



Farmers Market Guidelines

Policies

Procedures

Permits

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This document is a “general guideline” and does not supersede current City of Valley View ordinances.

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Application Requirements and General Information

The Board of Aldermen is proud to establish a “Valley View Farmers Market” for the benefit of the citizens of Valley View. The Valley View Farmers Market is located on Reavis Street between Lee Street and McCubbin in the heart of the downtown area and will operate Tuesdays from 5:30pm to 7:30pm.

Please make sure you read the contents of this packet before submitting an application.

All vendors must complete and submit:

1. Vendor Application
2. Indemnity Agreement

Food vendors (not including produce or cottage food producers) must also complete and submit:

1. Data sheet of Temporary Food Establishments
2. Any required licenses, permits, or other documents needed by the Health Department

Forms should be directed to:

Lynn Morgan
City Secretary
PO Box 268
101 S. Frontage Rd.
Valley View, TX 76272
P: 940-726-3740
E: clerk@cityofvv.com

Market Rules and Regulations

VISION: Establish and support activities in the downtown area that create a sense of community, social gathering and foster economic growth while acknowledging our rural roots.

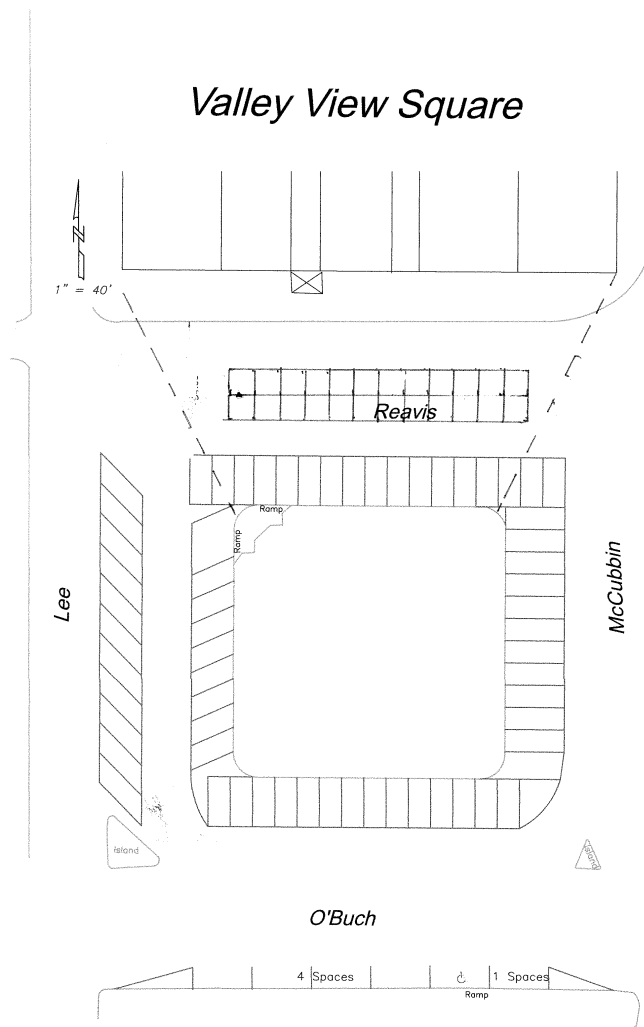
MISSION: Establish and operate a “Farmers’ Market” located near downtown beginning Spring 2021.

PURPOSE: Enhance the quality of life within our community and to promote continuing development for the City of Valley View.

General Vendor Guidelines

1. The market is located at Reavis Street between Lee and McCubbin Streets.
2. Hours of operation are 5:30pm to 7:30pm the first Tuesday of every month, rain or shine, from **April** through **October**.
3. Vendors should arrive no earlier than 4:30 pm and should be set up and ready to greet customers for the opening of the market at 5:30pm.
4. The City of Valley View will have final approval of all vendor participation and final authority on site to interpret and enforce rules and regulations.
5. Vendors not complying with instructions or rules of the market will be considered in material breach and default of the agreements, and may be asked to vacate their premises immediately.
6. The City of Valley View may at its sole discretion revise the Rules and Regulations, and may alter operations of the market at any time. Current rules will be available at City Hall and on the City website.
7. Vendors agree to comply with the rules of the market and abide by the final decisions of the City of Valley View.
8. The City of Valley View reserves the right to reject any application.
9. For the safety of our customers, there will be no vehicular traffic inside the market area from 5:00pm to 8:00pm on market days. If you arrive late or need to leave the market early, please park accordingly. Merchandise may be hand carried out the market area.
10. Vendors shall sell only items that have been approved on the application submitted. The market has sole discretion to add or delete items from the list, and unacceptable merchandise quality will not be sold at the market.
11. No produce purchased at any retail outlet, even at a reduced cost, can be sold at the market.
12. All vendors must submit weekly sales totals to the City Secretary. This can be done by phone, e-mail, or regular mail. Vendor sales will be used to determine the markets effectiveness.
13. All vendors, without exception, must sign the Indemnity Agreement before they can sell at the market.

