



# Market Night Terms & Conditions

(Revised 9/2018)

# Table of Contents

PURPOSE AND GOALS .....	3
LOCATION, HOURS AND CONTACTS .....	3
APPLICATIONS .....	3
VENDOR CLASSIFICATION .....	4
PERMITS, DOCUMENTATION AND FEES.....	5
POSTING PERMITS AND DOCUMENTATION (posting 5.04.470) .....	5
CANCELATION POLICY .....	5
RAIN POLICY .....	6
SPACE ALLOCATION .....	6
STREET CLOSURE, SET UP AND DISMANTLING .....	6
ONSITE STANDARDS OF CONDUCT .....	7
GENERAL RULES .....	8
ELECTRICAL REQUIREMENTS.....	8
EQUIPMENT REQUIREMENTS .....	8
FIRE LANES .....	8
FIRE INSPECTIONS .....	9
REDLANDS MUNICIPAL CODE: STORM DRAINS .....	9
CERTIFIED PRODUCER/PRODUCERS.....	9
COMPLIANCE AND ENFORCEMENT .....	12

## PURPOSE AND GOALS

Market Night is an event that is organized, operated and administered by the City of Redlands. The purpose of Market Night is to promote business in the downtown core. This event is designed to:

- Create a positive image for downtown Redlands;
- Expose community members and visitors to the merchandise and services offered downtown;
- Promote the downtown as the center of retail, social, and civic activity;
- Provide local growers with an opportunity to sell their produce;
- Enhance the community as a whole.

It is the goal to provide a wholesome, family atmosphere. The activities should appeal to all ages, and provide a product/service mix that reaches all aspects of the marketplace.

## LOCATION, HOURS AND CONTACTS

Event Location:	East State Street, downtown Redlands	
Event Hours:	Season 1 (September through May)	6:00 p.m. to 9:00 p.m.
	Season 2 (June through August)	6:00 p.m. to 9:30 p.m.
Market Night Schedule:	Year-round, every Thursday night, except designated holidays	
Market Night Office:	City of Redlands Quality of Life Department Suite 222 35 Cajon Street Redlands, CA 92373 Telephone: (909) 798-7655 Fax: (909) 798-7697 E-Mail: <a href="mailto:redlandsmarketnight@cityofredlands.org">redlandsmarketnight@cityofredlands.org</a>	
Website:	<a href="http://www.cityofredlands.org/redlandsmarketnight">www.cityofredlands.org/redlandsmarketnight</a>	

## APPLICATIONS

### Process for New Applicants

The following are the steps in the application process:

- Step 1: Visit the City of Redlands Market Night home page at [www.cityofredlands.org/redlandsmarketnight](http://www.cityofredlands.org/redlandsmarketnight) and click on the Apply/Login button at the bottom of the page.
- Step 2: Create a vendor profile by clicking on the Apply button. Fill in all required fields then click the Submit button.
- Step 3: Complete registration by clicking on the link titled "view/edit my registration". Read and agree to Redlands Market Night Terms and Conditions, complete profile, and answer questionnaire. Applicants must upload photos, brochures, booth display, menu, website and/or descriptions of featured products for staff review.
- Step 4: Applicants will be notified by email if their application has been approved or not. Applications are generally reviewed within 10 business days of submission.

The City of Redlands has full discretion concerning the use of State Street for Market Night activities. To participate in Market Night, an application must be received approximately fourteen (14) to thirty (30) days prior to the desired date. The City of Redlands has the right to review the application at its discretion.

### Current Vendors

It is at the responsibility of the vendor to update their profile when contact information changes. **Vendors wishing to sell items not listed on their applications, or make any changes to their market activity must submit changes to their profile and wait for approval or denial.**

## VENDOR CLASSIFICATION

MARKET NIGHT STAFF RESERVES THE RIGHT TO LIMIT PARTICIPATION IN ANY CLASSIFICATION, TYPE OF MERCHANDISE, OR SERVICE TO PROVIDE THE PRODUCT/SERVICE MIX DESIRED FOR THE ENTIRE MARKET.

