

**TO: MAYOR AND CITY COUNCIL**

**FROM: NEIL JENSEN, City Administrator**

**SUBJECT: Downtown Farmers Market Ordinance Amendment, Policy and Procedures, Application and Site Map**

**MEETING DATE: April 20, 2021**

### **BACKGROUND**

Last year we had some unfinished business in the Downtown Farmers Market. Please find in your packet 3 ordinance changes, Policy and Procedure for the market and an application form along with a map showing the proposed location for the market. Staff sent it up to our City Attorney for review and approval.

This was presented to the Finance Committee on Monday, April 12<sup>th</sup> for their review and approval. The Finance Committee has decided to move forward but with hesitation on one item. The location being moved from the current spot to where you see it on the map provided was a concern. Mayor Althoff met with the business owners along where the proposed market will be placed. They were willing to accept the location with the thought that some parking spots by Sue's Garage be left open for her customers.

If the City Council approves the Downtown Farmers Market proposal as presented staff will move forward with the ordinance changes for the next City Council meeting.

### **STAFF RECOMMENDATION**

Staff recommends approval of the Downtown Farmers Market Packet as presented to make the market legal with the ordinance changes and setting policy and procedures for the group.

### **REQUESTED COUNCIL ACTION**

Please make a motion to accept the Downtown Farmers Market Policy and Procedures, application and fees, site map for the location and request the City Attorney to make the ordinance changes to bring back to the City Council for review and approval.

DEFINITION – add to 152.021

FARMERS MARKET: An outdoor, public and recurring assembly of farmers/ranchers/growers or their representatives selling the food or plants that they produced (including but not limited to fruit, vegetables, meats, cheeses, bakery products, jams/jellies, and flowers/plants/seedlings) directly to consumers.

USES – add to B-1

§ 152.627 PERMITTED ACCESSORY USES.

Subject to applicable provisions of this chapter, the following are permitted accessory uses in a B-1 District:

- (A) Commercial accessory buildings and structures provided that the use shall not exceed 30% of the gross floor space of the principal use;
- (B) Fences as regulated by §§ 152.275 through 152.281 of this chapter;
- (C) Off-street parking and loading as regulated by §§ 152.255 through 152.264 of this chapter;
- (D) Secondary or accessory use antennas or satellites as regulated by §§ 152.330 through 152.337 of this chapter; and
- (E) Signs as regulated by §§ 152.350 through 152.359 of this chapter.
- (F) Farmers markets accessory to a “governmental or public regulated utilities, buildings or structures necessary for the health, safety and general welfare of the city” permitted use.

EXEMPT FROM PEDDLERS

§ 114.02 EXCEPTIONS TO DEFINITIONS.

(B) In addition, persons conducting the type of sales commonly known as garage sales, rummage sales or estate sales, as well as those persons participating in an organized multi-person bazaar, farmers market, or flea market, shall be exempt from the definitions of PEDDLERS, SOLICITORS and TRANSIENT MERCHANTS, as shall be anyone conducting an auction as a properly licensed auctioneer, or any officer of the court conducting a court-ordered sale. Exemption from the definitions for the scope of this chapter shall not excuse any person from complying with any other applicable statutory provision or local ordinance.



# 2021 Cannon Falls Downtown Farmers Market

## VENDOR APPLICATION

*(Please submit this application, the ST19, vending fee, and all other applicable forms to: The City of Cannon Falls, 918 River Road, Cannon Falls, MN 55009).*

YOUR BUSINESS NAME: \_\_\_\_\_

MN State Tax ID Number, (if applicable): \_\_\_\_\_

BUSINESS OWNER'S NAME: \_\_\_\_\_

PRIMARY SELLER'S NAME: \_\_\_\_\_

PRIMARY SELLER'S EMAIL: \_\_\_\_\_

PRIMARY SELLER'S ADDRESS: \_\_\_\_\_

PRIMARY SELLER'S PHONE NUMBER: \_\_\_\_\_

\_\_\_\_\_ *Standard Booth 10 x 10 - \$100*  
\_\_\_\_\_ *Double Booth 10 x 20 - \$150*

***PLEASE NOTE: You must be approved by the City in advance of vending at the Cannon Falls Downtown Farmers Market in Cannon Falls or in the City Parking lot. Thank you!***

***\*\*Drop-in vending will not be allowed at this location.***

***\*\*I understand that it is my own responsibility to carry general liability insurance and product liability insurance. The City of Cannon Falls will not provide any coverage.***



***\*\*Your fees will cover administration, any Public Works and Police support as well as the rental of the City parking lot for the 2021 season.***

