

**Wimberley Lions Club – Market Day Leasing**  
**PO Box 2257 Wimberley, TX 78676**  
**Market Days Vendor Information and Rules (“Rules”)**  
**Updated December 4, 2020**

These rules apply to all Wimberley Market Day vendors (“Vendor”) who own, lease or rent a Booth or space (“Booth”). Any exceptions must be approved in writing by Market Day Management.

All Vendors must read, understand and agree to comply with the Rules. Payment of any lease or rental fees (“Fees”) by Vendor constitutes an agreement to lease or rent a Booth from The Wimberley Lions Club and the Vendor. The payment also acknowledges that the Vendor agrees that a violation of these Rules may result in the cancellation of any agreements at the sole discretion of the Wimberley Lions Club without any refund of the fees paid. Vendor agrees to indemnify and hold harmless the Wimberley Lions Club and its members, volunteers, and Market Day vendors and guests from any and all claims, demands or causes of action arising out of, or resulting from, the use of the Booth and all sales by the Vendor..

- 1. MARKET DAY DATES:** Market Day will occur on the first Saturday of each month, March through December. No business operations or sales may occur outside of these dates.

Market Day Management reserves the right to close operation at any time if such action is reasonable and necessary because of dangerous storm conditions, extreme heat or cold, or other events that pose a threat to the safety of our Vendors, guests and volunteers.

- 2. HOURS OF OPERATION:** Market Day business operation hours are:

- 7 a.m. to 4 p.m. - March, April, May, October, November and December
- 7 a.m. to 3 p.m. - June, July, August and September.

Except for reasonable breaks, Vendors may not close Booths before the posted closing time without the approval of Market Day Management.

Vendors who will arrive late because of an unforeseen event, telephone (512) 847-2391 and report the delay to the Lion answering the telephone or email [leasing@wimberleymarketday.com](mailto:leasing@wimberleymarketday.com). If late without notice, it will be considered an absence and the Booth may be assigned to a day renter and the Vendor may not be able to occupy the Booth for that Market Day.

- 3. VENDOR ATTENDANCE:** Due to customer dissatisfaction with empty Booths on Market Days, Vendor attendance is logged each Market Day. When a Vendor will be absent and notifies Leasing, the Lions Club may rent the Booth. All rental fees will be made to the Lions Club and the Vendor is not due any portion of the fee.

After missing three Market Days in a calendar year, Vendors will be notified of the violation. At that time, the Vendor has several options.

- Show up for the remainder of the year.
- Identify an individual to rent the Booth for any remaining months that the Vendor will miss that year, subject to approval by the Market Days Leasing Team and payment of rental fees to the Lions.
- List the Booth for sale and show up for the remainder of the year.
- Offer to sell the Booth to the Lions Club at a price determined by the Lions Club.

If the absences continue without one of the above-mentioned remedies, the Lions Club might not renew a Vendor's rental agreement for the following year and possibly forfeit the Booth improvements.

4. **PRODUCT SALES GUIDELINES:** The primary objective of the Market is to attract shoppers who buy antiques, collectibles, handmade products, plants, unique items, arts and crafts. Prospective Vendors must list on their Booth application and Booth Transfer documents the specific products to be sold. Market Day Management is solely responsible for determining whether the products sold are appropriate for this Market.

#### **PROHIBITED ITEMS FOR SALE OR GIVE AWAYS**

- **Food and Beverages:** Food, drinks or other edible items (including, sweets, candy, popcorn, salsa, etc.) unless approved in writing by Market Day Management.
- **Firearms:** Guns that are in violation of Federal or State laws. Displayed guns must have open breeches or clip/magazine removed, as appropriate. Absolutely no ammunition allowed.
- **Fireworks:** Fireworks or explosive charges.
- **Obscene and Objectionable Items:** Visual or written pornographic materials, or other creations or images which, in the sole opinion of the Market Day Management Team, are objectionable.
- **Politics:** All activities which promote political parties, candidates, agendas, or controversial and divisive issues.
- **Animals**
- **Service Plans**
- **Vacation Rentals**

It is the sole responsibility of each Vendor to obtain and display in each Booth all certificates and licenses for products or services that are required by the State of Texas, City of Wimberley or other applicable authorities.

5. **TEXAS SALES AND USE TAX:** Each Vendor must have a current, valid *Texas Sales and Use Tax Permit*<sup>1</sup>, and it must be displayed at each Booth during the hours of Market Day operations.

If Market Day Management is notified by the Comptrollers' Office of a Vendor's delinquency, the Vendor's rights to sell at Market Days will be suspended until restored to good standing with the Comptroller.

