



DOWNTOWN ESCONDIDO

CERTIFIED FARMERS' MARKET & Other Purveyors

Welcome to the Downtown Escondido Certified Farmers' Market & Other Purveyors. The Downtown Business Association of Escondido (DBA) sponsors this event every Tuesday, year-round, from 2:30 p.m. to 6 p.m. October through April, and 3:30 p.m. to 7 p.m. May through September. The event is held on Grand Avenue between Juniper and Kalmia Street in Downtown Escondido. Please read the attached material carefully. If you have questions, please contact the DBA's ECFM&OP Manager at the number listed on the following page.

Complete, sign and return your Escondido Certified Farmers' Market & Other Purveyors (ECFM&OP) application as soon as possible. The approval for admission as a producer/seller in the ECFM&OP is based on product mix (as determined by the ECFM&OP Manager), uniqueness, quality, location of residence/farm, current certification, and space available. Priority will be given to Escondido residents/producers.

Seller Definitions

Producer/Farmer. A Producer/Farmer is defined as anyone with proper proof that he/she is selling what they grew or raised. Employees of a certified producer must have written proof of employment and written authorization to sell by the employer/producer. Each Certified Producer of fruits, nuts, vegetables, or other certifiable commodities must obtain a Certified Producer's Certificate endorsed by the San Diego County Agricultural Commissioner. 2nd Certificates are allowed per Dept. of Agriculture regulations. A Producer/Farmer pays highest of \$15.00 minimum or eight percent of gross sales per week to ECFM&OP, plus an additional, state-mandated, CFM fee of \$.60 per Certified Producers Certificate per each market attended.

“Other Purveyors”

Baker/Pre-Packaged Goods: All items must be approved. Uniqueness and quality are important. The baker category includes all unfarmed edible items, which must be made in commercial kitchens approved by the County of San Diego Department of Environmental Health. A baker pays \$20.00 per market.

Food Vendors: Vendors who sell ready-to-eat, prepared-at-market food must meet all County of San Diego Department of Environmental Health requirements. Food items must not conflict with items already being sold; all items must be approved; quality of food and presentation are important. Food vendors pay \$20.00 per market.

Crafters: Crafters will be considered for available space in the *Other Purveyors* section of the Market upon receipt of: completed & signed application, signed Crafter's Rules attached, photos of all products to be sold and copy of California Sellers Permit. Crafter fees are \$25.00 per Market.

Commercial Items: Will be considered for available space in the *Other Purveyors* section of the Market upon receipt of: completed & signed application, photos of all products to be sold and copy of California Sellers Permit. Fees are \$25.00 per Market. Independent Distributors of commercial items are not accepted as Market vendors.

(Continued)

Nonprofit Organizations: may have a space in the *Other Purveyors* section of the Market upon approval of the ECFM manager and only if space is available. Arrangements must be made to reserve a space at a cost of \$30.00

per Market at least 2 weeks prior to the date requested. Because space is limited and varies according to season, all requests will be considered, but no guarantee of availability can be promised.

Promotional Items/Organizations: will be considered for available space in the *Other Purveyors* section of the Market upon approval of the ECFM manager and if space is available. Arrangements must be made in advance and at a cost of \$35 per Market.

Please direct all mail and questions to:

ECFM&OP Manager
Downtown Business Association of Escondido
120 W. Grand Avenue, Ste 202
Escondido, CA 92025
Phone: (760) 745-8877
Fax: (760) 745-0307
www.downtownescondido.com
dba@downtownescondido.com

Other Important contact numbers:

County of San Diego
Department of Environmental Health
P.O. Box 129261
San Diego, CA 92112-9261
(619) 338-2222

County of San Diego
Department of Agriculture, Weights & Measures
5555 Overland Avenue, Building 3
San Diego, CA 92123-1292
(858) 694-2739

County of San Diego
Dept. of Agriculture, Vista office
760-752-4700

* State Board of Equalization
334 Via Vera Cruz, Suite 107
San Marcos, CA 92069
(760) 510-5850

*** For Resale Licenses and Seller's Permits**



ESCONDIDO CERTIFIED FARMERS' MARKET & OTHER PURVEYORS

RULES AND REGULATIONS FOR ALL PARTICIPANTS

Read all sections; keep for reference.

