

**AMENDED
ORDINANCE NO. 2005-11
AN ORDINANCE REPEALING AND REPLACING CHAPTER 4.06
OF THE LAFAYETTE MUNICIPAL CODE
ENTITLED “FOOD AND FOOD ESTABLISHMENTS”
(FARMERS’ MARKET)**

WHEREAS, the Ordinance creating a **Farmers’ Market** was adopted on May 4, 1908, and has since been amended as follows:

Ordinance 271 on June 17, 1918;
Ordinance 72-8 on April 3, 1972;
Ordinance 76-20 on June 7, 1976;
Ordinance 77-7 on April 6, 1977;
Ordinance 88-11 on April 4, 1988;
Ordinance 88-15 on May 2, 1988,

and is now codified as Chapter 4.06 of the Lafayette Municipal Code; and

WHEREAS, there is a need to further modify the “Farmers’ Market Ordinance” to delete certain words, delete certain provisions, and add new provisions; and

WHEREAS, a repeal of all prior Ordinances now codified as Lafayette Municipal Code Chapter 4.06, replacing the same with the above entitled Ordinance would clarify and simplify the Lafayette Municipal Code; NOW THEREFORE

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA as follows:

Section 4.06 of the Lafayette Municipal Code and the Ordinances hereinabove recited are hereby repealed and replaced with the following:

LAFAYETTE FARMERS’ MARKET

SECTION ONE: (4.06.010 Farmers’ Market Definition)

For the purpose of this chapter, the following definition of “Farmers’ Market” shall apply:
“Farmers’ Market” means the area set aside for the use of persons selling food products and plant materials produced primarily by themselves.

SECTION TWO: (4.06.020 Farmers’ Market Established)

The total right-of-way of Fifth Street, including the sidewalks on both sides, from the south line of Main Street to the north line of Columbia Street, or parts thereof as designated by the Board of Public Works and Safety, is set apart as the Farmers’ Market at specified times during the year for the use of market vendors in food stuffs and plant materials, subject to the rules and regulations in this chapter.

If both sides of the street are in use for vending, Fifth Street shall be closed to motor vehicular traffic between the south side of Main Street and the north side of Columbia Street during the hours of the market.

If only one side of Fifth Street is used for vending, it will always be the west side of Fifth Street, and through traffic will not be prohibited.

SECTION THREE: (4.06.030 Farmers' Market supervision)

The Farmers' Market shall be under the supervision of the Board of Public Works and Safety, who may enter into contractual agreements to designate others to act on its behalf. The Board of Public Works and Safety and/or its contractual representatives hereinafter "Market Manager" shall, in consideration of the advice of the Farmers' Market participants, establish and enforce all rules and regulations relative to the Farmers' Market; and shall promptly remove or cause to be removed any person who is disorderly or who refuses to obey any rule or regulation made for the management or conduct of the Farmers' Market.

SECTION FOUR: (4.06.040 Farmers' Market Time of Use)

The Farmers' Market shall be occupied and operated from May 1st through October 31st of each year, on Tuesdays, Thursdays, and Saturdays of each week, at times to be determined by the Board of Works and Public Safety.

Parking is prohibited to anyone other than the holder of the Farmers' Market space(s) as assigned by the Market Manager or its designee on the days and times established above.

Removal of an unauthorized vehicle by police impoundment is to be upon complaint of a city official or the Farmers' Market Manager or its designee and shall be enforceable beginning one hour prior to opening of the Farmers' Market on days as specified above.

SECTION FIVE: (4.06.050 Farmers' Market Animals Prohibited)

It is unlawful for any person to bring pets or other live animals, such as dogs or cats, in the Farmer's Market. The Market Manager or its designee has the power to remove or have removed all such animals.

Farm animals or other show animals are permitted in the Farmers' Market for demonstration purposes only, provided they are kept in an enclosed area and away from contact with the rest of the Farmers' Market.

SECTION SIX: (4.06.060 Farmers' Market Location of Vehicles, Tables, Displays, and Products)

Vendors shall place their vehicles, tables, displays, and products as determined by the Market Manager or its designee.

SECTION SEVEN: (4.06.070 Farmers' Market Scales and Weights)

Every person who shall offer for sale, at the Farmers' Market, any article by weight or measure shall have all scales, weights and measures properly examined, tested, stamped, and sealed.

SECTION EIGHT: (4.06.080 Penalty)

Whoever violates any provision of this chapter for which no penalty is otherwise provided, shall be fined not more than one thousand dollars (\$1,000.00). A separate offense shall be deemed committed on each day that a violation occurs or continues.

Adopted this 6th day of June, 2005, by a vote of 8 in favor, 0 opposed..

CITY OF LAFAYETTE, INDIANA COMMON
COUNCIL

Steven Meyer ss
Steven Meyer, President

ATTEST:

Cindy Murray ss
Cindy L. Murray, City Clerk

Presented by me to the Mayor of Lafayette, Indiana this 6th day of June, 2005.

Cindy Murray ss
Cindy L. Murray, City Clerk

Approved and signed by me this 6th day of June, 2005, at nine o'clock.

Tony Roswarski ss
Tony M. Roswarski, Mayor

ATTEST:

Cindy Murray ss
Cindy L. Murray, City Clerk

Sponsored by: Edward Chosnek, City Attorney