

Gainesville Market Square *Vendor Handbook*



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(940) 668-4500

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Rules and Requirements 2
 Producer Only

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The Gainesville Market Square’s primary purpose is for the sell, offer for sale or display for the purpose of sale or assist in selling products that are finished on the farm or at a home, farm produce, eggs, plants, or prepared food sold from a vehicle/food truck. The administrator may allow special events at the Market Square that allow for non-home/farm produce, eggs, plants, or prepared food that is not sold from a vehicle/food truck.

Rules and Requirements

- The Gainesville Market Square is a producer-only market. No items may be resold. Vendors cannot sell pre-purchased products under their businesses except for plants and produce. (Distributor products are not allowed.)
- All vendors must have a valid Texas Sales Tax ID Number. If you sell taxable goods or services, you must obtain a Texas sales and use tax permit. There is no fee for the permit. More information can be found on the Texas Comptroller's website at www.comptroller.tx.gov.
- All stalls and food truck spaces shall be maintained in an aesthetically pleasing manner. It shall be unlawful for any person to throw, deposit, dump or discharge any rinds, fruit, paper, boxes, baskets, litter, waste or debris in any stall, Market Square area or parking lane. The City of Gainesville shall deem stalls unclean at their discretion .
- Stall vendors shall not park in the spaces surrounding the pavilion or market. Vendors should unload their vehicles at their space, then park their vehicle at the lot located at the northeast corner of N Weaver and Broadway Streets.
- Spaces shall be occupied per the days and hours indicated on the vendor application. The City of Gainesville reserves the right to lease spaces not occupied by the original vendor on those days and times they have scheduled to not be present. Should a vendor not be present, without prior notification or approval, on a day or time they had scheduled to be, the City of Gainesville may lease the space to another vendor. If the City determines that the vendor has not regularly been present, the City may permanently allow another vendor to occupy the original vendor's space. No refunds shall be provided.

Application Process

Vendors should complete the application appropriate to their business. Different applications are available for food trucks and pavilion vendors. Once completed and returned, the City of Gainesville's review process should take three to five business days. All required items must be attached—an application is not considered complete until all required documents have been provided to the City. Permits are valid for one calendar year from the date of issuance.

The cost per space is as follows. Costs are subject to change and are found in the City of Gainesville Fee Schedule.

- Pavilion Space: \$100 per year.
- Food Truck Space: \$250 per year. (Cost includes water and electricity.)

Cottage Food Vendors

Cottage food vendors are required to be familiar with and comply with all current aspects of the Texas Cottage Food Law. More information can be found at www.texascottagefoodlaw.com.

Vendors are required to have a valid Texas Food Handlers Certificate. The training is available on the aforementioned website. The cost is \$7.99 and certification is good for two years.

You may sell the following homemade food items:

- Baked goods that do not require refrigeration, such as cakes, cookies, breads, and pastries.
- Candy
- Coated and uncoated nuts
- Unroasted nut butters
- Fruit butters
- Canned jams and jellies
- Fruit pies
- Dehydrated fruits and vegetables, including dried beans
- Popcorn and popcorn snacks
- Cereal, including granola
- Dry mixes
- Vinegar
- Pickles
- Mustard
- Roasted coffee or dry tea
- Dried herbs or herb mixes

Items must be legibly labeled in accordance with the laws of the State of Texas, including:

- Name and physical address of the Cottage Food Producer
- Common or usual name of the product
- List of major allergens in the product, including eggs, nuts, soy, peanuts, milk, or wheat
- The following statement: "This food is made in a home kitchen and is not inspected by the Department of State Health Services or a local health department."

For more information on the Cottage food Law, visit the website found near the top of the page.

Food Trucks

Vendors may prepare food on-site at the Gainesville Market Square, but it must be prepared and sold from a food truck, unless approved by the Administrator for a special event. Food truck vendors must obtain a Food Establishment Permit from the City of Gainesville Community Development Department. Their offices are located at 104 W Hird St, Gainesville, TX 76240, and the phone number is (940) 668-4799.

Food handler certification or accredited food safety course certificate must accompany application.

Information needed for Food Establishment Permit Application:

- Location Manager: City of Gainesville Market Square
- Name: Caitlyn Huddleston
- Phone Number: (940) 668-4500

Nonprofit Use of the Market

Corporations or organizations which have current Section 501(3)(c) status under the Internal Revenue Code, as amended, may apply for nonexclusive use of market square, or a portion thereof, for a designated period for the purpose of selling goods or products, the proceeds of which shall be used only for charitable purposes.