Market Day Schedule

Summer hours, May 1 through September 30:

3:00 – 3:30 p.m.	Street closes/sellers check in and set up.
3:30 – 7:00 p.m.	Market opens and selling begins.
7:00 p.m.	Market closes. (Do not break down booth until <u>after</u> 7:00 p.m.)
7:30 p.m.	Street re-opens.

Winter hours, October 1 through April 30:

2:00 – 2:30 p.m.	Street closes/sellers check in and set up.
2:30 – 6:00 p.m.	Market opens and selling begins.
6:00 p.m.	Market closes. (Do not break down booth until <u>after</u> 6:05 p.m.)
6:30 p.m.	Street re-opens.

Producers and vendors may not set up in the street until all barricades have been set out and street is completely closed to through traffic. Vehicles may not travel through Market area during open/selling hours.

1. **ECFM & Other Purveyors Application:** Fill out completely and include details about the uniqueness of your products. Include current copies of all required State and County permits, as well as pictures of your product and how you will display it.
2. **Fees:** See fee schedule on first page of application. Fees are calculated by the seller on the honor system, and the amount due is paid at the end of each Market. If the gross sales indicated on fee envelopes appear to be either too low or appear to have been “averaged,” seller will be asked to count actual receipts in the company of Market staff.
3. **Fee envelopes,** distributed by Market staff, must be filled out completely with full payment and applicable paperwork enclosed, and returned to the Market Assistant at the end of the Market.
4. **Posting permits:** Sellers must conspicuously post all required permits, licenses, and certificates per State regulations, prior to commencing sales. Sellers of taxable items are required to show proof of registration with the State Board of Equalization and are responsible for collecting sales tax.
5. **Scales:** Scales used in the Market must have currently valid inspection seals from the County agent in charge of weights and measures. Additionally, vendors must have a copy of the current Device Registration placed next to the scale.
6. **Attendance:** Producers/sellers are asked to notify the ECFM&OP if they will not be attending the next week's Market. Producers/sellers or their representative must notify the ECFM&OP Manager before 12 noon on Market day if they are unable to participate on that given day. Failure to comply may result in cancellation of further reservations, and the Producer(s)/seller will be required to pay the weekly fee for that space upon returning to the market. *Space will not be reserved for a Producer/seller who elects to be absent from the Market for whatever reason (other than end-of-seasonal product) for more than two consecutive Markets. Rather, Producers/vendors on the waiting list will be given first priority for that selling space.*
7. **Leaving Early:** It is vital to the success of this market that all vendors stay open until the end of the market. Unless you have sold out, if you tear down before the official closing time, a \$25 penalty charge may be applied. *(If it is necessary for you to leave early on a given market day call 760-745-8877 for pre- approval).*

8. **Permission to enter selling premises:** Producer/seller grants permission to the ECFM&OP Manager or other ECFM&OP staff to enter the seller's premises for the reasonable inspection of land, facilities, product(s) and records in order to determine whether the seller is in accordance with Market regulations and permit conditions.
9. **Product quality:** All products sold must be of reasonably high quality. Each seller is individually responsible for conformance to all local, state, and federal laws and regulations. For edible items, this includes conformance to Dept. of Environmental Health standards.
10. **New products/items:** Producers/sellers **may not sell any item not listed** on their ECFM&OP application without prior approval of the ECFM&OP Manager.
11. **Booth Location:** All locations are assigned by the ECFM&OP. Sellers may not change locations or expand selling area without approval.
 - a. *Tables may extend no further than 3 feet from the edge of the curb.*
12. **Pricing:** All items must be clearly marked as to price, with prices readable by shoppers.
13. **Trash/Waste:** All sellers are required to keep their immediate area, including tree wells and sidewalks, clean and safe. Sellers must provide their own trash containers (with sealed sides and bottoms) if samples are provided or any items for immediate consumption are sold.
 - a. Do not put waste (ashes, trimmings, grease, etc.) into the City trash containers, flowerbeds, tree wells, boxes, or gutters. Any vendor found using the aforementioned receptacles will be billed for cleanup expenses incurred by the City of Escondido and the ECFM&OP.
14. **Smoking:** Sellers are to refrain from smoking in the selling area.
15. **Alcohol consumption:** Consumption of alcoholic beverages is forbidden on the Market premises. Anyone judged to be inebriated will be asked to leave the premises immediately.
16. **Inappropriate language:** Sellers may lose the privilege of selling for publicly making negative comments about another seller and/or their products, about a Downtown business, or for using abusive or foul language.
 - a. The benefit of the doubt will be given to the customer should a dispute arise between seller and customer. The seller will defer to the judgment of the ECFM&OP Manager.
17. **Attire:** Appropriate clothes must be worn at all times (i.e., shirt and shoes).
18. **Employees:** Only persons listed as employees or authorized sellers for a vendor may assist any vendor at the ECFM&OP.
19. **Booth equipment:** In an effort to present a pleasant setting to the public, the Market Manager or Market Assistant may require/restrict the use of certain types of shades, awnings, or tables.
20. **Enforcement of Rules:** The ECFM&OP Manager and designated agents shall implement and enforce all rules and regulations pertaining to the operations of a certified farmers' market in a fair and equitable manner.
21. **Rain:** If it is raining, call the Market Manager or Market Assistant one hour prior to Market opening to find out if the Market will run. If it rains within the first hour and causes the market to close there will be no fee. If it rains within 2 hours and causes the market to close there will be a fee of ½ the minimum. If the market closes after 2 hours the full fee will be due. If it begins to rain, cover up items and check with the Market Coordinator about teardown.

