

CITY OF SALEM, OHIO

ORDINANCE NO. 090519- 32

INTRODUCED BY: MRS. DZURACKY

First Reading 05/19/2009

Second Reading 05/19/2009

Third Reading 05/19/2009

BEING AN ORDINANCE CREATING AND ADOPTING CHAPTER 727 OF PART SEVEN OF THE CODIFIED ORDINANCES OF THE CITY OF SALEM.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SALEM, STATE OF OHIO:

SECTION 1:

That Chapter 727 of Part Seven of the Codified Ordinances of the City of Salem is hereby created and adopted as follows:

**CHAPTER 727
CITY FARM MARKET**

727.01 Definitions.

727.03 Location.

727.05 Documentation.

727.07 Vending Restrictions

727.09 Removal of Garbage.

727.02 Establishment

727.04 Duration.

727.06 Regulations Established.

727.08 Exclusion From Market.

727.01 DEFINITIONS.

(a) "Farmers Market" means a location where producers congregate in a temporary open air market to offer one or more of the following food items for sale:

(1) Fresh unprocessed fruits or vegetables, and/or

(2) Products of a cottage food production operation as defined by Ohio Revised Code Section 3715.01.

(b) "Producer," for purposes of this chapter, means a person who raises agricultural products on land owned or leased by themselves.

(c) A temporary open air market shall be defined as any retail or wholesale vendor or vendors set up on a one time or recurring basis in any space or location on City property not specifically under the control of any City board or commission, that does not otherwise have a permanent structure designed or permanently modified for retail or wholesale marketing purposes.

727.02 ESTABLISHMENT.

A special event Farmers Market shall be established for the sale of seasonal produce, related products and plants. Said Market shall be open only to producers of their own farm produce, plants and products. Organizations may contract with the City of Salem for the purposes of coordinating a Farmers Market subject to all rules and regulations of the Service and Safety Director, City ordinances and applicable state laws.

727.03 LOCATION.

The location of a Farmers Market shall be at 568-600 East State Street subject to the approval of the City Service and Safety Director in accordance with all local, state and federal laws.

727.04 DURATION.

A Farmers Market may be held weekly at 9:00 a.m. to 5:00 p.m. from April 1 through October 30 of each calendar year subject to the approval of the City Service and Safety Director.

727.05 DOCUMENTATION.

An organization responsible for coordinating a Farmers Market shall provide to the City Service and Safety Director a list of vendors who will be participating in a Farmers Market. The list shall contain the name, address, and contact number of each producer or other vendor, products to be sold, dates of participation in a Farmers Market and any other information required by the City Service and Safety Director. Along with the above referenced list, the City Service and Safety Director must be provided a copy of any required food service licenses or other applicable licenses for each producer or other vendor.

727.06 REGULATIONS ESTABLISHED.

Rules and regulations governing the operation of and participation in a Farmers Market shall be established by the City Service and Safety Director and shall be provided to vendors participating in a Farmers Market.

727.07 VENDING RESTRICTIONS.

(a) A Farmers Market is limited to the sale of food and food products with the exception of plants and flowers. Incidental services may be offered where the vendor is participating as a "producer" as defined in this Chapter.

(b) Any item sold must meet all federal, state, county and local health codes.

(c) No person shall purchase in a Farmers Market any produce or items for the purpose of reselling the same again in the market or elsewhere in the City during market hours.

727.08 EXCLUSION FROM MARKET.

The City Service and Safety Director, or his or her designee may prohibit the participation of any producer or other vendor if there is an infraction of the City Health Code, if there is any health, safety or welfare issue as determined by the City Service and Safety Director or his or her designee, if the vendor is selling products or articles expressly prohibited in this Chapter or by regulation, or if the documentation required by this Chapter have not been properly filed with the City Service and Safety Director.

727.09 REMOVAL OF GARBAGE.

No person shall bring onto or place into any trash receptacle of the City, any garbage, litter or filth not associated with the immediate operation of an authorized vendor's booth, stall or space at the Farmers Market. Failure to remove the same to the extent that it accumulates at any market space assigned to an authorized vendor may result in the immediate or future revocation of authority to participate in the Farmers Market.

SECTION 2:

This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any part of its committees that resulted in those formal actions were in meetings open to the public

in compliance with the law.

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PASSED: _____
DATE

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

MAYOR

APPROVED AS TO FORM:

DATE

LAW DIRECTOR