



Discovery Green® Flea Market Rules and Regulations

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Introduction

Discovery Green Flea is a carefully curated market where everything old is new again. The market will feature the best selection of vintage, collectible, recycled, renewed, and repurposed items that Houston has to offer. Discovery Green Flea will operate in accordance with all city, county, state and federal laws, for the benefit of vendors and customers alike. It is a project of Discovery Green Conservancy. [www.discoverygreen.com]. Discovery Green's mission is to operate an urban park that serves as a village green, a source of health and happiness for our citizens, and a window into the diverse talents and traditions that enrich life in Houston.

The purpose of these rules is to govern the operation, administration and management of the market under the control of Discovery Green Conservancy. In issuing rules, we hope to ensure the smooth operation of Discovery Green Flea.

Discovery Green Flea Rules may be revised at any time.

Discovery Green is a registered trademark of Discovery Green Conservancy. Discovery Green and Discovery Green Flea logos may not be used without permission.

Definitions

Agent: a representative of a vendor who is working on contract with the vendor to sell for the vendor at the Market.

Approved Product: a product that has been approved by the Discovery Green Flea Market Committee.

Concessionaire: a vendor selling food at Discovery Green Flea.

Craft Vendor: a person who creates a hand-made craft to sell at Discovery Green Flea.

Discovery Green Flea Advisory Committee: a committee of market vendor representatives and Discovery Green staff members. Please see the Governance of Market section of the Rules and Regulations for a complete description.

Discovery Green Flea Market Committee: a committee of Discovery Green staff members that approve or deny applicants into Discovery Green Flea. Please see the Governance of Market section of the Rules and Regulations for a complete description.

Market Manager: the Discovery Green staff member who supervises the operations of Discovery Green Flea.

Producer: the person who produces any value-added, ready-to-eat, or craft product.

Provisional Vendor: A vendor approved by the Market Manager to sell at the Market during a limited season or under specific circumstances.

Vendor: a seller at the Discovery Green Flea.

Admission of Products and Sellers

Applying to Discovery Green Flea: Discovery Green Flea operates in accordance with the City of Houston Common Market Permit. Any person wishing to sell at Discovery Green Flea must be compliant with the rules set forth in the ordinance. Please see City of Houston Code of Ordinance, Chapter 7.

All vendors must be in compliance with all applicable county, city, state, and federal regulations, and hold all required permits and/or licenses. All vendors are required to have a valid Texas Sales & Use Tax Permit, and must display during market hours.

Potential Vendors must review the Discovery Green Flea Rules and Regulations that are available on-line, submit the vendor application on the website, and provide support materials to Market staff as directed.

Discovery Green Flea Market Manager will review applications for compliance with market rules and external regulations, and determine:

- the appropriateness of the applicant's products based on the ongoing need for market growth,
- ability of vendor to consistently participate in Discovery Green Flea,
- perceived or expressed customer demand, and
- current supply of identical or similar products.

Approval Process: Applications will be approved or denied based on a market screening process, with the consensus of the Discovery Green Flea Market Committee. The Committee reserves the right to approve or deny individual products on an application, in which case the vendor may only sell approved products. Applications are taken exclusively online; Discovery Green staff will not take emails, phone calls or meetings initiated by applicants to discuss participation. Upon approval, new vendors may start selling at Discovery Green Flea on the date assigned by the market manager, pending the required permits and certifications and payment of the required new vendor fee. The Market Committee makes the ultimate judgment on vendor approval. All decisions made by Committee are final.

Products at Market:

1. Antique + Collectibles;
2. Crafts/Handmade;
3. Jewelry;
4. Vintage Clothing/New Clothing/Accessories;
5. Vintage Records/Music;
6. Repurposed Furniture + Accessories;
7. Vintage Furniture + Architectural Salvage;
8. Plants;
9. Other products determined to be compatible with the mission and goals of the Market.

Antique + Collectibles: When presenting yourself as an antique and/or collectible vendor, no new merchandise will be permitted. Any new or inappropriate items must be removed at the discretion of Market staff. Management has ultimate discretion on approval of antique and/or collectible items. In this context, “collectible” refers to re-usable, repurposed, and/or vintage items that are desired by collectors. Any vendor selling antiques or resale items in this context must be licensed with the City of Houston and in accordance with Chapter 7, Article II.

