

Chapter 12.46 - Farmers' and Public Markets

12.46.010 - Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them except where the context clearly indicates a different meaning:

"Farmers' or public market" means a sale of products, the majority of which have been produced in the state, including, but not limited to, raw fresh vegetables, fruit, honey, herbs, flowers, plants, nuts, baked goods or handcrafted items which conform to all applicable city, county or state health and safety provisions, particularly state department of agriculture and land stewardship regulations, and which are offered for sale by any person, business, or organization on a portion of or entirely on a public street, sidewalk, alley, park or public place during set hours, no more than two days per week within a one-year period.

"Market manager" means a person who or organization which holds a farmers' or public market permit and who organizes the participants of the market, promulgates regulations for the conduct of the market consistent with Section 12.46.080 of this chapter, and generally is responsible for the operation of the market.

(Ord. No. 1371, § 1, 2-17-2015)

12.46.020 - Required.

No person shall conduct a farmers' or public market, as defined in section 12.46.010 of this chapter, without first having obtained a permit as provided in Sections 12.46.030 and 12.46.040 of this chapter.

(Ord. No. 1371, § 1, 2-17-2015)

12.46.030 - Application.

Any person applying for a permit to conduct a farmers' or public market shall make written application to the public works department or designated office at least thirty days prior to the first proposed date for the market. No permit shall be issued unless an application is filed with the city and all additional materials stated in the application are submitted.

Applicants must follow all rules and regulations in accordance with street closures.

(Ord. No. 1371, § 1, 2-17-2015)

12.46.040 - Issuance.

Upon the public works department determining that a person or organization applying for farmers' or public market permit has complied with the terms of Section 12.46.020 of this chapter; the chief of police, and, if a market is held in a park, the director of parks and recreation, determine that the proposed market will not reasonably disrupt pedestrian and vehicular traffic in the area of the market; that no other application has been submitted which proposes a similar geographic location for the market; and that city ordinances will be obeyed in the conduct of the market; the public works department shall issue a permit to conduct a farmers' or public market. If a permit is denied, the public works department shall state the reason therefor on the face of the application and shall so inform the applicant. No farmers' or public market permit shall be issued for a market within any residential zone of the city.

(Ord. No. 1371, § 1, 2-17-2015)

12.46.050 - Appeal of denial.

Any farmers' or public market permit denial may be appealed to the city council at the next scheduled council meeting by submitting a written request for appeal to the public works department. The city council shall consider the denial and shall either confirm the denial or direct the public works department to issue the permit. The city council shall base its decision upon a review of the application, the reasons for denial, and any statements from interested parties. If more than one application has been submitted which proposes a farmers' or public market in similar geographic locations, the city council shall consider the following criteria to determine which application to grant:

- A. Experience in managing a farmers' or public market.
- B. For what purpose the proceeds of the farmers' or public market will be used.

(Ord. No. 1371, § 1, 2-17-2015)

12.46.060 - Duration.

The farmers' or public market permit shall be issued in the name of the market manager and contain the dates of the sale and shall be valid through December 31 of the year in which the market is held.

(Ord. No. 1371, § 1, 2-17-2015)

12.46.070 - Fee.

There is no fee associated with conducting or holding a farmers' or public market in the City of Oskaloosa.

(Ord. No. 1371, § 1, 2-17-2015)

12.46.080 - Market manager's responsibilities.

Under this chapter, the market manager's responsibilities shall be to:

- A. Contact the public works department to arrange for the appropriate signs and/or barriers to control traffic and/or parking in the area of the market, including but not limited to obtaining street closure permits and any other permit required by this Code.
- B. Ensure that trash containers are provided in the market and that the market area is reasonably free of trash during and at the close of the market.
- C. Failure to comply with any of the subsections in subsection (a) of this section shall be punishable as a simple misdemeanor and may result in the revocation of the farmers' or public market permit.

(Ord. No. 1371, § 1, 2-17-2015)

12.46.090 - Conduct of permittee.

A farmers' or public market permittee as well as all agents, employees or representatives shall comply with the following in conducting a farmers' or public market:

- A. No person shall conduct a farmers' or public market from 10:00 p.m. until 7:00 a.m. the following day.

- B. No person shall erect booths, tables, or display merchandise in such a manner so as to block pedestrian or vehicular traffic, unless a street has been designated and is blocked off for the farmers' or public market. Street closures must follow Section 10.08.020, Street Use.
- C. No person shall erect booths, tables, or display merchandise or in any other manner participate in a farmers' or public market without the express consent of the market manager.

(Ord. No. 1371, § 1, 2-17-2015)