Vendor Selling Products Taxable Sales: Direct sales may be conducted by nonprofit organizations and other licensed individuals and businesses upon approval by the City of Redlands. Sales must be limited to those items specified on the application. Vendors selling taxable products shall submit copies of appropriate California Department of Tax and Fee Administration permit (Sellers Permit) naming 35 Cajon, Redlands as the business sub location upon approval of their application.

Vendor Selling Products or Services Non-Taxable Sales: All groups or individuals wishing to disseminate information, pass petitions, or promote political, religious, or personal beliefs are asked to submit an application. These groups are also responsible for **picking up any litter generated** by the distribution of hand-outs. Bull horns, loudspeakers, and other means of sound amplification shall not be used. Participants may not harass, follow, or intimidate downtown visitors. There shall be no posting of handbills on trees, buildings, or vehicles.

Vendor Selling Food Prepared at Market: Food vendors shall submit copies of appropriate San Bernardino Department of Environmental Health Services permits upon approval of their application. It is the responsibility of individual food vendors to learn and adhere to all Health Department regulations and standards. Food vendors are required to have a Type K wet chemical fire extinguisher in their booths at all times.

Food vendors shall place a minimum of **one trash receptacle** outside their booth for customer use. In addition, food vendors shall place a drop cloth on the ground within the booth area and in any other cooking area where food or grease may leave residue. Food vendors **must remove and take all grease, food remnants, and trash from their booth and the market** upon dismantling. Leaving trash next to existing trash receptacles **is not permitted**. If vendors do not comply, food vendor fees will be raised to pay for the extra expenses incurred. Any violations are grounds for citation or suspension.

Performer/Musician: Excessive noise from sound systems, musical performances and other audio equipment is prohibited. Entertainers must submit an application online and provide a link to a demonstration of the music/performance. If and/or when an application is approved the entertainer will be notified and required to schedule future performances with the Market Night staff. Entertainers must stay within the designated areas assigned to them at Market Night and must ensure that the noise levels created by their activity do not interfere with the activities of other market participants. Any violations will be grounds for suspension.

Non-Profit Groups: Nonprofits may pass out informational materials promoting the nonprofit. Verification of [501(c)] status including identification number is required and shall be provided upon approval of the application. Nonprofits may accept donations on site, sell tickets for events, and sell merchandise/items that represent the organization (i.e. calendars, mugs, t-shirts, etc.). Money generated by sales or solicitations, excluding direct material costs, shall go to the nonprofit group. The City of Redlands may request full accounting. Nonprofits must obtain Department of Justice letter for any raffles conducted at Market Night. City departments and divisions are exempt from nonprofit regulations.

Certified Farmer: Producers and Certified Producers with appropriate documentation shall be considered for participation based upon the applicant's history of violations of local or state Direct Marketing Rules, the length of time the individual has participated in the market or has been on the waiting list, the location of the grower, the variety of product/specialty products, and the length of participation.

Additional rules and regulations can be found in the Certified Producer/Producer section (page 9) of the Market Night Terms and Conditions.

Animal Attractions: Animal Attraction vendors have specific setup locations and must stay within assigned locations. Vendor must clean up after animals. Animals shall not be mistreated in any way as stipulated in the Animal Control Regulations.

Kids Zone: Vendors must ensure equipment is safe and well maintained. Kids Zone vendors have specific setup locations and must stay within assigned locations.

### PERMITS, DOCUMENTATION AND FEES

Participants shall comply with all city, county and state permit requirements. It is the **responsibility of the vendor** to be aware of all permit requirements and, **upon approval**, pay any fees associated with the issuance of these permits. The following **permits shall be on premises** during Market Night:

City of Redlands Business License: City of Redlands  
35 Cajon Street, Suite 15B  
Redlands, CA 92373  
Telephone: (909) 798-7557  
Email: [businesslicense@cityofredlands.org](mailto:businesslicense@cityofredlands.org)  
(Applies to all vendors with the exception of musicians/performers)