***I AGREE that the neither the Cannon Falls Downtown Farmers Market nor the City of Cannon Falls is liable for any injury, theft or damage to either buyer or seller or their property arising out of or pertaining to preparation for or participation in the Cannon Falls Downtown Farmers Market whether such injury, theft or damage occurs prior, during or after the farmers market.***

***I AGREE to indemnify and hold the Cannon Falls Downtown Farmers Market and the City of Cannon Falls harmless for and against any claims for such injury, theft or damage.***

***I AGREE to produce, prepare, display and store all produce in accordance with applicable MN Department of Agriculture, MN Department of Health, and Goodhue County Health Department guidelines and regulations.***

***I AGREE to abide by all rules and regulations in the Cannon Falls Downtown Farmers Market Policy and Procedures.***

***DATE: \_\_\_\_\_ VENDOR SIGNATURE: \_\_\_\_\_***

\*\*\*\*\*

***THANK YOU FOR APPLYING TO BE A VALUED VENDOR AT THE CANNON FALLS DOWNTOWN FARMERS MARKET! We appreciate your interest in joining us. Upon notification by the City of Cannon Falls, you will be a 2021 seasonal vendor of the Cannon Falls Downtown Farmers Market.***

**On-Site Market Manager: Jody Mahle 763-464-7212**

\*\*\*\*\*

<b><i>For City Use Only</i></b>		
<b><i>_____ Application Complete</i></b> <b><i>_____ Fee Paid</i></b>	<b><i>Notes:</i></b>	<b><i>_____ Approved</i></b> <b><i>_____ Denied</i></b>

## CANNON FALLS DOWNTOWN FARMERS MARKET POLICIES AND PROCEDURES

The City of Cannon Falls, MN operates the Downtown Farmers Market in the City parking lot located at 500 Main Street West. These policies and procedures establish the rules and regulations for the farmers market.

Dates and Times: The farmers market operates each Saturday from 8 am to 12 noon over the summer and fall months. Annually, the City will set the date of the first and last farmers market for the year.

Application: Vendors must receive City approval prior to participating in the farmers market. In order to obtain approval, vendors must submit a complete application form, the applicable fee and any other required documentation required by the City. A copy of the vendor's Cottage License, where applicable, will need to accompany the application.

Denial: City may deny approval of any vendor for any reason including but not limited to false or incomplete statements on the application, sale of non-farmers market items, and failure to comply with these Policies and Procedures. A vendor who is denied approval may request a hearing before the City Administrator.

Approval: Upon approval vendor will be authorized to operate at the farmers market.

Vending Spaces and Fees: A standard booth is sized 10' x 10' for a fee of \$100 per season. A double booth sized 10' x 20' is available with preapproval for a fee of \$150 per season. The vendor may only use the single or double booth area that is approved. Vendor locations will be on a first-come, first-served basis each Saturday.

Revocation: Approval may be revoked for any failure to comply with these Policies or Procedures. A vendor whose approval is revoked may request a hearing before the City Administrator.

Off-Hour Vending: Vendors may request approval to sell their items at days and times outside of the regular farmers market hours. The request may be made on the standard application and may be part of the vendor's application to operate during regular farmers market hours. All rules, regulations and fees will still apply to all off-hour vendors. The only area that can be used for off-hour vendors is located in the City parking lot across the median that separates the south tier of the parking lot from the middle tier, just north of stalls 2-4. PLEASE NOTE: vending here can only be done if vehicles are not already occupying this space. Alternate locations may not be used. *See Map*

#### Rules for Vendors:

- The vending spaces are in a parking lot and the vendor acknowledges the condition of the parking lot.
- All vendors must keep their area neat and clean while selling. After each use, vendor shall clean up their area. No left-over produce, litter, or garbage may be left in the parking lot or placed in the City refuse receptacles.
- All items offered for sale must qualify as “farmers market” items (see City Code Section 152.21 for definition of “farmers market”), and shall be homemade and/or homegrown by the vendor. Any reselling must be approved in advance by the City.
- All items must be produced, processed, prepared, displayed and stored in accordance with the MN Department of Agriculture, MN Department of Health and the Goodhue County Health Department guidelines.
- Vendors selling baked goods, canned goods or pickled foods are required to be registered with the State of Minnesota Department of Agriculture and as an agent for Cannon Falls Downtown Farmers Market, the City of Cannon Falls will require that you provide a copy of your certificate to keep on file prior to selling said items.
- Farmers selling eggs from their own flock should be registered with MDA as a small flock producer. Eggs must be held and transported at 45 degrees or less.
- All vendors must comply with all City, State and Federal laws applicable to their vending at the farmers market.
- Vendors must provide their own tables, chairs, awnings, signage, etc.
- Please no downplaying of other grower’s quality, pricing or product.