Crafts/Handmade: Crafters and producers of crafts must comply with the following rules:

- All crafts offered for sale must be handmade by the vendor. Preference will be given to craft items that are innovative, original, and of high quality.
- All crafts may be examined and approved by Discovery Green Flea management before they are admitted for sale at Market. Priority is given to those using recycled materials, traditional methods and tools.

Producers must demonstrate compliance with the craft rules in order to have a product approved. Market management may reject a product if it feels the product does not fit within the mission and goals of Discovery Green Flea.

Jewelry: Preference will be given to vintage jewelry. New, handmade jewelry created by the seller from recycled or repurposed objects will also be considered.

Vintage Clothing/New Clothing/Accessories: Vintage clothing may be sold at Discovery Green Flea. In this context, “vintage clothing” refers to excellent quality used clothing generally more than 20 years old. Additionally, new clothing may be sold if it has been hand-made by seller from vintage fabrics. Accessories sold by vendor must have at least 90% original, hand-made content. The remaining 10% or less of content may be devoted to input that is directly related to, or needed by, the item.

Vintage Records/Music/Other Media: Vendors may sell vintage records (vinyl/LPs/45s), 8 tracks, cassettes, and other media. New music on CDs should comprise no more than 10% of the displayed items. Vendors may have playing equipment on hand to demonstrate music, but should be respectful of performing musician. Market Manager may ask vendor to adjust volume or turn off player if it becomes a distraction.

Repurposed Furniture + Accessories: This type of item captures the very essence of Discovery Green Flea! New furniture and new accessories should be limited to 10% of the vendor’s display.

Vintage Furniture/Architectural Salvage: Architectural salvage is another important part of this market. Vendors should keep in mind the space limitations for display and storage when applying.

Plants: Plants, trees, bulbs, fresh and dried flowers, and decorative vegetation grown or legally gathered by seller within 200 miles of downtown Houston is permitted at Discovery Green Flea. Nursery and cut flowers require a state nursery license from the Department of Agriculture.

Limited service providers: May be added at the discretion of Discovery Green Flea Manager for creating diversity at Market, e.g. one massage therapist.

Provisional Vendor: Market staff may accept applications from potential vendors for special events or activities hosted at Discovery Green Flea, such as Holiday Seasons or Environmental Awareness Day. Applications from potential provisional vendors will be submitted to Market Manager for review and approval. All details of provisional vendor participation, including dates of participation, products offered, applicable fees, and other details must be approved and on file with Market Manager prior to market appearance.

New Products by Existing Vendors: Current market vendors who wish to introduce a new product that is not listed on the originally approved application must notify Market staff in writing of the new product with a complete description prior to offering the product for sale. Market Manager will review the new product according to the same criteria and timeline as stated above for new vendor applications.

Product Offerings and Display Area: Work displayed must be representative of your submitted application or you will be asked to remove it. Vendors are allowed up to 10% display area to be dedicated to new items that may enhance or add value to other products, as well as to diversify market offerings. All items must be approved by Market Manager.

Animals: No live animals may be sold or given away at Discovery Green Flea.

Insured/Release: As a condition of selling, all Vendors are required to either a) name Discovery Green Conservancy, Houston Downtown Park Corporation and the City of Houston as an additional insured on their general product liability policy, or b) sign the Release on the application. By applying to sell at Discovery Green Flea, the seller is agreeing to this condition.

Discovery Green Flea Operations

Market Season: The 3rd Saturday of every month.

Market Location: Discovery Green, 1500 McKinney, Houston, TX, 77010. Market will take place on the Grace Event Lawn, and on adjacent Maconda's Grove.

Market Hours: Hours will vary by season and will be announced in advance.

Market Set-up: Vendor set-up will be scheduled before opening on market day. Vendors are to temporarily park their vehicles in the designated space on Avenida de las Americas, unload their vehicles, receive one parking permit per reserved booth space from Market Staff, and park their vehicles in the designated lot. Vendor space might be reserved in the parking garage or a GRB Convention Center surface lot. Vendors are responsible for checking in with Market Manager upon arrival. If at any time the permitted vehicle leaves the designated parking space, that space will be lost and vendor must find alternate parking.

