

CITY OF DRIPPING SPRINGS

RESOLUTION NO. 2018-R11

FARMERS MARKET RULES AMENDMENT

**A RESOLUTION OF THE CITY OF DRIPPING SPRINGS,
TEXAS, APPROVING AMENDMENTS TO THE DRIPPING
SPRINGS FARMERS MARKET RULES**

WHEREAS, the City of Dripping Springs (“City”) owns, manages, and operates parklands and facilities for the recreational use of the public; and

WHEREAS, the City of Dripping Springs desires to provide safe and enjoyable parks to the public; and

WHEREAS, the City of Dripping Springs runs a Farmers Market at Veterans Memorial Park; and

WHEREAS, it is the express intent of the City of Dripping Springs City Council (“City Council”) to preserve and protect its parks’ trails and regulate the usage therefore; and

WHEREAS, the City Council seeks to amend the Farmers Market Rules to maintain the orderly running of the Farmers Market; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, under Texas Local Government Code Section 331.001, the City has general authority to adopt an ordinance that is in the interest of managing the City’s parks; and

WHEREAS, the City Council finds that the amendments imposed by these rules are characterized as reasonable, necessary, and proper for the good government of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dripping Springs, Texas:

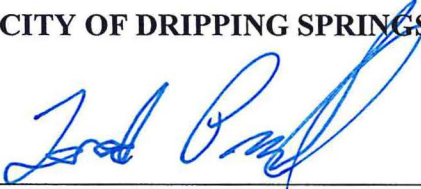
1. The foregoing recitals are incorporated into this Resolution by reference as findings of fact as if expressly set forth herein.
2. The City Council authorizes the Mayor to execute the Farmers Market Rules.
3. The City Council authorizes the Farmers Market Board and the Farmers Market Manager

to enforce the rules as amended and adopted by this Resolution.

4. This Resolution shall take effect immediately upon passage.
5. The City Council directs the City Secretary to file a copy of this Resolution and Farmers Market Rules among City records.
6. The meeting at which this Resolution was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED & APPROVED this, the 20th day of February 2018, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:



Todd Purcell, Mayor

ATTEST:



Andrea Cunningham, City Secretary



Dripping Springs Farmers Market Rules

Mission Statement: *To provide a community gathering place where local food producers, artisans and community organizations educate and sell directly to consumers.*

The purpose of these rules is to govern the operation and management of the Dripping Springs Farmers Market (the Market) as administered by the Dripping Springs Farmers Market Association Board (the Board).

1. Operational Rules

1.1 Application and Fees

All Market Participants must complete the appropriate application, pay the applicable fees and be approved by the Market Manager or the Board.

New Applicants may be accepted into the Market on a temporary status, pending an inspection. Upon review, the Board may revoke the temporary status, extend a probationary period, or grant full acceptance as a Market Participant.

1.2 Market Participants

Producers (farmers, ranchers, fishers), prepared-foods producers (bakers, ready-to-eat, value-added), artists and craftspeople, service providers, entertainers, and community organizations, that fulfill the Mission of the Market, may participate in the Market.

An approved Vendor may assign an Agent to sell their product at the Market.

Participants in the Market include Vendors, Agents, and any other individual who has applied and received approval to participate in the Market.

1.3 Site Inspection

All Vendors must agree to and assist in the inspection of their operations by representatives of the Market at any time. For inspections farther than 50 miles from Dripping Springs, the applicant will be charged a mileage fee at the current IRS rate per mile.

If a Vendor does not own the land used to grow their products, they must provide documentation from the landowner as part of the application.

Wild gathered products may be sold with written permission of the landowner and Market Board approval.

1.4 Booth Fees

Market booth fees will be determined annually and assessed weekly. Income generated from booth fees will be used for Market Manager salary, marketing and advertising, and other expenses associated with the operation of the Market.

Participants must comply with the fee schedule found at www.cityofdrippingsprings.com.

1.5 Booth Assignments, Appearance and Safety

Vendor booth spaces are 10' wide by 10' deep, including back-stock storage area. All selling and promotion must be contained within the booth space. All product, signs, and booth furniture (including tables and chairs) must be placed inside the assigned booth space.

The Market Manager assigns booth spaces to all Participants. Assigned spaces not occupied 30 minutes prior to opening may be reassigned to another Participant.

Each booth space must prominently display a sign clearly identifying the business name and location of the farm or business. Feather flags are prohibited.

All booths must be setup by the Opening Bell. No booths may be taken down prior to close of Market without the Manager's permission.

Booths should be arranged so that customers are able to shop without invading another Participant's space.

Booth areas must be kept tidy throughout the market day and must be left clean at the end of the market day.

Participants are expected to provide trash receptacles when offering samples and remove the trash from the premises. Market trash containers are for customers' use only.

Participants must park in the assigned lots/spaces designated for Vendors. Driving through the Market selling area is prohibited.

There will be a designated truck vending area for Vendors who will sell from their trucks (i.e. food trailers).

