



# Taylor’s Heritage Square Farmers Market Rules & Regulations

- 2022 -

## INTRODUCTION:

The City of Taylor is proud to establish the “Taylor’s Heritage Square Farmers Market” (referred to henceforth as the “Market.”) 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 Taylor and surrounding areas with locally grown foods and farm products and to attract customers to the Taylor area. Its focus is on locally grown produce and farm products from Williamson County and the surrounding counties. In addition, it may host a limited amount of ready-to-eat products, value-added products, and craft products to support local artisans and food-based entrepreneurs.

## MARKET OPERATIONS:

The Market is held under the pavilion in Heritage Square Park at 400 N Main St., Taylor, Texas, and is open every Saturday, 10 am - 2 pm. The Market operates year-round. Heritage Square Farmers Market is a project sponsored by the City of Taylor Main Street Program and run by a volunteer Board of Directors composed of a Market Manager, Assistant Market Manager, Treasurer, Promotions Chair, Entertainment Chair, and Membership Chair (referred to henceforth as the “Board”). The Board meets on the second Monday of every month in the conference room of City Hall.

## MARKET FEES:

Vendors will have three membership options for the 2022 market year:

Full Time Membership	Quarterly Membership	Weekly Membership
<ul style="list-style-type: none"><li>• \$450 for the whole year</li></ul>	<ul style="list-style-type: none"><li>• \$150 per quarter</li></ul>	<ul style="list-style-type: none"><li>• \$20 per week</li></ul>
<ul style="list-style-type: none"><li>• 50 market days</li><li>• must attend at least 43 during the year</li></ul>	<ul style="list-style-type: none"><li>• 12-13 market days</li><li>• Must attend at least 10 per quarter.</li></ul>	<ul style="list-style-type: none"><li>• 1 market</li><li>• Must attend at least 2 markets per month.</li></ul>
<ul style="list-style-type: none"><li>• Reserved space under the pavilion (as available).</li></ul>	<ul style="list-style-type: none"><li>• Reserved space under the pavilion (as available) or outside of the pavilion.</li></ul>	<ul style="list-style-type: none"><li>• Any non-reserved space on a first come, first served basis.</li></ul>

Full Time and Quarterly Membership fees must be paid at the beginning of the period. Weekly fees are collected by the Treasurer or their designee during the market. At this time fees must be paid either in cash or by check to the City of Taylor. No refunds or credits for inclement weather – the Market is rain or shine. FEES subject to change without prior notification if situations and circumstances arise. ALL FEES ARE FINAL AND NON-REFUNDABLE.

## PROCESS AND TIMELINE FOR NEW VENDORS:

1. To determine whether you qualify as a vendor, read this document carefully.
  - a. The Heritage Square Farmers Market does not accept vendors who operate out of brick-and-mortar businesses. If you open a brick-and-mortar business during the market year, you will be allowed to finish the current quarter but must then leave the market.
  - b. No reselling is allowed at the Market – all vendors must grow, produce, or create their own products.
  - c. It is the responsibility of vendors and their employees to inform themselves about and comply with federal, state, and local health regulations and licensing requirements related to their products, display, distribution, sampling, and sale BEFORE applying to the Market.
  - d. Weekly Vendors are required to attend a minimum of 2 markets a month; Quarterly Vendors are required to attend 90% of the markets for that quarter; Full Year Vendors are also required to attend 85% of the markets for that year.
2. Apply online by completing and submitting the application in full. Incomplete applications will not be accepted.
3. You will be contacted by the Membership Chairperson within a week to discuss your suitability for our market.
  - a. Before having your application submitted to the Board for approval, you will be required to submit copies of all relevant permits and licenses.
  - b. All vendors, without exception, must sign the Indemnity Agreement before they can sell at the market.
4. Upon approval, your application will be submitted to the Board for review at the next meeting.
5. During the meeting, the Board reviews and votes on all applications.
  - a. The Membership Chair will notify all applicants of the Board decision by the Friday of that week.
  - b. All new vendors are accepted on a **probationary basis**. If, after one month of participation, the Board is satisfied with both the vendor and the vendor's products, they will approve the vendor for the rest of the year.
  - c. At this point, vendors can request to move from weekly to full time status and all fees paid during the first month will be rolled into that payment.
  - d. The Board and the City of Taylor will determine eligible participation. All decisions are final.

## VENDOR CATEGORIES:

The Heritage Square Farmers Market groups vendors into four categories. Those categories are listed below and include examples of the type of products each can sell at the farmers' market. The HSFM Board reserves the right to set limits of duplication of products for sale. There is no guarantee of exclusivity for any vendor.

