

HELENDALE COMMUNITY YARD SALE RULES

PURPOSE

Helendale Community Yard Sale has been formed to provide an opportunity for vendors to sell products to the community and surrounding areas, and to encourage commerce, entertainment, nutrition program participation, and trade.

YARD SALE EVENT

The Helendale Community Yard Sale operates in accordance with regulations published in California Code of Regulations, Title 3, Division 3, Chapter 1, Subchapter 4, Article 6.5. ("Direct Marketing Regulations"), hereinafter referred to as "state law." The community yard sale is subject to all pertinent District, county, state, and federal regulations and laws. All participating producers are required to be familiar with the current provisions of the Direct Marketing Regulations.

GOVERNANCE

The Helendale Community Yard Sale is governed and sponsored by Helendale Community Services District (DISTRICT). All yard sale activities are supervised and overseen by Helendale CSD staff. THE DISTRICT and its designated agents shall implement and enforce all rules and regulations pertaining to the operation of the Helendale Community Yard Sale in a fair and equitable manner.

DEFINITIONS

YARD SALE: refers to the Helendale Community Yard Sale in the Helendale Community Services District located in San Bernardino County.

FOOD VENDOR: A person or entity that produces or controls the production of baked, processed, or prepared foods.

ARTISAN/CRAFT VENDOR: A person, who through the practice of the applied arts, creates original craftwork or an artist or sculptor.

NON-PROFIT CORPORATION: An incorporated organization which has non-profit status under the Internal Revenue Code.

BUSINESS SELLER: A person or entity who possesses a county permit allowing the resale of goods for a profit.

YARD SALE VENDOR: A person who brings used or new items for sale.

STAFF OR EMPLOYEE: Any person employed by Helendale CSD.

FOOD PREPARATION: "Packaging, processing, assembling, portioning, or any operation which changes the form, flavor, or consistency of food, but does not include trimming of produce."

Source: California Retail Food Code, §113791. This includes but is not limited to juices, jams, flavored nuts, nut butters, baked items, dairy products, and cleaned fish.

IMMEDIATE FAMILY: "Parents, children, grandparents, or grandchildren of the certified producer or a family member regularly residing in the certified producer's household."

ALL SELLERS GENERAL RULES

1. All sellers shall complete the Vendor Application online at www.helendalecsd.org at least 48 hours prior to the event. Sellers who do not register 48 hours prior to the event are not guaranteed a spot.
2. No seller may display or sell any items that are sexual in nature, any drugs or drug paraphernalia, or any items that are not appropriate for a family event.
3. No seller may display or sell firearms, ammunition, or any related items on the premises. This rule is implemented to ensure the safety and security of all individuals and to comply with local, state, and federal regulations. Any violation of this rule will result in immediate removal from the yard sale.
4. The District reserves the right to prohibit any items deemed inappropriate in its sole discretion.
5. All sellers must agree to the "Hold Harmless" Agreement and the rules and regulations set forth therein.
6. Participants are not guaranteed space in the location of their choice. Vendor registration only reserves a space at the event. Helendale CSD staff has the authority to assign and reassign spaces when the situation calls for it.
7. Only those who have applied for and received permission from the Helendale CSD may sell at the yard sale. Entry requirements differ for each category and are described below. Permission to occupy a space at the yard sale is given only after all required documents have been received and confirmed a space reservation for the applicant. The seller must receive approval, at the discretion of the Helendale CSD for all products offered for sale, under whichever categories and approval procedures are dictated by these rules.
8. Sellers shall only display or advertise items that have been approved for sale.
9. Sellers are expected to be familiar with the Safety Rules as described below, and to comply with them. Sellers will immediately comply with the Helendale CSD staff directions in matters relating to safety.
10. All sellers are recommended to have product liability insurance, which indemnifies the Helendale Community Services District, and provide evidence if applicable.
11. The District prohibits proselytizing and/or campaigning for and against any ballot measure, political candidate or public office. This prohibition does not preclude any person or organization from conducting such activity during event hours on public sidewalks or other public property adjacent to the yard sale. Violation of this prohibition may result in expulsion from the Market for the remainder of that yard sale.
12. Non-profit corporations, whether dispensing information or selling, must comply with all rules & regulations.

STALL SPACE SET-UP AND BREAKDOWN

1. A seller's stall size, location and other factors of the space assignment of selling space within the yard sale shall be at the discretion of the Helendale CSD staff.
2. All sellers of pre-packaged foods must post visible price signs and all required permits, licenses and certificates.
3. All business sellers must visibly post a sign with business name and contact information.
4. Vendors must keep items within their assigned space.
5. Sellers are responsible for cleaning their own stall space and the aisle area in front of, behind, and around their stall at the end of the yard sale and disposing of trash.
6. Vendors must register each for each individual event no less than 48 hours prior to the event. Each registration only covers one date. Vendors may register in advance for future events.

