



# **Downtown Ennis Bluebonnet Market Guidelines**

Policies  
Procedures  
Permits

## **Ennis Bluebonnet Market**

108 W Knox  
Ennis, TX 75119

Published December 2020

This document is a “general guideline” and does not supersede current City of Ennis ordinances.

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# Application Requirements and General Information

**Vision:** Establish and support activities that encourage and support downtown revitalization and economic growth for the City of Ennis while building a sense of community.

**Mission:** Establish and operate an outdoor market, located in downtown Ennis beginning in April of 2020.

**Purpose:** Enhance the quality of life within our community by supporting local merchants and farmers and promoting the continuing development for the City of Enns.

Please make sure that you read the contents of this packet in its entirety before submitting an application.

All vendors must complete and submit:

1. Vendor Application
2. Indemnity Agreement

Food vendors (not including produce or cottage food producers) must also complete and submit:

1. Data sheet of Temporary Food Establishments
2. Any required licenses, permits, or other documents needed by the Health Department.

Forms should be directed to:

Bluebonnet Market    or    Email: [farmersmarket@ennistx.gov](mailto:farmersmarket@ennistx.gov)  
108 W Knox  
Ennis, TX 75119

# **Market Rules and Regulations**

## General Vendor Guidelines

1. The market is located on North Dallas St (downtown Ennis).
2. Hours of operation are 8 am to 12 pm every Saturday, rain or shine, April through October.
3. Vendors should arrive no earlier than 6:30 am and should be set up and ready to greet customers for the opening of the market at 8 am.
4. The City of Ennis will have final approval of all vendor participation and final authority on site to interpret and enforce rules and regulations.
5. Vendors not complying with instructions or rules of the market will be considered in material breach and default of the agreements, and may be asked to vacate the premises immediately.
6. The City of Ennis may at its sole discretion revise the Rules and Regulations, and may alter operations of the market at any time. Current rules will be available at City Hall, the Welcome Center and on the City website.
7. Vendors agree to comply with rules of the market and abide by the final decisions of the City of Ennis.
8. The City of Ennis reserves the rights to reject any application.
9. For the safety of our customers, there will be no vehicular traffic inside the market area from 8 am to 12 pm on market days. If you arrive late or need to leave early, please park in the parking lot at the corner of Knox St. and McKinney. Merchandise may be hand carried into the market area.
10. Vendors shall sell only items that have been approved on the application submitted. The market has sole discretion to add or delete items from the list, and unacceptable merchandise quality will not be sold at the market.
11. No produce purchased at any retail outlet, even at a reduced cost, can be sold at the market.
12. All vendors must submit weekly sales totals to the Market Coordinator. This can be done by phone or email. Vendor sales will be used to determine the market's effectiveness.

13. All vendors without exception, must sign the Indemnity Agreement before they can sell at the market.

## Market Location



The normal market location, for markets on **non-festival days**, is represented by the red on the map. This is located at the 100 block of North Dallas St.

During festival days the market will utilize the 100 block of North McKinney St, this is due to Dallas St. being unavailable during **festival days**. These festival days will include the Bluebonnet Trails Festival, Polka Festival, Autumn Daze, and any other downtown festivals or events that may occur on Dallas St. The Market Coordinator will alert vendors when the market will need to be relocated to McKinney St.

## Required Permits and Fees

All vendors must receive a “Market Vendor Permit” to participate in the Bluebonnet Market. Food vendors are subject to additional fees and requirements as mandated by the Health department.

### **Market Vendor Permit**

(No charge - includes Cottage Food producers)

### **Temporary Food Establishment Permit**

(\$50 - covers the entire market season, fee goes directly to the health department)

### **Promotional Booths**

(\$50 - covers one market date, in one season)

### **Fundraiser Booths**

(No charge - includes non-profits, churches, school organization, etc.)

## Market Code of Conduct

The Bluebonnet Market is a city-owned and operated facility. The City’s minimum expectations for all market vendors are that they are reliable, are set up and ready to greet customers at 8 am for the opening of the market, and that they keep good, positive attitudes for the duration of the market hours and season. Market vendors are expected to meet these expectations, in addition to complying with the market rules and regulations, to be allowed to continue their participation in the market. Incidents of unruliness and verbal disdain will not be tolerated and will result in immediate and permanent expulsion from the market.

Concerns or complaints may be discussed with the City representative on-site before and after market hours. If for any reason they are unable to resolve they will contact the ED Coordinator to discuss possible solutions.

1. The market is a “family friendly” area and all are expected to act appropriately.
2. Vendors are required to wear shoes and shirts at all times. Vendors should wear clean clothing and present a professional appearance.
3. Vendors may not smoke in any vendor area.
4. Foul language profanity, or other rude behavior is not permitted.

5. Possession of firearms or consumption of alcohol or use of drugs or operating under the influence is not permitted and is grounds for permanent eviction from the market.



## Space Assignment

The City will work to ensure that all vendors have an appropriate booth space. Our goal is to provide the citizens of Ennis a wide variety of goods at the market. The following rules will apply to space assignment.

1. Vendors with a history of good attendance at the market will be given first priority and will receive a regular assigned space. Reserved spaces not occupied 30 minutes prior to the opening of the market may be reassigned.
2. Each vendor will be assigned one 10 x 10 space.
3. Vendors acting as a CO-OP will be assigned one 10 x 10 space.
4. Requests for additional spaces will be contingent on history with the market and demonstrated sales.
5. Booth spaces not assigned to regular season vendors will be on a first come, first served basis on market days.
6. A vendor forfeits their reserved space if three markets are without notifying the Market Coordinator.