1. AGRICULTURAL PRODUCER:
  - a. Produce that has been grown on the producer's land (including leased land) located within Williamson County or adjacent counties. Applicable permits required.
  - b. Meat or poultry products must come from animals processed in compliance with the regulations for livestock processing (Texas Health & Safety Code Chapter 433). Applicable permits required.
  - c. Nursery Vendors must sell only cut flowers, potted plants, trees or nursery starts that are grown from seed, plug, cutting, bulb or bare root by the seller. Applicable permits required.
  - d. Examples: Farmers, Ranchers, Beekeepers

2. VALUE ADDED VENDOR:
  - a. Culinary products from any operation that has changed the form, flavor, blend and/or the substance of raw products using as many market products as available under the Cottage Food Laws.
  - b. An individual who operates a cottage food production operation must successfully complete a basic food safety education or training program for food handlers accredited under Health and Safety Code, Chapter 438(D) by January 1, 2014.
  - c. Examples: Salsa, Cider, Dog Food & Treats, Baked Goods, Herbal products.
  
3. ARTISAN VENDOR:
  - a. Materials from outside the area of the farmers' market when integrated with other local products or created by a local artisan located within Williamson or adjacent counties.
  - b. Check with the state Comptroller to verify sales tax status.
  - c. Examples: personal care products, candles, jewelry, art, ceramics, and other craft items (wood, fabric, etc.)
  
4. PREPARED FOOD:
  - a. Prepared Food vendors offer freshly made food and drinks available for sale and immediate consumption on-site.
  - b. A temporary food establishment permit is required to sell all other potentially hazardous food/time temperature control for safety foods. A temporary food establishment permit is not required to sell whole, intact unprocessed fruits and vegetables and pre-packaged non-potentially hazardous food/time temperature for safety foods.
  - c. Examples: Tacos, Hamburgers, BBQ, Iced Beverages, Hot Beverages
  - d. Questions about requirements for specific food items should be directed to the Williamson County Health Department at (512) 238-2121.
  
5. OTHER MARKET PARTICIPANTS:
  - a. Market Entertainers/Performers (pg. 7)
  - b. Community Health & Wellness Program (pg. 8)
    - i. No physical products sold.
    - ii. Examples: Fitness, wellness, and other vendor types that do not fit within the traditional boundaries of the vendor listings above.
  - c. Local non-profit fundraising
    - i. Non-profit, non-partisan organizations may apply for complimentary booth space at any market based on availability.
    - ii. Examples: Pet adoption groups, voter registration, blood drives, Scouts.
  - d. Kidpreneurs Program (pg. 8)
  - e. Any other approved by the Board.

## **PERMITS:**

All necessary paperwork for relevant permits from city, county, state, and federal permitting agencies required must be received, notarized as necessary and accepted by the Market Manager before a vendor may occupy a space and/or open. See Vendor Resources (pg. 10) for more information.

## OFFERING SAMPLES AT THE MARKET:

1. All vendors offering samples must follow Cottage Food Laws and Safe Handling Guidelines according to county and State laws. Any fines received by any market will be paid by vendor responsible for non-compliance.
2. Failure to abide by sampling requirements may also result in the revocation of sampling privileges or expulsion from any market.
3. Prepared Food Vendors providing un-packaged samples may do so with appropriate City and County farmers' market permit. If pre-packaged samples of their product are brought from their commercial kitchen no permit is required.

## VENDOR PRODUCT REGULATIONS:

1. Vendors shall sell only items that have been approved on the submitted application. The Market has sole discretion to add or delete items from the list, and merchandise of unacceptable quality will not be sold at the Market.
2. New items (not included in the most recent application) must be submitted in writing via email and approved by the Board before being sold at market.
3. No **recruiting** for business purposes is allowed at the Market unless approved by the Board.
4. HSFM does not permit **reselling**: buying and reselling any item without additional ingredients or modifications to the existing product. *Examples: Farmer selling fruit or vegetable grown by another person or from a wholesale outlet or purchasing olive oil and repackaging/labeling as your own product.* What is acceptable is infusing, blending, or adding other ingredients to make it your own.
5. All agricultural products sold through the Market are to be grown in Williamson County or the counties adjacent to it (Bell County, Milam County, Lee County, Bastrop County, Travis County and Burnet County).
6. Manufactured food products must meet Williamson County Health Department requirements, including licensing and permitting rules.
7. Foods and food products produced by "Cottage Food Producers" may be sold at the Farmers' Market pursuant to the rules and regulations established by the State of Texas Department of Health.
  - a. Cottage food vendors must follow labeling requirements from the State of Texas, which must label all products with the following information:
    - i. Contact information: address, phone # and/or email address
    - ii. Contents: Name of item should include common and usual name
    - iii. List of ingredients according to weight.
    - iv. Eight common allergens.
    - v. Cottage law vendors must indicate on product labels this statement: This product is not inspected by any state of Texas or local health department.
    - vi. Find detailed information here: <https://www.dshs.texas.gov/foods/labeling.aspx>
8. All vendors must represent their products in an honest manner, written or verbal.
9. Vendors providing samples of their products must comply with the rules governing Market sanitation and health issues from the Williamson County Health Department or other authorities.

