

Oak Park Farmers' Market Rules Of Operation

INTRODUCTION

The Oak Park Farmers' Market Rules of Operation provide the operating and vending policies for the Oak Park Farmers Market. It is the duty of the Farmers' Market Commission and market managers to routinely review the activities of the market and establish policies that will improve the Market.

ENFORCEMENT OF RULES

Occupants of spaces at this market must at all times conform to market rules. The market manager has full authority to enforce all rules and occupants failing to comply will have their spaces declared vacant and may be subjected to a penalty as stated in Section 1-1-5 of the Village Code. The market rules supplement the Village Code provisions and apply to daily as well as seasonal permit holders.

ELIGIBILITY TO SELL

- 1. GROWERS OR PRODUCERS** are people from the five (5) state region of Illinois, Iowa, Wisconsin, Indiana and Michigan offering for sale articles for human consumption such as locally grown fruits, vegetables, edible grains, nuts-apiary products, herbs, maple sugar, eggs, cheese, cider, dairy products, bread products/baked goods, prepackaged fish, meat, poultry that are frozen and that have been processed and properly labeled at a Federal or State licensed facility or non edible articles, such as locally grown cut or potted flowers and plants, soap dried flowers and plant materials. All articles must have been raised or prepared by the grower or producer, members of their families or by persons in their employ. All meat, poultry, 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. Promotional items are an exception if sold by the market commission. Sale of any article proscribed by the Director of Public Health shall be prohibited. Upon approval of the market manager, producers may join together to sell each other's produce/products under cooperative selling agreements.
- 2. CHEESE MAKER:** Any person in the five (5)-state region of Illinois, Iowa, Wisconsin, Michigan and Indiana offering for sale at the Farmers' Market only cheese products that are made by such persons in an artisanal fashion primarily by hand, in small batches, with particular attention paid to the tradition of the Cheese Maker's art and using as little mechanization as possible to make the cheese. The Cheese Maker

shall obtain its milk from their immediate locale/state, or any of the other four (4) states, and shall be licensed as an itinerant vendor by the Village.

3. **LOCAL NOT FOR PROFIT ORGANIZATIONS** are 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 and are limited to two (2) bake sale dates per season. Additional spaces for bake sales may be allocated when space is available. See bake sale guidelines for additional information.
4. **FOOD DEMONSTRATIONS:** A maximum of two (2) parking spaces/Saturday will be reserved for "Food demonstrations" Food Demonstration participants shall adhere to all Village of Oak Park Ordinances. Dates will be scheduled on a first submitted, first assigned basis and Oak Park businesses will receive preference for participation in the demonstrations.
5. **PROCESSORS OF BREAD PRODUCTS/BAKED GOODS** is any person licensed by a governmental entity as a food retailer in a permanent location in which such person makes non-potentially hazardous 100% natural bread products and/or baked goods by hand and from scratch with no pre-made or pre-mixed ingredients and without preservatives or other additives and from which he or she transports his or her bread products/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. Bread products must make up more than fifty percent (50%) of the product which the person has available for sale at the Market. The following rules apply to bread products/baked goods:

MARKET HOURS AND LOCATION

The market will operate rain or shine from the second to last Saturday in May through the last Saturday in October. Hours will be 7:00 a.m. to 1:00 pm. Vendors are not permitted to begin set up earlier than 6:00 a.m. Vendors must discontinue sales at 1:00 p.m. For the safety of everyone at the market all vendors shall remain in the market until the market closes at 1:00 p.m.

The market is held in Oak Park, Illinois at Lake Street between Elmwood and Scoville Avenues, in the parking lot of the Pilgrim Congregational Church.

WHAT ARE THE PROCEDURES FOR SPACE RENTAL?