6. **BOOTH/SPACE LEASE FEES:** For owners of Booth/Spaces, the Annual Fee is \$600 for the first Booth and \$570 for each additional Booth by the same Vendor ("Annual Fee"). For the 2021 season, the deadline for payment is close of business on January 31, 2021. If payment is not received by this time, Market Day Management reserves the right to not renew the Vendor's lease agreement including possible forfeiture of Booth improvements.

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<sup>1</sup> Pursuant to Rule 3.286, Part 1, Title 34 of the Texas Administrative Code, every person, or entity, who sells or transfers ownership of taxable items at a flea market, mall, or trade day event, is required to have an active sales tax permit displayed at their Booth. If the address on the Tax Permit is other than Wimberley, the Texas Comptroller's Office must be notified that the Vendor will be selling merchandise in Wimberley. The tax and the Local Government reporting Codes are as follows: State of Texas - 6.25% (No code), Hays County - .50% (4105004), Wimberley Village Library - .50% (5105503), Village of Wimberley - 1.00% (2105095). The total tax to be collected and paid is 8.25%.

Late fees of \$50 per month per Booth applies to payments made after annual lease payment due date. On April 1 the Booth becomes the property of the Wimberley Lions Club if the Annual Fee has not been paid unless good cause is shown.

7. **BOOTH/SPACE RENTAL FEE:** There is also an inventory of Booth/Spaces that may be rented from the Wimberley Lions Club on an annual or monthly basis to approved Vendors.

The inventory of Booth/Spaces available for annual rental will be posted in February at [www.wimberleymarketday.com/leasing](http://www.wimberleymarketday.com/leasing). Signing an Annual Rental Agreement assures the renter the same Booth for the entire season and priority in selecting rental spaces for subsequent years. Prices vary depending on location, amenities and size.

The remaining inventory of Booth/Spaces are rented each month and will be posted the month before each Market Day when approved for opening at [www.wimberleymarketday.com/leasing](http://www.wimberleymarketday.com/leasing). Booths may be rented the week before Market Day for \$115 or \$150. Payment of \$150 includes adding the vendor information to the online vendor map for shoppers. Any remaining inventory will be available after 6 p.m. the Friday before Market Day for \$75. Contact [leasing@wimberleymarketday.com](mailto:leasing@wimberleymarketday.com) to be approved as a vendor before renting a booth or space.

8. **BOOTHS FOR SALE:**

- Booths may be transferred, or sold at any time with the approval of Leasing Management. For approval and to provide information on Booths for sale, email [leasing@wimberleymarketday.com](mailto:leasing@wimberleymarketday.com)
- Booths for sale may be posted on the Market Day web site until the Booth sells.
- At any time, the Vendor may offer to sell the Booth to the Lions Club for a price determined by the Lions Club. This price will not be the market value of the Booth and will only be approved if the Lions Club is inclined to purchase the Booth.
- Once a Booth is sold and all funds have been received, request the transfer paperwork by email from [leasing@wimberleymarketday.com](mailto:leasing@wimberleymarketday.com). A fee of \$25.00 is applied. Wimberley Lions Club does not assume any responsibility for transactions between the seller and buyer.

9. **SAFETY & SECURITY: *Keeping our Vendors, shoppers and volunteers safe are our highest priority.*** Exercise appropriate safety measures at all times.

- Report any hazard, unsafe condition or security concern to Market Day Management, Lions Leasing or any Wimberley Lion volunteer during Market Days.
- Each Booth must have an openly displayed, working 5-pound, ABC fire extinguisher.
- The Wimberley Lions Club does not assume responsibility for any Vendor property on Lions Field, even in locked Booths.
- Vendor must keep the front, back and sides around each Booth clear to allow access.
- All merchandise displayed during Market Days must be clear of roads and pathways.
- Vehicles cannot be operated on Lions Field during Market Days between the hours of 9:00 a.m. and closing.
- Roads within the field must remain passable. Make sure that vehicles are pulled off to the side of the road so that another vehicle is able to pass. If during vehicle loading and unloading the road cannot remain passable, Vendors must stay close by to move the vehicle immediately if someone else needs to pass by the vehicle.

- At no time may a Vendor or any other individual cook or sleep in a Booth between Market Days.

**10. COVID-19 SECURITY PROTOCOLS: *Additional security protocols are in place during the COVID-19 pandemic as declared by the Texas Governor and applicable to Hays County.***

- FACE MASKS MUST BE WORN AT ALL TIMES WHILE ON MARKET DAYS PROPERTY. THIS IS A CITY REQUIREMENT FOR MARKET DAYS RE-OPENING.
- Face shields alone are not sufficient - face masks are required.
- Anyone who refuses to wear a mask must be asked to leave immediately. If someone refuses to leave a booth or enclosed space after being asked to wear a mask, contact any Lion who will coordinate with a deputy to enforce the request.
- Anyone who is not willing to wear a mask or who will not enforce the mask requirement in their area is not welcome at Wimberley Market Day and should not attend.
- All booths should consider posting signs requiring masks for entrance and having masks and hand sanitizers available for shoppers.