Safety Regulations

1. **All persons must comply with the following safety regulations:**
 - a. **Vehicles:** Vehicles must be maintained in a safe manner. All vehicles must have gas caps. All vehicles must block one wheel (minimum) to prevent rolling.
 - b. **Display Signs:** Signs, racks, and other display aids must be secured in fittings, must not obstruct traffic flow, and care must be taken when setting up and breaking down so that shoppers are not jeopardized.
 - c. **Tables:** Tables are not to be filled beyond capacity, nor to extend beyond the 3 feet from the edge of the curb.
 - d. **Tarps:** Those using tarps are required to weight and secure units.
 - e. **No vendors' pet animals are allowed** in the market except for Seeing Eye dogs and scheduled entertainment.
 - f. **Vendors' Children:** Young children who are unable to help in selling can create a health or safety hazard and shall not be brought to the market without permission of the ECFMOP Manager. If the Manager believes there is no hazard presented by said child or children, the privilege will be granted.
 - g. **Fire Lane.** Be aware that the Market must maintain a 20 foot fire lane clear of parked vehicles at all times.
2. **Sellers using electricity must follow these rules and regulations:**
 - a. The ECFM&OP is not responsible for providing power or lighting.
 - b. If all outlets are in use by the ECFM&OP, vendor must use a multi-plug adapter.
 - c. Vendors are limited to the use of one electrical receptacle (plug-in). Do not exceed maximum wattage permitted by ECFM&OP.
 - d. Do not remove ECFM&OP extension cords from trees or poles.
 - e. Do not use cords attached to trees.
 - f. All extension cords used by vendors must be suitable for outdoor use.
 - g. Vendors whose extension cords cross walkway must tape them down with duct tape.

Disciplinary Actions/Procedure

1. Producers and their employees agree to amicably abide by any directions given any ECFM&OP staff pertaining to location, required postings, cleanliness, and behavior while selling at the Market.
2. All rules and regulations will be applied to participants in a fair and equitable manner. The ECFM&OP Manager and any other Market agent has the right to issue warnings and take appropriate action against participating sellers who violate these rules and other applicable regulations and laws. A disciplinary action by the ECFM&OP Manager or any other agent may be appealed. Any seller, club, group, or persons participating in the Market must comply with all applicable rules.
3. Disciplinary Offense Procedure. The ECFM&OP Manager will document disciplinary offenses, which will result in:
 - 1st violation -written warning
 - 2nd violation -suspension/loss of space priority
 - 3rd violation -revocation of permission to sell at the ECFM&OPif incurred during any twelve (12) month period. Immediate expulsion from the Market may occur for any offense deemed by the ECFM&OP Manager to be a serious or flagrant violation of ECFM&OP rules and regulations or local, state, or federal laws.
4. Disciplinary actions/procedures will be enforced in according with the City of Escondido Ordinance No. 89-42, Section 16-375, "Violations" governing the operation of the ECFM&OP.