Market Location & Layout



Space Assignment

The City will work to ensure all vendors have an appropriate booth space. Our goal is to provide consumers a wide variety of goods at the market. The following rules will apply to space assignment:

1. Each vendor will be assigned one 10 X 10 space.
2. Vendors with a history of good attendance at the market will be given first priority and will receive a regular assigned space. Reserved spaces not occupied 30 minutes prior to the opening of the market may be re-assigned.
3. Requests for additional spaces will be contingent on history with the market and demonstrated sales, and as available.
4. Booth spaces not assigned to regular season vendors will be on a first come, first served basis on market days.
5. A vendor forfeits their reserved space if three markets are missed without notifying the City of Valley View.

Required Permits and Fees

All vendors must receive a “Market Vendor Permit” to participate in the Valley View Farmers Market. Food vendors must meet additional Health Department requirements and submit an additional fee.

Market Vendor Permit

(No Charge - includes Cottage Food Producers)

Temporary Food Establishment Permit

\$130 one-time fee for entire Market Season

Market Code of Conduct

The Valley View Farmers Market is a city-owned and operated event. The City’s minimum expectations for all market vendors are that they be reliable, be set up to greet customers for the opening of market, and keep a good, positive attitude for the duration of the market hours. Market vendors are expected to meet these expectations, in addition to complying with the market rules and regulations, to be allowed to continue to participate at the market. Incidents of unruliness and verbal disdain will not be tolerated and will result in immediate and permanent expulsion from the market.

Concerns or complaints may be discussed with the City representative on-site before or after market hours. If for any reason they are unable to resolve the issue, they will contact the ED Coordinator to discuss possible solutions.

1. The market and immediate vicinity is a “Family Friendly” area and all are expected to act appropriately.
2. Vendors are required to wear shoes and shirts at all times.
3. Vendors may not smoke in any vendor area.
4. Foul language, profanity, or other rude behavior is not permitted.
- 5. Use of drugs, or operating under the influence is not permitted and is grounds for permanent eviction from the market.**

Vendor Rules

1. All vendors must complete and submit a Vendor Application which includes acceptance of the “Market Rules and Regulations” and adherence to related governmental rules and permit requirements.
2. Required applications, permits, licenses, and fees must be complete before vendors will be allowed to participate in the market.
3. All vendors must display a sign in their stall clearly identifying the name of the vendor and their location (county or city). Other information, such as telephone number/website may be included.
4. Vendors must provide their own table, chairs, signs, and refrigeration (if needed) (electricity is NOT available).
5. **Electricity is not available.**
6. Vendors and their employees are responsible for informing themselves about and complying with federal, state, and local health regulations and licensing requirements governing the production, display, distribution, sampling, and sale of their products.
7. Vendors providing samples of their products must comply with the rules governing market sanitation and health issues from the City of Valley View Health Department or other authorities.
9. Manufactured food products must meet City of Valley View Health requirements, including licensing and permitting rules.
10. Foods and food products produced by “Cottage Food Producers” may be sold at the Farmers Market pursuant to the rules and regulations established by the State of Texas Department of Health.
11. All foods must be properly labeled. No unlabeled packaged or processed foods are allowed.
12. The vendor is solely responsible and liable for any claims and damages resulting from the sale of unsafe, unapproved, or unsound goods.
14. Artisans and vendors who offer unique and quality handmade or handcrafted work or products are welcome to sell at the Farmers Market.
15. The City of Valley View will determine eligible participation. All decisions are final.
16. Vendors are 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 Valley View Farmers Market will not involve itself in collection, audit, or other related sales tax activities, but will ask for a Sales Tax Number if it applies.
17. Trash must be placed in suitable containers. The market provides trash receptacles for vendor convenience. Boxes broken down and placed in the trash receptacles or taken home with Vendor. No trash should be left in the market area.
19. Fundraising opportunities are also available for nonprofit organizations. Items offered for sale will be by approval only, but may include raffle ticket sales and/or fundraising dinner ticket sales.
20. It is the responsibility of the prospective vendor to complete, sign, and return all required paperwork and fees. Incomplete packets will not be processed.

NOTE: Your permit to participate in the Valley View Farmers Market is valid only for the area designated for that use. If you wish to participate in any other event, you must apply through the proper channels for the event and pay any vendor fees required for that event.

Vendor Categories

The Valley View farmers' market groups vendors into four categories. Those categories are listed below and include examples of the type of products each can sell at the farmers' market.