1. Applications for a permit to sell are available:
 - A. from the market manager on market days,
 - B. on the Village Website www.oak-park.us/farmersmarket
 - C. by contacting the market manager at 708.358.5780 or
 - D. by requesting via mail at the address below:

Oak Park Farmers Market
Village of Oak Park
123 Madison Street
Oak Park, IL 60302
Attention: Market Manager

2. Sellers must have an Illinois State Sales Tax number or evidence of application. A Permit to participate will not be awarded to any vendor who has not supplied proof of payment for the previous year's tax. Information regarding obtaining an Illinois State Sales Tax payment for the previous year's number can be obtained from the Illinois Department of Revenue.
3. Selection of vendors: The mission of Oak Park Farmers Market is to select vendors who will best support the mission of our market by adding value in the eyes of the community, market managers and Farmers' Market Commission.
4. Space will be rented upon receipt of appropriate fees and application approval by the Commission and market manager. Fees are not refundable, pro-ratable, or transferable.
 - A. Each space constitutes one parking space,
 - B. Any one permit holder at the discretion of the market manager may rent a maximum of six market spaces.
 - C. Permit fees: Each parking space is \$200.00
 - D. Permits to sell in the market will be issued by the market manager.
 - E. The market manager has the right to make operational changes to the layout of the Market because of special considerations such as special events and/or changes in Market participation.

WHAT ARE THE DISPLAY ARRANGEMENTS?

1. Products may be sold directly from vehicles.
2. Permit holders must furnish their own tables, chairs, display arrangements, tents, and any other materials they may need, as the market does not supply any materials. The market is an open area with no shelter provided.
3. Delivery trucks and other equipment used for transportation and display shall be kept clean at all times with adequate protection against contamination.

4. The Village of Oak Park Engineering Department prohibits semi-trailer trucks in the market.
5. Sellers must keep their vehicles, displays and employees within the marked space for selling purposes.

WHAT ARE SELLING REGULATIONS?

1. The market manager and Village health department employees shall have the right to conduct an inspection of the vendor's booth and products without notification.
2. Vendors at the Market must have available upon request any licenses or permits required for product(s) they will sell. This is in addition to providing copies of licenses and permits with their annual application.
3. Vendors must list all the items they will sell at the Market on their annual Market application. Only those products listed on the annual application are allowed to be sold during that season. Requests must be submitted to the market manager to sell products not previously identified on the annual application. The market manager will have the authority to approve or deny the sale of any/all new products.
4. Brand Names – Products, which are processed and sold under a brand name other than the vendor's own, are not allowed.
5. Noise/Fumes – No loud or disturbing noises shall be made or action taken on the grounds which will interfere with the rights, comfort or convenience of the other vendors or the public. No vendor shall play, or allow to be played, any radio or other sound instrument at a sound level, which may annoy or disturb other vendors or the public. The running of any gasoline or diesel motors or engines, including all vehicles is prohibited without the written permission of the market manager.
6. Participant Conduct – Vendors shall conduct themselves in a manner that is courteous to other vendors, Market personnel and the public. Behavior that is threatening, abusive or harassing shall constitute a violation of Market rules and may result in suspension or revocation of a participant's permit to participate in the Market.
7. All produce to be sold at the Market will be sold by legal weights and measures. Vendors are responsible for having their scales certified for compliance annually. The use of non-certified scales that do not conform to the State of Illinois regulations is prohibited. At the market managers discretion scale checks will be performed
8. Prices must be either displayed with each item or a list of all prices must be posted. Posting bulk prices is suggested. **PRICES MUST BE VISIBLE AT ALL TIMES.**

9. The seller, his/her family, or employees must produce all products offered for sale, except items covered under co-operative selling below.
10. Co-operative selling is permitted upon receipt of an affidavit signed by both the grower and seller (refer to Annual Market application for more information). Under NO circumstances may products or significant ingredients of a product be purchased for resale at the market.
11. Hawking products or crying out to customers will not be permitted. Growers are not allowed to stand in the walkways in order to attract customers to their stand.
12. Price fixing among growers is not permitted.
13. The principal produce item in any processed product must be eligible for sale at the market by that grower or cooperative seller.
14. Any grower selling any item identified as being "organic" or "organically grown" shall prominently display any legal or 3rd party certification near such item or items the definition of "organic" or "organically grown" used by that grower with regard to that product.
15. Trash Management – Vendors must clean up their sales areas completely before leaving, Leaving spaces with litter or refuse is in violation of Market rules.

