

**Hillsboro Farmers' Market**  
**Organization By-Laws & Regulations**

**Section I. Purpose**

1. To provide consumers with locally-grown, farm-fresh products at a convenient location.
2. To provide area farmers with improved marketing opportunities.

**Section II. Participation, Organization**

1. This market is part of an Educational Program sponsored by the Hillsboro Farmers Market, Texas A&M AgriLife Extension Service – Hill County, and Hillsboro Main Street.
2. The market will open for the season no later than the first Saturday in May and close on the final Saturday in October, or as the season dictates as voted on by the active vendors at the pre-market planning meeting.
3. The hours of operation will be Saturdays from 8 am to 1 pm or until sold out.
4. Vendors must be residents of Texas.
5. Each vendor shall have one vote per vendor (regardless of number of employees/volunteers/family in their booth) on farmers' market decisions. Votes may occur in person or via online survey, email, or phone/text message.
6. Issues shall be decided on the basis of a simple majority of votes cast (unless specifically spelled out as a two-thirds vote requirement by these by-laws). All vendors must be given the same notice and opportunity to vote on issues. Types of issues requiring a vote include but are not limited to:
  - Entrance of additional vendors
  - Changes to the sales times
  - Election of officers
  - Setting fees
  - Major purchases or agreements for the farmers' market.
7. Changes to these by-laws shall be decided on the basis of over two-thirds of votes cast.
8. Entrance of additional vendors will be allowed if the new vendor agrees to follow these by-laws and is approved by a majority vote of the other vendors. Reasons to disallow additional vendors include but are not limited to:
  - Insufficient space at the market
  - Insufficient customer traffic

- Excess supply of the commodities to be sold by the new vendors
- Not agreeing to follow by-laws.

9. New vendors will also receive one vote per vendor (regardless of number of employees/volunteers/family in their booth) on issues.

10. Farmers cannot transfer the right to be a vendor directly to another farmer.

11. Vendors can eject one who willfully violates these by-laws, or acts in any way unbecoming of a vendor as decided by a majority of other vendors, after a discussion and two-thirds vote of all active vendors.

12. Officers will be the President, Vice-President, Secretary and Treasurer. They must be vendors and will be elected for two year terms around the beginning of each sales season. The initial election will be staggered so that the President and Treasurer will not change in the same season. Positions can be combined with the exception of President. Each officer may be elected for a maximum of two consecutive terms in the same position.

- The President shall chair meetings, be the main contact person for vendors and the property owner, appoint committees and bring issues to the vendors as needed. They will also be responsible for visiting with prospective new vendors, securing a written application from them, and submitting the application to the market board for a majority vote prior to the new vendor being accepted.
- The Vice-President will assist with these duties as needed (optional position), and fill in for the President when they are unavailable.
- The Secretary will maintain up-to-date by-laws and mailing list, notify vendors of meetings, and keep minutes. They will also keep an updated list of active vendors, their emails and contact information along with social media pages and websites. These will be shared with Texas A&M AgriLife Extension Service – Hill County and Hillsboro Main Street.
- The Treasurer will collect weekly fees, pay bills, and keep financial records. Fees collected will be dropped off with a deposit slip in the Night Drop box at the Utility Billing office for the City of Hillsboro each Saturday following the close of the market. Fees will be deposited in the Farmers Market account controlled by the City of Hillsboro and Hillsboro Main Street staff.
- If an officer violates these by-laws, they will receive a warning for the first offense and be removed following a second offense. If an officer is removed, the board will elect by majority vote a replacement officer to fill the vacated position for the remainder of their term.
- If an officer resigns from their position, the board will elect by majority vote a replacement to fulfill the remainder of their term.

13. Texas A&M AgriLife Extension Service – Hill County and Hillsboro Main Street staff will play an advisory, non-voting role on the Farmers Market Board. The market should be vendor run and vendor led and strive to operate autonomously.

14. The officers of the Board may create committees to serve specific needs of the Farmers Market. These committees will be made up of active members of the Farmers Market board.

### **Section III. Membership**

1. There is no annual fee for a market membership. Each active vendor maintains one vote for market business.

- An active vendor is defined as one that has participated in the Farmers Market at least 3 times in the past season and attendance at the pre-market planning meeting for the new season.

2. Fees consist of a weekly sales day fee of \$10 for one 18' X 20' vendor space. Exceptions for no fee will be made for the Master Gardeners, schools, special events that enhance the market, government agencies, youth and church groups. Other exceptions may be made on a case by case basis as voted on by a majority of active vendors. Vendors must provide their own table, chairs, canopies, signs, and refrigeration (if needed).

Collected fees will cover the joint costs of the farmers' market including but not limited to:

- Rent to the property owner (not applicable at this time)
- Advertising and promotions
- Charges for a bank account and other products or services

3. To gain or maintain membership, the vendor/farmer must attend the pre-market planning meeting each year. Failure to attend the meeting will disqualify vendors from active participation in the Farmers Market Board.

4. The Hillsboro Farmers' Market is open to all people regardless of race, color, age, sex, religion, disability, or national origin.

### **Section IV. Rules**

1. Agreement to these by-laws and approval for a vendor must be received by a majority vote of current members prior to selling at the farmers' market.

2. All products displayed must be produced in Texas. Vendors may setup their space between 6:30am and 8:00am on market Saturdays, but all booths should be open for business by 8:00am. Vendors may choose to stay after 1pm independent of the market.

3. The Hillsboro Farmers' Market Board reserves the right to inspect or spot-check any farm records or growing sites as necessary to ensure that items being sold are grown in Texas.

