

**RULES
OF
GEORGIA DEPARTMENT OF AGRICULTURE**

**REPEALED CHAPTER 40-17
REPEALED - ROADSIDE MARKETING INCENTIVE PROGRAM**

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- 40-17-1 ~~Scope and Administration of Program~~ Repealed.
- 40-17-2 ~~Definitions~~ Repealed.
- 40-17-3 ~~Applications~~ Repealed.
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- 40-17-6 ~~Location~~ Repealed.
- 40-17-7 ~~Sanitation and Cleanliness~~ Repealed.
- 40-17-8 ~~Product Quality~~ Repealed.
- 40-17-9 ~~Fair and Honest Marketing Practices~~ Repealed.
- 40-17-10 ~~Violations~~ Repealed.

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**REPEALED CHAPTER 40-17-1
Repealed - Scope and Administration of Program**

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40-17-1-.01 ~~Scope of Program~~ Repealed.
40-17-1-.02 ~~Administration of Program~~ Repealed.

40-17-1-.01 ~~Scope of Program~~ Repealed.

~~The Roadside Marketing Incentive Program is a voluntary participation program designed to improve Roadside Markets, to improve the quality of merchandise sold, to promote safety and eliminate traffic hazards around such markets, to encourage sanitation and cleanliness, to promote fair and honest marketing practices and to encourage tourists to trade with participating markets.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. **Administrative History.** Original Rule entitled "Scope of Program" was filed on February 7, 1968; effective February 26, 1968.

40-17-1-.02 ~~Administration of Program~~ Repealed.

~~The Roadside Marketing Incentive Program shall be supervised and administered by the Markets Division of the Georgia Department of Agriculture.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. **Administrative History.** Original Rule entitled "Administration of Program" was filed on February 7, 1968; effective February 26, 1968.

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**REPEALED CHAPTER 40-17-2
Repealed - Definitions**

TABLE OF CONTENTS

40-17-2-.01 ~~Roadside Market~~ Repealed.

40-17-2-.01 ~~Roadside Market~~ Repealed.

~~A Roadside Market within the meaning of these regulations shall include all stores or markets which sell food, produce or agricultural products and which establishments are located on a state or federal highway and cater to transient rather than neighborhood trade.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. Effective February 26, 1968. **Administrative History.** Original Rule filed February 7, 1968; effective February 26, 1968.

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**REPEALED CHAPTER 40-17-3
Repealed - Applications**

TABLE OF CONTENTS

- 40-17-3-.01 ~~Application for Participation~~ Repealed.
40-17-3-.02 ~~Approval of Application~~ Repealed.
40-17-3-.03 ~~Denial of Applications~~ Repealed.
40-17-3-.04 ~~Transfer of Approval~~ Repealed.
40-17-3-.05 ~~Revocation of Approval After Grant of Application~~ Repealed.

40-17-3-.01 ~~Application for Participation~~ Repealed.

~~The proprietor of any roadside market as herein defined, or a partner or officer where such market is owned by a partnership or corporation, may apply to the Commissioner of Agriculture for participation in this program, such application to be made on a form furnished by the Department of Agriculture, a copy of which is hereto attached and made a part hereof.* A separate application must be filed for each location. Chain participation without approval of each location shall not be permitted.~~

~~*Form may be found end of Chapter 40-17-3.~~

~~Authority Ga. L. 1967, p. 287 Ga. L. 1967, p. 476, § 1-11. Effective February 26, 1968. **Administrative History.** Original Rule filed February 7, 1968; effective February 26, 1968.~~

40-17-3-.02 ~~Approval of Application~~ Repealed.

~~No market shall be entitled to participate in this program until its application has been approved. The Commissioner of Agriculture shall approve or disapprove each application within thirty (30) days after it is filed with the Department of Agriculture.~~

~~Authority Ga. L. 1967, p. 287 Ga. L. 1967, p. 476, § 1-11. Effective February 26, 1968. **Administrative History.** Original Rule filed February 7, 1968; effective February 26, 1968.~~

40-17-3-.03 ~~Denial of Applications~~ Repealed.

~~When an application for participation shall be denied, the applicant must be promptly notified in writing of the disapproval and the reasons therefor. Upon request, such applicant shall be afforded a review of the disapproval by a hearing conducted in accordance with the Georgia Administrative Procedures Act. If disapproval is based upon the ground that the market is a local or neighborhood market rather than one catering to transient trade, the burden shall be upon the applicant to prove that 60% of the market's gross sales are to persons not residing within five miles of the market.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. Effective February 26, 1968. **Administrative History.**
Original Rule filed February 7, 1968; effective February 26, 1968.

