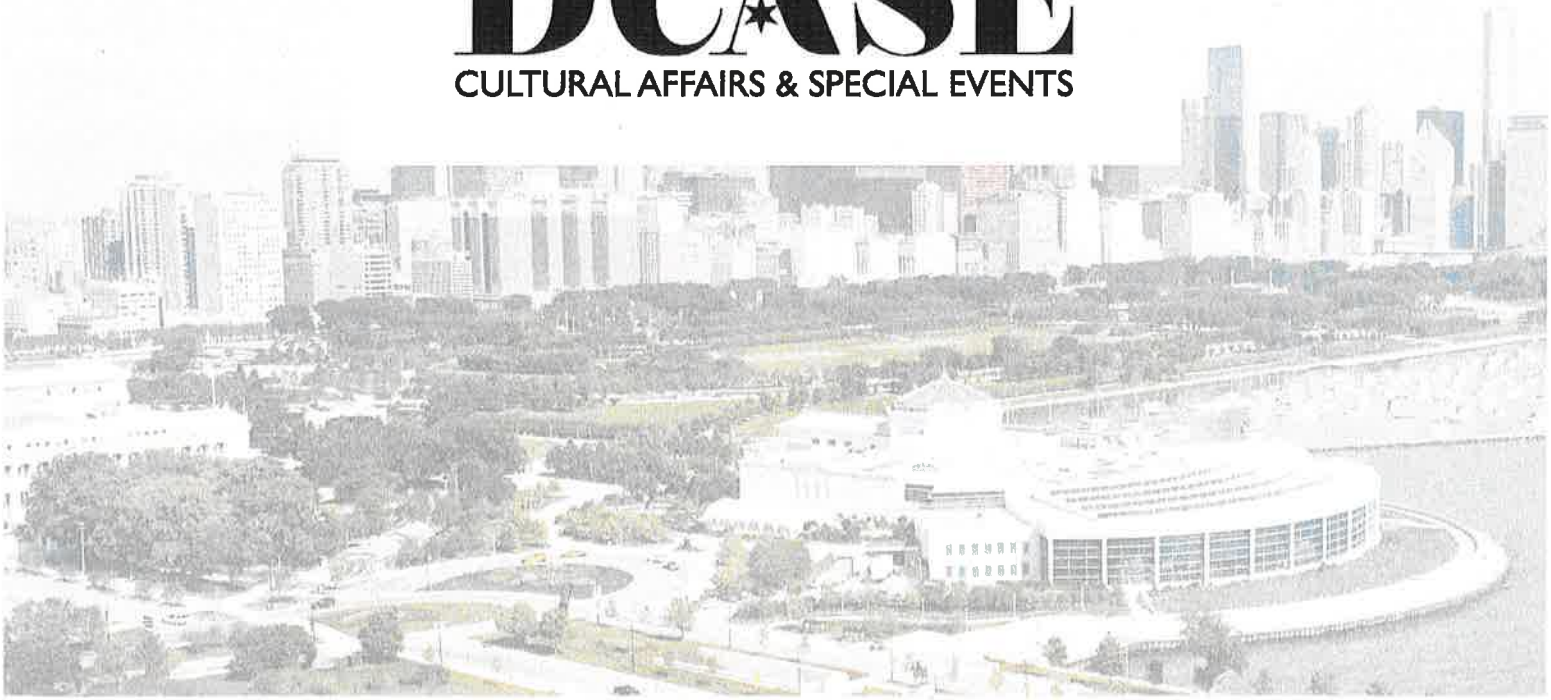
CITY OF CHICAGO
RULES

Farmers Market Rules

CHICAGO DEPARTMENT OF
DCASE
CULTURAL AFFAIRS & SPECIAL EVENTS



Mayor Rahm Emanuel **Commissioner Mark Kelly**

City of Chicago
Department of Cultural Affairs and Special Events

RULES

for

FARMERS MARKETS

Last Updated: May, 2019

City of Chicago
Rahm Emanuel
Mayor

Mark Kelly
Commissioner of Cultural Affairs and Special Events

BY AUTHORITY VESTED IN THE COMMISSIONER OF CULTURAL AFFAIRS AND SPECIAL EVENTS PURSUANT TO SECTION 2-28-030(j) AND SECTION 4-12-020 OF THE MUNICIPAL CODE OF CHICAGO, THE FOLLOWING RULES REGARDING FARMERS MARKETS ARE ADOPTED.

By Order of the Commissioner:

Signed: _____ Date: 5/6/2019
Commissioner [commissioner name here]

Published: 5/7/19
Effective: 5/7/19

CITY OF CHICAGO
DEPARTMENT OF CULTURAL AFFAIRS AND SPECIAL EVENTS

RULES

for

FARMERS MARKETS

ARTICLE I: GENERAL INFORMATION AND DEFINITIONS

Rule 1-1 *Nature and purpose of Farmers Markets.* Farmers markets are managed by the Department of Cultural Affairs and Special Events. The objective of farmers markets is to make fresh, locally grown foods available throughout the City's neighborhoods and to offer Chicagoans an opportunity to purchase local artisanal products, thereby supporting family farms and independent entrepreneurs throughout the State of Illinois. To ensure that local producers benefit directly from the sale of the products they sell, Chicago's farmers markets are best characterized as "producer only" markets in which participating vendors, subject to certain exceptions identified in Chapter 4-12 of the Code or herein, may only sell food or other items that they produced themselves. In keeping with the spirit of farmers markets, participating vendors are strongly encouraged but not required to source their products and the ingredients used in their products locally.

Rule 1-2 *Accessing information about Farmers Markets.* Information about farmers markets and upcoming special markets, as well as forms and guidelines, can be found at: http://chicagocitymarkets.us

Applications for vendors. Applications for vendors can be accessed at: https://www.chicago.gov/city/en/depts/dca/supp_info/city_markets.html

General questions or concerns. General questions or concerns should be forwarded to: CityMarkets@cityofchicago.org

Rule 1-3 *Definitions.* As used in these Rules, unless the context indicates otherwise:

"Annual market season" means the period beginning on May 1st and ending on October 31st.