General Vendors: are those selling fresh garden produce and other items not considered food products.

Examples: Fruits, Vegetables, Garden Produce, Flowers, Arts & Crafts, Herbal Tinctures, Herbs, Soaps, Body Care, Bath products, Seeds, Plants and Pet Products (not all inclusive)

Cottage Food Producers: are those "home based" vendors selling food products cooked and prepared in their kitchen and meeting the special requirements established by the Texas Department of Health.

Examples: Baked goods, breads, rolls, biscuits, sweet breads, muffins, Cakes (birthday, wedding, anniversary, etc), pastries, cookies, candy, coated and uncoated nuts, unroasted nut butters, fruit butters, canned jams or jellies, fruit pies, dehydrated fruit or vegetables, including dried beans, popcorn and popcorn snacks, cereal - including granola, dry mixes, vinegar, pickles, mustard, roasted coffee or dry tea, dried herbs and dried herb mixtures (not all inclusive)

Temporary Food Establishments: are those vendors selling manufactured or prepared food products considered potentially dangerous. These require a special permit and are subject to special requirement by the City of Valley View Health Department.

Examples: Fresh or dried meat or meat products including jerky, canned fruits, vegetables, vegetable butters, salsas etc., kolaches with meat, fish or shellfish products, canned pickled products such as corn relish and sauerkraut, raw seed sprouts, bakery goods which require any type of refrigeration such as cream, custard or meringue pies and cakes or pastries with cream cheese icings or fillings, milk and dairy products including hard, soft and cottage cheeses and yogurt, fresh fruits dipped or coated in chocolate or similar confections; fresh vegetables, and juices made from fresh fruits or vegetables, ice or ice products, barbeque sauces and ketchups, foccaccia-style breads with vegetables or cheeses, chocolate covered graham crackers, rice krispy treats, dried pasta, sauerkraut, relishes, salsas, sorghum, lemonade, juices, hot chocolate or similar beverages. (not all inclusive)

Questions about requirements for specific food items should be directed to the City of Valley View 940-726-3740.

Winery Vendors: are those vendors selling wine produced in the State of Texas and who possess a valid "Winery Permit" and special "Winery Festival Permit" issued by the Texas Alcohol Beverage Commission (TABC). Copies of both permits must be attached to the Vendor Application form. All regulatory requirements mandated by the TABC must be complied with during the operation of the Farmers Market.

Sampling: Winery Vendors may provide a small sample as long as the sample is free and consumed at the booth. Under no circumstances will wine be carried away from the booth.

Cottage Food Production Operations

1. During the 83rd Legislature, Regular Session 2013, the Texas Legislature enacted House Bill 970 that amends the Health and Safety Code (HSC), Chapter 437, by amending provisions for cottage food production operations. This law is effective September 1, 2013.
2. A cottage food production operation is exempt from the requirements of a food service establishment and does not have to comply with the Texas Food Establishment Rules. Health departments do not have regulatory authority to conduct inspections of a cottage food production operation. However, the Department or local health authority has authority to act to prevent an immediate and serious threat to human life or health through emergency order, recall orders and delegation of powers or duties. Health departments are required to maintain records of all complaints against a cottage food production operation.
3. A cottage food production operation is defined as an individual, operating out of the individual's home, who:
Produces a baked good, candy, coated and uncoated nuts, unroasted nut butters, fruit butters, a canned jam or jelly, a fruit pie, dehydrated fruit or vegetables, including dried beans, popcorn and popcorn snacks, cereal, including granola, dry mix, vinegar, pickles, mustard, roasted coffee or dry tea, or a dried herb or dried herb mix.
Has an annual gross income of \$50,000 or less from the sale of the described foods; and
Sells the foods produced directly to consumers at the individual's home, a farmers' market, a farm stand, or a municipal, county, or nonprofit fair, festival or event.
Delivers products to the consumer at the point of sale or another location designated by the consumer.
4. An individual who operates a cottage food production operation must successfully complete a basic food safety education or training program for food handlers accredited under Health and Safety Code, Chapter 438(D) by January 1, 2014.
5. A cottage food production may not sell to customers potentially hazardous foods. A potentially hazardous food (PHF) is a food that requires time and temperature control for safety (TCS) to limit pathogen growth or toxin production. In other words, a food must be held under proper temperature controls, such as refrigeration to prevent the growth of bacteria that may cause human illness. A PHF/TCS is a food that: contains protein, moisture (water activity greater than 0.85), and is neutral to slightly acidic (pH between 4.6 -7.5).
6. Foods sold by a cottage food production operation must be packaged and labeled. The food must be packaged in a manner that prevents product contamination, except for foods that are too large and or bulky for conventional packaging. The labeling information for foods that are not packaged must be provided to the consumer on an invoice or receipt. The label must include:
The name and address of the cottage food production operation;
The common or usual name of the product, if a food is made with a major food allergen, such as eggs, nuts, soy, peanuts, milk or wheat that ingredient must be listed on the label; and
A statement: "This food is made in a home kitchen and is not inspected by the Department of State Health Services or a local health department."
The labels must be legible.
7. Food produced by a cottage food production operation may not be sold via the Internet, by mail order or at wholesale.