Seller's Permit: State Board of Equalization  
Telephone: (800) 400-7115  
Website: [www.cdtfa.ca.gov/services/#Register-Renewals](http://www.cdtfa.ca.gov/services/#Register-Renewals) or [www.boe.ca.gov](http://www.boe.ca.gov)

Health Permit: San Bernardino County Public Health  
385 N. Arrowhead Avenue, 2<sup>nd</sup> Floor  
San Bernardino, CA 92415  
Telephone: (800) 442-2283  
Website: <http://wp.sbcounty.gov/dph/programs/ehs/applications/>  
or <http://wp.sbcounty.gov/dph/>  
(For food vendors only)

Cottage Food Permit: San Bernardino County Public Health  
385 N. Arrowhead Avenue, 2<sup>nd</sup> Floor  
San Bernardino, CA 92415  
Telephone: (800) 442-2283  
Website: <http://wp.sbcounty.gov/dph/programs/ehs/cottage-food-operations/>  
(Applies to vendors who prepare low-risk food products from their home)

**Additional information about market night fees can be found on the separate document titled Market Night Fee Schedule.**

### POSTING PERMITS AND DOCUMENTATION (RMC 5.04.470 posting)

Every person having a license under the provisions of Redlands Municipality Code (RMC) chapter 5.04.470 and chapter 5.08 for carrying on a business at a fixed place of business, shall keep such license posted for exhibition while in force in some conspicuous part of such business.

### CANCELATION POLICY

The City of Redlands recognizes the fact that situations may arise which prevents participation. The deadline for notifying Market Night staff of a cancellation is **5:30 p.m.** on the **Tuesday** prior to Thursday's participation. A credit will be issued for cancellations. Failure to provide staff with notice by the deadline shall result in the loss of any fees paid.

Vendors who prefer a refund after providing cancellation notice by the aforementioned deadline may submit the request in writing with proof of payment and vendor contact information including business name, contact person, mailing address and phone number. The City of Redlands Finance Department will process the request and mail a check to the vendor. The check should arrive within three to four weeks of the request.

### **RAIN POLICY**

**Market Rain Policy:** Staff will determine if the market will be cancelled due to rain by monitoring the evening's forecast on the AccuWeather website Thursday at noon. If the forecast predicts a 60% chance of rain during the hours of 5 pm through 9 pm, Market Night will be cancelled for the evening. Should the weather defy the forecast, the Market Night staff will cancel the market if it is raining at 2 p.m. or later and/or if the streets are significantly wet at that time. Farmers and vendors can look up the website at [www.accuweather.com/en/us/redlands-ca/92373/hourly-weather-forecast/331975](http://www.accuweather.com/en/us/redlands-ca/92373/hourly-weather-forecast/331975). If the market has been canceled before 7:30 p.m. all vendors will be given a credit or refund. If staff cancels the market at 7:30 p.m. or later no refund will be given.

**Market Heat Policy:** Market Night will be cancelled for the evening if an Extreme Heat Warning has been issued by The City of Redlands during the hours of 5 pm through 9pm. If the market has been cancelled all vendor will be given a credit or refund.

When the market is canceled, a message will be put on the home page of the City's Web site [www.cityofredlands.org](http://www.cityofredlands.org).

### **SPACE ALLOCATION**

Space numbers are marked in the gutter and are located in the center of the space with marks on either side designating the space width. Standard space size is **12' x 12'**. Participants must stay within their assigned spaces. Vendors with trailers or booths larger than the standard space size must stipulate the dimensions of their trailer/booth in their application. Vendors who do not stipulate size or fit within space allocation will be relocated or removed from the market. The sidewalks, streets, planters and fire lanes must remain clear at all times. Boxes and storage items are not allowed in the view of the public. Vendors must present an attractive display including the use of table drapes, using the same color and material. Drapes must be hemmed and long enough to cover any items stored underneath.

The City of Redlands reserves the right to relocate vendors and/or reassign spaces at its discretion. Activities no longer deemed appropriate, or that do not coincide with Market Night goals shall be discontinued.

