



# MarketPlace at Old Town Helotes

## Vendor Policies & Guidelines

### Effective 01/09/2024



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## Vendor Enrollment

### *How to Enroll*

All Helotes MarketPlace vendor enrollments must be completed by the vendor online using the MarketPlace event website at [www.helotesmarketplace.com](http://www.helotesmarketplace.com). Vendors shall create an account, select a MarketPlace subscription, select a booth, and pay online using a credit card. Vendors will receive a receipt of their booth space purchase via the email provided.

A valid phone number, sales and use tax permit/nonprofit status, and email are required when creating an account on the event website at [www.helotesmarketplace.com](http://www.helotesmarketplace.com). Email is the primary method of communication used by MarketPlace. Each vendor's responsibility is to keep their contact information updated on the event website. Vendors shall ensure that they receive emails from MarketPlace and thoroughly read the contents of these messages (Some emails may go to your junk/spam folder).

Enrollment is based on a first-come, first-served basis. If a vendor area sells out, a vendor may continue to check the website during the enrollment period for potential availability. Otherwise, the vendor must wait until the next enrollment period to register for the next month's event.

### *Vendor Wish List*

If a vendor area sells out on the event website at [www.helotesmarketplace.com](http://www.helotesmarketplace.com), the vendor may add their preferred booth(s) to the "Vendor Wish List" within their website account. The event website will automatically email the vendor, at the email address provided on their website account, with an opportunity to purchase the intended booth if it becomes available (another vendor cancels) during the current registration period. MarketPlace staff is not responsible for missed emails by the vendor. All booths added to the Wish List will be reset at the end of the current registration period, so vendors should be prepared to access the website on the first day of registration to secure a booth for the next event.

### *Enrollment Subscription Types*

The Helotes MarketPlace offers two types of enrollment subscriptions:

- One-Day Subscription - Vendors may purchase a booth space with a One-Day Subscription, which means they purchase the booth space for one event only.
- Recurring Subscription - Vendors may also purchase booth space on a Recurring Subscription, which means the vendor's credit card associated with their MarketPlace event website account will be automatically charged each month (around the 15<sup>th</sup> of the month), and they secure a particular booth space number at the event until the vendor decides to cancel the subscription through the website.

### *Cancellations*

Vendors may cancel their subscriptions at any time. Vendors should access their account on the MarketPlace website at [www.helotesmarketplace.com](http://www.helotesmarketplace.com) to cancel their subscription. If the cancellation occurs after the enrollment period for the current event, the vendor will not receive a refund according to the "No Refund Policy."

If a vendor cancels their subscription through the Vendor Portal by the 25th of the month before the event, they will be eligible for a refund. To receive the refund, the vendor must email [themarketplace@helotes-tx.gov](mailto:themarketplace@helotes-tx.gov) to request a refund.

No refund will be given if a vendor cancels their subscription after the 25th day. When a vendor purchases a booth space through the Vendor Portal on this event website, the vendor is doing so with the understanding and agreement that no refund, rain check, or credit will be given if the vendor does not cancel through the Vendor Portal, as explained above.

The vendor's sole responsibility is to select their Helotes MarketPlace subscription type – one-time or recurring – when registering through the Vendor Portal on this website. By choosing a Recurring Subscription, the vendor's payment method on file will automatically be charged each month until the vendor cancels the recurring subscription through the Vendor Portal on this event website. The vendor may cancel at any time but is only eligible for a refund if the cancelation is done before the end of the current registration period.

The event takes place rain or shine, heat or cold. See the Weather Policy for additional details regarding inclement weather.

Should an individual or business sign up for a booth that they do not meet the requirements for (ex., Retail/Craft in a Farmer's Market or Food Court in Retail/Craft). **The City of Helotes will cancel the booth and issue a refund. The vendor will be notified by email that their booth is being canceled due to not meeting the requirements for that type of booth. The vendor may reregister to attend the event but must sign up for the correct spot.**

*Re-selling a booth **or substitution** is prohibited.*

If any booth is found to be resold **or substituted** without City approval, the booth will immediately be shut down, and the vendor will be removed from the premises. No exceptions will be made. No refunds will be given.

