



Rules & Regulations
of the State of Georgia

**RULES
OF
GEORGIA DEPARTMENT OF AGRICULTURE
STATE FARMERS' MARKET**

CHAPTER 40-9-7

LOCAL OPERATING RULES

For

**ATLANTA STATE FARMERS' MARKET
AUGUSTA STATE FARMERS' MARKET
COLUMBUS STATE FARMERS' MARKET
MACON STATE FARMERS' MARKET
SAVANNAH STATE FARMERS' MARKET**

TABLE OF CONTENTS

40-9-7-.01	Licenses
40-9-7-.02	Assignment of Space and Collection of Fees
40-9-7-.03	Traffic and Sanitation
40-9-7-.04	Operating Rules

40-9-7-.01 Licenses.

(1) Any person using the State Farmers' Market for the purpose of selling or offering for sale any items on the premises must be licensed by the Commissioner of Agriculture.

(2) Employees and agents of farmers and dealers selling produce in the open shed areas must be licensed by the Commissioner of Agriculture.

Authority: Ga. Laws 1935, p. 369, as amended.

40-9-7-.02 Assignment of Space and Collection of Fees.

(1) All farmers, producers, merchants, laborers and others using any Markets must contact the Market Manager of such Market, or his representative, before making deliveries, engaging in business or occupying space on the Market. The Market Manager may require that all laborers seeking independent employment on a Farmers' Market must register with the Market Manager. The Market Manager will designate a space or area for laborers to assemble while awaiting employment.

(2) The Market Manager of a Market, or his representative, will assign space and collect fees according to a published schedule. Each Market Manager shall have the authority to issue a "Schedule of Fees" to be charged subject to approval of the Commissioner of Agriculture, and to alter, amend or suspend any part of all such fees, subject to approval of the Commissioner of

Agriculture. The published "Schedule of Fees" will cover all vehicles entering the Market to sell or deliver their contents.

(3) Fees shall be collected at the gate on all loaded vehicles. Failure to purchase and obtain gate tickets when required under the Act or these Rules will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business at the Markets in the future.

(4) Truck Sales. This method allows for 24 hours parking at a shed or until load is sold, whichever comes first. The gate ticket covers 24 hours parking. If the load is not sold at the end of this 24-hour period, the Market Manager will assign a stall for periods of 24 hours until the load is sold. Additional fees will be paid for each 24 hour period. When produce is sold, the space shall immediately revert back to the Market. One hour is given to clean and vacate the space. Failure to pay additional fees or clean and vacate space when required under the Act or these Rules will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business at the Markets in the future.

(5) Space Sales. This method allows an individual to locate or establish his business on a continuous day to day basis for the season in a specific place on the sheds. Payment for space per stall for 24 hours shall be published by each Market and collected daily. This fee shall be in addition to the gate fee. Failure to pay the fees when required under the Act or these Rules will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business at the Markets in the future.

(6) No person shall use any space upon the Market except as assigned and authorized by the Market Manager. The use of stalls or spaces by anyone other than the person assigned or authorized by the Market Manager is prohibited. The use of space not assigned and authorized by the Market Manager as required under the Act or these Rules will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business at the Markets in the future.

(7) Extenuating circumstances, safety and sanitation requirements, renovations, extremely crowded Market conditions, special promotional events, to include Annual Christmas tree sales, may require and authorize the relocation of persons in stalls by the Market Manager. The Market Manager may also issue guidelines for particular special events.

Authority: Ga. Laws 1935, p. 369, as amended.

40-9-7-.03 Traffic and Sanitation. Amended.

In the interest of public safety, the following regulations for traffic and sanitation will be rigidly enforced:

(1) Traffic. The Market has been zoned for traffic and parking and is posted accordingly. All speed, traffic and parking will be rigidly enforced.

(2) Sanitation.

(a) All persons (including but not limited to truckers, wholesale dealers, small dealers, nursery stock dealers, market retailers and farmers) occupying space, shall be responsible daily for the proper disposal and removal of all refuse, garbage and trash from their space on the Market.

(b) When grading and preparing products for sale, discards will not be thrown on pavement, but shall be relocated by the person into personal vehicles to be removed from the Market, or properly disposed of through containers, or other approved methods.

(c) All refuse, garbage and trash collection, or storage containers, shall be of a design and size, and kept in a location, approved by the Market Manager in advance of use. They shall be covered and shall be emptied daily, unless otherwise approved, with the refuse, garbage and trash being taken from the Market property and disposed of in accordance with the law.

(d) Upon departure, all space for which a person is responsible as described above, must be left clean.

(e) No one may dispose of trash or spoiled produce into containers not owned or leased by licensee unless the licensee is an agent of the owner or lessee of the container. Such activity will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business or being employed by any business to conduct business on the Markets at any of the State Farmers' Markets in the future.

(f) Failure to dispose of their trash resulting into proper trash containers by any licensee or agent of the licensee will constitute proper grounds for revocation or suspension of a license and the right to conduct any type of business or being employed by any business to conduct business on the Markets at any of the State Farmers' Markets in the future.

