

ORDINANCE

AN ORDINANCE OF THE COUNCIL OF THE CITY OF COOKEVILLE, TENNESSEE, AMENDING TITLE 9, BY ADDING CHAPTER 11 OF THE COOKEVILLE MUNICIPAL CODE, ADOPTING REGULATIONS FOR THE FARMER'S MARKET

ORDINANCE NO: O12-03-03
REQUESTED BY: CITY MANAGER
PREPARED BY: CITY MANAGER
APPROVED AS TO FORM AND

W. A. [Signature]
CORRECTNESS:
(City Attorney)

PASSED FIRST READING: 3-15-12
PASSED 2ND READING: 5-3-12
MINUTE BOOK ____ PAGE ____

THE BOARD OF MAYOR AND CITY COUNCIL OF THE CITY OF COOKEVILLE, TENNESSEE HEREBY ORDAINS:

Section 1: That Title 9, of the Cookeville Municipal Code is hereby amended by adding Chapter 11 as follows:

SECTION

- 9-1101. Definitions.
- 9-1102. Application for a Farmer's Market permit.
- 9-1103. Rules and Regulations.
- 9-1104. Parking and traffic flow to be designated.
- 9-1105. Hold harmless and indemnification.
- 9-1106. Sales taxes and licenses.
- 9-1107. Permit expiration, renewal, suspension and revocation.

9-1101. Definitions. (1) Definition of "Farmer's Market". The Farmer's Market ("the market") for the City of Cookeville ("the city") is located on Mahler Avenue between First Street and Fourth Street, and is operated by the city to provide a safe and convenient location for farmers to sell their "home grown goods" as defined herein.

(2) Definition of "home-grown goods". As used in this section, "home-grown goods" shall mean produce, vegetables, fruits, nuts, plants, ornamentals and any other product of farm and garden that are grown in the State of Tennessee or southern Kentucky during its appropriate growing season by farmers, truck growers, fruit growers and horticulturists who are residents of Putnam County, or are residents from the fourteen (14) county Upper Cumberland area and Southern Kentucky as defined in section 9-1103.

(3) Definition of "Tennessee Department of Agriculture ("TDA") requirements". Items such as molasses, honey, eggs, farm fresh frozen meats, baked goods, jelly, jams and candy must meet the TDA requirements to be offered for sale at the market.

9-1102. Application for a Farmer's Market Permit. (1) Before any vendor shall occupy any space inside or adjacent to the market to offer goods for sale, he/she shall complete an application to sell "home grown goods" at the market. The vendor shall certify that all of his/her goods are "home-grown" as defined herein, and shall disclose where the home-grown goods were produced. The vendor shall certify that they have read and agree to abide by all market rules and

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regulations. Once the application is completed and approved by the city, the vendor will be issued a permit to occupy space at the market.

9-1103. Rules and Regulations.

1. Farmers or producers from Putnam County, and residents from the fourteen (14) county Upper Cumberland area as follows: Dekalb, Cannon, Clay, Cumberland, Fentress, Jackson, Macon, Pickett, Overton, Smith, Warren, White, Van Buren and residents from Clinton, Cumberland, Monroe and Allen counties in Kentucky are permitted to sell home-grown goods as defined in this Chapter.
2. Farmers or producers outside Putnam County shall produce a letter of certification signed by their Agricultural Extension agent certifying that they raise and will sell only home-grown goods.
3. All vendors must be registered with the city. Each vendor will be given a permit to display at the market that is visible to the public.
4. Items such as molasses, honey, eggs, farm fresh frozen meats, and baked goods, jelly, jams and candy must meet the TDA requirements to be offered for sale at the market.
5. All TDA regulations governing market sales will be followed.
6. No wholesalers of produce/plants, etc. purchased from wholesalers are allowed.
7. Parking is on a first-come basis. Only one space per vendor is permitted. Vendors may arrive or leave at any time during the market hours, but may not save their parking place if they leave.
8. Vendors shall clean their area and help keep the general market and the restrooms clean.
9. Market hours are Monday through Sunday from daylight to 6:00 p.m.
10. Permits will only be issued for any vendor to occupy the market beginning February 1st, and will not be issued after November 30th.
11. No permanent displays or installations will be allowed.
12. Rule violators will receive one warning. A second violation will result in suspension/revocation of the vendor's permit as determined by the city codes enforcement officer or city police officer. Any suspension or revocation may be appealed to the City Manager, or his designee, whose decision is final.
13. No vehicle, trailer, etc. shall be allowed to occupy any portion of the market for the purpose of pre-empting a position thereon.
14. No vehicle, trailer, equipment, etc. shall be parked on the premises for the purpose of selling said vehicle, trailer or equipment.
15. All firearms or any other weapons shall be unloaded and kept inside the vehicles, and out of sight.
16. No homemade vanilla, wine, beer, spirits or any other products containing alcohol shall be consumed, sold or displayed.

9-1104. Parking and traffic flow to be designated. Parking spaces and lanes shall be marked. It shall be unlawful for any person to park a vehicle outside a designated parking space. It shall be unlawful for any person and/or vehicle to obstruct areas designated for traffic flow.

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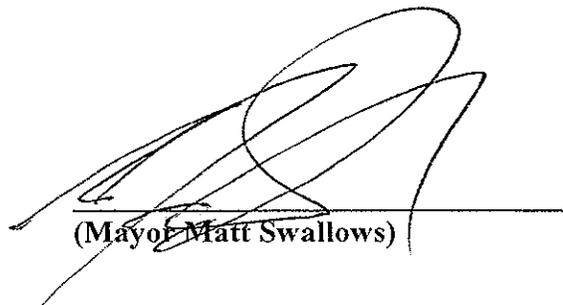
9-1105. Hold harmless and indemnification. All vendors shall be individually and severally responsible to the City of Cookeville for any loss, personal injury, deaths, property damage and/or loss, and any other damage that may occur as a result of the vendors' negligence or that of its servants, agents, and employees. All vendors shall agree to indemnify and save the city harmless from any loss, cost, damages, and any other expenses and costs, including but not limited to, attorney fees and court costs suffered or incurred by the city. Insurance is not provided to participants and vendors in the market, and each participant and vendor will be responsible for providing his/her own liability insurance.

9-1106. Sales taxes and licenses. Each vendor is responsible for collecting sales taxes where applicable, and any and all licenses and permits required by federal, state and local laws.

9-1107. Permit expiration, renewal, suspension and revocation. Permits issued pursuant to this chapter shall be valid for the calendar years in which said permit is issued. All permits expire on December 31st. A permit may be suspended or revoked by the city codes enforcement officer or by a city police officer when any of the provisions of this chapter have been deemed to have been violated. When notified of an alleged violation, the officer shall investigate the complaint. Any person found to have violated the provisions of this chapter shall receive at least a written warning, but may, depending upon the severity of the violation, have his/her permit suspended or revoked for a period not to exceed one (1) year. The decision of the city codes enforcement officer or police officer is considered final, but an appeal may be made within five (5) calendar days to the City Manager or his designee.

Section 2: If any part of this ordinance, or any provision of any section, is held to be legally invalid, the remaining provisions remain in full force and effect.

Section 3: That this ordinance shall take effect fourteen (14) days from and after its final passage, the public welfare requiring it.



(Mayor Matt Swallows)

ATTEST:



(City Clerk Cathy McClain)