**Mini spaces** are available on a limited basis. Participants conducting market activities in mini spaces are limited to one **6' x 3'** foot table. Structures, canopies, etc. are **not** permitted in mini spaces.

### **STREET CLOSURE, SET UP AND DISMANTLING**

**VENDORS ARE NOT ALLOWED TO PARK ON STATE STREET UNTIL 5 P.M.** (no exceptions). Vehicles parked on State Street have until 5:30 p.m. to vacate the premises. At 5 p.m. an air horn will be sounded, which signals vendors may enter State Street and unload at the curbside. **AT NO TIME ARE VENDORS TO BLOCK BOTH SIDES OF THE STREET PREVENTING A CONSTANT FLOW OF TRAFFIC.** Vendors with booth spaces on the north side of State Street must pull up perpendicular to their space and unload in their assigned space. Vendors with booth spaces on the south side of State Street must pull into their assigned space and unload onto the sidewalk. **ALL VENDORS MUST UNLOAD FIRST, MOVE THEIR VEHICLE, AND THEN SETUP.** Vendors will always give right-of-way to vehicles parked on State Street, trying to vacate a parking space. At no time will a vendor be allowed to bring more than one vehicle on the street at a time. Any violations are subject to a Market Night citation and may be grounds for suspension.

Towing of parked vehicles begins at 5:30pm. If a parked vehicle is located in a vendor's assigned space prior to 5:30 p.m., the vendor may unload on the sidewalk. **Vendors who have spaces located to the left and right of the customer vehicle are also not permitted to setup until the vehicle has been towed.** This space will allow the tow truck adequate maneuvering space to safely tow vehicle.

**Vendors may not block parking spaces or sidewalks prior to the 5:00 set up time under any circumstances. Business entrances and their 'Private Parking' spaces cannot be blocked or parked in at any time.** Vendors parking in private lots may be subject to tow at vendor's expense. All vehicles must be off State Street by 5:50 p.m. and all parking rules and regulations will be strictly enforced. Vendors arriving late (after 5:45 p.m.) are not guaranteed access to their space, and shall forfeit any payments made if they choose not to participate. Vendors must not, at any time, move any traffic control devices, such as barricades, bollards, signs, or delineators.

Activities conclude at 9:00 p.m. (9:30 p.m. from June - August). **VENDORS WILL BE SITED IF BOOTHS ARE CLOSED DOWN BEFORE 9:00 P.M. (9:30 P.M. FROM JUNE-AUGUST), THE OFFICIAL END OF MARKET NIGHT.** Booths shall be dismantled and merchandise shall be packed **prior to bringing vehicles onto the street.** During dismantling, vehicles are allowed on the street for loading only. Barricades are removed approximately one half hour after market activities conclude. **AT NO TIME ARE VENDORS TO BLOCK BOTH SIDES OF THE STREET PREVENTING A CONSTANT FLOW OF TRAFFIC. VENDORS ARE TO BE PACKED UP AND OFF THE STREET BY 11:00 P.M.**

