

Chapter 5.10 FARMER'S MARKETS

5.10.010 Permit required.

It is unlawful for any person to operate a farmer's market without a valid farmer's market permit issued by the Town Clerk or designee. In addition to the license requirements of this title, farmer's market applicants shall provide any other pertinent information requested by the Town Clerk or designee for the purpose of administering the provisions of this title. The manager of the farmer's market must obtain the permit and assume responsibility of all vendors. A copy of market rules, all dates, permission from the property owner if applicable, a vendor list, and copy of the certificates of insurance must be provided to the Town Clerk prior to the start of the market.

5.10.020 Intent.

The intent of these regulations is to ensure that farmer's markets operate safely; are not detrimental to the public health; do not substantially interfere with traffic, or pedestrian circulation, or public services; and are compatible with surrounding property.

5.10.030 Description.

- A. Farmer's markets are permitted on non-residential property and on publicly-owned property with a proper permit.
- B. A farmer's market is a seasonal outdoor market set up with two or more qualifying vendors primarily for the sale or promotion of sale of the following items:
 - 1. Produce;
 - 2. Handcrafted food and beverage;
 - 3. Dairy product;
 - 4. Meat and seafood;
 - 5. Honey and other products from bees;
 - 6. Baked good;
 - 7. Handmade furniture;
 - 8. Flowers and plants;
 - 9. Kitchen goods;
 - 10. Handmade arts and clothing;
 - 11. Food sold from mobile food carts.
- C. The following items are prohibited at a farmer's market:
 - 1. Tobacco products;
 - 2. Sexually oriented business items;
 - 3. Appliances;
 - 4. Electronics;
 - 5. Firearms.

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- D. Peddler's permit. Mobile food vending, meaning the use of a legal motorized wheeled vehicle, legal towed wheeled vehicle, or pushcart, or other temporary operation designed and equipped to prepare and/or serve food and/or non-alcoholic beverages, may require a peddler's permit and inspection by the Fire department. If a vendor has a current business license established with the Town, a peddler's permit is not required.

5.10.040 Manager responsibilities.

- A. Managers shall obtain a Farmer's Market Permit from the Town Clerk. The farmer's market shall operate under one permit for an established and agreed schedule of dates and time.
- B. Managers shall provide a list of market rules.
- C. Managers shall provide written permission from a non-residential landowner, if property is not town owned, upon whose property the farmer's market may be held.
- C. Managers shall provide all required approvals by the El Paso County Department of Public Health and Safety for each food vendor.
- D. Managers shall report sales tax receipts to the Town as agreed pursuant to the established market rules.
- E. Managers shall ensure that all sanitary facilities are maintained to prevent any health or environmental issues.
- F. Managers shall provide contact information and license numbers, as applicable, for every vendor, as well as a certificate of insurance.
- G. Managers shall provide a site map showing placement of all vendors, parking areas, and loading/unloading areas.
- H. Managers shall ensure that all structures and material are removed when market is not operating.
- I. Managers shall ensure that all vendors comply with all Town and County ordinances, and all relevant State Statutes.
- J. Managers shall, during the time of the permit, maintain liability insurance coverage and/or certificates of insurance from vendors, as acceptable to the Town Clerk.

5.10.050 Vendor responsibilities.

- A. Vendors shall ensure that their site / form of set up is safe for customer traffic, including securing all loose objects in high wind conditions (including making sure tents/easy-ups, etc., are properly tied down), protecting the public from hazards such as extension cords and items blocking walk routes on site and public sidewalks, and keeping cooking or heating facilities away from areas open to the public.
- B. Vendors shall remit sales tax to the Colorado Department of Revenue.

5.10.060 Other provisions.

- A. Motorized vehicles may not be parked, stored, or driven on any unpaved areas, except for gravel surfaces and may not be parked on sidewalks, or blocking any access area or driveways.
- B. The playing of musical instruments by individuals or small bands is pursuant to general nuisance and noise ordinances. An Outdoor Amplified Sound Request will be required.
- C. Animals must be kept on a leash and abide by the Farmer's Market management rules.
- D. Alcohol is prohibited.

5.10.070 Permit process.

An application for a farmer's market must be submitted by the Manager to the Town Clerk or designee for review. All permit applications shall be accompanied by the applicable fee. All permit applications shall be accompanied by the appropriate documents applicable to this chapter. The Town Clerk or designee shall not accept a permit application unless accompanied by the required fee and applicable documents.

The Town Clerk or designee may require additional information during the review period and may send referrals to Town staff and/or outside referral agencies for review. The Town Clerk may approve, approve with conditions, or deny any application based upon the approval criteria herein.

5.10.080 Approval criteria.

An application for a farmer's market may be approved if it conforms to the following criteria, as applicable. Approval is discretionary, and the Town is under no obligation to issue an approval.

- A. The application is in conformance with all applicable Town or other government regulations. The applicant and vendors will obtain any required permits or approvals, including a Town business license.
- B. The market will not cause significant impacts, disturbance, or damage to the property, surrounding properties, and/or Town streets, and will not compromise the public health and safety.
- C. The site will provide sufficient parking and not obstruct traffic. Gravel surfaced parking may be approved for a farmer's market.
- D. Adequate restroom services will be provided for the public.
- E. Adequate provisions have been made for cleanup and, if applicable, restoration of the site in a timely fashion upon termination of the market. A sufficient clean up/site restoration deposit has been provided, if required, based upon the anticipated costs of cleanup or restoration.
- F. Each Manager shall, during the time of the permit, maintain liability insurance coverage acceptable to the Town Clerk.

5.10.090 Permit expiration and renewals.

No permit issued shall be assignable to another applicant. Every permit issued shall expire according to the date established by the permit, not exceeding one calendar year.

5.10.100 Revocation of permit.

If, upon review, the conditions or restrictions imposed by this Code, county ordinance or state statute or by the permit have not been complied with, the Town Clerk may take any action deemed necessary to remedy the noncompliance, including but not limited to, revocation of the permit or pursuing the noncompliance as a Code violation. The Town reserves the right to revoke a permit at any time if there is an emergency that substantially interferes with the market.

5.10.110 Appeals.

- A. Any denial or revocation of a farmer's market permit under this chapter may be appealed by the applicant to the Town Board of Trustees by filing a written notice of appeal, setting forth the grounds for appeal, within five (5) days after the decision is communicated.
- B. The Town Board of Trustees shall review the appeal and issue a written decision no later than thirty (30) days after the filing of the appeal. The applicant and the town clerk may present written evidence or argument to assist in the review. The decision of the Town Board of Trustees on an appeal shall be final, subject only to judicial review.

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- C. Filing of an appeal does not stay the decision of the application and does not require the town to reserve the date(s) and time(s) requested in the application on appeal.

5.10.120 Violation; penalty; and enforcement.

- A. It is unlawful for any person to sponsor or conduct a farmer's market without approval under this chapter. It is unlawful for any person to participate in a farmer's market with knowledge that the sponsor has not been approved, that farmer's market permit has not been approved, or that the permit has been revoked.
- B. It is unlawful for any person to interfere with or disrupt a lawful farmer's market.
- C. It is unlawful for an applicant to violate the terms and conditions of approval, or for any participant with knowledge thereof to knowingly violate the terms and conditions of approval.
- D. Any person convicted of a violation of this chapter shall be subject to the penalties set forth in Chapter 1.12 of this code.