



Old Town Lewisville Farmers Market
Market Permit & Vendor Application
Saturdays - May 2 - October 3, 2009

Establishment Name \_\_\_\_\_

Applicant Name \_\_\_\_\_

Applicant Address \_\_\_\_\_

Street No. & Name City State County Zip

E-mail \_\_\_\_\_ Cell \_\_\_\_\_ Alternate Phone \_\_\_\_\_

Drivers License \_\_\_\_\_ Website \_\_\_\_\_

I plan to attend the market on the following dates: \_\_\_\_\_

May 2, 9, 16, 23, 30 June 6, 13, 20, 27 July 4, 11, 18, 25 August 1, 8, 15, 22, 29 September 5, 12, 19 October 3

Booth Fees

[ ] Booth Space (10X10) \$12 per week \$ \_\_\_\_\_

[ ] Electricity (only if required by health and code - market representative will contact you for more information on electrical needs)

[ ] Insurance Coverage Required for all food vendors Cost Covered by City/Completed Insurance Application Required (If vendor does not have own and needs to purchase from the city)

TOTAL \$ \_\_\_\_\_

I will be selling the following crops or products: (use back of this page if more space is needed)

Vegetables (list) Approximate Date of sale Source/Location

Fruits

Eggs and/or poultry

Plants or Flowers

Dairy Products

Meat

Seafood

Honey/Preserves

Other (please specify)

State Licensed Manufactured products/items

Certified Organic? \_\_\_\_\_ Certified by \_\_\_\_\_ # of years \_\_\_\_\_

I expect to be re-selling other growers products \_\_\_\_\_ No \_\_\_\_\_ Yes (No more than 40% is grown by others.)

**Proof of Insurance is required with completed application.** Certificate of Insurance must list the City of Lewisville as additional insured. If you do not have insurance you may purchase coverage through the City of Lewisville for the Old Town Lewisville Farmers Market for an additional \$65. For more information, please contact Melinda Stephens at 972-219-3712.

#### **Minimum Limits of Insurance**

Lessee shall maintain limits no less than:

1. Commercial General Liability: \$500,000 limit per occurrence for bodily injury, personal injury and property damage; \$1,000,000 Aggregate
2. Workers Compensation and Employers Liability: Workers Compensation limits as required by the Labor Code of the State of Texas and Employers Liability minimum limits of \$100,000 per injury, \$300,000 per occurrence and \$100,000 per occupational disease.

#### **Agreement of Liability Waiver**

I hereby release, waive, discharge, covenant not to sue and agree to hold harmless for any and all purposes The City of Lewisville, Texas, its officers, employees, successors, assigns, sponsors and volunteers (collectively "the City") from any and all liabilities, claims, demands, personal injury including death, or property damage that may be sustained by me while participating in the Old Town Lewisville Farmers Market event, including injuries or damages sustained as a result of the negligence of the City.

#### **Venue**

The Parties agree that if legal action is brought under this contract, exclusive venue shall lie in the Courts of Denton County, Texas, and its terms or provisions, as well as the rights and duties of the Parties hereunder, shall be governed by the laws of the State of Texas.

#### **Contract Agreement**

I have read the General Information regarding the 2009 Old Town Lewisville Farmers Market. By paying the vendor fee, I have agreed to the conditions and terms of this contract. **I understand payment must be received with a completed application and received 10 business days prior to market day.** It is understood and agreed by applicant that this entire document constitutes a contract between Vendor and Old Town Lewisville Farmers Market only when Old Town Lewisville Farmers Market Management confirms this contract. Confirmations may be mailed, faxed or emailed. Acceptance of money by Old Town Lewisville Farmers Market is not binding if fee is returned before acceptance and confirmation of this contract. Verbal agreements or promises made verbally and not specifically stated and confirmed in writing, as part of this Contract, will not be binding.