"BACP" means the Chicago Department of Business Affairs and Consumer Protection.

"CDPH" means the Chicago Department of Public Health (a.k.a. Department of Health).

"Chapter 4-12" means MCC Chapter 4-12.

"Commissioner" means the Commissioner of Cultural Affairs and Special Events or the Commissioner's designee.

"Cooperative vendor" means a participating vendor who offers for sale or sells goods at a farmers market on behalf of a cooperative.

"Cottage food operation" has the meaning ascribed to that term in MCC Section 4-12-010.

"Department" means the Department of Cultural Affairs and Special Events.

"Downtown" has the meaning ascribed to the term "Central Business District" in MCC Section 4-12-010.

"Farmer" means a person who grows food for human consumption.

"Farmers market" or "market" has the meaning ascribed to that term in MCC Section 4-12-010.

"FDA" means the Food and Drug Administration established pursuant to the 1906 Pure Food and Drugs Act.

"Food Code Rules" mean the *Food Code Rules* promulgated by CDPH.

"Food Handling Regulation and Enforcement Act" has the meaning ascribed to that term in MCC Section 4-12-010.

"Food processing plant" means a commercial operation that manufactures, packages, labels and stores food for human consumption and does not provide food directly to a consumer.

"Grower or producer" has the meaning ascribed to that term in MCC Section 4-12-010.

"Illinois Food, Drug and Cosmetic Act" means the Illinois Food, Drug and Cosmetic Act, codified at 410 ILCS 620/1 et seq.

"Market manager" means the person designated by the Department to manage a particular farmers market.

"MCC" means the Municipal Code of Chicago and any rules duly promulgated thereunder.

"Must" means "shall." The word "must" indicates that compliance with a particular requirement is mandatory.

"Participating vendor" or "vendor" means any person who holds or is required to hold a valid permit under Chapter 4-12 to offer for sale or sell edible or non-edible articles at a farmers market.

"Potentially hazardous food" means any food that requires time/temperature control for safety ("TCS") to limit pathogenic microorganism growth or toxin formation within the meaning of the definition of "Time/Temperature Control for Safety Food" set forth in the *Food Code Rules*.

"Prepared food(s)" means any perishable, non-perishable, hot or cold food, or beverage containing any ingredient, that is prepared and cooked on-site at a farmers market.

"Processed food(s)" means any perishable, non-perishable, hot or cold food or beverage that is prepared, cooked, packaged and stored off-site of a farmers market.

"Producer" has the meaning ascribed to the term "grower" or "producer" in MCC Section 4-12-010.

"Qualified products" means any product that is eligible for purchase, as applicable, under the Supplemental Nutrition Assistance Program ("SNAP"), Illinois LINK Program ("LINK"), Special Supplemental Nutrition Program for Women, Infants and Children ("WIC"), or Senior Farmers' Market Nutrition Program ("SFMNP")

"Value-added product(s)" means: (1) a change to the physical state or form of a product (such as milling wheat into flower or making strawberries into jam); or (2) the production of a product in a manner than enhances its value, as demonstrated through a business plan (such as organically produced products).

ARTICLE II. VENDOR ELIGIBILITY

Rule 2-1 *Annual permit – Duration.* All vendors are required to obtain from the Department an annual permit under Chapter 4-12 in order to sell or offer for sale any edible or non-edible article at a farmers market. Such permit shall be valid for the duration of the annual market season.

Rule 2-2 *Assignment of space.* Pursuant to MCC Section 4-12-120, available space at any farmers market shall be assigned by the Commissioner on a first-come, non-discriminatory basis based on the order in which permit applications are filed with the Department.

Rule 2-3 *Growers and Producers.* Except as otherwise provided in Rule 2-4 or as permitted by the Commissioner pursuant to MCC Section 4-12-090, a participating farmer must grow or produce 100% of the articles that such vendor offers for sale or sells at a farmers market.

Rule 2-4 *Cooperatives and cooperative vendors.* If a person seeking to become a participating vendor at a farmers market wishes to sell articles grown or produced on his/her farm and on a neighboring farm(s), such person shall indicate on the permit application that a cooperative is applying for the permit required under MCC Section 4-12-050. In the case of a permit application submitted on behalf of a cooperative, the requirements set forth in paragraphs (a) through (c) of this Rule shall apply to the cooperative. The requirements set forth in paragraphs (d) through (g) of this Rule shall apply to the cooperative vendor.

Cooperatives:

(a) Cooperatives must submit a permit application "packet" to the Department. Such packet shall include separate permit applications completed by EACH member of the cooperative. All members of the cooperative are subject to the same Rules that apply to independent growers/farmers, and each farm comprising the cooperative is subject to on-site farm inspections, in accordance with due process of law, for the purpose of ensuring compliance with the requirements of Chapter 4-12 and with these Rules. If any member of the cooperative or the cooperative vendor fails to meet the requirements for a permit under Chapter 4-12 or is non-compliance with these Rules, the Department may deny the permit application. Such failure or non-compliance shall also provide a basis for suspension or revocation of the permit in accordance with MCC Section 4-12-130.

(b) All members of the cooperative must grow the food or produce that the cooperative vendor offers for sale or sells at a farmers market.

(c) The cooperative must involve farmer-to-farmer relationships only, and the farms comprising the cooperative must be located within close proximity to one another. Auction houses or similar entities that sell agricultural products at wholesale are not cooperatives for purposes of this Rule.

Cooperative vendors:

(d) 100% of the food or articles sold by the cooperative vendor must be produced by members of the cooperative.

(e) The cooperative vendor must supply general signage, which shall be displayed in a conspicuous place in the cooperative vendor's assigned selling space, identifying the name and full address of EACH farm comprising the cooperative.

(f) The cooperative vendor must grow or produce, in any combination, at least 25% of the food or other articles being offered for sale or sold by such vendor at the farmers market.

(g) The cooperative vendor is not allowed to supplement the products grown or produced by members of the cooperative with products produced by persons who are not members of the cooperative or to otherwise carry products that have not been produced by members of the cooperative.