WHAT GENERAL SANITARY REGULATIONS ARE APPLICABLE TO THE SELLERS OF FOOD AT THE MARKET?

Like other farmers markets, festivals, fairs, harvest days and other food sales events, the Oak Park Farmers Market vendors offer for sale more than just simple fresh uncut produce. Every farmer, fruit and vine grower, and gardener has the undisputed right to sell the produce from his farm, orchard, vineyard and garden in any place or market, according to the Farm Products Marketing Act. The Illinois Egg and Egg Products Act allows farmers to also sell shell eggs directly to household consumers on the farm without candling or grading such eggs. Producers, who choose to retail their unprocessed home grown produce and/or fresh cut herbs on their home premises or at a Farmers Market, usually do so with a minimum of regulation. The definition of "retail food store" in the Retail Food Store Sanitation Code, Section 760.20, specifically exempts "roadside markets that offer only fresh fruits and fresh vegetables for sale from code requirements." However, as soon as a Farmers Market Participant cuts, prepares or sells produce and/or sells any other food item, that person is no longer exempt from the Illinois Retail Food Store Sanitation Code and/or the Illinois State Food Service Sanitation Code.

- Food shall be clean, wholesome, and free from adulteration and misbranding.
- PERSONAL HYGIENE
 - Personnel with boils, cuts, respiratory infections and communicable diseases shall not be permitted to work in a food stand.

- Fingernails must be trimmed, hands and arms shall be washed and cleaned before starting work, washed after visiting the toilet and washed as frequently as necessary during the day
 - Personnel shall wear clean outer clothing.
 - Personnel shall use effective hair restraints where necessary to prevent the contamination of food or food contact surfaces.

- Stands and concessions that cut their produce for sampling and/or sell processed, prepared or packaged foods are subject to inspection by the Oak Park Health Department.

- PREMISES - The operator of each stand or sales area is responsible for maintaining it in a neat, clean and sanitary condition. An adequate number of tightly covered waste containers must be provided for storage of garbage and refuse. Tightly covered refuse containers must be stored away from food to eliminate potential for contamination of any food products. At the close of business, each vendor shall clean the stall and surrounding area.

- SAMPLING AND/OR FOOD PROTECTION DURING STORAGE, DISPLAY AND SALES –
 - All foods that are only on display and not being sold must be clearly marked “NOT FOR SALE – DISPLAY ONLY”.
 - Displays must incorporate only products which can be sold at the Market on that day.
 - Advertising items not related to legitimate Market products is not allowed at the Market.
 - Food on display at the Market must be adequately protected from incidental public handling, dirt and other contamination.
 - Foods must be stored off the ground or off the floor of the stand.
 - Any prepared, processed, baked or cut food must be packaged or wrapped for protection (see labeling requirements that follow). Any wrapping or container must be constructed of safe, new, food-grade materials.
 - All utensils, display cases, counters, shelves, tables and refrigeration equipment must be clean, sanitary, smooth, sealed and constructed of approved materials to prevent contamination of any food products.

- Hand washing is required when produce or any food item is sliced, cut or prepared on or off-site. If foods are to be handled, hand washing facilities must be provided. Where water under pressure is not available, the minimum requirements for hand washing would be a thermos or coffee urn with spigot, pump liquid soap and individual paper towels with a separate bucket to catch all hand washing waste water. All persons handling food products must conform to proper hygienic practices and be free from disease conditions which may contaminate food.

- Three-compartment utensil washing is required when produce or any food item is sliced, cut, and/or prepared on-site. If foods are to be handled, a three-compartment dish washing system consisting of a first container containing a potable

water/detergent solution, a second container containing potable water and a third compartment containing a potable water/sanitizer solution of either 50-200 parts per million of available chlorine, 12.5 parts per million of available iodine or 200 parts per million of available quaternary ammonium compound must be provided. Test strips must be provided for testing the sanitizer concentration of. All utensils and containers shall be air-dried after washing.