**Effective 07/01/2023.**

**If a vendor is found to violating any policy, their booth will be automatically canceled and placed back on the MarketPlace website.**

## **Types of Vendors**

### *Cottage Food & Farmer's Market*

#### Vendor Definition

Cottage Food & Farmer's Market vendors are defined by the Texas Department of State Health Services. Typically, these vendors sell vegetables, baked goods, or other items that do not require on-site heat or refrigeration. The items must be produced, labeled, and restricted to items outlined by the State. Review the Texas Department of State Health Services website for Cottage Food Production Operations and Farmer's Markets for a full list of acceptable products and rules.

#### Texas Cottage Food Law

The MarketPlace allows vendors to purchase booths in the Cottage Food / Farmer's Market area and serve certain food products to understand that these vendors follow Texas Department of State Health Services laws and regulations.

It is a vendor's responsibility to make sure they qualify for this privilege. Please verify that your booth, processes, and product(s) comply with the law before purchasing booth space at MarketPlace. Vendors who fail to comply with these laws or regulations may be dismissed from the event. Visit the following websites for more information about [Cottage Food Production Operations](#) and [Farmer's Markets](#) in Texas.

Vendors are solely responsible for ensuring that they comply with all laws, rules, and regulations the State and municipality sets forth.

### Cottage Food - Samples

The City of Helotes does allow Cottage Food and Farmer's Market vendors to provide samples as outlined by the Texas Department of State Health Services. In general, vendors may serve samples of food if:

- Samples are served in a sanitary manner
- Served while wearing clean or disposable plastic gloves and observing proper handwashing techniques before preparing the samples
- Produce is washed in potable water to remove debris
- Potable water is available for use
- Potentially hazardous food is maintained correctly and disposed of within two (2) hours of preparing
- Utensils and surfaces are smooth, non-absorbent, and clean

For a complete list of applicable rules associated with providing samples, please visit the Texas Department of State Health Services websites for [Cottage Food Production Operations](#) and [Farmer's Markets](#).

## *Food Court Vendors*

### Vendor Definition

Food Court vendors sell food made and distributed on-site at the MarketPlace for consumption by the public. Food trucks are permitted. *Booths are 10X10 in size. If a food truck vendor needs more space, they must purchase multiple booth spaces side-by-side.*

No Food Court vendor may sell the exact item as another established vendor. No Food Court vendor may sell items that are direct duplications of an Old Town Helotes business. **All new Food Court Vendors should contact MarketPlace event staff via email at [themarketplace@helotes-tx.gov](mailto:themarketplace@helotes-tx.gov) to ensure their products comply with the vendor duplication notice. Any new food items must be approved before adding to vendor menus and licenses.**

### Temporary Food License

City of Helotes Temporary Food Licenses is required for all Food Court vendors. The City's health inspectors will audit each vendor on-site on event day according to the food establishment requirements. The City offers a one-day license and an annual (12-month) license. The license application can be completed and paid online at [www.helotes-tx.gov](http://www.helotes-tx.gov). Vendors may also visit the Development Services Department at City Hall to apply. Obtaining a food license and maintaining and renewing a food license is the sole responsibility of the food vendor.

Food Court Vendors must post their current/valid Temporary Food License from the City of Helotes at their booth on-site during the duration MarketPlace event. Any food vendor who does not have a license prominently displayed will be subject to a fine and being shut down on event day by the City's health inspectors. Frequent noncompliance may lead to future dismissal from the event.

Vendors may not use a county permit or license from another City. All food vendors in the City of Helotes must have a permit issued by the City of Helotes.

### *Craft and Retail*

#### Vendor Definition

Craft vendors sell handmade items, including jewelry, artwork, wreaths, etc. Retail vendors are usually independent consultants who sell items on behalf of a parent company, such as Tupperware, Mary Kay, or LuLaRoe.

#### Demonstrations

Craft and Retail vendors are permitted to conduct demonstrations on-site within their purchased booth space. A demonstration usually involves the vendor creating items on-site for shoppers to witness. For example, an artist may decide to paint artwork on-site for the education and enjoyment of the public shoppers at MarketPlace. All demonstrations must be done within the vendor's booth space, directly relate to the products sold, and align with the family-friendly theme of the MarketPlace, and noise must maintain a respectful level for nearby vendors.

