

*Dia de los Muertos*



DAY OF THE DEAD

## **New Braunfels Dia de los Muertos RULES & REGULATIONS**

### **VENDOR HOURS**

- a. SET UP begins at 7:00 am and must be completed by 10:00 am
- b. HOURS OF OPERATION - Booths must be open for business from noon to 8:00 pm, but are encouraged to stay open until the festival ends at 10:00 p.m.
- c. TEAR DOWN will be allowed after 8:00 pm and must be completed by midnight. Please note vehicles will not be allowed on the festival grounds until all patrons have cleared at the end of the festival. Vendors who are not done tearing down by midnight may be subject to being charged a fee.

### **VENDOR AGREEMENT OF POLICIES AND PROCEDURES**

1. **PARKING:** Food vendors, volunteers and staff will be required to park in designated parking lots. Parking around Main Plaza will not be permitted.
  
2. **VENDOR OPERATING HOURS:** Vendors are expected to be open and operating from noon to 8:00 p.m. but are encouraged to stay open until 10:00 p.m. Vendors who close early without permission from the festival committee will be noted and may not be invited to future events.
  
3. **EVENT HOURS AND SET-UP/TEAR DOWN SCHEDULE:** Vendors will be allowed to access their space via a designated route provided before the event during set-up and tear-down times only. Access to the festival grounds will be only during permitted from designated entrances and along designated routes. Vendors may not drive vehicles into the event area outside of these designated times and should be prepared to transport and load items from their space without events staff or volunteer assistance. Vendors will not be permitted to bring vehicles into the street closure area until the festival committee has deemed it safe authorizes entry for loading or unloading. During load-in and load-out, vehicles must remain in order and within the route in the pre-event packet provided to vendors
  
4. **BOOTH SPACE:** Vendor space will not be confirmed until full payment is received. Vendor space allocation will be assigned to best benefit the festival and surrounding businesses as determined by the festival committee. Vendors are encouraged to decorate their booth space. No hand-written booth signs are allowed; please be professional. Vendor will be responsible to provide their own tents, tables, chairs, electrical cords, electricity, lights, etc. All tables must be covered. The use of open flames is prohibited. **ALL TENTS MUST BE WEIGHTED DOWN!!**
  
5. **BOOTH POLICIES:** All vendors shall maintain a respectful noise level for neighboring vendors at the event. Booth assignments are made by festival committee based on operational and space requirements of the event. Therefore, the festival committee reserves the right to refuse any application. Vendors must be checked in and materials placed in the assigned booth space

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during the designated set up time. Failure to set up during designated times, removal of vehicles from event grounds, or changing booth locations will be cause for removal of vendor. All merchandise should be clearly marked. Event does not provide table, chairs, tents, electricity or electrical cords.

6. **FOOD:** Menu items will be secured by application and payment. Please note: The festival committee may deny your request depending on number of booths representing a single food item. Barbeque pits require a permit from the City of New Braunfels and will not be approved until a permit is received. Food vendors selling soda and/or waters will be required to pay an additional \$50 fee. This does not apply to food vendors only selling beverages (zero food items on the menu).

7. **REPRESENTED PRODUCTS:** Only the product(s) specified on the application will be allowed to be represented or sold at your booth during the festivities. No changes may be made without prior consent.

8. **DONATIONS/GIFT CERTIFICATES NEEDED:** Any voluntary prize donations and gift certificates will be used to gain exposure for the festival and your business through on-site recognition and media promotions where appropriate.

9. **COST/FEES:** In exchange for the right to promote and/or sell stated product(s) during the event the vendor will pay the New Braunfels Chamber of Commerce the price indicated on the vendor application.

10. **DISPOSAL OF FOOD AND TRASH:** Vendors must provide their own trash receptacle. The contents of vendor's trash receptacle must be disposed of properly and in a safe manner in the festival's dumpsters. At the end of the event, vendors are responsible for all their trash, grease, oil and general clean-up of its surrounding area. Failure to maintain the booth space will result in not being invited or accepted to future festivals. Vendor warrants that the premises shall be left in original condition as upon arrival; this includes picking up trash at and around the vendor's premises.

11. **FOOD PERMIT:** Food vendors are required to obtain a Temporary Food Permit application from the City of New Braunfels. Deadline for a temporary health permit is September 30, 2024. The fees listed do not include the fee for a temporary permit.

12. Inflatable Amusement Rides and Oversized Grills require a Temporary Permit

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13. ALCOHOL: No alcohol sales allowed.

14. WATER AND ICE will not be provided to vendors.

15. ELECTRIC/GENERATORS: The festival will NOT be providing electricity to vendors. Vendors needing electricity are required to bring their own generator. Quiet generators ONLY. No diesel generators allowed.

16. DESIGNATED AREAS/ELECTRICAL USE: Location of Vender Booth Space will be in block specified; exact location decision is made at the discretion of the festival committee.

- Vendor agrees to operate all electrical equipment, including but not limited to lights and attachments, including all wiring in a safe, intelligent manner.
- HBA cannot be held responsible for accidents caused by vendor not accurately utilizing their space and any/all equipment.
- Vendor agrees to use only designated receptacles in their pre-approved location.

