



## 2017 Vendor Agreement Rules & Regulations

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### 1.0 Introduction

The HOPE Farmers Market (referred to as the “Market”) operates every Sunday, year round. The Market complies with all city, county, state, and federal laws regarding its operation.

The mission of the Market is to bring together the community to support farmers and small businesses, increase access to healthy food, and celebrate local culture in East Austin. The Market is a project of HOPE Events Inc. (“HOPE”), a 501(c)(3) non-profit organization.

The Market is overseen by the Market Director (“Director”) and operated by the Market Manager (“Manager”), as representatives of HOPE.

### 2.0 Market Schedule

Every Sunday, 11:00am – 3:00pm at Plaza Saltillo, East 5<sup>th</sup> Street and Comal Street

- Rain or Shine: cancellations only due to imminent severe weather
- Load in: 9:30am – 10:45am
- Load Out: 3:00pm – 4:00pm
- Market hours may change seasonally, at the discretion of the Manager.

### 3.0 Conditions of Membership

#### 3.1 Types of Vendors

Vendors are individuals or businesses that have applied, been accepted and paid a membership fee to sell at the Market. Vendors may only sell products that they have produced unless they applied for and been given explicit permission by Manager as outlined in Section 4.3.

**3.1.1 Farmers and Ranchers:** The Market requires photocopies of all relevant permits from city, county, state and/or federal permitting agencies. Vendors of these products must be in compliance with the regulations of the State of Texas, the City of Austin and Travis County. A current copy of product liability insurance is also required when applicable. All vendors selling by weight must use an approved commercial scale certified legal for trade by Texas Department of Agriculture (“TDA”).

- Produce:
  - Vegetables grown by the vendor from seeds, sets or seedlings.

- Fruits, nuts or berries grown by the vendor from trees, bushes or vines.
- Nuts harvested from the vendor's trees (shelled or unshelled).
- Micro-greens sprouted from seeds or grain.
- Mushrooms produced and cultivated by the vendor.
- Plants and Seedlings: Nursery and cut flowers require a state nursery license from the TDA. All potted plants, trees or nursery starters that are sold at the Market must be grown from seed, plug, cutting, bulb or bare-root by the seller. All vendors selling flowers and nursery products must also carry a tax identification number for sales tax purposes.
- Dairy: All milk and dairy products must be produced, labeled, stored and transported in compliance with all applicable local, state, and federal laws.
- Eggs: All eggs must produced by the vendor's poultry, under humane animal husbandry practices and produced, labeled, stored and transported in compliance with all applicable local, state, and federal laws.
- Meat: Ranchers must raise poultry, fowl, sheep, cattle and fish with humane animal husbandry practices and processed, labeled, stored and transported in compliance with all applicable local, state, and federal laws. All animals must be owned for at least 45 days and antibiotic free.
- Seafood: fresh or frozen seafood must be captured, stored, transported and marketed in compliance with all applicable local, state and federal laws.

**3.1.2 Food Artisan & Cottage Food Vendors:** edible, handmade and value added food products including baked goods, candies, cereals, pickles and preserves produced in a certified facility (Food Artisan) or in an individual's home (Cottage Food) and processed, labeled, stored and transported in compliance with all applicable local, state, and federal laws.

**3.1.3 Prepared Food Vendor:** ready to eat food and drink designed for consumption at the market produced in a certified facility and processed, labeled, stored and transported in compliance with all applicable local, state, and federal laws.

**3.1.4 Artists and Non-Food Artisan Vendor:** vendors selling art and products including jewelry, paintings, books, body care, woodwork, clothing, natural animal fiber, pet food, soaps, bee's wax candles, compost and compost systems.

**3.1.5 Non-Profit 501(c)3 Vendors:** Non-profit organizations that have current 501(c)(3) designation with a clearly stated mission related to poverty alleviation, environment, health, agriculture, nutrition, human services or creative purpose may participate at the discretion of the Manager.

- Tabling: 501(c)3 Non-profit organizations may distribute information about their organization, programs or events and may solicit mailing list additions.
- Fundraising: Non-profits that regularly participate in the Market may raise funds through solicitations, merchandise or ticket sales and must pay the nonrefundable, prorated annual membership fee of \$125 on their first Market day. No aggressive fundraising is allowed.
- All non-profits must:
  - Hold 501(c)3 status, all required permits, licenses, and insurance policies necessary for their program operation and provide all copies to the Manager.
  - Clearly communicate goals of their participation.

