



CITY OF RIALTO

CERTIFIED FARMERS' MARKET

RULES & REGULATIONS

290 W. RIALTO AVE
RIALTO, CA 92376

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I. STATEMENT OF INTENT

The City of Rialto Certified Farmers' Market is an event organized, administered, and operated by the City of Rialto. The purpose of the City of Rialto Certified Farmers' Market (Market) is to promote Healthy Rialto's healthy eating and local businesses. This event is designed to:

- Establish a farmers-only market for the purpose of providing other sources of access to fresh, organic food.
- Create an opportunity to introduce healthy Rialto initiatives to residents and visitors who are downtown to attend the certified market
- Provide local growers and producers of agricultural commodities direct marketing opportunities
- Improve the variety, freshness, taste, and nutritional value of products available in the Rialto/San Bernardino area
- Make healthy, locally, and regionally produced food accessible to all
- Provide an educational forum for consumers to learn the uses and benefits of quality, locally, and regionally grown agricultural products
- Enhance the quality of life in the Rialto area by providing a community activity which fosters social gathering and interaction

CERTIFIED FARMERS' MARKET AUTHORIZATION

This event will be a certified farmers' market operating in accordance with regulations established in the provisions of California Code of Regulations, Title III, Division 3, Chapter 1, Subchapter 4, Article 6.5, entitled Direct Marketing. The market is subject to all applicable local, state, and federal laws and regulations. All participating Producers shall become familiar with the provisions of the Direct Marketing Regulations.

II. GENERAL MARKET INFORMATION

MARKET LOCATION & HOURS OF OPERATION

- **Location:** 290 W. Rialto Ave, Rialto CA between Palm Ave and Rialto Ave. (Lawn area surrounded by the City office buildings, adjacent to City Hall)
- **Hours of Operation:** 10:00 am and 2:00 pm.
- **Producers cannot start setting up prior to 7:00 am.** At no time may a Producer interfere with local businesses. Producers may begin selling as soon as they are set up.

RAIN OR INCLEMENT WEATHER

Market Management will determine if the Market will be canceled due to rain or inclement weather. Farmers/Vendors may call (909) 820-2519 for a confirmation of whether the Market has been canceled

HOLIDAY/SPECIAL EVENTS

The Market will be closed on holidays and some holiday weekends, as well as due to special meetings or events

III. GUIDELINES & CRITERIA FOR APPROVED PRODUCERS

CERTIFIED PRODUCER

Only Certified Producers, Certified Organic Producers and Producers, as defined herein, (collectively, Producer) are eligible for participation in the Market. A “Certified Producer” is defined as anyone who is growing agricultural products which are certified by the California Department of Food and Agriculture (CDFA), and who has a Certified Producer’s Certificate. Certified agriculture products are:

- i. Fresh fruits
- ii. Fresh vegetables
- iii. Unshelled nuts
- iv. Shell eggs
- v. Honey and apiary products
- vi. Cut flowers
- vii. Nursery stock

CERTIFIED ORGANIC PRODUCER

A “Certified Organic Producer” is defined as anyone who is a member of an organic certification program such as California Certified Organic Farmers (CCOF), Cooperative of California Organic Growers (CCOG), or Demeter. Certified Organic Producers pay an organic inspection fee and are authorized to display specific signage indicating membership in the organic certification program to which they belong. In addition, all Producers wishing to claim “organic” production must be registered as an organic producer with their County Agricultural commissioner’s office and must post a copy of their organic registration form at their stand. All organic Producers must also post the following language at their stand “Organically grown in accordance with the Organic Foods Act.