17. GENERAL LIABILITY INSURANCE: Each vendor shall furnish Dia de Los Muertos Festival and name Dia de Los Muertos Festival /Hispanic Business Alliance as an additional insured no later than 30 days prior to the festival. If proof of liability insurance is not provided by this date, the agreement will be null, and void. The vendor's booth space and deposit fees will be forfeited. Dia de Los Muertos Festival shall have no obligation whatsoever to insure, provide, or obtain insurance for the vendor. Vendor will not be permitted to enter the festival grounds to set up or occupy booth space without having the required insurance in place.

18. STATE OF TEXAS SALES TAX & USE PERMIT: The State Comptroller of Public Accounts requires you to have a sales tax number and to pay sales tax (8.25% in New Braunfels). Include a copy of your sales tax permit for our files and document your number on the application. If you have any questions about sales tax, contact the Texas State Comptroller at 800-252-5555 or visit their website, [www.window.state.tx.us](http://www.window.state.tx.us). The State of Texas Comptroller's Office occasionally sends representatives to special events to verify sales tax permits.

19. RAIN POLICY: The Dia de Los Muertos Festival will continue, rain or shine, with NO REFUND OF FEES. Vendors will be given the option to remain or may leave.

20. CANCELLATION POLICY: No refunds of booth or Vendor space fees for cancellations will be allowed the festival committee reserves the right to cancel vendor's participation in event, and the right to cancel event or any portion thereof, at any time for any reason whatsoever or without cause, in its sole and absolute discretion and without any penalty. Vendor shall not

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assign, sublet, or otherwise transfer or convey any booth or Vendor space or any interest in either in connection with the Dia de Los Muertos Festival to be held on October 19, 2024 in Downtown New Braunfels. Any vendor who is not set up on time or present at the designated load-in area on time will have their space(s) automatically and immediately forfeited.

### **21. TERMINATION RIGHTS:**

The festival committee reserves the right to terminate the operation of the vendor at any time during the festival for any of the following reasons:

- A Professional manner is not maintained by the vendor and its employees
- Vendor or its employees behave in a manner that could be construed as racist.
- Vendor or its employees commit any act detrimental to the purpose of the event
- Vendor or its employees violate any provisions of the Health Department.
- Vendor or its employees fail to cooperate with the event management staff.

### **TERMS & CONDITIONS:**

Booth fee is due by September 6, 2024; the Vendor will not be allowed to set up unless vendor is paid in full. Upon signing this contract, vendor agrees to abide by the Terms and Conditions set forth herein.

- a. It is expected that all vendors and their employees/volunteers will behave in a professional manner. Any use of profanity, threats against vendors, volunteers, staff, or guest will not be tolerated it will result in immediate and permanent expulsion from the Dia de Los Muertos Festival. No refunds will be granted for violations the afore mentioned policies.
- b. Exhibits shall not display, sell, or dispense any items with offensive, profane, and/or drug related paraphernalia.
- c. Exhibitor must check in with the festival committee on duty before setting up.
- d. Security will be the responsibility of the vendor. Festival committee will not be responsible for damage to exhibit for any reason.
- e. Exhibitor will be responsible for any trash in his/her area. Trash cans will be placed throughout the area and may be used by the vendors.
- f. Exhibitors shall not transfer or sublet the space or any part thereof or permit the same to be used by any other person without the written consent of the event staff.
- g. Event staff shall have the right to terminate the contract granted hereunder at any time without liability, upon the refund of the fee paid herewith. Refunds will be made if event is cancelled due to weather.
- h. Exhibitor will indemnify and hold event harmless from all costs, losses, damages, or expenses including expense of litigation and attorney's fees, resulting from any person or property arising

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out of any act of omission of vendor or his employees or other representatives.

i. Exhibit spaces shall not be reserved until payment in full is received.

**AUTHORIZATION:** In connection with the Dia de Los Muertos Festival to be held October 19, 2024 in Downtown New Braunfels, Texas, vendor agrees that it shall abide by and that the vendor's participation in the event is subject to the terms and conditions of the 2024 Dia de Los Muertos Festival Rules, Regulations, and General Information standards attached hereto and made a part hereof for all purposes, and vendor represents and warrants that vendor has read and understands the same. Vendor agrees that no representations have been made by the Hispanic Business Alliance or by any of its officials, officers, employees, agents, representatives, or volunteers regarding the condition of the Event Site or that any warranty is being made as to the opening date of the festival. In the event, that the festival does not open as scheduled or that the festival does not occur, vendor agrees that the Hispanic Business Alliance shall not be liable to vendor for any claim arising from the failure of the festival to open as scheduled or the festival's failure to occur. Vendor also acknowledges that submission of an application does not guarantee acceptance into Dia de Los Muertos Festival. The Hispanic Business Alliance and the New Braunfels Chamber of Commerce shall determine any matter not expressly covered by these Terms and Conditions.

The Hispanic Business Alliance and The New Braunfels Chamber are NOT responsible for Merchandise, Theft, or Accidents!

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