**3.1.6 Non-Profit 501(c)4 Vendors:** Non-profit organizations that have current 501(c)4 designation with a clearly stated mission related to poverty alleviation, environment, health, agriculture, nutrition, human services or creative purpose may participate at the discretion of the Manager.

- Tabling: 501(c)4 Non-profit organizations may distribute information about their organization, programs or events if they provide education for market goers through a workshop, program or service and abstain from promoting their organization's political agenda. They may solicit mailing list additions.

- Fundraising: Non-profits that regularly participate in the Market may raise funds through solicitations, merchandise or ticket sales and must pay the nonrefundable, prorated annual membership fee of \$125 on their first Market day. No aggressive fundraising is allowed.
- All non-profits must:
  - Hold 501(c)4 status, all required permits, licenses, and insurance policies necessary for their program operation and provide all copies to the Manager.
  - Clearly communicate goals of their participation.

**3.1.7 Provisional Vendors:** Vendors attending the market seasonally or less than 12 times per calendar year to promote a product, event or service are considered provisional vendors and are not required to become members of the Market. All details of provisional vendor participation, including dates of participation, products offered, applicable fees, and other details will be outlined in Provisional Vendor Applications specifically drafted for each event or season.

### 3.2 Application Process

**3.2.1 Process:** The Manager will review applications for compliance with Market rules and external regulations to determine the appropriateness of the applicant’s products. The decision will be based on the Market’s need for growth, ability of applicant to consistently participate in the Market, customer demand and current supply of identical or similar products. The Manager, with feedback from the Vendor Advisory Board, may approve or deny individual products on an application, in which case the vendor may only sell the approved products. Upon approval, new vendors may start selling at the Market the following week, should they have all the required permits.

**3.2.2 Submission:** All applications must be received by the Director at least two weeks prior to the vendor’s first Market. Applications should be sent to:

- Email (preferred): [info@hopefarmersmarket.org](mailto:info@hopefarmersmarket.org)
- Mail:

HOPE Farmers Market  
1011 W. 10<sup>th</sup> Street  
Austin, TX 78703

### 3.2.3 Required documents:

VENDOR TYPE	Product Application*	Rules & Regulations*	Hold Harmless*	Liability Insurance	Health Permit A	Health Permit B	Health Permit C	Food Handlers	Other *
Farmer/Rancher	X	X	X	X	(Eggs & Meat)		(Sampling)	(Sampling)	
Food Artisan	X	X	X	X		X		X	
Cottage Food	X	X	X	X				X	
Prepared Food	X	X	X	X			X	X	
Artist/Non-Food	X	X	X						Sales Tax #
Nonprofits	X	X	X						501(c) Form
Provisional*	X	X	X						
Service	X	X	X	X					

\*Product Application: for specific product

\*Rules and Regulations: page 7 of this document

\*Hold Harmless Agreement: for all employees

\*Provisional Vendor: to determine document requirements, refer to product category (i.e. Food Artisan or Artist)

\*Additional: Copies of (when applicable):

- Certificate of Registration for Weights and Measures
- Organic Certification (not required)
- Manufacturing License

### 3.3 Fees and Fines

Upon acceptance and payment of membership fee, applicant becomes a member of the Market.

**3.3.1 Membership Fee:** A non-refundable annual association fee of \$125 that is prorated to reflect the remaining Sundays in the year from the date of the Vendor's first Market. Fee is calculated by Manager after Vendor's acceptance to the Market and must be paid prior to the vendor's first Market.

**3.3.2 Stall Fees:** Stall fees are due weekly & collected during each Market. The Manager will issue a receipt. Discounts on Stall Fees may only be given at the Manager's discretion.