Rule 2-5 *Participation in the LINK/SNAP Program – Mandatory.* All vendors who sell qualified products at a farmers market must participate in the LINK/SNAP Program administered by the Department.

Rule 2-6 *Prohibition on selling goods produced by others.* Except as otherwise permitted by the Commissioner pursuant to MCC Section 4-12-090: No vendor shall offer for sale, sell or otherwise distribute any product that: (i) is packed for retail sale; or (ii) displays a retail sticker, or (iii) is processed and sold under a brand name other than that of the vendor; or (iv) is purchased at an auction house; or (v) is purchased from a wholesaler, or (vi) is purchased from another farm, except in compliance with Rule 2-4. Selling or distributing products produced by people other than the vendor or members of the vendor's family or persons in the vendor's employ within the meaning of MCC Section 4-12-110(a) is prohibited.

Rule 2-7 *Compliance with applicable laws – Required.* All vendors and all products offered for sale or sold at a farmers market must comply with all applicable federal, State and local regulations, including but not limited to: (i) Bees and Apiaries Act [510 ILCS 20/1 et seq.]; (ii) Egg and Egg Products Act [410 ILCS 615/1 et seq.]; (iii) Farm Products Marketing Act [505 ILCS 70/1 et seq.]; (iv) Food Handling Regulation Enforcement Act [410 ILCS 625/1 et seq.]; (v) Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635/1 et seq.]; (vi) Illinois Food Service Sanitation Code [77 IL Adm. Code 750]; (vii) Illinois Food, Drug and Cosmetic Act [410 ILCS 620/1 et seq.]; (viii) Meat and Poultry Inspection Act [225 ILCS 650/1 et seq.]; (ix) Sanitary Food Preparation Act [410 ILCS 650/1.1 et seq.]; and (x) Articles VII and VIII of these Rules.

Rule 2-8 *Insurance – Required.* All vendors shall comply with the insurance requirements set forth in Article VI of these Rules.

Rule 2-9 *Registration with the Illinois Department of Revenue – Required.* All vendors must be registered with the Illinois Department of Revenue for tax purposes. For more information, please call: 1-800-732-8866, TTY: 1-800-544-5304.

Rule 2-10 *Cottage food operations – Registration with Chicago Department of Health required.* All vendors who offer for sale or sell authorized foods produced in a food cottage operation shall: (i) register with CDPH; and (ii) comply with any registration requirements adopted by CDPH pursuant to Section 4(d) of the Food Handling Registration and Enforcement Act, and (iii) comply with any Rules adopted by the Illinois Department of Public Health pursuant to Section 4(e) of the Food Handling Registration and Enforcement Act.

Rule 2-11 *City Markets Growing Calendar – Required.* All vendors who wish to sell fruit or vegetables at the market shall submit a Growing Calendar to the Department, on a form prepared by the Department, that: (i) identifies the crops that the vendor seeks to sell at the market; (ii) estimates the month(s) when crop will be available for sale at the market; and (iii) provides basic information about the crop, including but not limited to, the number and type of varieties of the crop that will be sold, the amount of acreage on which the crop is grown, and whether the crop is a Hoop/Grow House or field crop.

Rule 2-12 *Conflicting requirements.* In the event of a conflict between any two or more requirements of these Rules, the Commissioner shall resolve the conflict. In such case, the Commissioner's decision shall be final. In the event of a conflict between these Rules and a State or federal statute, the more restrictive requirement shall govern, to the extent allowed by law.

ARTICLE III. OPERATING REQUIREMENTS

Rule 3-1 *Arrival, Departure and Selling Time.*

(a) Vendors may begin setting up their space in the market 2 hours prior to the time the market officially opens for business. A vendor's space must be fully set up and operational before the market officially opens for business.

(b) Except as provided in subsection (d) of this Rule, vendors cannot leave the market until the market officially closes for business and the vendor can safely exit the market.

(c) Vendors cannot conduct sales until 30 minutes before the market officially opens for business. Vendors cannot conduct sales 30 minutes after the market officially closes for business.

(d) Vendors who wish to dismantle their space or leave the market before the market officially closes for business must first obtain permission to do so from the Market Manager.

(e) Vendors at downtown markets are prohibited from driving or parking on the plazas where a farmers market is being conducted.

Rule 3-2 *Attendance policy.*

(a) Vendors applying for a permit under Chapter 4-12 must identify on the permit application: (i) each farmers market(s) that such vendor is committing to attend during the annual market season; and (ii) the date on which the vendor's attendance at each such market will begin ("start date"). The vendor's permit fee, for each identified farmers market, will be calculated from the start date indicated on the permit application to the end of the applicable market's annual market season. No vendor shall switch, add or drop markets without first having obtained prior approval from the Department to do so.

(b) Except as otherwise provided in Rule 3-3, a vendor: (i) must attend all of the farmers markets that such vendor has committed to attend in the permit application, as set forth in paragraph (a)(i) of this Rule; and (ii) will be charged the applicable permit fee for each such date even in cases where the vendor fails to attend the market on such date. In addition to the fine set forth in MCC Section 4-12-130(a), a vendor's repeated failure to comply with this Rule may result in suspension or revocation of the vendor's permit, or in denial of such vendor's future permit applications under Chapter 4-12, in accordance with MCC Section 4-12-130(b).

Rule 3-3 *Cancellation policy.*

(a) If the Department cancels a farmers market due to unforeseen circumstances, the Department will notify the vendor of such fact. In such case, the vendor will not be charged the permit fee that would otherwise apply.

(b) If, due to an emergency or unforeseen circumstance, a vendor is not able to attend a farmers market on any given date(s), the vendor's absence from the market will be deemed to be an "excused absence" if the vendor notifies the Department of the emergency or unforeseen circumstance 24 hours in advance of the scheduled market date, via an e-mail sent to citymarkets@cityofchicago.org. In the case of an excused absence, the vendor will be charged the applicable permit fee that would otherwise apply. Provided, however, that the permit fee shall be waived if, within 14 calendar days of the vendor notifying DCASE that he/she cannot attend the market due to an emergency or unforeseen circumstance, the vendor submits written proof of the emergency or unforeseen circumstance to the Commissioner (e.g. letter from a doctor attesting to a medical emergency; car accident report filed with the police department, copy of obituary of deceased relative, etc.). For purposes of this Rule, potential inclement weather is not an unforeseen circumstance.