***Pricing your product: Gross undercutting hurts everybody. Do not be afraid to ask your neighboring vendors what they are charging for similar products.***

#### MARKET CONDUCT RULES:

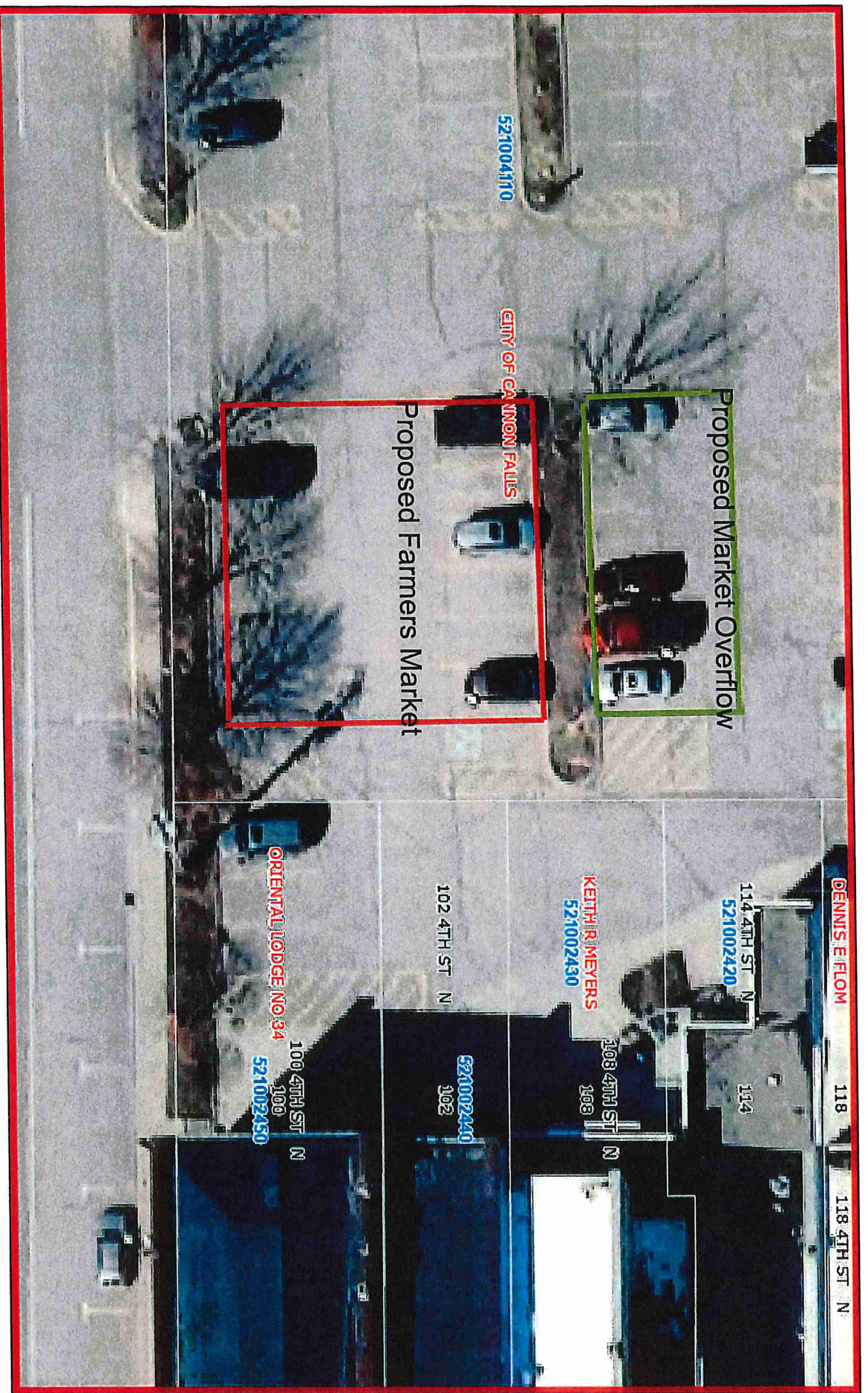
***\*We discourage smoking in the market for everyone’s comfort***

***\*Please no obscene language.***

***\*No selling of produce under false information. i.e. variety, organic or bought to be resold.***

***\*MN law discourages dogs from farmers markets for others safety, with the exception of service dogs.***

# ArcGIS WebMap



April 7, 2021  
Parcels