#### Types of Merchandise Not Permitted for Sale

The Helotes MarketPlace is a family-friendly event designed to offer unique goods to the public. The event is primarily an arts and crafts fair. Vendors wanting to promote a business are not permitted. The following types of merchandise and services are prohibited from sale or promotion by a vendor at the Helotes MarketPlace event:

- Alcohol (open or unopened)
- Animals (the private sale or distribution of animals – pets or livestock - is prohibited unless the transaction is being conducted by a registered nonprofit organization, such as the Helotes Humane Society)
- CBD oil and CBD oil products
- Businesses wanting to promote, advertise or sell their products or services (such as insurance sales, travel agents, home improvement or repair, pool or spa sales, etc.)
- Firearms
- Flea market or garage sale items (such as used clothing or goods)
- Offensive, obscene, or vulgar items
- Political campaigns or candidates
- Tobacco

**Food or drinks may not be sold or distributed from a Craft or Retail booth.** Food or beverages are not to be sold from booths outside of the Food Court or Farmer's Market areas. All packaged or unpackage

food for distribution or sale to the public must comply with the City of Helotes Code of Ordinances and State health regulations.

### *Nonprofit Vendors*

#### Vendor Definition

Nonprofit vendors are organizations that typically promote their group's mission or provide education about their services. The MarketPlace welcomes 501(c)3 nonprofits.

Nonprofits may receive one (1) complimentary booth space (the fee is waived) at each MarketPlace event. Nonprofits requesting additional booths will be required to pay the fee.

#### Effective 01/09/2024

Only nonprofit organizations who are headquartered in The City of Helotes limits (not including The City of Helotes ETJ) will be allowed eligibility to register for a non-profit booth in the Helotes MarketPlace.

All non-profits may **only** register under a one-day subscription (month-by-month). Non-profit organizations may not register under an auto-renewal subscription.

Each non-profit must have a 510(c)3 on file to be able to register for the Helotes MarketPlace.

#### Enrollment Requirements

Nonprofit vendors must provide MarketPlace with their proof of IRS nonprofit status at least five (5) days before the event day. The accepted proof is the letter of approval for nonexempt status from the IRS, which includes a nonprofit Tax ID number. It is the vendor's responsibility to ensure their documentation meets MarketPlace requirements before the event. For more information, visit the [Internal Revenue Service website](#) or contact the City's Special Events Department with general questions at [themarketplace@helotes-tx.gov](mailto:themarketplace@helotes-tx.gov).

### **Vendor Duplication Notice**

MarketPlace ***does not*** regulate duplicate Craft, Retail, Farmer's Market, and Cottage Food Vendors. Vendors should use the MarketPlace website to determine what type of vendors will be located near their booth spaces. When creating a vendor profile, it is important to list what business you are affiliated with, if applicable—for example, Lula Roe, Lipsense, Paparazzi Jewelry, Mary Kay, etc.

MarketPlace ***does*** regulate duplicate Food Court Vendors. No Food Court vendor is permitted to sell a food or drink item already being sold by an existing Food Court Vendor. **All new Food Court Vendors should contact MarketPlace event staff via email at [themarketplace@helotes-tx.gov](mailto:themarketplace@helotes-tx.gov) to ensure their products comply with the vendor duplication notice.**

### **MarketPlace Event Times**

#### *Public Shopping Hours*

During the fall/winter months of October, November, December, January, February, March, and April, MarketPlace opens to the public on Saturday at 10:00 a.m. and closes at 5:00 p.m. During the summer

months of May, June, July, August, and September, MarketPlace opens to the public on Saturday at 9:00 a.m. and closes at 3:00 p.m. It is free for the public to attend. Vendors should remain open for the duration of the event. Vendors who repeatedly leave early may be subject to disciplinary action by the Behavioral Policy.

### *Vendor Booth Setup*

The MarketPlace does not authorize setup before the event day. Vendors with purchased booth space(s) may set up their booth(s) on the morning of the event from 6:00 a.m. to 9:00 a.m.

During setup time, vendors may drive their vehicle up to their booth space to unload, *as space permits*. Drive-up access may not always be available. Police Officers and staff on-site may stop drive-up access anytime due to safety and accessibility. Vendors should consider their booth location and proximity to parking areas when selecting a space online. All vehicles must be moved outside of the booth areas by 9:00 a.m.

Any vendor found driving around barricades may be asked to leave the event without a refund or may receive other penalties determined by on-site law enforcement.

Vendors are not permitted to set up after 10 a.m. during the fall/winter. Vendors are not allowed to set up after 9 a.m. during the summer months.