(g) Disposal of Christmas Trees – All Christmas trees shall be removed from the Market by the person upon vacating stalls

Authority: Ga. Laws. 1935, p. 369, as amended.

40-9-7-.04 Operating Rules.

(1) All fees are due in advance and will be considered delinquent 24 hours after prior paid period has expired. Delinquent stalls immediately revert back to the Market and any remaining produce, vehicles, or other items shall be considered abandoned and shall be disposed of pursuant to Rule 40-9-7-.04 (20). If person has been absent from Market and fees have accrued, person must, upon his return to the Market, pay all delinquent fees before engaging in business again.

(2) Each person shall operate only those stalls assigned to him by the Market Manager or his representative and either that person or his employee or agent shall be present during normal operating hours of the Market. The Department and the Market assume no responsibility for any property belonging to that person, employee or agent.

(3) Holding space by use of parked vehicles, small amounts of produce, etc., will not be permitted. The Market Manager may allow for exceptions for good cause; i.e. Christmas trees, etc.

(4) All vehicles belonging to or used by a person which are moved on a daily basis must be parked immediately behind the person's assigned stall or stalls, but may not be parked so as to extend into or block any fire lane. Any other vehicles belonging to or used by a person, except as provided by Rule 40-9-7-.04 (8) below, must be parked in a designated area provided by the Market on a fee basis, said fee amount to be established by the Market Manager in the Schedule of Fees.

(5) Limitations on the maximum number of stalls per person shall be established by the Market Manager, subject to the approval of the Commissioner of Agriculture, and published in the Schedule of Fees. In the event of extenuating circumstances, safety and sanitation requirements, special promotional events or extremely crowded Market conditions, the Market Manager may limit the number of stalls assigned to less than the maximum indicated in the Schedule of Fees.

(6) Gate tickets are not transferable.

(7) All vehicles bringing products to deliver for resale or products to offer for sale will stop at the entrance gate and pay applicable fee. If products are to be offered for sale in the shed area, driver will be directed to the inspection and assignment station. Upon approval of the load by the inspectors, driver will be assigned space in the appropriate area of the Market to be operated in accordance with the following:

(a) Areas will be designated as follows:

- (1) Farmers' Area
- (2) Truckers' and Wholesale Dealers' Area
- (3) Nursery Stock Area
- (4) Small Dealers' Area

(i) To occupy space in any of the above areas on a continual day by day basis will require submission of an application for this space to the Market Manager for approval or disapproval.

(ii) There will be no minimum sales requirements in the above-mentioned areas.

(b) Persons assigned to the Farmers' Area must either be present or have an attendant approved by the Market Manager at stall during normal operating hours of the Market. If a farmer wishes to designate some person to represent him on his stall, prior approval of the Market Manager or his representative must be secured. A written affidavit from the farmer designating his representative shall be provided prior to any such approval. No person shall serve as the designated representative of more than one farmer.

(c) No farmer or his employee or agent occupying space in the Farmers' Area shall offer for sale any product not grown by that farmer.

(d) Any person who occupies space other than that assigned to him, either by failure to occupy assigned space or by moving to another space without authorization, shall be in violation of these Rules and, in addition to any other action which may be taken pursuant to these Rules or otherwise, shall be removed immediately from the space occupied but not assigned to him.

(8) Vehicles designated for storage and/or refrigeration will be permitted to park in the rear of a person's space on a longer than daily basis only upon the written approval of the Market Manager. All requests for such approval shall be submitted in writing and shall include a description of the proposed vehicles and their purpose. No approval will be given for any vehicle that cannot be moved immediately by the person from the shed area at the request of the Market Manager or his representative; provided, however, that such a request shall be made only to verify that a vehicle can be so moved either as a part of the approval consideration or at anytime after approval but not more often than once every sixty (60) days, or at any time when the Market Manager or his representative deems such movement necessary for the safety or sanitation of the Market. After approval, all vehicles shall be maintained in at least as movable condition as at the time of approval and for the same purpose as specified in the request for approval. The failure or inability to so move any such vehicle immediately upon the

request of the Market Manager or his representative as outlined above or the failure to maintain such vehicle in at least as movable condition as at the time of approval shall automatically revoke any prior approval for the parking of that vehicle in the rear of the person's space.

(9) Vehicles will not be permitted to park at the end of sheds.

(10) Except as noted below, persons in the open and closed sheds shall not place or construct anything on their assigned stalls except approved items which are for sale, containers, scales, display shelves and seating facilities. Persons in the enclosed shed area may, within the confines of the unit, stall or bay furnished by the Market, place or construct facilities for refrigeration, storage, display, office space or other market related purpose following written submission of plans to the Market Manager and receipt of written permission from the Market Manager. All items placed or constructed in the open or closed sheds shall be free standing; no nails, spikes or any other items shall be attached or driven into any Market erected structure.

(11) Persons shall not place anything, including but not limited to coolers, freezers, enclosures, cooking equipment, sleeping facilities or windbreakers, anywhere in the Market unless such placement is explicitly authorized by these Local Operating Rules.