PRODUCER/FARMER RULES - ADDITIONAL

Producers agree to abide by all current State and local Dept. of Agriculture (see attached Code of Regulations) and County of Environmental Health regulations that pertain to Direct Marketing and Farmers' Markets.

1. **Admission to Market:** Certified producers are admitted into the ECFM&OP based on the following considerations:
 - a. Compliance with state and county direct marketing regulations.
 - b. Consumer demand for the crop
 - c. Overall crop mix provided by grower
 - d. Number of Producers in Market with same crop
 - e. Space available
 - f. Seniority on waiting list
2. **Certification:** Producers must obtain a Certified Producer's Certificate from the California Department of Agriculture before participating in the Market. The Escondido Farmers' Market & Other Purveyors contains a Certified Farmers' Market that has been operating since 1989 in accordance with regulations established in the California Administrative Code, Title 3, Group 4, Article 6.5, Direct Marketing. This Market is subject to all pertinent local, state, and federal regulations and laws.
3. **Producer's List:** The ECFM&OP staff will distribute Producers' lists each week to Certified Producers, as required by the Dept. of Agriculture. Producer lists are to be filled out completely with date, name of producer, and certificate number, naming all products brought to the Market for sale that day, along with the amount (in pounds, boxes, and pieces) sold. A separate Producers' list must be completed for each certificate being used by the Producer. Completed lists are to be returned in the fee envelope at the end of each Market.
4. **Producers may not sell any products not listed on their current Producers Certificate.**
5. **2nd Certificates:**
 - a. **A Certified Producer may sell for a maximum of 2 other certified producers within a 12-month period.**
 - Amended Certificates must be secured and copies provided to ECFM&OP Manager.
 - A Certified Producer must be selling more of his/her own product than that of the other Certified Producer(s) for whom he is selling.
 - **Written authority to sell is required from the other Certified Producer(s).**
 - **Each producer's products must be separated on the table, and identified with their CPC.**
6. **Required Postings:** All Producers must have submitted copies of the following to the ECFMOP, and **must post in their booth, visible to customers:**
 - a. Up-to-date **Embossed Certified Producer's Certificate**
 - b. Health Certificate (as applicable)
 - c. Nursery License (plants/cut flowers)
7. **Scales:** Scales used in the Market must have currently valid inspection seals from the County agent in charge of weights and measures. Additionally, vendors must have a copy of the device registration next to the scale.
8. **Organic:** Use of the terms "organic", "organically grown", "no sprays", and "no chemicals" are subject to approval by the ECFMOP Manager. **To use the term "organic" while participating in the Escondido Certified Farmers' Market, the Producer must possess and post a current "Organic Producer's Registration" form, issued by the California Dept. of Agriculture.**

