

# LUCAS FARMERS MARKET -- 2020 RULES & REGULATIONS

## ***GENERAL INFORMATION***

**Mission Statement** – To create a safe and pleasant social experience for our community and visitors by providing access to local farmers, food producers and artists.

### **LFM Staff:**

- Volunteers assist with the Lucas Farmers Market information table, set up, take down, and a variety of on-site and off-site tasks.
- Lucas Farmers Market Committee (LFMC)
- Lucas Parks and Open Space Board
- City of Lucas staff including but not limited to the City Manager, Director of Development Services and Public Works

**Organization** - With the support of the City of Lucas, the LFMC, a steering committee of citizen volunteers, was established in July 2019 to create the Lucas Farmers Market.

The LFMC is responsible for the day-to-day operations of the market and maintains primary contact with the vendors and the City. The City provides a liaison to the market to support the relationship between the market and the City. The LFMC leads the marketing efforts and facilitates the creation of a reliable customer base for its vendors.

The LFMC will meet quarterly or more frequently as deemed necessary by the Chair. Various subcommittees such as vendor approval and marketing will meet separately as needed. The LFMC operates with officers elected by the Committee consisting of a Chair and may include other positions such as Vice-Chair and Secretary.

## ***MARKET OPERATIONS***

**Market Dates** - The Lucas Farmers Market is will be open on the following dates in 2020:

- First Market of the 2020 Season on April 25 (Fourth Saturday in April)
- May 9 (Second Saturday in conjunction with Founders Day) and May 23 (Fourth Saturday)
- June 13 (Second Saturday) and June 27 (Fourth Saturday)
- July 11 (Second Saturday) and July 25 (Fourth Saturday)
- August 8 (Second Saturday) and August 22 (Fourth Saturday)
- September 12 (Second Saturday and September 26 (Fourth Saturday)
- October 10 (Second Saturday)
- November (no market scheduled)
- December 4 (First Friday indoor Holiday Farmers Market at Country Christmas)

The goal of the LFMC is to maintain a vendor mix that includes 50% agricultural producers, 30% value added/cottage food vendors and 20% artisan vendors.

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**Market Hours** - The Lucas Farmers Market is open from 8 am – Noon (with the exception of the indoor holiday market in conjunction with the Country Christmas event).

**Schedule** – The following schedule is established to assist vendors.

6:00	On-Site Volunteers begin setup
6:30-7:40	Vendor Unloading. After unloading, the vendor must be immediately relocate vehicles to the vendor parking area
7:50	Vendors must have space set up
8:00	Market is open
12:00-1:00	Breakdown
1:00	Vendors must be out

## **Services provided by LFMC:**

- Off-loading dollies shared between vendors for ease of set up
- 110v electrical
- Restrooms

**Severe Weather Closure Policies** - The Lucas Farmers Market is generally open rain or shine. However, when threat of lightning is detected and/or other severe weather, the market will close immediately. The LFMC will rely on the City’s Emergency Management Coordinator for weather-related information and make public safety a priority. Vendors should NOT wait for a verbal confirmation from market volunteers or City staff and use good judgement in recognizing threats for severe weather. Vendors should take with them: cash boxes and anything of value that they may carry in their arms in one trip. Vendors should establish ahead of time a system for how to handle their preorders and communicate with customers. The City of Lucas staff and the LFMC will determine whether to close the market for the day. The market will only close if forecasts predict persistent severe weather and high likelihood of lightening. If severe weather is anticipated for an upcoming market and a decision is made not to open the market, vendors will receive email notification. In this situation, the fee will be applied to a future market.