Cottage Food Production Frequently Asked Questions

(source <https://www.dshs.texas.gov/foodestablishments/cottagefood/faq.aspx>)

What is a cottage food production operation?

A cottage food production operation is defined as an individual, operating out of the individual's home, who:

- Produces at the individual's home:
 - a baked good that is not a time and temperature control for safety (TCS) food,
 - candy,
 - coated and uncoated nuts,
 - unroasted nut butters,
 - fruit butters,
 - a canned jam or jelly,
 - a fruit pie,
 - dehydrated fruit or vegetables, including dried beans,
 - popcorn and popcorn snacks,
 - cereal, including granola, dry mix,
 - vinegar, pickled fruit or vegetables, including beets and carrots, that are preserved in vinegar, brine, or similar solution at an equilibrium pH values of 4.6 or less,
 - mustard,
 - roasted coffee or dry tea,
 - a dried herb or dried herb mix,
 - plant-based acidified canned goods, fermented vegetable products, including products that are refrigerated to preserve quality,
 - frozen raw and uncut fruit or vegetables,
 - or any other food that is not a time and temperature control for safety food.
- Has an annual gross income of \$50,000 or less from the sale of described food.
- Sells foods produced directly to consumers.
- Delivers products to the consumer at the point of sale or another location designated by the consumer.

Is a cottage food production operation a food service establishment?

No. A cottage food production operation is not a food service establishment.

What is the definition of a baked good?

A baked good is a food item prepared by baking the item in an oven, which includes cookies, cakes, breads, Danish *pastries*, donuts, pastries, pies, and other items that are prepared by baking. A baked good cannot be and does not include a time and temperature control for safety food (TCS).

What are some examples of foods that can be prepared at a cottage food production operation?

The following are examples of non-TCS that may be prepared and sold at a cottage food production operation:

- Breads, rolls, biscuits,
- Sweet breads, muffins,
- Cakes (birthday, wedding, anniversary, etc.)
- Pastries,
- Cookies,
- Fruit pies,
- Canned Jams and jellies,
- Dry herbs and dried herb mixtures,
- Candy,
- Coated and uncoated nuts,
- Unroasted nut butters,

- Fruit butters,
- Popcorn and popcorn snacks,
- Dehydrated fruit or vegetables, including dried beans,
- Cereal, including granola,
- Dry mix,
- Vinegar,
- Pickled fruits and vegetables,
- Mustard,
- Roasted coffee or dry tea
- Plant-based acidified canned goods, including salsa, BBQ sauce, ketchups.
- Dried Pasta
- Fermented vegetable products
- Frozen raw and uncut fruits or vegetables.

What types of foods are *not allowed* to be sold at a cottage food production operation?

The following foods are examples of food that can not be produced by a cottage food production operation.

- Fresh or dried meat or meat products including jerky
- Kolaches with meat
- Fish or shellfish products
- Raw seed sprouts
- Bakery goods which require any type of refrigeration such as cream, custard or meringue pies and cakes or pastries with cream cheese icings or fillings
- Milk and dairy products including hard, soft and cottage cheeses and yogurt
- Cut fresh fruits and/or vegetables
- Juices made from fresh fruits or vegetables, that require refrigeration
- Ice or ice products
- Focaccia-style breads with vegetables or cheeses
- Beverages that require refrigeration to prevent the growth of pathogenic bacteria. (TCS Beverages)
- Meat or Poultry
- Seafood
- TCS Products

What is a time and temperature controlled for safety food (TCS)?

A time and temperature control for safety (TCS) food requires time and temperature control for safety to limit pathogen growth or toxin production. In other words, a food must be held under proper temperature controls, such as refrigeration to prevent the growth of bacteria that may cause human illness. A TCS is a food that: contains protein, moisture (water activity greater than 0.85), and is neutral to slightly acidic (pH between 4.6 -7.5).

Where may a cottage food production operation (CFPO) sell products?

A CFPO may sell products directly to consumers.

Can I use the Internet to sell my cottage food products?

A cottage food production operation may sell through the Internet or by mail order only if: the consumer purchases the food through the Internet or by mail order from the operation and the operator personally delivers the food to the consumer. A cottage food production operation may not sell at wholesale.

What are the labeling requirements for internet and mail order cottage food operators?