## Vendor Rules

1. All vendors must complete and submit a Vendor Application which includes acceptance of the Market Rules and Regulation, and adherence to related governmental rules and permit requirements.
2. Required applications, permits, licenses, and fees must be completed before vendors will be allowed to participate in the market.
3. All vendors must display a sign in their space that clearly identifies the name of the vendor and their location (county of city). Other information such as telephone numbers or websites may be included.
4. Vendors must provide their own table, chairs, tent (10 x 10), tent weights, and refrigeration (if needed).

5. Assume electricity is not available unless verified by the City. If electricity is available, vendors must supply their own extension cords and mats or tape to cover any portions of the cord that lie in any walking area used by market customers.
6. Vendors who require electricity to comply with health department requirements have priority over electrical uses not required to ensure product safety.
7. Vendors and their employees are responsible for informing themselves about and complying with federal, state, and local health regulations and licensing requirements governing the production, display, distribution, sampling, and sale of their products.
8. Vendors providing samples of their products must comply with the rules governing market sanitation and health issues from the City of Ennis Health Department or other Authorities.
9. Manufactured food products must meet City of Ennis Health Department requirements, including licensing and permitting rules.
10. Food and food products produced by “Cottage Food Producers” may be sold at the market pursuant to the rules and regulations established by the State of Texas Department of Health.
11. All foods must be properly labeled. No unlabeled packaged or processed foods are allowed.
12. For information on the sale of manufactured canned or other processed foods contact the City of Ennis Health Department at 972-875-6444 X2304.
13. The vendor is solely responsible and liable for any claims and damages resulting from the sale of unsafe, unapproved, or unsound goods.
14. Artisans and vendors must supply all materials and containers for customer sales.
15. The City of Ennis will determine eligible participation. All decisions are final.
16. Vendors are responsible for obtaining a *sales tax* number if required by the state of Texas and collecting and paying any sales tax that may be assessed on their products. The vendor shall be responsible for filing any and all returns required by the State of Texas with respect to sales tax location. The Bluebonnet Market will not involve itself in

collection, audit, or other related sales tax activities. For more information see the Texas Comptroller's website at <http://www.window.state.tx.us/taxinfo/sales/index.html>.

17. Trash must be placed in suitable containers. The market provides trash barrels for vendor convenience. Boxes that are left at the market for disposal must be broken down and placed near the trash receptacles. No trash should be left in the market area.
18. Public restrooms are available near the site location.
19. The market offers space, when available, to city and community organizations at no cost for educational and outreach purposes only.
20. Fundraising opportunities are also available for nonprofit organizations. Items offered for sale will be by approval only.
21. It is the responsibility of the prospective vendor to complete, sign, and return all required paperwork and fees. Incomplete packets will not be processed.

NOTE: Your permit to participate in the Bluebonnet Market is valid only for the area designated for that use. If you wish to participate in any other event, you must apply through the proper channels for the event and pay any vendor fees required for that event.

# Vendor Categories

The Bluebonnet Market groups vendors into three categories. Those categories are listed below and include examples of the type of products the vendors can sell at the market.

**General Vendors:** those selling fresh garden produce and other items not considered food products.

**Examples:** fruit, garden produce, flowers, arts & crafts, herbal tinctures, herbs, soaps, body care, bath products, seeds, jewelry, and accessories (not inclusive).

**Cottage Food Producers:** are those "home based" vendors selling food products cooked and prepared in their kitchen and meeting the special requirements established by the Texas Department of Health.

**Examples:** Baked goods, breads, rolls, biscuits, sweet breads, muffins, Cakes (birthday, wedding, anniversary, etc), pastries, cookies, candy, coated and uncoated nuts, unroasted nut butters, fruit butters, canned jams or jellies, fruit pies, dehydrated fruit or vegetables, including dried beans, popcorn and popcorn snacks, cereal - including granola, dry mixes, vinegar, pickles, mustard, roasted coffee or dry tea, dried herbs and dried herb mixtures (not all inclusive).

**Promotional Booths:** are booths that do fall within the other vendor categories. These include booths where a business is solely advertising a product or service that is sold/performed off-site. Promotional booths will be required a \$50 fee per market date in a season, and are limited to 2 dates. Only one promotional booth is allowed per market, dates are first-come first-serve.

**Example:** Subscription boxes, local businesses like furniture stores, restaurants, photographers, tax services, etc.

**Fundraising Booths:** There is no fee for approved fundraising booths. Like promotional booths, fundraising booths are limited to 2 market dates a season, dates are first-come first-serve.

**Example:** Churches, non-profits, school organizations, toy drives, etc.

**Temporary Food Establishments:** are those vendors selling manufactured or prepared food products considered potentially dangerous. These require a special permit and are subject to special requirements by the City of Ennis Health Department.

