



WESTCHASE FARMERS MARKET

MARKET RULES

(Revised March 23, 2017)

1. Introduction

The Westchase Farmers Market is a project of the Westchase District, a special district and a political subdivision of the State of Texas. The Westchase District will organize the Westchase Farmers Market and will govern all aspects of its operation. The Westchase District will adopt Market Rules, approve the form of Vendor Application, engage a market manager, approve an annual budget for the Farmers Market operations and create the Farmers Market Governing Committee to accept vendor applications, oversee operations and make recommendations to the Board regarding operations and amendments to any of these documents.

2. Mission

The mission of the Westchase Farmers Market includes:

- to provide the citizens of west Houston with access to high quality, locally-grown, seasonal fresh foods
- to provide a vibrant community gathering place for the Westchase community
- to encourage local food production in southeast Texas by providing agricultural producers an attractive marketing venue
- to promote an appreciative relationship between food producers and food consumers and to educate consumers about the issues involved in local agriculture and food production
- to educate the community about the nutritional, health, and culinary benefits of consuming high quality, locally-grown and seasonal fresh foods and to encourage home cooking and family meals

3. Time and Place of Operation

The Westchase Farmers Market will operate on Thursday afternoons, year-round, rain or shine. The operating hours will be 3 pm until 6 pm when Central Standard Time is in effect, and from 3 pm until 7 pm when Central Daylight Time is in effect. The market location is in the parking lot of St. Cyril's of Alexandria Catholic Church at 10503 Westheimer, on the west side of Beltway 8. If a major holiday or holy day (New Year's Day, Maundy Thursday, Fourth of July, Thanksgiving, Christmas Eve, Christmas) falls on a market day, market will not be held.

4. Who Can Sell and What Can Be Sold

Farmers, ranchers, growers and producers of agricultural products who are growing or producing within 200 miles of Houston are eligible to become vendors. Producers of processed or prepared foods who are producing those foods within 200 miles of Houston are also eligible to become vendors, although preference will be given to those producers whose products contain a substantial amount of locally-grown ingredients.

- a. Farm products include: fresh fruits, fresh vegetables, herbs, nuts, dairy products, honey, eggs, poultry, meat, fish, shellfish, flowers, plants, and nursery stock. All farm products must be grown or produced within 200 miles of Houston and sold by the farmer or producer.
- b. Processed, prepared, and value-added foods include: jams, jellies, preserves, cheese, syrups, salsas, sauces, seasoning mixes, smoked meat or fish, sausage, salad dressings, baked goods, juices, and ready-to-eat prepared foods. The vendor must be the actual owner or operator of the business and may not be operating under a franchise agreement. All packaged foods must meet Texas labeling requirements, including name of product, name and address of producers, net weight, and ingredients listed in decreasing order of predominance. All processed, prepared, and value-added foods must be produced within 200 miles of Houston and sold by the producer.
- c. Agricultural producers may also offer for sale a limited amount of non-food items if they are directly related to the main agricultural products produced. For instance, honey producers may use the beeswax generated by the production of honey to make and sell beeswax candles. A grower or nursery may offer holiday wreaths for sale. A goats milk dairy may offer goats milk soap.
- d. All vendors are responsible for obtaining and keeping current all appropriate licenses, permits, and certifications required in connection with the sale of their products. These may include:
 - Texas state nursery license
 - Texas state food manufacturer's license
 - Texas state sales tax permit
 - Texas state dairy permit
 - pesticide applicator's permit
 - USDA organic certification
 - City of Houston food manager's certification
 - any other applicable license, permit, or certificate

Each vendor should keep a binder containing copies of all applicable licenses, permits, and certifications which is available for public inspection during market hours. It is the sole responsibility of each vendor to know what licenses, permits, and certifications are applicable to their business and to keep them current. Each vendor

shall supply copies of the applicable licenses, permits, and certifications to the Westchase Farmers Market with their initial vendor application and subsequent renewals.

