

# **ALEMANY FARMERS MARKET**

## **Rules & Regulations**

### **2021 Revision**

**MASKS/FACE COVERINGS MUST BE WORN AT ALL TIMES**

**SOCIAL DISTANCING ORDERS APPLY**

The Alemany Farmers Market (AFM) is operated by the City and County of San Francisco, Real Estate Division, under authority of the San Francisco Administrative Code section 9(a). The Market is located at 100 Alemany Blvd., San Francisco 94110, and is open year-round on Saturdays from 6 AM - 4 PM. Established in 1947, the AFM is the oldest farmers market in the State of California.

AFM is a Certified Farmers' Market (CFM), operating in accordance with regulations published in the California Code of Regulations (CCR), Division 3, Chapter 1, Subchapter 4, Article 6.5, §1392 et seq. AFM is certified by the State of California as a direct marketing outlet; sale of nonagricultural products is not permitted in the areas designated as a CFM.

The Director of Property, assisted by the Market Manager and AFM staff, is responsible for interpreting, applying, and enforcing all rules and regulations, monitoring activities relating to the functioning of the AFM, and ensuring Market Participants are in compliance with all State and Federal laws and regulations, and San Francisco Department of Public Health and Fire Department requirements.

#### **PARTICIPATION**

**Acceptance.** Market participants who wish to participate must submit a completed Real Estate Division - Alemany Farmers' Market application annually. The application must be approved by the Director of Property and the Market Manager prior to selling at the Alemany Farmers Market within that calendar year.

**Duration.** Once approved, Participants may continue to attend each week as space permits unless suspended or terminated for noncompliance with these Rules, San Francisco Administrative Code section 9A, applicable State or Federal laws and regulations, San Francisco Department of Public Health requirements, or for non-payment of stall fees.

## **APPLICATION AND ADMISSIONS PROCESS**

**Application Review.** The Director of Property has sole discretion in making admissions decisions. Upon receiving the application and the state certification, the Director of Property and the Market Manager will review the submission and notify the applicant of the approval decision.

**Non-Discrimination Policy.** The AFM will not grant or deny admission simply on the basis of the Market applicant's race, color, religion, gender, age, sexual orientation, or national origin.

**Additional Documentation.** Once approved, AFM may require additional documentation prior to participation, including but not limited to assurances of insurance, employee responsibility, and compliance with these Rules & Regulations.

## **GENERAL ADMISSION FACTORS**

**General Selection Criteria.** AFM considers multiple factors when determining admission, including, but not limited to, the following:

- Unique or unusual products that enhance the diversity of products available at AFM;
- Quality of products;
- Origin of products, with preference given to small-to-moderate family businesses located in close proximity to the AFM;
- Space availability.

## **ADDITIONAL REQUIREMENTS: CERTIFIED FARMERS (see appendix A)**

**Definition.** A Certified Farmer is a person or entity in possession of a valid Certified Producer Certificate issued by the County Agricultural Commissioner/Sealer in the County in which they are farming. This document indicates that the Certified Farmer has been authorized by their County Agricultural Commissioner/Sealer to sell specific certified agricultural products produced at a specific location.

**Requirements.** In accordance with 3 CCR § 1392.4(a), only the Certified Farmer, a designated family member, or employee is permitted to sell at the AFM. No agricultural products may be sold unless such products are listed on the **Certified Producer's Certificate**. Organic products must be listed on a **Certificate of Organic Registration** and separately displayed with the listed products. Avocados require an **Avocado Exemption Permit**. Certified Farmers must grow all products offered for sale on land owned, rented, leased, or sharecropped by the Certified Farmer. Certified Farmers may only sell what they grow. For more information please visit <https://www.cdfa.gov>.

**Value-Added Products.** Any Certified Farmer permitted to sell such products must comply with all labeling, permitting, documentation, public health regulations and other laws pertaining to such products.

**Prohibited Products.** Certified Farmers may not sell waxed produce, or crops grown using genetically modified seed. Products containing any amount of alcohol are prohibited.

**Nursery Vendors.** Certified Farmers selling nursery products must possess a valid **Nursery license** issued by the California Department of Food and Agriculture. This indicates that they have performed the propagation, germination, planting, cuttings, and division work for all potted plants, trees, or nursery starters for such products; and that they are in compliance with applicable state and local laws and regulations.

