

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 Living Green Outdoor 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 2011 Living Green Outdoor Farmers Market. Payment for vendor space will be made after approved by the Vendor Approval Committee and the Health and Code Department permit is issued. By paying the vendor fee, I have agreed to the conditions and terms of this contract. **I understand once approved payment must be received 10 business days prior to the next available market day.** It is understood and agreed by applicant that this entire document constitutes a contract between Vendor and Living Green Outdoor Farmers Market only when Living Green Outdoor Farmers Market Management confirms this contract. Confirmations may be mailed, faxed or emailed. Acceptance of money by Living Green Outdoor 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 days (May 14, June 11, July 9, August 13 and September 10).
- The permit is not transferable and must be available on site each Saturday.

Signature of Applicant

Date

2011 Living Green Outdoor Farmers Market

Rules & Regulations

The opening date for the Market will be Saturday, May 14, 2011. The market will be once a month on the second Saturday and will run until Saturday, September 10, 2011. The market will be located in Wayne Ferguson Plaza and will run from 8 am until 12 pm, with check-in time: 7:00 am each Saturday.

- A standard vendor space is 10 foot X 10 foot.
 - 2011 vendor cost is \$12 per 10 foot X 10 foot space per market day if paid 10 days in advance.
 - 2011 vendor cost is \$15 per 10 foot X 10 foot space per market day when paid less than 10 days in advance.
- 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 am on the morning of the market. Booth space assignments will be e-mailed out the Friday prior to the market day. Designation and allocation of selling spaces are the responsibility and at the discretion of the market representative.
- Every Living Green Outdoor 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 Living Green Outdoor Farmers Market addendum and must agree to follow the instructions of the Farmers Market staff. These signed forms must be returned to the Living Green Outdoor 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.**
- 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.
- Vendors wanting to reserve regular space for the full Farmers Market season shall so indicate on the Application form. The vendor forfeits his/her reserved space if he/she misses three markets without notifying the market representative.
- Vendors sell only items that the Living Green Outdoor 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.
- All vendors 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. Sample requirements are available.
- Lewisville Health Division Farmers Market Permit must be visible during each market day.
- Non potentially hazardous, prepackaged or whole produce or products are permitted for sale.
- 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.
- Hours of operations on each market day are from 8 am until 12 pm. Vendors may arrive no earlier than 7 am to set up and ready to greet their customers for the opening of the market at 8 am Violations of this rule are grounds for dismissal from the Living Green Outdoor Farmers Market.
- Once the market has begun, no moving vehicles are allowed within the Farmers Market area as a safety precaution.
- 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.
- Vendor determine the pricing and display of their products.
- Vendor must clean up their areas at the end of each market. Vendor 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.
- 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.
- No firearms, alcoholic beverages or drugs will be allowed at the Farmers Market.
- Violations of the rules and complaints that arise shall be resolved by the Living Green Outdoor Farmers Market representative and, if necessary, the Living Green Outdoor Farmers Market board.
- Vendors agree to abide by the final decision of the Living Green Outdoor Farmers Market representative/board.
- Violation of any provision of the Living Green Outdoor 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.
- 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.
- 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 vendors.
- All vendors shall conduct themselves in a professional manner while at the Market.
- No pets with the exception of service animals are allowed at food vendor booths.
- Shoes and shirts are required at all times. Smoking is not allowed in any vendor area.

- No radios.
- No commercial truckers allowed.



LIVING GREEN OUTDOOR FARMERS MARKET 2011

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.
5. **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)
6. **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.
7. **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)
8. **Produce:** Source/location must be documented.
9. **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.
10. All refrigerated foods must be maintained below 41°F using mechanical refrigeration.
11. 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.
12. 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 DIVISION

LIVING GREEN OUTDOOR FARMERS MARKET 2011

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

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

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



Requirements for Outdoor Sampling at City of Lewisville Farmers Market

All food sampling must comply with the Texas Food Establishment Rules (TFER). The City Health Division may impose additional requirements as deemed necessary to protect Public Health against hazards related to food handling environmental contamination and sampling.

Exposing cut fruits and vegetables to ambient temperatures and air is known to facilitate the growth of bacteria and other microorganisms. To minimize the risk of customers contracting a food borne illness, it is required that these guidelines are followed.

Time as a Public Health Control for Outdoor Vendors

The following rules apply:

1. All procedures for preparing the food to offer as a sample must have a written policy relating to the use of time as a public health control.
2. A copy of the written procedures must be submitted to the Health Division for review and approval before sampling is authorized.
3. All samples must have a preparation time and a discard time of four (4) hours after the time of preparation written on a label or sticker
4. Cut produce samples that have been present of four (4) hours or longer are unfit for consumption and must be discarded.
5. Written documentation must include the following: preparation procedure, time/temperature log, and labels/stickers used to write the preparation/discard time of samples. Documentation must be kept on site and is subject to review by the Health Division
6. Leftover produce for sampling must be discarded. Produce cannot be refrigerated and then re-sampled.
7. Food with different "expiration" times cannot be co-mingled in the same container.
8. Food that is unmarked, or for which time has expired must be discarded

Preventing Contamination

To prevent possible contamination of food from outside sources, it is required that vendors follow these practices:

1. Each vendor must have hand sanitizer available since immediate hand wash facilities are not available.
2. Food handlers must wear gloves when handling food product.
3. Utensils, such as tongs, toothpicks, or disposable forks/spoons, must be used to serve individual samples.
4. Food must be protected with an overhead covering, such as a transparent lid, to keep environmental elements from getting into the food.
5. Food can not be cut outside the approved preparation facility.
6. A trash container must be provided to dispose of all waste from sampling.

Training for Food Handlers

Due to the possible safety concerns working with food, it is required that food handlers have a basic understanding of food safety and safe handling procedures. A list of state accredited food handler training programs is available online at

<http://www.dshs.state.tx.us/foodestablishments/handler.shtm#training>

...or, food handlers may attend the City of Lewisville food handling class offered at City Hall at no charge. The class schedule is

Food Handler Class Schedule		
ENGLISH	Mondays	8:30am and 10:30am
	Wednesdays	1:00pm and 3:00pm
SPANISH	Tuesdays	8:30am and 10:30am
	Thursdays	1:00pm and 3:00pm

Obtaining a State Food Manufacturers License

- Go to <http://www.dshs.state.tx.us/fdlicense/apps.shtm>
- Click on FOODS under the License Application heading
- Select the FOOD MANUFACTURER application

If you are unable to locate a food service establishment to use as a manufacturing location, please contact Greg Rowlett, Chief Sanitarian, at 972-219-3776 for other available options in securing a location.