## ***VENDOR CATEGORIES AND PRODUCT DESCRIPTIONS***

A vendor is defined as any Lucas Farmers Market participant that submits a vendor application, is approved as a vendor by LFMC to sell their product(s) and pays the required fees by the established deadline. Vendors are divided into three main categories:

- ***Agricultural Producers***
- ***Value-Added/Cottage Food Producers***
- ***Artisans/Crafts***

***Agricultural Producers*** - Any vendor who grows, raises, and/or wild-harvests a food product.

- Farmers – Growers of vegetables, herbs, fruits, nuts, mushrooms, cactus, nursery products, grains, flowers, and other horticultural crop
- Ranchers – Producers of animal-based products, including meat, eggs, and dairy products
- Other – Producers of other raw, unprocessed products that are grown or raised on a farm or ranch or wild-harvested in accordance with relevant regulations, to include honey, seafood, and foraged foods.

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***Value-Added/Cottage Food Producers*** - Any vendor who uses one or more ingredients to create a product by processing, blending, packaging, or altering using other preparation methods.

- Prepared Food Vendors – Any vendor who prepares foods in an approved production facility to be consumed off-site or to be used as an ingredient.
- Cottage Food Vendors – Producer of foods prepared under the Texas Cottage Food Law (Texas Department of State Health Services, Health and Safety Code, Title 6, Chapter 437).

***Artisans/Crafts*** - Artist or craftsperson who produces originally designed hand-crafted products or services. The products must be unique and of high-quality, to include crafts, artwork, inedible products such as herbal products, personal care and beauty products. In order to maintain the farm and food focus of the markets, only a limited number of Artisans/Crafts will be approved as vendors and preference will be given to those Artisans/Crafts that are located within the City of Lucas. If your space includes crafts, you will be classified as an artisan and will need to provide digital pictures and/or a link to your website or social media page.

## ***RULES AND REGULATIONS***

All Vendors must comply with the following:

1. All products sold at the Lucas Farmers Market must be grown, raised, or by produced directly by the vendor. A few exceptions are considered (see Agricultural Producers Rule).
2. All production must take place within a 150 mile radius of Lucas, Texas and must be performed using land and facilities that the Vendor controls through ownership, lease, rental, or other legal agreement.
3. Products must be produced and sold in compliance with all applicable federal, state, and local laws and regulations.
4. Vendors are responsible for maintaining required permits, licenses, and certifications for all products they produce.
5. Vendors are permitted to sell only items that were approved upon application. New products intended for sale by current vendors but not included on the most recently approved application must be approved prior to their sale at Market. Vendors may amend their application to reflect product changes and must be approved by the LFMC.
6. All vendors may be subject to a site visit upon admittance, and additional visits as noted in the rules specified for each vendor type.

### ***Agricultural Producers***

1. All farms and ranches may be visited prior to or upon admittance. Furthermore, Agricultural producers may be subject to site visits annually. We reserve the right to visit any affiliate site, such as: packing warehouses, secondary properties (leased or owned), indoor growing facilities, etc.
2. Unapproved resell will not be tolerated. Agricultural Producers may apply to represent farms whose products are not produced at all or are not currently produced in sufficient quantity by the existing mix of vendors, provided the product meets all other requirements. Exceptions to this rule will only be considered if full disclosure of the name

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and contact information of the farm of origin is provided. Farm of origin may be subject to a site visit. If approved, vendor will be obligated to inform public of the name and location of farm of origin; this information must either: 1) be posted on a sign that correlates directly with the sourced product, or 2) noted on the product label.

3. Application from Agricultural Producers whose products are not produced at all or are not currently produced in sufficient quantity within the 150 mile radius of Lucas may be considered, in the committee's sole discretion, provided the product meets all other requirements.
4. All items sold as organic must meet the requirements of the National Organic Program.
5. Approved Vendors may sell plants and trees, fresh and dried flowers, herbs and decorative vegetation grown or legally gathered themselves. Purchased nursery stock must be repotted and grown for a minimum of four weeks before being sold.

### **Animal Producers**

1. All vendors may be subject to one site visit prior to or upon admittance. Furthermore, Animal Producers may be subject to one site visit annually.
2. Animals used in production of products for sale at Lucas Farmers Market must be raised and managed using humane husbandry practices and environmentally sound methods.
3. Live animals for sale are not allowed on site. Animal producers may take orders for the sale of animals.