Vendors cooking food on site must have their own 2A10BC fire extinguisher. If using a deep fryer, a Class K extinguisher is required.

Booth tents must be weighted down with a minimum of 15 lbs per leg.

1.6 Attendance

If a Participant cannot attend the market any given day they must contact the Market Manager in writing by 2:00 p.m. on the day prior to the Market. Failure to do so without good cause shall result in No-Show Fee. In case of emergency, the Participants shall contact Market Manager as soon as possible.

1.7 Public Policies

No smoking will be allowed in the market area.

All Participants must conduct themselves in a courteous and professional manner at all times.

No loud, aggressive promotion is allowed.

No consumption of illegal drugs is allowed at the Market.

Leashed dogs are allowed at the Market. Dog-owners are required to collect and properly dispose of waste.

1.8 Grievances

Grievances about the Market should be directed to the Market Manager in writing using the *DS Farmers Market Complaint and Incident Report*. All such grievances will be considered by the Board.

1.9 Fines and Penalties

Infringement of the Rules may result in verbal warning, written warning, fine, suspension or expulsion from the Market.

Fines that are levied must be paid prior to re-entering the Market for selling.

1.10 Market Manager

The Market Manager's duties shall include collecting booth fees, assigning market booths, supervising the Market, and other duties as assigned by the Board. The Manager will be the final authority on the day of the Market. All decisions may be appealed to the Board for later consideration.

The Manager will maintain order and cleanliness, start the market, and distribute information about the Market. The Manager has the discretion to ask anyone to leave the market area.

1.11 Community Organizations

Community organizations that fulfill the Mission of the Market and seek to fundraise or educate at the Market shall submit an application. The organization's product and/or activity must be approved by the Board.

1.12 Opening Bell

All Vendors must wait for the sound of the Opening Bell to commence sales to the public.

1.13 Public Dissemination of Information

Because of potential pedestrian and traffic safety hazards, and space limitation at Veterans Memorial Park, the dissemination of information is regulated on Market days from 2:00 PM to 7:00 PM.

Those seeking to disseminate information, not governed by other provisions of these rules, must:

1. Disseminate information in areas designated by the Market Manager;
2. Not impede pedestrian or vehicular traffic; and
3. Not interfere or disrupt normal Market operation.

Only Participants who have applied and been approved for booth space may bring tables and chairs or other furniture to be placed inside the Farmers Market. Such furniture may only be placed inside a booth.

2. Regulatory Rules

2.1 Sales Tax

Each Vendor is responsible for his or her own sales tax permit and sales tax payments.

2.2 Weights and Measures

A scale certified by Texas Department of Agriculture must be used at the Market for all products sold by weight.

2.3 Food Samples

Food samples must be distributed in accordance with the rules set forth by the *DSFM Food Sampling Rules* and Texas Department of State Health Services.

2.4 Potentially Hazardous Foods and Product Temperature

Potentially Hazardous Foods must be held at proper temperature, as currently defined by law.

Vendors are solely responsible for any damages resulting from the sale of unsafe, unapproved or unsound goods.

2.5 Home Process Foods Law

Home-canned processed foods and baked goods can be sold at farmers markets. They must comply with the Texas Cottage Food Laws as defined by the Texas Department of State Health Services and Texas Health and Safety Code.

2.6 Permits and Licenses

All Vendors must obtain any and all required permits and licenses required by the State of Texas and Hays County to sell each product, and submit copies with their application. Knowledge and receipt of the required permits and licenses are the responsibility of the Vendor.

Organic labeling and claims require proof of current certification by USDA accredited certifier.

Vendors are responsible for complying with federal, state and local health regulations and licensing requirements governing the production, display, distribution, sampling and sale of their products.

2.7 Indemnity Agreement

All Market Participants (including Agents) are required to sign the Indemnity Agreement as part of the Application.

3. Product Rules

3.1 Product Source

All items sold at the Market must be raised, prepared, processed or crafted by Vendor within a 150-mile radius of City of Dripping Springs and meet the Mission of the Market.

If a specialty product is produced or processed outside of the 150-mile radius, but within the State of Texas, the Board shall review and may approve exceptions on an annual basis.

Vendors may resell items that complement their own products, not to exceed 20% of their inventory.

Community Supported Agriculture (CSA) distributions are allowed at the Market. Items included in CSA share distributions, including eggs, agricultural products or value-added items, must be produced by Vendor or obtained from another Market Vendor.

3.2 Product Quality and Pricing

All Vendors will be subject to inspection by the Market Manager prior to selling at the Market.

Vendors will be asked to remove any products from their displays if deemed by the Market Manager to be of inferior quality. Products that are cosmetically imperfect or very ripe may be sold as “seconds” and must be labeled appropriately.

Product pricing should be conducted in a manner that protects overall stability and friendly competition at the market.

3.3 Live Animals

No live animals may be sold or given away at the Market.

4. Amendments

The Market Rules may be amended only with the approval of a majority of the Board and will be presented to the City Council for final approval.