- If ice is used to cool food products, beverages or beverage containers, it must be from a sealed commercially packaged bag of ice. All ice used for display must be properly drained. All potentially hazardous food must be held at temperatures of 41 °F. or less or frozen. Equipment requirements for storage of foods cold and/or hot differ depending on the type of food being held. At times commercial cold holding and hot holding equipment may be required. Vendors should contact the Oak Park Health Department at 708.358.5480 for additional information on cold and/or hot holding potentially hazardous product.
- Potentially Hazardous Foods - means any food that requires time/temperature control for safety that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms; growth and toxin production of *Clostridium botulinum*; or, in raw shell eggs, the growth of *Salmonella enteritidis*. "Potentially hazardous food" includes an animal food (a food of animal origin) that is raw or heat treated; a food of plant origin that is heat treated or consists of raw seed sprouts; cut tomatoes; cut melons; and garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support the growth of infectious or toxigenic microorganisms.
- Product Temperature - All approved potentially hazardous foods including by not limited to cheese 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 cheese and other refrigerated products and frozen in the case of meat, poultry and fish in facilities that meet the requirements of the State and local rules and regulations, and served directly to the customer in the unopened container in which it was packaged.
- Shell Eggs - All eggs must be cleaned, candled, graded, packed in new cartons, date marked and refrigerated if sold any place except on the farm where they were produced. The egg carton must be marked with a Julian pack date (counted from the first day of the year) and an expiration or sell by date of not more than 30 days from day of pack for Grade A and 15 days for Grade AA. Often, checking the Julian pack date or expiration date will indicate whether the egg cartons have been reused. A Department of Agriculture license is required for anyone who sells eggs anywhere except on the farm where the eggs were produced. For more information regarding these requirements and the Illinois Egg and Egg Products Act, contact Illinois

Department of Agriculture, Bureau of Weights and Measures, P.O. Box 19281, State Fairgrounds, Springfield, IL 62794-9281, telephone (800) 582-0468. *Salmonella enteritidis* (SE) is the pathogen of concern with fresh shell eggs. Since *salmonella enteritidis* does not multiply below 41 ° F, eggs must be kept refrigerated.

- Honey - Honey must be from an inspected source (IDPH, FDA or another state). It is often heat treated to minimize mold spores. No other sweetener may be added to the honey; otherwise it cannot be called honey.
- Apple Cider - Apple cider, packaged or in a container, must be pasteurized or show a warning statement on the label. A placard or sign nearby stating it is unpasteurized is also acceptable. After November 8, 1999, the warning statement must be on the label. If unpasteurized apple cider without a warning statement is found, please notify the nearest Division of Food, Drugs and Dairies Regional Office. Unpackaged apple cider and other fresh juices produced on-site are exempt from the warning statement.
- Herb Vinegars - Herb vinegars will be allowed, provided commercial vinegar which has a controlled pH is used and labeling requirements are followed.
- Flavored oils - Garlic-in-oil may be sold only if it is produced in a commercial processing plant under inspection. Other flavored oils besides garlic-in-oil have not been epidemiologically implicated in foodborne illness outbreaks. Therefore, they do not require acidification and are not considered potentially hazardous. Labeling requirements must be followed.
- Caramel Apples - Caramel apples and other confectioneries frequently have an inhibitory high sugar content and growth of pathogens is unlikely.

