

Wimberley Lions Club – Market Day Leasing
PO Box 2257 Wimberley, TX 78676
Market Days Vendor Information and Rules (“Rules”)
Updated October 26, 2022

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 between the Vendor and the Wimberley Lions Club to rent or lease a booth. The payment also acknowledges that a violation of these Rules by Vendor 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 – **Regular Season**
- 7 a.m. to 3 p.m. - June, July, August and September – **Summer Season**

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

Vehicles cannot be operated on Lions Field during Market Days between the hours of 8:00 a.m. and closing.

Vendors who will arrive late because of an unforeseen event must report the delay to the Market Day Leasing Team by emailing 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. Leasing sends a monthly email to all Vendors asking for attendance plans for the upcoming Market Day. When a Vendor will be absent and notifies Leasing, the Vendor will not be marked as absent as the Lions Club may rent the Booth or the front of the Booth. Any rental fees collected 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 and not notifying Leasing of the absence before the day of the Market, Vendors will be notified of a violation of the Rules. 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 will not renew a Vendor's lease or annual rental agreement for the following year and possible forfeiture of Booth improvements.

4. **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 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 Lions the normal rental fee.
5. **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 Transfer documents the specific products to be sold. The Leasing Team is solely responsible for determining whether the products requested to be 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. **(Concealed carry is allowed; open carry is prohibited.)**
 - Absolutely no ammunition is allowed.
 - Magazines and clips may not be displayed with the weapon.
 - All weapons being shown or offered for sale must be properly zip-tied in such a manner to prevent insertion of any ammunition or movement of the slide and/or hammer prior to the gun being displayed publicly. The Vendor may choose to remove zip ties to allow a customer to inspect a weapon. In these instances, the Vendor must personally inspect the weapon before removing the zip ties to ensure the action is clear. The Vendor must remain with the weapon until it is returned to an inoperable state.
- **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.

6. **TEXAS SALES AND USE TAX:** Each Vendor must have a current, valid *Texas Sales and Use Tax Permit*¹, and it must be displayed at each Booth during the hours of Market Day operations. 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 by adding a new business location.

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.

7. **BOOTH/SPACE OWNER LEASE FEES:** For owners of Booths/Spaces, the Annual Fee is \$650 for the first Booth and \$620 for each additional Booth by the same Vendor ("Annual Fee"). For the 2023 season, the deadline for payment is close of business on January 31, 2023. 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.

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.

8. **BOOTH/SPACE RENTAL FEE:** There is an inventory of Booths/Spaces that may be rented from the Wimberley Lions Club on an annual or monthly basis to approved Vendors. Contact leasing@wimberleymarketday.com to be approved as a vendor before renting a booth or space.

The inventory of Booths/Spaces available for **annual rental** will be posted in February at 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, condition, amenities and size.

The remaining inventory of Booths/Spaces are rented each month and will be posted the month before each Market Day at wimberleymarketday.com/leasing. Booths may be rented the week before Market Day for \$125 during the Regular Season. Any remaining inventory will be available after 6 p.m. the Friday before Market Day for \$100 and the morning of Market Day from 7 a.m. to 9 a.m. Available Booths can be rented during the Summer Season (June, July, August, September) for \$75.

9. **BOOTHS FOR SALE:**

- Booths may be transferred or sold at any time to vendors approved by Leasing Management. For approval and to provide information on Booths for sale, email leasing@wimberleymarketday.com
- 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. A transfer fee of \$50.00 is payable by the buyer. Wimberley Lions Club does not assume any responsibility for transactions between the seller and buyer.
- New owners must be approved as a Market Day Vendor, complete and send leasing@wimberleymarketday.com the New Vendor Form and pay the \$50 transfer fee before

¹ 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. 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%.

opening for business.

10. BOOTH CONSTRUCTION AND IMPROVEMENTS: Any new construction, improvements, alterations or demolition to an existing structure must have the written approval of the Market Day Leasing Team before work begins. Send the request for approval to leasing@wimberleymarketday.com, **attention Construction Supervisor** with:

- a description of the work to be performed along with any drawings
- the time frame proposed
- any other relevant information

Other construction requirements:

- As a safety measure the front of the booth must be set back 18" from the edge of the pavement.
- To permit access, the side walls of the booth must be set back 18" from the property line.
- The first five feet of the booth's depth must always be open so that the Lions Club can rent a booth which is not open because of a Vendor's absence.