40-17-3-.04 ~~Transfer of Approval~~ Repealed.

~~As provided by law, market approval and the sign indicating the same shall be transferable between owners, provided the Department of Agriculture is given written notice of such change of ownership within ten days and an application is signed by the new owner, said application requiring no further approval. In no event shall market approval or signs be transferrable from one location to another.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. Effective February 26, 1968. **Administrative History.**
Original Rule filed February 7, 1968; effective February 26, 1968.

40-17-3-.05 ~~Revocation of Approval After Grant of Application~~ Repealed.

~~The approval of any participating market shall be subject to revocation at any time for violation of any provisions of the law or of these regulations. Where any approval is revoked, the proprietor shall be afforded a hearing under the provisions of the Georgia Administrative Procedures Act, upon a request in writing to the Department of Agriculture within twenty days after notice of such revocation.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. Effective February 26, 1968. **Administrative History.**
Original Rule filed February 7, 1968; effective February 26, 1968.

STATE OF GEORGIA
DEPARTMENT OF AGRICULTURE
**APPLICATION for PARTICIPATION in the ROADSIDE
MARKETING INCENTIVE PROGRAM**

1. APPLICANT:

(Name in which business is conducted)

2. BUSINESS OWNED BY: One Person A Partnership
Corporation

3. Please print full names, titles, and HOME ADDRESS
of owner, partners or officers.

NAME ADDRESS & ZIP CODE TITLE

4. MAILING ADDRESS FOR BUSINESS:

Street or Route # City & State Zip Code

5. MARKET LOCATION: _____,

Highway Number _____

Approximate Distance _____,

Miles North, South, East, West

from nearest town _____

Name of town _____

6. Give exact LOCATION and MAILING ADDRESS of each place
of business in Georgia if other than listed in No. 5.

AN APPLICATION AND SIGN ARE REQUIRED FOR EACH LOCATION

WHERE YOU ESTABLISH A PLACE OF BUSINESS IN GEORGIA (Use additional sheet if necessary)

7. **TYPE OF BUSINESS:** PERMANENT: _____
SEASONAL: (State Months in Operation)

8. List in order of IMPORTANCE the principal farm products you sell:

FRESH PROCESSED

9. Please give a general statement of items sold at this location OTHER THAN agricultural farm products:

GEORGIA ROADSIDE MARKETING INCENTIVE PROGRAM

_____ hereby applies for membership in the Georgia Department of Agriculture Roadside Marketing Incentive Program. It is understood that membership is subject to the approval of the Georgia Department of Agriculture upon my establishment meeting the standards that relate to design, external and internal appearance, location, sanitation and cleanliness, product quality, fair and honest marketing practices and any other factors designed to promote traffic safety, fair marketing, roadside appearances and promotion of Georgia agricultural products. Inspectors of the Georgia Department of Agriculture will make periodic inspections of the markets and any failure to meet prescribed standards shall be sufficient cause for the Commissioner of Agriculture to revoke the approval.

SIGNATURE DATE

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**REPEALED CHAPTER 40-17-4
Repealed - Signs**

TABLE OF CONTENTS

- 40-17-4-.01 ~~Display of Sign~~ Repealed.
40-17-4-.02 ~~Misuse or Wrongful Display of Sign~~ Repealed.

40-17-4-.01 ~~Display of Sign~~ Repealed.

~~Upon approval as a participating market, the Department of Agriculture shall furnish each approved market a sign evidencing such approval. The sign shall be of the size and design appearing on a drawing hereto attached* and shall at all times remain the property of the Department of Agriculture.~~

~~This drawing appears on p. 178.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. **Administrative History.** Original Rule entitled "Display of Sign" was filed on February 7, 1968; effective February 26, 1968.

40-17-4-.02 ~~Misuse or Wrongful Display of Sign~~ Repealed.

~~The display of the sign herein described or any imitation thereof by a market which has not been approved or by a market, the approval of which has been revoked, or the failure to surrender such sign to the Department of Agriculture shall be punished in accordance with the Roadside Marketing Incentive Program Act.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. **Administrative History.** Original Rule entitled "Misuse or Wrongful Display of Sign" was filed on February 7, 1968; effective February 26, 1968.

APPROVED

ROADSIDE MARKET

QUALITY FOODS

**ETHICAL BUSINESS
PRACTICES**

GEORGIA DEPARTMENT OF AGRICULTURE

PERMIT NO.

