

Farmstand Checklist

- Application to Environmental Mgmt – approval by Lisa
- Oxbow Public Market Farmstand Application – approval by OPM
- Confirmation that application filed for City of Napa Business License
- Proof of Insurance
- Sign Agreement for Daily or Monthly rental rate indicating rules have been read
- Payment in advance for period of Rental Agreement
- Key as necessary

- Note, if any Farmstands are operating and offering samples – Farmstand #1 must be open



Farmstand Application

Please complete and return to Oxbow Public Market, attn: Nancy DeMerritt
644 First Street, Napa, CA 94559, ph: 707-226-6529 fax: 707-226-6539, email: nancy@oxbowmanagement.com

Name _____

Farm/Purveyor Business Name _____

Address _____ City, Zip _____

Day phone _____ Cell phone _____

Email _____ Website address _____

How long have you/your family been farming? _____ Years How long in present location? _____ Years

List products you would like to sell in which month(s) plus any processed foods you would like to sell (processed foods must be approved by Oxbow Public Market management and also require approval of County of Napa Environmental Management):

Jan	Feb	Mar	Apr	May	Jun
Jul	Aug	Sep	Oct	Nov	Dec

Circle one of the following indicating your ideal terms: Monthly/Daily

Please list more specific term preference(s), for e.g specific months or days of the week:

Would you be interested in cooperating with another farmer/purveyor for a Farmstand for alternate days? _____. If so, please list any farmer/purveyor with whom you would consider Farmstand sharing on alternate days? _____

Other markets in which you participate:



STEVEN LEDERER
Director

CHRISTINE M. SECHELI, R.E.H.S.
Assistant Director

**APPLICATION AND REQUIREMENTS FOR FARMSTAND VENDORS
SELLING FOOD AT OXBOW PUBLIC MARKET**

Farm stand vendors selling food must submit this application for approval prior to operating at Oxbow Public Market. Additionally, farm stand vendors must comply with all pertinent requirements of the California Retail Food Code (CRFC).

Please provide the following information:

Business name _____

Business address _____

Owner name _____

Phone number _____ Cell Number _____

Name(s) of vendors on-site _____

Note: Only produce or non-potentially hazardous prepackaged food items may be sold or given away at the farmstands.

The CRFC defines produce as any whole fruit or vegetable in its raw and natural state.

The CRFC defines prepackaged food items as any properly labeled food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, and prepared at an approved source.

Refer to CRFC, Section 113871 for the definition of potentially hazardous foods.

Please list all foods to be sold at your farmstand _____

Provide the location (including address) of origin of produce (if applicable) _____

Provide the location where prepackaged, nonpotentially hazardous foods are prepared (if applicable). Please include a letter of authorization from the owner of the approved food facility where you will prepare foods off-site. If food will be prepared outside of Napa County, also include a copy of the facility's valid local health permit or state wholesale license.

Foods are not permitted to be stored and/or prepared at home.

How will food be protected from contamination while in transit to the Oxbow Public Market?

Will samples be offered at your farmstand? If so, describe your sampling method.

Refer to the sampling requirements in the Requirements for Food Vendors at Farmstands sheet.

Please note that any changes in food sale operation are subject to approval.

I have read and am in agreement with the requirements set forth in the Requirements for Food Vendors at the Farmstands at Oxbow Public Market.

Operator name (print)

Operator signature

Date

REQUIREMENTS FOR FOOD VENDORS AT THE FARMSTANDS AT OXBOW PUBLIC MARKET

(Please keep this portion of the application)

All food sales must meet the requirements of the CRFC. **Only produce and non-potentially hazardous, pre-packaged foods are allowed at the farm stands.** Per section 113877 of CRFC, produce is defined as any whole fruit or vegetable in its raw and natural state. Per section 113876 of CRFC, prepackaged foods are defined as any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, and prepared at an approved source. Refer to section 113871 of CRFC for the definition of potentially hazardous foods.

No food preparation is permitted at the farmstands or at the produce sink (I don't know what the official name is for this area). Trimming of produce is not included in the definition of food preparation pre CRFC, Section 113971.