Booths must be set-up and staffed by 15 minutes before the Market start time. Early breakdown will not be permitted. Vendors must remove all material from market space within 2 hours of closing.

Opening of Market: Vendors may begin making sales to the public at the start time of the market.

Sales to people using wheelchairs, walkers or other means of facilitating their travel through Discovery Green Flea may begin fifteen minutes before opening of market.

Stalls: One stall (approximately 10' X 10') will be assigned to each vendor on the day of the Market. Stall assignments take into consideration product mix, customer flow, and safety.

Vendors are responsible for bringing their own 10 X 10 pop-up tent. Any tent color is fine.

Alternately, vendor may bring an umbrella, or have no covering at all (food vendors must bring a tent). Weather conditions may not be favorable, and vendor takes responsibility for any product damage or loss that may occur due to lack of cover.

DISCOVERY GREEN FLEA TAKES CANOPY SAFETY VERY SERIOUSLY: Each tent or umbrella must be weighted immediately upon being put up with sufficient weight (minimum 25 lbs.) on each leg to prevent the tent from being moved by the wind. Vendors who come to the Market without weights will not be allowed to use the tent or umbrella that day. Discovery Green is located in a wind tunnel area and has been known to have gusts of wind of almost hurricane strength at any time of any day, regardless of the general weather conditions.

A good reference for safety and weights for canopies:
<http://www.wafarmersmarkets.com/resources/canopysafety101.html>.

Vendor assumes all responsibility for set up and tear down of pop-up tents, tables, chairs, and booth display. If vendor prefers not to bring tables or chairs, they may be rented in advance from Discovery Green at the standard rate of

\$8.25/table and \$5.00/chair plus sales tax. Prices are subject to change. Rental tables and chairs will be available in the area and must be moved, set up and restored to the storage area by vendor.

Limited electricity (110 AC) is available at the additional rate of \$10.00 per market. It is the responsibility of the vendor to notify Market Manager of the need for electricity prior to market day. Vendors utilizing electricity at the Market must supply their own extension cords, and follow direction of Market Manager or other appointed Discovery Green Conservancy staff during set up.

Attendance at Discovery Green Flea: Vendors who are approved and attending Discovery Green Flea are encouraged to maintain a consistent attendance record, and must maintain compliance with all permit requirements.

Fees for 2014 Vendors: The following fee schedule applies to calendar 2014

- A New Vendor Fee of \$100 is due from each vendor upon acceptance into Discovery Green Flea.
- \$75 booth fee per market when committing to and paying for 1 or 2 markets at one time
- \$60 booth fee per market when committing to and paying for 3 or more dates at one time
- 50% discount off above booth fees for additional booths at the same market, same vendor (full price for first booth; additional booths may not be shared by 2 or more vendors)
- CHARTER MEMBERS ONLY: \$10 discount per market per vendor (Charter Members are vendors who were approved and participated in the Pilot Phase, September – December 2011)
- No discounts will be applied retroactively.

Booth Payment: Vendors are required to pre-pay for booth space in advance of market. An invoice will be sent by email. As a convenience to vendors, we accept payments online with credit and debit cards and e-checks. Payment must be received by Discovery Green by the Monday before market. Keep in mind that booth spaces may sell out before this deadline, so early payment is best. Once the market is full, no more vendors will be allowed to attend.

Weather Considerations: Discovery Green Flea is held rain or shine. In the event of extreme weather, market staff has the authority to cancel the market and/or schedule another market day. Vendors will be notified of any market closure by market manager. No cash refunds will be issued.

Product pricing: Vendors will determine the prices of their own products. It is required that vendors post their prices.

Signs: Each Vendor is required to post adequate signage. Business name must be displayed. Vendors are encouraged to market their area creatively and artistically to ensure profitable sales.

Safety around selling area: Tables and products must not encroach upon customer aisles. A pre-determined fire lane must be maintained. Product space must occur from assigned space only, not in the customer aisle. Rented tables and chairs are the property of Discovery Green and may not be tampered with.

Security: Discovery Green will have one on-site security guard to patrol the general area during market hours.

Professional manner: All vendors must conduct themselves in a courteous and professional manner as they sell at Discovery Green Flea. Vendors must treat customer, staff and volunteers of Discovery Green Flea and fellow vendors with respect.

