



FARMERS' MARKETS RULES & REGULATIONS

Updated
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ADMINISTRATIVE OFFICE

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FLORIN CERTIFIED FARMERS' MARKET

Year-Round • Thursdays, 8:00 am - 12:00 pm
Florin Light Rail Station
3001 Florin Rd., Sacramento, CA 95822
www.alchemistcdc.org/florin

MEADOWVIEW CERTIFIED FARMERS' MARKET

Seasonal • Sundays, 9:00 am - 1:00 pm
Meadowview Light Rail Station
3501 Meadowview Rd., Sacramento, CA 95822
www.alchemistcdc.org/meadowview

RANCHO CORDOVA CERTIFIED FARMERS' MARKET

Year-Round • Saturdays, 8:00 am - 12:00 pm
Sunrise Light Rail Station
11164 Folsom Blvd., Rancho Cordova, CA 95742
www.alchemistcdc.org/rancho

ARDEN-ARCADE CERTIFIED FARMERS' MARKET

Year-Round • Saturdays, 8:00 am - 12:00 pm
Country Club Plaza
2400 Butano Dr., Sacramento, CA 95825
www.alchemistcdc.org/arden

1. INTENT AND IMPLEMENTATION

1.1. Mission and Vision

Alchemist Community Development Corporation (Alchemist CDC) is a 501(c)3 non-profit organization serving the greater Sacramento region. Alchemist CDC's work is focused on community development and inclusive economic development through the local food system. Specifically, Alchemist CDC's mission is to connect communities to land, food, and opportunity. This work is done toward a vision in which every neighborhood is healthy, equitable, vibrant, and diverse.

Alchemist CDC's farmers' market program is one major piece of this larger work. The organization has two primary objectives in every farmers' market we operate:

- A. To support local certified producers by providing meaningful market access and opportunities.
- B. To create equitable access to high-quality, locally-produced foods for residents.

These two values, together, represent our core commitments across all markets. Each individual market has a unique character and may have secondary commitments that include:

- A. Opportunities and market access for local value-added food businesses
- B. Activations and events for community development and benefit

1.2. Purpose and Implementation

The purpose of these rules are to govern the operation, administration and management of the Alchemist CDC Certified Farmers' Market under the control of this organization.

The governing body of this organization, its management and its designated agents will implement and enforce all rules and regulations pertaining to the operation of the Alchemist CDC Certified Farmers' Markets under its control in a fair, uniform, and equitable manner.

2. PARTICIPATION

CERTIFIED AGRICULTURAL SECTION

2.1. California State Statutes And Regulations That Are Incorporated By Reference To Be Part Of These Rules:

The California Food and Agriculture Code Sections 47000.5, 47002 and 47004 pertaining to Direct Marketing of Agricultural Products are hereby incorporated by reference to be part of these rules.

The California Administrative Code regulations pertaining to Direct Marketing of Agricultural Products (Article 6.5, Group 4 Subchapter 1, Chapter 3, Title 3 of the California Administrative Code) are hereby incorporated by reference to be part of these rules.

The California Health and Safety Code Sections 114370, 114371 and 114373 pertaining to Alchemist CDC Certified Farmers' Markets are hereby incorporated by reference to be part of these rules.

Definitions. The following incorporated definitions apply to these rules:

(1) "Agricultural product" means a fresh or processed product produced in California, including fruits, nuts, vegetables, herbs, mushrooms, dairy, shell eggs, honey, pollen, unprocessed beeswax, propolis, royal jelly, flowers, grains, nursery stock, raw sheared wool, livestock meats, poultry meats, rabbit meats, and fish, including shellfish that is produced under controlled conditions in waters located in California.

(2) Products that are characterized as services, arts, crafts, bakery, candies, soaps, balms, perfumes, cosmetics, pottery, clothing, fabrics, pastas, compost, fertilizers, candles, ceramics, foraged foods, and types of wares are not agricultural products for purposes of these rules. A product that combines an agricultural product with a nonagricultural product or service in a manner that materially increases the purchase price of the agricultural product shall disqualify the product from being sold as an agricultural product for purposes of these rules.