Cleaning and Sanitizing of Utensils:

Utilize approved 3 compartment sink in farmstand #1. The first compartment is for wash, the second for rinse, and the third for sanitizing. Approved sanitizing rinse (100 ppm chlorine solution--1 oz. bleach per 2 gallons of water, or 200 ppm quaternary ammonium sanitizer). Food contact surfaces must be sanitized at least every 4 hours.

Produce trimming:

Utilize the large one compartment sink in farmstand #1. Properly dispose of any waste trimmings.

Food Protection:

1. All food and utensils must be protected from contamination, including rain, vermin, bird droppings, insects, non-food chemicals, wastewater, overhead leakage, and other contaminants
2. Food handlers must wash their hands prior to preparing food, and after smoking, eating, after using the restroom, disposing of garbage, etc.
3. Direct hand contact with food must be minimized
4. Food handlers must not work in farmstands when ill.
5. No food may be stored or prepared in a private home.
6. All food shall be stored at least 6 inches off the floor.
7. Employee belongings shall be stored separate from food and utensils.
8. Bulk foods sold must be sold from approved containers with lids and approved scoops.

Conditions of Transport

During transportation to and from the Oxbow Public Market and while food is on-site at the market, all food, food contact surfaces, and utensils shall be protected from contamination.

Sampling Requirements

Distribution of food samples to the public allows consumers to sample items before purchasing. It allows sellers to introduce new and less common varieties of produce and other items as well as demonstrate the quality, taste and freshness of their products to consumers. Sampling has a positive effect on the sales of products at food facilities, special events, farmers markets, etc.

Sampling requirements

In order to provide safe samples to the public, the following guidelines from the California Retail Food Code must be followed:

1. Keep samples in clean, covered containers approved by this Department. A clear plastic container with a hinged lid or a plate with a clear dome cover would be effective and still allow the customer to see the product.
2. The vendor must distribute samples in a sanitary manner. Use toothpicks or disposable utensils to distribute the samples. This is to avoid contact with consumers hands.
3. Clean, disposable plastic gloves shall be used when cutting food samples.
4. Food 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, if applicable.
5. Potentially hazardous food samples shall be maintained at or below 45°F. All other food samples shall be disposed of within two hours after cutting. Note: Once produce is cut, it is considered a potentially hazardous food.
6. Utensils and cutting surfaces shall be smooth, nonabsorbent, and easily cleaned or disposed of as approved by this Department.
7. No live animals, birds, or fowl shall be kept or allowed within 6 meters (20 feet) of any area where food is stored or held for sale. This does not apply to guide dogs, signal dogs, or service dogs when used in the manner specified in Section 54.1 of the Civil Code.
8. All garbage and rubbish shall be stored, and disposed of, in a manner approved by this Department.



CITY of NAPA
Business License Tax Application
 955 School Street
 P.O. Box 660, Napa, CA 94559
 707-257-9508

Complete all the sections and return to the City with the non-refundable application fee:
~~\$97 (Business inside City)~~
\$21 (Business outside City)
\$67 (Home Occupancy Business)

Your application will be subject to further review and may be referred to PLANNING, FIRE PREVENTION, CODE ENFORCEMENT, BUILDING & POLICE DEPARTMENTS. As part of the approval and clearance processes, inspections may be conducted as necessary. If you are a food establishment operation, a permit from the COUNTY HEALTH OFFICER will also be necessary. In the meantime, you will be issued a Business License certificate. License is being issued for revenue purposes only. It is not a permit to operate a business in violation of City, County, State, and Federal Laws.

Application Type: New Business Address Change (effec. date _____) Owner Change (effec. date _____)
 Second Branch in City of Napa