PRODUCER

A “Producer” is defined as anyone growing any agricultural product not certifiable as above, but with proof of producership to satisfactory to the City. Products which are considered non-certifiable agricultural products such as:

- i. Juices
- ii. Olives
- iii. Jams and jellies
- iv. Dried fruits
- v. Shelled and roasted nuts
- vi. Fish and shellfish from aqua-culture
- vii. Livestock products
- viii. Other processed agricultural products

PRODUCERS CRITERIA AND PERMITS

- A. A “Certified Producer” must provide satisfactory proof to the City that the Producer is selling what the Producer caught, grew, collected, or raised. In addition, a family member or salaried employee can sell for a Certified Producer. No commission sales, produce brokers, or resale, are allowed by a Certified Producer or any other person. Any Certified Producer, who sells produce not of the Producer’s own production, while representing the produce as such, shall be permanently expelled from the City of Rialto Certified Farmers’ Market.
- B. Each Certified Producer must obtain a copy of the Producer’s Certificate listing San Bernardino County as an “authorized county,” if the certificate was issued outside of San Bernardino County.
- C. The Market Manager may require the Certified Producer to provide supporting and additional documentation as needed. All leases and agreements between Market participants and third parties pertain to Market activity must be made available upon request to the Market Manager and be appropriately documented. Partnerships between farmers, for marketing purposes only, are permitted. Partnerships between farmers must satisfy any or all of the following criteria:
 - i. Control of growing ground as evidenced by a lease signed by the Certificate holder as lessee
 - ii. Partners shall not be farmers who have been denied entry into the Market for any reason (i.e. violations, excess crop)
 - iii. Partners shall not be farmers who are using the Market to sell produce culls
 - iv. Partnerships shall not be formed or re-formed on a frequent basis to artificially prolong a grower’s selling season.

- D.** To participate in the Market, all Certified Producers shall obtain, where applicable, the following documentation as proof of producerships:
- i. Photocopy of Certified Producers' Certificate listing San Bernardino County as an "authorized county."
 - ii. Signed Hold Harmless Agreement in the form attached hereto as Exhibit "A."
 - iii. Health Permit
 - iv. License(s)/Processors'/Receivers' License
 - v. Apiary Registration
 - vi. Avocado Exemption Permit or proof of inspection
 - vii. Grower Authorization (if selling for another producer)
 - viii. Employee Authorization Letter
 - ix. Organic registration
 - x. CCOF or CCOG Registration
 - xi. Completed W-9 Form
 - xii. Completed SNAP EBT Program Agreement
- E.** All of the above documentation with the exception of the "Hold Harmless" Agreement, "SNAP EBT Program" Agreement and "W-9" Form shall be posted in front of or within the grower space. Separation of commodities and certifications is required if selling for other Certified Producers. A copy of all documentation shall be made available to and kept on file with the Market Manager.
- F.** All participating producers are responsible for keeping their proof of producership documentation current and valid.

ADMISSION OF PRODUCERS

Certified Producers with appropriate documentation shall be considered for participation in the Market based upon the following criteria:

- i. Residence: growers from the City of Rialto will be given priority for selling space
- ii. Seniority: based upon the length of time the individual has been on the waiting list
- iii. Market History: based upon applicant's history of violations of local or state Direct Marketing rules

ADMISSION OF PRODUCTS

Products are admitted to the market with adequate variety to ensure a wide product mix and to fulfill consumer demand. Products are admitted to the Market in the accordance with Section 7 above, as well as:

- i. Desirability and Quality of Crop; unique, “one of a kind” crops or crops of exceptional quality will be given extra consideration when an adequate commodity mix exists in the Market
- ii. Market staff reserves the right to determine the classification and participation to provide the product mix desired for the Market
- iii. There is no guarantee of exclusivity
- iv. Available spaces will be filled, not held or reserved for future use

IV. GENERAL RULES FOR APPROVED PRODUCERS

GENERAL OPERATING PRODUCERS

- A.** Farmers and their representative are expected to conduct themselves in a safe and courteous manner at the Market. Any behavior deemed disruptive to the operations of the market will be grounds for expulsion from the market, with reinstatement to be based upon review by the Market Management
- B.** Each Producer shall pay \$15 (subject to change based on CFM growth) to the Market Manager at the conclusion of each Market
- C.** Producers will be individually responsible for conformance to local, state, and federal laws. State sales tax shall be collected by Producers for non-food items. All Producers selling taxable items must display a Board of Equalization permit listing the market location
- D.** The Market Manager reserves the right to relocate Producers or Certified Producers and/or reassign spaces at his/her discretion
- E.** Market information, rules, and applications are subject to change without notice