**Examples:** Fresh or dried meat or meat products including jerky, canned fruits, vegetables, vegetable butters, salsas etc., kolaches with meat, fish or shellfish products, canned pickled products such as corn relish and sauerkraut, raw seed sprouts, bakery

goods which require any type of refrigeration such as cream, custard or meringue pies and cakes or pastries with cream cheese icings or fillings, milk and dairy products including hard, soft and cottage cheeses and yogurt, fresh fruits dipped or coated in chocolate or similar confections; fresh vegetables, and juices made from fresh fruits or vegetables, ice or ice products, barbeque sauces and ketchups, focaccia-style breads with vegetables or cheeses, chocolate covered graham crackers, rice krispy treats, dried pasta, sauerkraut, relishes, salsas, sorghum, lemonade, juices, hot chocolate or similar beverages (not all inclusive).

Questions about requirements for specific food items should be directed to the City of Ennis Health Department at 972-875-6444 X2304.

## **Cottage Food Production Operations**

1. During the 83rd Legislature, Regular Session 2013, the Texas Legislature enacted House Bill 970 that amends the Health and Safety Code (HSC), Chapter 437, by amending provisions for cottage food production operations. This law is effective September 1, 2013. As of 2019, these provisions have been updated.
2. A cottage food production operation is exempt from the requirements of a food service establishment and does not have to comply with the Texas Food Establishment Rules. Health departments do not have regulatory authority to conduct inspections of a cottage food production operation. However, the Department or local health authority has authority to act to prevent an immediate and serious threat to human life or health through emergency order, recall orders and delegation of powers or duties. Health departments are required to maintain records of all complaints against a cottage food production operation.
3. A cottage food production operation is defined as an individual, operating out of the individual's home, who:
  - a. Produces a baked good, candy, coated and uncoated nuts, unroasted nut butters, fruit butters, a canned jam or jelly, a fruit pie, dehydrated fruit or vegetables, including dried beans, popcorn and popcorn snacks, cereal, including granola, dry mix, vinegar, pickles, mustard, roasted coffee or dry tea, or a dried herb or dried herb mix.
  - b. Has an annual gross income of \$50,000 or less from the sale of the described foods; and
  - c. Sells the foods produced directly to consumers at the individual's home, a farmers' market, a farm stand, or a municipal, county, or nonprofit fair, festival or event.
  - d. Delivers products to the consumer at the point of sale or another location designated by the consumer.
4. An individual who operates a cottage food production operation must successfully complete a basic food safety education or training program for food handlers accredited under Health and Safety Code, Chapter 438(D) by January 1, 2014.

5. A cottage food production may not sell to customers potentially hazardous foods. A potentially hazardous food (PHF) is a food that requires time and temperature control for safety (TCS) to limit pathogen growth or toxin production. In other words, a food must be held under proper temperature controls, such as refrigeration to prevent the growth of bacteria that may cause human illness. A PHF/TCS is a food that: contains protein, moisture (water activity greater than 0.85), and is neutral to slightly acidic (pH between 4.6 -7.5).
6. Foods sold by a cottage food production operation must be packaged and labeled. The food must be packaged in a manner that prevents product contamination, except for foods that are too large and or bulky for conventional packaging. The labeling information for foods that are not packaged must be provided to the consumer on an invoice or receipt. The label must include:
  - a. The name and address of the cottage food production operation;
  - b. The common or usual name of the product, if a food is made with a major food allergen, such as eggs, nuts, soy, peanuts, milk or wheat that ingredient must be listed on the label;
  - c. A statement: "This food is made in a home kitchen and is not inspected by the Department of State Health Services or a local health department."
  - d. The labels must be legible.
7. Food produced by a cottage food production operation may not be sold via the Internet, by mail order or at wholesale.

## Cottage Food Production Frequently Asked Questions

1. What is a cottage food production operation?
  - a. A cottage food production operation is defined as an individual, operating out of the individual's home, who:
    - i. Produces a baked good, candy, coated and uncoated nuts, unroasted nut butters, fruit butters, a canned jam or jelly, a fruit pie, dehydrated fruit or vegetables, including dried beans, popcorn and popcorn snacks, cereal, including granola, dry mix, vinegar, pickles, mustard, roasted coffee or dry tea, or a dried herb or dried herb mix.
    - ii. Has an annual gross income of \$50,000 or less from the sale of the described foods.
    - iii. Sells the foods produced directly to consumers at the individual's home, a farmers' market, a farm stand, or a municipal, county, or nonprofit fair, festival or event
    - iv. Delivers products to the consumer at the point of sale or another location designated by the consumer.
2. Is a cottage food production operation a food service establishment?
  - a. No. A cottage food production operation is not a food service establishment.
3. What is the definition of a baked good?
  - a. A baked good is a food item prepared by baking the item in an oven, which includes cookies, cakes, breads, Danishes, donuts, pastries, pies, and other items that are prepared by baking.
4. What are some examples of foods that can be prepared at a cottage food production operation?
  - a. Any food excluding meat, that does NOT require Time or Temperature Control for Safety (NTCS). The following are examples of non-potentially hazardous foods that may be prepared and sold at a cottage food production operation:



- i. Baked goods that do not require refrigeration (including bread, rolls, buns, biscuits, bagels, croissants, pastries, doughnuts, Danishes, cakes, tortes, pies, tarts, muffins, lemon squares, cookies, large pretzels, and tortillas.)
- ii. Candy (including fudge, divinity, peanut brittle, toffee, chocolate, chocolate-dipped pretzels, chocolate-dipped Oreos, marshmallows, rice cereal treats, etc.)
- iii. Coated and uncoated nuts
- iv. Unroasted nut butters
- v. High acid or acidified fruit butters
- vi. Canned jams or jellies
- vii. Fruit pies (including pecan)
- viii. Dehydrated fruit or vegetables (including dried beans)
- ix. Popcorn and popcorn snacks
- x. Cereal, including granola
- xi. Dry mixes
- xii. Vinegar
- xiii. Mustard
- xiv. Roasted coffee or dry tea
- xv. Dried herbs and dried herb mixtures
- xvi. Whole (uncut) frozen fruits and vegetables
- xvii. Canned acidified plant-based foods with a pH of 4.6 or less\*
- xviii. Fermented vegetables with a pH of 4.6 or less\*
- xix. Pickled fruits or vegetables with a pH of 4.6 or less

[\\* More information on canning, pickling, and fermenting here.](#)

5. What is a “Not Time or Temperature Controlled for Safety” (NTCS) food?

NTCS foods are foods with a low water activity and low pH level that inhibit the growth of dangerous pathogens or toxins. Basically, it means non-perishable foods; foods that you would not normally keep in the refrigerator. Foods that are perishable, such as cheesecakes, or custard fillings, or meringue pies, are not covered in the law. To sell

foods that require refrigeration, you must contact your local Health Department and find out how to comply with their requirements. You would not be able to sell those foods if they are made in your home kitchen.

6. What types of foods are **not** allowed to be sold at a cottage food production operation?
  - a. The following foods are examples of food that cannot be produced by a cottage food production operation.
    - i. Fresh or dried meat or meat products including jerky
    - ii. Canned fruits, vegetables, vegetable butters, salsas etc.
    - iii. Kolaches with meat
    - iv. Fish or shellfish products
    - v. Canned pickled products such as corn relish and sauerkraut
    - vi. Raw seed sprouts
    - vii. Bakery goods which require any type of refrigeration such as cream, custard or meringue pies and cakes or pastries with cream cheese icings or fillings
    - viii. Milk and dairy products including hard, soft and cottage cheeses and yogurt
    - ix. Fresh fruits dipped or coated in chocolate or similar confections; fresh vegetables, and juices made from fresh fruits or vegetables
    - x. Ice or ice products
    - xi. Barbeque sauces and ketchups
    - xii. Focaccia-style breads with vegetables or cheeses
    - xiii. Chocolate covered graham crackers, Rice Krispy treats
    - xiv. Dried pasta
    - xv. Sauerkraut, relishes, salsas, sorghum
    - xvi. Lemonade, juices, hot chocolate or similar beverages
7. What is a potentially hazardous food/time and temperature control for safety food (PHF/TCS)?

- a. A potentially hazardous food (PHF) is a food that requires time and temperature control for safety (TCS) to limit pathogen growth or toxin production. In other words, food must be held under proper temperature controls, such as refrigeration to prevent the growth of bacteria that may cause human illness. A PHF/TCS is a food that: contains protein, moisture (water activity greater than 0.85), and is neutral to slightly acidic (pH between 4.6 -7.5).
8. Where may a Cottage Food Production Operation (CFPO) sell products?
  - a. You can sell your food directly to the end consumer anywhere in Texas. This is a significant change from the law as it existed from 2013-2019. You can now sell at any type of event, it doesn't matter if the sponsor is for-profit or non-profit. Be aware that local ordinances apply. If a local ordinance says you can't set up a tent by the side of the road in a particular city, then you must follow that law.
9. Can I use the internet to sell my cottage food products?
  - a. You may sell your food on the internet, in Texas, as long as you personally deliver the food to your customer. All the information on your labels, except your home address, must be provided to the customer BEFORE the customer pays for the food. You can make this information available to the customer by posting it on your web site, or any other method of communication.
10. Can I give out samples?
  - a. Yes, as long as your samples are packaged and labeled in your home kitchen. The health department cannot impose any fees, permits, or additional restrictions on you as long as your samples are packaged and labeled. If you want to do open sampling on-site, such as cutting a cake and serving it on a plate at a bridal fair, this would require a permit from the health department, and they may require you to make these samples in a commercial kitchen. The easiest way for a cottage food producer to avoid permits, fees, and expensive commercial kitchen rental, is simply to package and label the samples in your home kitchen.

**At a farmers market:**

- b. Sampling at farmers markets is handled differently and is covered by a different law. Cottage food producers are covered by this law so you do not have to do the individual packaging and labeling at a farmers market.

[Read FARFA's explanation of farmers market sampling.](#)

11. Can I make cottage food products in another building on my property?

- a. NO - The law requires cottage food products to be produced in a primary residence that contains a kitchen and appliances designed for common residential usage.

12. Is labeling required on food items produced by a cottage food production operation?

- a. YES - Foods sold by a cottage food production operation must be packaged and labeled. The food must be packaged in a manner that prevents product contamination, except for foods that are too large and or bulky for conventional packaging. The labeling information for foods that are not packaged must be provided to the consumer on an invoice or receipt. The label must include the following information:
  - i. The name and address of the cottage food production operation;
  - ii. The common or usual name of the product, if a food is made with a major food allergen, such as eggs, nuts, soy, peanuts, milk or wheat that ingredient must be listed on the label; and
  - iii. A statement: "This food is made in a home kitchen and is not inspected by the Department of State Health Services or a local health department."
  - iv. The labels must be legible.

13. Do I need a permit or license for my cottage food production operation?

- a. NO - You do not need a permit or license from the Texas Department of State Health Services to operate a cottage food production operation. You will need a food handlers certificate.

