

HISTORIC EL DORADO OPEN AIRE MARKET

APPLICATION INFORMATION & RULES

PROCEDURE TO BECOME AN APPROVED SELLER

1. Read the Historic El Dorado Open Aire Market (HEDOAM) Rules.
2. Completely fill out the application form.
3. Return the completed form along with photocopies of appropriate permits and licenses and photographs where applicable, by mail to:
Barbara Tankersley, Market Manager
5939 Pleasant Valley Rd.
El Dorado, CA 95623
530-344-7859
mail@ironwillow.com
4. When received, your complete application will be reviewed.
5. You will be notified by the Market manager of the decision.

GENERAL MARKET INFORMATION

BOOTH SPACES:

It is important to the success of the market that vendors are consistently in attendance. We understand things occur that occasionally make you miss one week. Vendors are required to notify the manager by Monday noon if they will not be participating Thursday evening.

HOURS AND LOCATION: The Market will be held on Thursday evenings from 5:30 p.m. until dusk ~ June through October. The location will be in the Historic town of El Dorado, CA at the El Dorado Trade School and Habitat for Humanity and along Main Street in front of these buildings. The larger the Market grows, the more we will stretch out on Main Street.

APPROPRIATE LICENSES AND PERMITS

Agricultural Sellers –

Certified Producers Certificate (County Ag)
Non-Certified Agricultural Producers (County Health Dept. and County Ag)
Avocado Inspection Certification/Avocado Inspection Permit (County Ag)
Nursery Stock License (State CDFA Ag)
Apiary Registration (County Ag)
Organic: Registration and/or Certification
Cut Flowers/Gourds and other non-edible Ag Products: Sellers Permit (*)
Wine: Alcoholic Beverage Control Permit #79 (**)

Non-Agricultural Sellers –

Ocean Fish: Fish and Game Licenses, Boat Registration, Commercial Permits, Dock Landing Receipts

Prepared Foods: County Department of Health Permit, Business License (City)
Crafts: State Board of Equalization Sellers Permit, Business License (City)

LOCAL LICENSING AGENTS:

El Dorado Co. Ag Commissioner
Sealer of Weights & Measures
311 Fair Lane
Placerville CA 95667
530-621-5520

El Dorado Public Health Dept,
931 Spring St.
Placerville, CA 95667
530-621-6100

State Board of Equalization
Sacramento, CA 95827

Dept. of Fish & Game
1701 Nimbus Rd.
Rancho Cordova, CA
916-358-2900

Alcoholic Beverage
Control-Permit79
9823 Old Winery Place
Sacramento, CA 95816
www.abc.ca.gov

CURRENT BOOTH FEE STRUCTURE: A 10x10 booth is \$18 per week, with an introductory rate of \$13 per week per 10 x 10 booth for the first two weeks of the season.

I. STATEMENT OF INTENT

NATURE OF THE MARKET: The Historic El Dorado Open Aire Market (“Market”) is a diversified Market offering agricultural (both certifiable and non-certifiable) and non-agricultural goods for sale.

The Market is a Certified Farmers Market and is operated in accordance with regulations established in the California Code of Regulations, Title 3, Section 1392 *et seq.* on Direct Marketing.

See also:

Cal. Food & Ag. Code §§ 47000 *et seq.* and <http://www.cdfa.ca.gov/is/fveqc/cfmprogram.htm>.

The Market is certified by the County Agricultural Commissioner as a direct marketing outlet for producers of certified and non-certified agricultural products. These producers may sell their agricultural products directly to consumers without meeting the usual size, standard pack and container requirements for such products except in the case of eggs and pre-packaged items. However, all produce must meet minimum quality standards.

The non-agricultural goods add variety and enhance the festive ambiance of the Market. The same producer-to-consumer philosophy applies for all items sold at the Market, including non-agricultural items.

The resale of all products is prohibited except as provided in these Rules; Rules and Regulations for Non-Profit Organizations and Community Information Groups. MANAGEMENT: The Historic El Dorado Open Aire Market is managed, operated and controlled by The Historic El Dorado Business Association (HEDBA) in collaboration with Habitat For Humanity and The El Dorado Trade School, both non-profit agencies.