Selectively and generally stated are some additional provisions of the above incorporated by reference statutes and regulations:

A. Producers of fresh fruits, nuts, vegetables, shelled eggs, honey, flowers, and nursery stock must obtain a Certified Producer's Certificate (CPC) prior to selling such commodities at the Alchemist CDC's Certified Farmers' Markets.

All agricultural products sold within the Certified Farmers' Market must have been produced by the producer selling them, by the practice of the agricultural arts upon land which the producer farms and owns, rents, leases or sharecrops.

Only the producer or the lawful authorized representative of the producer may sell agricultural products within the area defined as a certified farmers' market. Sales of agricultural products purchased from another individual or entity shall not occur within a certified farmers' market.

B. Posting and Banner Requirements. All producers of agricultural products selling within a certified farmers' market shall do all of the following:

(1) The certified producer's embossed photocopy certificate must be conspicuously posted at the point of sale.

(2) Post a conspicuous sign or banner at the point of sale that states the name of the farm or ranch, the county where the farm or ranch maintains the production grounds that produced the products being offered for sale is located, and a statement that "We Grew What We Are Selling" or "We Raised What We Are Selling" or "We Grow What We Sell" or similar phrases that clearly represent that the farm or ranch is only selling agricultural products that they themselves have grown or raised on California land that they possess or control.

(3) Product sales by different farms at the same vendor stand shall separate the products from each farm or ranch and correspondingly post the required certificate and signage in direct relationship with the sales display of the products produced by each farm.

C. Quality. All agricultural products sold at the market shall comply with the regulations of the California Department of Food and Agriculture Administrative code provisions governing maturity and quality.

D. Processed Goods Ingredients. All processed agricultural products offered for sale must consist only (with the exception of incidental flavorings and necessary preservatives) of agricultural products grown or raised by the farm or ranch selling them.

E. Prepackaged Closed Containers. All prepackaged closed consumer containers of agricultural products shall be labeled with the name, address and zip code of the producer and a declaration of identity and net quantity of the commodity in the package.

F. Scales. When any agricultural product is sold by weight, the type of scale used shall be annually approved, tested and have a current unexpired seal affixed by the County Agricultural Commissioner Sealer-Director Weights and Measures.

G. Selling For Another Producer. When a producer has been granted by the market the privilege of selling for up to two other certified producers, it must be under the following conditions:

- (1) The agricultural products shall be separated at the stand and clearly identifiable by the respective certificates and signage. In order to avoid confusion, the same type of produce/product shall not be sold from both producers by the selling producer. For example, if the producer selling at market is selling their own plums, they must not also sell plums from the second producer.
- (2) The producer selling for the other producers must also sell or offer for sale agricultural products which the producer selling has produced.
- (3) Prior to sale, the producer selling has furnished a written letter to this organization from the additional producer(s) that verifies the selling producer's authority to sell their product on their behalf.
- (4) The producer selling must have a valid "second certificate" issued in accordance with CDFA code permitting the selling relationship for the second producer. The second certificate requires that both producers are on the other's certificate to formalize the relationship.

H. Supporting Documentation. A producer shall provide, upon request by an enforcing officer or market manager, any certificate, documentation, information or identification that may be reasonably required to show that the conditions of the statutes and regulations are being met.

I. Health and Safety. When selling at the markets the producer and the producer's agricultural products shall comply with all applicable requirements of the California Uniform Retail Food Facilities Law and the California Sherman Food, Drug and Cosmetic Law, specifically:

- (1) All produce and containers of produce must be kept at least 6 inches above the ground.
- (2) Food preparation (except trimming) is prohibited.
- (3) Processed foods must be processed in an approved facility and properly packaged and labeled under clean and sanitary conditions.

(4) Dried fruit and shelled nuts sold in an unpackaged bulk form must be displayed with a cover and conform to dispensing methods approved by the local health department.