### **ONSITE STANDARDS OF CONDUCT**

1. Booths must be staffed at all times, and participants in Market Night shall be appropriately dressed and conduct themselves with proper decorum.
2. Participants may not sell merchandise of adult nature, smoking, alcohol or drug paraphernalia. Neither may any merchandise be sold that may imply, suggest or support this type of activity.
3. Booth display requirements within vendors' area must include: all tables be covered by table drapes; **NO** selling out of storage boxes; all storage boxes are to be covered by the table drapes; signs must be of professional quality (NOT hand written) and **NO** flashing, blinking or strobe lights may be used. Vendors shall identify their booths with appropriate signage to include business name within their space.
4. A weighted canopy is recommended for use by all vendors. Nails or anchors cannot be driven into the pavement, structures, or trees. A canopy without the top (or a tent) is not allowed.
5. Vendors must remove all boxes, containers and bags used in the transportation of their merchandise before Market Night begins. Empty boxes may be stored under tables as long as they are not visible to the public.
6. No person shall deface or otherwise abuse downtown buildings, plants, street or sidewalk surfaces (e.g. no chalk/paint), or other facilities. Vendors are not permitted to setup merchandise, booth materials, etc. on sidewalks or in planters.
7. Vendors are responsible for the actions of their employees, associates, and independent contractors working for them. Vendors shall be courteous, professional and respectful to other vendors, the public, downtown businesses and Market Night staff and management. Vendors shall not interfere, verbally or physically, with the activities of downtown businesses, their patrons or other market participants. All questions and/or complaints should be directed to the City of Redlands. Staff will respond accordingly.
8. Vendors are not allowed to sell irregulars, secondhand, buy-out or clearance, used or preowned merchandise.
9. Whereas, parties involved in the selling or transfer of items for sale during this event known as Market Night, under penalties of law, under the copyright codes set forth with the Department of Commerce, will not transfer or permit for resale, items that do not bear the registered trademark of trademarked items, without the written approval of the registering agency and its companies, for which items are protected under the trademark act. In the event that a vendor is caught selling illegal items, the Market Night staff and the City of Redlands shall not be held responsible for the actions of the vendor and the vendor will be immediately suspended from the Redlands Market.
10. Vendors shall not solicit customers from outside their selling spaces.
11. Vendors and entertainers using audio equipment shall ensure that noise levels created by their activity do not interfere with the activities of other market participants. Any violations or complaints about the noise level will be grounds for suspension

12. All participants shall keep their area clean during the activity, and leave the space and surrounding area clean afterward. **Vendors are required to take all waste caused by or relating to their activity with them. If additional garbage collection, grease stain removal, street sweeping or other clean-up is required, vendor fees will be increased to cover all costs and citations will be issued.**

### GENERAL RULES

1. The City of Redlands is not responsible for theft or damages to property belonging to persons participating in Market Night; nor does the City assume any responsibility for items left unattended during Market Night activities.
2. No person participating in Market Night shall state, imply or otherwise suggest that the City of Redlands sponsors or supports the views of his/her organization.
3. All participants shall reimburse the City of Redlands for any costs incurred relating directly to their activity. This includes damage to: landscaping, street fixtures, electrical outlets, storefronts, etc.
4. Animals are not allowed on the street during Market Night (RMC 12.40.110) without a permit issued by the City of Redlands.
5. Sales privileges and spaces cannot be sold or sublet. Should ownership of a business participating in the market be transferred to a new owner, the new owner must complete a Market Night application. At its discretion, the City of Redlands will review the application for approval/denial. Retaining the same space assignment and/or participation in the market is not guaranteed.
6. **To qualify for the “Downtown businesses” discounted space fees and/or vendor space location considerations, Downtown businesses must sell or promote only those products or services offered by and related to their downtown business.** Booths must be merchandised and staffed at all times. Vendors designated as “Downtown businesses” shall abide by the same rules, regulations, and cancelation policies as other vendors. An application shall be completed indicating the dates requested.
7. **Smoking is not permitted** on State St. between Orange & Redlands Blvd. **Smoking is permitted** on 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup> & 9<sup>th</sup> street twenty feet from the market. (RMC 8.54.035)
8. Market Night rules are subject to change without notice.

### ELECTRICAL REQUIREMENTS

Specific guidelines have been established for State Street electrical use. **Vendors are restricted to a maximum of 2 amps and food vendors are limited to 5 amps.** Compact fluorescent lighting is required. Vendors may be required to provide silent generators if electrical requirements exceed the electrical system’s limit. Vendors located off of State Street between Orange Street and 6<sup>th</sup> Street must obtain an electrical converter to plug into power boxes and light posts. Vendors can checkout and return an electrical converter at the Market Night booth located off of State Street between 6<sup>th</sup> Street and 7<sup>th</sup> Street from 4:30 p.m.-9:30 p.m. Vendors who do not return an electrical converter at the end of market will be charged \$40 per converter.

### EQUIPMENT REQUIREMENTS

The City of Redlands is under no obligation to provide power, water or any other supplies or equipment to participants. Power bars and extension cords shall be secured by vendors and conform to city requirements. An applicant needing specific services must make these needs known on the application.