- I attest that the information provided is true and accurate. I agree to comply with the City of Lewisville rules and regulations and understand that failure to do so may result in revocation or suspension of the permit/application.
- The permit/application is effective for the Farmers Market season – May 2 through October 3, 2009 unless sooner revoked for a cause. (excluding Saturday, September 26)
- The permit is not transferable and must be available on site each Saturday.

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**Signature of Applicant**

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**Date**

**Return this Application to:  
Old Town Lewisville Farmers Market**

Attn: Melinda Stephens  
606 West Main Street  
Lewisville, TX 75057  
972.219.3712

[mstephens@cityoflewisville.com](mailto:mstephens@cityoflewisville.com)

# 2009 Old Town Lewisville Farmers Market

## Rules & Regulations

The opening date for the Market will be Saturday, May 2, 2009 and will run through Saturday, October 3 (excluding Saturday, September 26). The market times will be from 8 a.m. until 12 p.m., with check-in time: 7:00 a.m. each Saturday. There will be a kickoff event held on Saturday, May 2, 2009.

The market is located in Old Town Lewisville in Wayne Ferguson Plaza.

1. A standard vendor space is 10 foot X 10 foot. 2009 vendor cost is \$12 per 10 foot X 10 foot space per market day. When an entire calendar month is paid in advance the cost is \$12 per 10 foot X 10 foot space per market day minus the last market day of that month. Example: May 2, 9, 16, 23, 30 = \$48
2. Booth spaces shall be assigned on a first come, first served basis according to approval of application and fee payment. Load-in will start at 7:00 a.m. on the morning of the market. Booth space assignments will be available online at [www.cityoflewisville.com](http://www.cityoflewisville.com) each Friday. Designation and allocation of selling spaces are the responsibility and at the discretion of the market representative.
3. Every Old Town Lewisville Farmers Market vendor must have the necessary permits and licenses from the Health Division (if applicable), must sign and comply with the Rules of the Farmers Market, meet the guidelines established in the Old Town Lewisville Farmers Market addendum and must agree to follow the instructions of the Farmers Market staff. These signed forms must be returned to the Old Town Lewisville Farmers Market representative at least 10 business days prior to the first sale date and must be on file before set-up or any participation. **THERE ARE NO EXCEPTIONS TO THIS RULE.**
4. A shade structure will be provided. Vendors need to provide their own tables, chairs, signs, refrigeration and storage. The City of Lewisville provides access to portable water and restrooms, along with a hard surface for the Market.
5. Sellers wanting to reserve regular space for the full Farmers Market season shall so indicate on the Application form. The seller forfeits his/her reserved space if he/she misses three markets without notifying the market representative.
6. Sellers sell only items that the Old Town Lewisville Farmers Market Board has approved for sale. The board has the discretion to add or delete items from the list and has the duty to provide notice to sellers.
7. All sellers must abide by the health code restrictions of the City, and State of Texas. Providing “cut” or otherwise “open” samples for tasting, smell or texture is not permitted.
8. Non potentially hazardous, prepackaged or whole produce or products are permitted for sale.
9. All items intended for human consumption must be kept off the ground above six (6) inches at all times and be in safe and sound condition. The seller is solely responsible for damages resulting from the sale of unsafe, unapproved or unsound goods. Sellers supply all materials and containers for customer sales.
10. Hours of operations on each market day are from 8 a.m. until 12 p.m. Vendors may arrive no earlier than 7 a.m. to set up and ready to greet their customers for the opening of the market at 8 a.m. Violations of this rule are grounds for dismissal from the Old Town Lewisville Farmers Market.
11. Once the market has begun, no moving vehicles are allowed within the Farmers Market area as a safety precaution.
12. 110v (2 prong) electricity will be available on a limited first-come first-served basis by vendors required by the Health Division to have electricity for refrigeration equipment, oven, etc. 110v (2 prong). Electricity may be available, on a limited first-come first-serve basis, by vendors not required by the Health Division to have electricity for refrigeration, equipment, oven, etc. This is if no vendors are required to have electricity.
13. Sellers determine the pricing and display of their products.