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**REPEALED CHAPTER 40-17-5
Repealed - Design**

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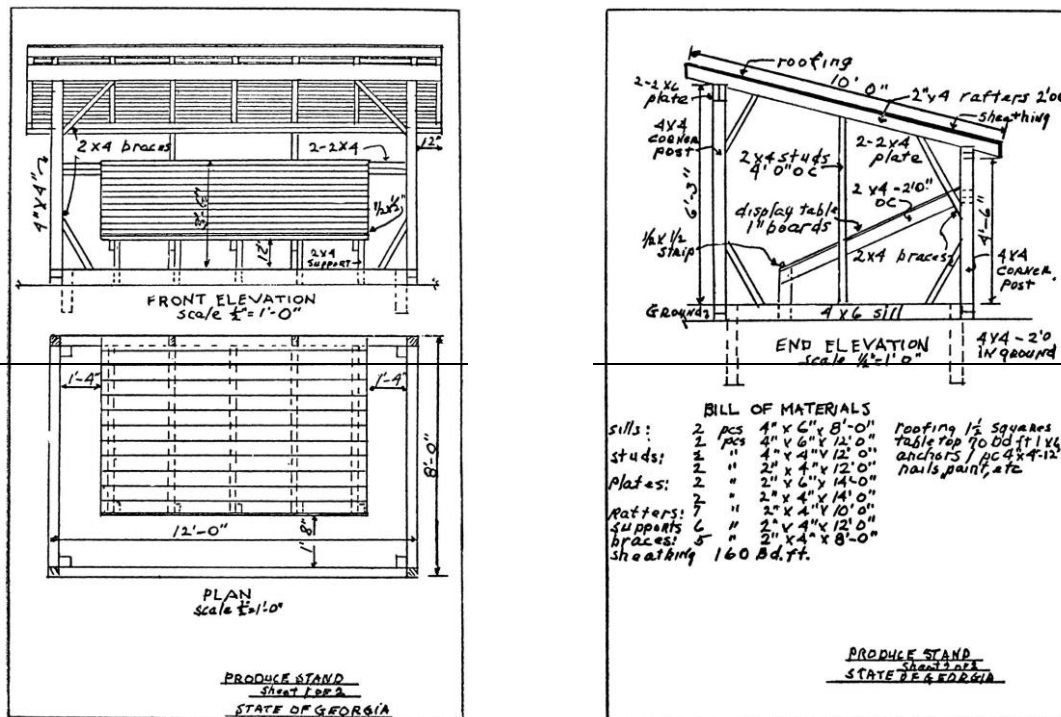
40-17-5-.01 Market Design Repealed.

40-17-5-.01 Market Design Repealed.

No market shall be approved or retain approval unless the external and internal appearance and size of the market is at least equal to that of a produce stand as designed by the Cooperative Extension Service, State of Georgia, as shown on Drawing No. EX 5604 which is attached hereto* and made a part hereof. All frame markets must be painted or stained.

*Form may be found end of Chapter 40-17-5.

Authority Ga. L. 1967, p. 287 Ga. L. 1967, p. 476, § 1-11. Effective February 26, 1968. **Administrative History.** Original Rule filed February 7, 1968; effective February 26, 1968.



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**REPEALED CHAPTER 40-17-6
Repealed - Location**

TABLE OF CONTENTS

- 40-17-6-.01 ~~Site Certificates. Amended~~ Repealed.
- 40-17-6-.02 ~~Visibility~~ Repealed.
- 40-17-6-.03 ~~Location Near Intersections~~ Repealed.
- 40-17-6-.04 ~~Adequate Parking Space~~ Repealed.
- 40-17-6-.05 ~~Prohibited Activity on Highways and Highway Right of Way~~ Repealed.

40-17-6-.01 ~~Site Certificates. Amended~~ Repealed.

~~An applicant must have an approved site certificate from the Georgia Department of Agriculture for any site for which an application is filed and a copy of such certificate shall be submitted with the application for participation. The Department shall issue such certificate only after an inspection of the premises by an authorized employee of the Georgia Department of Agriculture and approval of such site by the Commissioner of Agriculture.~~

Authority Ga. L. 1967, p. 476, § 1-11. Effective September 26, 1973. **Administrative History.** Original Rule was filed on February 7, 1968; effective February 26, 1968. **Amended:** Original Rule entitled "Driveway Permits" has been repealed and a new Rule entitled "Site Certificates" adopted. Filed September 6, 1973; effective September 26, 1973.

