


MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development 

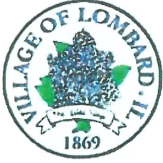
MEETING DATE: April 7, 2022

SUBJECT: **Text Amendments to Chapter 125 of Village Code: Farmers' Markets**

Please find the following items for Village Board consideration as part of the April 7, 2022 Board meeting:


1. Economic and Community Development Committee (ECDC) memo; and
2. Ordinance approving the proposed Code amendments.

The ECDC unanimously recommended approval of the text amendments. Please place this item on the April 7, 2022 Board of Trustees agenda.



MEMORANDUM

TO: Trustee Anthony Puccio, Chairperson
Economic and Community Development Committee

FROM: Jennifer Ganser, AICP, Assistant Director 

MEETING DATE: March 14, 2022

SUBJECT: Text Amendments to Village Code: Farmers' Market

Staff has reviewed Chapter 125 of Village Code in regards to a proposed Farmers' Market by the Chamber of Commerce. In reviewing the operating plan from the Chamber, as well as a past farmers market at Yorktown Mall, it was determined that certain text amendments were needed.

The Chamber of Commerce is working on a Farmers' Market at 20 E. St. Charles Road. This is west of the fire station. The Village owns the property. The Farmers' Market would be on Tuesdays from 2:00 p.m. to 7:00 p.m. from approximately June 7th through the middle of September.

Farmers' Markets can be allowed via a special event permit or, in certain zoning districts, via a conditional use permit. A special event permit is a staff approval process for temporary events. A conditional use permit requires a public hearing by the Plan Commission and Village Board consideration and would allow for a reoccurring Farmers' Market.

Updates include:

1. Removing the non-profit market sponsor. Past Farmers' Markets at Yorktown did not have a non-profit component.
2. Removing the license requirement. Farmers' Markets can be approved through special event process or a conditional use permit process as discussed above.
3. Clarifying Code to allow for multiple Farmers' Markets by separate entities.
4. Insurance updates.
5. Removing the hours of operation. Past Farmers' Markets did not always comply with the hours. As noted, the proposed event is at different hours than Code states. This would allow for more flexibility for future markets.
6. Edits for clarity.

ACTION REQUESTED

Staff requests the ECDC review the proposed changes and make a recommendation vote to the Village Board.

ORDINANCE _____

AN ORDINANCE AMENDING TITLE XI, CHAPTER 110
OF THE LOMBARD VILLAGE CODE IN REGARD TO FARMERS' MARKET

WHEREAS, the Village of Lombard (the "VILLAGE") has established and maintains Farmers' Market regulations, which are found in Title XI, Chapter 125 of the Lombard Village Code; and

WHEREAS, the Corporate Authorities of the Village deem it reasonable to periodically review the Lombard Village Code and make necessary changes; and

WHEREAS, the Corporate Authorities of the Village finds that Chapter 125 required text amendments for consistency and clarity purposes; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title XI, Chapter 125, of the Village Code of Lombard, Illinois is hereby amended to read as follows (with additions being underlined and deletions being shown in strikeout):

§ 125.01 Definitions.

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

Department: The Community Development Department of the Village of Lombard.

Farmers' market: The sale by several vendors and freshly grown fruits, vegetables, edible grains, nuts and berries held at a single outdoor location as allowed by the Village of Lombard Zoning Ordinance.

Market master: Individual designated ~~by the market sponsor~~ to oversee compliance with rules and regulations promulgated by the Department pertaining to the conduct of the farmers' market. ~~and any none conflicting regulations established by the market sponsor.~~

Market sponsor: ~~Not for profit organization holding a valid license under this Chapter to establish and maintain a farmers' market.~~

Market sponsor license: ~~The license required to conduct a farmers' market which is issued pursuant to this Chapter.~~

§ 125.02 ~~License-Permit~~ and term.

Only one market ~~sponsor license permit~~ shall be ~~issued-allowed~~ annually per entity pursuant to this Chapter, and it shall be valid only from May 1 through October 31 of one year and shall be non-transferable. Preference ~~for award of such license~~ shall be given to the organization which ~~sponsored-held~~ the prior year's farmers' market.

