

ORDINANCE NO. 2011-10

AN ORDINANCE PROVIDING FOR THE POLICIES AND PROCEDURES FOR THE OPERATION OF THE CITY OF CANTON'S FIRST MONDAY TRADE DAYS; PROVIDING FOR THE COLLECTION OF RENT AND PROCEDURE FOR PAYMENT, RESERVATION AND RENEWAL OF VENDOR SPACES, MERCHANDISE, SALES, SOLICITATIONS, AND SET-UP ON THE PREMISES, AND TRAFFIC AND PARKING ON THE PREMISES; PROHIBITING SUBLEASING, SELLING AND TRANSFERRING LOTS; PROVIDING FOR PENALTIES FOR FAILURE TO COMPLY WITH SUCH ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CANTON, TEXAS THAT:

The City Council hereby adopts this ordinance, to supercede previous ordinances, declaring as follows:

**Section 1. Title.** This ordinance shall be referred to as the First Monday Policies & Procedure ordinance.

**Section 2. Adoption of Policies and Procedures.** The City Council of the City of Canton has previously adopted, on an annual basis, certain "Policies & Procedures" concerning the operation of the City's First Monday Trade Days. Said "Policies & Procedures" are incorporated into a brochure for distribution to the public. The "Policies & Procedures" set out in the attached brochure are hereby adopted and incorporated herein by reference as if cited herein verbatim.

**Section 3. Ratification of Adoption of Policy and Procedures for Termination of Lot Rentals.** On April 21, 1998, the City Council adopted its policy regarding procedures for termination of lot rentals due to failure to comply with the aforementioned "Policies & Procedures." By this Ordinance, the following policy is hereby ratified and confirmed and incorporated into this Ordinance:

Upon determination by First Monday management that a vendor has failed to comply with First Monday Policies and Procedures as adopted by the City Council, management shall notify said vendor verbally or in writing, addressed to the last known address provided by the vendor, that the vendor space rental will not be renewed for the following market. Such notice shall:

Describe the vendor's violation of First Monday Policies and Procedures, and

Inform the vendor of his right to appeal management's decision to the City Manager in writing addressed to City Hall within ten days from receipt of the notice.

Upon receipt of a written appeal, the City Manager, at his option, may schedule a meeting with management and the vendor to review the matter. The City Manager, upon advice from the First Monday Committee, shall notify the vendor, in writing, of the determination of the appeal.

**Section 4. Amendments, Revisions, and Rescission.** The City's "First Monday Policies & Procedures" and the "Policy and Procedure for Termination of Lot Rentals" may be amended, revised, or rescinded by the City Council of the City of Canton at any properly noticed meeting of the Council at which a quorum is present.

**Section 5. Gender and Number.** In this ordinance, unless the text otherwise requires, words in the singular number include the plural and in the plural include the singular; words of the masculine gender include the feminine and the neuter; and when the sense so indicates, words in the neuter gender may refer to any gender.

**Section 6. Penalties.** Failure to comply with the policies and procedures referred to herein may result in removal and/or eviction of violator and/or violator's employer, invitor, or licensor from the premises and/or loss of or eviction from the lots rented, subject only to the provisions of Section 3 above.

Any person found guilty for violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of the "First Monday Policies & Procedures", may be cited and, upon conviction thereof, shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**Section 7. Severability of Provisions.** If any provision, clause, sentence, paragraph, section, or part of this ordinance, or application thereof to any person, firm, corporation, public agency or circumstance, shall for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provisions to other persons, firms, corporations, public agencies, or circumstances, but shall be continued in its operation to the provisions, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, public agency, or circumstances involved. It is hereby declared to be the legislative intent of the City Council that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not be included.

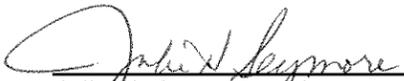
**Section 8. Repeal.** All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed to the extent of such conflict.

**Section 9. Effective Date.** This ordinance shall become effective and in full force and effect after its passage.

Passed and approved this 16<sup>th</sup> day of August, 2011.