(5) No live animals, birds or fowl may be kept or allowed within 20 feet of any area where food is stored or held or displayed for sale.

(6) Vendors selling non-agricultural food products are required to have a valid health permit from the local jurisdiction's Environment Management Department and should be confined to a designated area not considered part of the certified farmers' market.

(7) All products sold as organic must be grown, produced, or processed in accordance with the provisions of the California Health and Safety Code. "Organic" is a legally-defined term and any vendor making this claim must be either certified organic or registered with an organic certification program.

(8) Smoking/vaping is not permitted within the boundaries of the certified farmers' market's commerce area.

(9) **Preparation and distribution of samples.** Preparation and distribution of cut samples is prohibited. However, management may selectively allow sample distribution to the public in a manner which will ensure safe, unadulterated samples for the public. In such regard the following are the guidelines and policy:

(a) No cutting of samples may occur at the market. No potentially hazardous food samples may be served or distributed.

(b) Samples shall be kept in clean, nonabsorbent, and covered containers intended by the manufacturer for use with foods. Any distribution of samples shall only occur under a tent, canopy, or other overhead covering.

(c) All food samples shall be distributed by the producer in a manner that is sanitary and in which each sample is distributed without the possibility of a consumer touching the remaining samples. All samples must be served personally, there is no customer self-serving of samples.

(d) Fresh, whole produce intended for sampling shall be washed or cleaned in another manner of any soil or other material by potable water in order that it is wholesome and safe for consumption.

(e) Produce intended for sampling must be washed and cleaned so as to be wholesome and safe for consumption.

(f) Available potable water may be required for handwashing and sanitizing; the need and the manner shall be determined by the enforcement agency or market management.

J. Processed Agricultural Products. All processed agricultural products must be listed as a fresh product on the certified producer's certificate of the producer selling the processed agricultural product.

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

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

K. Meat Products. (1) All harvested, cut, wrapped, or otherwise processed meat, poultry, and fish products shall be from approved sources, and shall be properly labeled or have documentation present at the point of sale that demonstrates compliance with this requirement.

(2) All harvested, cut, wrapped, or otherwise processed meat, poultry, and fish products offered for sale shall be transported, stored, displayed, and maintained at a temperature of 41 degrees Fahrenheit or colder. The temperature holding capabilities of the storage containers used shall be sufficient to maintain safe product temperatures. Storage containers for meat, poultry, and fish products shall be insulated and have interior surfaces that are smooth, nonabsorbent, and easily cleanable.

(3) All meat, poultry, and fish products shall be stored in a manner that reduces the risk of cross-contamination.

L. Shell Eggs. Raw shell eggs may be stored and displayed without refrigeration if all of the following conditions are met:

(a) The eggs were produced by poultry owned by the seller and collected on the seller's property.

(b) The eggs are not placed in direct sunlight during storage or display.

- (c) Retail egg containers are prominently labeled “refrigerate after purchase” or the seller posts a conspicuous sign advising consumers that the eggs are to be refrigerated as soon as practical after purchase.
- (d) Retail egg containers are conspicuously identified as to the date of the pack.
- (e) The eggs have been cleaned and sanitized.
- (f) The eggs are not checked, cracked, or broken.
- (g) Any eggs that are stored and displayed at temperatures of 90°F or below and that are unsold after four days from the date of pack shall be stored and displayed at an ambient temperature of 45°F or below, diverted to pasteurization, or destroyed in a manner approved by the enforcement agency.
- (h) Any eggs that are stored and displayed at temperatures above 90°F that are unsold after four days from the date of pack shall be diverted to pasteurization or destroyed in a manner approved by the enforcement agency.

M. Product Seasonal Limitations. Only California grown produce may be sold in the market. Sales of out-of-season (California) produce are allowable only to the extent of their reasonable and normal storage life or upon proof that such produce was produced by producer in greenhouse facilities operated by such producer.

