



City of Chicago



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Meeting Date: 5/26/2021

Sponsor(s): Lightfoot (Mayor)

Type: Ordinance

Title: Amendment of Municipal Code Chapters 4-12 and 10-8 by modifying various sections and adding new Section 10-8-331 further regulating independent farmers markets

Committee(s) Assignment: Committee on Special Events, Cultural Affairs and Recreation

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OFFICE OF THE MAYOR
CITY OF CHICAGO

LORI E. LIGHTFOOT
MAYOR

May 26, 2021

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Cultural Affairs and Special Events, I transmit herewith an ordinance amending the Municipal Code regarding the regulation of city-designated and independent farmers markets.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in black ink that reads "Lori E. Lightfoot".

Mayor

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 4-12-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-12-010 Definitions.

As used in this chapter, unless the context clearly indicates otherwise:

(Omitted text is unaffected by this ordinance)

“Farmers ~~markets~~ market(s)” or “market(s)” means areas designated by the Commissioner as a farmers market pursuant to Section 4-12-080(a)(1), where on designated days and times, growers and producers may sell certain articles and foods directly to the public in accordance with this chapter and any rules promulgated thereunder. All other farmers markets, which shall be known as independent farmers markets, shall be governed by Section 10-8-331.

(Omitted text is unaffected by this ordinance)

SECTION 2. Chapter 10-8 of the Municipal Code of Chicago is hereby amended by inserting a new Section 10-8-331, as follows:

10-8-331 Independent farmers markets.

(a) *Definitions.* As used in this section, unless the context clearly indicates otherwise:

“City property” means any property owned or leased by City of Chicago.

“Commissioner” means the Commissioner of the Department of Cultural Affairs and Special Events or the Commissioner’s designee.

“Department” or “DCASE” means the Department of Cultural Affairs and Special Events.

“Independent farmers market” or “event” means an area on: (i) the public way; or (ii) City property; or (iii) private property, where at least 75% of the vendors participating in such event are farmers or other growers or producers.

“Farmers or other growers or producers” means natural persons who offer for sale or sell directly to consumers or prospective purchasers: (i) articles for human consumption, such as whole or uncut fruits or vegetables or their non-alcoholic juices, edible grains, nuts, berries and apiary products; or (ii) nonedible articles, such as cut or potted flowers or handmade products, if the articles identified in items (i) and (ii) herein have been raised, prepared or made by the farmer, grower or producers or by members of his or family or by persons in his or employ; or (iii) authorized foods produced in a cottage food operation in conformity with Section 4 of the Food Handling Regulation and Enforcement Act, 410 ILCS 625/4, or its successor Act, and any rules promulgated thereunder. The term “independent farmers market” does not include any farmers market designated by the Commissioner as a farmers market pursuant to Section 4-12-080(a)(1).

“Public way” has the meaning ascribed to that term in Section 10-8-335(a)(5).

“Special city services” has the meaning ascribed to that term in Section 10-8-335(a)(1)(B).

“Sponsor of the event” or “sponsor” has the meaning ascribed to that term in Section 10-8-335(a)(3).

(b) *Unlawful act.* No person shall engage in the activity of independent farmers market without first having obtained from the Department a special event permit or market registration, as applicable, for such activity.

(1) *Special event permit – When required.* A special event permit issued under Section 10-8-335 shall be required to engage in the activity of independent farmers market if, in connection with such event, the sponsor of the event requires: (i) special city services, or (ii) a temporary food establishment license.

(2) *Market registration – When required.* A market registration issued in accordance with subsection (c) of this section shall be required to engage in the activity of independent farmers market if, in connection with such event, the sponsor of the event does not require: (i) special city services, or (ii) a temporary food establishment license.

(c) *Market registration – Process and fees.*

(1) *Application.* The application for a market registration under subsection (b)(2) of this section shall be submitted by the sponsor of the event in the form and manner prescribed by the Commissioner, and shall contain the following information: (i) the sponsor’s name, address, e-mail address, and telephone number; (ii) the name, address, e-mail address, and telephone number of the sponsor’s authorized and responsible agent for service of process; (iii) the date and time the farmers market will be held; (iv) the location where the farmers market will be held; (v) whether the farmers market will be held, in whole or in part, on the public way or on City property; (vi) whether the farmers market will be held, in whole or in part, on private property; (vii) whether any street closure(s) will be requested in connection with the farmers market; (viii) whether any special services will be required in connection with the farmers market:

(ix) whether any prepackaged food or prepared food will be sold by vendors at the farmers market; (x) whether any required temporary food establishment license has been applied for or obtained; (xi) the total number of vendors estimated at the farmers market; (xii) the percentage of vendors identified pursuant to item (xi) that are farmers or growers and producers; and (xiii) any other information that the Commissioner may reasonably require to implement this section. All information provided on the application shall be complete and truthful. The applicant shall report any change in required information to the Commissioner within 10 business days of such change or prior to the date on which the farmers market is held, whichever comes first.

(2) *Market registration – Prohibited when.* A market registration under this subsection (c) may be denied if the Commissioner of Transportation notifies DCASE that the date, place, time or manner of the event will have an adverse impact on the public way or on public safety, or the Commissioner of Health notifies DCASE that the date, place, time or manner of the event will have an adverse impact on the public health or safety.