  
\_\_\_\_\_  
Cary S. Hilliard, Mayor

Attest:

  
\_\_\_\_\_  
Julie H. Seymore, City Secretary

**First Monday Trade Days is the oldest and largest flea market in the world!**

100,000-300,000 Visitors a Month  
Over 2,000 Vendors

- Covered & Open Air Spaces
- Reserved & Unreserved Sections
- Restrooms/Hot Showers
- Water & Electricity within 100 feet
- RV Park Adjacent with Full Hook-ups & Water/Electric Hook-ups
- Free Dealer Parking at West Gate
- Lights, Paved Paths, Picnic Areas
- Paramedics & Police Sub-Station
- On Site Park Maintenance

**The Trade Days are open Thursday through Sunday before the First Monday of every month.**

**SET-UP TIMES ON WEDNESDAY**

8:00 am Covered Pavilions, Food Vendors & Civic Center  
9:00 am Lots in the Reserved Section  
10:00 am Log Cabin Reserved Section  
11:00 am Lots in the Unreserved Section

**CHECK-OUT**

All vendors must vacate the park by 8:00 a.m. Tuesday following the sale. Anyone remaining will be charged \$25 per day. Unattended vehicles or trailers will be impounded at the owner's expense. All trash should be bagged and stacked next to the street prior to departure. Vendors in structures must sweep their area clean of all debris.

**Rates Cover the Entire Sale**

**Reserved Open Air Lots**  
(100 acres west side of Hwy. 19, 2 blocks north of downtown)

- \* Arts & Crafts
- \* Antiques & Collectibles
- \* Working Artists
- \* New & Used Merchandise

12' x 20' approx. \$50

Spaces are approx. 12 feet wide x 20 feet deep with numbers marked in the front center. (6 feet from each side of the center mark.)

**Trade Centers**

First Monday Trade Center I 14' x 14' \$175  
First Monday Trade Center II 14' x 14' \$150  
First Monday Trade Center III & IV 10' x 20' \$150

Must submit application.  
See website-www.firstmondaycanton.com

**Indoor Market—Antiques & Collectibles Only**  
(Canton Civic Center, A/C-Heat, 153 spaces)

10' x 10' - \$125; 10' x 12' - \$150; 10' x 14' - \$175

Must apply. Call (903) 567-6556 for info. on availability.

**Food Concessions**

Health Permit & 10 lb. ABC Fire Extinguisher Required

Each adjoining lot \$200 per food lot  
\$ 50 per lot

Food concession lots required for any food item sold for immediate consumption. All food items must be sold from a food concession which meets the standards set by the Texas Department of Health. Health Department permits issued through the City of Canton offices. No new applicants are currently being accepted to the waiting list for food lots. (See Policies & Procedures for more info.)

Trailers may be set up Tuesday @ 12:00 noon.

**Open Air Vendor Lot Utilities**

Vendors provide their own hoses and extension cords (12/3) 20 amp only. There is a one-time installation charge of \$100 for 30 or 50 amp service, if approved.

There is a \$20.00 per show charge for any Vendor using climate controlled lodging.

**Lodging Information**

Individual Listings  
Canton Visitors Bureau 903-567-1849  
www.VisitCantonTx.com

**RV Parking inside First Monday Park**

Check out 2:00 p.m.

Full Hook-up \$30.00 per night  
Water/Electric Hook-up \$25.00 per night  
Cable TV not included in price

East Texas Cable 903-567-2260

\* The reserved area is located on Flea Market Road off Hwy. 64 West (by the Canton Civic Center). These sites are pull-through with full hook-ups.

\* Advance reservations begin at 8:00 a.m. on Tuesday following First Monday weekend. Call (903) 567-6556 to reserve.

\* There is a three-night minimum on advance reservations. Payments are non-refundable/non-transferable and must be received in full by Friday, one week before the sale.

\* These sites may be renewed for the following month if paid before 6 p.m. Sunday.

\* Unreserved areas are located inside the West Gate entrance off FM 859. These operate on a first-come, first-serve basis. Full hook-ups are north (in front) of the log cabin. Please go to the log cabin office for assignment and payment of space prior to hooking up. Water/electric hook-ups are south (behind) the log cabin. For these specific spaces only, find an available space and hook up. Then you will specify the space number at the log cabin window and make your payment at that time.

