



## **Pflugerville Pfarmer's Market By - Laws 2018**

### **Introduction:**

The Pflugerville Pfarmers' Market (referred to henceforth as the "Market") is scheduled to operate every Tuesday from May through October. Additional Market Days will be scheduled for March 13 & 27 and April 10 & 27, prior to opening in May. Pfestive Market Days will be on November 13 & 27 and December 11 & 18. The Market operates in accordance with all city, county, state and federal laws pertaining to its operation. The mission of the Market is to provide Pflugerville and the surrounding area with locally grown foods and farm products and to attract customers to the Pflugerville area. The Market is a project sponsored by the City of Pflugerville Parks and Recreation Department. The Market is focused on locally grown produce and farm products from the region, but may also host a limited amount of ready to eat and value added products, as well as craft products, to support local artisans, downtown Pflugerville businesses, and food based entrepreneurs.

### **1.0 Market Operations**

#### **1.1 Market Season:**

Early market days starting Tuesday - March 13 & 27, and April 10 & 27, and then the regular season opens on the first Tuesday in May through October. Additional Pfestive Market Days will be November 13 & 27 and December 11 & 18, 2018.

#### **1.2 Market Hours:**

Market hours are from 3:00 p.m. until 7:00 p.m. Vendors may arrive as early as 2:00 p.m. All vendors must wait until 3:00 p.m. to begin selling to the public. Vendors may sell to another vendor, the vendor's employees or physically challenged shoppers for 15 minutes prior to opening. All Vendors must depart the selling area no later than 7:45 p.m.

#### **1.3 Market Location:**

901 Old Austin Hutto Road, Pflugerville, TX 78660 (Location will be in the Green Red Barn in Heritage Park, adjacent pavilion and surrounding parkland).

## 2.0 Market Governance and General Rules:

- **No Retail Selling or recruiting** for business purposes is allowed at the Market.
- All agricultural products sold at the Market shall be merchantable quality.
- All agricultural products sold through the Market are to be grown in Texas.
- TX Department of Agriculture requires two or more vendors must be farmers selling their own produce.
- The vendor's acceptance to the market is at the discretion of the Market Manager and/or any officer of the Market.
- All vendors must represent their products in an honest manner, written or verbal.
- All vendors must conduct themselves in a courteous and professional manner.
- Leashed pets are allowed at the market.
- Propane burners for hot food may only be used outside of the barn or pavilion and may **ONLY** be used when a burn ban is not in effect for Travis County.
- **No smoking** by vendors allowed within **50 feet** of the vendor area.
- All vendors must clean up their area prior to departure and their personal trash taken off-premises.
- Booths within the barn or covered pavilion are available on first come-first serve basis, with priority given to returning vendors at the beginning of the season. Participants wishing to change booth locations can put their name on a waiting list.
- No refunds or credits for inclement weather – the Market is rain or shine. If severe weather prohibits the safe operation of the market and the Market Manager closes the market, payment will be credited to the vendors. If any vendor leaves on their own or does not attend the market because of inclement weather, payment will not be refunded or credited.
- The Market Manager or Parks and Recreation Department representative maintains order at the Market.
- The Market Manager maintains current and accurate records of each Vendor.
- The Market Manager promotes and advertise the market through paid and free media, including public service announcements, local businesses, civic groups, neighborhood associations, and the general public, using all venues available to the City's Public Information Officer
- Vendors are responsible for bringing their own tables, chairs, tents, signs, and/or other equipment.
- Vendors are responsible for their own booths set-up and tear-down.
- All signs must be kept within the boundaries of their assigned booth space.
- The Market Manager has the authority to issue warnings and take appropriate action against participating sellers/vendors who violate the By-Laws contained in this document. The Market Manager has the power to immediately suspend or remove any vendor for any health, safety and liability risks by any violation.