II. RULES FOR APPROVED SELLERS

In order to ensure the successful maintenance of the Market as an efficient and effective outlet for producers to sell their products directly to consumers, the Historic El Dorado Open Aire Market Association has established the following rules for approved sellers:

SECTION A: ADMISSION OF AN APPROVED SELLER

1. To become an approved seller at the Market, a prospective seller must complete an Application to sell. All items intended for sale shall be listed on the application and only those items approved for sale will be allowed to be sold. The application must be approved prior to the seller exercising the privilege of selling at the Market. A completed application packet includes:
 - a. The completed application-to-sell; and
 - b. Copies of all appropriate certificates and permits
 - c. Photos of products to be sold, when applicable

Only approved sellers shall be admitted to sell at the Market.

2. The number of approved seller booth spaces for each category of products shall be determined by the HEDBA.
3. Admission of an approved seller may be conditioned by the type of product.

SECTION B: ADMISSION OF PRODUCT

1. Admission of a product shall be based on market commodity mix and consumer demand as determined by the market manager.
2. Admission of product will be based on the present competitive availability (number of sellers) of the producer's product.

SECTION C: GENERAL RULES FOR ALL SELLERS

1. Only approved sellers as defined in each category may sell at the Market. All approved sellers must appear to sell for their first Market Day. A family member or employee may sell for an approved Seller. A family member or employee of an approved seller may sell for a second certificate seller. Seller employers or employees may be required to show the Market Manager proof of employee status (current W-4 form and/or payroll check stub) upon request. Employees may not receive commissions.
2. Sellers must grant permission to the Market Manager or other HEDBA representatives to enter the seller's premises for the reasonable inspection of: land, facilities, proof of ownership, partnership agreement, land lease and other applicable agreements in order to determine whether the seller is in compliance with the certificate, license, or permit conditions.
3. No peddlers or vendors will be permitted at the Market. Further, resale of products at the

Market is prohibited except as provided in Section E of these Rules. Resale is permitted by nonprofit organizations, including the Market Association, so long as the resale of items is related to or in support of their organization for fundraising purposes. All resale items sold by the nonprofit organizations at the Market must be approved by the Market Management prior to sale.

4. Sellers shall only display or advertise items that have been approved for sale. All products offered for sale in a gift box or other container must be HEDOAM approved items and be of the seller's own production.
5. All scales must bear current seal from the County Sealer of Weights and Measures.
6. Pre-packaged items sold by weight must be labeled with the net weight and name and address of the seller.
7. Sellers must post prices.
8. Sellers must display a sign (at least 12" x 24") bearing the producer's business/farm name, and county of origin. The letters on the sign must be a minimum of 2 inches in height.
9. All required permits and licenses shall be displayed prominently during selling hours. This includes, but is not limited to, the Certified Producers Certificate (state law), Nursery Stock License and Nursery Seller's Permit (state law), County Health Permit, and Aquaculture License, State Board of Equalization Seller's Permit (state law).
10. All sellers must comply with Health and Safety Code section 114350(b) as it may be amended from time to time, or any other law regulating food at a certified farmer's market, and the guidelines listed below. Any fines levied on the Market by the County Environmental Health Department shall be assessed to the vendor responsible for the noncompliance.
 - a. All foods shall be stored at least six inches off the floor or ground or under any other conditions that are approved.
 - b. Distribution of food samples is allowed provided that the following sanitary conditions exist:
 - (1.) Samples shall be personally distributed only by the seller to the customer on a one-to-one basis, customers are not to serve themselves. Any samples observed to be in violation will be removed and discarded. Samples shall be distributed by the producer in a sanitary manner.
 - (2.) Samples shall be kept in approved, clean, covered containers.
 - (3.) Clean, disposable plastic gloves shall be used when cutting samples.
 - (4.) 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 be wholesome and safe for consumption.
 - (5.) Potable water, provided by the vendor serving food samples, shall be available for hand washing and sanitizing as approved by the local enforcement agency.
 - (6.) Potentially hazardous food samples, shall be maintained at or below 45 degrees Fahrenheit. All other food samples shall be disposed of within two hours after cutting.
 - (7.) Utensil and hand washing water shall be disposed of in a facility connected to the public sewer system or in a manner approved by the local enforcement agency.
 - (8.) All garbage and rubbish shall be stored and disposed of in a manner approved by the rules pertaining to garbage disposal.
11. Sellers of salad mix shall post a notice indicating that the mix is field harvested and should be rinsed before serving. If the salad mix has been washed in a certified kitchen in accordance with health department regulations, such notice is not needed.