10. All vendors must post or have in their possession when applicable:
  - a. Signs clearly identifying business name including the city, town, or county where production occurs should be visible.
  - b. Organic Certification: required when promoting the produce/product as organic. Vendors using the term "organic" must follow the National Standards.
  - c. Certificate of Registration for Weights and Measures where applicable. All vendors selling by weight must use an approved commercial scale certified legal for legal trade by the Texas Department of Agriculture
11. The Market is not responsible for product liability, fines, penalties or the paying of sales taxes for individual vendors.

## **MARKET CODE OF CONDUCT:**

Vendors must meet the expectations listed below, as well as comply with Market rules and regulations, in order to participate at the Market.

1. Vendors are expected to be dependable, to be set up by 9:45 am for the opening of the Market, and to keep a positive attitude during the Market hours.
2. An act of unruliness or verbal disdain will not be tolerated and will result in immediate and permanent expulsion from the Market.
3. The Market and immediate vicinity are a "Family Friendly" area, and all are expected to act appropriately.
4. Vendors must always wear shoes and shirts. Clothing should be clean, and vendors should look professional.
5. Vendors and others are not permitted to smoke anywhere within Heritage Square Park or the adjoining public areas.
6. The use of foul language, profanity, or other rude behavior is not permitted.
7. Unlawful possession of firearms, consumption of alcohol, use of drugs, or operating under the influence is not permitted and is grounds for permanent eviction from the Market.
8. The Market Manager and other market representatives have the authority to issue warnings and take appropriate action against vendors who violate the rules outlined in this document.
9. Any vendor who violates any health, safety, or liability policy can be suspended or removed immediately by the Market Manager.
10. Vendors are responsible for the behavior of their employees and volunteers.
11. Concerns/complaints regarding rules, codes, laws, or personnel relating to the Market in any manner must be directed to the Market Manager and pursued following the stated grievance process.
  - a. All grievances must be submitted in writing VIA EMAIL TO [heritagesquaremarket@gmail.com](mailto:heritagesquaremarket@gmail.com).
  - b. The Board will investigate and work diligently to resolve issues.
  - c. Response will be in writing. All decisions will be final.
  - d. If the Market Manager, Assistant Manager, or Board cannot resolve the issue, the Main Street Manager will offer potential solutions.

## **SPACE ASSIGNMENT:**

All vendors will be provided with an appropriate booth space by the Market Manager. We will assign space according to the following guidelines:

1. Vendors who pay for a full year will be able to reserve a space under the pavilion if available.
2. Vendors who pay for a full quarter may have a reserved space under the pavilion if one is available. If a space

under the pavilion is not available, they can select any open space in the designated market area, which will be reserved for them for the current quarter.

3. Any other non-reserved space is subject to the first-come, first-served policy.
4. Any reserved spaces that are not occupied 30 minutes before the Market opens may be reassigned.
5. Each vendor will be assigned one 10' X 10' space.
6. Any vendor setting up in a space that has been reserved for someone else will be required to move. It is the vendors responsibility to check current market vendor maps before they set up.