Before the operator accepts payment for the food, the operator provides all labeling information required by Health and Safety Code section 437.0193 and Texas Administrative Code §229.661(d) to the consumer by:

- posting a legible statement on the operation 's Internet website;

- publishing the information in a catalog; or
- otherwise communicating the information to the consumer.

The operator of a cottage food production operation that sells a food in this state in the manner internet or wholesale:

- is not required to include the address of the operation in the labeling information before the operator accepts payment for the food; and
- shall provide the address of the operation on the label of the food in the manner required after the operator accepts payment for the food.

Can I make cottage food products in another building on my property?

The law requires cottage food products to be produced in an individual's home which is a primary residence that contains a kitchen and appliances designed for common residential use.

Is labeling required on food items produced by a cottage food production operation?

Yes. Foods sold by a cottage food production operation must be packaged and labeled. The food must be packaged in a manner that prevents product contamination, except for foods that are too large or bulky for conventional packaging. The labeling information for foods that are not packaged must be provided to the consumer on an invoice or receipt.

The label must include the following information:

- The name and physical address of the cottage food production operation;
- The common or usual name of the product;
- If a food is made with a major food allergen, such as eggs, nuts, soy, peanuts, milk or wheat that ingredient must be listed on the label; and
- The following statement: *"This food is made in a home kitchen and is not inspected by the Department of State Health Services or a local health department."*
- Labels must be legible.
- Also, cottage operator selling frozen raw or uncut fruits must label or provide on invoice or receipt the following statement in at least 12-point font: "SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria, keep this food frozen until preparing for consumption."
- For each batch of pickled fruit or vegetables, fermented vegetable products, or plant-based acidified canned goods, a cottage food production operation must: label the batch with a unique number.

Do I need a permit or license for my cottage food production operation?

Cottage food production operations are not retail food establishment, therefore, a retail food establishment license is not required.

Is there a limit as to how much I can earn from my cottage food production operation?

Yes. A cottage food production operation is limited to an annual gross income of \$50,000 or less from the sale of food produced at the cottage food production operation.

Will the Department of State Health Services conduct inspections at cottage food production operations?

No. The Texas Department of State Health Services does not have authority to conduct inspections at a cottage food production operation. However, the Department may investigate a complaint regarding preparation of time and temperature control for safety (TCS) food at a private residence. In the event of a foodborne illness outbreak, the department or local health authority may act to prevent an immediate and serious threat to human life or health.

Will I need to comply with local zoning or other laws?

Local Government Code, Sec. 211.032, Certain Zoning Regulations Prohibited, states a municipal zoning ordinance may not prohibit the use of a home for cottage food production operations.

Will the Department be required to write rules concerning cottage food production operations in a separate chapter outside the Texas Food Establishment Rules?

Yes. The department will adopt a rule concerning the regulation of cottage food production operations. Title 25 of the Texas Administrative Code, Section 229.661 provides definitions for cottage food production operations, labeling requirements, complaint database requirements, and sales location requirements.

Can a cottage food production operation deliver food produced by the operation to the customer who purchased the food product?

Yes. A Cottage Food Production Operation may deliver products to the consumer at the point of sale or another location designated by the consumer.

What are the requirements to pickle, ferment, or acidify can goods?

A cottage food production operation that sells to consumers pickled fruit or vegetables, fermented vegetable products, or plant-based acidified canned goods shall:

- use a recipe that: is from a source approved by DSHS,
- has been tested by an appropriately certified laboratory that confirmed the finished fruit or vegetable, product, or good has an equilibrium pH value of 4.6 or less; or
- is approved by a qualified process authority; or
- if the operation does not use a recipe described by DSHS, test each batch of the recipe with a calibrated pH meter to confirm the finished fruit or vegetable, product, or good has an equilibrium pH value of 4.6 or less.
- For each batch of pickled fruit or vegetables, fermented vegetable products, or plant-based acidified canned goods, a cottage food production operation must:
 - label the batch with a unique number; and
 - for a period of at least 12 months, keep a record that includes:
 - the batch number;
 - the recipe used by the producer;
 - the source of the recipe or testing results, as applicable;
 - and the date the batch was prepared.
- These testing requirements do not apply to pickled cucumbers.

Does a cottage food operator have to have a Food handler certification?

An individual who operates a cottage food production operation must have successfully completed an accredited basic food safety education or training program for food handlers.

If I have Food Manager Certification, do I also need to have a food handler certification?

The department will recognize a food manager certification from an accredited program in lieu of a food handler certification.

Temporary Food Establishments

General Guidelines

A temporary food establishment is one which operates at a fixed location for a limited period of time in connection with a single event or celebration (i.e. fair, carnival, circus, public exhibition or similar transitory gathering); or a concessionaire operating under a seasonal contract with either the park and recreation department or the municipal produce market. The “temporary” classification of food service establishments may not be used to circumvent the law by selling food on a continual basis under a temporary permit instead of obtaining a building permit and fixed facility health permit.