**Egg Vendors.** Egg producers and handlers must possess a valid **Egg Handler Registration** and may only sell pasture-raised eggs, defined as: birds are kept outside (as season and daylight hours permit), utilizing a movable or stationary house for shelter, and providing constant access (as conditions allow) to fresh-growing palatable vegetation, with adequate protection from predators.

#### **ADDITIONAL REQUIREMENTS: SECOND CERTIFICATES**

A Certified Farmer may sell the products of another certified producer only with the prior approval of the Market Manager. At the point of sale, each certified producer's products must be separated and identified by each producer's valid certificate. The valid certificate must include the name of the certified producer and Certified Farmer selling the Second Certificate products.

#### **ADDITIONAL REQUIREMENTS: FISH VENDORS**

Fish vendors may only sell what they catch or produce. Fish vendors must comply with all applicable USDA, state, and local regulations, and will be admitted to the AFM at the sole discretion of the Market Manager.

**Certified Scales.** Scales used to sell fish must have a current seal from the San Francisco County Agricultural Commissioner/Sealer of Weights and Measures.

#### **RETAIL FOOD VENDORS AND TEMPORARY FOOD FACILITIES**

##### **Definitions:**

**Retail Food Vendors** are persons and entities that sell pre-packaged food that is processed, packaged, and labeled from an approved source, and has a required permit from the San Francisco Department of Public Health.

**Temporary Food Facilities** are persons or entities that sell food and beverages prepared and cooked on-site, and have the required San Francisco Department of Public Health approvals and permits.

**Generally.** All non-certified agricultural product vendors, and Temporary Food Facilities, must satisfy public health, labeling, permitting, and specific requirements relating to processed products, prepared foods, and food handling and follow all applicable San Francisco Administrative Code laws, rules and regulations.

Retail Food Vendors and Temporary Food Facilities may obtain space assignments through a Request for Proposals (RFP) process managed from time to time by the City & County of San Francisco Real Estate Division. The AFM office does not approve food vendors.

**Requirements.**

- Food vendors and Temporary Food Facilities must prepare their products at a location approved by the San Francisco Department of Public Health, and must possess proper vehicle permits.
- Food vendors and Temporary Food Facilities must use biodegradable food packaging, including cups, lids, plates, hinge containers, bowls, trays, cartons, cutlery, straws, and bags.
- Food vendors and Temporary Food Facilities may not provide disposable food packaging containing Styrofoam (polystyrene) or plastic of any kind.

**Prohibited Products.** Food vendors may not use food products containing trans-fats, genetically modified ingredients, or alcohol, in any product sold at AFM.

**ARTISANS**

The AFM does not approve artisan applications nor offer space for such vendors at the Alemany Farmers' Market.

**ENTERTAINERS, NONPROFIT ORGANIZATIONS, AND COMMERCIAL GOODS/SERVICES**

Due to space limitations and safety considerations, entertainers, nonprofit organizations, commercial goods vendors, and service providers will be considered on a case-by-case basis by the Director of Property and allowed only when the Director determines that there is sufficient space available and the addition of Entertainers, Nonprofit Organizations, Commercial Goods vendors, and service providers will not interfere with the functioning of the farmers market.

**POLITICAL AND RELIGIOUS ACTIVITY**

Other First Amendment activity shall only be conducted outside the selling area occupied by the farmers and Food Vendors in the specified area designated by the Real Estate Division (the

“First Amendment Area”). All signature gathering and donor solicitation, as well as other First Amendment activities, shall occur in the First Amendment Area or outside the Market.

**Requests For Space.** Requests for space in the First Amendment Area must be made to the Market Manager five (5) days prior (the Monday prior) to market day (Saturday). Spaces or areas designated for such use shall be made available on a first-come, first-served basis.

Organization representatives shall not interfere with the operations of the Alemany Farmers’ Market, the public, the farmers, or the vendors and may not block sidewalks or access to assigned stall spaces. The Market retains the right to regulate the time, place, and manner of activities relating to displays, signs, posters, placards, and other expressions of interests represented.

## **RESERVATIONS, ATTENDANCE, AND CANCELLATIONS**

**Reservations.** New Market participants and those who do not attend weekly (regularly) must call the AFM office (415) 647-9423 on Friday by 3:00 PM for available stall assignments.

