

# VICTORIA FARMERS' MARKET

## CUERO DOWNTOWN FARMERS' MARKET ON MAIN

### 2023 Market Rules & Guidelines

*Grow Local – Buy Local*  
Support Your Local Farmers

The Victoria Farmers' Market and Cuero Downtown Farmer's Market on Main are sponsored as FOOD BANK PROGRAMS under the umbrella organization of the Food Bank of the Golden Crescent. Market Managers are Meridith Byrd (Victoria) and Sandra Osman (Cuero).

#### **Mission:**

The mission of the market is to provide opportunities for farmers to sell their produce, meats, and other foods directly to consumers while providing consumers opportunities to buy local produce and meats directly from farmers. By doing this, the market increases the local food supply and production and hopes to create, expand and enhance the economic strength and viability of farmers within a 100-mile radius of Victoria, while also contributing to providing access to fresh, locally grown produce, nourishing and safe foods for all people including children, the elderly and families with lower incomes. We strive to serve culturally and economically diverse populations.

#### **Vision:**

Our vision is to bring together families, neighbors, visitors and local food producers to create a sense of community and social gathering, enhancing our quality of life and strengthening our economy.

#### **WHAT DO WE CONSIDER LOCAL?**

For our purposes, "local" is defined as within a 100-mile radius of Victoria, Texas.



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#### FARMERS, PRODUCERS and GARDENERS

The Victoria Farmers' Market and Cuero Downtown Farmers' Market Days are a grower's/producer's market. ***Members must be a grower or producer.*** All foods must be fresh and of good quality; this trust is what makes the market work. Without that bond of trust, the market would cease to exist. ***No reselling of agricultural produce or other products is allowed.*** Only producers, their family members, or their authorized agents are allowed to sell at the market.

Provision is made for the sale of an absent member's food, as well as for neighborhood and rural cooperative endeavors, at the discretion of the Board of Directors and market manager. If an agent is selling for a producer, that agent should be knowledgeable about the product, its use, and its method of production, and be able to communicate that knowledge clearly to customers.

All farms are subject to inspection, conducted by the market manager or agent appointed by the market manager and may include two others growers/producers. Refusal of inspections may result in suspension and could lead to termination. Producers must have signage indicating the name and location of the farm. Producers must be in compliance with all federal, state, and local health and licensing regulations and requirements. All relevant documentations, and produce itself, is subject to inspection by health officials or an agent of the Victoria Farmers' Market Association at any time.

#### ITEMS THAT MAY BE SOLD

**Items sold at the Victoria Farmers' Market must be grown, raised, or made by the vendors themselves.** In certain cases, other Texas-harvested/crafted and nearby regional products may be deemed acceptable, subject to pre-approval by the market manager. Fruits and vegetables shall be sold in a fresh/unprocessed, frozen, or canned/preserved state. Additional items include meats, eggs, honey, syrup, herbs, container plants, fruit and nut trees, vegetable plants, dried or ornamental items (gourds, corn, flowers, etc), dried spices, nuts, beverages, as well as canned, preserved, fermented, and baked items that follow the Texas Cottage Food Law (see Appendix 1 as well as <http://texascottagefoodlaw.com/>). Approved handmade artisan items may also be sold (see Appendix 2).

#### PREPARED FOODS

**Food safety** is our number one priority! Vendors of prepared foods, including food trucks/trailers/carts, must meet all federal, state and local regulations and possess all necessary licenses. A current Texas Food Handler card is required for any vendor who prepares, processes, or serves food items at or for the farmers' market. **Vendors selling only whole produce (not cut up or processed into other products) are not required to have a Food Handler card, per the Victoria City-County Health Department.**

Vendors who sell foods outside the Texas Cottage Food Law (eggs, meats, beverages, etc.) must have the appropriate permits from the Victoria City-County Health Department, Texas Department of State Health Services, Texas Department of Agriculture, or the Texas Alcoholic Beverage Commission as required.

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#### USE OF THE TERM "ORGANIC"

Organic products have strict production and labeling requirements. **No vendor may claim to sell organic products without the USDA certificate.** Certification must be presented to and approved by the Farmers Market Association before products can be labeled with "organic" as it pertains to the USDA Organic guidelines. <https://www.ams.usda.gov/sites/default/files/media/Labeling%20Organic%20Products.pdf>

#### MEMBERSHIP

Membership runs from January through December and grants vendors the opportunity to sell at the Victoria Farmers' Market as well as the Cuero Downtown Farmers' Market on Main. Vendors will submit an annual application for membership along with any permits and licenses necessary for business operation. Vendors must allow adequate time for review and approval of completed market vendor packets by the Market Manager, who will officially email notification of their approval status. *Time does not permit review and/or approval at the beginning of or on a market day, so please do not ask.*

#### FEES

Membership dues are \$35 per year (no seasonal rates or prorated dues); the booth fee is \$20 on Saturdays and \$10 on Wednesdays.