FAILURE TO MEET PROVISIONS OF THESE REGULATIONS WILL RESULT IN A MUNICIPAL COURT CITATION AND FINES OF UP TO \$2,000 FOR EACH VIOLATION.

1. An operator of a Temporary Food Service establishment, must apply for a Temporary Food Establishment permit a non-refundable application fee of \$130.00 (covers one entire season of the Farmers Market.) Fee is NOT prorated
2. The permits must be obtained from the City of Valley View at 101 S. Frontage Road. The applications should be submitted at least 7 days prior to the event. Each application is reviewed with the applicant to ensure that they are aware of all requirements. Guidelines as well as comments and approved menu items are printed on the application.
3. Food Manufacturers must submit a copy of the state manufacturers license along with the application.
4. Only certain foods, which are pre-approved and require minimal handling, will be considered.

Temporary Food Establishment Inspection Procedures

1. Each facility should be inspected prior to operation when the event being held has very extensive menu items containing high hazard food.
2. An inspection report should be filled out for each facility.
3. Inspectional comments may be made on the permit application when necessary.
4. If imminent health hazards are found to exist, close the stand immediately, and/or remain at the facility until corrections are made. Notices and/or citations may also be issued. Stands may be re-opened as soon as corrections are verified. If non-approved foods are used, immediately restrict the food and remove from use.
5. Imminent health hazards may include, but are not limited to: No water Loss of electricity Loss of refrigeration
6. If critical violations occur, issue notice(s) and/or citation(s). Achieve immediate corrections or follow-up during shift.
7. Critical violations may include:
 - a. Improper food temperatures
 - b. Lack of water Improper storage of toxic items
 - c. Lack of proper sanitation Improper cleaning of equipment
 - d. No sanitization of utensils and equipment
8. Minor violations may be handled by verbal or written warning.
9. Citations may be issued for:
 1. Operating without a valid health permit
 2. Improper temperature, source, and condition of food
 3. Smoking, eating, drinking, or other poor hygienic practices
 4. Repeat critical violations
 5. Repeat non-critical violations if correction cannot be obtained
10. Food samples may be taken for reported food borne illnesses.

The purpose of these requirements is to prevent food borne illness and protect the public health by assisting operators of temporary food service establishments in meeting minimum construction standards and using safe food handling techniques when storing, preparing, displaying and serving foods.

Failure to comply with these regulations may result in the closure of the food establishment, revocation of the permit and/or municipal court citations.

The Health Department may impose additional requirements related to the operation of temporary food establishments to protect the health of the consumer and may prohibit the sale of some or all potentially hazardous foods.

All requirements are included in the State of Texas Food Establishment Rules and are available at the Retail Foods Division website at: www.dshs.state.tx.us/foodestablishments/pubs.shtm

Temporary Food Establishment Permit Application

For Departmental Use:

Date Reviewed: _____

Permit Issued: _____

Permit Denied: _____

Processed by: _____

The fee for a Farmers Market Temporary Food Establishment Permit is \$130 per season

Business Name: _____

Address: _____

Home or Business phone #: _____

Cell phone#: _____

Owner or Person in Charge: _____

Name of Event: _____

Date(s) and Time of Event _____ Time: _____ To _____

Addresses/Locations of Food Service: _____

List of Foods to Be Sold:

Describe Equipment/ Procedures:

Hot Holding: _____

Cold Holding: _____

Handwashing/ Utensil Washing Set up: _____

Describe Food Transportation/ Storage: _____

Describe Food Source (Note: Home Prepared/ Stored Food is Not Allowed):

***** IMPORTANT - PLEASE NOTE *****

NO POTENTIALLY HAZARDOUS FOOD WILL BE ALLOWED TO BE SOLD TO THE PUBLIC UNLESS THE VENDOR IS EQUIPPED WITH ADEQUATE REFRIGERATION/ HEATING UNITS, UTENSIL WASHING SET UP AND SANITIZER, HAND WASHING FACILITIES/ SET UP, AND A FOOD THERMOMETER.

(POTENTIALLY HAZARDOUS FOODS ARE THOSE WHICH CONTAIN, IN WHOLE OR IN PART, MILK, MILK PRODUCTS, EGGS, MEAT, POULTRY, FISH OR SHELLFISH, FOODS IN HERMETICALLY SEALED CONTAINERS THAT DO NOT REQUIRE REFRIGERATION ARE EXCLUDED FROM THE DEFINITION OF POTENTIALLY HAZARDOUS FOOD)

Notice to Temporary Food Vendors Please Review a Copy of the Temporary Food Establishment Checklist.

PLEASE CONTACT (940) 726-3740 IF YOU HAVE ANY QUESTIONS.

