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ORDINANCE AMENDING ARTICLE 2 OF THE VILLAGE CODE ENTITLED "FARMERS' MARKET"

BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, County of Cook, State of Illinois, pursuant to its Home Rule Powers as set forth in Article VII, Section 6, of the Illinois Constitution (1970), as amended, as follows:

SECTION ONE: That Chapter 18, Article 2, Section 18-2-2 of the Village Code entitled "Farmers' Market Definitions" be and is hereby amended to read as follows:

18-2-2: DEFINITIONS:

For the purpose of this article only, the following words and phrases shall have the meanings, and are hereby defined, as follows:

FARMERS' MARKET: A designated area where, on designated days and times, growers and producers may sell directly to the public in accordance with Village regulations. The Village shall have the right to relocate or discontinue the market, to specify the days and times of its use, and to stipulate what goods may be sold.

FISH: The flesh of any numerous cold blooded aquatic vertebrates of the superclass Pisces, having a bony skeleton, jaws, fins, gills and normally a streamlined body.

GROWER OR PRODUCER: Any person offering for sale articles for human consumption, including fruits, vegetables, edible grains, nuts and berries, apiary products, maple sugars and syrups, eggs, dairy products, **bread products, baked goods, cheese, cider**, prepackaged meat, poultry or fish that are frozen and that have been processed and properly labeled at a Federal or State licensed facility or nonedible articles such as cut or potted flowers as long as all such edible and nonedible articles have been raised and prepared by the grower or producer, members of

their families, or by persons in their employ. All meat, poultry ~~and~~, fish, **bread products/baked goods or any other processed food item** offered for sale at the Farmers' Market shall conform with the Illinois **State** Retail Food Store Sanitation Code **and the Illinois State Food Service Sanitation Code**. No more than two (2) permits shall be issued in any one market season for the sale of meat, poultry or fish. Sale of any article proscribed by the Director of Public Health shall be prohibited.

LOCAL FLORIST: Any person licensed as a florist and as an itinerant vendor by the Village and having a permanent place of business as a florist in Oak Park.

LOCAL NOT FOR PROFIT ORGANIZATIONS: Organizations which are located in Oak Park or which have most of their members in Oak Park, and which are incorporated as not for profit corporations or which are operated solely for educational, religious or charitable purposes.

LOCAL FOOD RETAILER: Any person licensed as a local food retailer and as an itinerant vendor by the Village and having a permanent place of business as a local food retailer in Oak Park and where sales of "farm products" constitutes fifty percent (50%) or more of said business. Farm products include and are limited to, **bread products**, apiary products, fruits and vegetables and products made from animals which are raised on the farm where the products are made.

PROCESSORS OF BREAD PRODUCTS/BAKED GOODS: Any person licensed by a governmental entity as a food retailer in a permanent location from which he or she transports his or her non-potentially hazardous bread products and/or baked goods directly to the Farmers' Market and whose business is more than fifty percent (50%) from bread products (not including other bakery goods) and is licensed as an itinerant vendor by the Village.

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LOCAL SERVICE VENDOR: Any person licensed to do business at a permanent location in Oak Park or licensed as a peddler in Oak Park and licensed as an itinerant vendor by the Village, offering a service which relates to the Farmers' Market.

PRODUCE: Farm products including, and limited to, apiary products, fruits and vegetables and products made from animals which are raised on the farm where the products are made.

SECTION TWO: That Chapter 18, Article 2, Section 18-2-3 of the Village Code entitled "Market Manager; Appointment, Responsibility" be and is hereby amended to read as follows:

18-2-3: MARKET MANAGER; APPOINTMENT, RESPONSIBILITY:

A Market Manager, appointed by the Village Manager, shall review and approve or deny the application of any grower or producer, local not for profit organization, local florist, local **food** retailer ~~of food products~~ offering articles for sale, **processors of bread products/baked goods** or local service vendor, issue permits and collect fees therefor, assign spaces to approved applicants, establish a system of bookkeeping for the market, maintain the market's cleanliness and

enforce the market regulations. An applicant's history of cooperation with the Market Manager and the Manager's designees and good faith effort to obey the rules and regulations of the market as a permittee during prior market seasons shall be considered by the Market Manager when reviewing applications for approval or denial. The permit fee for any application which is denied shall be refunded by the Market Manager to the applicant in full as soon after time of the denial as is reasonably possible.