## **VENDOR REQUIREMENTS:**

1. Market Managers, Assistant Managers or their designee will keep order at the Market. The Market Manager and the Board will have final authority on site to interpret and enforce rules and regulations.
2. Vendors who do not comply with instructions and rules of the Market will be considered in material breach of their agreements and may be asked to leave immediately. Repeated violations may result in revocation of membership in the Market.
3. The Manager and Market Board may, at their sole discretion, alter the Rules and Regulations and the operation of the Market at any time. Current rules will be available on the Market Website.
4. **ATTENDANCE:**
  - a. We are a year-round, rain or shine market. Vendors should be prepared for all types of weather including cover for rain or sun and weights for winds. In the event, no refunds or decrease in fees will be given because of inclement weather or lack of business due to the weather.
  - b. Any vendor NOT attending the market must notify the Market Manager via call, text, or email by Wednesday 5 PM prior to market.
  - c. Markets will be closed if market day falls on Thanksgiving, Christmas, Easter Sunday, or New Year's Day.
  - d. In the event the Market is closed due to inclement weather or an unforeseen incident, the Market Manager will advise all vendors at what time the Market will be closing.
  - e. All vendors **must** attend a minimum of **two markets per month** to maintain their membership.
  - f. If a vendor misses **three consecutive markets** without notifying the Market Manager, they will be placed on Inactive Status and their membership may be terminated by the Board.
5. **PRE-MARKET GUIDELINES:**
  - a. Vendors are responsible for their own booth set-up and tear-down.
  - b. Vendors are responsible for bringing their own tables, chairs, tents, signs, and/or other equipment.
  - c. Tents must be no larger than 10' by 10' and 30 lb. weights must be securely affixed to each canopy leg at all times. Weights should be set up in away to avoid injury to any person.
  - d. Set-up begins at 8:30 am and should be complete by 9:45 am.
  - e. Vendors should unload all their materials and move their vehicles to designated vendor parking before beginning to set-up.
  - f. All vendor vehicles **MUST** be moved to the designated vendor parking area before 10 am.
  - g. Vendors are responsible for checking the current map of reserved spaces before setting up. If you set up in a spot reserved for another vendor, you will be required to move.
6. **MARKET OPERATIONS:**
  - a. A vendor's stall must include a sign that clearly identifies the vendor's name and location (county or city). Other information, such as telephone number or website, should also be made available to customers.
  - b. Vendors must supply all materials and containers for customer sales.

- c. Products should be displayed in a sanitary, presentable, and attractive manner.
- d. Vendors should be knowledgeable about products, how they are used, grown, or produced and be able to communicate these things clearly to the customers.
- e. The vendor is solely responsible and liable for any claims and damages resulting from the sale of unsafe, unapproved, or unsound goods.
- f. Electricity at the Market:
  - i. Assume electricity is not available unless verified by the city.
  - ii. Vendors who require electricity to comply with Health Department requirements have priority over electrical uses not required to ensure product safety.
  - iii. When electricity is available, vendors must provide their own extension cords and mats or tape to cover any portions of the cord that may cross any walking paths used by Market customers.
- g. Propane burners for hot food may only be used outside of the Pavilion and may ONLY be used when a burn ban is not in effect for Williamson County.
- h. **Vendor Sales Data:** All vendors are required to track their sales data at this market complete the Data Submission Form no later than 5 pm on the Monday following the market.
  - i. Sales data and customer counts provide a metric with which to make decisions about future markets. This information, along with weekly sales numbers and customer count is used to:
    - 1. Demonstrate how important farmers' markets are to our town and state.
    - 2. Help the Board with decision-making, market promotion, media relations, advocacy, and fundraising.
  - ii. The data is compiled weekly and whole-market data is available for viewing by any Market member. Only the market manager who compiles the report has access to individual vendor's data.

**7. POST-MARKET GUIDELINES:**

- a. Vendors may not break down before end of market even in the event the vendor has sold out. Tables, signage, tablecloth etc. must remain set up in booth space until end of market.
- b. Vendors may not move personal vehicle into any spaces adjacent to the pavilion prior to 2 pm. Those spaces must be kept open and available for customers as we do have some show up towards the end of the market.

**MARKET ENTERTAINERS/PERFORMERS:**

- 1. Application Process:
  - a. Anyone interested in performing at the market should first fill out the online application (link available on the website).
  - b. After the application is received, the Entertainment Chair will reach out to the applicant to let them know if they have been approved to perform at the market.
- 2. Scheduling:
  - a. Once the application is approved, the Entertainment Chair will let you know what dates are available. As soon as the date is confirmed, you will be added to the calendar and a Facebook event will be created.
  - b. If an emergency arises and you cannot perform on your scheduled day, please contact the Entertainment Chair as soon as possible.
  - c. A performer who cancels more than twice without a week's notice will be removed from the active roster.
  - d. Situations will be handled case by case at the discretion of the Entertainment Chair and guidance from the HSFM Board.

3. Event Facilities:
  - a. Electricity is available onsite.
  - b. The Market provides a 10x10 tent (with optional side walls) for performer use.
  - c. Fans or heaters are available, depending on season, at the request of the performer.
4. Payment:
  - a. Performers will need to submit a W-9, via email, for the City of Taylor to keep on file. This form may be submitted upon application approval or day of first performance. The form must be submitted annually.
  - b. Performers are required to submit an invoice via email for each performance and are paid via check mailed to the address listed.

