

General FAQs

Who do I contact if I want to sell agricultural products in a Certified Farmers' Market?

- Contact the Department of Agriculture, Weights and Measures, Agricultural Standards Division: (858) 614-7786
AgStandards.AWM@sdcounty.ca.gov
9325 Hazard Way, Suite 100
San Diego, CA 92123
Hours: 8:00 am to 5:00 pm, M-F

Who do I contact if I want to sell prepared food in a Certified Farmers' Market?

- Contact the Department of Environmental Health, Food and Housing Division
Food & Housing Duty Specialist: (858) 505-6900
Special Events Permit Coordinator: (858) 505-6809
fh dutyeh@sdcounty.ca.gov
5500 Overland Avenue
San Diego, CA 92123
Hours: 8:00 am to 4:30 pm, M-F

Once I have the necessary permit(s), who do I contact to start selling in a Certified Farmers' Market?

- Contact the manager of the market you are interested in directly.
- You can find a list of all the certified farmers' markets in the county, including contact information for the market managers, at www.sdfarmersmarkets.org → "List of Farmers' Markets in San Diego County"

How do I open a Certified Farmers' Market?

- You can find a guide to the permitting process for opening a Certified Farmers' Market at www.sdfarmersmarkets.org → "Open a CFM"

Department of Agriculture, Weights and Measures FAQs

Certified Farmers' Markets

A guide to opening a Certified Farmers' Market can be found at www.sdfarmersmarkets.org → "Open a Certified Farmers' Market"

Who can open a Certified Farmer's Market?

- Certified producers
- Local government agencies
- Non-profit organizations

What are the "certified" and "non-certified" sections of a Certified Farmers' Market?

- The **certified section** is a clearly defined marketing area where California farmers sell agricultural products that they grew themselves.
- The **non-certified section** is a separate vending area, also under the market operator's control, where all other activities are conducted.
 - E.g. sales of prepared food, crafts, clothing, jewelry.

What can be sold in the certified section?

- Only **agricultural products** grown by a certified producer* may be sold in the certified section.
 - *Producers selling only meat or cheese are not required to obtain a certified producer's certificate, but still must comply with all Direct Marketing laws and regulations.
- **Agricultural products** are defined as fresh or processed products produced in California, including fruits, nuts, vegetables, herbs, mushrooms, dairy, shell eggs, honey and other apiary products, flowers, grains, nursery stock, livestock meats, poultry meats, rabbit meats, and fish*
 - *Fish must be produced under controlled conditions in waters located in California.

What cannot be sold in the certified section?

- **Non-agricultural products** may not be sold in the certified section.
- **Non-agricultural products** are defined as 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.
- **Agricultural products** that are combined with **non-agricultural products** are no longer considered agricultural products, and may not be sold in the certified section.
 - E.g. holiday wreaths, plants in decorative pots.
- Agricultural products purchased from another individual or entity may not be sold within the certified section.

What cannot be sold in the non-certified section?

- Fresh whole fruits, nuts, vegetables, cultivated mushrooms, herbs, and flowers may not be sold in the non-certified section.
- This is to prevent unfair competition with the certified producers in the certified section.

The market manager will not allow me to _____, even though it is permitted by Direct Marketing laws and regulations.

- Operators of Certified Farmers' Markets may establish rules that are more restrictive than state laws and regulations, as long as they do not conflict with state laws or regulations.

Certified Producer's Certificate

An application to become a Certified Producer can be found at www.sdfarmersmarkets.org →
"Become a Certified Producer"

Who can become a Certified Producer?

- A legal entity such as an individual, married couple, legally formed partnership*, or corporation**
 - *See page 9 of the Certified Producer application for details on partnership agreements
 - **Proof of incorporated status required

Can I get a Certified Producer's Certificate if I don't own the land where I farm?

- Yes, if you provide a valid, notarized lease agreement with the owner of the property.
- The lease agreement must meet the requirements on page 8 of the Certified Producer application.

I farm in multiple counties. How do I get a Certified Producer's Certificate?

- Producers that farm in multiple counties must obtain a Certified Producer's Certificate from each county.

Department of Environmental Health FAQs

Information about Temporary Food Facility Permits can be found at <http://www.sandiegocounty.gov/content/sdc/deh/fhd/food/tempevents.html>

What permit is required to sell prepared food in a Certified Farmers' Market?

- Food vendors must obtain a Temporary Food Facility Permit from the Department of Environmental Health.

May I use my restaurant's Health Permit to serve food at a Farmer's Market?

- No, a restaurant owner is required to obtain a Temporary Food Facility Permit from the Department of Environmental Health to operate a food booth at a temporary event.

Are there additional requirements for the Multi-Event (Annual) Temporary Food Facility Permit vs. a Single Event Permit?

- Yes, with an Annual Temporary Food Facility Permit, the applicant must store all food and equipment in an approved commissary (permitted food facility) within San Diego County.

Can I prepare food in my home for sale to the public?

- Certain low risk foods can be prepared in a home kitchen for sale to the public with a Cottage Food Permit.
- Information about Cottage Food Permits can be found at <http://www.sandiegocounty.gov/content/sdc/deh/fhd/food/cottagefood.html>

Department of Planning and Development Services FAQs

The following FAQs apply only in unincorporated areas of the County

What Land Use Regulation (zoning) would allow for a Certified Farmers' Market?

- A Certified Farmers' Market would be allowed on developed properties that are located on a public property, property owned by a school district which is developed with a school use, within the C31, C32, C34, C35, C36, C37, C40 or C42 use regulations, or within the S88 use regulations and designated commercial in the Specific Plan.
- A Certified Farmers' Market shall not be located within a private road easement or on vacant or unimproved land.

How can you find out how the property is zoned?

- Use PDS's [self-service report](#) (follow link and enter APN number)
- For assistance, contact PDS's Zoning Division at (858) 565-5981, or e-mail Dag.Bunnemeyer@sdcounty.ca.gov

During what hours may a Certified Farmers' Market operate?

- A Certified Farmers' Market shall not operate on more than two days per week. No activities, including setup, preparation, sales and close up, shall begin before 6:30 a.m. or continue later than 10:00 p.m. on Monday through Saturday. On Sunday the applicable hours shall be 7:30 a.m. and 6:00 p.m. respectively.

Sheriff's Licensing Division FAQs

The following FAQs apply only in unincorporated areas of the County

I run a Certified Farmer's Market in the unincorporated area of the County, do all of my vendors need a solicitor's license?

- No, a Certified Farmer's Market Operator must obtain a solicitor's license for the vendors who sell goods and services at the Non-Certified section of the market. This however does not exempt them from any other licensing requirements.

As a Certified Farmer's Market Manager, how often must I renew my solicitor's license?

- The license is effective for one year. It is only good for one specific location and is non-transferrable.

I have a seller's permit and a health permit, why do I need to provide a copy of these documents to the Sheriff's Department?

- The Sheriff's Department verifies all permits to ensure that they are valid and up to date before issuing the Market Manager their solicitor's license which covers all Non Certified vendors at the market.

I am an Avon/Tupperware/Scentsy/Pampered Chef Rep and I'd like to have a booth at my local Farmer's Market, am I required to have a CA State Seller's Permit?

- No, however, you must provide the Board of Equalization as well as your market manager a completed BOE-410D form. You can find the form at: <http://www.boe.ca.gov/pdf/boe410d.pdf>