

CHAPTER 111: FARMERS' MARKETS

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§ 111.01 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MARKET or **FARMERS' MARKET**. The location and activities located thereon designated by the Village Council as an open area where the buying and selling of agricultural products and crafts during specified days and hours.

PRODUCER. A person who offers for sale articles for human consumption such as fruits, vegetables, eatable grains, nuts, berries, apiary products, maple syrups, bakery products and fish and/or non-articles such as cut or potted flowers, crafts, which articles have been grown, produced or prepared by the grower or producer. **PRODUCERS** shall be limited to residents of Sanilac County, Tuscola County and Huron County.
(1989 Code, § 12.00.00) (Ord. passed 11-12-2002; Ord. 02-5, passed 11-17-2002; Ord. 10-02, passed 3-2-2010; Ord. 11-02, passed 5-3-2011)

§ 111.02 ESTABLISHMENT

(A) There is hereby established a public curb market, hereinafter called the Farmers' Market.

(B) No person may display, market or sell any produce on village streets, alleys, sidewalks or public property within the village, except as allowed under provisions of this chapter.

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(C) The time and days during which said farmers' market shall be in operation shall be determined by the Farmers' Market Committee.

(1989 Code, § 12.01.00) (Ord. passed 11-12-2002; Ord. 02-5, passed 11-17-2002; Ord. 10-02, passed 3-2-2010; Ord. 11-02, passed 5-3-2011) Penalty, see § 10.99

§ 111.03 REGULATIONS

(A) At the Farmers' Market, all food products shall be sold only pursuant to County Health Department regulations with necessary permits to be obtained and posted by the seller.

(B) A State Department of Agriculture license is required where applicable.

(C) The permittee is responsible for any and all necessary licenses and permits as are needed.

(D) The permittee shall keep the space clean and remove all debris and waste at the end of operation day.

(E) The seller may purchase, display and maintain his, her or their own patio style umbrella/shade covering. Said covering is not to be left on the premises overnight.

(1989 Code, § 12.02.00) (Ord. passed 11-12-2002; Ord. 02-5, passed 11-17-2002; Ord. 10-02, passed 3-2-2010; Ord. 11-02, passed 5-3-2011) Penalty, see § 10.99

§ 111.04 FEES

(A) Each producer shall pay a permit fee for the use of said space.

(B) The permit fee shall be established by the Farmers' Market Committee.

(1989 Code, § 12.03.00) (Ord. passed 11-12-2002; Ord. 02-5, passed 11-17-2002; Ord. 10-02, passed 3-2-2010; Ord. 11-02, passed 5-3-2011)

§ 111.05 LIABILITY

The seller, and the person executing this permit on behalf of the seller, by execution of this permit accepts all liability for quality and quantity and marketability of their products and agrees to hold the village harmless from any liability or claim for damages or suits for or by reasons of any injury to any person or property resulting from acts or omissions by the seller, his or her agents or employees or third persons, from any cause whatsoever while in or upon the premises, and the seller covenants and agrees to indemnify and save harmless the village from all liabilities, by reason of any injury, liability, claim, suit or loss occurring or damages growing out of the same, and for the cost and attorney fees in defending such claims.

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(1989 Code, § 12.04.00) (Ord. passed 11-12-2002; Ord. 02-5, passed 11-17-2002; Ord. 10-02, passed 3-2-2010; Ord. 11-02, passed 5-3-2011)

§ 111.06 PROHIBITIONS

(A) No person shall set up to operate at the Farmers' Market without a permit as required by this chapter.

(B) No person shall set up or operate at the Farmers' Market at a location other than that indicated on his or her application for permit.

(C) No person shall set up or operate a Farmers' Market at a location other than that indicated on his or her application for permit.

(D) The seller must conform to public health, safety and welfare practices and shall refrain from conduct, which is fraudulent or deceptive in nature.

(1989 Code, § 12.05.00) (Ord. passed 11-12-2002; Ord. 02-5, passed 11-17-2002; Ord. 10-02, passed 3-2-2010; Ord. 11-02, passed 5-3-2011) Penalty, see § 10.99

§ 111.07 ADMINISTRATION

(A) The Farmers' Market shall be under the administration of the Farmers' Market Committee.

(B) All products offered for sale in the Farmers' Market shall be subject to inspection by any duly authorized village, county or state official.

(1989 Code, § 12.06.00) (Ord. passed 11-12-2002; Ord. 02-5, passed 11-17-2002; Ord. 10-02, passed 3-2-2010; Ord. 11-02, passed 5-3-2011)

§ 111.08 TERMINATION OF LICENSE

The seller recognizes that, due to the needs of the village to provide for the health, safety and welfare of its residents, and due the importance of its ability to control the market area for the benefit of the residents and the downtown shopping area, the village shall have the right to terminate this license with or without cause with ten days' notice to be delivered personally or mailed by first class mail to the address on permit. In the event of termination, the village shall refund a proportionate amount of the license fee equal to that portion of the license period remaining.

(1989 Code, § 12.08.00) (Ord. passed 11-12-2002; Ord. 02-5, passed 11-17-2002; Ord. 10-02, passed 3-2-2010; Ord. 11-02, passed 5-3-2011)

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