- (a) With the above noted exceptions, cucumbers, eggplants, tomatoes, peppers and other produce subject to frost damage may not be sold at any market from January 1 through April 30 without supporting documentation or inspection to validate the extended season.
- (b) Dry onions may not be sold from March 1 through April 15 without supporting documentation to validate the extended season.
- (c) Russet potatoes grown in the Central Valley may not be sold after February 1 until new potatoes are harvested.

N. Prices. All prices must be clearly marked or posted. Collusion and deceptive pricing practices are prohibited. Bargaining with the consumer is specifically allowed. When selling by the pound and using a hanging scale, all prices must be in 5 cent increments. Monetary and weight totals indicated on scales may not be rounded up, only rounded down.

O. Setups, Safety and Sanitation. All display table frontage must be behind the setup line designated by management. No boxes or produce displays may extend into the common customer traffic aisle way. Producers who display produce on a side table must allow at least 24 inches of side aisle in producer's space for customer ingress and egress.

Tables and other display fixtures must be sturdy, stable and not overloaded. A-Frame table support may not extend beyond the edge of the table and into any pedestrian traffic area. All shades and shelters must be tied down and completely secured in windy conditions or be subject to immediate and uncompromised removal.

P. Clean and Safe Surface Areas. Before transacting any sales, the grounds of the customer traffic and selling area of the producer must be cleared and cleaned of any produce trimmings or droppings. Any trimming of produce must be done so trimming will fall in a box or container and not on the ground. Before leaving the market, all debris in the producer's selling area, including an area extending 10 feet into the common customer traffic area, must be completely removed and taken with the producer. Market trash cans are for customer use only. Hot/prepared food vendors must provide a trash can alongside their booth and pack out the trash deposited in their own can. **Farmers's markets are pack-in, pack-out for all vendors.**

Q. Noise, Disturbance and Intrusion. With few exceptions, no radios are allowed to be played during market setup and sales hours. Any vocal invitation to sale that can be clearly heard farther than 35 feet away from the seller is prohibited. All product promotion must occur within the space assigned to the producer and not in any common area. Any hanging material that fully obscures the view of the neighboring booth is prohibited. Signage must remain inside the designated space assigned to the producer. Disruptive action and the throwing of anything in the market is prohibited.

R. Bags and Litter. Sellers using plastic bags for the convenience of their customers shall ensure that such bags do not litter the market under windy conditions. Sellers using T-Shirt style plastic bags shall ensure that the connecting tabs are fastened securely or are removed prior to the presentation for customer use. Sellers of dry garlic and dry onions shall ensure that the skins of such produce do not litter the market. All sellers are strongly encouraged to adopt compostable/biodegradable bags and packaging.

S. Product Quantity Sold Lists. All sellers of Agricultural Products should complete and turn in a Product Quantity Sold List to management prior to leaving the market at the end of the seller's market day.

III. ADMISSION OF A PRODUCER TO THE MARKET

Admission to sell at any market shall be at the reasoned pragmatic discretion of the market management. Admission to one Alchemist CDC-operated market does not confer admission to other Alchemist CDC-operated markets unless explicit permission for admission is granted. In making any determination in this regard, the management may consider the following:

- A. Producer's positive or negative history of compliance with state, local government and market rules and regulations. This can include history of compliance with markets not operated by Alchemist CDC.
- B. Producer's history of market participation. Substantial weight, priority, and preference should be given to the producers returning from previous seasons and producers who are consistent in attendance.
- C. The competitive availability and number of sellers of producers' products present within the market. If feasible and practical, monopolies and surfeits (gluts) should be avoided.
- D. Whether the present number of sellers of producer's products are adequately supplying consumer demand for those products.
- E. The number of unreserved spaces and other limitations of the market.
- F. Admission of a producer may be conditional and limited by a range or period of attendance time and/or by type/variety of the products allowed.

NON-CERTIFIED/COMMUNITY EVENT SECTION

Food Purveyors:

Admission of a Participant is limited to the Market(s) specified in the Market Status Letter. A Participant Admitted to one Market has no right to participate in another Market without prior approval. Site Agreements between Alchemist CDC and the owners or operators of a Market location may limit the types of products sold or other activities at particular Markets.

