw shell eggs, the growth of salmonella enteritidis.*

*(b) "Potentially hazardous food" includes a food of animal origin that is raw or heat-treated, a food of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, and garlic-in-oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth as specified under subdivision (a).*

*(c) "Potentially hazardous food" does not include any of the following:*

- (1) A food with an aw value of 0.85 or less.*
- (2) A food with a pH level of 4.6 or below when measured at 75°F.*
- (3) A shell egg that is not hard-boiled but has been treated to destroy all viable salmonellae.*
- (4) A food in an unopened, hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of no refrigerated storage and distribution.*
- (5) A food that has been shown by appropriate microbial challenge studies approved by the enforcement agency not to support the rapid and progressive growth of infectious or toxigenic micro-organisms that may cause food infections or food intoxications, or the growth and toxin production of Clostridium botulinum, such as a food that has an aw and a pH that are above the levels specified under paragraphs (1) and (2) and that may contain a preservative, other barrier to the growth of micro-organisms, or a combination of barriers that inhibit the growth of micro-organisms.*
- (6) A food that does not support the rapid and progressive growth of infectious or toxigenic micro-organisms, even though the food may contain an infectious or toxigenic micro-organism or chemical or physical contaminant at a level sufficient to cause illness.*

**I HAVE REVIEWED THE RULES AND REGULATIONS AND AGREE TO FOLLOW THE RULES AND REGULATIONS OF THE ORANGE HOME GROWN FARMERS AND ARTISANS MARKET.**

\_\_\_\_\_  
**SIGNATURE**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**FARM/BUSINESS NAME**

\_\_\_\_\_  
**TELEPHONE #**