14. Is there a limit as to how much I can earn from my cottage food production operation?

- a. YES - A cottage food production operation is limited to an annual gross income of \$50,000 or less from the sale of food produced at the cottage food production operation.
15. Is there a process for submitting a complaint against a cottage food production operation?
- a. YES - A complaint may be submitted to the Texas Department of State Health Services (DSHS) for cottage food production operations located under DSHS jurisdiction at: <http://www.dshs.state.tx.us/foodestablishments/complaint>. If the cottage food production operation is located under the jurisdiction of a local health authority, that complaint must be registered with the local health authority.
16. Will the Department of State Health Services conduct inspections at cottage food production operations?
- a. NO - The Texas Department of State Health Services does not have authority to conduct inspections at a cottage food production operation. However, the Department may investigate a complaint regarding preparation of potentially hazardous food at a private residence. The Department has authority to act to prevent an immediate and serious threat to human life or health through emergency order, recall orders and delegation of powers or duties.
17. Will I need to comply with local zoning or other laws?
- a. A municipal zoning ordinance may not prohibit the use of a home for cottage food production operations. Please contact the local municipal governmental agency for requirements concerning zoning laws.
18. Will the Department be required to write rules concerning cottage food production operations in a separate chapter outside the Texas Food Establishment Rules?
- a. YES - The department is in the process of amending the rule concerning the regulation of cottage food production operations to comply with the requirements of House Bill 970. Title 25 of the Texas Administrative Code, Section 229.661 provides definitions for cottage food production operations, labeling requirements, complaint database requirements, and sales location requirements.

19. Can a Cottage Food Production Operation deliver food produced by the operation to the customer who purchased the food product?

- a. YES - A Cottage Food Production Operation may deliver products to the consumer at the point of sale or another location designated by the consumer.

20. Is honey a cottage food?

- a. YES -. Because honey does not require time or temperature control for safety, it can be sold as a cottage food. Per the Farm and Ranch Freedom Alliance, other labeling regulations from the Texas Agriculture Code, Chapter 131, Subchapter E, apply.

# Temporary Food Establishments

## General Guidelines

A temporary food establishment is one which operates at a fixed location for a limited period of time in connection with a single event or celebration (i.e. fair, carnival, circus, public exhibition or similar transitory gathering); or a concessionaire operating under a seasonal contract with either the park and recreation department or the municipal produce market. The "temporary" classification of food service establishments may not be used to circumvent the law by selling food on a continual basis under a temporary permit instead of obtaining a building permit and fixed facility health permit.

**FAILURE TO MEET PROVISIONS OF THESE REGULATIONS WILL RESULT IN A MUNICIPAL COURT CITATION AND FINES OF UP TO \$2,000 FOR EACH VIOLATION.**

1. An operator of a Temporary Food Service establishment, must apply for a Temporary Food Establishment permit a non-refundable application fee of \$50.00 (covers the entire season of the market.)
2. The permits must be obtained from the City of Ennis Health Department at 105 S Preston St. M-F 8-5. The applications should be submitted at least 7 days prior to the event. Each application is reviewed with the applicant to ensure that they are aware of all requirements. Guidelines as well as comments and approved menu items are printed on the application.
3. Non-profit groups are exempt from the fee but must submit an application and obtain approval for a food permit.
4. Food Manufacturers must submit a copy of the state manufacturers license along with the application.
5. Only certain foods, which are pre-approved and require minimal handling, will be considered.

6. Potentially Hazardous Foods (PHF) will be limited to only three (3) types. PHF includes meats, eggs, dairy products, rice, beans, potatoes, etc. Seafood and poultry are only allowed under two conditions:
  - a. Raw products must be pre-cut, breaded and frozen, and go from the freezer to the deep fryer or
  - b. Product must be pre-cooked.
7. The only PHF allowed to be cooked on site from a raw state are those which are fast cooking, such as: Pre-formed hamburger patties b. Beef fajitas C. Sausages, hotdogs, etc.
8. All other PHF must be prepared and cooked at a permitted food facility that is inspected regularly. All cooked food products must be properly transported to the temporary site while maintaining proper temperatures. If hot and cold running water with a three-compartment sink is available, more extensive food preparation may be allowed. **HOME PREPARATION OR STORAGE OF PHF IS NOT ALLOWED.**
9. All temporary food establishments are required to have approved flooring, which may include concrete, asphalt, or tight-fitting plywood.
10. All stands must have a suitable overhead covering for food preparation, cooking, utensil washing and serving areas. Such covering must meet Fire Code requirements. A table skirt or other form of protection is recommended to protect food, single service articles and utensils. Booths must have barriers to protect food and prevent customers from entering into the booth. All grills must have overhead covering while in use.
11. Effective hair restraints, including hairnets, caps or hair sprays, are required in food preparation and serving areas.
12. Food handling personnel must wash their hands as frequently as necessary to keep them clean, even though disposable gloves may be used. Nails must be closely trimmed and maintained. No sculptured nails or chipped nail polish is allowed.
13. Gum chewing, eating, drinking, and the use of tobacco in all forms are prohibited in food preparation or service areas.