HOURS

1. Yard sale hours are from 8 am to noon the first Saturday of March, June and September. The yard sale may be cancelled due to inclement weather.
2. No selling is allowed before or after the times established for the yard sale.
3. All sellers are expected to arrive at the yard sale for stall space assignment, set-up, and important notices at least 1 hour but not more than 2 hours before operating hours.
4. Sellers will be allowed a 60-minute take down time after the yard sale.
5. No seller may leave early without permission.
6. All sellers will park in designated seller parking lot.

SAFETY

1. Every stall selling food shall have a clean trash box in front of their stall for public use.
2. No display tables may be filled over carrying capacity. The items on display must be stable. Table legs must be secure, and tables must not cave in.
3. If using a 10x10 fire retardant awning, you must have a minimum of 30 lb sandbags attached to each corner due to wind. No hanging weights are allowed and all connecting rods of the shade canopies must be secure.
4. All food shall be stored at least 6 inches above the ground(CRFC Section 114371a).
5. Auto and truck ingress and egress must not endanger pedestrians. After the yard sale starting time, no moving vehicles will be allowed. All off-loading vehicles must exit the yard sale area 30 minutes before starting time.
6. No live animals, birds or fowl may be kept or allowed within 20 feet of any area where food is stored or held pursuant to California Retail Food Code requirements. This includes pets in vendor's vehicles. This subdivision 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, CA Health & Safety 27831.
7. No bicycling, skating, skateboarding, hoverboarding, e-bikes, are allowed in the sales area.
8. Smoking/vaping is not allowed in the sales area (California Health and Safety Code HSC § 114371).

9. All sellers shall keep their vehicles, merchandise and tables within their assigned stall space.

CONDUCT

1. At the closing of the yard sale each seller is responsible for leaving his or her stall space completely clean and carrying offsite all trash generated.
2. Consumption of alcoholic beverages, yelling, swearing, name-calling, slanderous remarks and other rude behavior will not be tolerated by anyone. Any behavior or language considered to be deleterious to the normal operation of the yard sale will be grounds for expulsion with reinstatement to be based upon review by Helendale CSD staff.
3. Customers who have a legitimate complaint about the product that they purchase should address such complaints with the vendor. The District is not responsible for any products or services sold.
4. Sellers are expected to treat each other, staff, customers and officials with common courtesy.
5. Sellers are responsible for the actions of their representatives, employees or agents.
6. Any complaints about other sellers should be made to the Helendale CSD and never to customers. All complaints between sellers will be addressed after yard sale hours.
7. Collusion among sellers to change prices or exertion of any influence, pressure or persuasion to cause a seller to change prices is strictly forbidden according to state law.
8. Sellers are expected to wear proper attire during yard sale hours, including shirts and shoes.
9. No radios, boom boxes, or sound devices may be played without the permission of the Helendale CSD staff.
10. Conduct considered to be detrimental to the welfare of the event may result in removal.
11. No person shall deface or otherwise abuse the venue, plants, or landscape.

LABELING AND OTHER PROVISIONS

1. All closed or sealed containers, bags, jars, etc. must be labeled with a name, address, zip code and minimum weight. Processed items must also include an ingredients list. Meat, eggs, fish, etc. must have a grade on the label, in accordance with USDA standards.
2. Scales must be in compliance with the San Bernardino County Dept. of Agriculture/Weights and Measures. Scales tested and sealed with a current year seal in other Counties within California are permitted. Scales are to be sealed, calibrated and tagged annually. Only certified scales are permitted. Scales must be in plain sight of the consumer.
3. Prices must be clearly posted.
4. Participants selling fresh produce must have a protective covering on their table. Produce cannot be sold off of a bare wood table.

VIOLATION OF RULES

Helendale CSD staff maintains the exclusive right to prohibit a person or vendor from participating in the yard sale.