#### *Prepay 4 booth fees and receive 1 free booth*

Vendors have the option to prepay for 4 *consecutive* weeks and receive the 5<sup>th</sup> week for free. This benefits the market and our customers by encouraging vendors to participate each week, while saving money for the vendors. Vendors who consistently attend each week are typically the most successful, as they are able to build a consistent customer base. The 4 prepaid booths *must be consecutive weeks* to receive the free booth fee. Vendors may prepay for only Saturdays, only Wednesdays, or both.

#### *Receive 1 free Victoria booth when you participate in Cuero Downtown Farmers' Market Days*

Each time a vendor participates in Cuero Downtown Farmers' Market Days, they will receive one free booth at the Victoria Farmers' Market.

#### REDUCED FEE BACKYARD GARDENER MEMBERSHIP

This restricted, reduced-fee membership is for growers who want to sell excess produce when they have it, but who do not grow enough to sell at the Victoria Farmers' Market consistently. Backyard Gardeners *may sell only fruits/vegetables and garden starter plants* and may attend a maximum of 30 markets per year: 15 Saturdays and 15 Wednesdays. This is roughly 1/3 of the market's schedule. The booth fee is \$5 per market and there is no annual membership fee. No certifications or permits are required under this membership.

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#### MARKET TIMES, DAYS & LOCATIONS

The Victoria Farmers' Market is held every Wednesday and Saturday from 9:00 am to 1:00 pm as approved by Victoria County. All markets will be held in the parking lot of the Pattie Dodson Public Health Center at 2805 N. Navarro St, Victoria, TX 77901.

Cuero Downtown Farmers' Market on Main is managed by Sandra Osman of the Cuero Main Street Program (361-485-8008 or [mainstreet@cityofcuero.com](mailto:mainstreet@cityofcuero.com)) and is held on the 4<sup>th</sup> Saturday of each month from March through October at the Cuero Marketplace Pavilion, 207 E. Main Street, Cuero, TX 77954. Market hours are from 9:00 am to 1:00 pm.

#### GENERAL INFORMATION

1. All vendors must be in compliance with federal, state, and local regulations pertaining to products, wares or services sold. Vendors must abide by the health department regulations for producing, sampling and labeling food.
2. Vendors should be prepared for all types of weather. Canopies must be appropriately secured and weighted to ensure safety, otherwise the canopy must be removed. At least 30 pounds on each leg is recommended. *Refer to Vendor Set-up and Parking.*
3. Vendors are expected to behave courteously to customers, other vendors, volunteers, and market staff. Vendors are not to publicly disparage other vendors, products, or markets. No shouting or other objectionable means of soliciting trade.
4. Absolute honesty and integrity are the lifeblood of the market. No vendor may knowingly misrepresent any product offered for sale.
5. Vendors may not sell before the market opens at 9:00 *except to other vendors*. Customers may begin gathering items for purchase *at the discretion of the vendor*, but no money is to change hands before the 9:00 opening bell.
6. Live animals may not be given away or sold at the market. However, vendors are welcome to advertise animals for sale at their farm (pullets, rabbits, etc.).
7. All vendors selling by weight must use scales certified for legal trade by TDA.
8. No reselling permitted.
9. Vendors may not sell anything other than what is listed on their original application. Applications may be amended at any time pending approval by the market manager.
10. Vendors should give the market manager at least 2 days' notice when they are coming to the market.

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#### **LIABILITY**

Vendors shall not hold Victoria County, the Food Bank of the Golden Crescent (FBGC), the FBGC Farmers' Market Association, the Victoria Farmers' Market, the Cuero Main Street Program or the Cuero Downtown Farmers' Market on Main responsible for any liabilities.

#### **VENDOR SET-UP & PARKING**

Vendors must arrive by 8:30am and be ready to sell by the 9:00 opening bell. The market manager will be on site by 7:30am to help facilitate market set up. Vendors may not leave early without the prior approval (minimum 24 hours in advance) of the market manager. If you are unable to attend or will arrive late, please text or call the market manager.