14. All foods, food containers, utensils, napkins, straws and single service articles must be stored at least 6" off the floor and adequately protected from splash, dust, insects, weather or other contaminations.
15. All condiments, including onions, relish, sauces, peppers, catsup, mustard, etc., available for customer use must be in self-service packets or be dispensed from sanitary automatic dispensers.
16. All PHF requiring refrigeration must be stored at a temperature not to exceed 41°F or colder. PHF, which are required to be held hot, must maintain a temperature of 135°F or hotter to prevent bacterial growth.
17. Mechanical holding units are required in each booth to ensure that proper temperature is maintained. Canned heat (sternos) is not allowed for maintaining hot food temperatures outside. Ice chests may be used for maintaining prepackaged food cold but the chest must be self-draining into a wastewater container.
18. Open and unprotected displays of food are not allowed. When using chafing dishes, only hinged-lid types will be allowed so that at least half of the food remains covered at all times.
19. All establishments that handle or prepare unpackaged foods are required to have convenient hand washing and utensil washing facilities. The number, type and size of sinks required will be determined by the type of operation to be conducted. Disposable gloves are recommended and may be utilized.
20. Those establishments that operate for 96 hours or less and do not have conveniently available hot and cold running water and sanitary sewerage facilities **MUST FURNISH THE FOLLOWING FACILITIES**, when all food items are not pre-packaged.

**WATER SUPPLY:**

At least five (5) gallons of potable water in a durable plastic dispensing container to be used for hand washing, utensil cleaning and sanitizing; if potable water replenishment is not readily available, additional containers of potable water may be required.

#### **HANDWASHING:**

- One (1) durable plastic container with a spigot containing free flowing potable water.
- Hand washing soap and disposable paper towels.
- Disposable gloves are recommended but do not take the place of hand washing.
- Collection containers must be present for wastewater. (SEE TEMPORARY: Quick Reference Checklist)

#### **WASHING AND SANITIZING:**

- Two (2) durable plastic tubs of at least two gallon capacity; one for washing and one with chlorine liquid bleach/water solution of fifty (50) parts per million or greater for sanitizing.
- An adequate size container of household liquid chlorine bleach and chlorine test strips to verify the concentration of chlorine is at least fifty (50) parts per million.
- All wiping cloths must be stored, between uses, in an approved sanitizer solution at the proper concentration. If chlorine is used as the sanitizer, a solution of hundred (100) parts per million is required. Chemical test strips for the approved sanitizer being used must be maintained on site to ensure the proper concentration of the sanitizer. (SEE TEMPORARY: Quick Reference Checklist)

#### **WATER & GARBAGE DISPOSAL:**

- A five (5) gallon plastic container with a small opening and a funnel to receive and store liquid wastes until proper disposal can be made into a sanitary sewer system.

- Convenient solid waste containers, preferably with plastic liners and lids are required.

21. Those establishments which operate more than 96 hours and serve food products other than all pre packaged items MUST PROVIDE HOT AND COLD RUNNING WATER sufficient for employee hand washing and for the cleaning and sanitizing of utensils and equipment.
22. When self-service ice dispensers are not provided, ice scoops are required. Ice used for human consumption must be stored separately from ice used to refrigerate drink bottles, cans or cartons. Ice storage units must be drained to a wastewater receptacle or a sanitary sewer system to prevent submergence of beverage containers into melted ice.
23. All wastewater from sinks, steam tables, buckets, etc. must be disposed of into a sanitary sewer system or in a manner that is consistent with the Liquid Waste Disposal Code Requirements.
24. Animals in the market area must be on a leash and may not be in the immediate area where food is being prepared.
25. Applicants who either operate a food business outside the City of Ennis or are not regulated by this department must provide a copy of their health permit and last inspection report from the agency that regulated their facility.

## Temporary Food Establishment Inspection Procedures

1. Each facility should be inspected prior to operation when the event being held has very extensive menu items containing high hazard food.
2. An inspection report should be filled out for each facility.
3. Inspectional comments may be made on the pink copy of the permit application when necessary.
4. If imminent health hazards are found to exist, close the stand immediately, and/or remain at the facility until corrections are made. Notices and/or citations may also be issued. Stands may be re-opened as soon as corrections are verified. If non-approved foods are used, immediately restrict the food and remove it from use.
5. Imminent health hazards may include, but are not limited to: No water, loss of electricity, or loss of refrigeration
6. If critical violations occur, issue notice(s) and/or citation(s). Achieve immediate corrections or follow-up during shift.
7. Critical violations may include:
  - a. Improper food temperatures
  - b. Lack of water
  - c. Improper storage of toxic items
  - C. Lack of proper sanitation
  - Improper cleaning of equipment
  - d. No sanitization of utensils and equipment
8. Minor violations may be handled by verbal or written warning.
9. Citations may be issued for:
  - a. Operating without a valid health permit
  - b. Improper temperature, source, and condition of food
  - c. Smoking, eating, drinking, or other poor hygienic practices
  - d. Repeat critical violations
  - e. Repeat non-critical violations if correction cannot be obtained
10. Food samples may be taken for reported food borne illnesses.

The purpose of these requirements is to prevent food borne illness and protect the public health by assisting operators of temporary food service establishments in meeting minimum construction standards and using safe food handling techniques when storing, preparing, displaying and serving foods.

**Failure to comply with these regulations may result in the closure of the food establishment, revocation of the permit and/or municipal court citations.**

The Health Department may impose additional requirements related to the operation of temporary food establishments to protect the health of the consumer and may prohibit the sale of some or all potentially hazardous foods.