Noise: No live or recorded music is allowed during market hours, other than music provided by approved Market performers. Exceptions are made for Music Vendors that wish to provide playing equipment to demonstrate music. No loud, aggressive promotion is allowed.

Smoking: No smoking is allowed at Discovery Green Flea.

Alcohol and drugs: No consumption of alcoholic beverages or drugs is allowed onsite during market hours by vendors or volunteers working the market. Alcoholic beverages are not to be sold by any Discovery Green Flea vendors, unless approved by management.

Weapons: Possession of weapons prohibited. No person shall enter the park with a weapon of any kind, concealed or open carry.

Departure: All Vendors must vacate the street and park vending areas within two hours after the market.

Cleanliness and Cleanup: All Vendors are required to clean up their own refuse, packaging material and any debris in their stall and selling area in a timely manner. During Discovery Green Flea hours, Vendors must continuously monitor the debris around their selling area and pick up any trash and keep their area clean. All trash picked up by the Vendors must be placed within the recycling receptacles provided by Discovery Green. Tables rented from Discovery Green must be wiped clean, folded and returned to designated storage space.

Photo Release/Waiver: All vendors must sign a photo release upon acceptance into Discovery Green Flea.

Discovery Green Flea Concessions

Discovery Green Flea will allow a small number of vendors to sell concessions at the Market. These concessions will be complementary to the Market and will be reviewed on a case-by-case basis. All Food Vendors are subject to Rules and Regulations of Discovery Green Flea and must submit a Food Vendor Application.

The following may be allowed at Discovery Green Flea:

1. Ready-to-eat foods;
2. Foods to be consumed elsewhere;
3. Food trucks

Ready to Eat Food Vendors: All foods must be prepared and served in compliance with all city and county health regulations. The Discovery Green Flea Market Manager has final say on types of food to be allowed at each market event. Prior appearance at market does not guarantee future appearances.

All Vendors of ready-to-eat products must show proof of current and required licenses, permits, and liability insurance policies and have a copy on file with Discovery Green Flea. They must also keep copies of all required licenses, permits and insurance papers available at Discovery Green Flea for inspection by government officials.

All menus must be clearly marked as to price and type. Vendors of ready-to-eat products may not sell food not originally listed on the application without prior approval of Discovery Green Flea Market Manager.

All city, county and state health regulations must be followed. Prepared food vendors must provide adequate facilities to keep hot and cold foods at prescribed temperatures as per city of Houston and Harris County Health Department requirements.

Vendors with foods to be consumed elsewhere: Vendors may apply to sell prepared foods to be taken away from the market premises to be consumed elsewhere. All foods must be prepared and sold in full compliance with all relevant city and county health regulations.

Prepackaging (prepared foods): All closed consumer containers shall be labeled with the following: quantity or weight of the contents, the name and address of the producer and a list of all the ingredients, with the highest proportion ingredients listed first in descending order. Each container must have a tamper seal that is to be broken prior to opening.

Food Truck Operators: Food trucks vendors may apply to Discovery Green Flea, provided they are registered and licensed with the City of Houston Department of Health and Human Services, and in compliance with all rules set forth in Chapter 20, Section 20-22 of the Ordinance.

Insurance Requirements for Food Vendors:

1. Before being allowed to sell at Discovery Green Flea, concessionaires must provide a certificate of insurance that shows at least the following coverage:
 - General liability insurance coverage including products liability.
 - At least \$1,000,000 limit of coverage for single occurrences and \$2,000,000 aggregate.
2. The certificate must read as follows: “Discovery Green Conservancy, Houston Downtown Park Corporation, Houston First Corporation and City of Houston, its officers, employees, agents, and trustees are herein named as additional insured.”

This exact wording and coverage is required on all certificates or the vendor will not be allowed to sell.
3. The insurance carrier must have a financial rating satisfactory to Discovery Green.
4. A waiver of subrogation must include the following language: “Waiver of subrogation is provided in favor of the Certificate Holder in regards to general liability. The insured’s coverage shown on this certificate is primary and non contributory to any insurance in effect for the certificate holder”, or the blanket endorsement.

