

ARTICLE XXX FARMERS' MARKETS

Section 3001 Intent.

This article shall apply to all properties or portions hereof located within the corporate boundaries of the City. The Mayor and Council of the City find that: access to local and affordable foods encourages community and supports local agriculture and economic development by providing local producers of locally grown and raised foods with access to reach residents without requiring that such products be sold in fixed location storefronts.

Section 3002 Purpose, Terms and Provisions.

- a) *Purpose.* The purpose of this article is to define Farmers' Markets as such as a permitted use; to provide where and under what conditions such uses shall be permitted; and for other purposes.
This article is further intended to provide for penalties for violations hereof, to repeal conflicting ordinances, and for other purposes set forth herein.
- b) *Terms and provisions.* This section applies to all public property located within the city, except as excluded in other sections in this article.

Section 3003 Appeals.

- a) Any person who disagrees with Chapter XXX in its entirety may appeal in accordance with Appendix D of the Zoning Procedures.

Section 3004 Penalties for the Violation of this Ordinance.

Article XXVI Administration, Interpretation, Enforcement, Penalties and Remedies of the Zoning Ordinance of the City of Clarkesville shall apply.

Section 3005 Definitions.

In construing the provisions hereof and the meaning of each and every word, term, phrase, or part thereof where the context will permit, the definition of terms as contained in this Code, supplemented by the following, shall apply:

Farm Products: fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.

Farmers' Market or Market: An outdoor market open to the public, operated by a governmental agency, a nonprofit corporation, or one or more producers where:

- a) At least 75 percent of the displayed inventory of the products sold in each Farmers' Market is Farm Products or Value-Added Farm Products.
- b) At least 75 percent of the booths open during the market's hours of operation are Producers, or family members or employees or agents of Producers; and
- c) If a booth sells Farm Products or Value-Added Farm Products that are not produced by the vendor, said booth must explicitly disclose the producer's name and location in writing with lettering that is at least 2 inches tall and visible to the consumer.

Locally Grown Goods or Locally Produced Goods: Such goods or products shall be grown in Habersham County, or in any county contiguous to Habersham County. In no event shall any goods which have been previously purchased from another source be permitted to be sold onsite.

Kiosk/stand: a small structure with one or more open sides that is used to vend merchandise or services.

Producer: (a) a person or entity that raises or farms products on land that the person or entity owns, rents or leases or (b) a person or entity that creates a product (by cooking, canning, baking, preserving, roasting, etc.)

Value-added Farm Products: as defined by the USDA as having: A change in the physical state or form of the product (such as milling wheat into flour or making strawberries into jam); the production of a product in a manner that enhances its value (such as organically produced products); the physical segregation of an

agricultural commodity or product in a manner that results in the enhancement of the value of that commodity or product (such as an identity preserved marketing system).

Zoning Ordinance: The Zoning Ordinance as adopted by the City of Clarkesville, Georgia.

Section 3006 Locations, Times, and Zoning Districts. (12/11/18 – Administrative Update)

Farmers' Markets/Markets shall be open on weekends only or for approved special events each year beginning the first Saturday in May and ending on the last Saturday in September. Operating times shall be from 9AM until 12PM each Saturday. City sponsored and other events shall supersede any market activities. ~~The City will find a temporary location for the market if the need arises.~~

Farmers' Markets/Markets shall be permitted in the following Zoning Districts as follows:

- a) Downtown Business District (DB)
- b) Highway Business District (HB)

~~The Location of the Farmers' Market shall be determined in conjunction with the City of Clarkesville Planning Commission and Clarkesville Mainstreet no later than January 15th of the current market year.~~

~~Space assignments will be determined by lottery for pre-paid vendors no later than seven (7) days before the first market date.~~

Individual vendor space will be assigned on a first come first serve basis by the Zoning Administrator or his or her appointee. This is to occur no later than seven (7) days before the first date of the season. This shall apply to vendors wishing to sell on any public property in the permitted zoning areas.

No vendor shall sublease, sell, or permit anyone to use his or her space.

Approved vendors must arrive at the market location no later than 8:30AM Saturday or must have informed the office of the Zoning Administrator by 3PM the Friday before if they are unable to attend. Vendors shall depart the market by no later than 12:30PM and all vendor spaces shall be clean of any trash or other materials.

Zoning Ordinance regulations and Preservation District Character Overlays shall apply.