### **Attendance.**

- Market Participants who attend weekly and have a preferred stall space are expected to attend the Market each week unless cancellations are confirmed.
- Market Participants arriving late must phone the AFM office by 6:00 AM (DAY) to hold assigned stall(s).
- Should a Market Participant fail to notify the AFM office by 6:00 AM, their assigned stall may be given to another person.

### **Cancellations.**

- Market Participants are required to cancel by 5:00 PM the Thursday before the Saturday Market (or at least 37 hours in advance of the Saturday Market) by calling the AFM office (415) 647-9423.
- More than two cancellations of less than 24 hours notice will result in any prepaid fees being forfeited.

## **STALL AND PARKING ASSIGNMENTS**

The Market Manager and staff make all stall and parking assignments. Stall assignments are made in consideration of the number of persons attending, number of vendors, customer safety, flow of traffic, space requirements, and compliance with applicable rules and regulations.

All stalls are 10 feet by 12 feet, and parking on the grounds is included. If a regular space is not available every Saturday for the length of the growing season, a temporary stall will be assigned each week, depending on availability.

The Market Manager may reassign a Market Participant's space at any time, depending on the needs of the Participant, the Participant's compliance with these Rules and Regulations, and the needs of the Market, and in light of circumstances, such as a pandemic.

Market Participants may not transfer, sublet, or inherit stalls.

## **ARRIVAL AND EXIT REQUIREMENTS**

**Arrival Requirements.** Market Participants must arrive no earlier than one hour before (5:00 AM), and no later than one hour after (7:00 AM), the start of the AFM (6:00 AM).

**Exit Requirements.** Market Participants may not depart the Market until stalls are completely clean. Banners, scales, tents, and all debris must be removed before exiting the Market. Trash or debris may not be placed in AFM receptacles or dumpsters.

## **SET UP REQUIREMENTS**

Farmers/Vendors may not conduct sales until their stall(s) are completely set up.

- **Banners.** Market Participants' banners must clearly identify the name of the farm, the county where production occurs, and words indicating "WE SELL ONLY WHAT WE GROW" in clear, easy to read print.
- **Certified Scales.** Scales must have a current seal from the Department of Weights and Measures.
- **Embossed Certificates.** Market Participants must display their current certificate at all times. If Market Participants have a second certificate, it should be displayed separately with the produce listed on the second certificate.
- **Prices.** Price signs must be easily visible.
- **Tarps or Tents.** Market Participants must stabilize all tables, umbrellas, tarps, tents and products on display to prevent accidents. Stall set-up, signage and displays must be neat, orderly and aesthetically pleasing.

## **PAYMENT OF STALL FEES**

- Stall Fees are based on the number of stalls assigned to the Market Participant on that Market day.

- Stall fees are payable in advance, in cash, check or money order, in an amount set forth in the Administrative Code, section 9a.
- State Inspection fees are also collected each Saturday and are assessed per Market Participant as per local and State law.

## **PRICING AND RESELLING**

- **Forms of Payment.** Market Participants must accept cash, Market Match tokens and Electronic Benefit Transfer (EBT) tokens.
- **Coupons and WIC.** Certified Farmers may choose to participate in the Farmers' Market Nutrition Program (Women, Infants and Children {WIC}). Certified Farmers may redeem WIC coupons in the AFM office, or at their bank, and must post a current year WIC sign designating them as acceptors of WIC Coupons. WIC coupons may not be used toward stall fees.
  - AFM requires Market Participants to accept all non-cash forms of payment in a courteous and respectful manner.
- **Pricing.** Market Participants are solely responsible for pricing. Bargaining with Consumers is permitted.
- **Reselling.** The reselling of any products at AFM is prohibited.

## **LOAD LISTS**

Certified Farmers must deliver load lists to the Market Office at the end of every Market day, in accordance with California Direct Marketing regulations. Each load list must include the name of the Farmer, date, county, stall number(s), quantity of all produce brought, quantity sold, and signature.

## **CHANGE IN OWNERSHIP**

A Market Participant who undergoes a change in ownership outside of immediate family must obtain the approval of the Director of Property to occupy the same stalls under a new name.

## **HEALTH, SAFETY, AND CONDUCT**

- **Generally.** Market Participants must comply with state and local health laws; AFM is considered a "Nonpermanent Food Facility" for purposes of applicability.
- **Clean and Sanitary Stall Space.** Participants must display and store all food at least six inches off the ground. Participants must maintain their stall space in a clean, safe, and sanitary manner during the course of the Market.