**11. ELECTRICITY:** One **7.5-amp** electrical circuit is provided at each Booth/Space. **Electric Heaters and Air Conditioners are prohibited**, as they require more than the 7.5 amps available. Any electrical cords and appliances must be unplugged at the conclusion of Market Day and be arranged so that maintenance is not hampered. Vendors are responsible for the maintenance and safety of all outlets, lighting and other electrical devices inside their Booths. Management reserves the right to inspect the interior of the Booth for electrical safety and require the Vendor to make repairs. Management reserves the rights to enter a Booth and remove any installed air conditioner unit.

**12. VENDOR PARKING:** Parking is free for Vendors. Notify the parking attendant that you are a vendor when you park.

**13. FIELD PARKING:** All vehicles except those displaying a lawfully produced “handicap permit” or “special permit of Lions Leasing Manager” must be removed from Lions Field to the parking lots by 9:00 a.m. on Market Days. On all days other than Market Day, vehicles may be on the field as long as the Vendor is with the vehicle and the vehicle is not blocking the roadway.

**14. COMMUNICATIONS:** The General Manager, Field Manager or Leasing Manager are not generally available by telephone outside of Market Days since these individuals are volunteers. The managers are available on Market Days. Contact should be through the Leasing booth next to the main office and wishing well just inside the main gate (Gate 2). All other contact should be addressed to the mailing address above or by email to [leasing@wimberleymarketday.com](mailto:leasing@wimberleymarketday.com).

**15. BOOTH CONSTRUCTION AND IMPROVEMENTS:** Any new construction, improvements, alternations or demolition to an existing structure must have the written approval of the Market Day Management Team before work begins. Email the description of the work to be done, the time frame proposed and any other relevant information to the Market Day Management Team at [leasing@wimberleymarketday.com](mailto:leasing@wimberleymarketday.com). Failure to have approval may result in forfeiture of the Booth. Once approved, the construction project must be performed safely and completed within the agreed-upon period of time. Vendors are expected to keep the improvements on their space in good repair and in safe condition. This does not apply to Vendors who rent booths owned by the Lions Club. Management reserves the right to inspect the Booth improvements at any time and require the Vendor to make repairs.

Lions Field is located within the City of Wimberley which has adopted certain building and construction codes and ordinances that might be applicable to any construction project. Contact Wimberley City Hall, 221 Stillwater Drive, Wimberley, Texas, 78676, (512) 847-0025 to determine if the construction or remodeling plans will require a permit from the City in addition to approval from Market Day Management.

16. **GARBAGE DISPOSAL:** Trash containers are distributed around Lions Field to accommodate the shoppers. Trash containers cannot be moved from their location. Vendor boxes, packing materials and unsold merchandise must be removed from the field by the Vendor and not be placed next to the trash containers. Construction materials cannot be disposed of on Lions field, including next to the trash compactor.
17. **ADVERTISING:** Signs advertising products, booths, or special sales event may only be posted within the boundaries of the Booth or Space.
18. **UNAUTHORIZED USE:** Booths may not be sublet, nor may a Vendor authorize another person or entity to use the Booth on a Market Day without prior approval of Leasing Management. To obtain approval, email [leasing@wimberleymarketday.com](mailto:leasing@wimberleymarketday.com) the name under which the Booth is rented, the Booth number and the name of the person or entity authorized to use the Booth. The party using the Booth on Market Day must report to the Leasing Booth no later than 8 a.m. and pay the daily rental and pay the Lions the normal rental fee.
19. **CONFLICT RESOLUTION:** In the event conflicts arise between Vendors, Market Day Customers and/or Lions Club members or its volunteers, Market Day Management will work with the parties to resolve the conflict through negotiation. Should such negotiation be unsuccessful, the ultimate decision of Market Day Management will be binding upon all parties.
20. **UNLAWFUL OR UNETHICAL CONDUCT:** All Market Day Vendors shall conduct themselves in accordance with all federal, state and local laws and according to ethical business practices.
21. **INAPPROPRIATE BEHAVIOR:** All Lions, volunteers and employees must be treated with respect. Verbal or physical abuse of Lions Club members, volunteers, employees or other Vendors will not be tolerated.
22. **FORECLOSURE:** The Wimberley Lions Club, Market Day Management, reserves the right to foreclose on any Vendor agreement for nonpayment or for violation of any of the rules in this document. Foreclosure can be both immediate termination and the refusal of renewal for the subsequent year, depending on the extent of the violation(s). Notice will be given to the Vendor along with a specific time period in which they may sell their Booth improvements or forfeit them to the Wimberley Lions Club.