14. Sellers must clean up their areas at the end of each market. Sellers should not use public trash receptacles for disposal of produce boxes or unsold produce. There is a \$50 fee per 10 foot X 10 foot space when the Market Representative has to clean up the space at the close of the Market. That fee is payable, in cash, before the Participant can sell at the Market again.
15. Sellers who already maintain food or agricultural retail operations in the city shall not be eligible to sell at the Old Town Lewisville Farmers Market.
16. Each Vendor is responsible for obtaining a Sales Tax Number if required by the State of Texas and collecting and paying any sales tax that may be assessed on their products. The Vendor shall be responsible for filing any and all returns required by the State of Texas with respect to sales tax collection. The Lewisville Old Town Farmers Market does not involve itself in collection, audit or other related sales tax activities.
17. No firearms, alcoholic beverages or drugs will be allowed at the Farmers Market.
18. Violations of the rules and complaints that arise shall be resolved by the Old Town Lewisville Farmers Market representative and, if necessary, the Old Town Lewisville Farmers Market board.
19. Sellers agree to abide by the final decision of the Old Town Lewisville Farmers Market representative/board.
20. Violation of any provision of the Old Town Lewisville Farmers Market rules shall be a material breach and default by the vendor. The vendor will be asked to vacate the premises immediately without refund of paid fees. Failure to vacate may subject the seller to civil and/or criminal remedies.
21. The Farmers Market board or its designee shall reserve the right to cancel any seller's participation at any time if and when the seller shall be found to be in violation of any market rule or eligibility requirements.
22. The Farmers Market board shall reserve the right to revise the Farmers Market rules and operations at any time it deems appropriate and shall post notice of such revisions for sellers.
23. All vendors, without exception, must sign the Indemnity and Release document before they can sell at the market.
24. All vendors shall conduct themselves in a professional manner while at the Market.
25. No pets with the exception of service animals.
26. Shoes and shirts are required at all times.
27. Vendors may not smoke in any vendor area.
28. No radios.
29. No commercial truckers allowed.
30. Chaining/tying/binding rental tents together is prohibited.

## Addendum to Old Town Lewisville Farmers Market Rules - 2009

The following are goods that can be offered for sale at the Market. All food related items require a Farmers Market Health Permit Application from the City of Lewisville. For information regarding the permit process, call the City of Lewisville Health Division at 972.219.3480.

### Vegetables

alfalfa sprouts	herbs	peppers	asparagus	cole crops	horseradish
beans and bean sprouts	corn	lettuces	pumpkins	beets	potatoes
eggplant	mushrooms	radishes	cabbage	garlic	okra
carrots	gourds	onions/leeks	tomatoes	peas and pea shoots	
yams/sweet potatoes	squash	celery	avocados		

### Fruits & Nuts

apples and cider	grapes	peanuts	brambles (blackberries, raspberries, etc)		
honey	blueberries	elderberries	gooseberries	melons	pecans
peaches	strawberries	figs	pears	oranges	lemons
limes	grapefruits	mangos			

### Horticultural Goods

bedding plant	firewood	butterflies	lady bugs	cut or dried flowers
ornamental flowers	shrubs	teas	coffees	worms for composting
spices				

### Meat, Poultry, Seafood, Dairy and Exotic Animal Products

dry or pasteurized milk	frozen, prepackaged chicken	frozen, prepackaged seafood
frozen, prepackaged beef	frozen, prepackaged ratites	eggs

- Canned, preserved and baked items must be prepared in an approved licensed facility or commissary and labeled according to regulatory requirements of the Texas Department of State Health Services.
- Other items such as crafts and personal care items may be allowed with event coordinator approval for sale at the Old Town Lewisville Farmers Market. For information, please call 972.219.3712.