Rule 3-4 *Set-up and Spaces.*

(a) Whenever possible, the Department will provide designated space for a vendor's vehicle and a designated 10' by 10' selling area ("assigned stall") for the vendor's products. The Market Manager may designate some spaces as "unload only" spaces. The Market Manager, at his or her discretion, may prohibit a vendor from parking large trucks within the market, regardless of the number of assigned stalls that such vendor occupies.

(b) Assigned stall locations are not permanent and may be changed at the Department's discretion on any given market day or for the duration of the annual market season. When exercising this discretion, the Department will consider the following factors, including the need to: (i) preserve good consumer and producer relationships in light of the applicable vendor's history, presence and conduct at the market; (ii) provide a good product mix at the market and to maintain consumer traffic flow throughout, including compliance with Chicago Fire Department requirements; and (iii) maintain the quality of product displays, customer service and vendor participation at the applicable farmers market.

(b) Vendors must keep all vehicles, merchandise and tables within their assigned stall.

(c) Vendors must conduct all promotions and sales within their assigned stall and shall not encroach upon any mandated fire lane or pedestrian flow area.

(d) Electricity and water are not available in assigned stalls unless otherwise specified by the Department.

(e) Vendors are prohibited from transferring or subletting their assigned stall to other persons.

(f) Vendors must maintain a 14-foot wide lane accessible to fire trucks in the middle of any street that is closed to vehicular traffic during the farmers market, as is the case, for example, with the Division Street market.

Rule 3-5 *Tables, Tarps and Tents.*

(a) Vendors must furnish their own tables, chairs, drop cloths, displays and weather protection. The use of drop cloths within assigned stalls is recommended if the vendor sells products that can potentially damage or stain plaza or sidewalk surfaces.

(b) Tables must be sturdy and stable.

(c) The combined weight of products placed on tables shall not exceed the table's load capacity. All products placed on tables must be secured.

(d) All tents must be secured at each corner by weights of at least 50 pounds or greater and sufficient to ensure that the tent can withstand wind or rain. Non-compliant tents will be subject to immediate dismantling and removal from the market.

Rule 3-6 *Trash Management.* Before leaving the market, each vendor must remove all trash, litter, debris or similar matter from the area in and around their assigned stall and in the common walkway immediately adjacent to their assigned stall, regardless of where such matter originated. All such trash, litter, debris or similar matter shall be removed from the market and lawfully disposed of off-site. A vendor's failure to comply with this Rule may result in citations issued by the Department of Streets and Sanitation and the imposition of fines. In addition to fines, repeat offenders face possible suspension or revocation of their permit in accordance with MCC Section 4-12-130.

Rule 3-7 *Disposal of water.* Prior to disposing of or dumping water into a City sewer, the vendor must remove from such water all leaves, flowers or other debris that may block the sewer grate.

Rule 3-8 *Vendor Stall Signage.* All vendors must display signage within their assigned space, with lettering at least 3 inches high, clearly identifying: (i) the vendor's name or the name of the vendor's establishment; and (ii) the city, town or county, and State, where the vendor's products are grown or produced. If the vendor is a cooperative vendor, such vendor shall comply with the signage requirements set forth in paragraph (e) of Rule 2-4.

Rule 3-9 *Weights and Measures.* All scales used by vendors at a farmers market must be approved commercial scales, which have been inspected by BACP pursuant to MCC Section 4-276-010, and for which a valid and current certificate of accuracy has been issued by BACP in accordance with MCC Section 2-25-050(b)(27). When a vendor weighs an item for a customer, the face of the scale must be clearly visible to such customer.

Rule 3-10 *Customer complaints.* Vendors shall satisfy a customer's reasonable complaints in connection with products sold by the vendor by accepting and exchanging any returned product or, at the customer's request, by refunding the purchase price of such product. Dissatisfied customers may file a complaint with the Market Manager for investigation and possible disciplinary action by the Department in accordance with MCC Section 4-12-130.

Rule 3-11 *Market Manager directives.* Vendors shall comply with all directives, instructions or other requests made by the Market Manager.

ARTICLE IV. PRODUCT SIGNAGE, PRICING AND PRODUCT REPRESENATION

Rule 4-1 *Signage.* Signage is required for all products sold by a vendor. The name and variety of the product, and its price per unit, must be clearly marked or posted on such sign, with lettering at least 2 inches high.

Rule 4-2 *Pricing.* Price collusion between or among vendors, the use of deceptive pricing practices, and bargaining with consumers over the price of the products being offered for sale or sold at the market are strictly prohibited.

Rule 4-3 *Representation of products.* Vendors are required to represent their products truthfully.

ARTICLE V. STANDARDS OF CONDUCT

Rule 5-1 *Obstructing Sales, Product Promotion, Noise, and Fumes*

(a) No vendor shall engage in any activity that obstructs the ability of neighboring vendors to sell their products or otherwise transact business.

(b) All product promotion by a vendor must occur within the vendor's assigned stall space. Product promotion is prohibited in the market's common areas.

(c) Vendors shall not play radios at any time when the market is officially open to the public for business.

(d) Vendors shall not run gasoline or diesel powered motors or engines at the market, including those on motor vehicles.

(e) The Department may prohibit the use of charcoal grills or propane at certain markets.

Rule 5-2 *Vendors and Their Employees*

(a) Vendors and their employees shall be courteous, professional and presentable at all times. Drinking alcohol, smoking, yelling, hawking, throwing objects, swearing, name-calling, slanderous remarks about others, disparaging comments about other vendor's products or about people, and other disruptive activities or behaviors are prohibited.

(b) Vendors experiencing difficulty with customers are encouraged to refer the matter to the Market Manager or to the Department.