FOOD VENDORS

1. A prospective Food Vendor shall complete and sign the "Vendor" Application and "Hold Harmless" agreement provided and present a copy of signed rules and regulations and a copy of current sellers permit.
2. Food Vendors are required to have a valid permit from the San Bernardino County Health Department and their local jurisdiction.
3. To benefit consumers, no food vendor will have exclusive right to sale of any category of food product.
4. All food stalls where cooking is taking place are required by the San Bernardino County Fire Marshall to have on site at all times a fire extinguisher and a water container. Sellers must not change propane cylinders during event hours. All food stalls where cooking is taking place must meet Fire Department requirements for tarps and canopies (such as fireproofing and height requirements.)
5. All food stalls must have a trash can in front of the stall for customer use.
6. All food stalls must have a hand-washing sink.
7. All food stalls where cooking is taking place are required to have a floor cover when located on dirt.
8. All menus must be clearly marked as to price and type. Food Vendors may not sell food not listed on their permit.
9. All San Bernardino County and State Health Department regulations must be followed.
10. All state and local requirements shall be met before a food vendor may sell at the yard sale. Food vendors must provide a copy of the following documents and have on display, as applicable:
 - a. Current Retail Food Vehicle Permit or Temporary Event Permit, or other required permit from the San Bernardino County Health Department unless exemption criteria is met.
 - b. Seller's Permit from the State Board of Equalization
11. Prepared food vendors must provide adequate facilities to keep hot and cold foods at prescribed temperatures as per San Bernardino County Health Department requirements.

YARD SALE VENDORS

1. All Vendors must complete the "Vendor" Application and present a copy of the signed rules and regulations, and "Hold Harmless" agreement provided.
2. Application for a stall space shall be made at least two business days before the yard sale event.
3. Vendor shall provide all necessary furnishings for their space.
4. The Helendale CSD retains the right to regulate the time, place and manner of activities relating to displays, signs, posters, placards, and other expressions of the interests represented. The use of fighting words, obscenities, grisly or gruesome displays or highly inflammatory slogans likely to provoke a disturbance may be prohibited.

NON-PROFIT CORPORATIONS

1. A prospective Non-Profit Corporation shall complete and sign the "Vendor" Application and present a copy of signed rules and regulations and "Hold Harmless" agreement provided.
2. Non-profit corporations may apply to sell select products on a limited basis.
3. Non-profit corporations may also apply for a stall space to publicize their services and/or activities. Helendale CSD staff may authorize such use of stall space on a week-by-week, space available basis only.
4. Application for stall space shall be made at 48 hours prior to the event.
5. Applicant shall provide proof of the organization's charitable, 501(c)3 non-profit status and his/her position as representative of that organization.
6. When arts and crafts, prepared foods, or commercial goods are being offered for sale, the non-profit must apply and be approved under the conditions described under the appropriate category in these Rules and Regulations. No items may compete with products offered for sale by producers, food vendors or artisans.
7. Any organization selling prepared foods must obtain a temporary event permit from the Health Department unless exemption criteria is met per Department of Health guidelines.
8. The organization shall provide all necessary furnishings for their space.
9. Organization representatives shall not aggressively solicit signatures or donations.
10. The Helendale CSD retains the right to regulate the time, place and manner of activities relating to displays, signs, posters, placards, and other expressions of the interests represented. The use of fighting words, obscenities, grisly or gruesome displays or highly inflammatory slogans likely to provoke a disturbance may be prohibited.
11. Non-profit corporations, whether dispensing information or selling, must comply with the Rules & Regulations.

ENTERTAINERS

1. A prospective Entertainer shall complete and sign the "Vendor" Application and present a copy of signed rules and regulations and "Hold Harmless" agreement.
2. All entertainers must be pre-approved and scheduled by Helendale CSD staff.
3. All Entertainers are considered on an "as space allows" basis. Certain areas may be designated as a "no music" area and any musician setting up there may be asked to move.
4. All Entertainers perform at the discretion of the Helendale CSD staff and reserves the right to relocate or remove any entertainers.

COMMERCIAL SELLERS

1. Commercial sellers selling select products may be permitted
2. A prospective Commercial Seller shall complete and sign the "Vendor" Application. (See Section XII) and present a copy of signed rules and regulations and "Hold Harmless" agreement provided and provide a copy of current sellers permit.

REQUIRED DOCUMENTS BY SELLER CATEGORY

1. FOOD VENDORS

- a. Public Health Operating Permit and other Department of Health Permits:

- Temporary food Facility Permit issued by San Bernardino County
- b. Selling Permit from the State Board of Equalization
- c. Pictures of product and list of products to be sold.

2. ALL OTHER VENDORS

- a. Description of products to be sold

3. NON-PROFIT CORPORATIONS

- a. Organizational Mission Statement and/or description of booth activity.
- b. Letter of Determination from the IRS stating tax-exempt status

4. BUSINESS SELLERS

- a. Selling Permit from the State Board of Equalization
- b. List of products to be sold