

Boerne Farmers Market Rules and Guidelines



Purpose

These Rules and Guidelines serve as the governing framework for the operation, administration, and management of the Boerne Farmers Market. They are established and approved, via a majority vote, by the Boerne Farmers Market Board of Director (BOD), made up of community members, local farmers, and artisans. Please note that the Market rules may be modified by the BOD at any time during the market year.

Mission (coming soon!)

Goals of the Market

Our goals are to cultivate a vibrant and sustainable community by providing a welcoming gathering place that celebrates local agriculture, artisanal craftsmanship, and the diverse talents of our community. We are dedicated to fostering connections between farmers, artisans, and our neighbors while promoting healthy living, environmental stewardship, and economic resilience. Our commitment is to support local growers and producers, nourish community bonds, and contribute to the well-being of our region by offering fresh, seasonal, and locally sourced goods.

Hours and Location - TBD

The Boerne Farmers Market will be located in the heart of Boerne, TX (downtown) and will be open every TBD from 4pm to 7pm (subject to change).

Market Rules

❖ Vendor Applications

- All vendors must complete a [Vendor Application](#) and be approved by the Boerne Farmers Market BOD before selling items at market.
- Please be aware that the submission of a Vendor Application does not automatically assure your acceptance into the farmer's market. The Board of Directors will communicate their decision to you via email.

❖ All Vendors

- Prior to operating your booth, every individual working in the booth must read and confirm their understanding of the Market Rules and Guidelines by signing the Release from Liability and Acknowledgment Agreement.
- Copies of all proper permits, certifications, licenses, etc. must be received upon Vendor Application approval by the BOD.
- No wholesale or Multi-level Marketing (MLM) vendors are permitted at the Boerne Farmers Market. Vendors are limited to selling items as listed in application, additional items must be approved by the Boerne Farmers Market BOD, prior to selling.
- We encourage all vendors to participate in all week day markets, to ensure the consistent availability of products and uphold the quality of the visitor experience. **Regular attendance is vital for the Boerne Farmers Market to thrive as a vibrant marketplace that reflects the spirit of our community.**
- **We kindly request that vendors inform the BODs via email, at boernefm@gmail.com, if they are unable to attend the market for any reason.** To ensure efficient planning, vendors planning to skip a market should send

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their notification of absence to the BOD **no later than 5pm the day prior to the market.**

- The market is generally open regardless of weather conditions. Vendors are advised to come prepared for all weather scenarios, including rain or intense sunlight, and should have appropriate cover and weights to secure their setups in windy conditions. Please note that no fee refunds or discounts will be provided in case of adverse weather or a decrease in business due to weather-related factors.

❖ Product Origin

- **Agricultural/Produce:** All agricultural products must originate from within the state of Texas. We strongly encourage agricultural producers at our market to adopt natural, pesticide-free and/or organic growing methods. Products should be locally grown, produced, and sourced within a 100-mile radius of Boerne, Texas, unless the BOD has approved an alternative arrangement. Gulf seafood is an exception to this rule.
- **Non-produce:** All goods must be crafted within the state of Texas, preferably utilizing locally sourced materials. If a vendor intends to offer items not produced at their own facility, they must obtain prior approval from the Boerne Farmers Market BOD before selling them at the market.
- If warranted, the vendor hereby consents to inspections of their farm or facility by the Boerne Farmers Market BOD, or their designee, to ensure compliance with the rules and guidelines outlined herein.
- Any vendor may be suspended from participating in the market by a vote of the Boerne Farmers Market BOD, for failure to comply with the Rules and Guidelines of the market.
- All vendors must adhere to the laws, regulations, and guidelines established by federal, state, city, or county government authorities.
- All tables and booths must be maintained in a clean and orderly manner. There should be no retention of aged or deteriorated produce on tables or booths, nor in the vehicles used for product transportation.
- No live animals or fowl shall be allowed or kept in the selling area.
- Handmade crafts, jewelry, etc. must be made within the State of Texas.
- The market premises must remain free of litter and debris. Each seller is responsible for cleaning their designated area before departing.
- Smoking, vaping, sleeping and/or spitting is strictly prohibited on the premises.

❖ Set-up/Break-down

- For safety reasons, vendors are permitted to relocate vehicles only during setup and breakdown hours. No vehicle movement is allowed during market selling hours.
- Unauthorized vehicles are strictly prohibited from entering the sales area for any purpose. For safety considerations, vendor vehicles are not permitted to move during market business hours. Additionally, product

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sales outside of the designated market hours are not allowed.