Other Concessionaire Requirements:

1. Food vendors are responsible for all catering materials brought into the park, food preparation, busing during and after the event, breakdown immediately following the event (excepting only materials owned by Discovery Green Conservancy) and cleanup. All catering supplies and equipment must be removed from the premises immediately following the event. Discovery Green is not responsible for loss of catering supplies, equipment or any other property which is under the care and control of the food vendor.
2. Food vendors shall not dig, stake or otherwise penetrate the ground surface with any post, stick rod or other object. The park has an extensive network of irrigation lines, drain lines, water lines and other infrastructure that could be damaged by such actions, and the caterer will be responsible for the cost of repairs if any of these lines are damaged.
3. Food vendors are required to follow the instruction of the Market Manager or other Market staff during set up. Food vendors must bring, and be set up in, their own 10 X 10 tent.
4. Removal of leftover ice, foodstuff, catering trash, etc. is the responsibility of the food vendor. The food vendor must remove all food trash from the premises. Discovery Green does **not** have facilities or dumpsters for food trash disposables. Glass bottles or liquid waste may **not** be placed in trash bags. Trash **must be double bagged** and may **not** be over loaded or excessively heavy. Heavy bags must be lightened by the caterer. Trash cans and liners are to be provided by caterer.

Do not empty solid debris (lime wedges, shrimp tails, grease or oil, etc.) anywhere in the park.

5. A Temporary Food Dealer’s Permit may be required for certain food vendors. It is always recommended to check with the city’s Health & Human Services Dept. for verification. See <http://www.houstontx.gov/specialevents/pdf/foodguidelines.pdf> for more information.
6. Liquefied Petroleum Gas (Propane) & Bar-B-Que Pits:
 - HFD standby required for any amount of propane appliances in District of Limitation 1 (Downtown). Standby will report one hour prior to event and remain one hour after event for connecting and disconnecting of propane cylinders.
 - Licensed LP-Gas Company shall perform all connections for propane appliances in District of Limitation 1.
 - Storage of spare propane cylinders shall not be permitted within District of Limitations 1 & 2.
 - Current inspection sticker on all propane appliances from a licensed LP –Gas Company.
 - HFD standby &/or licensed LP-Gas Company must be present when propane cylinders arrive on site in District of Limitations 1.
 - Licensee is not permitted according to fire regulations to bring propane cylinders into District of Limitations 1 & 2 (including the park) to store for any length of time before usage. Propane cylinders are only allowed on site

when it is actually time to cook and only in the presences of the HFD standby &/or licensed LP-Gas Company.

- A permit is not required for use of Bar-B-Que pits, but all charcoal will be started with an electrical starter designed for this purpose. NO liquid starters will be permitted. (Quick-starting charcoal is recommended)
- Lighting of charcoal pits must be in the presence of a Discovery Green staff member to ensure safety of park patron, staff members and attendees, and to ensure no possible damage or risk of fire to park property.

Note: For more information contact Inspector Bertzell Freeman at (713) 859-4523 or bertzell.freeman@houstontx.com

Discovery Green Flea Entertainment

Discovery Green Flea's Entertainment schedule is developed from the recommendations of a wide variety of music experts who understand Discovery Green Flea's goals and Houston's local music scene. At this time, we are unable to review materials, listen to cds or music files or respond directly to any inquiries.

Non Compliance and Penalties

Violations of market rules will result in the following disciplinary action by Market Manager:

Violation	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense	5th Offense
No show <i>without calling to cancel</i>	Verbal Warning	Written Warning	Written Warning	Expelled from market (may reapply after 6 months)	
Selling products that are not pre-approved by management	Verbal Warning	Written Warning + \$20 fine*	Written Warning + \$30 fine*	\$30 fine* + skip 1 market	
Required permits and/or certifications not displayed	Verbal Warning	Written Warning	\$15 fine*	\$25 fine*	\$35 fine*
Non-compliance with local health dept. regulations	Verbal Warning	Written Warning	\$15 fine*	\$25 fine*	\$35 fine*
Any other violation of Discovery Green Flea Rules	Written Warning	\$15 fine*	\$25 fine*		
* Vendor may be subject to any fine that is incurred by Discovery Green as a result of vendor misconduct. The fine is due and payable whether or not the vendor returns.					

Amendments

Discovery Green Flea Rules may be revised at any time by the Market Committee. Vendors will be notified of changes, and may download new Rules and Regulations from Market website.