Section 3007 Farmer's Market Vendor Permit Required.

The applicant shall apply for a permit required under this Code with the City Clerk or his/her designee on forms provided by the City and shall provide such information as may be reasonably required including, without limitation, the following:

- a) The name and address of the applicant;
- b) If the applicant is not an individual, the names and addresses of all members of the business.
- c) Products sold.
- d) Health or Agriculture Department Certificate if required.

Permits shall be valid for the current market season. Permits are non-transferable.

Section 3008 Labeling.

All processed products **should** be labeled with:

1. The **COMMON NAME** of the food.
2. The **NAME/NUMBER/PHONE NUMBER** of the person who made the item.
3. A list of **INGREDIENTS** with the common name of each ingredient.
4. Possible **ALLERGENS**.

Section 3009 Sale Items.

The following items are approved for sale:

- **Raw Agricultural Products** – This category includes fruits, vegetables, grains, herbs, flowers, bedding plants and potted plants. The seller must grow from seed, plugs, cuttings, bulbs, bareroots, and bedding or potted plants. No resale of pre-finished plants is allowed.
- **Value-Added Agricultural Products** – This category includes products made of raw agricultural products grown by the seller that have been processed or

any whose sale a government agency regulates. Examples are: jams, jellies, sauces, oils, vinegar, baked goods, honey (and other bee products), molasses, cider, and picked-out nuts. Seller must abide by all applicable federal, state, and local health regulations. In addition, they must adhere to federal guidelines on all labels. The Zoning Administrator may request product(s) be provided for inspection.

- **Non-Agricultural Products** – This category includes farm, garden, or food related crafts and value-added agricultural products made without raw agricultural products grown by the vendor. Examples include: baked goods, juried arts and crafts, handmade soap, handcrafted furniture, other garden related products, pottery, and similar items. The vendor selling them must have created these items.
- **Arts and Crafts** – Arts and crafts must be handcrafted by the vendor, be original and exhibit a high level of quality and design. Products not allowed include those made from kit assembly and direct resale of commercially available products. Reformulating or repackaging of commercially prepared products or bases must demonstrate significant added value.
- **Meat and Other Animal Products** – This category includes meats, poultry, milk, cheese, eggs, farm-raised fish, honey, wool, leather, and other products derived from animals. Vendors must abide by all applicable federal, state, and local regulations and inspection regimes. In addition, they must adhere to federal or state guidelines on all labels. No live animals may be sold at the market.
- **Prepared Foods** – Prepared foods (pesto, pickles, altered fruits & vegetables, etc.) may be sold by approved commercial kitchens certified by the Habersham Health Department or the Georgia Department of Agriculture. Prepared food purveyors should attempt to utilize natural or organic ingredients from local sources.
- **Displays and Samples** – Food products can be cut, opened, and displayed at the market if properly wrapped and labeled. Displays and samples cannot be sold. Samples may be given to customers in accordance with all applicable Health Department regulations.

Section 3010 Operations.

Tents – All vendors are required to have their own tent (10 x 10 EZ-up or equivalent) set up by 8:40 each Saturday morning. Tents must always be safely secured from unexpected weather events with a minimum of 20 pound weights securely attached to each leg.

Stall Appearance – It is the responsibility of individual vendors to maintain a clean and healthful condition within their assigned area and to leave that area free of debris. Products should be displayed in an attractive manner. Vendors should have a clearly visible sign designating the name of their farm/business. Booths must be occupied by the vendor or a vendor representative at all times.

Vendor Product Disclosure – Vendors shall truthfully represent their products and operations. Because type of product and cultural practices are important to some customers, we encourage each produce vendor to post a description of growing practices, product inputs, and/or sourcing practices.

Parking – During operating hours on Saturday mornings, vendors must park all vehicles in a public lots outside of the market area. Vehicles may not be moved into or out of the market booth area during operating hours.

Behavior – Inappropriate language or behavior, profanity, or other harassment or abuse by a vendor or participant toward another vendor or participant, employee, or customer of the market is grounds for immediate and permanent expulsion from the market.

Pets - Due to health related concerns, vendors are not allowed to bring live animals to their booths, with the exception of certified service or guide animals.

Taxes - The City of Clarkesville is not responsible for product liability or the paying of sales taxes for individual vendors. This responsibility lies with the individual vendors.