SELLING SPACE

- A.** Producers wishing to participate in the Market must contact the Market Manager to reserve a space, if one is available. Spaces are assigned to local farmers first. Special consideration may be given to producers with seniority, short-season and/or specialty crops. The Market Manager may determine when any particular commodity is in excess, or in demand, and assign space accordingly. Final decision for space assignment rests with the Market Manager.
- B.** No Producer can sell at two separate spaces within the Market with the same proof of producership
- C.** Producers are required to maintain their individual selling space in a clean, safe, and sanitary manner. Produce trimmings shall be swept up and placed in a box or bag. Producers are responsible for bagging and removing their own trash from the

downtown area at the close of the market. Producers shall not leave any garbage or empty boxes

- D.** During Market hours, the Proof of Producership (as defined above) shall:
 - i. Be posted within area of assigned space
 - ii. Be current
 - iii. List San Bernardino County as “authorized county”
 - iv. List commodities offered for sale

- E.** Grower’s space is defined as the street area occupied by his/her vehicle and display. No portion of a producer’s truck or display may extend into the fire lane

- F.** Growers who will not be attending the market must notify the Market Manager at least once week prior to the date of absence, unless special arrangements are made with management. Growers who cannot attend the market due to unforeseen circumstances such as illness or vehicle breakdown must contact the Market Manager within 24 hours after market day to confirm a selling space for the following week

- G.** Market Management tried to keep each selling space occupied each week. New growers will be assigned the selling spaces of growers who have notified management of an absence. Any grower who skips a Market without prior notification or reasonable cause for absence, thereby leaving a selling space empty, may lose his/her selling privileges. Repeat absences, regardless of their cause or if notification was provided, may, at the discretion of the Market Manager, result in temporary or permanent loss of the selling space

EMPLOYEES

- A.** All Certified Producers utilizing employees must have a letter of authorization on file with the San Bernaridno County Agriculture Commissioner’s office and with the Market Manager naming those employees authorized to sell at Rialto’s Certified Farmers’ Market. An employee is defined as any person with the exception of members of the Producer’s immediate family. Immediate family is defined as the Producer’s parents, children, grandparents, grandchildren, and in addition, any other family member regularly residing in the Producer’s household

- B.** An employee may sell for one additional certified producer in any 12-month period or for two additional certified organic producers provided that the grower for whom the employee works has obtained the Market Manager’s permission to sell for other growers. Employees may not reserve space for a grower. Space reservations are made only between growers and management

- C.** Employment authorization must be available with proof of producership

CONDITIONS: PRODUCERS SELLING FOR PRODUCERS

- A.** A Certified Producer may sell for one other Certified Producer in any 12-month period. The absentee Certified Producer must apply to and obtain permission from the Market Manager before being allowed to participate in the Market. Absentee Certified Producers are not guaranteed a space to sell in the Market
- B.** If an absentee grower is unable to verify his/her sales on any Market day, he/she will not be permitted to participate in the Market
- C.** In the case of cut flowers and nursery stock, a Certified Producer may only sell items of his/her own production
- D.** When one Certified Producer is selling for another Certified Producer, both Certificates shall be available, and produce should be separated so as to be identified by Certificate. The absentee grower's letter of authorization must also be available upon request
- E.** The Certified Producer who is selling must also sell agricultural products of his or her own production
- F.** An absentee grower may sell via one designated producer only