SECTION THREE: That Chapter 18, Article 2, Section 18-2-8 entitled "General Regulations; Certificate of Production" be and is hereby amended to read as follows:

18-2-8: GENERAL REGULATIONS; CERTIFICATE OF PRODUCTION:

A. No permittee shall:

1. Sell any product other than produce of the permittee's farm, orchard, vineyard or garden except as follows:

a. A "local florist," ~~or a local food retailer of farm products,~~ **or a processor of bread products/baked goods** as defined herein, may sell any item listed in section 18-2-2 of this article, provided that item is also sold from their permanent place of business in Oak Park **or in the case of a processor, provided that all listed criteria for processors set forth herein are satisfied.**

b. A "local not for profit organization" shall be allowed two (2) spaces per year for bake sale, provided that each use of a space for a bake sale

shall constitute a "day" upon which goods are sold for purposes of licensing itinerant vendors in accordance with section 18-1-2 of this chapter.

c. A licensed local service vendor may sell a market related service to be performed at the market for a fee, if the service does not involve a product, food handling or food preparation.

d. A permittee may be permitted to sell the homegrown produce of another grower or producer upon approval by the Market Manager of an affidavit signed by the permittee and grower and submitted by the permittee in conformity with market regulations.

2. Sell or offer any article according to weight except in accordance with the established standards for weight of the State of Illinois.

3. Sell apiary products, maple sugars and syrups or any processed food unless properly labeled in accordance with State standards for labeling.

4. Sell or offer any unwholesome or spoiled articles.

5. Attract attention to the goods by loud sounds.

6. Sell or offer any article without first obtaining current Illinois sales tax number and producing evidence satisfactory to the Market Manager of the payment of the preceding year's sales tax or fail to display prominently the Illinois sales tax number.

7. Transport or display food without adequate protection against contamination. Delivery trucks and other equipment used for transportation and display shall be kept clean at all times.

8. Allow any waste, garbage or any other refuse to remain on or near the space after the closing hour of any market day.

- B. No animals or pets shall be allowed in the market except for ~~guide dogs~~ service animals accompanying the ~~handicapped~~ disabled.
- C. No motorized vehicles other than those of the sellers and the Market Manager shall be allowed in the market, except for motorized wheelchairs.
- D. All approved dairy products and frozen meat, poultry and fish offered for sale must be prepared and packaged under conditions meeting the requirements of Federal, State and local laws, packaged individually, stored and displayed at a temperature of forty one degrees Fahrenheit (41°F) or below in the case of dairy products and zero degrees Fahrenheit (0°F) or below in the case of

frozen meat, poultry and fish in facilities that meet the requirements of State and local rules and regulations, and served directly to the customer in the unopened container in which it was packaged.

- E. Permittees and growers and producers who sell their produce through the permittees, as authorized under subsection 18-2-8A of this section (hereinafter referred to as "affidavit growers") shall cooperate fully and in good faith with the Market Manager in response to requests by the Market Manager to inspect the land used by the permittee or affidavit grower for the production of the produce sold at the Farmers' Market. It shall be the responsibility of the permittee or affidavit grower to provide the Market Manager or the Manager's designee with a timely opportunity to inspect and verify that the produce sold by the permittee at the market is grown and

produced by the permittee or affidavit grower on the land designated in the permittee's application or affidavit.

- F. The permittee shall at all times abide by the regulations of the Farmers' Market.

THIS ORDINANCE shall be in full force and effect from and after its adoption and approval as provided by law.

ADOPTED this 17th day of February 2009, pursuant to a roll call vote as follows:

AYES: Trustees Hale, Lueck, Marsey, Pate and President Pope

NAYS: Trustees Hedges and Johnson

ABSENT: None

APPROVED by me this 17th day of February 2009.

David G. Pope

Village President

ATTEST:

Sandra Sokol

Village Clerk

Published by me in pamphlet form this _____ day of _____, 2009.

Sandra Sokol

Village Clerk