Business Name (DBA)	Date business started or will start operating in Napa:
Business Address	Prior business owner and business license number business was purchased from:
Mailing Address <i>(If different from above)</i>	
Nature of Business:	
Business Phone (____) ____ - _____	Any other business currently at this location:
Emergency Phone (____) ____ - _____	
Is this business conducted in/from a residence? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Type of Business: <input type="checkbox"/> Contractor <input type="checkbox"/> Professional <input type="checkbox"/> Manufacturing <input type="checkbox"/> Wholesale <input type="checkbox"/> Retail <input type="checkbox"/> Service <input type="checkbox"/> Non-Profit <input type="checkbox"/> Property Rental - number of residential rental properties _____	
Ownership: <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> LLC SSN/EIN/TIN #: _____	
Owner(s) Name: _____	
If Corporation, name of Officer: _____	
Owner's Home Address: _____	Owner's Home Phone #: (____) ____ - _____
Retail Sales Tax #: _____	
Commercial business Floor Area: _____ Sq. Ft.	Contractor's State License _____
Health Permit #: _____	Number of professionals/employees: _____
FOOD: <input type="checkbox"/> Yes <input type="checkbox"/> No	ALCOHOL: <input type="checkbox"/> Yes <input type="checkbox"/> No Beer/Wine <input type="checkbox"/> Liquor <input type="checkbox"/>

Enter estimated gross receipts from business operations in the City of Napa for the first calendar year: _____

Complete if applicable:

For delivery business without fixed place of business within the City:
 Number of delivery/service vehicles: up to 2 tons: _____ 2 to 3 tons: _____ over 3 tons: _____

Number of vending machines: \$0.49-\$1.99: _____ \$2.00 & up: _____

Number of video games or amusement devices: _____

Number of enrollees in day care center: _____

I hereby certify under penalty of perjury, that the information contained herein is, to the best of my knowledge and belief a true and complete statement. Date: _____ Signature of Applicant: _____

• • • TO BE COMPLETED BY APPLICANTS REQUIRING SPECIAL PERMITS • • •

If your business falls under any one of the following categories, you will be required to obtain a special permit (please ask for specific forms).

Ice Cream/Food vendor	Weapons Dealer	Fortune-telling/palm reading	Non-profit organization
Card Room Dealer	Vehicle for Hire	Solicitor/Canvasser/Peddler	Massage service

Sections A & B, if applicable, are to be completed by all applicants with fixed place of business in the City.

A. HAZARDOUS MATERIALS (Call Fire Prevention at 257-9590 for assistance.)

Does your business use, store, generate, transport, or handle any commodity that might be considered a hazardous material?
 YES NO

NOTE: HAZARDOUS MATERIALS are explosives, gases, flammable liquids, flammable solids, spontaneously combustible materials that are dangerous when wet, oxidizers and organic peroxides, poisonous or infectious materials, radioactive materials or corrosives.

If Yes, list the commodities and the quantities typically in stock: _____

B. HOME OCCUPATION APPLICANTS ONLY (Call Planning Department at 257-9530 for assistance.)
 (Application cannot be processed without property owner(s) signature.)

IF YOU ARE NOT THE PROPERTY OWNER, PROCEED TO SECTION A.



Exhibit B

Farmstand Rules 2007/2008

"A Farmers' Market Everyday"

The Oxbow Public Market (OPM) is a specialty retail marketplace-containing complementary food vendors, cafés, wine tasting and year round farmstands all with a focus on showcasing artisanal food and wine within a unique open-span public market facility.

Located at 610 First Street in Napa and adjacent to Copia and the Napa Farmers Market, the OPM will be a dynamic public space, similar to the marketplaces gaining popularity in cities across the United States. The (10) ten OPM Farmstands are integral to this space, allowing consumers direct, seven-day-a-week access to fresh and local products (with emphasis on produce) not typically found in conventional supermarkets. Importance is placed on offering the highest quality products accompanied with knowledgeable and friendly service.

All products sold at OPM Farmstands must have the prior approval of the market management and meet Napa County Environmental Management Dept. requirements. Sale of specific products may be restricted. Generally permitted products are as follows:

- ✦ Agricultural products grown/raised within 150 miles of Oxbow Public Market
- ✦ Nursery items including plants, flowers and herbs
- ✦ Aquaculture products (fish and mollusks) from California
- ✦ And, in periods when seasonability of local produce limits availability, OPM may also allow non-food handcrafted products.