- **Market Set-up** – 3pm to 4pm. Market begins at 4pm. Vendors are required to be set-up by opening time.
- **Market Break-down** – 7pm to 8pm. Market ends at 7pm.
- In order to sell products at the Boerne Farmers Market, you must hold an approved vendor status and have paid the required fees to the Farmers Market.
- Vendors selling produce by weight are required to utilize scales that have been approved/inspected by the state. If vendors do not possess an approved and inspected scale, they are obligated to sell their produce based on count, number, bunch, or volume (such as in bags or boxes).
- While vendors have the liberty to establish their own pricing, it is mandatory that all prices be clearly displayed or posted. Engaging in collusion or employing deceptive pricing tactics is strictly forbidden.
- Standard booth size is 10' x 10'.
- The allocation of selling spaces will be under the authority of the Boerne Farmers Market BOD. The BOD will strive to assign spaces in a manner that provides vendors with a degree of consistency in their weekly placement. Vendors are expected to cooperate when space adjustments are requested by the BOD.
- Vendors are anticipated to engage in collaborative communication with their fellow vendors, fostering an optimal environment for both vendors and customers alike.
- The Boerne Farmers Market BOD may in its sole discretion negotiate with vendors for booth size and rates.

❖ **Permit and License Information**

- Every vendor bears full responsibility for familiarizing themselves with and adhering to all relevant state and local health guidelines, as well as obtaining any necessary permits. These permits should be accessible for review by members of the BOD and the Kendall County Health inspector at any time during market hours. Submission of all relevant licenses, permits, and inspection documentation is mandatory before vendors will be allowed to participate in the market.
- If you have questions regarding the food rules and permitting for Kendall County, you can contact Ms. Brenda Bell Sanitarian Inspector 830-249-9343 x214.
- All consumable products, along with the containers holding them (including containers, coolers, freezers, etc.), must be elevated a minimum of 18 inches above the selling area's surface.
- All food vendors are required to don clean outer attire and maintain proper hand hygiene.

❖ **Resources and Permit Information** *(the items listed below are provided to aid in the permitting and licensing process. It remains the vendor's sole responsibility to verify, obtain, and uphold the necessary permits, etc.):*

- Cottage Food Vendors (includes honey)
- Food Handler's Permit

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- Approved Labels (labels for each product must be submitted to Kendall County Health Inspector) Labels must include Business name, address, ingredient list, allergens, and the following statement: *"This product was made in a home kitchen and was not inspected by the Department of State Health Services or the local health department."*
- Cottage Food with additional requirements (*fruit butters, pickles, fermented vegetable products, fruits and vegetables*). Compliance with the following:
 - **Fruit Butters/Jams/Preserves:** You will need to determine if your fruit butter is high-acid, low-acid, or acidified:
 - High-acid fruit butters may be sold by cottage food producers without additional requirements. These include apple, apricot, grape, peach, plum, quince, and prune butters.
 - Low-acid fruit butters may not be sold by cottage food producers. This would include pumpkin, banana, and pear butters.
 - Acidified fruit butters may be sold by cottage food producers if the final equilibrium pH is 4.6 or lower.
 - **Pickled Fruits or Vegetables:** preserved in vinegar, brine, or a similar solution at an equilibrium pH value of 4.6 or less may be sold by cottage food producers.
 - **Plant-based acidified canned foods**, i.e., food with a finished equilibrium pH value of 4.6 or less that is thermally (heat) processed before being placed in an airtight container.
 - **Fermented vegetable products**, defined as a low-acid vegetable food product subject to the action of certain microorganisms that produce acid during their growth and reduce the pH value of the final product to 4.6 or less. These products can be refrigerated for quality (i.e., to slow the fermentation process once the necessary pH is achieved).
- EGGS
 - You must have a temporary food establishment license; and eggs must be maintained at an ambient air temperature of 45°F and below.
 - Eggs must be properly labeled as "ungraded" with safe handling instructions.
- Fruits and vegetables must be whole or uncut Food Prepared on Site (without mobile unit)
- Temporary Food Establishment Permit (\$20 per market or \$125 for the year)
- Food Handler's Permit (if one time only) or Certified Food Manager if more than once
- Must be in compliance with all TCS requirements (Time and Temperature Controlled Foods) and all Temporary Food Establishment requirements
- ❖ **Mobile Unit/Food Truck**
 - Food Establishment Permit from Kendall County Health Inspection Department.
 - Inspection by the Fire Marshall.
 - Time and Temperature Controlled Foods.
 - Facility must be inspected by the health department.
 - All permits and labels must meet federal and state requirements for TCS foods.
 - Liability Insurance.
- ❖ Foods in these categories that are prepared off site must be made in a commercial kitchen:

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- Meats, Poultry, Seafood, Dairy, Eggs.
- Cream pastries.
- Cream/custard pies and tarts.
- Pudding prepared from a mix or from scratch.
- Dry beans cooked (e.g., navy, refried, baked beans, etc.).
- Potatoes (baked, boiled, mashed-fresh & instant, scalloped/au gratin-fresh & dehydrated).
- Cut/prepared fresh fruits and vegetables (including melons, tomatoes, and salad greens).
- Garlic in oil.
- Seed sprouts.
- Salad dressings prepared from a mix.
- Any type of meat product.
- Pickled eggs.
- Fermented tofu.
- Fermented fruits.
- Kombucha.
- Kefir or other fermented dairy products.

Pet Food (subject to the Office of Texas State Chemists, not Health Department)

<http://otscweb.tamu.edu/Laws/PDF/PetFoodRules.pdf>

Resolution and Grievances

Onsite Resolution:

The Boerne Farmers Market Board of Directors (BOD) is committed to actively seeking solutions should any issues arise. When at the market, the initial course of action for addressing concerns is to discreetly contact the on-site BOD member. The on-site BOD member may have the capacity to promptly resolve the issue, or they may opt to gather additional information to present to the complete BOD for further evaluation. Vendors are obligated to adhere to the ultimate decision made by the BOD.

If vendors so choose, they may submit their grievances for review by the Boerne Farmers Market Board of Directors by sending an email to boernefm@gmail.com.

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Vendor Fees

- ❖ The table below outlines Vendor Fees, which must be submitted the morning of the market, or if paying monthly, by the first market of every month.
- ❖ If there is available space, eligible growers who are not regular vendors may obtain daily space permits. These permits are subject to all Rules and Guidelines and incur a fee of \$20.00 per standard booth per market. To secure this permit, vendors must obtain approval from the Boerne Farmers Market BOD at least 48 hours in advance.

Vendor Type	Weekly Rate	Prepaid Monthly Discount
Agriculture, including Meat, Dairy, Eggs, prepared foods, bakery	\$20	\$60
Featured Food Trucks/Carts - BOD Approves Featured Vendor	TBD	
Non-food items (jewelry, pottery, etc.)	\$20	\$60
Non-Food Items (pottery, jewelry, etc.)	\$20	\$60
Kids Market (under 18)	\$0	\$0

- No Market Thanksgiving week.
- December markets TBD. Determined by vendor preference.
- No Market 12/25 or 1/1
- Checks can be made payable to: Boerne Farmers Market

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Release from Liability and Acknowledgment Agreement

Address all questions and/or concerns to boernefm@gmail.com.

I/We, _____, have read, understand, and agree to abide by the FMC Rules and Guidelines, and the FMC Hold Harmless Agreement:

Liability Release Agreement: I hereby pledge my compliance with the Rules and Guidelines set forth by the Boerne Farmers Market (BFM), as per the interpretation of the Boerne Farmers Market Board of Directors (BOD). As a participating agricultural producer or non-agricultural food purveyor at the Market, I/we willingly undertake the responsibility to indemnify and absolve the sponsors of the market site, BFM, Tusculum Brewery, along with their officers, agents, and employees, from any and all liability. This includes claims, demands, expenses, fees, fines, penalties, suits, proceedings, actions, and any other legal matters of any kind and nature arising directly or indirectly from my/our use or occupation as an agricultural producer/non-ag food purveyor at BFM, or from any activities associated with my/our role as an agricultural producer/non-ag food purveyor at BFM or any BFM-sponsored or Tusculum Brewery-sponsored activities.

I also confirm that I possess the authority to enter into this agreement, either as a producer or as an authorized representative of the producer's entity, or as the proprietor of the food establishment engaged in food production as a food purveyor participating in BFM.

I/We, _____, have thoroughly reviewed, comprehended, and consent to the terms outlined in this Liability Release Agreement.

I have read and agree:

Signature

Date