I certify that all facts in this application are true and correct and that my food establishment will be maintained and operated in accordance with the Texas Food Establishment Rules as adopted by the City of Valley View.

Signature: _____ Print name: _____ Date: _____

Farmers Market - Frequently Asked Questions

(<https://www.dshs.texas.gov/foodestablishments/farmersmarkets/faq.aspx#4>)

What is the definition of a farmer?

A farmer is a person who has ownership of, or financial and/or productive responsibility for producing, an agricultural product intended for use as a food or raw material. The term usually applies to people who do some combination of raising field crops, orchards, vineyards, poultry, aqua-culture or some other form of livestock. A farm is usually owned by that person or under direct control of that person.

What is the definition of a farmers' market?

A farmers' market is a designated location used primarily for the distribution and sale of food directly to consumers by farmers and other producers.

What is a farm stand?

A farm stand is defined as a premise owned and operated by a producer of agricultural food products at which the producer or other persons may offer for sale produce or foods.

Is a farmers' market a food service establishment?

No. A farmers' market is not a food service establishment.

Do I need a temporary food establishment permit to sell food at a farmers' market?

A temporary food establishment permit is not required to sell whole, intact unprocessed fruits and vegetables and pre-packaged non-potentially hazardous food/time temperature for safety foods.

A temporary food establishment permit is required to sell all other potentially hazardous food/time temperature control for safety foods.

What is a potentially hazardous food/temperature controlled for safety food (PHF/TCS)?

A potentially hazardous food (PHF) is a food that requires time and temperature control to limit pathogen growth or toxin production. In other words, a potentially hazardous food must be held under proper temperature controls, such as refrigeration to prevent the growth of bacteria that may cause human illness. A PHF/TCS is a food that: contains protein, moisture (water activity greater than 0.85), and is neutral to slightly acidic (pH between 4.6 -7.5).

May I provide/distribute samples at a farmers' market?

Yes.

To provide samples of food at a farm or farmers' market, you must:

- a. Distribute the samples in a sanitary manner
- b. Have potable water available
- 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 plastic gloves or observe proper hand washing techniques immediately before preparation;
- e. Use smooth, nonabsorbent, and easily cleaned (i.e. metal or plastic) utensils and cutting surfaces for cutting samples, or use disposable utensils and cutting surfaces;
- f. Samples of cut produce and other potentially hazardous foods shall be maintained at a temperature of 41°F or below and discarded within two hours after cutting or preparation.

A permit is not required to provide samples at a farmers' market.

What is a sample?

A sample is defined as a bite size portion, not a full serving.

Do I need a temporary food establishment permit to provide samples at a farmers' market?

No. A temporary food establishment permit is not required to provide samples at a farmers' market.

What are proper hand washing techniques?

Vigorous friction on the surfaces of the lathered fingers, finger tips, areas between the fingers, hands and exposed arms (or vigorous rubbing the surrogate prosthetic devices for hands and arms) for at least 10 to 15 seconds, followed by;

thorough rinsing under clean, running warm water; and immediately following the cleaning procedure with thorough drying of cleaned hands and arms (or surrogate prosthetic devices) using individual, disposable towels.

What are the requirements for performing a cooking demonstration at a farmers' market?

For a farmers' market cooking demonstration, the following is required:

A person with a certified food manager's license supervising the demonstration; and

Compliance with the requirements for a temporary food establishment permit.

What are the requirements for providing sample as a part of a cooking demonstration at a farmers' market?

A farmers' market may distribute samples as part of the cooking demonstration if:

a. the samples are a part of the "bona fide educational purpose"; and

b. the samples are disposed of within 2 hours of preparation.

Do I need a temporary food establishment permit to perform a cooking demonstration at a farmers' market?

Cooking demonstrations conducted by a farmers' market for a "bona fide educational purpose," are exempt from having to obtain a temporary food establishment permit.

What is a 'bona fide educational purpose'?

A bona fide educational purpose means the cooking demonstration made in good faith or made with earnest intent to instruct and educate.

Can raw milk be sold at a farmers' market?

No. Raw milk cannot be sold at a farmers' market.

Will the Department of State Health Services conduct inspections at farmers' market?

Yes. The Texas Department of State Health Services has the authority to conduct inspections of all food vendors who are required to obtain a temporary food establishment permit at a farmers' market.

Will the Department be required to write rules concerning farmers' markets in a separate chapter outside the Texas Food Establishment Rules?

Yes. The department is in the process of developing the rule concerning the regulation of farmers' markets to comply with the requirements of Senate Bill 81 of the 2nd Legislative session and House Bill 1382 of the 83rd legislative session.

Do I need to have food handler's card or food manager certification to sell food at farmers' market?