### FIRE LANES

Fire lanes **must** be maintained during set up, operation and dismantling. **Vehicles must be able to proceed down the center of the street at all times.** Only “people” events shall be permitted in the fire lanes. No tables, risers or other equipment is allowed without express written permission by the Fire Department and/or the City of Redlands. Participants shall be aware of code requirements and comply.



## **FIRE INSPECTIONS**

The Fire Department will conduct fire safety inspections for all concessions and enforce fire protection standards for this event. Inspections will consist of certifying that all participating concessionaires have met the required fire safety standards.

The following is a list of the most common fire safety violations that the fire inspectors will be checking:

1. All concessionaires shall have a minimum of one 2A/10B:C dry chemical fire extinguisher with a California State Fire Marshall approved service tag that reflects a current annual inspection date.
2. Food concessionaires that are performing cooking operations, such as frying or grilling, shall have one class K fire extinguisher with a California State Fire Marshall approved service tag that reflects a current annual inspection date.
3. Hood and duct fire suppression systems shall have a California State Fire Marshall approved service tag that reflects a current semi-annual inspection date.
4. Extension cords shall be of appropriate size for the electrical circuit load. The use of cube blocks and multi-tap connectors are not permitted.
5. Ensure all trash and rubbish is kept in approved containers provided with lids. Ensure good housekeeping in and around concession stand is maintained.
6. Portable LP-gas containers, piping, valves and fittings used to fuel cooking shall be adequately protected to prevent tampering, damage by vehicles, secured from falling over or other hazards.
7. All tents, temporary membrane structure, canopies and decorative materials shall be noncombustible flame retardant materials, or treated with a fire proofing solution.

Please remember that the Redlands Fire Department's primary concern is for your safety and that of your patrons. The prevention of fires due to avoidable causes is the desired effect of these regulations and the department's inspections. If there are any questions, please contact the Fire Department at (909)798-7601. Thank you for your cooperation.

## **REDLANDS MUNICIPAL CODE: STORM DRAINS**

It is prohibited to discharge any solid, liquid or gas pollutant into the storm drains. This includes but is not limited to soapy water, oil and/or grease. Vendors must properly store and remove used and unused liquids from Market Night. Vendors are required to take all liquid waste caused by or relating to their activity with them. Vendors using grease/oil for cooking purposes must have a Food Service Spill Kit, or equivalent, on site. If a spill occurs at Market Night the vendor is responsible for cleaning up the spill and for notifying the Market Night Staff immediately.

**Vendors are responsible for familiarizing themselves and abiding by Redlands Municipal code.** The code can be found at [http://www.sterlingcodifiers.com/codebook/index.php?book\\_id=550](http://www.sterlingcodifiers.com/codebook/index.php?book_id=550)

## **CERTIFIED PRODUCER/PRODUCERS**

### *Certified Farmers' Market Authorization*

The event is 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.

### *Market Location and Parking*

The location of the Redlands Certified Farmers' Market (Market Night) is East State Street, between Sixth and Seventh Streets, Downtown Redlands. The market hours are Thursdays, from 6:00 p.m. to 9:00 p.m. During the summer (June through August) market hours are extended to 9:30 p.m.

### 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 agricultural products are:

1. Fresh fruits
2. Fresh vegetables
3. Unshelled nuts
4. Shell eggs
5. Honey and apiary products
6. Cut flowers
7. Nursery stock

### Producer

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

1. Juices
2. Olives
3. Jams and jellies
4. Dried fruits
5. Shelled and roasted nuts
6. Fish and shellfish from aqua-culture
7. Livestock products
8. Other processed agricultural products.

### 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."

### Certified Producers, Producers and Permits

Certified Producers must provide proof that they are selling what they caught, grew, collected or raised. Certified Producers must post a sign stating "We Grow What We Sell" or of the equivalent. In addition, a family member or salaried employee can sell for a Certified Producer only if their name is listed on an Employee Authorization Letter issued by the San Bernardino County Agricultural Commissioner's office. 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 Market Night.