40-17-6-.02 ~~Visibility~~ Repealed.

~~No approval will be issued for a site where visibility is obscured by a hill, curve or other obstruction within 500 feet of such location. Line of sight visibility must be unobstructed for at least 500 feet.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. Effective February 26, 1968. **Administrative History.** Original Rule was filed on February 7, 1968; effective February 26, 1968.

40-17-6-.03 ~~Location Near Intersections~~ Repealed.

~~No market shall be situated within 500 feet from any intersecting Federal, State or County paved road except that where a market fronts on two roads it may be situated between the two roads, provided that no shed, stand, structure or items offered for sale shall be closer than 200 feet to the point of intersection, so that parked vehicles and customers will not obstruct visibility of the intersection.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. Effective February 26, 1968. **Administrative History.** Original Rule was filed on February 7, 1968; effective February 26, 1968.

40-17-6-.04 Adequate Parking Space Repealed.

~~All markets must maintain adequate parking space for all vehicles to park clear of the highway and highway right of way. Where feasible, on heavily travelled highways, parking space should be made available on the opposite side of the highway to minimize hazards and delays caused by left turns.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. Effective February 26, 1968. **Administrative History.** Original Rule was filed on February 7, 1968; effective February 26, 1968.

40-17-6-.05 Prohibited Activity on Highways and Highway Right of Way Repealed.

~~No person connected with a market shall stand, walk or run upon the highway or adjacent shoulders, selling or displaying produce, quoting prices or committing any other act designed to distract attention of drivers from their driving. No such persons will conduct any business with the occupant of an illegally parked vehicle. No market will maintain signs on right of way of highways or any signs which are determined by the Highway Department or the Department of Public Safety to constitute traffic hazards.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. Effective February 26, 1968. **Administrative History.** Original Rule was filed on February 7, 1968; effective February 26, 1968.

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**REPEALED CHAPTER 40-17-7
Repealed - Sanitation and Cleanliness Standards**

TABLE OF CONTENTS

40-17-7-.01 ~~Sanitation and Cleanliness~~ Repealed.

40-17-7-.01 ~~Sanitation and Cleanliness~~ Repealed.

~~All markets must strictly comply with the Georgia Food Act (Ga. Laws 1956, p. 195), as amended, the Wholesale Fish Dealers Law (Ga. Laws 1937-38, Ex Sess, p. 32) and the Georgia Bottlers Act (Ga. Law 1956, p. 611) insofar as they are applicable as well as with all other applicable laws, rules and regulations dealing with sanitation, cleanliness and marketing conditions.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. Effective February 26, 1968. **Administrative History.** Original Rule filed February 7, 1968; effective February 26, 1968.

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**REPEALED CHAPTER 40-17-8
Repealed – Product Quality**

TABLE OF CONTENTS

- 40-17-8-.01 ~~Sale of Culls~~ Repealed.
40-17-8-.02 ~~False Packs Prohibited~~ Repealed.
40-17-8-.03 ~~Applicability of Commodity Marketing Orders~~ Repealed.
40-17-8-.04 ~~Compliance with All Laws, Rules and Regulations~~ Repealed.

40-17-8-.01 ~~Sale of Culls~~ Repealed.

~~Any produce, other than ripe fruit or vegetables, which cannot, under current U.S.D.A. regulations, be sold in interstate commerce shall be considered culls and produce which grades more than 10% culls shall not be offered for sale at any Roadside Market. Culls graded out of produce must be disposed of as garbage, used for livestock feed or dumped. Unwholesome, spoiled or damaged food or produce which is unfit for human consumption shall not be offered for sale at any roadside market.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. Effective February 26, 1968. **Administrative History.**
Original Rule filed February 7, 1968; effective February 26, 1968.

40-17-8-.02 ~~False Packs Prohibited~~ Repealed.

~~Produce or other agricultural products packaged with the topping or facing of containers exposing the best produce or produce with inferior produce or products concealed underneath shall constitute "False Packs" and as such shall not be offered for sale at any Roadside Market.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. Effective February 26, 1968. **Administrative History.**
Original Rule filed February 7, 1968; effective February 26, 1968.

40-17-8-.03 ~~Applicability of Commodity Marketing Orders~~ Repealed.

~~No product covered by a Commodity Marketing Order, which fails to comply with the provisions of that order shall be offered for sale at any Roadside Market.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. Effective February 26, 1968. **Administrative History.**
Original Rule filed February 7, 1968; effective February 26, 1968.