- \$35 stall fee per member for a 10x10 space
- \$20 stall fee per member vendor for a shared space (limit of two vendors per space)
- \$25 stall fee per member vendor for a shared space ( limit of two vendors per space)
- 10% of sales (up to \$35) stall fee for farmers and ranchers
- \$5 additional fee for any vendor using an electrical outlet
- \$40 stall fee for provisional vendors

**3.3.3 Penalty Fines:** Penalty fees are due the following Market after fee is incurred.

- \$20 Late Cancellation Fine will be charged if vendor cancels between 8:00am Friday and 8:00am Sunday prior to each Market.
- \$35 Unexcused Absence Fine will be charged if vendor cancels after 8:00am on Market day or does not show up to the Market.
- \$20 Late Arrival Fine if vendor is not at the market by 10:30 and ready to sell by the start of the Market.
- \$20 Safety Fine will be charged if the vendor's tent is not safely weighted and secure or if food vendor does not have proper health requirements on site (thermometer, health permit, employee's food handlers, etc)
- \$20 Vehicle Fine if vendor fails to move their vehicle from load-in zone by 10:45am or drives in before 3:15pm.
- \$20 Trash Fine if vendor has a messy stall or leaves trash behind at the end of the Market.

### 4.0 Market Conduct

All vendors must represent their products in an honest manner, written or verbal. Vendors and agents must also be knowledgeable about their product, how it is used, grown or produced and be able to communicate that clearly to the customers. ALL employees and representatives of the vendor at the Market are responsible for being familiar with HOPE FM Rules & Regulations and all local and state health regulations.

#### 4.1 Market Attendance Rules:

- **Consistency:** Vendors are expected to set up every week, year-round.
- **Late Cancellations:** Vendors must notify the Manager of any upcoming absences by (email preferred: info@hopefarmersmarket.org) no later than 8:00am the Friday prior to the Market. Any absence from the Market that is not communicated to the Manager by 8:00am on Friday

will result in a \$20 Late Cancellation Fine, to be collected with the following week's stall fees. Three late cancellations count as one unexcused absence.

- **Unexcused Absence:** Any absence from the Market that was not communicated to the Manager by 8:00am on Sunday (Market day) is unexcused and will result in a \$35 Unexcused Absence Fine, to be collected with the following week's stall fees. Three unexcused absences are grounds for ejection from the Market for 12 months.
- **Seasonal Absences and Emergencies:** HOPE FM understands the inherent unpredictability of farming and will make every effort to accommodate. In cases of crop failure or destruction of crops due to weather, the notification of the duration of the absence should be communicated in writing to the Manager. In the case of emergency or circumstances outside of the vendor's control, vendors can defer from the Market without advanced notice. This will not result in an unexcused absence if the Manager is properly informed of the situation within 2 days following the Market. Failure to properly notify the Manager will result in an unexcused absence.
- **Market Operating Hours:** The Market's hours of operation are 11:00am – 3:00pm. All vendors should be prepared to sell by no later than 11:00am and may not pack up until 3:00pm. The Manager has the authority to change operating hours per section 2.0.
- **Load In:** All vendors should arrive between 30 to 90 minutes prior to the start of the Market (between 9:30am - 10:30am). All vehicles must be removed from the load-in zone directly behind the Market by 15 minutes before the Market opening (10:45am).
- **Load Out:** Vendors may begin packing up at 3:00pm and must be completely packed up and out of the Market by 4:00pm. Vehicles may be driven into the loading zone behind the Market after 3:15pm ONLY after their booth has been completely packed up.

## 4.2 Market Operations

- **Stall:** All vendors (except those under the pavilions) are expected to provide a **10x10 canopy** (preferably a white EZ-Up brand) with at least 28 lbs (one full-size cinder block) on each corner and rope or bungee to attach to neighboring canopies or light poles, especially on windy days.
- **Product & Display:** All vendors must display their products in a sanitary, presentable and attractive manner in accordance to food safety standards. Vendors must bring enough products to last through the end of the Market. Selling out early frequently can be grounds for ejection from the Market for 12 months.
- **Sampling:** All Vendors who wish to sample at the market must have a current appropriate permit from the City of Austin Health and Human Services Department and follow all guidelines that are outlined in that permit. If a vendor does not carry a sample permit, they may give product samples to the Sample Booth to be given out by volunteer staff.
- **Safety Around Selling Area:** Tables and products must not encroach upon customer aisles or the pre-determined fire lane. Product display must occur in the assigned space only. Tents, signs and posts must be tied and weighted down.
- **Cleanliness:** Vendors must continuously monitor the debris around their selling area, pick up any trash and keep their area clean throughout the Market. Vendors who insist on having their own waste basket, although separate waste bins are not preferred, must sort at the Zero Waste Station before leaving to ensure proper & responsible disposal.
- **Pricing:** Vendors will determine the prices of their own products, which must be prominently posted for all products.
- **Food Vendors:** All vendors selling food for human consumption must be familiar and comply with Austin and Travis County Health Department rules and regulations.
- **Sales Estimates:** All Vendors must give the Manager their best estimates of gross sales toward the end of the market. **Submission of this information is required by the Market for accurate reporting for Texas Department of Agriculture market certification.**
- **Sign:** All vendors must have a sign clearly identifying the name of their farm or business and