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. 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 that 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 will not be permitted. Partnership between farmers must satisfy any or all of the following criteria: Control of growing ground as evidence by a lease signed by the Certificate holder as lessees; partners shall not be farmers who have been denied entry into the market for any reason; partners shall not be farmers who

are using the market to sell produce culls; and partnerships shall not be formed or re-formed on a frequent basis to artificially prolong a grower's selling season.

In addition some Certified Producers and Producers must have a Sellers Permit, listing market location for business; Health Permit; license(s)/Processors'/Receivers' License; Apiary Registration; Avocado Exemption Permit or proof of inspection; Processed Foods Reporting Form; Grower Authorization; Employee Authorization Letter; Organic Registration; and/or CCOF or CCOG Registration.

All of the above documentation shall be posted in front of or within the Certified Producer's/Producer space. Separation of commodities and certificates is required if selling for other Certified Producers. All Certified Producers/Producers are responsible for keeping their certificates, licenses, and documents current and valid.

#### General Operating Procedures

1. Gross sales are to be declared on a load sheet. All load sheets must be completely filled out as to commodities brought in, commodities sold, and income per commodity. Market Management will monitor sales reporting as necessary to check for accuracy. The Producer and Certified Producer shall pay eight percent (8%) of his/her gross sales to the Market Manager at the conclusion of each Market.
2. Certified Producers/Producer will be individually responsible for conformance to local, state and federal laws. State sales tax shall be collected by Producer for non-food items. All Producers selling taxable items must display a Board of Equalization permit listing the market location.
3. The Market Manager reserves the right to relocate Producers or Certified Producers and/or reassign spaces at his/her discretion.
4. Certified Producers/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. Certified Producers/Producers are responsible for bagging and removing their own trash from the downtown area at the close of the market. Certified Producers/Producers shall not leave any garbage or empty boxes.
5. Certified Producers/Producers who will not be attending the market must notify the Market Manager at least one week prior to the date of absence, unless special arrangements are made with management. Certified Producers/Producers 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. Certified Producers/Producers who skip 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 the temporary or permanent loss of the selling space.

#### Pricing, Packaging, and Labeling

1. 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.
2. All Certified Producers utilizing a weighing device (scale) must have the scale tested and sealed within the previous twelve months. It is the Certified Producer's responsibility to register scales and pay any fees associated with registration.
3. Prices must be posted and clearly legible. Collusion among Certified Producers to set price or exertion of any influence, pressure, or persuasion to cause a Certified Producer to set price is strictly forbidden by state and federal laws.
4. No Certified 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."
5. Additional signage indicating membership in or certification by an organization which certifies 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

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.

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

Certified Producer/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.

By determination of Market Management, Certified Producers/Producers may be permitted to park their vehicle behind their booth. Vehicles may only be moved in an emergency or after the market has been concluded. Not all spaces allow for a vehicle. Permission will be given on a case by case basis.

**All Certified Producers/Producers will abide by the additional rules and regulations as outlined in the Terms and Conditions.**

## **COMPLIANCE AND ENFORCEMENT**

1. The City of Redlands reserves the right to revoke Market Night privileges from a vendor if there is no reservation made within 90 days. It is at the responsibility of the vendor to notify staff of absences or missed markets.
2. All participants shall comply with all of the Terms & Conditions. Noncompliance, including offensive conduct, may result in immediate revocation of Market Night privileges and forfeiture of fees. The City of Redlands reserves the right to refuse participation to any applicant. The City shall not discriminate on the basis of race, religion, creed, color, sex or national origin.
3. Citations shall be issued to any participant not complying with any rules and regulations of Market Night. If noncompliance continues after a 2<sup>nd</sup> citation is issued (regardless of reason) participant shall be suspended from the Market.
4. Any Market Night participant that is denied access, reprimanded, or questions any decision made has recourse by submitting written request for consideration to the City of Redlands.

**If you are interested in participating in Market Night, complete the application online at [www.cityofredlands.org/redlandsmarketnight](http://www.cityofredlands.org/redlandsmarketnight)**