Failure to follow these instructions may result in forfeiture of the Booth.

Vendors are expected to keep the improvements on their space in good repair and in safe condition. Management reserves the right to inspect the Booth improvements at any time and require the Vendor to make repairs.

11. ELECTRICITY: One **7.5-amp** electrical circuit with a 110-volt plug is provided at each Booth/Space. **Electric heaters and air conditioners are prohibited**, as they require more than the 7.5 amps available. Vendors must provide their own extension cord to reach from the rear power source to the use point. If the circuit trips at the Booth/Space, check the amp draw of appliances and lights in the Booth. 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. 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.
- 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.

- 13. COVID-19 SECURITY PROTOCOLS:** *Additional security protocols may be put in place for emergencies as declared by the Texas Governor and applicable to Hays County.*
- **If you or an employee has any of the symptoms outlined by the CDC please stay home.**
 - Have hand sanitizer available to customers and employees.
 - Wash hands often.
- 14. VENDOR PARKING:** Parking is free for Vendors. Notify the parking attendant that you are a vendor when you park.
- 15. FIELD PARKING:** All vehicles must be removed from Lions Field to the parking lots by 8:00 a.m. on Market Days. The only exception is a vehicle displaying a state-issued disabled parking placard or license plate. 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. When Market Days is open, trailers and recreational vehicles can only be parked in Parking Lot 3 at the west side of the field. Vehicles with trailers may only use a maximum of two spaces.
- 16. ADVERTISING:** Signs advertising products, booths, or special sales event may only be posted within the boundaries of the Booth/Space. Contact marketing@wimberleymarketday.com for information on other advertising opportunities throughout the field.
- 17. COMMUNICATIONS:** Leasing is not generally available by telephone outside of Market Days. Meetings may be scheduled via email to leasing@wimberleymarketday.com. Contact can be made at the Leasing booth next to the main office and wishing well just inside the main gate (Gate 2).
- 18. 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 in or around the trash containers. Construction materials cannot be disposed of on Lions field, including next to the trash compactor.
- 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 and can result in the termination of the right to operate at Market Days for Booth owners, annual renters or monthly renters without any refund of fees paid to the Wimberley Lions Club.
- 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 to the Wimberley Lions Club.

Market Days Vendor Information and Rules

Supplement for Buyers, New Booth Construction or Alterations to Existing Booths

The following is an aid to vendors who want to purchase a booth, build a new booth or modify an existing booth.

As part of the decision to build or purchase a booth, consider the following:

1. **LOCATION:** Visit Lions Field on one or more Market Days to determine the amount of shopper traffic.
2. **CONDITION:** Notice any unusual conditions at the site which might affect the booth now or in the future. For example, existing trees will grow and if you build too close to a tree, the Booth will probably be affected in the future. Notice how much ground slope is on the location. Water flows at will and a heavy rain could cause water damage from uphill drainage.
3. **BUDGET:** Determine which type of structure will work best for you and will be economical. Alternatives to an enclosed booth include:
 - a tent
 - a simple roof if the products can be placed on a dirt floor, with or without a lockable storage room
 - a roof and deck with no enclosed walls, with or without a lockable storage room
 - an open space
4. **APPEARANCE:** “Curb appeal” is very important. Lions Field has close to 500 Booths/Spaces and it is important that shoppers notice the booth and products. A key **negative** to being noticed is a booth that presents only a small opening, such as a single door in the front. Booths that open in the front, especially for the first five feet of depth, have a much greater chance of being noticed. The most popular booths have an open front for several feet with a storage closet or building in the back.
5. **SECURITY:** The nature of Lions Field is such that it is almost impossible to prevent unauthorized entry, although Market Day Management has requested the Hays County Sheriff to conduct random, “roving” patrols through the area. Design and build accordingly.

Some common construction mistakes to avoid:

1. Untreated wood touching the ground, such as sole plates or wall material, will rot very quickly. Consider using concrete blocks.
2. Trees growing through roofs or close to the structure can move in strong winds and can cause leaks and additional damage to the structure and goods stored within the space.
3. Undersized roof beams, rafters and wall construction can fail under load.
4. Use of “pressed wood” products can lead to structural failure when they become wet.