(c) Vendor complaints about other vendors at the market or alleging a violation of these Rules must be made in writing to the Department.

(d) Vendors and their employees shall not distribute printed materials (other than pre-approved vendor brochures), petitions, or political advertisements at the market.

(e) Vendors who engage in criminal acts at the market will be subject to immediate expulsion from the market in accordance with MCC Section 4-12-130(c) and to other appropriate legal action.

(f) Persons seeking to vend without an assigned space and solicitation at the market are strictly prohibited.

(g) Vendors and their employees are prohibited from soliciting tips.

(h) For health and safety reasons, personal pets are not allowed at any market. The sale or giving away of animals at any market is also prohibited. Service animals are welcome.

(i) Vendors are required to satisfy customer complaints in accordance with Rule 3-10.

ARTICLE VI. INSURANCE

Rule 6-1 *Commercial general liability insurance.* All vendors must maintain at all times throughout the duration of the permit period commercial general liability insurance or its equivalent, with limits of not less than one million dollars ($1,000,000.00) per occurrence, for bodily injury, personal injury and property damage liability. Coverage must include, but is not limited to, the following: all premises and operations, products/completed operations, separation of insureds, defense, liquor liability when applicable, products and completed operations for food or beverages for consumption, food or beverage contamination, and contractual liability (not to include Endorsement CG 21 39 or equivalent). The City of Chicago shall be named on the insurance policy as an additional insured on a primary, non-contributory basis.

Rule 6-2 *Automobile liability insurance* . Vendors who use motor vehicles to transport goods to and from any farmers market must maintain automobile liability insurance or its equivalent throughout the duration of the permit period.

Rule 6-3 *Additional insurance.* At some farmers market locations, additional insurance requirements may apply. It is the vendor's responsibility to comply with these additional insurance requirements, and to provide a separate certificate of insurance for each market into which the vendor is accepted.

ARTICLE VII. FOOD HEALTH AND SAFETY

Rule 7-1 *Compliance with Section 4-12-125 – Required.* All vendors who offer for sale or sell food at a farmers market must comply with MCC Section 4-12-125.

Rule 7-2 *Prohibited products.* The following products shall not be sold at any farmers market: (i) live birds or live animals in violation of Rule 5-2(h); (ii) crops grown

using genetically modified ("GM") seed planted after March 1, 2000; and (iii) alcoholic beverages of any type.

Rule 7-3 *Product samples*. All vendors at a farmers market who offer product samples shall: (i) display food for sampling separately from food that will be sold; (ii) wash any fresh fruits and vegetables offered for sampling before they are cut and distributed; (iii) prepare the samples in a sanitary manner, using clean utensils, clean hands or gloves, and clean contact surfaces; (iv) if cutting utensils are used at the market, bring clean potable water, dish detergent and sanitizing solution to wash and rinse the utensils before and after their use; (v) require servers to keep a barrier, such as a glove, tongs, tissues or utensils, between the server's hand and the food; (vi) place samples in individual serving cups or packages, or under a clear dome, plastic wrap or other barrier that will protect the food from contamination; (vii) when appropriate, use disposable single-use utensils, such as toothpicks, deli papers or disposable cups to ensure proper handling of samples by consumers; (viii) put out small amounts of samples, so that the samples will be eaten quickly; and (ix) keep cold perishable product samples on ice and hot samples hot.

The following items shall not be sampled at the market, except as indicated:

(A) meat, poultry, fish, seafood or shellfish;

(B) dairy, except as an ingredient in a non-potentially hazardous baked good or candy, such as caramel;

(C) eggs, except as an ingredient in a non-potentially hazardous baked good or dry noodles;

(D) pumpkin pies, sweet potato pies, cheesecakes, custard pies, crème pies, and pastries filled with potentially hazardous fillings or toppings;

(E) garlic in oil;

(F) canned foods, except for fruit jams, fruit jellies, fruit preserves, fruit butters, and acidified vegetables;

(G) sprouts;

(H) cut leafy greens, except for leafy greens that are dehydrated or blanched and frozen;

(I) cut fresh tomato or melon;

(K) cut frozen melon; or

(L) wild-harvested, non-cultivated mushrooms.

Rule 7-4. *Processed foods.* All vendors who offer for sale or sell processed foods at a farmers markets shall comply with Rule 2-6, which generally prohibits vendors from selling food produced by others, except as permitted by the Commissioner pursuant to MCC Section 4-12-090. If a vendor sells processed foods at the market, such vendor shall:

(a) not exceed the scope of any such authorization;

(b) within the scope of any such authorization, only offer for sale or sell foods that have been: (1) commercially prepackaged in a food processing plant; or (2) prepared, packaged and stored by the vendor off-site at: (i) a shared kitchen holding a valid shared kitchen license under MCC Section 4-8-038, or (ii) a retail food establishment holding a valid shared kitchen-supplemental license under MCC Section 4-8-038; or (iii) produced and packaged by a cottage food operation in compliance with the Food Handling Regulation and Enforcement Act and Rule 2-10. In cases where the requirements of item (ii) of this paragraph (b) are met, final on-site preparation, involving minimal assembly of such food, is allowed at the farmers market (e.g. tossing a prepackaged salad; applying dressing to a prepackaged salad or sandwich; microwaving or heating prepackaged food; plating prepackaged food, etc.);

(c) comply with all applicable specific product guidelines for processed foods, as set forth in Article VIII of these Rules, and with all applicable requirements governing value-added product vendors, as set forth in Rule 8-9;

(d) package and label such foods in accordance with the Illinois Food, Drug and Cosmetic Act; provided, however, that if the vendor is a cottage food operation, the vendor shall comply with the packaging and labeling requirements set forth in Section 4(b)(4) of the Food Handling Regulation and Enforcement Act;