### ***Value-Added/Cottage Food Producers***

1. All vendors may be subject to one site visit prior to or upon admittance. Furthermore, Value-Added/Cottage Food Producers may be subject to one site visit annually.
2. Value-Added/Cottage Food Producers products must be processed and packaged by the vendor in their own facility or created and developed by the vendor and produced in a processing facility under the direction of the vendor.
3. In reviewing new vendor applications, special consideration will be given to those producers who can verify the use of local ingredients or local production.
4. Vendors must, when required, obtain, maintain and display necessary permits or licenses.
5. All items intended for human consumption must be kept off the ground at all times and be in a safe and sound condition. The producer/seller will be solely responsible for damages resulting from the sale of unsound goods.

### ***ONSITE MARKET RULES***

All vendors and attendees must comply with Section 1.09.062 Conduct Prohibited in Parks in the City of Lucas Code of Ordinances (a copy is attached). In addition, it is important to comply with the following:

1. **Smoking and vaping:** Smoking and vaping are prohibited at the Market, including beneath the pavilion and in surrounding green spaces and parking lots.
2. **Alcohol and drugs:** The consumption of alcoholic beverages or drugs is prohibited at the Market.
3. **Accessibility:** Pre-determined fire lanes and ADA pathways cannot be blocked.
4. **Soliciting:** Soliciting is prohibited at market by unapproved vendors.

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## **Space Assignments:**

1. Space assignments will be based on attendance, product mix and logical constraints as determined by the LFMC. Space options includes the pavilion which is 8 x 10 or space in the Community Park which is 10 x 10 or 20 x 10. There is designated area for specialty vendors such as trailers and food trucks. See Attachment C – Space Layout and Assignments for details.
2. Transactions between customers and vendors may only occur within the assigned space.
3. Vendors shall provide all of their own equipment and must not exceed the parameters of the assigned space. Tents must be weighted with 25 pounds for each corner or staked in a safe manner. The City or the LFMC will not provide weights, canopies, tables or chairs.

## **Signs:**

1. Vendors shall post a sign with the name of their business and business location.
2. Vendors are encouraged to post a price list.
3. Signage must be accurate and truthful in claims of production practices, sourcing, or other claims.
4. Signs outside of the space will be reviewed and approved by the LFMC prior to displaying if they do not restrict movement or physically interfere with the sale of another vendor.
5. Banners Inside the Pavilion: a) Mounting a banner in between neighboring pavilion spaces is not permitted; b) when a sign is mounted on the back side of a booth the materials (rope, bungee cords, etc.) may not span outside of the vendor's space; and c) mounting a banner to table fronts is acceptable.

## **Attendance:**

1. All vendors are expected to attend Lucas Farmers Markets on the dates requested in the application.
2. If a vendor fails to email (farmersmarket@lucastexas.us) 48 hours in advance of a market or has frequent cancellations, or has no shows, they may be subject to dismissal and paid fees may be forfeited.
3. Vendors must have their booths completely set up at least 10 minutes prior to the start of Lucas Farmers Market and not tear down until the market closes.

**Parking:** See Attachment B - Community Park Site Map. Vendors are prohibited from parking in spaces designated for customers with the exception of set-up and tear-down. Vendors with physical limitations or disabilities are exempt from this rule.

## **Pricing:**

1. Vendors will determine the prices of their own products.
2. The sale or likely sale of goods at less than fair value (dumping) is prohibited.

## **Professional Conduct:**

1. Vendors must represent their products in an honest manner, whether written or verbal.
2. Vendors asked by City Staff to remove products that present a threat to health must do so immediately.
3. Vendors must conduct themselves in a courteous and professional manner at the Lucas Farmers Market.