12. Booth fees are set by the HEDOAM Governing Board. All sellers must pay booth fees according to the current fee schedule set by the HEDOAM Governing Board. Booth fees are collected by the Market Manager at the beginning of each Market Day. Sellers must comply with booth fee payment procedures.

13. Sellers in all categories shall complete a load list on each Market day and submit it to the Market Manager along with booth fees.

14. Booth space assignments:

- a. Sellers must accept the booth space assigned by the Market Manager.
- b. Whenever a seller does not adhere to Market arrival and departure times, the Manager may revoke the seller's booth space reservation. Market arrival times are one hour before the start of a Market. Departure times are no earlier than the closing time of the Market and no later than one hour after the Market closes.
- c. Sellers must maintain their booth spaces in a clean and sanitary condition. Each seller shall remove containers, waste, and trimmings before leaving the Market. Sellers shall not use the City trash bins. Refuse collected must be disposed off-site by sellers.
- d. Sellers must provide their own tables and tents.
- e. Refer to map for vehicle parking.

15. Standards of Conduct: Sellers who do not comply with these standards of conduct will be suspended from participating in the market.

- a. Sellers shall be honest and shall conduct themselves at all times in a courteous and business-like manner. Rude, abusive or other disruptive or offensive conduct is not permitted.
- b. Conduct by sellers that is materially and seriously prejudicial to the reputation or operation of the Market is not permitted.
- c. Sellers experiencing any difficulty with customers or other sellers in this regard should refer the matter promptly to HEDOAM management.
- d. No radios or boom boxes may be played during market hours. No loud hawking, shouting or barking to promote products is allowed.
- e. All product promotion must occur within the space assigned to the producer and not in any common area.
- f. Seller's pets are not allowed in the Market per the CA State Health and Safety Code; this includes no pets in seller's vehicles.

16. Sellers are responsible for the actions of their representatives, employees or agents.

17. All sellers must comply with all applicable Federal, State and local laws, ordinances and regulations.

18. All sellers and their employees must adhere to the Market vehicle parking policy.

SECTION D: DISCIPLINE OR REMOVAL OF AN APPROVED SELLER

1. A seller may be removed or suspended from any market or have selling privileges in the market conditioned, modified, limited or terminated by the HEDOAM Governing Board.

2. Sellers who are in violation of any state, local or HEDOAM rules and regulations; or who are aggrieved by a HEDOAM Governing Board decision, will be subject to the following procedures:

- a. Whenever the Market Manager or HEDOAM Governing Board believes a seller has violated the conditions of the permit to sell or any of the rules or regulations of the Market, the Market Manager may issue a verbal or written warning or may issue a notice of proposed suspension.
- b. Any verbal warning or informal written warning shall be followed by written notice of proposed suspension documenting such warning. Such written notice of proposed suspension or modification of selling privileges shall be mailed or personally delivered to the seller within seven (7) days of such verbal warning.
- c. Whenever a seller has had their state or county permit to sell at a Certified Farmers Market revoked, that seller must re-apply to sell at the Historic El Dorado Open Aire Market, and may not be guaranteed admission to sell.

SECTION E: RULES AND REGULATIONS FOR SELLERS OF CERTIFIABLE AGRICULTURAL PRODUCTS

Fresh Fruits and Vegetables, Nuts in the shell, Shelled Eggs, Honey, Cut Flowers, Nursery Stock