### *Vendor Booth Break Down*

During the fall/winter months, vendors may break down their booth space after the event ends at 5:00 p.m. During the summer months, vendors may start breaking down their booth space after the event ends at 3:00 p.m.

#### ***Effective 07/01/2023***

**During the Fall/Winter months, vendors must be packed up and off the road by 6:30 PM. During the Summer months, vendors must be packed up and off the road by 4:30 PM.**

**If a vendor fails to be packed up and off the road during the times required they will be issued a warning. If the vendors fails to do so twice, their booth will be automatically canceled.**

Law enforcement on-site will determine when to remove the barricades and allow vendors to drive up to their booth space to load at the end of the event day.

**Any vendor found driving around barricades may be asked to leave the event without a refund or may receive other penalties determined by on-site law enforcement.**

### *Vendor Attendance - Effective 02/01/2023*

At each event, staff will go around the market and take attendance. Vendors who fail to attend the event for three months throughout the year will be dismissed. If a Vendor cannot attend an event, they must notify [themarketplace@helotes-tx.gov](mailto:themarketplace@helotes-tx.gov) 48 hours before the event. Otherwise, they will be marked absent. Vendors will be notified by email that their booth has been canceled.



### *Vendor Attendance - Effective 07/01/2023*

A vendor can have no more than 3 absences total in a calendar year (January through December). Exceptions may be made by submitting a request 48 hours in advance to the MarketPlace staff. Exceptions for absences are NOT guaranteed.

### *Vendor Attendance*

Once a vendor reaches 3 absences, they will have their booth canceled and placed back on the Helotes MarketPlace Website.

## **General Event Information**

### *City Booth*

The City of Helotes maintains a booth on-site during the event. Please contact a staff member at the City booth for questions or concerns on the event day. Municipal Offices are CLOSED on weekends. Staff is unavailable in the office to assist vendors over the phone after 4:45 pm on Fridays.

### *Event Location*

The MarketPlace takes place in the Old Town Helotes Special District at the corner of Old Bandera Road and Riggs Road, extending up Old Bandera Road near John T. Floore Country Store. The physical address is 14391 Riggs Road, Helotes, TX 78023.

### *First Aid*

The City of Helotes provides first aid services during the MarketPlace. Please locate the first aid booth for assistance if first aid is needed. ***Always call 911 for emergencies.***

### *Lost & Found*

The lost and found is located at the City booth. Vendors may also contact the City's Special Events Department to inquire about lost items via email at [themarketplace@helotes-tx.gov](mailto:themarketplace@helotes-tx.gov).

### *Parking*

Public parking areas are highlighted on the event map. There is no parking explicitly designated for vendors. All parking at the event is on a first-come basis and subject to availability.

### *Restrooms*

Public restrooms are located near the City Booth. Port-o-potties are located near John T. Floore Country Store and the traffic circle. Please see the event map for reference.

### *Security Notice*

The City of Helotes will not be held responsible for lost, missing, stolen, or damaged items and is not responsible for damage or injuries to merchandise or vendors. For concerns regarding safety or security on event day, please contact Police Officers on-site.

### *Trash*

*The vendor must properly discard trash generated by any vendor before the vendor leaves the event site. Trash receptacles are provided throughout the event. It is recommended that vendors bring extra trash bags to ensure compliance. Vendors found that not disposing of trash could be subject to the cancellation of their booth space.*

**Effective 07/01/2023**

### **Electricity**

**The Helotes MarketPlace offers access to electricity on a first come, first serve basis, however; it is the responsibility of the vendors to bring an extension cord long enough to connect to power boxes. The MarketPlace team does not have extension cords for vendors.**

**Vendors are *not allowed* to bring the following in any booth space:**

- AC units
- Heaters
- Large industrial sized fans (personal fans are allowed)
- Generators

## **Vendor Requirements – Insurance & Licenses**

### *Vendor Insurance*

All participating MarketPlace vendors shall maintain automobile liability insurance coverage in at least the minimum amounts required by State Law for all vendor vehicles and trailers used in MarketPlace activities. The City of Helotes may require proof of insurance at any time.

### *State of Texas Sales and Use Tax Permit*

**The Sales and Use Tax Rate in Helotes is 8.25%.** A Sales and Use Tax number is **required** for a vendor to purchase a booth for the Market Place. However, the vendor shall be responsible for correctly collecting and reporting all sales tax information to the State Comptroller.