All requirements are included in the State of Texas Food Establishment Rules and are available at the Retail Foods Division website at: [www.dshs.state.tx.us/foode establishments/pubs.shtm](http://www.dshs.state.tx.us/foode establishments/pubs.shtm)  
Permit applications are available at: [www.ennis-texas.com](http://www.ennis-texas.com).

## Temporary Food Establishment Quick Reference Guide

Post a copy of this checklist in the food booth and use it to ensure that your booth is ready for inspection. Failure to set up properly may result in denial of the health permit to operate or limiting the types of foods that may be served

**All food must be obtained from approved sources and prepared at the booth of the day of the event or in an approved food establishment. Do not prepare/store food at home.**

\_\_\_\_\_ Provide a handwashing station at the booth. A portable sink of gravity fed water dispenser (minimum 5 gallon water supply), dispensing liquid soap, disposable towels, a trash can and a wastewater catch container is required. Location must be provided to properly dispose of the waste water.

- Gloves and/or hand sanitizers DO NOT replace handwashing

\_\_\_\_\_ Wiping cloths must be stored in a bucket of an approved sanitizing solution.

- 50-100 ppm household (unscented) chlorine bleach or 200 ppm quaternary ammonium "QUAT," checked with the appropriate chemical test strip.

\_\_\_\_\_ The booth must have sufficient equipment to maintain Potentially Hazardous Foods (PHF) at 41°F or below or 135°F or above.

- Use a draining ice chest with ice not used for consumption or mechanical refrigeration.
- Use cooking equipment that can reheat food to 165°F
- A metal stem or digital thermometer must be on site to check food temperatures frequently.

\_\_\_\_\_ Food must be protected from contamination:

- Keep food covered and stored at least 6" off the ground.
- Dispense food with proper utensils.
- Provide clean, sanitized equipment/utensils every 4 hours
- Store chemicals away from food and food contact surfaces.
- Keep children, animals and ill workers out of the food prep areas.
- No smoking or eating in the food area, except for drinks with lids and straw stored away from foods and food contact surfaces.

\_\_\_\_\_ Dispose of solid and liquid waste properly and as needed.

- Wastewater must be disposed of into an approved sewer or holding tank.

\_\_\_\_\_ Proper utensil wash set up (if utilizing utensils).

- Wash water = clean soapy water
- Rinse water = clean water
- Sanitizer was = clean water + 50-100 ppm bleach (unscented) or 200 ppm QUAT.

# Vendor Application Form

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

Address: \_\_\_\_\_  
(Street, City, State, Zip Code, County)

Business Name: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cellphone: \_\_\_\_\_

Allow text messaging? Yes \_\_\_\_\_ No \_\_\_\_\_

E-mail: \_\_\_\_\_

Number of spaces requested: \_\_\_\_\_ My booth will require electricity: Yes \_\_\_\_\_ No \_\_\_\_\_

Products to be sold:

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By signing this application, I agree that I have read the rules and regulations of the Bluebonnet 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) through the term of this season's market (April - October).

I acknowledge the authority of the City of Ennis to settle any disputes regarding product legitimacy, procedural and vendor conduct violations, and to impose any penalties, including possible suspension or removal from the market. Copies of all necessary licenses and applicable vendor application fees must accompany this application.

Signature of Applicant

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# Indemnity Agreement

WHEREAS, \_\_\_\_\_, a vendor, charitable organization or other type of entity (User) desires to participate in the Downtown Ennis Bluebonnet Market; and

WHEREAS, such organization meets the criteria for participation in the Bluebonnet Market and agrees to obey the rules of the market and understands the nature of operating within the Bluebonnet Market and their responsibilities as a market vendor or participant in the market, including assuming responsibility for safe operation and conduct of their business within the market; the user agrees to indemnify, hold harmless and defend the City of Ennis, its officers, agents and employees from and against all liability for and all claims, suits, demands, and/or actions for damages, injuries to person (including death), property damage (including loss of use) and expenses including court costs and attorney's fees and other reasonable costs occasioned by or arising out of user's presence within the market area permitted by the City of Ennis conducted in connection with or incidental to participation and arising out of or resulting from the intentional acts or negligence of user, its officers, agents, employees, or person participating in the event sponsored by the user.

User further agrees that it shall, at all times, exercise reasonable precautions on behalf of, and be solely responsible for the safety of its officers, agents, employees, participants, visitors, and other persons as well as their property, while in or on the market and surrounding areas. It is expressly understood and agreed that the City of Ennis shall not be liable or responsible for the negligence of user, its agents, servants, employees, customers, visitors, and participants.

It is further agreed with respect to the above indemnity, that the City of Ennis and User will provide the other with prompt and timely notice of any event covered in any way directly or indirectly, contingently or otherwise affected or which might affect the user or City of Ennis. User further agrees that this indemnity provision shall be considered as an additional remedy for the City of Ennis and not as an exclusive remedy.