- The Market Manager may expel any vendor from the Market if it is determined that this would be in the best interest of the Market.
- **NO MULTILEVEL MARKETING VENDORS WILL BE ALLOWED.**
- Any organization wishing to do cooking or healthy eating habits demonstrations will be approved and scheduled accordingly by Market Manager.
- Situations not covered by this document will be handled at the discretion of the Market Manager or a Parks and Recreation Department Representative accordingly.

### 3.0 Vendor Requirements

#### 3.1 For a Farmer to become a vendor, you must:

- Fill out and sign a vendor application (annually.)
- Agree to all terms contained in this document.
- Hold all required permits, licenses, last inspections of kitchens and insurance policies necessary for your business operations and **provide copies to the Market Manager.**

**Note: Temporary Food Permit – Seasonal application (if required to sell your products.) Contact Vicky Loera, Development Center, 201 B East Pecan Street, Pflugerville, TX 78660, phone number 512-990-6327.** All state, county and city regulations regarding the sale of their product must be approved prior to selling at Market.

- Sign the Indemnity Agreement contained in the vendor application.
- There is no limit to the number of produce farmers participating in the Market.

#### 3.2 For a Value – Added or Crafter/Artisan to become a vendor, you must:

- Fill out and sign a vendor application (annually.)
- Agree to all terms contained in the Market By – Laws.
- Hold all required permits, licenses, and insurance policies necessary for your business operation and **provide copies to the Market Manager.**
- Sign the Indemnity Agreement contained in the vendor application.
- Use local products (150 mile radius of Pflugerville) when available.
- Produce your own product.
- There will be **no more than two** of any specific type of non-produce vendors. The second potential vendor will be notified of the presence of another similar vendor during the application process. However products that are similar but uniquely different will be allowed on the case by case basis.
- **Vendors who are brewers and/or vintners who intend to promote alcoholic beverages (as samples) at Pfarmers Market must comply with TABC Marketing Practices Bulletin MPB017. The Pfarmers Market site is considered a non-licensed venue, therefore all criteria must prevail in order to avoid violations of TABC Code and Rules as stated on MPB017.**

- **Any vendor who is promoting alcoholic beverages must have the necessary licenses, permits and certifications of the licensed establishment and its representatives within the city limits of Pflugerville. Any non-resident establishment will not be considered.**
- **Only the City Manager has the authority to approve alcohol related applications.**

### 3.3 Vendor Fees

- **Reserved Vendors:** \$20 per week, or \$75 per month. If payment is made per calendar month, and a 5<sup>th</sup> Tuesday occurs within that month, there is no charge for the additional Tuesday. **Payments must be made in advance for 5<sup>th</sup> Tuesday benefit.**
- **Day Vendors:** \$20.00 stall fee for each market day the stall is occupied.
- If a reserved vendor fails to appear, stall fee is not reimbursed. The stall will be used for that day at the discretion of the Market Manager. **If the vendors needs to defer, the Market Manager must be notified by noon before the missed market on Tuesday.**

### 3.4 Non-Profit Organizations:

Local non – profit organizations that have current 501 (C) (3) designation with a clearly stated mission may participate in the Pflugerville Pfarmers Market with the following restrictions. Individuals who do not meet the non-profit status will be treated the same as a regular vendor. Any exceptions will be made at the discretion of the Market Manager.

- Groups may set up on the lawn (or the pavilion if space is available for no charge, and must provide their own tents, tables and chairs.
- Two organizations per week may participate.
- Organizations may attend once per month (unless approved by Market Manager.)
- Food items for sale as fundraisers must be pre-packaged and pre-sealed (i.e., bottled water, sodas, packages of candy or snacks.)
- No aggressive fundraising is allowed.

### 3.5 SALES TAX:

- **All vendors are responsible for collecting and paying Texas State Sales Tax as applicable to their product.**
- **You may obtain more information or a tax permit at the State Comptroller's web site:**

[www.window.state.tx.us](http://www.window.state.tx.us) or by calling 1-800-252-5555

**City of Pflugerville Parks and Recreation Department – 512-990-6360**

**[www.pflugervilletx.gov/pfarmersmarket](http://www.pflugervilletx.gov/pfarmersmarket)**

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