Farmer/purveyor Farmstand Eligibility. Oxbow Public Market management's approval of selling privileges is always for a limited period of time, never exceeding one year. Preference is given to Sellers based on their strengths in the following areas (not necessarily shown in order of priority):

- Commitment to sustainable agriculture, typically measured by use of organic or other certifiable environmentally responsible growing practices or organic ingredients.
- Sellers use of sustainable production in post-harvest handling techniques and packaging and labor practices.
- Locally or regionally produced (within 150 miles).
- Consistently high product quality.
- Operation of a small- to moderate-sized farm as a family business or as a member of a cooperative.
- Seller's demonstrated effectiveness at enhancing consumer knowledge of the products being sold and how they are produced (e.g. by Seller's presence at the market, by hiring of knowledgeable employees, and by educational information that informs consumers about sustainable agriculture practices utilized).
- Unique and unusual product offerings.
- Enhancement of overall product mix without creating excessive competition.
- Use of processed products featuring seasonal and regional ingredients bought from OPM farmers.
- Seller's track record with OPM management, tenants and Farmstand colleagues including adherence to rules, timeliness of arrival to OPM and timeliness of fee payments.

Other factors affecting admission of a Seller include:

- Space availability
- Our preferences for balance between unprocessed farm products and prepared foods and for prioritizing market access for farmers with value-added products over vendors with similar products.

Special Requirements for Farmers

- No crops grown using genetically modified (GM) seed may be sold at OPM Farmstands.
- No crops grown in soil fumigated with methyl bromide (MBr) or harvested crops protected in storage with MBr may be sold at OPM Farmstands.

Special Requirements for Nursery Sellers

- The Seller shall have performed the propagation, germination, planting of cuttings or division work for all potted plants, trees, or nursery starters that are sold at OPM Farmstands.

Special Requirements for Fish Sellers

- All fish sold must be harvested from a sustainable fishery by properly licensed boats.
- Fish caught in local waters will have preference over fish from farther away.
- All commercial fishers selling products at the OPM Farmstands will be required to show the following original documents: 1) Boat License, 2) Fish & Game License, 3) Landing receipts, and if selling local crab: 4) Permit to catch crab, and will also be required to submit copies of aforementioned documents.

No Reselling. Farmers are only allowed to sell products that they produce themselves or products that are produced by farmers that have been identified in written agreement as co-operating in the rental of their Farmstand and therefore have been pre-approved by management. The activity of buying products from another farmer, wholesaler, store, or other food operation, and then selling those same products is known as reselling. No reselling of any products is to be done in any part of the market.

Insurance. Oxbow Market, L.P holds substantial general liability and property insurance for its operations. However, as a condition of selling all OPM Sellers are required to name Oxbow Market, L.P. and Oxbow Management, LLC as "additional insureds" on their general liability policy. By applying to sell at Oxbow Public Market, the Seller is agreeing to this condition. The certificate of insurance naming required additional insureds must be returned to management with the fully executed Farmstand Agreement prior to Seller being allowed to set-up and operate in the Farmstands.

Market Hours. The Oxbow Public Market Farmstands will operate year round, rain or shine, 7 days a week except Thanksgiving Day, Christmas Day and New Year's Day. Minimum Farmstand hours will be 8:00 am to 2:00 pm Monday thru Saturday with Sunday hours yet to be determined. These hours are subject to some modification as management becomes familiar with the flow of customers to Oxbow Public Market in general and the Farmstands in particular.

Farmstand Conditions. Each Farmstand is equipped with the following:

- Corrugated metal ceiling
- Sixty square feet enclosable with small additional spill out zone.
- Metal roll down door (lockable with OPM management-provided lock)
- Hand sink with instantaneous electric water heater
- One (1) 20-amp, 120-volt wall-mounted convenience outlet (maybe used for small heater or refrigeration unit).
- Fluorescent light with light switch
- Conduit to OPM phone panel for future phone & data line access

Farmstand #1 is for Farmstand Sellers' common use and includes:

- Three (3) compartment sink for washing, rinsing and sanitizing utensils/cutting boards only.
- One (1) prep sink for rinsing produce and one (1) hand sink

Arrival, Loading, & Selling Time

- Sellers must arrive in time to set up and be open and operational by the published opening time of the Farmstands. Farmstand loading may continue until the Public Market opens at 9:00 am.
- It is recommended that Sellers keep Farmstands fully stocked for the entire duration of Farmstand hours.
- Seller's may, at management's discretion, begin selling prior to the official opening hour and/or stay and sell later than the official closing hour.