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4. Vendors must treat customers, staff, volunteers, and fellow vendors with respect.
5. Inaccurate, inappropriate, threatening, or harassing words or statements construed as disparaging or harmful to other vendors, vendor-to-customer relationships or the Lucas Farmers Market is prohibited and can be grounds for termination.
6. No music other than that provided by the Lucas Farmers Market is allowed.
7. No disruptive or aggressive promotion is allowed.
8. Vendors are responsible for keeping their area clean during Lucas Farmers Market and are responsible for cleaning their space after Market is over. Unsold product and packing boxes must be carried off site.

**Electric Use:** Please be aware of overloading our breakers. Always inform City staff of power outages so that an electrician can be contacted. Space heaters (electric and propane) are prohibited.

### ***VIOLATIONS***

Vendors will be notified of violations of the rules and regulations by one of two methods:

1. A verbal notification on a market day from the LFMC representative or City Staff, followed by an email verification; or
2. By written notice from the LFMC.

If a vendor fails to cease or remedy a violation within the time specified, the vendor may, in the Committee's discretion, be subject to any of the following:

1. Relocation of space; or
2. Dismissed from the Market

The LFMC may, in its discretion, terminate a vendor's participation in the Market for repeated violations of which the vendor has been notified.

### ***VENDOR FEES***

**Application Fee** – The Lucas Farmers Market does not charge an application fee.

**Participation Fee** – The Lucas Farmers Market charges a \$20 participation fee per market excluding the Founders Day Market on May 9, 2020 and the Holiday Market held in conjunction with the Country Christmas event on December 4, 2020. Vendors will be notified regarding the approval/denial of their participation. Vendors applications that are approved by LFMC will be required to submit the required participation fees by the deadline indicated in the application.

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## ***DISPUTES AND GRIEVANCES***

The following procedures are in place to provide any vendor with a clear process for settling a dispute or addressing a complaint or grievance.

### **On-site Resolution**

The LFMC is the first step in addressing any matter. The LFMC will make every effort to resolve an issue. Vendors are asked to provide the Chair with a clear explanation of an issue, and to work with staff to reach a resolution. After gathering all available information, the Chair and City Staff will make a determination regarding the issue based on their interpretation of the best interest of the Lucas Farmers Market as a whole and the specific circumstances. Vendors must abide by the determination on that Market day so as to maintain order in the Market. If a vendor disagrees with the determination, the formal Grievance Process is in place.

### **Grievance Process**

A vendor should send written statement of the grievance to the Chair of the LFMC within thirty (30) days of the incident. The Chair of the Committee shall use best efforts to resolve the grievance within fourteen (14) working days of receiving the written statement. At the end of this time period, the Chair of the Committee shall issue a written response to the grievant with either the resolution or next steps if additional time is needed to address the issue. The Chair of the Committee shall issue a final written response to the grievant within thirty (30) days of the initial complaint.

## ***FEEDBACK***

Input and feedback from vendors, customers, and all Lucas Farmers Market stakeholders is valued. If you would like to share any thoughts, please contact the Lucas Farmers Market Committee, please send an email to [farmersmarket@lucastexas.us](mailto:farmersmarket@lucastexas.us).

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## **Attachment A – City of Lucas Code of Ordinances, Article 1.09 Parks and Recreation, Section 1.09.062 Conduct Prohibited in Parks**

As used in this division, “city park” or “park facility” shall mean any area in the city owned or used by the city, or by the city jointly with any other governmental or private entity, devoted to active or passive recreation, and includes but is not limited to athletic fields, recreation areas, community center property, and those areas designated as city parks. The following acts, omissions or conduct are prohibited within the limits of all city parks and no person, firm or corporation shall engage in, commit, cause, or suffer the following acts, omissions or conduct:

- (1) To enter or remain in any park facility between the hours of 11:00 p.m. and 5:00 a.m. unless different hours for the park facility have been designated. All soft surface trails shall be closed from dusk until dawn where on-site signage is posted, unless different hours have been posted;
- (2) To allow any pet or animal to run at-large or fail to keep a pet or animal restrained by a leash, chain or cord not more than six (6) feet long;
- (3) To dump or litter any park. All persons shall use receptacles provided for the deposit of refuse;
- (4) To tie or restrain an animal by attaching its leash to fencing, trees, benches, bleachers, pole or other park facility infrastructure;
- (5) To operate a motor vehicle within any city park in any area not designated as a roadway for vehicular traffic (for the purposes of this subsection, “motorized vehicle” means any vehicle or conveyance which is self-propelled) which would exclude electronic wheelchairs or electric scooters for the disabled;
- (6) To use or ride on a skateboard within a city park;
- (7) To possess, use, discharge or employ any fireworks, firearm, BB gun, air gun, bow and arrow, or slingshot is prohibited with the exception of licensed holders who are authorized to carry firearms in accordance with state law;
- (8) To sell, possess or consume any alcoholic beverage;
- (9) To erect, post, distribute, or place any advertising material, sign, circular, or handbill without the prior permission of the city;
- (10) (A) To practice, conduct, or carry on any commercial activity, trade or business activity unless said commercial activity has been approved through a facility use agreement issued by the city manager or designee.  
(B) In approving a facility use agreement for a commercial activity, the city manager or designee shall consider whether such activity is classified as a recreational activity that enhances the overall well-being of participants and includes but is not limited to the provision of



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physical fitness classes, athletic sports activities and services that promote healthy lifestyles. It does not include the sale of products and/or goods. While this activity may serve nonresidents, the provider must make the provision of recreational programming to city residents a priority. The number of city residents served may be taken into consideration on future applications for use of park facilities.

(C) Lucas residents only may reserve the city park facilities for commercial residential activity daily from 5:00 a.m. through 8:00 a.m. and from 7:00 p.m. through 9:00 p.m. The community center is not available for use for commercial residential activity and may only be reserved by Lucas residents.

(D) A city facility use agreement must be completed and submitted to the city manager for consideration along with the required fee as shown in the Fee Schedule set forth in Appendix C. The applicant must provide documentation demonstrating the vendor's liability insurance coverage in the amount of \$1,000,000.00 and must name the city as an additional insured on the certificate of insurance. The applicant shall be responsible for any damage to the park facilities.

(E) The applicant may reserve the park facility up to two months in advance of the event and must reapply for any subsequent use. If any park facility is left in a condition that is unacceptable to the city, the city reserves the right to not allow the vendor to use any of its facilities in the future. (Ordinance 2015-03-00812 adopted 4/16/15)

(11) To cause, create or maintain any nuisance or engage in any conduct or activity that unreasonably disturbs persons of ordinary sensibilities;

(12) To use any type of sound amplification devices which include but are not limited to loudspeakers, amplifiers or microphones without the written permission of the city;

(13) To ascend, descend, operate, or launch any aircraft, including but not limited to hot air balloons, airplanes, paraplanes, ultralight aircrafts, helicopters, drones, remote/radio controlled devices and gliders;

(14) To hit golf balls of any type in a park facility;

(15) To camp overnight in or upon any park facility;

(16) To enter onto a reserved facility or area, or a location where scheduled activities are occurring, during the period that the area or facility is reserved or during the scheduled activity and remain or return there after the person has been given notice to leave. Reserved facilities and areas, and scheduled activities, include but are not limited to athletic fields and pavilions;

(17) To make or kindle a fire except in public stoves, grills, fire pits, or designated areas provided for that purpose. Fires shall not be left unattended and must be extinguished prior to departure. The city manager may prohibit all fires in public parks during those periods that he, in his sole discretion, determines that extreme dry weather, high winds or other conditions endanger public health and safety;

(18) To use or consume any tobacco products within a park facility;

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(19) To destroy, damage, deface or remove shrubbery, trees, soil, grass, turf or other vegetation, rock, minerals or any other personal or real property.

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## **Attachment B – Community Park Site Map with designated Parking Areas**

(Coming Soon)

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## **Attachment C – Space Layout and Assignments**

(Coming Soon)