Prepared and Ready-to-Eat (Pre-packaged) Food: Ready-to-Eat (Pre-packaged) Foods are foods prepared and packaged off site in a Health Department Certified kitchen and include items such as coffee, breads, pastry and sandwiches. Prepared Food is Prepared onsite (e.g. tacos, burritos, and mixed lemonades).

Retail: Retail products are permitted only at certain markets (Meadowview and Rancho Certified Farmers' Markets) in an area designated by market management and may include homemade skincare, homemade goods, clothing, accessories, pottery, books, and art. Retail products do not include any food products.

Entertainment: Musical entertainment, children's art activities, balloon twisters, face painting or other activities as approved by the Alchemist CDC Farmers' Markets.

Tabling: Table or booth space at the Alchemist CDC Farmers' Markets are provided to community partners invited and/or affiliated with Alchemist CDC and the community at large.

Market Manager/Information and CalFresh Booth(s): Staffed by market manager, CalFresh staff, and volunteers.

V. ASSIGNMENT OF SELLING SPACE

The producer's location, space size and other factors of assignment of selling space within a market shall be at the reasoned pragmatic discretion of the market management. In making any determination in this regard, the management shall consider the following:

- A. The maintenance of present and past consumer-producer relationships.
- B. The maintenance of good product mix, market merchandising and orderly consumer traffic flow.
- C. The principles of good market product promotion and safety enhancement.

VI. IMPOSING SANCTIONS OR REMOVAL OF A PRODUCER FROM THE MARKET

A producer may be removed or suspended from any market or have selling privileges in the market conditioned, modified or limited by the management for any of the following reasons:

- A. Repeated failure to obey and conform to state, local government or market rules and regulations.
- B. Repeatedly causing or maintaining an unsafe or unsanitary condition at the market.
- C. Unreasonable or outrageous conduct considered significantly detrimental to the welfare of the market.
- D. Failure to attend at a previously reserved market space without adequate prior notification.
- E. The violation of any limitation which was a prerequisite or condition precedent relative to and for the accepted admission of the producer and any of the producer's products to the market.

A producer is responsible for the actions of the producer's representatives, employees or agents. The severity of any penalty or discipline imposed by the management shall be directly related to the gravity or repetition of the violation.

If possible and reasonable under the circumstances, the management must attempt to give clear and documented warning and notice of potential consequential action prior to imposing an actual action of removal or other disciplinary action.

Attendance and Stall Fees

Reservation: A vendor that has been approved and agrees to participate in a market weekly will be committed to doing so unless communicated otherwise. Participants must request reservations to participate in Markets Annually Through the relevant application. Reservations are limited to the Market(s) specified in the Market Status Letter. Reservations do not entitle Participants to particular locations within a market; Alchemist CDC Market Manager has full discretion to determine a Market's layout and stall space assignments.

Attendance:

Market attendance has wide-ranging effects on customers and other vendors, as last-minute and unexpected absences and cancellations can lead to the loss of consumer confidence in the market and lower traffic for all vendors. For this reason, attendance policies are necessary to ensure that all vendors take responsibility for the common good of the market.

Cancellations: Participants that have committed to weekly attendance at markets are expected to attend unless properly communicated with the appropriate market manager within a reasonable time frame. Non-agricultural Participants (e.g. hot food, packaged food, etc.) that cancel a Market stall reservation may incur stall fee charges unless the Participant notifies the proper market manager of the cancellation at least 48 hours prior to the opening of the Market for which it has a reservation. Alchemist CDC has full discretion to suspend a Participant's selling privileges at a Market for the remainder of the Market year if the Participant cancels a Market reservation two or more times in a 90-day period. Agricultural vendors who are ill with a communicable disease will not be penalized for cancelling with less than 48 hours notice, but must contact the market manager to indicate their absence before the market begins. These general cancellation/attendance policies are subject to market-specific attendance/cancellation policies. Consult the market-specific addenda at the end of the rules and regulations for market-specific policies.

