

FARM STANDS AND RETAIL MARKETS

This handout is not a substitute for the California Retail Food Code

Farmers now have enhanced opportunity to sell fresh produce and eggs from their farm as well as other food products made with ingredients produced on or near the farm. The California Retail Food Code (Cal Code) allows for the establishment of farm stands. These stands should be accessory to on-site agricultural operations. The intent is to encourage the sale of locally grown fresh produce, not the establishment of traditional retail stores or convenience markets in agricultural zones.

Produce Stands, Farm Stands and Retail Markets in the agriculture zone may be subject to other laws and regulations administered by other Contra Costa County departments, state and federal agencies. The Environmental Health Division (EHD) regulates the retail sale of food through implementation and enforcement of Cal Code.

I. PRODUCE STAND

A. Definitions:

1. A produce stand is operated by the producer and is located on premises controlled by the producer. The produce stand may sell or offer for sale only whole produce and shell eggs that are grown by the producer or from a farm that is proximate to the site. The County Ordinance Code refers to these types of stands as Grower Stands.
2. Produce is defined as any whole edible portion of a plant in its raw and natural state.

B. Sampling of cut produce and the sale of containerized drinks and/or other non-potentially hazardous foods (non-PHF) are prohibited.

C. Produce Stands are excluded from the definition of food facilities by Cal Code and **do not** require an EHD Permit to Operate.

II. FARM STAND

A. Definitions:

- a. Farm Stands are premises established for food sales in accordance with local ordinances, land use codes, state codes and federal codes.
- b. Non-Agricultural Products offered for sale at farm stands are limited to prepackaged non-PHF products that were not grown or produced in close proximity to the farm stand (e.g. containerized water and soda, chips, candy, etc).
- c. Value-Added Farm Products are prepackaged non-PHF products from an approved source that were grown or produced in close proximity to the farm stand (e.g. jams, jellies, olive oil, bottled honey and dried fruits and nuts with flavoring added).

- B. Under Cal Code, a farm stands **needs** an EHD Permit to Operate and must meet the following requirements:
1. Food sales at a farm stand must be limited to the following:
 - (a) Whole produce and shell eggs.
 - (b) Value added farm products from an approved source that were grown or produced in close proximity to the farm stand.
 - (c) Non-agricultural products from an approved source that were not grown or produced in close proximity to the farm stand (limited to a 50-ft² storage and sales area).
 2. Food preparation is prohibited at a farm stand except food samples, when offered in accordance with sampling guidelines described below.
 - (a) Sampling Guidelines for Farm Stands:
 - (1) Potable water must be used for handwashing and sanitizing utensils as approved by EHD.
 - (2) Food intended for sampling must be washed or cleaned by potable water to keep it wholesome and safe for consumption.
 - (3) Utensils and produce cutting surfaces must be smooth, nonabsorbent, and easily cleanable, or approved single-use articles must be utilized.
 - (4) Clean, disposable plastic gloves must be used when cutting food samples.
 - (5) Samples must be kept in approved, clean, covered containers.
 - (6) Potentially hazardous food samples must be held at or below 45°F and must be disposed of within two hours after cutting (e.g. ice baths for cut melons, tomatoes, etc).
 - (7) All food samples must be offered in a sanitary manner.
 - (8) Wastewater must be disposed through connection to an approved public sewer system or in a manner approved by EHD (e.g. disposing in a portable toilet, etc.).
 - (b) Approved toilet and handwashing facilities must be available, within 200 feet of the farm stand or as approved by EHD, for use by farm stand operators and their employees when food sampling is conducted.
 3. All food must be stored at least six inches above the floor or ground.
 4. No live animals, fowl or other birds are permitted within 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. This section of the civil code addresses individuals with disabilities or medical conditions and their right to full and free use of all public places that are available to the general public.
 5. All garbage and refuse must be stored and disposed in a manner approved by EHD. Approved manner includes either subscribing for garbage service or obtaining a garbage exemption to allow self-hauling to an appropriate disposal site.
 6. All prepackaged processed food products offered for sale must be from approved sources and be stored in approved vermin proof structures or containers when the farm stand is closed.

III. RETAIL MARKET

- A. A facility is categorized as a retail market when the sale and storage area for non-agricultural products exceeds 50-ft². A retail market operator may sell farm products, value added farm products, and non-agricultural items.

- B. Under Cal Code, retail markets are **permanent food facilities** that **need** an EHD Permit to Operate and must meet Cal Code requirements.

PROCESS TO PERMIT A FARM STAND OR RETAIL MARKET

FARM STAND

Step 1: The following must be included with the **Consumer Protection Application**:

- a. Complete the Consumer Protection Application for a farm stand.
- b. Include the following attachments with the application: Site plan (show location of handwash station, utensil wash station, toilet facilities) and sampling protocol (if samples are to be offered).
- c. Submit a \$193.00 site evaluation fee.

Step 2: Submit completed application with fees to Contra Costa Environmental Health Division.

Step 3: Permit to Operate will be issued after the application is reviewed and approved. Post the permit to operate at the farm stand.

RETAIL MARKET

Step 1: The following must be included with the **Facility Construction Plan Application**:

- a. Complete Facility Construction Plan Application and Plans for a retail market.
- b. Submit corresponding plan check deposit (see current fee schedule).

Step 2: Submit complete application to Contra Costa Environmental Health Division.

Step 3: A *pre-final* inspection must be scheduled when room finishes are completed and plumbing, ventilation, and equipment are in place. **Schedule all inspections at least 4 working days in advance.**

Step 4: A *final* inspection must be scheduled when 100 percent of the construction is completed, including all finishing work and utility hook-ups. **Schedule all inspections at least 4 working days in advance.**

Step 5: Permit to Operate will be issued after all structural and equipment requirements have been met at the time of final inspection.

More detailed information on the plan check process can be found using the Plan Check Construction Guidelines on the website at www.cchealth.org/eh/.

Contra Costa County Ordinance, Article 413-3.606 – Other permits and Requirements: Permits required by this chapter are in addition to any other license or permit required within the area of application, and does not exempt any person, operation or premises from sanitary requirements enforced by the health officer.