Vendors with a history of good attendance at the market are given first priority and will receive a regular space. Reserved spaces not occupied 30 minutes prior to the opening of the market may be re-assigned. Vendors may request and pay for two spaces if available.

All vendors are responsible for bringing their own tables, chairs and other needed supplies. Vendors may sell out of their vehicles if they wish. Canopies are not required, but are highly encouraged as shelter from the sun and rain. They must be free of product advertisement/logos, except for the vendor's own market-based business, and should have at least 30 pounds of weight attached to each leg. Canopies without weights will be removed for everyone's safety.

#### **CLEANLINESS**

Please be respectful and keep the area clean and free of trash. If you provide samples, you must also provide a trash receptacle for customers.

- Vendors must display appropriate health permits in full view of customers.
- Foods must be handled in a sanitary manner and in compliance with existing health laws.
- Vendors must be clean and dress in an appropriate manner while handling food.
- Each vendor is responsible for cleaning his/her rental space. All space for which the vendor is responsible must be free of empty cartons, pallets, expired produce, trash and all other debris at the end of the day; a cleaning fee will be charged if the market manager has to clean up after a vendor.
- The market manager shall have final approval for each vendor's table, equipment, contents and appearance.
- All produce must be kept at least six inches above the pavement as per local health department codes.

#### **TRASH DISPOSAL**

Vendors should bring their own disposable bags for trash. The market provides a trash can at the hand wash station, and vendors are welcome to put their trash bag/s in it for disposal in the Food Bank dumpster.

**NO SMOKING or ALCOHOL CONSUMPTION ALLOWED** by vendors or their representatives. (Wine tastings are exempt.) Please report any abuses to the market manager.

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#### CHILDREN OF VENDORS

Properly supervised children are welcome at the market! If problems arise concerning children, behavioral or otherwise, please address these concerns to the market manager in writing, as for any other grievance procedure.

#### VOLUNTARY SALES DISCLOSURE

At the end of each market day, we need to keep a tally of total market sales. Sales disclosure is not mandatory for vendors. However, the statistics collected will help our market keep tabs on estimated sales and get a better sense of the market's financial health throughout the seasons and from year to year. Voluntary sales disclosures from individual vendors **will be kept confidential** and will not be shared outside of the Association Board. However, demographic information will be used for the purpose of publicity, funding, grant writing, reporting and strategic planning by the Victoria Farmers' Market and Cuero Downtown Farmers' Market on Main Planning Committee and/or The Food Bank of the Golden Crescent.

**GRIEVANCE PROCEDURE:** Any market-related grievances must be made in writing and addressed to the market manager outside market operation hours.

**VIOLATIONS:** The respective market manager may at any time request a vendor to remove any non-approved items or anything deemed inappropriate or unsafe. Once a request has been made, any additional request will be considered repeat violations and may be cause for suspension (temporarily or permanently) as vendors at the Farmers' Market. If a violation is a serious health and/or safety concern and/or a behavioral issue, the vendor or vendors may be asked to leave without prior warning at the discretion of the market manager and/or the Board.

**Serious Violations** – A serious violation is a violation that poses an immediate threat or hazard to the health or safety of other vendors, consumers, or any other public person. The market manager shall enlist the help of local law enforcement to implement removal of the vendor if deemed necessary for public safety. In case of a serious violation, the market manager and Board can expel said vendor from the market indefinitely.

**Other Violations** – In case of other violations the market manager shall:

- **For first offense:** Serve a written warning to the appropriate person(s) outlining the infraction and indicating the steps necessary to correct the problem and result in the compliance with the Farmers' Market Rules and Guidelines.
- **For second offense or failure to comply with first offense request:** The market manager may terminate the privilege to occupy space at the Farmers' Market. Market privilege may be reinstated upon written application to the Association Board addressing termination and corrective measurements will be taken prior to reinstatement.
- **For third or subsequent violations:** The market manager may evict such violators from the Farmers' Market for the entire season or permanently if necessary.

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#### APPEAL PROCESS

Vendors who have had their privileges revoked by the market manager may appeal to the Association's Board. All appeals must be made in writing within 72 hours of the revocation notice. The appeal should be a brief statement of reasons for revocation, and reason(s) for appeal. During the appeal, the vendor may not participate in the Farmers' Market. Upon receipt of the appeal, a time shall be set for a hearing not less than 3 days and no more than 30 days after the appeal has been filed. After hearing the appeal, the Board may affirm the revocation or reinstate the vendor's market privileges. **All Board decisions are final.**

#### MARKET MANAGER RESPONSIBILITY

Meridith Byrd is manager of the Victoria Farmers' Market and Sandra Osman is manager of the Cuero Downtown Farmers' Market on Main.