4. No vendor selling more than 40% commercial or wholesale purchased produce will be permitted.

5. Farmers shall indicate the major products they plan to sell on an application form to be submitted at the beginning of each season. Vendors are asked to send a weekly update of items that will be sold to [cmoore@hillsborotx.org](mailto:cmoore@hillsborotx.org) so that these items may be updated on the website and social media.

6. The following products are permitted to be sold:

- Vegetables
- Fruit
- Fruit baskets
- Herbs
- Bedding plants
- Seeds
- Bulbs
- Nursery Plants
- Vegetable transplants
- Flowers
- Pumpkins, ornamentals
- Eggs
- Poultry, USDA Inspected
- Fresh meat, USDA Inspected
- Preserves, cider
- Honey, syrup, molasses
- Canned Goods
- Cheese
- Baked goods
- Wool, fleeces, yarn
- Homemade textiles (i.e. quilts, leather goods, etc.)
- Homemade crafts
- Soap, lotion, personal hygiene
- Non-profit organizations and those offering information for public welfare
- Other items may be considered on a case by case basis

7. The following items are NOT permitted to be sold:

- Flea Market Items
- Fresh Meat, Home processed
- Fresh milk
- Live animals (may not be sold, but may be displayed for promotional reasons)
- Poultry, Home processed

8. Product sold can be expanded and limited by the vote of the vendors or as restricted by the property owner.

9. Vendor stands will be assigned at the pre-market planning meeting each year.
10. All vendors MUST be identified. A sign identifying the name of the person/farm growing items sold at the market must be in an easily visible location on each stall.
11. Vendor stalls shall be kept clean and orderly at all times. Vendors and all employees/volunteers are asked not to smoke in their vendor area.
12. All produce must be kept off bare ground.
13. Vendors must comply with local, state and federal regulations that apply to their products. These include but are not limited to:
  - Rules, regulations and guidelines found on the Texas Health and Human Services website (<https://www.dshs.texas.gov/foodestablishments/farmersmarkets/>). A good article explaining these guidelines can be found at <https://agrifetoday.tamu.edu/2017/07/27/texas-consumers-should-know-farmers-market-terms-regulations/>.
  - Pesticide licensing, their safe use and residue levels
  - A seal on weigh scales and compliance with other measure rules
  - Participation in mandatory research and marketing assessments for certain ag commodities
  - State sales tax collected as required
  - Health regulations that limit the preparation of ready-to-eat foods
  - Preserves, honey and canned foods labeled and limited as required
  - Eggs labeled and sold at internal temperature as required.
14. No spoiled produce will be offered for sale. Quality and freshness will be two key selling points for the grower. Vendors may be asked to remove deteriorated produce or plants.
15. All vendors are responsible for the safety of the products they sell at the farmers' market. The Hillsboro Farmers' Market is not liable for sickness or injuries caused from products sold at the market.
16. Each grower will provide suitable containers for their goods. Pricing will be determined by the seller, but should fall between current wholesale and supermarket prices.
17. Produce shall be priced and sold by the pound, bunch, ear, dozen, peck, etc. If sold by weight, seller must provide the scale and it must be determined to be legal for trade by the Texas Department of Agriculture ([https://www.texasagriculture.gov/Portals/0/Files/ACP/Weights/Scales\\_Legal\\_Trade\\_Texas.pdf](https://www.texasagriculture.gov/Portals/0/Files/ACP/Weights/Scales_Legal_Trade_Texas.pdf))
18. All members will be responsible for:
  - Their booth contents and setup
  - Their own garbage receptacles
  - Will clean up their own selling space

- Will remove all garbage at the end of each day

19. Individual sellers cannot advertise audibly on site.

20. No pets, except those animals assisting persons with disabilities, are permitted unless approved by vote of all vendors for promotional purposes.

21. Children (Under the age of 18) of sellers are the seller's responsibility and must be under adult supervision at all times.

22. Failure to comply with by-laws, after vendor is approached and a vote is called, will result in the following:

- First offense: Warning
- Second Offense: expulsion from the organization with no re-compensation to the expelled vendor.

23. Vendors must re-state their intent to participate at an appropriate time each year.

24. Rules and Regulations will be reviewed yearly by the officers and membership. The Board also has the right to make any necessary changes in the market operations at any time during the year.

Officers and Board Members of the Hillsboro Farmers' Market, along with the City of Hillsboro, Hill County, and Texas A&M AgriLife Extension Service – Hill County, will not be responsible for accidents occurring on the premises and will not be held liable for accidents.

I, \_\_\_\_\_ certify that I have read and understand the Hillsboro Farmers' Market By-Laws and Rules, and agree to follow them accordingly.

I, \_\_\_\_\_ certify that I am solely responsible for the safety of the products that I sell at the market.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Revised March 29, 2021

### **Vendor Application Form**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

(Street, City, State ZIP Code, County)

Farm/Business Name: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell: \_\_\_\_\_

Texting Available? Yes \_\_\_\_\_ No \_\_\_\_\_

E-Mail: \_\_\_\_\_

Website: \_\_\_\_\_

Social Media Address: \_\_\_\_\_

Number of 18' X 20' spaces requested: \_\_\_\_\_

My booth will require electricity (not guaranteed): Yes \_\_\_\_\_ No \_\_\_\_\_

Products to be sold:

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By signing this application, I agree that I have read the rules and by-laws of the Hillsboro 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).

I acknowledge the authority of the Hillsboro Farmers' Market Board to settle any disputes regarding product legitimacy, procedural and vendor conduct violations, and to impose any penalties, including possible removal from the Market. Copies of all necessary licenses must accompany this application.

Return this application to [cmoore@hillsborotx.org](mailto:cmoore@hillsborotx.org).

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Signature of Applicant