- 1. Sellers in this category are those who have grown or produced the products they sell on a facility which the seller controls.
- 2. All certified agricultural products must be sold in accordance with State Direct Marketing Regulations for Certified Producers (Cal. Code of Regs., Tit. 3, § 1392.)
- 3. All sellers of certified agricultural products must obtain a Certified Producer’s Certificate issued by the Agricultural Commissioner from the county in which the produce is grown. All products for sale must be listed on the certificate and an embossed photocopy certificate shall accompany the certified agricultural products during transportation and be posted at the Market. All certificates shall be displayed in full view of customers during each Market.
- 4. Second Certificates: A certified producer may sell for another certified producer provided that the seller is also selling his or her own product, he or she displays both growers certificates, and he or she notifies Market staff that he or she is selling for another producer. In addition, each certified producer selling at the Market through another producer must:
 - a. have an approved application-to-sell on file with the Market Manager
 - b. have been granted permission to sell the second certificate products by the Market Manager
 - c. agree to pay a separate stall fee
 - d. have a separate display of product, not to be mixed in any way with the primary producer’s product as in bouquets, dried fruits and salad mixes or gift baskets.
 - e. At least 50% (based on fair Market value) of each primary certificate holder’s produce for sale must be of his or her own production
- 5. Growing Practices: Signs and labels must clearly identify the products on a vendor's table that are certified organic. Use of any other terms must not be misleading. Farming practices must be fully and truthfully disclosed when customers inquire. All produce grown hydroponically or in greenhouses must be so labeled.

SECTION F: RULES AND REGULATIONS FOR SELLERS OF NON-CERTIFIABLE AGRICULTURAL PRODUCTS

Live Animals, Livestock, Fish, Aquaculture, Wine, Worms, Dried Fruits and Vegetables,

Processed Nuts, Juices, Pickled Fruits & Vegetables, Jams

1. Sellers in this category are those who have grown, bred, raised, or cultivated, the products in fresh or processed form. These sellers may have their products dried, ground, roasted, juiced, smoked or otherwise altered in one stage process by a second party. All sellers of non-certifiable agricultural products must obtain a certified producer's certificate for the fresh product from which the processed product was derived. The certified producer's certificate must have been issued by the Agricultural Commissioner from the county where the fresh product was grown or produced. These fresh products must be listed on the certificate and an embossed photocopy certificate shall accompany the processed non-certifiable agricultural products during transportation and shall be posted at the Market. All certificates must be displayed in full view of customers during each market.
2. Only those processed agricultural products which a producer can verify are his/her own product will be allowed for sale at the Market. Dry yard and/or processing plant receipts may be requested for verification of producership.
3. All sellers must obtain and display all necessary permits, including health permits and any other applicable permits.

SECTION G: RULES AND REGULATIONS FOR SELLERS OF NONAGRICULTURAL PRODUCTS (PREPARED FOODS AND CRAFTS)

Priority for booth space will be based on consideration of the factors set forth in section II; of these Rules priority will be given to applicants who are local (El Dorado and adjacent counties), or whose processed foods are made using raw ingredients from HEDOAM agricultural sellers.

1. Rules and Regulations for Sellers of Processed/Prepared Foods

- a. Sellers in this category are those who have cooked, canned, baked, preserved or otherwise treated the product they sell. Sellers shall prepare the finished product.
- b. All sellers must obtain and display all applicable permits, including a permit from the health department of the county from which the products originate.
- c. All processed/prepared foods/food vendors must provide the market with proof of product liability insurance naming the HEDOAM as an additional insured.
- d. All products within this category shall bear labels including: the name of the product, ingredients, weight, the qualified seller's name and address. (See California Uniform Retail Food Facilities Law, Articles 6 and 15, Health and Safety Code, sections 27590 et seq., and 27831 et seq., respectively.)
- e. Low acid canned foods are prohibited from the Market (including, but not limited to, vegetables, meats, low acid olives).

2. Rules and Regulations for Sellers of Crafts

- a. Sellers in this category are those who have created, sewn, constructed, or otherwise fashioned from component materials the item(s) they sell. The component materials must be sufficiently modified from their original state to demonstrate fine craftsmanship.
- b. All craft applications shall be reviewed by a craft review committee appointed by the HEDOAM Governing Board.

- c. Each craft application must include a photocopy of appropriate permits, i.e. seller's permit from the State Board of Equalization and Business License if applicable.
- d. A representative sample and photos (digital photos acceptable) of each craft item to be sold at the Market must be submitted at the time of review. Only those items approved at the review may be sold at the Market.
- e. A rotating booth space assignment schedule may be applied to approved craft sellers.
- f. The above rules apply to all sellers of crafts, including Agricultural Producers who may sell soaps, lotions, scrubs, and salves that they create made from the agricultural and processed agricultural products they produce (must be listed on their Certified Producers Certificate). The sale of these crafts by Agricultural Producers must take place in the designated craft area of the market.