\* A dump station is located at the Flea Market Road entrance to the RV Park.

**2012 SCHEDULE FOR RENTING AND RENEWING LOTS**

Month	Market Dates	Lot Renewal	Super Tuesday	Payment Deadline
Jan	Dec 29-Jan 1	Dec 19	Dec 12	Dec 23
Feb	Feb 2-5	Jan 6	Jan 10	Jan 27
Mar	Mar 1-4	Feb 10	Feb 14	Feb 24
Apr	Mar 29- Apr 1	Mar 9	Mar 13	Mar 23
May	May 3-6	Apr 6	Apr 10	Apr 27
June	May 31-June 3	May 11	May 15	May 25
July	June 28- Jul 1	Jun 8	Jun 12	Jun 22
Aug	August 2-5	Jul 6	Jul 10	Jul 27
Sept	Aug 30 - Sept 2	Aug 10	Aug 14	Aug 24
Oct	Sept 27-30	Sept 7	Sept 11	Sept 21
Nov	Nov 1-4	Oct 5	Oct 9	Oct 26
Dec	Nov 29-Dec 2	Nov 9	Nov 13	Nov 23

**First Monday Trade Days**

*Since the 1850's*

**Vendor Information 2012**

*Join the historic, world-famous flea market in Canton, Texas...  
First Monday Trade Days on the original First Monday Trade Days Park.  
Make sure you're part of the main attraction!*

**City of Canton**

P.O. Box 665  
Canton, Texas 75103  
(903) 567-6556

Web site: www.firstmondaycanton.com  
e-mail: firstmonday@cantontex.com

## 1st Time Rental Reservations

Reservations begin on the second Tuesday (Super Tuesday) after First Monday. See chart for dates. Open lots may be reserved in person beginning at 8:00 a.m. or by phone after 1:00 p.m. (903) 567-6556.

Lots are rented on a monthly basis. After Super Tuesday, lots may be rented Monday-Friday 8:00 a.m. - 5:00 p.m. If reserving in person full payment is due at the time reserved. We accept cash, check, money order, or credit card payments. All payments must be received by Friday, one week before the sale. Payments may be mailed to P. O. Box 665, Canton, TX 75103.

**\*\*\*NO REFUNDS, NO TRANSFERS, NO EXCEPTIONS\*\*\***

**The deadline for advance reservations is Friday, one week before the sale.**

**Open air lots are available for rent anytime during the show.**

## How to Renew Vendor Spaces

Current vendors have until Friday after the sale to renew their lots for the following month. **Vendors must show current receipt and valid ID when renewing.** For your convenience, payments for the next month may be made during the sale at the:

**Main Gate Office:** (Groves St. @ Capitol)  
Wed. -Fri. 8:00 a.m. - 5:00 p.m.

**West Gate Office:** (log cabin off FM 859)  
Mon. & Tues. 8:00 a.m. - 5:00 p.m.  
Wed.- Fri. 8:00 a.m. - 10:00 p.m.  
Sat. 7:00 a.m. - 10:00 p.m.  
Sunday 7:00 a.m. - 6:00 p.m.

The Log Cabin Office is open during the month Mon. – Fri. 8:00 a.m. - 5:00 p.m. Payments may be mailed to P.O. Box 665 Canton, Texas 75103.

**The deadline for renewing lots is Friday after the sale. All payments must be received by that date or lots will be released.**

## How to Obtain an Adjoining Lot

Current vendors who want to add an adjoining lot, should call (903) 567-6556 after 3:00 p.m. on Monday, one week after the sale, to see if it is available. ONLY available lots ADJOINING those already in the vendor's name will be rented on this date.

## Unreserved Area

Vendors will be allowed in the holding area at 9:00 a.m. on Monday, the week of the show. The unreserved entrance is at the West Gate (Off FM 859). There is a \$5.00 per night electrical charge to hookup in the holding area. Unreserved open air lots are \$50 and can be purchased by cash or credit card at the Log Cabin upon arrival.

