

## LEGISLATIVE DIGEST

[Administrative Code - Farmers' Markets and Flea Markets]

**Ordinance amending the Administrative Code to affirm the County Agricultural Commissioner's authority under state law to certify and inspect farmers' markets and producers, and to enforce state law governing the direct marketing of agricultural products to consumers; replace the County Agricultural Commissioner with the Director of Property as the operator of City-operated farmers' markets and flea markets; eliminate the allocation of space at farmers' markets for the distribution of surplus commodities to needy persons; increase the permit fees for certified producers and other vendors; and increase the permit fees for farmers' market operators.**

### Existing Law

State law regulates the direct marketing of agricultural products to consumers, and establishes standards for certified farmers' markets and producers. State law requires certified farmers' markets to obtain a certificate from the County Agricultural Commissioner's office, which is charged with inspecting farmers' markets and ensuring compliance with state and local law.

Local law currently regulates farmers' markets by:

- Authorizing the County Agricultural Commissioner to establish and maintain farmers' markets in the City, and to impose a fee of \$50 on certified producers, and a fee of \$60 on non-certified producers, which fees are reduced by \$10 in winter;
- Authorizing the Agricultural Commissioner to establish rules governing the operation of farmer's markets;
- Authorizing the imposition of a fee of \$500 on non-City entities that operate farmers' markets;
- Establishing an advisory committee for City-operated farmers' markets;
- Authorizing the County Agricultural Commissioner to allocate space for the distribution of surplus commodities be distributed to needy persons;
- Establishing procedures by which a person may appeal the denial, suspension, or revocation of permits
- Establishing other conditions of participation as a farmers' market operator or producer.

Local law currently regulates flea markets by authorizing the County Agricultural Commissioner to establish and maintain a Flea Market, and to impose a vendor fee of \$45 per stall per day. Local law also authorizes the County Agricultural Commissioner to adopt rules

governing the operation of a City Flea Market, and establishes procedures by which a person may appeal the denial, suspension, or revocation of permits.

### Amendments to Current Law

With respect to the operation of farmers' markets, the proposed ordinance would:

- Reaffirm the authority of the County Agricultural Commissioner to exercise oversight of local farmers' markets by: certifying farmers' markets and producers, conducting inspections of certified farmers' markets, and engaging in enforcement of state law governing farmers' markets.
- Replace the Agricultural Commissioner with the Director of Property as the entity authorized to operate City-operated farmers markets, and authorize the Director of Property to:
  - Receive and approve applications for permits to sell products at a City-operated farmers' market, and to administer appeals of permit denials, suspensions and revocations;
  - Appoint and form an advisory committee for a City-operated farmers market;
  - Impose fees of \$50 per day on certified producers, and \$85 per day on other vendors at City-operated farmer's' markets;
- Increase the annual permit fee for farmers' market operators to \$500 for farmers' markets with fewer than 16 vendors, \$1,000 for farmers' markets with 16-45 vendors, and \$1,500 for farmers' markets with more than 45 vendors, while allowing the Agricultural Commissioner to waive such fees for City-operated farmers' markets.
- Authorize the Agricultural Commissioner to charge a fee of \$113 per hour for inspections that are unrelated to the issuance, modification, or renewal of a farmers' market certificate.

With respect to the operation of flea markets, the proposed ordinance would replace the Agricultural Commissioner with the Director of Property as the entity authorized to administer a City flea market and promulgate regulations to govern its operations. The proposed ordinance would adjust the vendor fee from \$45 to \$50 per stall per day.

### Background Information

Currently, the Director of Property serves as the operator of the Alemany Farmers' Market, located at 100 Alemany Boulevard, and the Alemany Flea Market, located on the same site. The proposed ordinance would codify the Director of Property's oversight role with respect to the Alemany Farmer's Market and Flea Market, while reaffirming the Commissioner of Agriculture's duty to exercise oversight of local farmers' markets by: certifying farmers' markets and producers, conducting inspections of certified farmers' markets and enforcing state and local laws relating to food safety standards at farmers' markets.

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