- **Trash Disposal.** AFM will provide trash receptacles in the common area aisle for use by consumers only. Market Participants must also provide a receptacle for public use in their stall spaces. Before leaving the market, participants must collect and remove all debris in their stall spaces. Market Participants must dispose of all trash or debris in an off-site location and are not permitted to place any trash or debris in AFM receptacles.
- **Hand Washing and Food Sampling.** Market Participants who provide food sampling must comply with applicable local and state regulations. In compliance with local regulations, Market Participants must wash their hands before returning to work from a break, provide a hand wash station, and assign a person to hand out product. The utensil washing/sanitizing station must include soap & water, rinse water, and sanitizing solution.
- **Safety Requirements.** Market Participant activities, including operations and vehicle use, must not endanger Consumers or other Market Participants. Market Participant must immediately comply with the Market Manager's directions in all matters relating to safety.
- **Conduct Requirements.** Common courtesy and respect are essential to the success of the Market. Participants shall conduct themselves in a courteous and respectful manner with other Participants, staff, and consumers.
- **Prohibited Market Participant Behavior.** In order to ensure a pleasant and successful Market environment, Market Participants must not:
  - Behave in a rude, abusive, offensive, or otherwise disruptive manner;
  - Make slanderous, harmful remarks about other Market Participants or their products;
  - Engage in conduct that hurts or could hurt the reputation or operation of the Market, including, but not limited to, soliciting monetary tips from consumers, or displaying or distributing petitions or political advertisements;
  - Sell or display materials which are blatantly offensive or discriminatory;
  - Participate in or condone harassment of any kind, including on the basis of race, color, religion, gender, age, sexual orientation, or national origin.
- **Prohibited Consumer/Public Behavior.** All individuals attending the AFM are expected to behave courteously and be considerate of others. Individuals engaged in prohibited behavior may be asked to leave, and may be escorted from, the Market. Prohibited behavior includes:
  - Excessive noise, disturbances, or obstruction of commerce;
  - Smoking, alcohol use, loitering, bicycling, skateboarding, riding scooters, rollerblading or playing radios;



- No animals other than leashed service animals are permitted within the Market selling areas, and owners are solely responsible for the behavior of, and immediate removal of waste of said animals;
- Soliciting for non-market goods or services;
- Videotaping, filming, recording or photography for commercial purposes without the prior written consent of AFM management.

## **DISCIPLINARY ACTION AND PROCESS**

**Generally.** Resolution of issues through notice, discussion, and agreement is preferable to formal disciplinary action whenever possible.

Market Participants will have an opportunity to speak to the Director of Property or his/her designee regarding potential suspension and revocation decisions, and will have an opportunity to appeal any suspension or revocation decisions, all in accordance with the San Francisco Administrative Code, section 9a(6)(d), and these Rules.

**Disciplinary Actions.** Following notice and an opportunity to be heard, the Director of the Real Estate Division, or their designee, may take discretionary disciplinary action against any Market Participant who violates applicable federal, state and local law, including section 9a of the Administrative Code, these Market Rules as modified by the Director from time to time, and for lack of proper permitting and certificates. Disciplinary actions include, but are not limited to:

- Ordering immediate stall closure and Market Participant departure from the Market for the balance of the Market session;
- Limiting space and product offerings in future Market sessions;
- Conditioning future participation and operations on modification of current practices;
- Suspending participation in the Market for 30-days;
- Revoking permission to sell in the Market for the current year.

In addition, Market Staff may, in appropriate cases, notify relevant local, state, and federal agencies of a Market Participant's conduct.

For more information on suspension or revocation of permission to sell and the appeal process see the Administrative Code, section 9a(6)(d).

**Violations.** Any violation of these Rules may result in disciplinary action. These violations include, but are not limited to:

- Failing to comply with the Marketing Rules weights and measures regulations, and/or health and safety regulations;

- Selling products not of the Market Participant's own production, as determined through audits or otherwise;
- Using rude, abusive, discourteous, or threatening language or conduct;
- Causing or maintaining unsafe or unsanitary conditions at the Market;
- Displaying false or misleading signage;
- Making false representations to Consumer or to the Market, including, without limitation, false statements about the source of products;
- Failing to arrive at the Market without prior notice, or to pay stall fees or other amounts owed to the Market on a timely basis;
- Failure to turn in a load list.