## **COMMUNITY HEALTH & WELLNESS PROGRAM:**

The Market welcomes any local group or business focusing on local foods, health, wellness, and/or sustainable living to become part of our Educational Program. Participants in the program may offer a program, class, or demonstration approved by the Board at the Market at no cost. Participants must provide their own tables, tents, and staff for the table and may appear at the Market no more than once a quarter unless they receive prior approval from the Board.

Any organization wishing to do cooking or healthy eating habits demonstrations will be approved and scheduled accordingly by the Market Manager.

## **KIDPRENEUR PROGRAM:**

As part of our Kidpreneurs program, our Market offers free space to children 16 and under to sell items they have grown, made, or crafted.

1. Prior to attending the market, applicants must apply and receive approval from the Market Manager.
2. Kidpreneur Vendors must provide their own tables and tents, as well as comply with all regular vendor, local, state, and federal regulations (as applicable).
3. The Kidpreneur must always be accompanied by a parent or guardian during the market.

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Any vendor participating in the market has either received market standards in paper form or has read the standards online and agree to all its terms and conditions. It is the vendor's responsibility to keep abreast of any market standard changes and/or addendums. Questions or concerns must be submitted in writing to [heritagesquaremarket@gmail.com](mailto:heritagesquaremarket@gmail.com).

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## **VENDOR RESOURCES**

**COTTAGE FOOD LAW:** <https://texascottagefoodlaw.com/>

- FOOD LABELING: <https://texascottagefoodlaw.com/labels/>
- PICKLING/CANNING/FERMENTING: <https://texascottagefoodlaw.com/pickle-can-ferment/>
- Williamson County Health District: [https://www.wcchd.org/healthy\\_spaces/food\\_establishment\\_permits.php](https://www.wcchd.org/healthy_spaces/food_establishment_permits.php)

## **EGGS:**

- WCCHD requires certain food vendors that are participating in farmers markets to obtain a Farmers Market Permit and Farmers Market Permit - EGG ONLY. One permit allows participation in all Farmers Markets in the jurisdiction of WCCHD.
- [https://www.wcchd.org/healthy\\_spaces/food\\_establishment\\_permits.php](https://www.wcchd.org/healthy_spaces/food_establishment_permits.php)
- <https://www.mypermitnow.org/>
- <https://agrillifeextension.tamu.edu/library/health-nutrition/selling-yard-eggs-in-texas/>

## **FOOD HANDLER'S CERTIFICATION:**

All cottage food operators are required to complete an accredited class in Food Handler's Training. Your certification is good for two years. The course can be taken online or in person. Additionally, if you have any employee who is not directly supervised by you, that person must also take a safe food handling course. This does not include members of your household. You can get your card for \$7.99 in about an hour at the following online course: <https://www.efoodcard.com/tx> There are many sources for accredited food handler's courses. You can see a full list of courses on the DSHS web site. Online courses: <https://www.dshs.texas.gov/food-handlers/training/online.aspx> In person courses: <https://www.dshs.texas.gov/food-handlers/training/classroom.aspx>

## **SALES TAX:**

- Contact the Comptroller with all questions regarding sales tax. You are responsible for verifying all information regarding taxable foods.
- 800-252-5555; <https://comptroller.texas.gov/>

## **SELLING MEAT AT THE MARKET:**

- <https://dshs.texas.gov/meat/default.aspx>
- <https://www.texasagriculture.gov/RegulatoryPrograms/WeightsandMeasures/Devices.aspx>

## **TEMPORARY FOOD ESTABLISHMENTS:**

- WCCHD requires food vendors that are participating in temporary events to obtain a temporary food establishment (TFE) permit. A temporary food establishment is a food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration.
- The single event permit is valid for one individual food booth or unit at one specific event and is valid for up to 14 consecutive days from the initial effective date.
- Nonprofit/501(c) organizations are exempt from TFE permit fees.

## **WILLIAMSON COUNTY FARMERS MARKET PERMIT:**

- WCCHD requires certain food vendors that are participating in farmers markets to obtain a Farmers Market Permit and Farmers Market Permit - EGG ONLY. One permit allows participation in all Farmers Markets in the jurisdiction of WCCHD.
- [https://www.wcchd.org/healthy\\_spaces/food\\_establishment\\_permits.php](https://www.wcchd.org/healthy_spaces/food_establishment_permits.php)
- <https://www.mypermitnow.org/>