The State of Texas may require a Sales and Use Tax Permit for some vendors. For more information, visit the [State Comptroller website](#).

### *License Granted*

The purchase receipt email for a booth space shall serve as a license to participate in MarketPlace activities. The license is non-transferable and may be revoked by the City of Helotes for failure to comply with its requirements or other applicable rules and regulations of MarketPlace and the City of Helotes.

### *State Licenses*

In addition to compliance with municipal ordinances, vendors shall be responsible for securing all necessary permissions and licenses required by State Law.

## **Weather Policy**

The MarketPlace is held rain or shine, heat or cold, every first Saturday, 11 months per year (the event is not held in May due to the Cornyval Parade). If a vendor decides to refrain from attending the event due to weather, the “No Refund Policy” will apply.

In severe inclement weather, the City Administrator or his or her designee will decide when to cancel the Helotes MarketPlace event. Vendors that have registered and paid before the event shall receive a refund.

Vendors are encouraged to follow the City on social media (Facebook and Twitter) to receive timely updates regarding inclement weather and its impact on MarketPlace.

## **Indemnification**

Each Vendor shall indemnify, keep and save harmless Helotes MarketPlace, its officers, employees, representatives, agents, volunteers, Managements, assistant Managements, and affiliates (the “Indemnified Parties”) for, from and against any and all demands, claims, suits, damages, losses, liabilities, costs and expenses, including, but not limited to, court costs and attorneys’ fees (the “Indemnified Matters”) of any nature whatsoever (including, but not limited to, property damage and loss, bodily injuries, sickness, disease or death), directly or indirectly arising out of or in connection with Vendor’s participation in Helotes MarketPlace. Vendor’s indemnification obligations shall apply whether the Indemnified Matters are due in part to the contributory fault or negligence of the Indemnified Parties or others; provided, however, that Vendor shall not be obligated to Helotes MarketPlace, for their sole negligence.

## **Behavioral Policy**

By becoming a City of Helotes MarketPlace vendor, the vendor agrees to the following **Code of Conduct**:

*It is expected that vendors will behave in a professional manner that fosters a sense of community cooperation. As such, violence or threats against other vendors, staff, or customers will not be tolerated. Offensive language and other rude behavior will not be tolerated. All vendors shall maintain a respectful noise level for neighboring vendors at the event.*

*Helotes MarketPlace prohibits discrimination on the basis of race, color, creed, national origin, age, disability, gender, marital status, familial status, religion, sexual orientation, veteran status, uniform service member status, socio-economic status, and any other protected class under federal, state, or local law*

*Helotes MarketPlace prohibits the following inappropriate conduct: sexual innuendoes, lewd remarks, threats, epithets, derogatory comments, visual depictions of objectionable subjects, unwelcome jokes, and teasing.*

*Helotes MarketPlace prohibits ALL discrimination, harassment, and inappropriate conduct in ANY form including verbal, non-verbal, and physical unwanted acts, including, but not limited to, e-mail, voicemail, text messages, and messages via social media.*

*Effective 07/01/2023*

*All booth spaces must be attended by an adults 18 years or older. Vendors who wish to bring minors may not leave them unattended at their booth space.*

*Vendors must comply with all instructions and directions given by event staff during the event. Noncompliance with staff on-site will not be tolerated.*

*Vendors who do not follow this Code of Conduct will be dismissed from the MarketPlace event, and the No Refund Policy will apply.*

## **Contact Information**

*City of Helotes Special Events Department*

Office Hours: M-F; 8:00 a.m. to 4:45 p.m.

Special Events Phone: (210) 695-5939 (closed on weekends)

Email: [themarkplace@helotes-tx.gov](mailto:themarkplace@helotes-tx.gov)

Website: [www.helotesmarketplace.com](http://www.helotesmarketplace.com)

All vendors are encouraged to follow the City of Helotes on social media for breaking news and information.

- Facebook – [www.facebook.com/helotes](http://www.facebook.com/helotes)
- Twitter – [www.twitter.com/City\\_of\\_Helotes](http://www.twitter.com/City_of_Helotes)

Immediate concerns on the day of the MarketPlace event should be reported to the staff on-site. Staff can be located at the City Booth.