FOODS PROHIBITED AT A FARMERS MARKET OR FROM OUTDOOR SALES

- Home Made Ice Cream - Ice cream made at home is prohibited.
- Raw Milk, Cheese, Yogurt or Other Dairy Products - Prohibited by the Grade A Pasteurized Milk and Milk Products Act. Raw dairy ingredients are commonly contaminated with *Listeria monocytogenes*, *Salmonella* or other pathogens. All Grade A dairy products must be pasteurized and processed in a licensed dairy plant.
- All Home Canned Foods - All low acid canned foods in hermetically sealed containers have a risk from surviving *Clostridium botulinum* and subsequent formation of toxin unless a stringent scheduled process is followed. Some recipes for apple butters, jams and jellies may have been adapted to use a sugar substitute, pectin or fruit juice in place of sugar which will not give the same protection as a high sugar content. Without process controls and product analysis, it is extremely difficult to distinguish between safe and unsafe products. Therefore, home canned foods may not be sold to the public.

- Home Vacuum Packaged Products (of any type) - The risk of *Clostridium botulinum* and other anaerobic pathogens occurs without strict controls and an approved HACCP plan. Food products vacuum packaged at home are not allowed.
- Home Butchered Meat, Poultry or Wild Game Animals - Home-butchered meat and poultry which has not received an ante mortem and post mortem inspection, is for the use of the owner and his/her family alone and may not be sold, according to Agriculture laws. Wild game may only be donated to charitable or not-for-profit organizations or it may be for personal use.
- Home prepared sandwiches - All potentially hazardous foods must be prepared on-site in an inspected facility or be prepared in another inspected facility. Sandwiches prepared at home may not be sold to the public.
- Garlic-in-oil - Garlic-in-oil may only be sold if processed in an inspected, commercial processing plant where it has been acidified to certain specifications (usually with citric acid). Garlic-in-oil is frequently contaminated with *Clostridium botulinum* spores and has been implicated in several foodborne outbreaks.
- Pickles, Relishes, and Salsa - Because of the wide variation in ingredients, pH, and processing methods, these products must be produced in a commercial processing plant.

LABELING - All prepackaged foods must comply with minimum labeling requirements. This information may be provided as a label on the package or container, on a sign or placard or as a recipe available to the consumer.

- 1) common name of the product
- 2) name, address and zip code of the packer, processor, manufacturer, etc.
- 3) net contents
- 4) list of ingredients in descending order of predominance by weight
- 5) a list of any artificial color, artificial flavor or preservatives used.

WHAT ARE THE CLEANUP REGULATIONS?

The market closes at 1 p.m.) All selling must end at closing time. Sellers MUST remove all waste and refuse from their spaces before leaving the market. Spaces are to be "broom clean" prior to departure. **EACH SELLER MUST CLEAN UP!**

GRIEVANCE PROCEDURES

- a. The Farmers' Market is operated as a service for both growers and customers. It is expected that a spirit of trust will prevail in all transactions.

- b. Grievances will follow the requirements stated in the Oak Park ordinance Chapter 18, Article 2, Section 10.

GENERAL OPERATING RULES

1. SOLICITING

No handing out of fliers or soliciting for money, votes, etc., it is permitted at the Market. Authorized Market vendors may display posters or literature.

2. ANIMALS

NO animals or pets shall be allowed in the market except for service animals accompanying the disabled.

3. VEHICLES

No motorized vehicles (except wheelchairs) other than those of the sellers and market managers shall be allowed in the Market area. No riding of skateboards or bicycling is allowed in the Market area.

4. SMOKING

Smoking shall be prohibited in all areas of the Farmers' Market.

5. PENALTIES FOR VIOLATION

Any person or group violating any of the regulations of the Farmers' Market shall be punishable by a fine not exceeding seven hundred fifty dollars (\$750.00). Each day any violation of any provision of this Code (or of any ordinance) shall continue shall constitute a separate offense., and their permit may be revoked.

- The Commission and/or market managers reserve the right to make any on-site inspections of farms, processing facilities or retail establishments.
- The above rules are subject to modification from time to time by the Commission with the concurrence of the Health Department and the Board of Trustees.

QUESTIONS? Please call the market manager at 708.358.5780.

EMERGENCIES Please call the Oak Park Police Department non-emergency number at 708.383.3800 or in the case of an emergency dial 911.