PRICING, PACKAGING, AND LABELING

- A.** All closed or sealed containers must be labeled with: contents (if product is not readily identifiable), weight, name, address, and zip code of the Producer. If the package contains six items or less and items are visible and sold by count, a quantity statement is not required
- B.** All Producers utilizing a weighing device (scale must have the scale tested within the previous twelve months. It is the Producer's responsibility to register scales and pay any fees associated with registration
- C.** Prices must be posted and clearly legible. Collusion among Producers to set price or exertion of any influence, pressure, or persuasion to cause a Producer to set price is strictly forbidden by state and federal laws
- D.** No Producer may use the term "organic" either in written or verbal claims, unless the following language is posted: Organically grown in accordance with California Organic Foods Act."
- E.** Additional signage indicating membership in or certification by an organization which certified organic farming practices, such as California Certified Organic Farmers (CCOF) may also be posted in addition to the Organic Foods Act

language. A market violation will be issued to anyone who falsely advertises “Organic” growing practices, either in written or verbal forms

QUALITY

- A.** All commodities are subject to inspection at any time by the Market Manager. All produce must meet minimum grade requirements and must represent a “field run” or better-quality range. Any container containing culls only will be removed from sale, with a warning issued unless the grower is offering the same product at a “field run” standard or better. Any product not meeting USDA minimum standards may not be sold at any price at the market
- B.** All containers of produce offered for sale must not exceed California Department of Food and Agriculture tolerance for spoilage or waste. A market violation for poor quality will be issued to growers offering containers of produce in excess of tolerance

SAFETY

- A.** Producer vehicles, tables, and overhead canopies must be maintained and used in a safe manner. Legs must be firmly locked into place on the canopy. Tables must have smooth edges and remain stable when loaded with produce. Canopies 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
- B.** By determination of Market Management, removal of canopies may be required at any time during market hours due to unsafe conditions. Canopy removal shall take precedence over sales activities. Frame assemblies may remain in place as long as they are secured
- C.** All Producers must comply with the Market Safety Program, which requires:
 - i. No display tables filled over capacity
 - ii. Produce arrangements are stable and not ready to fall
 - iii. Legs of tables are secure and not caving in
 - iv. All connecting rods of canopy set-ups are secure in their fittings
 - v. Canopy assemblies are tied or weighted down
 - vi. No pets or selling of animals
- D.** Producers shall replace barricades upon entering and leaving the Market site. If a Producer arrives after the Market has started, his/her vehicle must be escorted into the market by the Market Manager or a Market volunteer
- E.** All food stalls where cooking is taking place are required by the San Bernardino County and City of Rialto’s Fire Departments, to have on site at all times a fire extinguisher and a water container. Cooking places should be kept clean to avoid

flammable residues that could cause ignition. (Contact Rialto Fire Department for specific rules: <https://www.yourrialto.com/city-hall/departments/fire-department/>)

MARKET VIOLATIONS

- A.** The Market Manager, and any other authorized designee of the Market Manager, may issue warnings and take appropriate action against Producers who violate these rules or any other applicable regulation or law. Failure to comply with Market rules may result in the privilege of Producer's participation in the Market being revoked. Growers will be issued written notices of violations of Market rules, with the following schedule of penalties:
- i. First Violation: Warning
 - ii. Second Violation: Warning; possible suspension
 - iii. Third Violations: Suspension from Market
- B.** Additional violations may result in permanent revocation of a Producer's selling privilege
- C.** Market customers may file complaints against growers regarding customer service, policy violations, and product quality. These complaints will be verified by Market Management. If a customer complaint is justified, the grower is subject to a written warning, following the same penalty schedule listed above
- D.** Producers who consistently fail to comply with market rules and regulations may be subject to suspension or expulsion from the Market. Any Producer wishing to appeal a suspension or expulsion from the Market may submit in writing his/her reasons for retaining selling space in the market, to:
- City of Rialto – City Clerk's Office
Rialto Certified Farmers' Market
290 W. Rialto Avenue
Rialto, CA 92376
- E.** Market rules are formulated for the event by the City and will be applied in a fair and equitable manner