(12) Signs and price tags will not be permitted on products displayed in the shed area, except in compliance with size, grade or other disclosure required by statute or duly promulgated regulation of the State of Georgia or any federal agency. All signs in the shed area must be reviewed and approved by the Market Manager. The criteria for approval shall include, but not be limited to, the following:

(a) All egg signs will be no larger than 12" x 12" and show size and grade.

(b) All signs displayed on nursery stock will be no larger than 2 ½" x 3 ½".

(c) All signs for business identification in the enclosed sheds will be affixed over the entrance door or to the top panel of the enclosed area. Specifications are to be approved by Manager.

(d) All persons accepting food stamps shall display the sign provided or specified by the Food and Nutrition Service of the United States Department of Agriculture and shall attach said sign to the post that divides the units.

(13) All persons on the Market shall comply with the provisions of the Georgia Agricultural Commodities Promotion Act and the regulations and marketing orders promulgated thereunder, all weights and measures statutes of this State and any regulations promulgated thereunder, the 1956 Cull Law, the consumer protection laws of this State, including, but not limited to, the Georgia Food Act and the Fair Business Practices Act of 1975 and any regulations promulgated thereunder, the fire safety laws of this State and any regulations promulgated thereunder, including, but not limited to, any regulations promulgated by the Georgia Safety Fire Commissioner, and any other statutes or regulations of this State pertaining generally to the sale, labeling, advertising, display, quality or sanitary condition of produce or other foodstuffs.

(14) No produce or equipment will be displayed anywhere except on the dock only in areas designated by the Market Manager.

(15) Loading and unloading from the front of stalls, where possible, is permissible as long as normal traffic flow is not impeded

(16) No smudgepots allowed on Market.

- (17) No repairs on vehicles, other than emergency repairs, may be performed on Market.
- (18) Housekeeping and/or homesteading on the Market is prohibited.
- (19) All animals must be kept in vehicles.
- (20) Abandoned produce, vehicles, containers and all other items will be disposed of as follows 24 hours after rent has expired.
- (a) Produce - Inspectors will check and donate edible produce to charitable institutions, if possible. All other produce will be disposed of as garbage.
- (b) Vehicles - Will be turned over to the proper authorities to be impounded at owner's expense.
- (c) All Other Items - All items determined by the Market Manager or his representative to be of less than fifty dollars (\$50.00) in value will be disposed of as garbage. Any remaining items will be stored for thirty (30) days by the Market following the mailing of notification to the abandoning person by certified mail to the address of the person abandoning as set forth in the person's application for the license required by rule 40-9-7-.01. If any such remaining items are not claimed by the person prior to the expiration of said thirty (30) day period, said items will be donated to charitable institutions, if possible, or, if not so possible, disposed of as garbage.
- (21) Personal Conduct - Any individual perpetrating any of the following practices shall be subject to revocation of any licenses held by that individual pursuant to the laws of Georgia relating to State Farmers' Markets and any regulations promulgated thereunder, shall be subject to removal from the Market and shall be prohibited from doing business on any State Farmers' Market.
- (a) Fraudulent or dishonest practices.
- (b) Abusive, obscene or insulting language.
- (c) Attempting price fixing or circulating rumors in order to upset the operations of others.
- (d) Use of intoxicants, drugs or narcotics.
- (e) The breaking, defacing or destruction of any Market property or interfering with electrical fixtures, wiring, etc. Any person found responsible for any such acts, in addition to any other punishment, shall be required to have damages resulting from such actions repaired at his own expense.
- (f) Engaging in conduct constituting a danger to persons, property or the orderly operation of the Market.
- (g) Cutting of firewood on the Market.
- (h) Parking tractor-trailer trucks on the Market for more than eight hours without written permission from the Market Manager.
- (i) Disposing of trash in containers not owned or leased by the licensee or employee of the licensee.
- (j) Using water for any purpose other than spraying fruit or washing stalls on the Market if the licensee does not pay for the use of water.

(k) Playing music that disturbs licensees and employees of licensees in other stalls on the Market, as well as the visitors to the Market.

(l) Using of digital or video recorders (and other recording devices) to record anyone or any activity on the Market at anytime without the written permission of the person recorded and the Market Manager.

(m) Parking vehicles to prohibit the movement of fire and other emergency vehicles.

(n) Allowing a person who has had a license revoked by the Department to be an employee on the Market to buy and sell produce.

(o) Violation of any provision of Chapter 40-9 of the Rules of the Georgia Department of Agriculture pertaining to State Farmers' Markets.

(22) Any complaints shall be presented to the Market Manager in writing using Department of Agriculture Form #108. Such complaints shall give complete and adequate information setting forth in detail the allegations and shall be signed by the complainant.

Authority: Ga. Laws 1935, p. 369, as amended.

The following rules are hereby repealed.

Chapter 40-9-8: Local Operating Rules Augusta State Farmers' Market

Chapter 40-9-9: Local Operating Rules Columbus State Farmers' Market

Chapter 40-9-10: Local Operating Rules Macon State Farmers' Market

Chapter 40-9-11: Local Operating Rules Savannah State Farmers' Market