(e) not sell any potentially hazardous processed food at the farmers market without prior approval from the Department and subject to conditions which may be established by CDPH on case-by-case basis. Such conditions may include, but are not limited to: (i) prior consultation with CDPH to review and approve for Code compliance the permittee's proposed menu, equipment and food safety operations at the farmers market; (ii) conformity to the menu approved by CDPH; (iii) the provision of a hand sink, which may be portable; (iv) sufficient time-

temperature control equipment, meeting the requirements of the *Food Code Rules*, to ensure the safety of heated or refrigerated foods; (v) compliance with applicable sanitation requirements in conformity with the *Food Code Rules*; (vi) a valid Food Service and Sanitation Certificate issued by CDPH; and (vii) other reasonable conditions required by CDPH to ensure the safety of processed foods sold at the market;

(f) ensure that all food handlers with a communicable disease or with symptoms of disease (such as vomiting, diarrhea and fever) that can be transmitted through food do not handle any processed food being sold at the farmers market;

(g) ensure that all food handlers at the farmers market wear clean outer clothing. Sleeveless shirts, such as tank tops or halter tops, are not permitted. Bare midriffs are not allowed;

(h) if the vendor's activities at the market produce waste, dispose of waste in accordance with all applicable MCC requirements. All waste shall be disposed of at least once per day, and as often as needed to prevent contamination or attract pests. In addition, the following requirements shall apply:

(i) no waste shall be left overnight;

(i) no waste of any kind shall be disposed of in the public sewers, on the ground, or in any public body of water;

(ii) if the vendor's activities at the market produce waste water, a minimum of one 55-gallon drum open at one end covered with tightly fitted ¼" mesh screening shall be required of such vendor to receive food preparation waste water;

(i) provide adequate lighting by natural or artificial means in accordance with Section 6-303.11 of the *Food Code Rules*;

(j) if the vendor's assigned stall is located on dirt, grass or gravel, cover such dirt, grass or gravel with mats, removable platforms, duckboards, cardboard, or other materials approved by the Department, in consultation with CDPH, that effectively control dust and mud; and

(k) cover the vendor's assigned stall with a canopy or other type of overhead protection to protect against the elements, windblown dust, and debris.

Rule 7-5 *Prepared foods.* All vendors who offer for sale or sell prepared foods at a farmers market shall:

(a) first obtain written permission to do so from the Commissioner, as required under MCC Section 4-12-090(c); and

(b) comply with the applicable "Guidelines for Food Handling at Temporary Food Service Events" set forth in the most recent version of the City of Chicago Special Event Permit Package issued by the Department for the applicable calendar year; provided, however, that if the prepared food is a product sample within the meaning of Rule 7-3, such vendor shall comply with the requirements of Rule 7-3.

ARTICLE VIII. GENERAL AND SPECIFIC PRODUCT GUIDELINES

Rule 8-1 *Products or practices falling within multiple categories.* Vendors whose products or practices are governed by more than one of the specific product guidelines set forth in this Article VIII shall comply with all Rules and guidelines that apply to such products or practices. Any conflicts will be resolved by the Commissioner, whose decision will be final.

Rule 8-2 *Growing practices.* Vendors must fully and truthfully disclose their farming practices when customers inquire. Terms such as "sustainable agricultural practices" or "transitioning to organic" cannot be used by a vendor unless the vendor can substantiate the truthfulness of his/her claim that such term accurately describes the vendor's growing practices.

Rule 8-3 *Organic products.* All products sold, labeled or represented as "100 percent organic" or "organic" or "made with organic ingredients" shall comply with the Organic Food Production Act of 1990, as amended.

Rule 8-4 *Vegetable and fruit producers.*

(a) Fresh produce may be sold by the piece or by weight using a scale.

(b) Produce must be grown from cuttings grown by the vendor or from seeds or transplants.

(c) The sale of any new crop at the market must be approved by the Department. For purposes of this Rule, the term "new crop" means any crop of fruit or vegetables not identified by the farmer/vendor in the Growing Calendar submitted to the Department pursuant to Rule 2-11. Substantial additions to

existing approved crops of fruit or vegetables must also be approved by the Department.

(d) Vendors engaged in mixed operations must present their products for sale in a manner approved by the Department. For purposes of this Rule, the term "mixed operations" means the simultaneous sale, in any combination at a vendor's assigned stall, of both organic and non-organic fruits or vegetables.

(e) Raw agricultural products should be minimally handled prior to being packed for transport to the market.

(f) Waxed produce is prohibited at the market.

(g) Labels on produce are prohibited at the market.

(h) The sale of commercially prepackaged, commercially wrapped, or commercially labeled produce is prohibited at the market.

(i) Vendors may sell mixed bags of produce at the market.

(j) The quality of the produce sold at the market must meet or exceed minimum standards of wholesomeness within the meaning of MCC Section 4-12-125(b). Distressed, adulterated or damaged produce cannot be sold at the market.

Rule 8-5 *Meat and Poultry Vendors.* The following potentially hazardous foods must be sold frozen and meet the requirements set forth in paragraphs (a) through (g) of this Rule. For purposes of this Rule: The term "meat" means the dressed flesh of cattle, swine, sheep, goats or other edible animals. The term "poultry" means domesticated birds, including but not limited to chickens, turkeys, ducks, geese, and guinea fowl.

(a) All beef and bison stock sold by a vendor at the market must have been raised by the vendor for at least twelve months prior to the date on which the animal was slaughtered or for the length of time required for the animal to reach at least 50% of its live weight.

(b) All meat and poultry sold by a vendor at the market must: (i) be produced by animals or domesticated birds raised by the vendor; (ii) be packaged and frozen at the time of slaughter; and (iii) remain frozen, in accordance with subsection (d) of this Rule, until sold.

(c) In the case of meat and poultry products processed by others (i.e. sausage), the vendor must: (i) produce the raw ingredients used in the processed product;

and (ii) ensure that at least 75% of the ingredients in the processed product consist of raw meat or poultry produced by animals or domesticated birds raised by the vendor. All processing of meat and poultry products must take place in a USDA or state-licensed facility.

(d) The temperature of frozen meat and poultry must be maintained at or below 0 degrees Fahrenheit. The vendor must check the temperature for compliance with this Rule at least once every two hours. An electrical generator must be used to ensure that the temperature of any freezer or cold plate used at the market is maintained at the required level.