User name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

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

**Return Application and Indemnity Agreement by mail to: OR email to:**

Bluebonnet Market  
108 W Knox  
Ennis, TX 75119

farmersmarket@ennistx.gov



## Bluebonnet Market - Frequently Asked Questions

1. Is the market a food service establishment?
  - a. NO - the market is not a food service establishment.
2. Do I need a temporary food establishment permit to sell at the market?
  - a. A temporary food establishment permit is not required to sell whole, intact unprocessed fruits and vegetables and prepackaged non-potentially hazardous food/time temperature for safety foods.
  - b. A temporary food establishment permit is required to sell all other potentially hazardous food/time temperature control for safety foods.
3. What is a potentially hazardous food/temperature controlled for safety food (PHF/TCS)?
  - a. A potentially hazardous food (PHF) is a food that requires time and temperature control to limit pathogen growth or toxin production. In other words, a potentially hazardous food must be held under proper temperature controls, such as refrigeration to prevent the growth of bacteria that may cause human illness. A PHF/TCS is a food that: contains protein, moisture (water activity greater than 0.85), and is neutral to slightly acidic (pH between 4.6 -7.5).
4. May I provide / distribute samples at the market?
  - a. YES – to provide samples of food at a farm or farmers' market, you must:
    - i. Distribute the samples in a sanitary manner
    - ii. Have potable water available.
    - iii. Wash any produce intended for sampling with potable water to remove any visible dirt or contamination.
    - iv. When preparing the samples, either wear clean, disposable plastic gloves or observe proper hand washing techniques immediately before preparation;
    - v. Use smooth, nonabsorbent, and easily cleaned (i.e. metal or plastic) utensils and cutting surfaces for cutting samples, or use disposable utensils and cutting surfaces;
    - vi. Samples of cut produce and other potentially hazardous foods shall be maintained at a temperature of 41°F or below and discarded within two hours after cutting or preparation.
    - vii. A permit is not required to provide samples at a farmers' market.
5. What is a sample?
  - a. A sample is defined as a bite size portion, not a full serving.
6. Do I need a temporary food establishment permit to provide samples at a farmers' market?

- a. NO- a temporary food establishment permit is not required to provide samples at the market.
7. What are proper hand washing techniques?
    - a. Vigorous friction on the surfaces of the lathered fingers, finger tips, areas between the fingers, hands and exposed arms (or vigorous rubbing the surrogate prosthetic devices for hands and arms) or at least 10 to 15 seconds, followed by;
    - b. thorough rinsing under clean, running warm water;
    - c. and immediately following the cleaning procedure with thorough drying of cleaned hands and arms (or surrogate prosthetic devices) using individual, disposable towels.
  8. 11. What are the requirements for performing a cooking demonstration at the market?
    - a. For a farmers' market cooking demonstration, the following is required:
      - i. A person with a certified food manager's license supervising the demonstration; and
      - ii. Compliance with the requirements for a temporary food establishment permit.
  9. What are the requirements for providing samples as a part of a cooking demonstration at the market?
    - a. A farmers' market may distribute samples as part of the cooking demonstration if:
    - b. the samples are a part of the "bona fide educational purpose";
    - c. and the samples are disposed of within 2 hours of preparation.
  10. Do I need a temporary food establishment permit to perform a cooking demonstration at the market?
    - a. Cooking demonstrations conducted by a farmers' market for a "bona fide educational purpose," are exempt from having to obtain a temporary food establishment permit.
  11. What is a 'bona fide educational purpose'?
    - a. A bona fide educational purpose means the cooking demonstration made in good faith or made with earnest intent to instruct and educate.
  12. Can raw milk be sold in the market?
    - a. Raw milk cannot be sold at the market.
  13. Will the Department of State Health Services conduct inspections at the market?
    - a. YES - The Texas Department of State Health Services has the authority to conduct inspections of all food vendors who are required to obtain a temporary food establishment permit at the market market.
  14. Will the Department be required to write rules concerning farmers' markets in a separate chapter outside the Texas Food Establishment Rules?

- a. Yes - The department is in the process of developing the rule concerning the regulation of markets to comply with the requirements of Senate Bill 81 of the 2nd Legislative session and House Bill 1382 of the 83rd legislative session.
15. Do I need to have a food handler's card or food manager certification to sell food at the market?
- a. NO - A temporary food establishment operating under the jurisdiction of the Department of State Health Service is not required to obtain a food handlers card or a certified food manager certificate. If the food vendor is associated with a 'bona fide cooking demonstration, the farmers' market must have a certified food manager.
16. Can a cottage food production operation sell food at the market market?
- a. YES - Foods produced at a cottage food production operation (CFPO) may be sold at the market. The CFPO must comply with the guidelines as required in the law concerning Cottage Food Production Operations.
17. Can I sell yard eggs at the market?
- a. YES - To sell farm eggs at a farmers' market the following is required:
    - i. You must have a temporary food establishment license; and
    - ii. Eggs must be maintained at an ambient air temperature of 45°F and below; and
    - iii. Eggs must be properly labeled as "ungraded" with safe handling instructions.
18. May I sell honey at the market?
- a. YES - Because honey does not require time or temperature control for safety, it can be sold as a cottage food. Per the Farm and Ranch Freedom Alliance, other labeling regulations from the Texas Agriculture Code, Chapter 131, Subchapter E, apply.
19. May I sell my own cattle or poultry that I have slaughtered at a licensed and inspected facility?
- a. Meat or poultry products must come from animals processed in compliance with the regulations for livestock processing (Texas Health & Safety Code Chapter 433) and a temporary food establishment permit is required.
20. May I sell fish and other aquatic species at a farmers' market?
- a. YES - Commercial fishermen must possess a license from the TPWD or the fish and other cultured species must be produced and raised in a facility that has an aquaculture license from TDA and a temporary food establishment permit is required.