

Effective date: February 23, 2009

2/2/2009
12/12/2008

5-0-09

AN ORDINANCE

**Amending Sections 3-25-1 and 3-25-6 of the Evanston City Code
Permitting Healthy Food Demonstrations in the Farmers' Market to
Become a Permanent Event**

WHEREAS, in 2008, the Health and Human Services Committee of the City Council permitted a pilot project for healthy food demonstrations by "Now We're Cookin'," a local caterer and educator, at the Farmers' Market six (6) Saturdays during the summer; and

WHEREAS, for the past year, the public has accepted the healthy food demonstrations as a nice addition to the Farmers' Market;

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF EVANSTON, COOK COUNTY, ILLINOIS:**

SECTION 1: That Section 3-25-1 of the Evanston City Code, 1979, as amended, is further amended to read as follows:

3-25-1: DEFINITIONS:

EVANSTON CHARITABLE ORGANIZATIONS: Any organization located in Evanston and which has qualified to be exempt from federal income tax under IRS code section 501c3.

FARMERS' MARKET: A designated area where on designated days and times, growers and producers may sell directly to the public in accordance with City regulations. The City shall have the right to relocate or discontinue the market, to specify the days and times of its use and to stipulate what goods may be sold. The Farmers' Market commission may allow during the season a maximum of three (3) different Evanston charitable organizations per market day to maintain a refreshment stand to sell nonalcoholic beverages and home baked products not requiring refrigeration at a designated location within the Farmers' Market.

GROWERS AND PRODUCERS: Any person offering for sale articles for human consumption as defined herein, and non-edible articles as defined herein, which have been raised or prepared by an individual, or members of his family, or persons employed by the individual, whose principal source of income is realized by the sale of said articles.

HOME GROWN ARTISTS: Local artists who either live or have a studio in Evanston.

HEALTHY FOOD DEMONSTRATIONS: Food preparation and demonstrations provided by caterers and nutritional educators located in Evanston.

SALEABLE ITEMS:

(A) Items for sale shall have been raised or prepared by a grower or producer and shall include:

1. Articles for human consumption such as fruits or their juices; vegetables; edible grains; nuts and berries; apiary products; maple sugar; syrups; refrigerated eggs and natural cheeses; and home baked products not requiring refrigeration;
2. Non-edible articles such as cut or potted flowers or plants.
3. Artwork created by Evanston artists in the Annual Home Grown Artists Event.
4. Healthy food demonstrations.

(B) The sale of any type of meat, fish, poultry, or milk products, except natural cheese, is prohibited, provided that individuals may sell USDA prepackaged meat only from animals from their own farm. Such sale of meat must conform with the Illinois retail food store sanitation rules and regulations as adopted in subsection 8-8-1(A)2 of this code. No more than two (2) such licenses or permits may be issued.

Sale of any article may be prohibited by the Evanston director of public health by notice posted prominently at said market eight (8) days in advance of the effective date of said prohibition.

(C) The sale of bread shall be allowed by any licensed, food certified bakery establishment. Establishments must be licensed by the City of Evanston. The bread must have been made from all fresh ingredients and processed on site, including mixing, shaping, final proofing, and baking. No bread can be sold if the ingredients have been prepared off site but is baked on the premises. Eligible bakers shall be only those where the sale of breads and pastries are the exclusive items for sale. No establishment will be eligible if bread is only an ancillary item for sale. The sale of bread is the only item which shall be allowed to be sold by the bakeries. The sale of pies, muffins, cookies or cakes shall be prohibited by the bakeries.

SECTION 2: That Section 3-25-6 of the Evanston City Code, 1979, as amended, is further amended as follows:

3-25-6: GENERAL REGULATIONS:

(A) No licensee, permittee, artist or licensed chief; food demonstrator shall:

1. Sell or offer any article according to weight except in accordance with the established standards for weight of the state of Illinois.

2. Sell apiary products, maple sugars and syrups or any processed food unless properly labeled in accordance with state standards for labeling.

3. Sell or offer any unwholesome or spoiled articles.

4. Attract attention to his/her goods by hawking or crying out.

5. Sell or offer any article without first obtaining an Illinois sales tax license of the current year or fail to prominently display the number of such license; provided, however, that when a temporary (daily) space is assigned, suitable evidence of application for such license may be presented to the market master.

6. Transport or display food without adequate protection against contamination. Delivery trucks and other equipment used for transportation and display shall be kept clean at all times.

7. Sell or offer any article of natural cheese without first obtaining written statement from the Evanston Director of Public Health that the product is in compliance with standards for storage and display.

8. Allow any waste, garbage or any other refuse to remain on or near his space after the closing hour of any market day.

9. Be selected to participate in the Evanston Farmers' Market without providing evidence that real estate and property taxes and Illinois sales taxes have been paid during the previous market season. First time vendors shall have all required licenses and must show evidence thereof.

(B) The Annual Home Grown Artists Event:

1. Shall be limited to six (6) Saturdays each summer to be determined in advance by the Human Services Committee of the City Council from recommendations by Staff.

2. Shall be financially self-sufficient, and operate at no cost to the City.

3. Shall be limited to seven (7) tents per Saturday.
4. Shall be held in an area of the Farmers' Market designated by the City. and
5. Shall obtain approval from the Human Services Committee each year by presenting a budget for the event and fee.
6. Approval of Art Event: The Annual Home Grown Artists Event Organizer must present a budget to the Human Services Committee each year for review and approval.

(C) Healthy Food Demonstrations:

1. Shall be limited to eight (8) Saturdays each summer to be determined in advance by the Human Services Committee of the City Council from recommendations by Staff;
2. Shall be financially self-sufficient, and operate at no cost to the City;
3. Shall be limited to three (3) tents per Saturday;
4. Shall be held in an area of the Farmers' Market designated by Health and Human Services Staff;
5. Shall remain in compliance with the rules and guidelines of the City of Evanston Environmental Health Division and make Staff aware of their sponsorship; and
6. Health and Human Services Staff shall approve all healthy food demonstrations.

(D) No animals or pets shall be allowed in the market.

(E) No motorized vehicles, other than those of the sellers and the market master, shall be allowed in the market.

SECTION 3: That the foregoing recitals are found as fact and made a part hereof.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: That this Ordinance 5-O-09 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

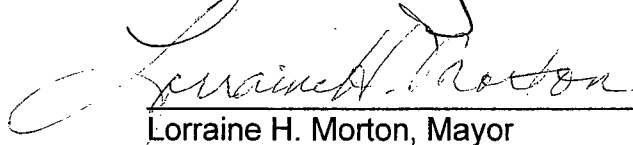
SECTION 6: That if any provision of this Ordinance 5-O-09 or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance 5-O-09 that can be given effect without the invalid application or provision, and each invalid application of this Ordinance is severable.

Introduced: January 12, 2009

Approved:


Adopted: January 26, 2009

February 6, 2009



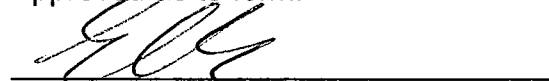
Lorraine H. Morton, Mayor

Attest:



Rodney Greene, City Clerk

Approved as to form:



Elke B. Tober-Purze, Interim
First Assistant Corporation Counsel