SECTION H: RULES AND REGULATIONS FOR NON-PROFIT ORGANIZATIONS AND COMMUNITY INFORMATION GROUPS

1. Non-profit organizations and community information groups shall be allowed at the Market whenever space is available. Each group or individual is allowed to come as needed during the season. All organizations must set up in the space assigned by the Market Manager.
2. An organization's request for a space must be made to the Market Manager prior to the Market day. Designated spaces for organizations shall be made available on a first-come, first served basis.
3. An applicant must provide the Market Manager with satisfactory proof of the organization's non-profit status and of his/her position as a representative of the organization.
4. Only non-profit and community information organizations may engage in the resale of items related to or in support of their organization for fundraising purposes. All resale items must be pre-approved by the Market Manager and may not compete with the sales of the HEDOAM sellers.
5. Organization representatives shall not interfere with Market operations by aggressively soliciting signatures, donations or attention. Such activities shall not block sidewalks or access to assigned stall spaces.
6. The Market retains the right to regulate the time, place and manner of activities relating to displays, signs, posters, placards, and other expressions of the interests represented. The use of fighting words, obscenities, grisly or gruesome displays or highly inflammatory slogans likely to provoke a disturbance may be prohibited by the Market Manager.
7. Each organization must prominently display its name, and must comply with all applicable Market rules.

III. DEFINITION OF TERMS

The following definitions apply to the context of the Rules and Regulations unless otherwise specified within a particular category.

Agricultural Producer or Producer: A person or entity who produces agricultural products by the practice of the agricultural arts upon land which the person or entity controls.

Active Participant: One of the approved sellers comprising a member entity. An active participant is an approved seller who has been designated by the member entity to represent the member entity in the HEDOAM and to exercise the rights of membership including, but not limited to, the right receive all mailings and inspect records.

Approved Seller: A person whose application to sell has been approved by the HEDOAM Governing Board and who is selling or offering for sale at the Market an approved item or commodity which he/she has:

as in Agricultural - Grown upon land which the person controls, in the case of fresh fruits and vegetables, nuts in the shell, nursery stock, cut flowers, processed agricultural products. Bred, raised, cultivated, or collected in the case of animal, poultry, wine, worms, fish, aquaculture, eggs, honey, and bee products

as in Prepared Foods - Cooked, canned, baked, preserved, or otherwise significantly treated

as in Crafts – Items created, sewn, constructed, or otherwise fashioned from component materials

Certified Agricultural Producer: A producer authorized by the County Agricultural Commissioner to sell directly to consumers at a Certified Farmers Market certified agricultural products produced upon land which the certified producer controls.

Certifiable Agricultural Products: Fresh fruits and vegetables, nuts in the shell, honey, eggs, nursery stock, and cut flowers which have been produced as the result of the practice of the agricultural arts by a producer upon land which the producer controls. These items shall be considered agricultural products only when in the possession of the producer who produced them, the producer's employees, or the producer's immediate family or a consumer.

Certified Farmers Market: A location approved by the County Agricultural Commissioner of the county, where products may be sold by Agricultural Producers directly to consumers. A Certified Farmers Market may be operated by one or more Certified Producers, by a non-profit organization, or by a local government agency.

Certified Farmers Market Certificate: A certificate which authorizes the location wherein products may be sold by Agricultural Producers directly to consumers. Any Certified Farmers Market Certificate shall be considered valid only when bearing original signatures of the issuing Agricultural Commissioner and the authorized representative of the certified farmers market.

Certified Producers Certificate: A certificate which authorizes the transportation to and sale of products at a Certified Farmers Market. The certificate shall be issued by the County Agricultural Commissioner on a form approved by the Director and the original kept on file at the county of origin. Photocopies of the original Certified Producer's Certificates should be considered valid only when bearing an embossment from the issuing Agricultural Commissioner.

Consumer: A person who purchases and receives products at a certified farmers market, but not a person who purchases products for commercial resale unless such products comply with all applicable size, standard pack, containers, and labeling requirements.