9. **Violations/citations:** In any case in which a Producer at the Escondido Certified Farmers' Market (ECFMOP) is cited for a violation at this Market by the County Department of Agriculture or the County Department of Environmental Health,
 - a) at the discretion of the ECFMOP Management, the cited Producer, Producer's employees, and products shall be constrained from selling at the ECFM&OP for a period of up to two weeks from the date of receipt of notification of the inspection/violation by the ECFMOP from County Department of Agriculture or Department of Environmental Health.
 - b) and this citation results in a fine against the Management of the ECFM&OP, the Producer shall be required to fully reimburse to the ECFM&OP, immediately upon notice of said fine, any or all portions of that fine that are directly attributable to the said Producer as determined by the Management of the ECFM&OP.
10. **Employees:** A Producer who sells by means of an employee must be available to verify the quantity and price for commodities sold by employee. No person acting for or employed by a Producer may be compensated in whole or in part on a commission or resale basis; a regular salary must be verifiable. Employees must be able to respond to consumer's questions.
11. **Product selection:** All agricultural crops will be considered for entrance into the Market. The ECFMOP Manager may consider exclusion of a product on a case-by-case basis. Possible reasons for exclusion are: prohibitive City ordinances; strong consumer dislike or cultural bias; competition with same or similar products sold by Downtown merchants.
12. **Display Quality:** In addition to conforming to California Department of Food and Agricultural standards, Producers may be asked to improve the quality of the display, or indicate the quality of the produce on display as culls or seconds, if deemed to be so by the ECFM&OP Manager.
13. **Booths:** Booths will be set up back to the curb and extended 3' forward (maximum) toward storefronts. Booth width is no more than 12' (depending upon space available).
 - a. No Producer may sell at two separate spaces at the Market using the same certificate.
14. **Table height:** All items to be sold must be placed at least 6" off the ground.
 - a. If closed consumer containers are closed, they must be identified with the name of the product, Net wt., count, etc., and the name, address, town, and zip of the Grower.
15. **New items:** An Application for Additional Products must be completed and given to the ECFM&OP Manager for approval at least one week prior to date when new item is to be sold at the ECFM.
16. **Sellers' vehicles** may stay on the street, but may not be moved during Market hours
17. **Samples:** Producers are encouraged to provide samples when possible. Sampling must comply with current County Department of Environmental Health regulations that include:
 - * Keep samples in clean covered containers approved by the local health agency. A clear plastic container with hinged lid or plate with a clear dome cover is effective and allows the customer to see the product.
 - * Use toothpicks/disposable utensils to distribute the samples. Avoid hand contact.
 - * Use clean, disposable plastic gloves when cutting produce for samples.
 - * Produce for sampling shall be washed or cleaned of any soil or other material so as to be wholesome and safe for consumption.
 - * Utensils and cutting surfaces shall be washed and sanitized (i.e., a chlorine solution of one teaspoon or capful of liquid bleach per gallon).
 - * Cutting surfaces shall be smooth, nonabsorbent and easily cleanable and approved by the local environmental health agency.

NOTE: When possible, provide samples without a rind or peel. If a shopper should slip on a discarded rind or peel, you and the Market could face a lawsuit.

CRAFTERS' RULES – ADDITIONAL

All submitted applications must include the following: a completed & signed application, a signed copy of Crafters' Rules (this page), photos of all products to be sold, and copy of your California Sellers Permit.

1. Crafter applications are accepted based upon: quality of product(s), space availability, uniqueness of product(s), and Market Manager's assessment of appropriateness of products and marketability. They also cannot be in direct competition with Downtown merchants.
2. Preference for available space will be given to Crafters offering 50% "handmade" crafts that they produce themselves. Other items purchased for resale may be offered as well, but must not cover more than 50% of crafter's display area at the Market.
 - During the November/December holiday season, exceptions may be made for commercial items that are not produced by the Crafter. Criteria will be quality of product(s), uniqueness, and marketability as determined by Market Manager.
3. Crafter booth spaces will be set up in the Other Purveyors section of the Market. Booth space may vary, but a 10' x 10' space or smaller is the norm.
 - There is no reduction in fees for a smaller space.
4. New Crafters are accepted on a trial basis. During this time the Market Manager will continue to evaluate new Crafters' attendance, products, compliance with rules, and cooperation with staff.
 - If all requirements continue to be met satisfactorily, the Crafter will be welcome to continue as a vendor at the ECFM&OP.
5. Absences: Crafter absences must be called in to the DBA office prior to the start of Market day or you will be required to pay the weekly fee for that space upon returning to the market.
 - You are expected to be in attendance each week that you have reserved.
 - Multiple or recurring absences will result in a reevaluation and possible loss of your space.
7. Fees: \$25 per week, due each week at end of your participation in the Market, and must be submitted to the DBA office by cash or check (made out to Downtown Business Association) or to the on site Market Assistant.

I have read and understood the Crafters Rules – Additional, and agree to comply with them.

Signature

Date

Name (printed):

(Please read, sign and retain one copy for your records.)

