



OPERATING A PRODUCE OR FARM STAND IN THE COUNTY OF SANTA CLARA



Farmers 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 local, state and federal agencies. The Department of Environmental Health (DEH) regulates the retail sale of food through implementation and enforcement of Cal Code.

PRODUCE STANDS

Definitions:

1. Producer means a person or entity who produces shell eggs or edible plants by practice of the agricultural arts upon land that the person or entity controls.
2. 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.
3. Produce is defined as any whole edible portion of a plant in its raw and natural state.



Requirements:

1. No sampling of cut produce.
2. No sale of containerized drinks and/or other non-potentially hazardous foods (non-PHF) such as chips, candy, etc.
3. Produce Stands are exempt from a DEH Permit as long as the requirements above are strictly adhered to. Please note that other regulatory requirements may still apply.

FARM STANDS

Definitions:

1. Farm Stands are premises established for food sales in accordance with local ordinances, land use codes, state codes and federal codes.
2. Farm Stands require a permit from DEH. It is the responsibility of DEH to oversee sections of the California Health & Safety Code (CH&SC §113713) in relation to all retail food operations and Santa Clara County Ordinance B11-21 to permit such activities.
3. 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). Prepackaged products may require an additional permit/registration from the California Department of Public Health (CDPH). Please contact them at the number listed below for more information.
4. 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).

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 50-ft² storage and sales area);
2. Food preparation (i.e. cutting, chopping, blending, mixing, serving etc.) is prohibited at a farm stand except for 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 DEH.
 - (2) Food intended for sampling must be washed or cleaned with 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 DEH (e.g. disposing in a portable toilet, etc.).
 - (b) Approved toilet and handwashing facilities must be available, within 200 feet of the farm stand, for use by farm stand operators and their employees when food sampling is conducted. Portable toilets at a particular location or event shall not exceed three consecutive days duration unless otherwise exempted under the Santa Clara County Ordinance Code Section B11-76 (contact our office for more information).
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 animals when used in the manner specified in Section 54.1 of the California 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 DEH. Approved manner includes either subscribing for garbage service or obtaining DEH permission for an alternative form of garbage management.
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.



RETAIL MARKETS

A retail market is a facility categorized 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. A retail market requires a construction and operating permit from DEH prior to opening.



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HOW TO OBTAIN A PERMIT FOR A FARM STAND OR RETAIL MARKET

FARM STANDS

1. Complete and submit a DEH permit application along with the following:
 - a. Permit fee for a Limited Food Sales (FP05). See current fee schedule at www.EHInfo.org.
 - b. If produce sampling is being proposed, include a site plan showing the location of the following:
 - i. Handwash station
 - ii. Utensil wash station
 - iii. Toilet facilities
 - c. Indicate the farm stand's operations information:
 - i. Operational times (example; May through August, Tues-Sun 8AM-4PM)
 - ii. Potable water source
 - iii. Wastewater disposal

RETAIL MARKETS

1. Determine if site location will be approved for zoning and rights-of-ways. For water and wastewater disposal requirements, contact DEH (Land Use Program). See agencies below or their City equivalents.
2. Complete and submit a plan check application and pay the initial plan check fees.
3. After plans are reviewed:
 - a. If approved, you will be contacted to pick up your approved stamped plans from our office.
 - b. If your plans are not approved, you will be notified in writing. You will need to resubmit plans based upon what your letter indicates is needed. Additional fees may be charged.
4. Once your plans are approved, you are required to call our office (408-918-3400) to make inspection appointments at different phases of the construction. For food projects you will need to make three inspections as follows:
 - a. Preliminary: Framing and plumbing only
 - b. Pre-final: Finishes (flooring, walls, etc.) Please note that all plan check fees must be paid in full prior to making your final inspection appointment and you must have a completed application for a permit to operate on file with our Department prior to your final inspection appointment.
 - c. Final: Everything is completed and all equipment is operational – no food allowed. You are required to pay your operating permit fees before you receive a permit to operate. Any permit fees not paid at the final inspection will need to be paid in our office or online at www.EHInfo.org before your business is allowed to open.

For Additional Requirements Contact The Following Agencies*:

Sealed scales.....	County of Santa Clara Division of Weights and Measures at 408-918-4601
Rights-of-way.....	County of Santa Clara Roads and Airports Department at 408-573-2460
Zoning and structures	County of Santa Clara Department of Planning and Development at 408-299-5700
Packaging and labeling.....	California Department of Public Health, Food & Drug Branch 916-440-7882

*** If your property is located within any of the Cities – please contact the appropriate City agencies.**