No-Shows: Participants that have two or more no-shows at a market during the market year are subject to losing their right to participate in the market. A No-show is defined as a participant that has confirmed space and does not properly inform the market of their absence in a timely manner.

Arrival: Participants must arrive no earlier than 2 hours prior to market start but not later than 30 min before market start. If the participant fails to arrive 30 minutes before market start time it is to the discretion of the market manager to: reassign participants' stall space, require participant to

off-load their products for safety reasons or prohibit the participant from participating in the market day.

Market Integrity:

Alchemist CDC is committed to compliance with the California Department of Food & Agriculture (CDFA) Direct Marketing Regulations, market integrity, customer satisfaction and trust, and vendor equity and fairness.

Pre-Admission Inspection

New applicants who wish to sell certifiable agricultural products will not be granted full admission until Alchemist CDC Market Manager completes an on-site farm inspection within six months of participation in the Market and is satisfied with the results of the inspection, as provided by Section 16. New applicants, however, may be admitted on a provisional basis pending a satisfactory on-site inspection within six months of participation at the Market. Alchemist CDC will contact, as appropriate, new applicants who wish to sell certifiable agricultural products to schedule an on-site inspection. The applicant must consent to an inspection within seven (7) days of request from the Alchemist CDC Market Manager. Alchemist CDC may, at its discretion, condition admission of other (non-certified producer) applicants on satisfactory completion of an on-site inspection.

At-Market Booth Inspection

Alchemist CDC management has the authority to review Participants' Certified Producer Certificate (CPC) for verification. Participants' only sell certified agricultural products that they produce themselves. Alchemist CDC management may verify information from other market managers or industry organizations outside Alchemist CDC. Vendors should expect market managers to review products against the CPC on a weekly basis and should expect that market managers will conduct a more thorough inspection of the booths of two vendors for more general compliance each week, on a rotating basis.

At-Farm/On-Site Inspection

Alchemist CDC management may require the Certified Producer to provide additional supporting documentation and may either contact the county agricultural inspectors where crops are grown and/or management reserves the right to a farm inspection at least once a year, with the possibility of additional inspections if complaints/concerns are raised to Alchemist CDC management.

Vendor Contact Information

All vendors must ensure Alchemist CDC market managers are provided with accurate, up-to-date contact information for the business/farm owners. Ideally, contact information will also be provided and updated for vendor staff members who routinely lead market sales. This

contact information must include an email address or phone number capable of receiving text messages in order to allow for timely and urgent communications.

Market Closures

As a general rule, all Alchemist CDC-operated farmers' markets will be open every day within their seasonal or year-round schedule, with the exception of December 25. A market may be closed due to extreme inclement weather. Vendors will be notified of such a closure as far in advance as possible, but this determination often cannot be made more than 24 hours in advance. The weather conditions most likely to trigger a market closure include: strong steady winds (over 20 MPH) and/or gusts combined with high likelihood (70%) of rain, very unhealthy air (200 AQI and above), and other hazardous storm conditions.

Market Access and Benefits

In order to promote equitable access to farmers' markets and attract more customers, Alchemist CDC places a high priority on the acceptance of nutrition benefit programs at all of our farmers' markets. Vendors are strongly encouraged to participate in programs/systems to accept CalFresh/EBT, Market Match, WIC, and Senior Farmers Market Nutrition Program benefits, as eligible. All eligible vendors who join an Alchemist CDC farmers' market from January 1, 2024, onward are required to enroll in Alchemist CDC's CalFresh vendor program and accept CalFresh/EBT. Opting out of the program, posting signage discouraging the use of CalFresh at the vendor's booth, or turning away customers trying to spend CalFresh on eligible products may result in immediate termination from Alchemist CDC markets.

Participating vendors must ensure compliance with the rules of these programs, which are detailed through each individual program. CalFresh and Market Match scrip received by a vendor through a customer purchase must be redeemed directly through Alchemist CDC's CalFresh program and cannot be used to make a secondary purchase from another vendor. This rule originates from federal law and is not optional for the program.