HEALTH DIVISION

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FARMERS MARKET 2009

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Requirements for Food and Produce Vendors

1. All foods must be commercially produced prepackaged items from a licensed facility or commissary.
2. A Manufacturer's License from the Texas Department of State Health Services and copies of product labels shall be submitted to the City of Lewisville Health Division.
3. All foods must be sold retail only. Without proper wholesale manufacturing licenses, sales to restaurants are prohibited.
4. All prepackaged foods must be properly labeled.
  - a. **Egg Products:** An egg producer that sells only un-graded eggs from their own flock may be exempt from licensing from the Texas Department of Agriculture, but must be permitted by the Department of State Health Services or the local food authority. The eggs must be stored under mechanical refrigeration at 41°F or less, and meet specific labeling requirements. (Safe Food Handling Instruction; Name and Address of distributor or packer)
  - b. **Meat Products:** Any vendor interested in selling meat products must have the meat processed under USDA regulations. Specific labeling requirements must also be met. (Safe Food Handling Instruction; Name and address of distributor or packer) Meat must be stored in a mechanical freezer at 0°F or less.
  - c. **Milk Products:** Fluid milk, dry milks and milk products complying with Grade A standards shall be obtained pasteurized. The milk must be stored under mechanical refrigeration at 40°F or less and meet specific labeling requirements. (Safe Food Handling Instruction; Name and Address of distributor or packer)
  - d. **Produce:** Source/location must be documented.
  - e. **Seafood:** All seafood must be prepackaged. Specific labeling requirements must also be met. (Safe Food Handling Instruction; Name and Address of distributor or packer) Seafood must be stored in a mechanical freezer at 0°F or less.
5. All refrigerated foods must be maintained below 41°F using mechanical refrigeration.
6. Only approved non-potentially hazardous food may be sampled, in prepackaged containers from an approved source. No cut produce or product sampling will be allowed.
7. Absolutely no food preparation on site. This includes cutting, slicing, dicing, etc. Sampling is allowed *only* if the food or produce has been prepared in a licensed facility, then placed into a prepackaged container.

Absolutely no unlabeled foods or foods from any source other than the documented commissary may be sold to the public from a food vendor. Any unlabeled foods, improperly labeled foods or foods that are found being held at improper temperatures may be detained or immediately condemned by the inspecting officer. Product must be from the original source and location. Violations may result in citations being issued to the operator and/or owner.

\*\*\*HEALTH PERMITS ARE NOT TRANSFERABLE\*\*\*

The permit issued is valid only for the operator indicated on the permit.



**HEALTH DIVISION**

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**FARMERS MARKET 2009**

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**Guidelines for Selling Frozen Meat at the Farmers Market**

1. Only frozen packaged meat will be allowed. All meat must come from an approved source. (USDA stamp or Texas Department of State Health Services – Meat and Safety Assurance)
2. All meat items must be stored and displayed in a mechanical freezer at 0°F. An accurate, visible thermometer is required in the freezer.
3. All labeling requirements must comply with USDA and Texas Department of State Health Services rules and regulations.
4. The processing plant must be USDA inspected unless it has a small producer exemption. A small producer must provide proof of exemption and meet labeling requirements. The producer shall provide either a grant of inspection or exemption.
5. The meat storage facility must provide proof that it is a licensed facility under the Texas Department of State Health Services.
6. If the meat is stored in a facility other than the processing plant, a copy of the latest health inspection by the local regulatory authority shall be provided.
7. The following must be provided to the City of Lewisville Health Division prior to operation at the Lewisville Farmers Market:
  - a. Completed application
  - b. Equipment inspection
  - c. Processing license (or proof of exemption)
  - d. Storage license
  - e. Copy of product labels
  - f. Manufacturer's license

Community Development/Health and Code Enforcement  
151 W. Church Street  
Lewisville, Texas 75029-9002  
(972) 219-3480 FAX (972) 219-3772