Parking. Farmers/purveyors are not permitted to park in Copia parking lot or OPM customer parking lots except for limited loading times as described above.

Farmer Attendance. The primary farmer/purveyor, or an immediate family member, is strongly encouraged to work at the Farmstand as much as possible. On all days there must be someone working the Farmstand that is very knowledgeable about the products and their source and the operation of the farm.

Cancellations.

- Sellers are permitted one absence (cancellation) per month. After exceeding his/her allowance, a Seller may lose their right to operate in that Farmstand as decided by OPM management.
- Sellers are expected to operate their Farmstand rain or shine. If OPM management believes a Seller is not operating their Farmstand solely because of incimate weather and anticipated slow sales, management reserves the right to revoke the farmers selling privileges.

Assignment of Farmstand Space.

- Your location shall be assigned at the discretion of OPM management. In making any determination, management shall consider the continuity of consumer-producer relationships and the maintenance of good product mix and consumer flow.

Change of Ownership. If a change of ownership occurs during the market year, management reserves the right to determine whether to extend the existing agreement to the new owner. Manager will only consider extending the contract to a new owner if quality standards and growing methods set by previous owner are maintained or exceeded.

Setup, Safety, and Sanitation. Our goal is to have a neat, safe and aesthetically pleasing market. Causing or maintaining an unsafe or unsanitary condition at OPM Farmstands is prohibited. Disciplinary action including possible loss of selling privileges will be taken against any Sellers that do not follow the following regulations:

- All display frontages must be behind the setup line designated by management.
- No boxes or produce displays may jut or extend into the common customer traffic areas – a walking aisle of 4 feet in front of The Farmstands must be maintained at all times.
- Tables and other display fixtures must be sturdy, stable and not overloaded.
- Attaching items to the Farmstand walls is prohibited without written consent from OPM management.
- No shades or awnings of any type are permitted.
- Before transacting any sales, Sellers shall ensure that their selling areas and immediate surrounding grounds are free of any produce trimmings or droppings or other litter.
- Any trimming of produce must be done so that trimmings fall in a box or container and not on the ground.
- Every Farmstand must have a trash receptacle for public use – to be provided by the Seller.
- Sellers providing plastic bags for their customer shall ensure that such bags do not litter the market under any conditions.

Daily Departure/Maintenance.

- With management approval, Sellers with longer term Agreements may be allowed to leave items in their assigned Farmstand over night. However, all items must be left clean and any food items must be stored in vector-proof containers.
- Before leaving the market, all matter and debris in the Seller's area, including an area extending halfway into the common traffic area, must be completely removed and taken with the producer, without regard to whether the litter originated in the Seller's area. Sellers who place the debris resulting from operation of their stall in receptacles intended for **OPM** customers are subject to losing their selling privileges.
- All Farmstand handsinks must be left clean at the end of each day.
- It is the Seller's responsibility to lock the roll down door of the Farmstand they work in before leaving for the day.
- **OPM management/Landlord shall in no way be held responsible for the loss or damage of any items left in Farmstands by Seller during the day or overnight.**

Signage. All Sellers must have clearly identifiable and displayed signage with their names, permits, growing practices and prices.

Farm/Vendor Identification. All Sellers must display a sign, with lettering at least 3 inches high, clearly identifying their name, and preferably, the city or town and county where their production occurs. OPM has identified a "signage zone" for each Farmstand which allows for an overall signage area of a maximum of 7 sq. ft.

Please confirm sign and method of attachment with OPM management prior to installation.

Permits and Licenses. OPM management requires that all permits and licenses shall be prominently displayed during selling hours.

Growing Practices. Signs and labels must clearly identify the products on a Seller's tables that are certified organic. Use of other terms should not obscure this basic information in any way. Farming practices must be fully and truthfully disclosed when customers inquire. Failure to do so could result in revocation of selling privileges.

- Evidence of organic certification must be prominently displayed for customer review. The organization that certified the farmer must be identified, as well as the expiration date of the certification.
- Additional signs and labels may be requested by OPM to further educate the customers about farmers' growing practices.

Prices. All Prices must be clearly marked or posted. Collusion and deceptive pricing practices are strictly prohibited and will not be tolerated. Bargaining with the consumer is allowed.