Lots are selected on a first-come, first-served basis. Passes and receipt must be visible at all times in any vehicle entering or parked on appropriate lots. Vendors who set up on more spaces than paid for will be asked to leave.

To join Log Cabin Reserved pick up a copy of rules at the Log Cabin.

## Log Cabin Reserved

1. Starting lineup begins on Monday, before First Monday, in the holding area located across from the Civic Center RV park at 9:00am. (West side of the entrance road from Hwy 64).
2. Holding area electrical usage (\$5.00 per night) must be paid at the Log Cabin.
3. "Log Cabin Reserved" can renew their lots on Thursday, Friday and/or on Saturday (No later than 5:00pm) in order to be valid for the next month. All payments must be made at the Log Cabin.
4. For first time reservations, vendor must go to the Log Cabin any time between Thursday at 9:00am and no later than Saturday at 5:00pm to place their name and space number on the Sunday morning sign up list.
5. On Sunday morning, a staff member will come by the vendors lot between the hours of 9:00am and 12:00pm to collect for the reservation. The vendor must be set up on the lots for the current month and have a receipt for the number of lots being reserved in order to reserve the lots for the next month.
6. At 11:00 am, all unoccupied lots will be considered "open". The "late" Log Cabin Reserved Vendor will have to find an alternate lot for the current month. However, the "late" Log Cabin Reserved Vendor does have the first option to renew the space for the following month. If the lot is not renewed by the original vendor, the vendor occupying the lot may reserve the lot by using the First Time Reservation process (see #4).
7. No subleasing will be tolerated.
8. Lots may be paid for three months in advance.
9. Tent and Table Rules for the Log Cabin Reserved.
  - a. Vendors may enter on Tuesday to place their own tents.
  - b. Tent and Table Vendors may set up Vendors tents on Tuesday after picking up a confirmation list at Log Cabin.

**THE RECEIPT AND HANG TAG MUST BE VISIBLE AT ALL TIMES FOR APPROPRIATE LOTS!**

## First Monday Policies & Procedures

**All Vendor/Shoppers must comply with all city, state, and federal laws, rules, regulations, as well as all other rules and regulations pertaining to First Monday.**

### Merchandise, Sales and Solicitations

- \* Vendors are required to have a Texas sales tax permit (no fee.) Call Texas Comptroller at 800-252-5555 or [www.window.state.tx.us](http://www.window.state.tx.us).
- \* The vendor is solely responsible for his/her merchandise, property and business transactions. Merchandise left unattended is done so entirely at the owner's risk.
- \* Management reserves the right to restrict the sale, display or distribution of any printed materials, photographs, books, paraphernalia or other representations in order to maintain a proper moral, wholesome environment.
- \* Only raffles by approved charitable organizations allowed.
- \* Lots may not be used for games of skill, lotteries, palm readings, auctions or any purpose which is carnival-related.
- \* The sale or exhibit of animals is prohibited.
- \* No explosive devices or devices with offensive odors, i.e. stink bombs, smoke bombs, snaps, etc.
- \* Canned drinks, bottled water and snack foods may only be sold by food concessions.
- \* No one shall bring upon or distribute on the grounds any handbills or political, religious, or solicitation matter.
- \* Advertisements may be posted at designated locations only.

### Food Concessions

- \* The sale of any food item requires management consent for each stand and for vendors sampling food. All stands are subject to periodic inspections by the Canton Health Department.
- \* All food concession stands must meet the State of Texas Health Department standards.
- \* A food service permit from the Canton Health Department is required for each stand and for vendors sampling food. All stands are subject to periodic inspections by the Canton Health Department.
- \* A food concession lot is not required for fresh produce or pre-packaged foods sold in bulk. Pre-packaged foods must be prepared in a licensed kitchen.

### Payments

- \* Accepted forms of payment are: Personal checks (Proper ID required), cash, cashier's check, money order, or credit card.
- \* Payments may be mailed to: First Monday, PO Box 665, Canton, TX 75103.
- \* The office will not cash checks, or accept two-party checks.
- \* There is a \$30 charge on all returned checks.
- \* There will be no payment refunds, credits or transfers.

