

About the Downtown Artist and Farmers Market

The El Paso Downtown Artist and Farmers Market is a year-round, outdoor artisan market that opened in 2011. The market features original arts and crafts, food vending, regionally grown agricultural products and entertainment from local artists in El Paso County and surrounding areas. Located in the Union Plaza District (On Anthony and San Francisco St) and open every Saturday from 10am - 2pm (winter hours) 9am – 1pm (summer hours), and during quarterly evening Markets and special events, offering residents and visitors the opportunity to shop in a friendly setting while enjoying great food and free activities for the entire family.

The City of El Paso's Museum and Cultural Affairs Department (MCAD) is authorized by City Ordinance to hold a weekly art and farmers market in the Union Plaza District along Anthony Street. All operations are managed by MCAD's Artist and Farmers Market Coordinator.

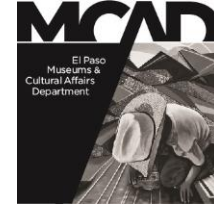
Market Hours: Saturday, 9am- 1pm (summer hours) 10am – 2pm (winter hours)

Questions about the market may be submitted to Duranla2@elpasotexas.gov or at (915) 212-1780.

Vendor Requirements

All vendors are required to be:

- Individuals 18 years or older; interested individuals under the age of 18 must have a parent or guardian present with them at all times during the market. Said parent or guardian must have a current Texas Sales Tax certificate
- The creator, producer or grower of items being sold. (Artist/grower co-ops are allowed, but must provide a signed agreement between all parties involved)
- Reside within a 100-mile radius of the Union Plaza Area.
- Registered with MCAD to sell at the market. To be a registered vendor, all participants are required to attend a new vendor orientation. Orientation is being held virtually until further notice. Meetings are held every first and third Thursday of the month from 5:30pm to 7pm. Online registration for orientation can be found through our Facebook page "El Paso Downtown Art and Farmers Market" under upcoming events. Upon successful completion of the orientation, and pending approval of the proper documentation, vendors may begin selling at the following scheduled market.
- In general, all vendors must have a tax identification number from the state of Texas, meet residency requirements, and display their permit whenever at the market. To obtain a Texas tax identification number visit http://www.window.state.tx.us/taxinfo/sales/new_business.html.
 - New Mexico vendors must apply for Texas Sales Tax ID form the local Texas Comptroller's Office.



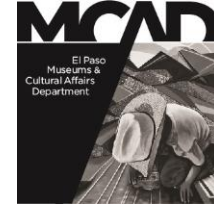
Booth Information & Fees

Vendor Fees:

- a. Vendor fees are \$50/three months or \$200/annually.
- b. Food Truck Vendor Cards are \$50/5 Saturdays; do not expire.
- c. Vendor fees must be paid at the Market with exact change.
- d. The Market Coordinator will track all vendor payments.
- e. It is the responsibility of the vendor to keep track of the expiration date of the market card and pay fees in a timely manner.
- f. Fees are non-refundable
- g. The market vendor card is good from the quarter/year beginning on the date of purchase
- h. Vendors who do not follow Market guidelines will not be allowed to participate in the market. Market coordinator and/or Sheriff Officer will issue warnings and or suspensions at their discretion.
- i. Farmers and agricultural producers will not be charged a fee to participate at the farmers market in accordance to SB 617 section 437.0065 and 437.020 of the Health and Safety code.

1. Market spaces

- a. All booth spaces are 10'x10' ft. (standard tent size)
 - i. Spaces are limited and must be reserved on a month to month basis through the online survey portal. Vendors who did not pre-register will be subject to floater status with no permanent space. Vendors who choose to do so may purchase up to two (2) vendor spaces each quarter.
 - ii. Spaces are assigned for both regular market and special events at the discretion of the Market Coordinator. Spaces are picked through an online portal by the vendor. Updated maps will be provided on a monthly/special event basis.
 - iii. Vendors who have a current disability plaque may ask to have priority
- b. Vendors are responsible for their own booths, chairs, tables and weather covers.
- c. Vendors must bring their own till to make change
 - i. Vendors who are using a Square Reader, PayPal or other such electronic Point of Sale (POS) systems to accept credit or debit payments are prohibited by law from charging a convenience fee for using such devices. Violators of this law may be suspended for up to a three-month period.
- d. Vendors must be prepared for inclement weather conditions. Weights and bungee cords must be used during such conditions. Vendors are not to overhang items on their

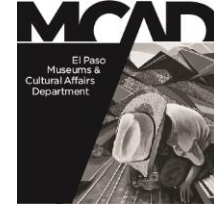


tents due to danger of booth collapsing. MCAD and the City of El Paso are not liable for any damaged property.

- e. Vendors are responsible for trash accumulated throughout the event inside their booth. Trash may not be thrown at inside the EPDAFM trash cans located next to the porta johns. MCAD and the City of El Paso are not liable for items left behind after the market.

Arts/Craft Vendors

- a. All vendors selling arts/craft items must make the items themselves. **Art and artisanal goods should be original in concept and nature.** Any locally handmade, home-crafted, or home-assembled arts and crafts, which have been made by the seller or members of the seller's household, can be sold at the market. Handmade or Hand Assembled means an item that has two or more distinctive parts combined and permanently attached by intent, labor, creativity and skill to create a product made by vendor are eligible.
- b. **Per federal copyright infringement law, goods such as fabric, charms, or prefabricated items with copyrighted images such as but not limited to, Disney, NFL/NBA logos, DC of Marvel Comic Logos, Dr. Seuss, Loony Tunes, TMNT, etc. are strictly prohibited. These items are for individual household use only. Violators will be asked to remove and discontinue selling the items immediately and may be suspended for up to a three-month quarterly period.**
- c. Absolutely no resale of CBD oils is permitted. Any CBD oil infused item must be handcrafted and follow local, state and federal laws. Vendors selling these items must submit a copy of their suppliers' THC test scores and must verify that oil contain no traces of THC. Any vendor not compliant will be immediately suspended.
- d. Arts/Crafts items may include leather goods; drawings, paintings and prints; photographs; woodwork; metal craft; ceramics and pottery; weaving and yarn work; macramé; needlework; beadwork; sculpture; jewelry; stitchery and sewing; clothing and accessories; glasswork; natural fiber crafts and basketry.
- e. Additional non-handmade, pre-packaged items, such as candies, accessories, make-up etc., may not be sold at vendor booths.
- f. All items must be family friendly in nature. Market coordinator and/or MCAD staff may ask for the removal of an item if they feel it is inappropriate.
- g. Product samples must be approved by the Market Coordinator. Please note that when attending the new vendor orientation, you must bring samples of the products you wish to initially sell at the market to be approved by the Market Coordinator. The Market

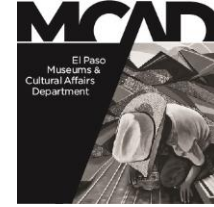


Coordinator will verify vendor eligibility and look for items that meet criteria referenced above and may elect to do a studio visit to verify product integrity.

Agricultural Product Vendors

In 2013 with the passing of legislature such as the Federal Farmers Market Bill and Texas Food Cottage Law, alongside MCAD's formal agreement and partnership with the El Paso Department of Public Health (EPDPH), the DAFM has been established as a recurring Temporary Food Establishment during hours of operation, allowing all produce, agricultural product, mobile and food cottage vendors to sell to the public each Saturday. In order to maintain this status and compliance with appropriate EPDPH permitting guidelines, as well as to ensure the safety and well-being of Market customers via the prevention of spoilage and food borne illness, All produce and approved potentially hazardous food item, vendors must comply with the Vendor and Temporary Food Establishment Permit Guidelines and must meet the following requirements (licensed food trucks are exempted from these rules, see food truck section for permitting guidelines):

- a. Grow their own product. Resale is strictly prohibited.
- b. Plants, flowers, dried herbs, coffee, teas, spices and similar products not typically cultivated or produced in region may be sold in the market with permission of Market Coordinator.
- c. Hold all required licenses and permits necessary for their business operation.
- d. All produce must comply with all federal, state, and local health requirements
 - i. Licensing and Produce Documentation are subject to inspection by government health officials, or Market Coordinator at any time before, during, or after-market hours. All products must be free of spoilage and parasites.
 - ii. Resale is strictly prohibited. No fresh food products will be allowed that a vendor purchased from a wholesaler.
 - iii. All vendors are responsible for appropriately packaging their products and protecting them from the elements.
- e. **Potentially Hazardous Food items (PHFs):** Any item that requires time and temperature control for safety and pathogen control such as refrigeration. This includes Poultry, Dairy, Meat, Fish, Shellfish, and Raw Seed Sprouts. Such items are permitted in the Farmer's Market as long as they comply with the following
 - i. Must obtain additional permitting from EPDPH.
 - ii. All items must be pre-packaged, sealed, and clearly labeled with the following:
 - (1) Ingredients used
 - (2) Accurate statement of the product by weight, measure or numerical count

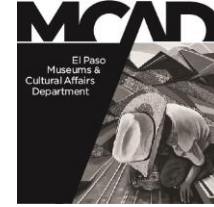


- (3) The Vendor's name and place of business, email and phone number or website.
 - (4) Must include Commercial Kitchen information in place of Food Cottage labels.
 - (5) Packaged meats must be frozen and remain that way during the Market.
- f. **Eggs** being sold in the Farmer's market directly from the vendor to customer require additional EPDPH permitting and must be clearly labeled with the following:
 - i. Producer's name, address, and e-mail address.
 - ii. Cartons must clearly contain the word "UNGRADED."
 - iii. Eggs must be stored at a temperature of 45 degrees Fahrenheit or lower.
- g. **Sale of Honey or Honeycomb** is permitted as established by SB 1766 as long as:
 - i. Honey is produced from a hive in state, owned and managed by the beekeeper.
 - ii. Resale is prohibited.
 - iii. It is pure honey that is raw and not blended with any other product.
 - iv. Contains a label that includes:
 - (1) Weight in both avoirdupois and metric systems.
 - (2) The beekeeper's name, address, e-mail, and phone number.
 - (3) The statement, "Bottled or Packaged in a facility not inspected by the Texas department of State Health Services.

Mobile Food Vendors

Mobile Food Trucks, carts, bikes or otherwise are invited to participate at the market per the following guidelines:

- a. Food trucks must have a current Mobile Food Permit, Food Handlers Certificate and Managers Certificate to sell at the Market
 - i. Food Trucks will be required to pay \$50 for a market vendor card to sell at the Market
 - ii. The Market Card will be good for 5 Saturdays
- b. Food trucks must have their attendance approved with the Market Coordinator
- c. In the interest of making this opportunity available to as wide a group as possible, the Market Coordinator will schedule alternate food trucks on an ongoing basis.
- d. Food trucks may not sell pre-packaged good in the truck unless they complement a meal.
- e. Hot dog and snack (i.e. aguas frescas, kettle corn, nachos, etc.) vendors will be considered on a case-by-case basis in an effort to give space to trucks that offer unique, artisan cuisine.



Food Cottage Industries

All baked goods or prepared/pre-packaged foods must be approved by the Market Coordinator and adhere to the Texas Bakers Bill HB 970. Food vendors distributing food product samples at the Farmer's Market must have all necessary food handlers' permits and follow safety rules and regulations for preparation of any product that has been altered from its natural state.

- a. All food vendors must have a Food Handler's card or certificate to sell at the Market.
- b. Cottage industries may sell the following items at the Market:
 1. Baked goods that do not require refrigeration such as cakes, cookies breads and pastries
 2. Candy
 3. Coated and uncoated nuts
 4. Unroasted nut butters
 5. Fruit butters
 6. Canned jams and jellies
 7. Fruit pies
 8. Dehydrated fruits and vegetables including dried beans
 9. Popcorn and popcorn snacks
 10. Cereal, including granola
 11. Dry mixes
 12. Vinegar
 13. Cucumber pickles
 14. Mustard
 15. Roasted coffee or dry tea
 16. Dried herbs or herb mixes
- c. **All food cottage goods** must be properly labeled with the following items:
 1. The common name of the product
 2. The name and complete contact information of the individual producer
 3. Contains the following statement, "This food is made in a home kitchen that is not inspected by the department of State Health Services or local health department."
 4. Disclose ANY allergens used in product
- d. **Canned or acidified products** (including salsas, pickled veggies, etc.) sales must be assembled within a licensed commercial kitchen and accompanied by additional state manufacturing licenses. Sales of such items are prohibited without proper documentation and labeling.
- e. **Pet food** to be sold at the market must follow the rules set forth on Chapter 63 "Pet Food Rules" of Title 4 from the Texas administrative code and must be clearly labeled with the following:



1. A quantity statement on the principal label panel.
2. Label should specify name and address of the vendor.
3. Should not have any misleading information or not contain word "proven" unless scientific evidence warranting claim is available.
4. Should clearly indicate what use the food is meant for from the selection below:
 - a. Intended for specific stage of animal development
 - b. Intended to satisfy a limited nutrient requirement
 - c. Intended for supplemental diet only
 - d. Intended as a complete food and satisfies all nutritional requirement

Food Samples

ANY Vendors distributing food product samples at the Farmers Market must follow the Farmers Market Bill HB 1382

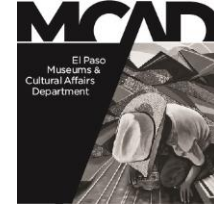
- a. Samples must be distributed in a sanitary manner (for example, using a toothpick for individual servings)
- b. Have potable water available (for example, having a jug of drinking water at the market booth)
- c. Wash any produce intended for sampling with potable water to remove any visible dirt or contamination.
- d. When preparing the samples, either wear clean, disposable gloves or observe proper hand washing techniques IMMEDIATELY before preparing samples.
- e. Any utensils or cutting surfaces used for preparing samples must be smooth, non-absorbent, and easily cleaned or disposed of.
- f. Any potentially hazardous food must be maintained at or below 41 degrees Fahrenheit or disposed of two hours after cutting or preparing.

Supplemental Nutrition Assistance Program (SNAP)

*Until further notice from the USDA, SNAP payments will not be taken at the Downtown Art and Farmers Market (updated 3/2022)

Eligible produce and food cottage vendors may register with the EPDAFM to accept SNAP payments at the Market

- a. Vendors must attend a SNAP Orientation
- b. Vendors must register as a vendor with the MCAD business Office
- c. Vendors must sign a participation agreement with the EPDAFM



- d. Vendors must sell eligible food items

Organizations

We encourage organizations to participate in the DAFM to promote local events and share information with the community. Non-Profit organizations can apply to participate, free of cost up to three times a year. The DAFM will not allow partisan activity, political campaigning or fundraising. Permission to participate at the DAFM does not constitute endorsement or support of the organization. Organizations (non-profit or otherwise) may not be vendors or exhibitors without prior permission of MCAD.

- a. Must be a local non-profit group or active branch of a larger organization that serves a basic human need, provides educational information of general interest, or offers cultural programming.
- b. All non-profits and organizations must provide their own 10x10 tent, table, and set up, as well as send personnel who are able to handle all aspects of setting up and breaking down the equipment needed.
- c. Organizations may not approach or shout to customers passing by and information may only be distributed at the designated booth space.
- d. Any sale of products must be approved by the Market Coordinator and may not compete with market vendors.
- e. In lieu of a fee or donation to the Market, we ask that you advertise the DAFM on your website, social media, and/or marketing materials.

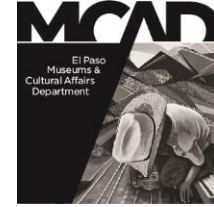
Buskers

Individuals wishing to busk (street performances by musicians and other artists for gratuities) are allowed after prior consultation with the Market coordinator. Contact the Market coordinator and provide performance samples prior to setting up. All Buskers must be family friendly. The Market Coordinator can approve or disqualify buskers based on the quality of the performance and its ability to enhance the market atmosphere. Approved buskers will be exempted from vendor fees and be subject to the following:

- a. Can accept only gratuities and will not be allowed to vend any merchandise.
- b. Be required to move locations throughout the market every 30 minutes.
- c. Perform without any amplification.
- d. Perform work appropriate to a family environment.
- e. Can be moved at the discretion of the Market Coordinator.

Policy Regarding Dogs

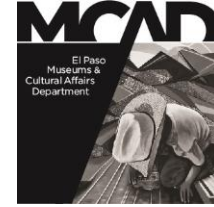
Friendly, well-behaved dogs are welcome at the Market per the following guidelines:



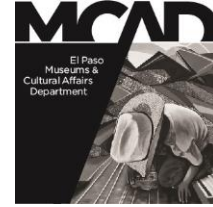
- a. Must be kept on a leash and well restrained at all times.
- b. Must be accompanied by owner at all times.
- c. Pets are prohibited from coming in contact with vendor displays, especially those involving food items.
- d. Droppings should be immediately removed and disposed of in a sanitary manner using waste receptacles provided.
- e. Market Coordinator and Security on duty reserve the right to ask any unruly, disruptive dogs and their owners to vacate the premises upon violation of any of the above listed guidelines.

Market Operations

1. Vendors MUST be prepared for operation at the start of the Market. Booths must be staffed during Market hours. Vendors may not disassemble booths before the Market is closed without permission from the Market Coordinator.
2. Vendor loading and unloading: For pedestrian safety, vendors are not permitted to drive into the Market during hours of operation and 15 minutes before Market starts. Vendors arriving late should park their vehicle outside of the Market area and carry their supplies to their booth space. Vendors will not be allowed to set up if they arrive more than 20 minutes before the market has opened. *In the case of inclement weather or an emergency closure the market coordinator will send out closure notifications through Instagram and Facebook. Email to follow.
3. Unless approved by the Market Coordinator, ALL vendors are prohibited from parking in the Anthony/San Francisco parking lot as it is strictly designated for customers. Parking permits for the Union Plaza Transit Terminal (UPTT garage, San Antonio/Durango Streets) will be issued with purchase of Vendor Card and/or renewal.
 - a. Exceptions will be made for vendors with disabilities requiring access per our Ordinance; be sure to notify Market Coordinator of needed accommodations.
4. It is prohibited for vendors to set up their booths while their vehicle is in the Market zone. Pull in, pull over, unload, pull out and park in designated areas within Union Plaza.
5. Vendors are not to set up their booth space in areas blocked off by orange cones unless directed to do so by Market Coordinator.
6. Vendors are responsible for their own booths, chairs, tables and weather covers.



7. Vendors using canopies and market umbrellas must weight down their booth infrastructure. Vendors are responsible for securing canopies against hazard such as wind.
 - a. Vendors who fail to secure their booth are liable for any damage caused to neighboring vendors or the general public
 - b. Vendors who do not have adequate weights will be asked to leave the Market.
 - c. The market coordinator does not have any extra equipment, such as weights, canopies, etc.
8. Selling after the operational hours of the Market is forbidden unless permission is obtained from the Market Coordinator.
9. Signage: Any signage must be securely attached to a vendor's booth or stall to assure that it does not impede pedestrian traffic.
10. Stall space: Vendors are responsible for keeping their space attractive during Market hours.
11. Vendors are responsible for cleaning their stalls and adjacent areas after the Market closes.
12. Vendors are responsible for removal of all debris, refuse and unsold product from the Market premises. Market trash cans and dumpsters are for the public. If Market staff has to cleanup a booth space, the vendor will be required to pay a fine of \$100.00. Please make your market community as vibrant as possible, do not leave trash behind for our neighboring businesses.
13. Smoking is prohibited in vendor booths and market area.
14. Attendance will be taken by the coordinator Market Coordinator will track vendor's history, attendance, conduct and adherence to Market rules.
15. Vendors will conduct themselves courteously to all visitors, customers, fellow vendors and Market staff. Vendors are responsible for maintaining a respectful tone throughout live videos and advertising campaigns conducted at the market. Violations of Market Vendor Guidelines may result in suspension or revocation of Vendor Card and corresponding privileges.
16. It is strictly prohibited for vendors to recruit market vendors, advertise or promote other events, i.e. street/craft fairs, markets or bazaars that directly compete with the Downtown Artist and Farmers Market operational hours.
17. It is strictly prohibited for recruiters to solicit vendors for other markets and events during the operational hours of the Downtown Artist and Farmers market. Recruiters will be asked to leave the Market if this activity occurs.



18. Vendors may not place politically charged materials such as flyers, signage, flags etc. in market footprint.
19. The Market Coordinator has authority to suspend Market operations at any time due to inclement weather or unforeseen circumstances that pose major safety issues for vendors and customers. All notices of cancellation will be posted on <http://www.facebook.com/EPDowntownArtistMarket> or on Instagram at @epdafm
20. As the Artist and Farmers Market continues to grow and respond to a changing downtown environment, Market rules and procedures may be adapted to better address operational issues. Any changes will be communicated to all vendors via e-mail.