§ 125.03 Application.

~~No farmer's market shall be established or maintained within the Village of Lombard unless it is sponsored by a not for profit organization which has applied for and received a license as a market sponsor pursuant to this Chapter.~~

An applicant for a ~~market sponsor license~~farmers' market must submit a completed and signed application form furnished by the department containing at least the following:

- (A) Name, address, ~~and~~ telephone number, ~~and email~~ of the organization applying and the names, addresses, ~~and~~ telephone numbers, ~~emails~~ of the local officers of the organization.
- ~~(B) A short description of the organization's goals and information pertaining to its not for profit status.~~
- (C) Name, address, ~~and~~ telephone number, ~~and email~~ of the designated market master.
- ~~(D) Information regarding the status of the conditional use permit and variation required for establishment of a farmers' market.~~
- (E) A site plan showing all existing objects on the property intended for use for the farmers' market, and on any public right-of-way adjacent to the property and depicting ingress and egress for vendors' vehicles, placement of vehicles and selling areas as well as expected patron parking areas and pedestrian traffic patterns.

§ 125.04 Insurance and indemnification.

The market ~~sponsor-master~~ must also supply the following items before the ~~license-permit~~ shall be issued:

- (A) A certificate of insurance for comprehensive general liability insurance with a company approved by the village in the amount of \$1,000,000.00 for personal injury, including death, and \$1,000,000.00 for property damage showing the village, its officers, agents, volunteers and employees as additional insureds and containing a statement that said insurance policies shall not be changed or cancelled without 30 days' written notice to the village.
- (B) ~~An signed~~ indemnification statement ~~on a form provided by the village~~ holding the village harmless from all losses, claims, judgments or settlements arising from the establishment and maintenance of the farmers' market and for all cost and expenses,

including but not limited to attorneys' fees associated with such losses claims, judgments or settlements.

§ 125.05 Restrictions.

- (A) The market master shall enforce all rules and regulations promulgated by the department and shall furnish the department with copies of any additional rules and regulations established ~~by the market sponsor~~ for conduct of the farmers' market.
- (B) The farmers' market shall be kept in sanitary condition and no person shall deposit or leave, or cause to be deposited or left upon the public way or the location of the farmers' market any decayed or decaying matter or any fruit or vegetables, remnants, refuse or debris or any part of the contents of any vehicle, stand or table used by vendors or patrons of the farmers' market.
- (C) All rules and regulations issued by the department pertaining to the conduct of the farmers' market shall be and hereby are included as part of this Chapter as if reproduced herein and any violation of such rules and regulations shall be considered a violation of this Chapter.
- ~~(D) A farmers' market shall be open for business only between the hours of 8:00 a.m. and 2:00 p.m. on days designated by the department's rules and regulations.~~

§ 125.06 Enforcement—Revocation.

The Chief of Police or Fire Chief of the Village of Lombard upon determining that the conduct of the farmers' market poses a threat to the public health, safety or welfare shall have the authority to close the farmers' market and revoke the market ~~sponsor license permit~~. Upon violation of the provisions of § 125.05 of this Chapter of the Village Manager, in addition to any other remedies contained in this Chapter, may notify the market ~~sponsor master~~ of an intent to revoke the ~~license permit~~ issued hereunder five days after the date of notice. The market ~~sponsor master~~ may within that time period request a hearing on revocation before the Village Manager whose decision thereafter shall be final. If no hearing is requested, the revocation shall be effective on the date noticed.

§ 125.07 Penalties.

Penalty for violation of this Chapter shall be not less than \$50.00 nor more than \$750.00 for each violation and a separate violation shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 2: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2022.

First reading waived by action of the Board of Trustees this ____ day of _____, 2022,
pursuant to roll call vote as follows:

Passed on second reading this ____ day of _____, 2022.

Ayes: _____

Nays: _____

Absent: _____

Approved by me this ____ day of _____, 2022.

Keith T. Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

Published by me in pamphlet form this ____ day of _____, 2022.

Elizabeth Brezinski, Village Clerk