

Ordinance #O.21.09

An Ordinance **AMENDING CHAPTER 110.38 OF THE CODE OF ORDINANCES OF THE CITY OF GALENA, ILLINOIS.**

Adopted by the City Council of the City of Galena this 12th Day of April 2021.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 12th Day of April 2021.

STATE OF ILLINOIS)
) City of Galena
COUNTY OF JO DAVIESS)

CERTIFICATE

I, Mary Beth Hyde, certify that I am the duly elected municipal clerk of the City of Galena, JoDaviess County, Illinois.

I further certify that on the 12th Day of April 2021, the Corporate Authorities of said municipality passed and approved Ordinance No. O.21.09 entitled **AN ORDINANCE AMENDING CHAPTER 110.38 OF THE CODE OF ORDINANCES OF THE CITY OF GALENA, ILLINOIS**, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. O.21.09 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 12th Day of April 2021 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 13th April 2021.


Mary Beth Hyde, City Clerk

(Seal)

**AN ORDINANCE AMENDING CHAPTER 110.38 OF THE CODE OF ORDINANCES
OF THE CITY OF GALENA, ILLINOIS**

WHEREAS, Chapter 110 of the Galena Code of Ordinances provides regulations for the licensing and operation of a farmers' market in the City of Galena, and

WHEREAS, it is the desire of the City Council to amend Chapter 110 to change the possible locations for the market and to clarify other aspects of the operation of the market.

THEREFORE, BE IT ORDAINED by the City Council of the City of Galena, Jo Daviess County, Illinois, as follows:

SECTION I: Chapter 110.02, entitled "DEFINITIONS", of the Galena Code of Ordinances shall be amended by adding the following bolded, italicized, and underlined text:

FARMER'S FARMERS' MARKET. A group of vendors collected at ~~Market House Square~~ ***a location approved by the City Council*** for selling only home-grown products, or food items, ***or handmade products*** consistent with Jo Daviess County Health Department regulations

SECTION II: Chapter 110.38, entitled "**FARMERS' MARKET**", of the Galena Code of Ordinances shall be amended by adding the following bolded, italicized, and underlined text:

§ 110.38 FARMERS' MARKET.

(A) *License required.* It shall be unlawful to sell produce or food items as a farmers' market without first obtaining a license as provided for herein.

(B) *Requirements for obtaining a license.*

(1) A farmers' market must be coordinated by a market ~~master~~ ***manager***, who will assume responsibility for the coordination of all farmers' market events and assure compliance with all regulations. Said market ~~master~~ ***manager*** shall be responsible for obtaining the required license.

(2) The market ~~master~~ ***manager***, when requesting a farmer's market license, must have proof of a state user's permit from the ~~Illinois Historic Preservation Agency~~ ***State of Illinois agency in charge of the Market House historic site (Market Square), if the market is to be conducted at the Market Square.*** Said market ~~master~~ ***manager*** must provide the City Clerk with a list of names, addresses, tax identification numbers, and all other pertinent information about each person displaying and selling produce at the farmers' market. Said list shall be updated as necessary, so that the City Clerk always has on file a complete list of all persons participating in the farmers' market.

(3) The City Clerk or Mayor may request a background check of the market ~~master~~ **manager** (applicant) by the Police Department before issuing a farmers' market license.

(4) The fee for a farmers' market license shall be \$25 per year. Said fee shall be paid at the time of application.

(5) The city may deny the farmers' market license based on grounds of failure to cooperate with authorities, failure to obtain a permit before sales, past suspension or revocation of permits, failure to pay taxes, failure to provide proof of a user's permit, or other just cause.

(C) *Regulations.*

(1) The following locations are allowed for the use of the farmers' market. All other locations are strictly prohibited:

(a). Market Square, between Commerce Street and the alley west of the Lemfco Foundry, and between Perry and Hill Streets.

(b). City Hall parking lot on Commerce Street.

(c). Green Street Plaza on Green Street between Commerce Street and Water Street.

(2) It shall be unlawful to block, restrict, display or operate sales upon a public street, alley, sidewalk or other public way.

(3) It shall be unlawful to sell items other than produce, ~~or~~ home-grown food items, **or handmade products** and it shall be unlawful to sell items that are not in accordance with Jo Daviess County Health Department standards.

(4) Each vendor shall display at the point of sale a notice of where the food items were produced or grown and the name of the processor or grower and, in the case of non-food items, the person(s) who manufactured the items and the place of manufacture.

(5) Not more than fifty percent (50%) of the vendors at the market shall sell non-food items.

(6) Foods and products infused with or containing cannabis/hemp or cannabis derived products, such as cannabidiol (CBD), are not allowed to be sold.

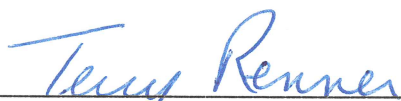
(D) *License must be conspicuously posted.* The license must be posted, in a conspicuous location where said event is occurring, and must remain posted throughout the duration of said event.

SECTION III: All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

SECTION IV: Passed on this 12th day of April, A.D., 2021, in open session.

AYES: Kieffer, McCoy, Westemeier, Bernstein, Hahn, Renner

NAYS: None



TERRY RENNER, MAYOR

ATTEST:


Mary Beth Hyde, City Clerk