(e) The packaging and labeling of meat and poultry sold at the market must meet USDA standards and clearly state safe handling guidelines for the product.

(f) Prior to sale at the market, meat and poultry must be stored by the vendor in a licensed storage facility. The vendor must provide the Department with a copy of the last inspection report of the vendor's storage facility, which report must indicate that the storage facility passed the inspection, before the Department will grant permission to the vendor to sell any meat or poultry product at the market.

(g) In addition to the product-specific safe handling guidelines required under subsection (e) of this Rule, all frozen meats and poultry sold at the market must bear a "Safe Handling of Frozen Meats and Poultry" label, which reads: "Perishable foods can cause illness when mishandled. Proper handling of meat is essential to ensure the food is safe for you to eat."

Rule 8-6 *Egg vendors.*

(a) Egg vendors must comply with the Illinois Egg and Eggs Product Act [410 ILCS 615]. Upon request, the Department will provide egg vendors with a copy of the Act. Information about the Act is also available at:

www.agr.state.il.us

The Department highly recommends that egg vendors familiarize themselves with the Act before the annual market season begins.

(b) Pursuant to the Illinois Egg and Eggs Product Act, egg vendors must be licensed by the Illinois Department of Agriculture (IDOA). For information about this license, go to:

https://www.agr.state.il.us/pdf/egglicense.pdf

(c) All eggs sold at farmers markets must be candled, graded, labeled and packed in accordance with the Illinois Egg and Egg Products Act and must otherwise comply with the Act.

(d) All eggs sold at farmers markets must be held at a temperature of 45 degrees Fahrenheit or below during storage, transportation and distribution, as required by IDOA rules. Once the eggs are at the farmers market, the eggs shall be held at 41 degrees Fahrenheit or below, as required under the Illinois Food Service Sanitation Code [77 Ill. Adm. Code 750].

(e) Used consumer containers for eggs are prohibited.

Rule 8-7 *Cheese vendors.*

(a) Vendors who sell cheese ("cheese vendors") at the market must participate on a regular basis in the physical production of the cheese or the milk from which the cheese is made.

(b) If the cheese vendor is a dairy producer, such vendor must oversee the physical production of the cheese, and such cheese must verifiably be made ONLY from milk produced on the cheese vendor's farm.

(c) If the cheese vendor is not a dairy producer, the cheese vendor must:
(i) obtain the milk used to produce their cheese from local dairy producers; and
(ii) provide the Department with contact information for each dairy from which the milk was obtained.

(d) Cheese must be held at a temperature at or below 40 degrees Fahrenheit at all times during its transportation to the market and while at the market.

Rule 8-8 *Cooperative vendors.*

(a) Cooperative vendors must clearly identify and display the origin of all products that the cooperative vendor sells at the market.

(b) Cooperative vendors must post signage meeting the requirements of subsection (e) of Rule 2-4. Such signage must identify the cooperative.

(c) The products of each farm comprising the cooperative must be segregated from one another in the cooperative vendor's display area, and the name and location of the farm that produced each of the segregated products being displayed must be clearly identified.

(d) Cooperative vendors must: (i) be familiar with the growing practices used by each member of the cooperative whose products are being displayed by the cooperative vendor at the market; and (ii) supply customers with contact information for members of the cooperative upon request or in cases where the cooperative vendor is not able to answer a customer's questions about a cooperative member's growing practices.

Rule 8-9 *Value-added product vendors.* Except as otherwise permitted by the Commissioner pursuant to MCC Section 4-12-090, the following requirements shall apply to vendors who sell value-added products at the market:

(a) Vendors may sell value-added products at the market in conformity with this Rule, including but not limited to: (i) fruit juices and beverages prepared from fresh fruit and vegetables; (ii) flower arrangements and wreaths; (iii) jams, jellies and preserves; (iv) vinegar, oils and flavored oils; (v) dairy, meat and poultry products in cases where the vendor plays a substantial role in raising the animals or producing the raw ingredients used to make the value-added product (i.e. cotton, wool, etc.); and (vi) other value-added products approved by the Commissioner as consistent with the nature and purpose of farmers markets as described in Rule 1-1.

(b) In cases where the vendor who is selling a value-added product is a grower ("vendor/grower"), at least 75% of the ingredients comprising the processed product must have been produced by such vendor/grower and must be verifiably present in the value-added product.

(c) In cases where the vendor who is selling a value-added product is a non-grower ("vendor/producer"), at least 75% of the ingredients comprising the value-added product must have been purchased from a local grower or producer and must be verifiably present in the processed product.

Rule 8-10 *Bakery vendors.*

(a) All bakery items must be made from scratch. Vendors are strictly prohibited from purchasing ready-made or frozen baked goods from others and reselling those goods at the market. Vendors are also prohibited from selling items made from pre-purchased doughs, batters, crusts, or dry ingredient mixes. Any shortening, leavening or salt used in the bakery items sold at the market must have been added to the bakery item by the vendor in order for the vendor to comply with this Rule.

(b) Bakery vendors must participate on a regular basis in the physical production of the bakery items being sold at the market.

(c) During the annual market season and for a period of one year thereafter, bakery vendors must: (i) keep a file of the recipes such vendor used to produce the bakery items being sold at the market; (ii) keep a file of receipts documenting the purchase of the ingredients such vendor used in the bakery items sold at the market; and (iii) be able to produce these files for inspection upon request by an authorized city official, including the Market Manager.

(d) Bakery vendors are prohibited from selling ready-to-eat meat-filled, vegetable-filled or bean-filled pastry items.

(e) All bakery items must be covered or individually wrapped.

Rule 8-11 *Honey vendors.*

(a) Honey sold at the market must be produced by bees kept by the vendor.

(b) Honey producers must comply with all applicable provisions in the Bees and Apiaries Act [510 ILCS 20].

(c) Honey cannot be adulterated.

(d) Raw beeswax cannot be adulterated with dyes, fragrances or other additives.

(e) Raw beeswax may be formed into blocks, tapers, or votive or cylindrical-type candles only. Such blocks, tapers or candles must be made by the honey vendor with rendered beeswax from the vendor's hives.