### Receipts/Passes

- \* First Monday lot receipts and tags are issued for the sole purpose of admitting said vendor only on the grounds. Identification may be periodically requested. (NOT A SHOPPING PASS)
- \* Vendors receive one Vendor Pass per open air lot (maximum two per location) for each show. The pass must be visible at all times in any vehicle entering or parked on appropriate lots.
- \* Upon request, vendors selling large or heavy merchandise will receive Gate Pass Requests. Vendors are responsible for completing these requests and issuing them to their customers. Customers must present the request at the gate. If completed correctly, the gate attendant will give the customer a Gate Pass which is for 30 min. max.
- \* Customers may drive directly to the vendor's booth, pick up their merchandise and exit through the same gate to turn in their pass.
- \* Vendors leasing from a building owner other than the City of Canton must rent parking, one vehicle per parking space.

### Set-Up

- \* Management designates selling areas (lots) and each vendor shall conduct business only within the confines of his/her lot (s).
- \* Vendors may bring tables, canopies and displays, or they may rent

from table and tent vendors on the grounds.

- \* No permanent structure or construction is allowed without the prior consent of management.
- \* Hay is a fire hazard and may not be used as ground cover.

### Traffic & Parking

- \* Vehicles parked on a lot not assigned to the individual will be towed and/or ticketed at the owner's expense. (Parking ticket \$87.00).
- \* Merchandise is to be displayed across the front of all rented lots. Parking is permitted on the back of each lot behind displayed merchandise or on lots specifically designated by management for parking. Free dealer parking with a vendor pass is available west of the log cabin.
- \* Vendor passes are required (visibly posted) in every vehicle in the park.
- \* There is a 5 mph speed limit throughout the park.
- \* Traffic should be kept to a minimum for safety reasons.
- \* Only city-owned and operated golf carts are allowed.
- \* Only motorized scooters manufactured specifically for the handicapped and of the type approved by management are allowed. Must be 18 years of age with a valid driver's license or have proof of handicap to operate a handicap scooter.
- \* Only one person per scooter allowed.
- \* Scooters can not be modified to be used by multiple passengers.
- \* No golf carts, ATVs, motorcycles, bicycles, roller blades, skates, skateboards, scooters, other motorized vehicles or wheeled devices.

### Subleasing, Selling Lots, Lot Transfers

- \* The sale, assignment, sublease or offer to sell, assign or sublease lots is prohibited.
- \* Identification and receipts will be checked periodically.
- \* Lots may not be transferred without management consent.
- \* Personal addresses may be changed with proper ID.

### Restrictions

- \* Photographing merchandise is prohibited without owner's consent.
- \* No concealed weapons, drugs, alcohol, loud music, amplifiers, hawking, vulgar language are allowed on the grounds. Permit required for after hour events. Apply at Log Cabin.
- \* Only domestic animals allowed and must be on a leash and attended at all times. They are not allowed in the Civic Center or eating areas. Owners are fully responsible for their pets' actions and must clean up after their pets. The City shall in no way be held responsible for the actions of any pet brought on the grounds.
- \* In accordance with State law, waste water of any type may not be discharged into, or flow into a public place, gutter, street, creek, etc.
- \* Offices page for small lost children and medical emergencies only.

### Trash

- \* All vendors are responsible for their own trash and keeping their area clean
- \* Cardboard should be taken to the recycle trailers located at the Hill Parking, Log Cabin and the Blue Restroom

The above applies to each vendor and (visitor when applicable). Each vendor shall also be responsible for the compliance with such policies and procedures by the agents, employees, invitees and licensees of vendor.

Failure to comply with any policy or procedure may result in eviction and/or loss of lots.

Nothing contained in these policies and procedures shall be construed to impose upon the City of Canton any duty or obligation to enforce the policies and procedures against any other vendor or any employee, agent, invitee or licensee of any other vendor, and the City of Canton will not be liable to vendor for violation of the policies and procedures made by any other vendor or such other vendor's employees, agents, invitees or licensees.

The City of Canton reserves the right to refuse admission to any vendor or refuse to rent/renew rental of lot at its sole discretion. The City of Canton reserves the right to amend or change the policies and procedures without prior written notice.

Effective 10/11