FOOD VENDORS' RULES - ADDITIONAL

1. All food booths are required by the Fire Marshal to have on site, at all times, a fire extinguisher and a container of water. Sellers must not change propane cylinders during Market hours.
2. All food vendors are required to furnish a clean refuse container at their space for patrons.
3. All menus must be clearly marked as to price and type. You may not sell food not listed on the original ECFM&OP application without receiving approval from the ECFM&OP Manager.
4. Must have acquired and submitted a valid Health Department Permit for their serving booth. Restaurants may need an additional health permit to operate outside of their establishment.
5. Must acquire, have submitted to ECFM&OP, and have on display the following:
 - a. PRE-PACKAGED ONLY (B-19) Health Department Certificate(s) as required by State and County agencies.
6. The ECFM strongly suggests the use of paper products over the use of polystyrene for environmental reasons.
7. Samples, when provided, should be clearly indicated as such and must be prepared and presented in accordance with County Health Department regulations which include:
 - * Keep samples in clean covered containers approved by the local health agency. A clear plastic container with a hinged lid or a plate with a clear dome cover is effective and still allows the customer to see the product.
 - * Use toothpicks or disposable utensils to distribute the samples. No contact with bare hands is permitted.
 - * Use clean, disposable plastic gloves when cutting samples.
 - * Utensils and cutting surfaces shall be washed and sanitized (i.e., a chlorine solution of one teaspoon or capful of liquid bleach per gallon).
 - * Wash water used for food and food contact surfaces must be acceptable to the local environmental health agency.
 - * Wash water and/or waste shall be disposed of in a manner acceptable to the local environmental health agency.

ENTERTAINERS' RULES – ADDITIONAL (not updated)

1. The ECFM is looking for a variety of quality, family-oriented entertainment. Of particular interest are musicians, dancers, jugglers, mimes, clowns, magicians, etc. who can stroll through the downtown area.
 - a. Preferred musicians include soloists and groups performing acoustic country, jazz, classical, and ethnic music with minimal or no amplification.
 - b. Preferred dance groups include square dancers, cloggers, youth and ethnic groups, drama clubs, school groups, and karate demonstrations.
2. Two types of entertainers will be considered:
 - a. Those being assigned a street entertainment spot or strolling are who will be paid a fee for their performances.
 - b. Those being paid a fee or donation to their nonprofit group who may not set out or pass around any collection containers.
3. Entertainers are subject to all general rules and regulations of the ECFM.
4. Entertainers are contracted through the DBA/ECFM office.
5. The DBA notes both positive and negative feedback from the public about performers participating at the Market. This is taken into consideration when scheduling for future visits. Please be considerate and respectful of your Market neighbors and of your audience.

COMMERCIAL VENDORS' RULES - ADDITIONAL

1. Commercial spaces are limited; therefore, the following criteria have been established:
 - a. Commercial vendors who are co-sponsoring a special Farmer's Market event approved by the ECFM&OP Manager will receive special consideration.
 - b. Available booth space will be assigned as specific dates are requested, with consideration being given to long-term or full-season participation, product desirability, compatibility with existing downtown businesses, and seniority on waiting list.
 - c. The ECFM&OP Manager reserves the right to approve commercial products for participation in the ECFM&OP.
 - d. Commercial vendors shall pay a weekly fee of \$25.00.
2. Commercial sellers whose permanent business location is not within the Downtown Business Improvement District must have posted a current State of California Resale Certificate.
 - a. A copy of the Resale Certificate must accompany the application form when it is submitted to the ECFM&OP.
3. Booth space is set up back to curb extending 3' toward storefronts.

NONPROFIT ORGANIZATIONS' RULES - ADDITIONAL

1. Nonprofit groups must meet all requirements of and be certified as meeting Federal Regulations for Nonprofit Organizations, or be not-for-profit school activities.
2. Nonprofit groups' booth space is limited. Therefore, the following criteria has been established:
 - a. Nonprofit groups' may reserve a space no more than one time a month on a space available basis.
 - b. Groups are encouraged to come up with a "fun" idea, entertainment-oriented, as a fundraiser for your organization (i.e., spin art, etc.).
 - c. Clear, colorful signs identifying your organization help to encourage shoppers to stop at your space.
3. Nonprofit group/organizations may not participate at the ECFM more than one time per month (based on demand) not to exceed one group per week (unless otherwise specified by the ECFM Manager).
4. Special consideration for additional scheduling will be made during special fund-raising promotions and holiday seasons and must be approved 30 days in advance by the ECFM&OP Manager.
5. Booth space is 3' deep back to the curb by 8' wide. Bring your own table/chairs, etc.
6. Non-profit booths shall be located in the Other Purveyors section of the event as designated by the ECFM&OP Manager.
7. Adult (21 years plus) supervision must be in the booth at all times during the Market.
8. Non-profit group booth fees will be determined by the ECFM&OP Manager.