Crafts Review Committee: A committee comprised of local artisans appointed by the HEDOAM Governing Board and a HEDOAM Board member that reviews all crafts submitted for approval to be sold at the Historic El Dorado Open Aire Market. This committee reviews crafts based on criteria set forth by the HEDOAM Governing Board.

HEDBA: Historic El Dorado Business Association.

HEDOAM: Historic El Dorado Open Aire market.

HEDOAM Governing Board: The Board of Directors or other ruling committee of the Historic El Dorado Open Aire Market.

Employee: Except members of the immediate family as defined below, persons employed by an approved seller at a regular salary or hourly wage, either full time or part-time, but not including any persons whose compensation in whole or in part is based on, or consists of a commission on sales.

Entity: A group of two or more approved sellers each of whom is joined by either marital status, partnership, corporate status, family farm status, co-op, joint venture or other legal status.

Family Member: Parents, Children, grandchildren, grandparents, and in addition any other family member regularly residing in the approved seller's household.

Land Which the Agricultural Producer Controls: Land which the agricultural producer farms and owns, rents, leases or share crops.

Load List: A form created by the HEDOAM Board of Directors that all sellers shall fill out and return to the management **each time** sellers sell products on any given market day.

Market: The Historic El Dorado Open Aire Market which is permitted (certified) by the El Dorado County Agricultural Commissioner as a Certified Farmers Market.

Market Manager: A person or persons empowered by the Governing Board to implement Market policies and directives and to oversee the operation of the Market.

Member: An approved seller who is accepted into the Historic El Dorado Open Aire Market Association and pays the required weekly membership dues as set forth by the HEDOAM Governing Board.

Non-Agricultural Products: Goods offered for sale at the Market other than certified agricultural and non-certified agricultural products. These include prepared foods and crafts.

Non-Agricultural Seller: A person who produces and sells other than agricultural products, such as a prepared foods or crafts seller.

Non-Certifiable Agricultural Products: Agricultural products that are not certified. This category of products includes but is not limited to: wine, worms, fish, aquaculture, livestock, poultry, dried fruits and vegetables, and processed agricultural products such as nuts, oils, nut butters, jams, pickles and smoked products.

Non-Profit Organization: An organization which has current tax-exempt status under the law of the State of California.

Notice of Proposed Suspension: A document informing a seller of a proposed rescission, suspension or modification of selling privileges at the Historic El Dorado Open Aire Market.

Organizations: For the purpose of Section IV, non-profit and community information groups.

Peddlers or Vendors: Persons who sell items they did not produce themselves; a re-seller.

Prepared Foods Seller: A person, who through the practice of the culinary arts, produces prepared foods.

Primary Certificate Seller: A certified agricultural producer who occupies his or her own assigned booth space at the Market.

Second Certificate Seller: An approved certified agricultural producer who sells his or her product at the Market at a primary certificate seller's stand in the market.

Seller: An approved seller.

These rules have been adopted from the Davis Farmers Market - May 2009

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HISTORIC EL DORADO OPEN AIRE MARKET
Vendor Application Form

YOUR FULL NAME _____

BUSINESS NAME _____

STREET ADDRESS _____

CITY/STATE /ZIP CODE _____

DAYTIME PHONE _____ EVENING PHONE _____

EMAIL ADDRESS _____

LOCATION OF FARM _____

COUNTY OF PRODUCTION _____

HEALTH DEPARTMENT NUMBER (enclose copy) _____

OTHER LICENSES, PERMITS, ETC. (enclose copy) _____

PLEASE LIST (use back of page if needed):

AGRICULTURE CROP _____

FOOD PRODUCT _____

CRAFT _____

Yes! I would like to join the Historic El Dorado Open Aire Market. If invited to join, I agree to pay an introductory rate of \$13 per booth (10 x 10) per week for the first two weeks and the regular rate of \$18 per booth (10 x 10) per week for the remaining weeks of the Market. This will be collected weekly by the market manager along with my load list. I understand the importance of consistently participating on a weekly basis and commit to missing few, if any weeks, during the market operation. I have read the rules and agree to abide by them.

SIGNATURE

DATE

MAIL TO:

Barbara Tankersley
5939 Pleasant Valley Rd.
El Dorado, CA 95623
mail@ironwillow.com

(530) 344-7859