- e. Vendors may send family members, partners, employees, or other representatives to the market to sell the vendor's products. The vendor is responsible for making their on-site representatives aware of all market rules and policies. Further, all such representatives should be well-versed in the vendor's operations and products so that customers' questions can be accurately and completely answered.
- f. The Westchase Farmers Market is primarily a producers' market, meaning that all products are produced by those offering them for sale. Re-selling is not permitted. The following producer/vendor exceptions will be allowed, upon the discretion of the market manager:
 - a. Corporate Sponsors may be allowed to set up tents with weights for promotion of their product or service. The market will allow up to two sponsor exhibitors. The exhibitors must renew every six months or be placed on a waiting list for future inclusion. Corporate sponsors must fill out application and provide proof of insurance.
 - b. The market will allow one vendor tent representing a non-profit charity at each market. Non-profit participants must fill out vendor application and provide proof of insurance.
 - c. Artisans and crafters will be allowed to participate in the market. The number of craft vendors may not exceed 30% of the total number of booths present at market. Artisans and crafters must fill out vendor application and provide proof of insurance.

5. Vendor Applications

All potential vendors must submit an application to become a vendor at the Westchase Farmers Market. Vendor applications must be accompanied by annual vendor fee, which is non-refundable. Vendors will be admitted on a provisional basis at the discretion of the market manager, with each vendor application to be reviewed and confirmed by the Westchase Farmers Market Governing Committee at its next meeting.

The Governing Committee may, at its discretion, decline to confirm a vendor's application, in which case the Governing Committee's decision shall be final.

Preference will be given to vendors of farm products. Among vendors of processed, prepared, or value-added products, preference will be given to those who use substantial amounts of locally-grown ingredients in their products.

Vendor applications must include a list of all crops and products that their farm or business produces.

Vendors must include with their application copies of all applicable licenses, certifications, and permits. Vendors must also include with their applications copies of all applicable insurance certificates, including product liability insurance.

If a vendor is accepted to the market, the market manager and other market representatives will visit the vendor's farm or production facility as soon as practicable. This visit will be scheduled in advance and is intended to assist the market in understanding each vendor's business. Other visits may be scheduled from time to time.

6. Fees

- a. Annual fees: each vendor must pay an annual fee to remain a market vendor in good standing. This fee will be collected with the initial market application and once annually thereafter. When the annual fee is collected, each vendor is responsible for providing updated copies of all applicable licenses, fees, permits, insurance certificates, and product lists.
- b. Daily fees: each vendor will pay a daily stall fee each market day. A single stall is considered to be 10' x 10' space; multiple stalls may be rented at the market manager's discretion. Each additional stall will incur an additional stall fee. Stall fees must be paid before the end of market and are non-refundable.
- c. Fee schedule: the current fee schedule is attached as **Exhibit "A."** The fee schedule may be changed from time to time at the discretion of the Governing Committee.

7. Insurance

All vendors that sell at our farmers' market are required to carry and maintain insurance in the amount of \$1 million for products liability and \$2 million for general aggregate liability with the "Westchase District" and "Daniel Cardinal DiNardo, Archbishop of Galveston-Houston, His Successors in office, and the Archdiocese of Galveston-Houston" named as additional insureds.

8. Stall Assignments

Stalls will be assigned by the market manager, whose responsibility it is to maintain an appealing and workable market space. Considerations include available space, logistics of placing trucks and trailers needed by each vendor, attractive product mix, and vendor performance. The market manager will attempt to keep stall assignments consistent, to the extent practicable.

All vendors must provide their own tents, tent weights, tables, signs, and other equipment necessary for the sale of their products. Tents are required and must be weighted on all four corners at all times, as a matter of public safety. All vendor equipment, including tents, weights, and tables must be removed from the market site after each market.

9. Signage

Clear and attractive signs are essential for communicating with customers. All vendors must display signs which identify their business and their business' primary location. Each agricultural producer shall display a sign to be provided by the market manager identifying their operation as "conventional," "sustainable," or "certified organic." If a producer wishes to display a "certified organic" designation, the producer must have organic certification. If a producer wishes to be designated as "sustainable," they must provide evidence to the market manager that they are using primarily organic growing practices. "Conventional" is the default designation for type of growing practices employed.

Signs identifying products and accompanying prices are strongly encouraged. All signs must truthful and not misleading. Farm photos are also strongly encouraged.

Signs that are political or religious in nature are prohibited. All signage is ultimately subject to the approval of the market manager.