**Grievances.** Market Participants are welcome at any time to bring forward to the Director of Real Estate, in writing, any issues, grievances, concerns, or complaints they may have about Market operations.

**No Limitation on Market Rights.** The process described in this section does not:

- Limit the Market's ability to enforce its rights under these Rules;
- Limit or qualify a Market Participant's obligation to comply with applicable law or the Rules; or
- Limit the Market's right to notify and/or involve government authorities or other third parties as it may determine.

**No Refunds or Other Claims Upon Termination:** Market Participants, under no circumstances, will be entitled, directly or indirectly, to any refunds, any direct, incidental, consequential, punitive, or other damages, any other forms of compensation or indemnity from the Market, or to obtain an injunction, specific, performance, or other equitable remedy, as a consequence of suspension or revocation of permission to sell from the Market, or as a consequence of disclosure of audit results or of any other actions taken by the Market.

## **ASSUMPTION OF RISK**

Market Participants are aware that participating in the AFM may expose them to personal injury, death, or damage to their property as a result of their activities, the activities of their employees, consumers, volunteers, AFM staff, the materials or tools used, or the conditions under which Market Participants sell their products or otherwise participate in the AFM. Market Participants acknowledge that there may exist hazardous conditions at AFM, and understand that their safety is their own personal responsibility. With knowledge of these risks, Market Participants agree to accept any and all risks of personal injury, death, or damage to their property.

## **AMENDMENTS AND SEVERABILITY**

**Modification.** AFM may amend these Rules & Regulations in its sole and absolute discretion without advance notice. AFM will provide all new Market Participants with a copy of the current Rules & Regulations and will post a copy of the current Rules & Regulations on the AFM website.

**Severability.** The invalidation of any provision of these Rules & Regulations, or its application to any party, by judgment or court order, will not affect any other provision of these Rules & Regulations or their application to any other party or circumstance, and the remaining portions of these Rules & Regulations will continue in full force and effect to the maximum extent permitted by law.

#### **Appendix A: Excerpt of CDFA Direct Marketing Rules**

For more information please visit: <https://www.cdfa.ca.gov/is/i & c/cfm.html>

- FAC 47004(c)** – Certified producer must have a banner sign that states the name of the farm, county of production and a statement “we grow what we sell” or similar phrase.
- 3CCR 1392.4(a)** – agricultural products being offered for sale at the stall must be listed on the Certified Producer Certificate (CPC); producer or certified producer may sell or offer for sell at cfm only agricultural products that he or she produced; CP immediate family...
- 3CCR1392.4 (d)** – CPC is current, in possession, posted and an embossed copy
- 3CCR 1392.4 (f) (1)** – Certified Producer can only sell for no more than 2 other CP
- 3CCR1392.4 (f) (2)** – Certified Producer must separate and identify and post other’s CPC
- 3CCR1392.4 (f) (3)** – CPC must contain the name of the second Certified Producer for whom the Certified Producer is selling (May Sell For)
- 3CCR1392.4 (f) (4)** –Others CPC must have the name of the Certified Producer added when selling on behalf (Authorized to Sell For)
- 3CCR1392.4 (f) (5)** –Primary Certified Producer must have more product volume than the 2<sup>nd</sup> Cert
- 3CCR1392.4 (e)** – Scales must have a current seal from Sealer of Weights and Measures if selling by weight
- 3CCR1392.4 (h)** – Certified Producer must have a current organic registration from State when selling organic and documentation of certification if selling certified organic.
- 1392.4 (i)** – if selling organic on behalf of another Certified Producer, the current organic registration and certification documentation (if applicable) must be posted.

- FAC 47004 (c) (3)** – organic products must be labeled or have conspicuous and posted point-of-sale signage identifying products as organic.
- FAC 47002 (c)** – Consumer bags for fresh fruits, vegetables and nuts must have IRQ (Identity, Responsibility, and Quantity)
- FAC 42941** – Avocado Exempt Permit if selling Avocados
- FAC47004 (f)** Market operator must keep records of Certified Producer participated each market day. The operator shall submit to CDFA a quarterly report of Certified Producer participants in their market.
- 3CCR 3435(d) 2 (a)** – Asian Citrus Psyllid Quarantine Regulations Citrus fruit vendors must have Compliance Agreement – Grower, Transporter and ACP-Free Declaration Form for Citrus from outside Zone 1