In order to obtain consent to use the facility, application must be made and the following information must be provided at least two (2) weeks prior to the date for which said use is sought, to the city manager, or his designee, in an acceptable form:

- A document establishing the existence of Section 501(3)(c) status with the Internal Revenue Service.
- The name, address, telephone number, and any applicable tax I.D. number of the organization or corporation.
- The name, address, title and telephone number of the person or persons who will be responsible for the planned activity.
- The charitable purpose for which the proceeds will be used.
- A brief description of the contemplated activity.
- The dates and times for which consent to use the facility is being requested.
- The area of market square for which the request is being made.
- A description of the products to be sold.

In addition, a duly authorized officer or representative of said organization must execute waiver of damages which releases the city from any and all liability for any injury or damage which might occur as a result of the contemplated use of the facility, in the form provided by the city manager, or his designee and a statement that the use made of said facility will be in compliance with the terms of this provision, the ordinances of the City of Gainesville, state and federal law.

Following any period of use, the organization or corporation authorized to use said facility shall be responsible for cleaning up the facility. Failure to remove trash, debris, and other objects or to restore said facility to the condition it was in prior to the period of use may result in refusal of any future request for use.

The city manager, or his designee, may deny any request that is not timely, is incomplete, is in conflict with a previously arranged event, or for a use or purpose which is deemed to be outside the use for which the land is to be used, inherently dangerous, or not in the best interests of welfare of the citizens and residents of the city. In the event that a person aggrieved by any such refusal, he may appeal said decision to the city council at the next regular meeting.

Live bands and musicians may utilize the stage for performances between 10 a.m. and 10 p.m. Sunday through Thursday or 10 a.m. through 12 a.m. (midnight) on Friday and Saturday. The administrator can allow

Live Bands and Musicians Alcohol

The public is allowed to bring alcohol and consume alcohol at the Market Square.

The City may disallow outside alcohol from being brought into the Market Square during special events, at which alcohol is being sold.

Space Information

Pavilion spaces are eight feet (8') wide by ten feet (10') long.

No equipment shall be provided for vendors. Vendors are responsible for providing their own tables and chairs for stall sales. It shall be unlawful for any person to erect, construct, make additions to or alterations of any nature or characteristic whatsoever, whether permanent or temporary, to any shed, stall or any other place in the Market Square area.

Vendors must be courteous and polite to the public and conduct themselves respectfully and professionally. Vendors will not use offensive language or gestures, and should be dressed in appropriate clothing. Vendors shall conduct themselves in accordance with local, state, and federal laws while at the market.

The vendor is solely responsible for the damages resulting from the sale of unsafe, unapproved, or unsound goods.

Smoking is strictly prohibited in the Market Square area. Fines exist for penalty of violation.

Loitering

It shall be unlawful for any person to loiter around the Market Square area after the hours prescribed for such trading or special event.

Special Events

Special events will periodically be held at the Market Square. Such events may require additional costs for vendors and specific details.

Those vendors whose normal dates and times of operation coincide with an event (per their approved vendor application) are not required to pay additional fees to participate in the event, if they so choose. However, those vendors who do not normally operate at the Market during the dates and times of the event

(per their approved vendor application) shall forfeit their space for the length of the event to a paying vendor.

In no case shall refunds be provided.

Insurance and Hold Harmless

A waiver and hold harmless agreement can be found on the applications for operation at the Gainesville Market Square. By signing, you agree to the rules of the City of Gainesville Market Square as outlined in the Vendor Handbook.

Please read the agreement and waiver carefully, as it affects your future legal rights. By proceeding with the application and approval as a vendor for the City of Gainesville Market Square, you acknowledge and agree that you have carefully read the agreement and waiver and agree to the terms set forth.

Vendors Liability Insurance helps to protect the Gainesville Market Square so that an accident involving a single vendor does not threaten the market as a whole. Vendor Liability Insurance can be also protect your business at additional Markets, and may protect your products and equipment from unforeseen loss.

It is strongly encouraged that vendors carry business liability insurance with the City of Gainesville Market Square listed as additionally insured.

Insured vendors should provide proof of General Commercial \$1 million of liability insurance with the City of Gainesville Market Square named as additionally insured.

Other possible inclusions of the hold harmless agreement relate to medical care and transportation obtained and permission for use of any photographs, motion pictures, recordings or any other record of events at the Market Square.

Thank you!

Thank you for your interest in operating at the Gainesville Market Square! Please let us know if you have any questions about the policies found in this handbook.

Please reference the City of Gainesville Code of Ordinances, Chapter 2 Administration, Article I. In General, Section 2-11 Market Square and Section 2-12 Nonprofit Use of Market Square for more information.

The City of Gainesville reserves the right to make changes to this handbook.