10. Vendor Conduct

- a. Attendance: all vendors must notify the market manager in advance if they will not attend a market day.
- b. Punctuality: all vendors must be set up and ready to sell by the time the market opens for business.
- c. Duration of selling: all vendors must remain for the duration of the market, with tents and tables in place, even if they have sold out for the day.
- d. Parking: unless a vehicle is integral to the conduct of a vendor's business, vendor vehicles must be parked in the area the market manager designates for vendor parking. If the

vehicle is integral to the conduct of business, the market manager will decide where the vehicle may be parked and if the payment of any additional stall fees is warranted.

- e. Safety: all vendor products and equipment must be maintained and used in a safe, clean, and hazard-free manner at all times. All food must be kept at safe temperatures and stored at least 18" off the ground. Pedestrian walkways must be kept clear. Equipment and products must be free from sharp edges and other hazards.
- f. Scales: vendors who sell products by weight must use scales legal for trade and certified by the Texas Department of Agriculture.
- g. Animals: no live animals are permitted in the selling area, except for certified guide animals.
- h. Children: vendors must closely supervise their children at all times while on market premises.
- i. Product quality: all products sold at the market must be of good quality and safe for human consumption.
- j. Courtesy: all vendors must conduct themselves in a manner that is courteous, professional, and respectful to all other vendors, market personnel, and the public. No threatening, abusive, or harassing behavior or language is permitted.
- k. Attire: vendors must wear clean and appropriate attire, including shirts and shoes, while on market premises.
- l. Political activity: vendors may not conduct any political activities on market premises.
- m. Noise: vendors may not conduct business in a loud manner or play music in their stalls.
- n. Clean up: vendors must clean up their stall area before leaving the market, including hauling away any trash.
- o. Sales report: at the end of each market, each vendor must provide the market manager with an accurate statement of market sales for that day. This information is collected for the purpose of tracking market performance and will be held in confidence.
- p. Customer satisfaction: If a customer has a problem with a product purchased at the market, the vendor from whom the product was purchased should replace the product or give a credit. If a customer complaint seems unfounded or excessive, the market manager may assist in resolving the issue.
- q. Pricing: vendors will determine their own prices.
- r. Alcohol, tobacco, and drugs: no consumption of alcoholic beverages or illegal drugs is permitted at the market. Vendors may not smoke on market premises.

11. Compliance

Vendors are expected to comply with market rules at all times. Non-compliance with market rules will result in disciplinary action which may include a temporary suspension, termination from market participation, or other actions.

12. Other Activities

Non-profit groups may participate at the market, as space permits, at the discretion of the market manager. Only one non-profit will be allowed at market each week. Such groups may set up information tables or perform a demonstration free of charge.

Other activities may be included at the market from time to time, including music, cooking or other demonstrations, exhibits, and other activities.

13. Vendor Communications

If vendors have concerns regarding market policies or operations, they should discuss them with the market manager. If the vendor continues to have concerns which he or she does not feel have been adequately addressed by the market manager, these concerns should be put in writing and given to the market manager. The market manager will review any such communication and if appropriate bring it to the attention of the Governing Committee. The vendor will receive a response to their communication which may be written or oral.

14. Market Manager

The market manager oversees the implementation of all market policies, including overseeing vendor participation, stall assignments, market set up and break down, and collection of fees. The market manager also works to effectuate vendor compliance with all market rules, keep market records, and maintain an orderly and pleasant market premises. The market manager will also handle all public concerns and vendor matters, having complete authority to interpret and implement policy at the market site.

15. Governing Committee

The market manager will make reports to the Westchase Farmers Market Governing Committee, which is a committee of the Westchase District. The Governing Committee consists of 5 to 9 members, including a Chair, a Vice-Chair, and a Secretary. The Governing Committee members are appointed by the Westchase District Board of Directors and will include at least two vendor representatives as well as representatives of the community. The Governing Committee is responsible for overseeing the operation of and management of the Westchase Farmers Market, including but not limited to final approval of vendors, management of appeals, developing recommendations to the Board regarding the annual budget, and recommending changes to the Board regarding market rules and policies. The Governing Committee will meet from time to time as needed, but at least once every ninety days. Such meetings will be open to the public.

16. Appeals

If the market manager makes a decision with which the affected party disagrees, that party must appeal the decision, in writing, to the Governing Committee within 30 days of the decision. The Governing Committee will decide the issue and respond to the party filing the appeal within 30 days of receipt of the appeal.

Exhibit "A"

Vendor Fee Schedule

Effective October 1, 2013

All fees are nonrefundable

Annual vendor fee: \$40

Stall fee: \$25