No. A temporary food establishment operating under the jurisdiction of the Department of State Health Service is not required to obtain a food handlers card or a certified food manger certificate. If the food vendor is associated with a 'bona fide' cooking demonstration, the farmers' market must have a certified food manager.

Can a cottage food production operation sell food at a farmers' market?

Yes. Foods produced at a cottage food production operation (CFPO) may be sold at farmers' market The CFPO must comply with the guidelines as required in the law concerning Cottage Food Production Operations.

Can I sell yard eggs at a farmers' market?

Yes. To sell farm eggs at a farmers' market the following is required:

You must have a temporary food establishment license; and

Eggs must be maintained at an ambient air temperature of 45°F and below; and

Eggs must be properly labeled as "ungraded" with safe handling instructions.

May I sell honey at a farmers' market?

Yes. Honey may be sold at a farmer's market. In order to sell honey as food in Texas, you will need to follow the rules for Good Manufacturing Practices (GMPs) 25 TAC §§229.210-229.222 and obtain a food manufacturing license.

Also, a small honey production operation may sell honey directly to consumers at the beekeeper's home, a farmer's market, a farm stand, or a municipal, county, or nonprofit fair, festival or event according the Health and Safety Code Chapter 437, Section 437.001(7). The honey sold or dispensed must be labeled in accordance with Subchapter E, Chapter 131, Agriculture Code. The label must include: the net weight of the honey expressed in both the avoirdupois and metric systems; the beekeeper's name and address; and the statement, "Bottled or packaged in a facility not inspected by the Texas Department of State Health Services."

May I sell my own cattle or poultry that I have slaughtered at a licensed and inspected facility?

Yes. Meat or poultry products must come from animals processed in compliance with the regulations for livestock processing (Texas Health & Safety Code Chapter 433) and a temporary food establishment permit is required.

May I sell fish and other aquatic species at a farmers' market?

Yes. Commercial fishermen must possess a license from the TPWD or the fish and other cultured species must be produced and raised in a facility that has an aquaculture license from TDA and a temporary food establishment permit is required.

Vendor Application Form

Name: _____ Date: _____

Address: _____

(Street City State ZIP Code County)

Farm/Business Name: _____

Telephone: _____ Cell: _____ Texting Available? Yes _____ No _____

E-Mail: _____

Number of spaces requested: _____

Products to be sold:

By signing this application, I agree that I have read the rules and regulations of the Valley View Farmers' Market and agree to comply with them. Further, I agree to sell only those items listed in the Vendor Application form unless an additional request is granted at a later date. I acknowledge full responsibility for all my actions and activities in the Market (and for those assisting me) throughout the term of this season's market (April – October). I acknowledge the authority of the City of Valley View to settle any disputes regarding product legitimacy, procedural and vendor conduct violations, and to impose any penalties, including possible suspension or removal from the Market. Copies of all necessary licenses and applicable vendor application fees must accompany this application.

Signature of Applicant Date

Return this application to:
City Of Valley View
P.O. Box 268
101 S. Frontage Road.
Valley View, Texas 76272

Indemnity Agreement

WHEREAS, _____, a vendor, charitable organization or other type of entity (User) desires to participate in the Valley View Farmers Market; and

WHEREAS, such organization meets the criteria for participation in the Valley View Farmers Market and agrees to obey the rules of the market and understands the nature of operating within the Valley View Farmers Market and their responsibilities as a Market Vendor or Participant in the market, including assuming responsibility for safe operation and conduct of their business within the market; the User agrees to indemnify, hold harmless and defend the City of Valley View, its officers, agents and employees from and against all liability for and all claims, suits, demands, and/or actions for damages, injuries to person (including death), property damage (including loss of use) and expenses including court costs and attorney's fees and other reasonable costs occasioned by or arising out of User's presence within the market area permitted by the City of Valley View conducted in connection with or incidental to participation and arising out of or resulting from the intentional acts or negligence of User, its officers, agents, employees, or person participating in the event sponsored by the User.

User further agrees that it shall, at all times, exercise reasonable precautions on behalf of, and be solely responsible for the safety of its officers, agents, employees, participants, visitors, and other persons as well as their property, while in or on the market and surrounding areas. It is expressly understood and agreed that the City of Valley View shall not be liable or responsible for the negligence of User, its agents, servants, employees, customers, visitors, and participants.

It is further agreed with respect to the above indemnity, that the City of Valley View and User will provide the other with prompt and timely notice of any event covered in any way directly or indirectly, contingently or otherwise affected or which might affect the User or City of Valley View.

User further agrees that this indemnity provision shall be considered as an additional remedy for the City of Valley View and not as an exclusive remedy.

User Name: _____

Title: _____

Signature: _____

Date: _____

City Of Valley View
P.O. Box 268
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Valley View, Texas 76272