



## FAQ: Buying and Selling Walnuts in Yuba County

### What Do I Need To Sell My Walnuts In Yuba County?

- If you are the **Grower**: Proof that you grew the commodity. Proof of ownership in this context shall mean that documents or information sufficient to verify that the possessor is the grower. Examples of a valid **Proof of Ownership** are valid Restricted Materials Permit or Operator Identification Number, a valid Certified Producers Certificate.
- If you are NOT the Grower: the possessor of the commodity must have a completed **Proof of Ownership Certificate** while the commodity is in your possession or being transported until sold. (Please refer to the definition of “**Proof of Ownership**” on page 2).

### Who Can I Sell My Walnuts To In Yuba County?

- Before the **Walnut Buying Period** has been declared by the Agricultural Commissioner: Only approved Nut Processing Facilities (please refer to the definition for “**Processor**” on page 2) may be engaged in the buying of walnuts, there should be no “Cash For Walnuts” or “We Buy Walnuts” or similar language roadside stands operating before the **Walnut Buying Period** is declared.
- Once the **Walnut Buying Period** has been declared by the Agricultural Commissioner: Approved Nut Processing Facilities, **Non-processing walnut buying operations**, and “Cash For Walnuts” or “We Buy Walnuts” roadside stands may be engaged in the buying of walnuts.

### What Do I Need To Buy Walnuts In Yuba County?

- Registered with the California Department of Food & Agriculture in accordance with the Produce Dealers Act (Chapter 6, Division 20 of the Food & Ag Code) and/or the Processors Law (Chapter 7, Division 20 of the Food & Ag Code).
- Weighmaster License: (Section 55581, Chapter 6, Division 20 of the Food & Ag Code) If any farm product is sold to and purchased by any processor on the basis of weight, such product shall be weighed by a weighmaster licensed under the laws of this state.
- Scale devices used to weigh commodities being bought or sold in Yuba County are required to be registered, tested, and sealed with the Sealer (Agricultural Commissioner) of either Yuba County or their home county, and have a current seal issued by the Sealer of either Yuba County or their home county.
- Before the **Walnut Buying Period**: Nut Processing Facilities (please refer to the definition for “**Processor**” on page 2) may be engaged in the buying of walnuts, there should be no “Cash For Walnuts” or “We Buy Walnuts” roadside stands operating before the **Walnut Buying Period**.
- During the **Walnut Buying Period**: Both Processing and **Non-Processing walnut buying operations** may be engaged in the buying of walnuts.

### What Happens If I Am Found In Violation Of This Ordinance?

- All persons found to be in violation of any provision of this article shall be guilty of a misdemeanor as per the Yuba County Ordinance Code which will be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment.
- Pursuant to section 8.100.100 of the Yuba County Ordinance Code relating to the prevention of nut crop theft and Food and Agricultural Code Section 885, the commissioner may levy an administrative (civil) penalty up to \$500 for first offense and up to \$1,000 for second offense in lieu of civil prosecution.

## **Definitions**

**“Agricultural Commissioner”** means the agricultural commissioner of Yuba County and designated representatives.

**“Agricultural commodities”** or **“commodity”** is defined as any nut crop of any quantity.

**“Buyer”** is defined as an individual or entity engaged in the purchase of an agricultural commodity, and who is licensed to engage in such business by the state.

**“Grower”** is defined as the person who has personally, or through the employment of others, grown and harvested an agricultural commodity.

**“Non-processing walnut buying operation”** is defined as a buyer of walnuts that have not been dried or processed who does not have a permanent form of on-site processing or does not operate a walnut processing facility.

**“Person”** is defined as any individual, firm, partnership, joint venture, corporation or other entity possessing, buying, transporting or selling an agricultural commodity as a principal or as an agent of another.

**“Processor”** is defined as all nut processing facilities which have a permanent functioning form of processing on site and is compliant with Yuba County building and zoning requirements.

**“Proof of ownership”** is defined as:

- (a) If the possessor of the agricultural commodity is the grower of the commodity, proof that the commodity was grown by that grower. Proof of ownership in this context shall mean documents or information sufficient to verify that the possessor is the grower of the commodity.
- (b) If the possessor of the agricultural commodity is other than the grower of the commodity, the possessor of the commodity must have a completed **Proof of Ownership Certificate** in a form approved by the Agricultural Commissioner meeting the requirements of Section 8.100.030 of Chapter 8.100 of Title VIII of the Yuba County Ordinance Code relating to the prevention of nut crop theft. Such form utilized for this purpose shall be signed by the possessor of the agricultural commodity and signed by the person who sold or provided the agricultural commodity to the person in possession.

**“Seller”** is defined as a person who sells or attempts to sell an agricultural commodity to a buyer or other person.

**“Walnut Buying Period”** is defined as the declared conclusion of harvest of the Chandler variety of walnuts by the agricultural commissioner, after consultation with a committee of walnut growers, whereupon non-processing walnut buying operations within the boundaries of Yuba County may lawfully purchase and receive walnuts that have not been dried or processed. Such period shall be proclaimed seventy-two (72) hours in advance by press release and posted on the County website, and shall last until April 30<sup>th</sup> of the following year.

**“Walnut”** is defined as walnuts of the English (*Juglans regia*) varieties grown in California, of any quantity, in a raw and unprocessed form.

For more information on Yuba County’s Nut Theft Ordinance, please visit:

<http://www.co.yuba.ca.us/Departments/Ag/nuttheftordinance.aspx>

Or call the Yuba County Agriculture Department at 530-749-5400