(3) *Notification of approval or denial.* The Department shall inform the applicant, at least ten calendar days prior to the date of the event, whether the application is approved or denied. If the Department approves the registration application, the Department shall so notify the applicant without undue delay. If the Department denies the registration application, the Department shall provide the applicant with written notice of such fact, which notice shall state why the application has been denied. If the Department fails to act within 35 business days of receipt of the registration application and any amendments thereto, the registration application shall be deemed approved and the registration deemed granted in conformity with this subsection. The Department's decision to approve or disapprove a registration application under this subsection (c)(3) shall be final and may be appealed in the manner provided by law.

(4) *Revocation of market registration – When authorized.* The Department may at any time revoke a market registration issued under this section if operation of the independent farmers market violates this Code or any other applicable law, or if such revocation is necessary to preserve the health or safety of the public. Written notice of the revocation with the reasons therefor shall be e-mailed or mailed to, or personally served upon, the sponsor or the sponsor's designated agent for service of process as indicated on the registration application. Unless the registration will expire by its own terms before a hearing can be reasonably scheduled, no such revocation will take effect until the sponsor of the event or such sponsor's agent for service of process has been given notice and an opportunity to be heard in accordance with rules issued by the Department. When necessary to prevent an immediate threat to the health or safety of the Department, the Department shall order the sponsor to cease operation of the independent farmers market in whole or in part pending the outcome of the hearing.

(5) *Market registration – Fee.* No fee shall be assessed to register an independent farmers market with the Department pursuant to subsection (b)(2) of this section.

(6) *Legal duties.* The sponsor of any independent farmers market registered or required to be registered with the Department under subsection (b)(2) of this section shall:

(i) have a representative present at all times during the event. Such representative shall be responsible for ensuring compliance with all applicable ordinances and rules and for accepting all notices of violation and closure orders;

(ii) not allow any alcoholic beverages to be offered for sale or sold at the event; and

(iii) comply with any rules duly promulgated hereunder.

(7) *Rules.* The DCASE Commissioner and Commissioner of Health, following consultation with one another, may jointly or separately promulgate rules necessary or appropriate to implement this section.

(8) *Penalty for violation.* In addition to any other penalty provided by law, any person who violates this section or any rule promulgated thereunder shall be fined not less than \$500.00 nor more than \$2,500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

SECTION 3. Section 10-8-335 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-8-335 Outdoor special events.

(a) As used in this section unless the context requires otherwise:

(1) “Special event” means a planned temporary aggregation of attractions, including public entertainment, food and beverage service facilities, an independent farmers markets within the meaning of Section 10-8-331(b)(1), sales of souvenirs or other merchandise, or similar attractions, that is: (i) conducted on the public way, including outdoor public enjoyment areas developed pursuant to Section 2-102-030; or (ii) conducted primarily outdoors on property open to the public other than the public way and which:

(A) Includes activities that require the issuance of a City temporary food establishment license or a special event liquor license; or

(B) Requires special City services, including but not limited to any of the following: street closures; provisions of barricades, garbage cans, stages or special no parking signs; special electrical services; or special police protection.

“Special event” does not include a parade or athletic event for which a permit is required under Sections 10-8-330 or 10-8-332, or a farmers market licensed under Chapter 4-12 of this Code, or an independent farmers market requiring a market registration pursuant to Section 10-8-331(b)(2), or a neighborhood block party at which no food, beverages or merchandise is sold, or a citywide festival conducted pursuant to an intergovernmental agreement authorized by ordinance.

(Omitted text is unaffected by this ordinance)

(5) The term “public way” has the meaning ascribed to that term in Section 1-4-090(f), and, in addition, shall include the harbor as defined in Section 10-40-010.

(Omitted text is unaffected by this ordinance)

(c) Unless the special event is to be conducted in January or February, applications for a permit under this section must be filed in the calendar year in which the event is to take place. If the event is to take place in January or February, the application must be filed no earlier than one year prior to the event. ~~Each~~ Except as otherwise provided in paragraph (6) of this subsection (c), each application submitted by the sponsor of an outdoor special event shall be accompanied by a nonrefundable processing fee of:

(1) \$100.00, if the application is submitted more than sixty days prior to the event;

(2) \$200.00, if the application is submitted between fifty-nine and forty-five days prior to the event;

(3) \$500.00, if the application is submitted between forty-four and thirty days prior to the event; ~~and~~

(4) \$1,000.00, if the application is submitted between twenty-nine and twenty-two days prior to the event; and

(5) \$2,000.00, if the application is submitted between twenty-one and fourteen days prior to the event.

(6) If the special event is an independent farmers market, the applicable permit fee otherwise required under this subsection (c) shall be waived in its entirety. Provided, however, that such waiver shall not include any applicable fees required to be paid pursuant to subsection (d) or (g) of this section or any other section of this Code.

(Omitted text is unaffected by this ordinance)

(j) ~~No~~ Except as otherwise provided in this subsection (j), no permit issued under this section may authorize the operation of a special event for a period longer than ten days; ~~provided~~ Provided, however, that a permit issued under this section may authorize the operation of a special event for up to 180 calendar days: (i) on an outdoor public enjoyment area developed pursuant to Section 2-102-030; or (ii) if the event is an independent farmers market within the meaning of Section 10-8-331(b)(1).

(Omitted text is unaffected by this ordinance)

SECTION 4. This ordinance shall take full force and effect upon its passage and approval.