

Resolution No: 13-666  
Introduced: September 24, 1996  
Adopted: September 24, 1996

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

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By: County Council

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Subject: Executive Regulation 10-96, Certification of Agricultural Producers and Executive Regulation 11-96, Vendor Fees

Background

1. On August 6, 1996, the Executive transmitted executive regulations which governs the certification of agricultural producers who engage in vending activities (10-96) and the establishment of fees and bonds which governs the licensing and operations of all vendors (11-96).
2. The Transportation and Environment Committee recommended the approval of executive regulations 10-96 and 11-96.

Action

The County Council for Montgomery County, Maryland, approves the following resolution:

Executive Regulation 10-96, Certification of Agricultural Producers and Executive Regulation 11-96, Vendor Fees, as attached.

This is a correct copy of Council action.

  
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Mary A. Edgar, CMG  
Secretary of the Council

Attachment to Resolution No. 13-666



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive - 101 Monroe Street - Rockville, Maryland 20850

<b>Subject: Certification of Agricultural Producers</b>	<b>Number: 10-96</b>
<b>Originating Department: DEPARTMENT OF PERMITTING SERVICES</b>	<b>Effective Date: 9/24/96</b>

Montgomery County Regulation on:

## CERTIFICATION OF AGRICULTURAL PRODUCERS

Department of Permitting Services

Issued by: County Executive  
Regulation No. 10-96

Authority: Code Section 47-2  
Supersedes: 28-95

Council Review: Method (2) Under Code Section 2A-15  
Montgomery County Register Volume 13, Issue 6

Comment Deadline: June 30, 1996  
Effective Date: September 24, 1996

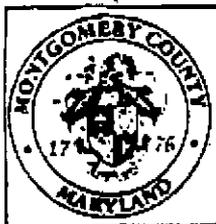
**SUMMARY:** This regulation provides for policies and procedures which govern the certification of agricultural producers who engage in vending activities, pursuant to Chapter 47 of the Montgomery County Code. The following regulations are promulgated to provide the necessary procedures and process to implement the Vendor Law.

**ADDRESS:** Department of Permitting Services  
250 Hungerford Drive  
Rockville, Maryland 20850

**STAFF CONTACT:** Robert Hubbard  
(301) 217-6380

### BACKGROUND INFORMATION:

The Regulation establishes the policies and procedures for the orderly verification and certification of a Certified Agricultural Producer to permit the sale of farm grown products in the public right-of-way, pursuant to the Vendors Law.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

<b>Subject:</b> Certification of Agricultural Producers	<b>Number:</b> 10-96
<b>Originating Department:</b> DEPARTMENT OF PERMITTING SERVICES	<b>Effective Date:</b> 9/24/96

### Section 1: Purpose

This regulation establishes a certification process for Agricultural Producers who are vendors pursuant to Chapter 47 of the Montgomery County Code 1994, as amended.

### Section 2: Applicability

This regulation applies to certified producers as described in Chapter 47 of the Montgomery County Code, and to the verification and certification process associated with these producers.

### Section 3: Policy

3.0 It is the policy of the Department of Permitting Services to require that agricultural producers who wish to sell in the public right-of-way be a Certified Agricultural Producer of regionally grown products. Regionally grown products are those produced within the five state area of Maryland, Virginia, West Virginia, Delaware, and Pennsylvania and the city of Washington, DC. A Certified Agricultural Producer must comply with the following requirements.

- (a) A Certified Agricultural Producer must sell only fresh fruits, vegetables, herbs, cut flowers, small trees, or plants produced by the Agricultural Producer.
- (b) A Certified Agricultural Producer may sell non-potentially hazardous prepackaged goods and eggs. These products must be approved by the Montgomery County Health Department.
- (c) A point of sale license must be obtained before operating.
- (d) Regionally grown products must be sold only by the agricultural producer or a representative of the agricultural producer.
- (e) A Certified Agricultural Producer must be responsible for the conduct of anyone operating under a Point of Sale License issued by the Department of Permitting Services.

### Section 4: Procedures

4.0 Certification

- (a) Agricultural Producers will apply for certification as follows:

Attachment to Resolution No. 13-666



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Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: 9/24/96

- (1) complete an application and survey for Montgomery County Certified Agricultural Producer and submit them to the Department of Permitting Services with a check for the application fee. The application packet is available at the Office of Vendor Licensing and Review, Department of Permitting Services;
  - (2) provide a description of the location from which the producer wishes to sell the products;
  - (3) provide a map showing the location of the vending site; and
  - (4) provide other documentation from local agricultural agencies, such as the Agricultural Extension Service, the Soil Conservation Service, or Agricultural Cooperative, as necessary to determine that the seller is also the producer of the products being sold.
- (b) Staff will review the application and survey forms to determine:
- (1) that the applicant farms and produces the products to be sold; and
  - (2) that the applicant will sell only authorized products.
- (c) An authorized agent of the Montgomery County Agricultural Advisory Committee, the Montgomery County Farmer's Market Association, the Cooperative Extension Agent, or the Montgomery County Department of Permitting Services may inspect the farm and growing locations to verify farming activities.
- (d) If the review of the application results in an approval, staff will:
- (1) note on the application "APPROVED", and sign and date the application,
  - (2) instruct the applicant to apply for a Point of Sale License from the Department of Permitting Services if the applicant has not already done so.
  - (3) record the approval in the computer on the appropriate screens, and
  - (4) issue a Certified Agricultural Producer certificate.
- (e) If the review of the application results in a denial, staff will:
- (1) note on the application "DENIED", and sign and date the application, and



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- (2) inform the applicant of the denial and the reasons for the denial.
- (3) record the denial in the computer.

### Section 5: Fees

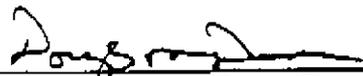
5.0 The application fee which includes the cost of the inspection, if any, and issuance of an Agricultural Producer Certificate is \$25.00 for agricultural producers certified by the Department of Permitting Services for membership in the Montgomery County Farmers' Market Association and \$100 for all other agricultural producers.

### Section 6: Severability

6.0 The provisions of these regulations are severable. If a court of competent jurisdiction holds that a provision is invalid or inapplicable, the remainder of the regulation remains in effect.

### Section 7: Effective Date

7.0 This regulation takes effect upon approval by County Council.

  
 Douglas M. Duncan, County Executive 8/6/96  
Date

APPROVED AS TO FORM AND CONTENT  
 BY COUNTY COUNCIL  
 Karen E. Federman Henry  
 DATE August 6, 1996