preferably the city or town and county where their production occurs.

### 4.3 Vending Requirements

- **New Products by Existing Vendors:** Current market vendors who wish to introduce new products that are not listed on their originally approved application **must notify the Manager in writing with a complete description of the new product**, prior to offering the product for sale. Any product must receive approval from the Manager before it can be offered for sale at the Market.
- **Reselling:** Farmers and ranchers may only sell produce and animal products that they have grown and produced. Ranchers must raise all animals from birth and be able to prove they've been antibiotic free.
- **Transparent Reselling:** Established member farmers and ranchers may apply to partner with other regional producers to resell product that is not carried by other vendors at the market. To apply the member vendor must submit a formal proposal to the Manager including:
  - List of proposed items to be resold.
  - Completed application from the producer including \$125 prorated membership fee and copies of all applicable permits.
  - Written plan for clearly communicate the origin of the resold product.
- **Reselling Accusations:** Accusations of reselling are taken very seriously. If a vendor believes another vendor is reselling or misrepresenting their product without permission, a formal written complaint must be made to the Manager ([info@hopefarmersmarket.org](mailto:info@hopefarmersmarket.org)). A \$75 fee will be charged to the accusing vendor. This fee will be refunded if upon conducting an investigation, including a farm inspection with another farmer present if necessary, the Manager finds that the accused vendor is in fact violating Market policy. If the accuser is incorrect, the fee will not be refunded to cover the cost of gas and Manager's time spent. HOPE FM reserves the right to inform other area market managers of confirmed cases of reselling regulations.
- **Organic Labeling:** All items sold as "organic" must meet the requirements of the National Organic Program. Sellers of organic items must have a copy of their certification on file with the Manager as well as in their booth when selling at the Market. Only certified organic growers may display signs using the word "organic."
- **Quality Control:** All products sold at the Market shall be of merchantable quality. Vendors must give refunds to customers that are dissatisfied with products they have purchased. Vendors will be asked to remove certain products from their displays if deemed inappropriate by the Manager.
- **Professional manner:** All vendors must conduct themselves in a courteous and professional manner. No smoking is allowed on Plaza Saltillo property during Market's operating hours. Vendors must treat customers, HOPE staff and volunteers and fellow vendors with respect.
- **Comments or complaints:** Please refer customer comments, complaints or difficulties to the Manager. Any grievance regarding actions or prices of another vendor must be brought to the attention of the Manager if it cannot be handled politely and quickly.
- **Noise:** No loud, aggressive promotion is allowed. No instruments, radios or stereos are allowed to be operated during the Market hours, other than music provided by Market Staff.

**4.4 Enforcement:** Enforcement of these rules, including assessment of any fines, is within the rights of any Manager on duty. By not enforcing these rules the Market does not waive the right to enforce them later.



**2017 Vendor Agreement  
Rules & Regulations**

**Please** sign and have your agent(s) sign the Testimony and the Hold Harmless Agreement and submit to the Market Manager via US mail or email (info@hopefarmersmarket.org). Any and all agents working your booth with or without your presence must read the rules, and sign the Testimony and the Hold Harmless Agreement. You are required to bring them to the Market Manager before said agent sets up your booth at the Market.

**I have read, understood and will abide by the 2017 HOPE Farmers Market Rules and Regulations.**

Date: \_\_\_\_\_

Business/Organization Name: \_\_\_\_\_

Business Owner/ Organization Director: \_\_\_\_\_

Owner/Director Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

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-HOPE FM Staff use-

**Rules and Regulations Violations**

Late Cancellations:

Unexcused Absences:

Health Code Violation:

Safety Violations: