



City of El Paso Museums and Cultural Affairs Artisan Market Guidelines

The CAD Artisan Markets are a collection of Markets administered by the Museum and Cultural Affairs, CAD division.

These markets include, but are not limited to, The Market, Chalk the Block Artisan Market, Dia de los Muertos Mercado de Artesanos, WinterFest, and pop-ups.

MCAD works cohesively year-round to provide outdoor markets within the City of El Paso limits that provide a space for artists, crafters, food producers, artisans, and farmers to sell their items. Each stand-alone market and special event market allows the local community to partake in local arts, entertainment, and regional foods and produce. The Market is generally operated on Saturday mornings.

The City of El Paso's Museum and Cultural Affairs Department (MCAD) is authorized to hold a weekly art and farmers. All operations are managed by MCAD's Artist and Farmers Market Coordinator.

Questions about the market may be submitted to Market@elpasotexas.gov or at (915) 212-1769.

Vendor Requirements

All vendors are required to be:

- Individuals 18 years or older; and interested individuals under the age of 18 must have a parent or guardian present with them at all times during the market. The parent or guardian of the minor 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 Museums and Cultural Affairs Department Office: 400 W. San Antonio, Suite A, El Paso, Texas 79901.
- Registered with MCAD to sell at the market. To be a registered vendor, all participants are required to attend a new vendor orientation. Please note: *Orientation may be held virtually if needed.*

- Orientation for weekly Saturday markets will be held three times a year.
 - Special event markets will hold mandatory orientation for the markets in the weeks before the event.
- After completing the online registration, you will receive an email regarding your status. If approved, you will also receive information on the orientation schedule. Once you've successfully completed the orientation and your documentation has been approved, vendors can begin selling at the market according to the schedule provided by the market coordinator.
- In general, all vendors must have a tax identification number from the state of Texas, meet residency requirements, and display their permits 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 a Texas Sales Tax ID form the local Texas Comptroller's Office.*

Zero Tolerance Harassment Policy:

The Market Coordinator will fully enforce a zero-tolerance policy for abuse or harassment of any kind that disrupts day-to-day operations. This includes and is not limited to verbal abuse and mistreatment, sexual harassment, physical threats or abuse, to any MCAD employees, volunteers, visitors, and or other vendors.

Any violations of these policies will result in immediate dismissal from participating at MCAD sponsored events, including special events. Correspondence on the dismissal will be sent through email by the market coordinator after verbal directives are made. No exceptions will be made.

Vendor Application Cycle:

The Market will accept applications on a seasonal basis. Applications must be filed online through our website. All vendors must attend an initial orientation session and additional sessions for special events as required.

Applications for the regular market season are open from the first week of February to the first week of August.

General season applications for The Market are closed during festival season (September-December).



Orientations are held three times a year and the schedule is available on Artist and Farmers Market Website. www.epmcad.org/experience-art/art-and-farmers-market/

Vendor Information

Vendor Fees:

Vendor Fees for The Market are highlighted below.

- a. Vendor fees are \$20 per event.
- b. Food Truck Vendor fees are \$50 per event.
- c. Vendor fees must be paid before attending the event or on the due date set by The Market coordinator.
- d. The Market Coordinator will track all vendor payments.
- e. It is the responsibility of the vendor to keep track of their payments of and pay fees in a timely manner.
- f. Fees are non-refundable.
- g. Vendors who do not follow Market guidelines will not be allowed to participate in the market.
- h. The Market coordinator and/or security on duty 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 with SB 617 sections 437.0065 and 437.020 of the Health and Safety Code.

Market spaces:

- a. All booth spaces are 10'x10' ft. (standard tent size)
 - i. Spaces are limited and must register through our survey portal on a month-to-month basis, to be considered for The Market set up. Vendors who did not preregister will not be considered for The Market set up.

- ii. Spaces are assigned for both regular market and special events at the discretion of the Market Coordinator. Spaces are requested on the online survey for each specific event, though not guaranteed. Updated maps will be provided on a monthly/special event basis.
- iii. Vendors who have a current disability plaque may ask to have priority placement.
- iv. All vendors will be required to have white colored tents. Business-branded tents will also be allowed.
- b. Vendors are responsible for their own booths, chairs, tables, and weather covers.
 - i. If using a pop-up tent, all vendors must use appropriate weights, a minimum of 50 lbs. per leg at all times to secure the tent. Failure to do so will result in being asked to take down the tent or leave the market. All your items and setup must be securely attached.
- c. Vendors must bring their own till to make a change.
- 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 the 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 the receptacles The Market provides. They are strictly for The Market visitors. 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, that 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 the 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 the oil contains 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, MLM products, make-up, etc., may not be sold at vendor booths.
- f. All items must be family-friendly in nature. Market coordinators 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. Product Integrity will be reviewed during your application via photography. If the coordinator sees fit to request further product integrity proof, you may need to submit more pictures or show the coordinator in person samples of your product you wish to sell. 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 Market 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 foodborne illness. All produce and approved potentially hazardous food items, 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 the region may be sold in the market with permission of the 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) An 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 the 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 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 the state, owned and managed by the beekeeper. Resale is prohibited.
 - ii It is pure honey that is raw and not blended with any other product.
 - iii 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 in the market per the following guidelines:

- a. Food trucks must have a current Mobile Food Permit, Food Handlers Certificate, and proof of central preparation facility (CPF), and Managers Certificate to sell at the Market.
 - i. Food Trucks will be required to pay \$50 per event to sell at The Market.
- b. Food trucks must have their attendance approved by 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 goods 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 SB 541. 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 the 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. Food Cottage industries may sell any food, **except the following**:
 1. meat, meat products, poultry, or poultry products (this doesn't mean eggs, it means the carcass of a chicken);
 2. seafood, including seafood products, fish, fish products, shellfish, and shellfish products;
 3. ice or ice products, including shaved ice, ice cream, frozen custard, popsicles, and gelato;
 4. low-acid canned goods;
 5. products containing cannabidiol or tetrahydrocannabinol;
or
 6. raw milk and raw milk products
- c. Time and Temperature controlled food must register with DSHS.
Check out the Cottage Food Registration Guidance document:
https://www.dshs.texas.gov/sites/default/files/foodestablishments/cottagefood/Cottage%20Food%20Registration%20Guide%20Ver2%20_%2002025%20.pdf

Registration is FREE at: <https://vo.ras.dshs.state.tx.us/datamart/mainMenu.do>

- d. **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 the product.
- e. **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.

- f. **Pet food** to be sold at the market must follow the rules set forth in 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. The label should specify the name and address of the vendor.
 3. Should not have any misleading information or not contain the word “proven” unless scientific evidence warranting the claim is available.
 4. Should clearly indicate what use the food is meant for from the selection below:
 - a. Intended for specific stages 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 requirements

Food Samples:

ANY Vendors distributing food product samples at the Farmers Market must follow the Farmers Market BILL SB 541.

- 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 Market (updated 3/2023)

Organizations

We encourage non-profit organizations to participate in The Market 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 Market will not allow partisan activity, political campaigning, or fundraising. Permission to participate at The Market 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 Market 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 their performance and their 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.

Resale Item Vendors

Vendors with resale goods are NOT ALLOWED at our regular Art and Farmers Market. Special permission may be granted for such vendors to participate in pop-ups and special events such as Dia de los Muertos and Winterfest if the items meet the event theme. Resale vendors must still apply and follow rules set forth by the City of El Paso and MCAD.

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. Failure to do so may result in a written warning.
- 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 the 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 the market starts. Vendors arriving late should park their vehicles 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. As soon as coordinator is able, email notice will follow.

3. Vendors are responsible for securing parking for their vehicles in designated lots, or on-street parking. MCAD/The City of El Paso is not responsible for damages to vendor vehicles. In cases where there is designated vendor parking, the Market Coordinator will direct vendors to parking accommodations and provide passes.
 - a. Certain lots for market locations at the different venues we set up at, are prohibited for vendor parking.
 - b. Exceptions will be made for vendors with disabilities requiring access per our Ordinance; be sure to notify the 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.
5. Vendors are not to set up their booth space in areas blocked off by orange cones unless directed to do so by the Market Coordinator.
6. Vendors are responsible for their own booths, chairs, tables, and weather covers.
7. Vendors using canopies and market umbrellas must weigh down their booth infrastructure. Vendors are responsible for securing canopies against hazards 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 weight 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 ensure 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 the removal of all debris, refuse, and unsold products from the Market premises. Market trash cans and dumpsters are for the public. If the market staff has to clean up a booth space, the vendor will be required to pay a fine of \$100.00. Please make your market community as

vibrant as possible, and do not leave trash behind for our neighboring businesses.

13. Smoking is prohibited in vendor booths and market areas
 - a. Vendors who are caught smoking in their booth will be given 1 verbal notification to stop. If a vendor continues to smoke in their booth after the 1st notification, they will be dismissed from the market and future MCAD market events.
14. Attendance will be taken by the market Coordinator who 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, volunteers and contractors. 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 Permit 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 Market operational hours.
17. It is strictly prohibited for recruiters to solicit vendors for other markets and events during the operational hours of The 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 the market footprint.
19. The Market Coordinator has the 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 social media on Facebook and Instagram at @themarketep, or by email.
20. As The Market continues to grow and respond to a changing environment, market rules and procedures may be adapted to better address operational issues. Any changes will be communicated to all vendors via email.

Market Guidelines Violations

Vendors who are in violation of any section of the guidelines will receive both verbal and written warnings of their infringement. Three warnings will result in the vendor/organization's 3-month suspension from The Market and its special events. Reentry to the market will only be allowed after a vendor review by the Market Coordinator, and Assistant Director. Severe violations of the guidelines and/or harassment towards others will result in a lifetime ban of the vendor.



Common Violations Include:

- Arriving Late – Departing Early without prior approval from the coordinator
- Mislabeling or no labeling on food items
- No Weights on tents or no tents at The Market.
- Continuous cancellations to