(f) The sale of purchased beeswax, candles, honey or other hive-related products is prohibited.

Rule 8-12 *Maple syrup vendors.*

(a) Syrup vendors must produce the syrup that is sold at the market from sap that the vendor collected.

Rule 8-13 *Plant vendors.*

(a) As used in this Rule:

"Plant(s)" means potted: (i) bedding plants, (ii) house plants; (iii) herbs; (iv) trees; or (v) nursery starters.

"Plant propagation material" means seeds and all plant material or vegetative parts of plants intended for the propagation and production of specific-variety plants.

"Plug(s)" means seedlings which have been germinated and grown in trays of small cells so that when the roots have grown sufficiently, the roots can be pushed out of the tray and either transplanted into larger pots or planted outside in the ground.

"Propagate" or "propagation" means the process of growing new plants using plant propagation material. Common methods of propagation include planting seeds, cutting and rooting, plant division and separation of roots, grafting, layering, transplanting shoots or runners, and planting bulbs or corm.

(b) Plant vendors must propagate the plants that they sell at the market and are strictly prohibited from reselling plants at the market that were purchased from another person.

(c) Plants propagated using purchased propagating material, including purchased plugs, must be grown on the vendor's premises for at least 60 days prior to being sold at the market.

(d) If the plant vendor is a nursery or nursery-stock-dealer or is otherwise required to register with or be certified by the Illinois Department of Agriculture's Bureau of Environmental Programs, such vendor shall provide proof of such registration or certification to the Department prior to conducting any sales at the market.

(e) The containers in which propagated plants are sold must be utilitarian and not decorative.

Rule 8-14 *Flower and ornamental floral or wreath vendors.*

(a) *Cultivated flowers.* Vendors who sell fresh cut or dried cultivated flowers at the market must grow and cut the cultivated flowers themselves.

(b) *Wild flowers.* Vendors who sell fresh cut or dried wild flowers at the market must comply with the requirements set forth in Rule 8-15.

(c) *Ornamental wreaths.* Vendors who sell ornamental wreaths at the market must: (i) form the wreath themselves; (ii) comply with subsection (a) of this Rule if, and to the extent, the wreath is made of fresh cut or dried cultivated flowers; and (iii) comply with subsection (b) of this Rule if, and to the extent, the wreath is

made of fresh cut or dried wildflowers. Wreaths sold at the market may include elements ("decorative elements") other than cultivated flowers or wildflowers. If the wreath includes non-foraged decorative elements (such as ribbons or bows), vendors must decorate the wreath themselves with those decorative elements. If the wreath includes foraged decorative elements (such as pine cones or acorns), vendors must obtain the foraged decorative element in compliance with Rule 8-15 and must decorate the wreath themselves with those foraged decorative elements.

(d) *Potpourri.* Vendors who sell potpourri at the market must produce 100% the potpourri themselves, including the oil and fixative used in the potourri. Dried cultivated flowers meeting the requirements of subsection (a) of this Rule, and dried wildflowers meeting the requirements of subsections (b) of this Rule and Rule 8-15, may be used by vendors to produce the potpourri.

Rule 8-15 *Wild gathered ("foraged") products.* Vendors who sell wild-gathered ("foraged") items at the market, or products containing wild-gathered ("foraged") items (such as wreaths) must either: (a) own the land on which the foraged item was gathered, or (b) have the land owner's written permission to gather the foraged item from such owner's land. The vendor must submit to the Department proof of such land ownership or written permission, as applicable, prior to selling any wild gathered ("foraged") product at the market.

Rule 8-16 *Soap vendors.*

(a) Hand-milled soap must be processed by the vendor, and must contain either an emollient or fat, or both, that is produced by the vendor.

(b) Soap must be sold in the form of a bar.

(c) All ingredients used in any soap must be FDA approved.

(d) The vendor must keep on file, during the applicable annual market season and for one year thereafter, all recipes used to produce any soap sold at the market, and the receipts for any ingredients purchased to make such soaps. Upon request by an authorized city official, including the Market Manager, the vendor shall produce such recipes and soaps for inspection.

Rule 8-17 *Wool/mohair vendors.*

(a) Vendors who offer for sale or sell wool or mohair at the market, or products produced from wool or mohair, must obtain such wool or mohair from the vendor's own animals. Such animals must be professionally sheared. The raw product resulting from such shearing may be processed by a person other than

the vendor. Provided, however, that during any off-site processing, the wool or mohair produced by the vendor's animals shall not be pooled or otherwise mixed with the wool or mohair produced by another person's animals.

(b) Only clean wool, mohair, rovings, yarns or batts shall be sold at the market.

(c) Any wool that is displayed or sold at the market must be in its natural color; provided, however, that bleached wool may be sold. The display or sale of dyed wool is prohibited.

ARTICLE IX. ENFORCEMENT

Rule 9-1 *Violation – Penalty.* Any vendor who violates these Rules shall be subject to the penalties set forth in MCC Section 4-12-130. Such penalties shall include fines and may include suspension or revocation of the vendor's permit.

Rule 9-2 *Warning of violation.* Except as otherwise provided in Rule 9-3, prior to taking disciplinary action against a permittee, DCASE will provide the permittee with a written warning of violation and an opportunity to cure or remedy such violation.

Rule 9-3 *Immediate temporary suspension of permitted activity authorized when.* If the Commissioner or Commissioner's designee, which shall include the Market Manager, has good cause to believe that continued operation by the vendor poses an imminent danger to the public health or safety, the Commissioner or the Commissioner's designee may order the immediate temporary suspension of such vendor's permit in accordance with subsection (c) of Section 4-12-130. In such case, the vendor shall forfeit his or her selling privileges at the market and immediately cease operations at the market. Nothing in this Rule shall be construed to prohibit the Commissioner from seeking permanent revocation of the vendor's permit in accordance with MCC Section 4-12-130.

Rule 9-4 *Notification of violations to County or State.* Depending on the nature of the violation of Chapter 4-12 or these Rules, the Department may notify County or State officials of such violation for appropriate legal action by the County or State.