Noise, Disturbance, and Intrusion. No radios may be played during market sales hours. No loud hawking, shouting, or barking to promote products is allowed. All product promotion must occur within the space assigned to the producer and not in any common area. Unreasonable or outrageous conduct and disruptive action, including the throwing of items, are prohibited. No bicycling, skateboarding, or rollerskating is permitted. Scooters are prohibited.

Smoking. OPM adheres to a strict "No Smoking" policy. Smoking is prohibited in the market in **both common areas and within and behind Sellers' stalls.**

Animals. Article 13, Section 114316 of the California Uniform Retail Food Facilities Law (a section of the California Health & Safety Code) states that "no live animal shall be kept or allowed within 6 meters of any area where food is stored or kept for sale." The only exception is for service dogs. No vendor pets are allowed at The Market.

Compliance with Health Safety, and Related Laws. When selling at the Farmstands, Sellers, their employees, and their products shall comply with all applicable requirements of the California Uniform Retail Food Facilities Law, the California Sherman Food Drug and Cosmetic Law, and the California Direct Marketing Law, including:

- All produce and containers of produce must be kept at least 6 inches off the ground.
- Food preparation (except trimming) is prohibited in the Farmstand area.
- Processed foods must be processed in an approved facility and properly packaged and labeled under clean and sanitary conditions.
- 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 Napa County Environmental Management.
- No live animals, birds, or fowl may be kept or allowed within 15 feet of any area where food is stored or held for sale.
- Sellers selling non-agricultural food products are required to have a valid permit from the local jurisdiction.
- All products sold as organic must be grown, produced, or processed in accordance with the laws of the National Organic Program of the USDA. Third party certification must be displayed if applicable.

Samples may be distributed, in accordance with the following requirements:

- Keep samples in clean, covered containers approved by Napa County Environmental Management.
- Use toothpicks, or disposable utensils to distribute the samples.
- Dispose of pits, peels, and rubbish in leak proof garbage receptacles with close-fitting lids.
- Use, clean disposable plastic gloves when cutting produce for samples.
- Produce intended for sampling should be washed and cleaned in the prep sink provided in Farmstand #1.
- Utensils and cutting surfaces must be washed, rinsed and sanitized in the 3-compartment sink provided in Farmstand #1.
- Cutting surfaces must be smooth, non-absorbent, and easily cleanable.

Failure to abide by these guidelines when sampling may result in revoking your approval to sample.

Weights and Measures. When any product is sold by weight, the scale used shall be approved, tested and sealed by a County Agricultural Commissioner/Sealer. Each scale must have a current seal and must be sealed on an annual basis. You are not permitted to use scales with expired seals and the Napa County Ag Commissioner/Sealer may prohibit you to sell at all if you are using an illegal scale.

If a Farmer/Purveyor is selling products that are pre-packaged, the products are required to be labeled with the Identity, Responsibility, and Quantity. A handout of these requirements is available from the Napa County Ag Commissioner/Sealer. For any Weights and Measures questions, please call 707-944-8714.

Violations and Disciplinary Actions. A Seller may be suspended or removed from the Farmstands for failure to obey or conform to state or local government regulations, Farmstand Rules or Oxbow Public Market Rules & Regulations. A Seller is responsible for the actions of the Seller's employees.



Farmstand Rate Sheet - 2008

Monthly		
2008	# of Days per Month, less Holidays	Farmstand Fee Per Month
January	30	\$750
February	29	\$725
March	31	\$1,395
April	30	\$1,350
May	31	\$1,395
June	30	\$1,350
July	31	\$1,395
August	31	\$1,395
September	30	\$1,350
October	31	\$1,395
November	29	\$1,160
December	30	\$1,200

Daily		
2008	Farmstand Fee per Day Mon.- Fri.	Farmstand Fee per Day Sat.-Sun.
January	\$25	\$30
February	\$25	\$30
March	\$45	\$50
April	\$45	\$50
May	\$45	\$50
June	\$45	\$50
July	\$45	\$50
August	\$45	\$50
September	\$45	\$50
October	\$45	\$50
November	\$40	\$45
December	\$40	\$45