

**ORDINANCE NUMBER 2004-10**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE VILLAGE OF VERNON HILLS, CHAPTER 10, CREATING ARTICLE VII, ESTABLISHMENT AND OPERATING REQUIREMENTS FOR A COMMUNITY FARMERS MARKET.**

**WHEREAS**, the President and the Board of Trustees of the Village of Vernon Hills is authorized to prescribe minimum standards for the use of property for the purpose of promoting the public health, safety, comfort, convenience, and general welfare of the people of Vernon Hills; and

**WHEREAS**, in the legislative judgment of the President and Board of Trustees found that promoting fiscally viable, family-oriented, and community-wide accessible educational, social, recreational, and cultural special events that residents, business partners, and visitors will develop a greater sense of ownership, encourage communication, and build relationships that are necessary to maintain a vibrant and appealing community; and

**WHEREAS**, the President and Board of Trustees, being fully appraised of the special events available, found that in its judgment, would justify it in approving an ordinance that establishes and regulates a community farmers market; and

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS AS FOLLOWS:**

**SECTION I.** That Chapter 10, Article VII, of the Village of Vernon Hills Code of Ordinances, is hereby created and is approved to read as follows:

**ARTICLE VII. FARMERS MARKET**

**DIVISION 1. GENERALLY**

**Sec. 10-210. Establishment of Farmers Market.**

A Farmers Market for the Village of Vernon Hills shall be and is hereby established at such publicly accessible place and time as may be determined by the Village of Vernon Hills Board of Trustees.

**Sec. 10-211. Use of Market.**

No person shall sell fruits, vegetables or other products commonly associated with a Farmers Market or establish a tent, wagon or other motor vehicle with the intent of selling such products at any location other than an officially permitted Farmers Market. No public street, parking lot or similar location shall be utilized for such sales.

All persons or vendors seeking to sell or display products at a Farmers Market shall be required to obtain a permit and pay a fee to the Village pursuant to Section 10-213 herein. No person or vendor who has been issued a valid permit by the Village and has been assigned a specific stall or space by the Market Manager shall transfer said permit or authorize use of the assigned stall or space without the prior approval of the Market Manager and obtaining a new permit.

**Sec. 10-212. Farmers Market Manager.**

The Village Manager shall assign the responsibilities of overseeing the Farmers Market(s) to a Village employee. For purposes of this ordinance the assigned employee shall be known as the Market Manager. The Market Manager shall review, collect fees, and issue operating permits pursuant to section 10-213 herein, to persons/vendors to use stalls on a seasonal basis in accordance with this ordinance and shall have the authority to make decisions and implement rules and regulations for the daily working and care of the Farmers Market.

**DIVISION 2. PERMITS**

**Sec. 10-213. Operating Permit. Fee For Stalls.**

No person shall sell products at or occupy a stall at a market without obtaining a permit. The permit fee for each stall shall be at the rate specified in Chapter 25 – Comprehensive Fees and Penalties. After the initial year of the Farmers Market, it will be up to the discretion of the Market Manager to allow for a single day permit and fee.

**Sec. 10-214. Assignment of Stalls.**

The Market Manager has sole responsibility for assigning vendor stalls. The Market Manager shall notify vendors in writing of their stall location fifteen (15) days in advance of the first advertised Farmers Market. Any stall not occupied by 9 A.M. of the day of the Farmers Market may be permitted by the Farmers Market Manager for the balance of the day at a per day rate.

**DIVISION 3. OPERATING REQUIREMENTS**

**Sec. 10-215. Market Location, Days, and Hours.**

The Village of Vernon Hills Board of Trustees shall annually approve the Farmers Market location, day, and hours of operation. Vendors may set-up one hour prior to the advertised opening of the Farmers Market and shall thoroughly clean and vacate their assigned stall within one hour after the advertised closing time. No vendor shall sell any wares or produce before said opening or after the time set for closing.

**Sec. 10-216. Operation of Vendors.**

The Market Manager shall have the right to revoke a vendors operating permit if it is determined that a vendor is attempting to sell produce which is not fit for consumption, or if the vendor is trying to wrongfully influence or negotiate prices while operating in the market.

**Sec. 10-217. Scales.**

All weighting and measuring devices used by vendors shall be calibrated annually and maintained in proper working condition. Failure to maintain accurate weighting and measuring devices shall be cause for the Market Manager to revoke the violating vendor(s) operating permit, immediately.

**Sec. 10-218. Cleaning of Stalls and Grounds.**

The littering of the grounds of the Farmers Market and surrounding areas is hereby prohibited. The vendor of each stall is required to pick-up and remove from the stall and the surrounding grounds all paper, refuse, or anything whatsoever is lying upon the ground as the result of their use thereof prior to leaving the market. The Market Manager may assess a fine, as specified in Chapter 25 – Comprehensive Fees and Penalties, per occurrence for vendors who fail to comply.

**Sec. 10-219. Revocation or Denial of Operating Permit.**

For the violation of any of the provisions of this Ordinance, the Market Manager may revoke or deny a vendors operating permit. The vendor may appeal the Market Manager's decision by submitting a written request to the Village Clerk. The Village Clerk shall schedule a hearing before the Liquor and License Committee within thirty (30) days of receiving a request for appeal. The decision of the Liquor and License Committee shall be final.

**Sec. 10-220. Rules and Regulations.**

The Market Manager may propose any rule or regulation that is deemed necessary to maintain the integrity of the Farmers Markets from year to year. Said rule or regulation shall be presented to the Village Board of Trustees in ordinance form and recommended to become part of this ordinance prior to the next Farmers Market season.

**SECTION II. Severability.** In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable full force and effect. If any part of this ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

**SECTION III. Repeal and Savings Clause.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the Village of Vernon Hills prior to the effective date of this ordinance.

**SECTION IV. Effective Date.** This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

**SECTION V.** This ordinance shall be known as Ordinance 2004-10.

Adopted by roll call vote as follows:

AYES: 4-Cashman, Duros, Koch, Williams  
NAYS: 0-None  
ABSENT AND NOT VOTING: 1-Hebda

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Roger L. Byrne  
Village President

PASSED: 2/17/2004  
APPROVED: 2/17/2004  
PUBLISHED IN PAMPHLET FORM: 2/20/2004

Attest

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Jeanne M. Schwartz  
Village Clerk