The market manager will oversee and be responsible for all market activities and has the authority of market oversight, collection of all applicable fees, and enforcing compliance of all published Market Rules and Regulations. In addition, the market manager will:

- maintain a record of all daily transactions, with copies of fee receipts
- enforce the opening and closing times of the Market and all other applicable duties as assigned by the Board

#### SPONSORS



#### *FBGC Farmers' Market Association Board of Directors*

President	Robin Cadle	361-578-0591 x222 or 361-655-1607
Vice-President	Frances Santellana	361-578-0591 x201
Secretary-Treasurer	Meridith Byrd	361-578-0591 x208 or 361-218-9246
At-Large Member	Sandra Osman	361-485-8008

*The Association reserves the right to suspend or cancel the privileges of any member and/or agent of members who have violated the rules of the Victoria Farmers' Market and Cuero Downtown Farmers' Market on Main.*

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**Appendix 1: Excerpts from the Texas Cottage Food Law: <http://texascottagefoodlaw.com>**

As of September 1, 2019 you may sell the following homemade food items:

- Any food, excluding meat, that does not require time or temperature control to prevent spoilage, including but limited to:
  - 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
  - Mustard
  - Roasted coffee or dry tea
  - Dried herbs or herb mixes
  - Whole (uncut) frozen fruits or vegetables
  - Canned acidified plant-based foods with a pH of 4.6 or less\*
  - Fermented vegetables with a pH of 4.6 or less\*
  - Pickled fruits or vegetables with a pH of 4.6 or less\*

**Your labels MUST be pre-approved and include everything shown here:**

*\*Pickled, fermented or acidified foods must also include a batch number on the label*

**Cozy Cottage Bake Shop**

801 S. Golden Oak Street, Anytown, Texas 77777

Name and physical address of the cottage food production operation.



Common or usual name of the product. This could be handwritten if you are buying labels in large quantities for various products.

**Blueberry Muffins**

Listing required major allergens and circling those present is one option if using pre-printed labels.

Contain the following allergens:

Eggs Nuts Soy Peanuts Milk Wheat

Fish Shellfish

This food is made in a home kitchen and is not inspected by the Department of State Health Services or a local health department.

Statement of non-inspection. This is the required language.



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**Appendix 2: Guidelines for Artisan and Craft Vendors**

The Victoria Farmers' Market is committed to being first and foremost a food market; therefore, only a very limited number of artisans will be approved to sell handmade crafts. These guidelines are intended to preserve the integrity of the market, our vendors and our products. The Market Manager will also consider other items not listed below on a case-by-case basis.

**ALL handmade goods must be approved by the Market Manager prior to being offered at the market.** The Victoria Farmers' Market does not allow products made solely from commercial kits, and absolutely no direct sales/MLM products are permitted.

**Artwork** (including drawings, paintings, and photography): must be original and created by the vendor. Items copyrighted by others is an example of artwork that is not created by the vendor.

**Body Care Products** include but are not limited to soaps, bath bombs, lotions, body washes, salves, lip balms, and shampoos. Use of agricultural products (beeswax, etc) and natural scents (herbs, essential oils, etc) is preferred but not required. Packaging can be sourced from commercial businesses to ensure safe packaging practices.

**Candles or Melts:** use of agricultural products (beeswax, etc) and natural scents (herbs, essential oils, etc) is preferred but not required.

**Clothing, Quilts/Blankets, Yarnwork and Other Fabric Crafts** (including hats, scarves, and other accessories): Items that are 100% handmade are strongly preferred. Applique of commercial materials or designs may be acceptable on an original handmade item. Other commercially made or recycled garments may be used if embellished by hand, or if the garment's original design or use is fundamentally altered (for example: jeans into a bag, but not into shorts). Upcycled and repurposed vintage pieces may be allowed as long as they have been reworked by hand to make a new item.

**Cutting Machines** (Cricut, Silhouette, or similar brand) may be used to embellish a handmade item. Original artwork is preferred but not required.

**Jewelry:** all items must be made or assembled by hand.

**Pottery:** Original work is preferred, though use of commercially available molds is acceptable as long as the item has been hand-poured, painted, fired, etc by the vendor.

**Stickers:** Items must be produced from the vendor's original artwork using their own printer and/or cutting machine.

**Woodworking:** Items must be made or assembled by hand. Applique of commercial materials or designs may be acceptable on an original handmade piece. Use of reclaimed wood is a plus.