40-17-8-.04 ~~Compliance with All Laws, Rules and Regulations~~ Repealed.

~~With respect to size, quality, packaging and labeling, all products sold at a Roadside Market must comply with all laws and rules and regulations applicable to that product.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. Effective February 26, 1968. **Administrative History.** Original Rule filed February 7, 1968; effective February 26, 1968.

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**REPEALED CHAPTER 40-17-9
Repealed – Fair and Honest Marketing Practices**

TABLE OF CONTENTS

- 40-17-9-.01 ~~Fraudulent or Dishonest Practices~~ Repealed.
- 40-17-9-.02 ~~Alcoholic or Intoxicating Beverages or Narcotics~~ Repealed.
- 40-17-9-.03 ~~Profanity or Abusive Language~~ Repealed.
- 40-17-9-.04 ~~Compliance with Weights and Measures Law and other Applicable Laws~~ Repealed.
- 40-17-9-.05 ~~Restriction on Sale of Nuts~~ Repealed.
- 40-17-9-.06 ~~Sale of Blow Outs Prohibited~~ Repealed.
- 40-17-9-.07 ~~Labeling of Nuts on Packages~~ Repealed.

40-17-9-.01 ~~Fraudulent or Dishonest Practices~~ Repealed.

~~When any operator or employee of any participating Roadside Market is found to have engaged in fraudulent or dishonest practices in a Roadside Market or to have permitted others to do so, in addition to other penalties provided by law, the approval of such market shall be revoked.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. Effective February 26, 1968. **Administrative History.** Original Rule filed February 7, 1968; effective February 26, 1968.

40-17-9-.02 ~~Alcoholic or Intoxicating Beverages or Narcotics~~ Repealed.

~~No alcoholic or intoxicating beverages nor any narcotics, nor any person under the influence of the same shall be permitted on the premises of any participating Roadside Market.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. Effective February 26, 1968. **Administrative History.** Original Rule filed February 7, 1968; effective February 26, 1968.

40-17-9-.03 ~~Profanity or Abusive Language~~ Repealed.

~~The use of profane or abusive language on the premises of any participating Roadside Market is prohibited.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. Effective February 26, 1968. **Administrative History.** Original Rule filed February 7, 1968; effective February 26, 1968.

40-17-9-.04 Compliance with Weights and Measures Law and other Applicable Laws Repealed.

~~Products not complying with the requirements of the Weights and Measures Law of the State of Georgia shall not be sold, exposed or offered for sale at any Roadside Market. All Roadside Markets participating in this program shall comply with every law of the State of Georgia applicable to such market or the products sold therein.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. Effective February 26, 1968. **Administrative History.** Original Rule filed February 7, 1968; effective February 26, 1968.

40-17-9-.05 Restriction on Sale of Nuts Repealed.

~~No Roadside Market shall sell, offer or expose for sale any insect infested, moldy, rancid or otherwise decomposed almond, brazil, chestnut, filbert, pecan, walnut or pistachio nuts in the State of Georgia, to other than cracking plants, with a tolerance exceeding 10%.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. Effective February 26, 1968. **Administrative History.** Original Rule filed February 7, 1968; effective February 26, 1968.

40-17-9-.06 Sale of Blow Outs Prohibited Repealed.

~~"Blow Outs" or nuts rejected at cleaning and grading plants shall not be sold at any Roadside Market.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. Effective February 26, 1968. **Administrative History.** Original Rule filed February 7, 1968; effective February 26, 1968.

40-17-9-.07 Labeling of Nuts on Packages Repealed.

~~All nuts sold in package form at Roadside Markets must be labeled showing an accurate statement of the quantity of the contents in terms of net weight, the name or variety and the name and address of the packer or distributor.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. Effective February 26, 1968. **Administrative History.** Original Rule filed February 7, 1968; effective February 26, 1968.

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**REPEALED CHAPTER 40-17-10
Repealed - Violations**

TABLE OF CONTENTS

40-17-10-.01 ~~Effect of Violations of These Rules and Regulations~~ Repealed.

40-17-10-.01 ~~Effect of Violations of These Rules and Regulations~~ Repealed.

~~The violation of any provisions of these Rules and Regulations shall constitute grounds for disapproval of any application for participation or for revocation of an approval previously granted.~~

Authority ~~Ga. L. 1967, p. 287~~ Ga. L. 1967, p. 476, § 1-11. Effective February 26, 1968. **Administrative History.**
Original Rule filed February 7, 1968; effective February 26, 1968.