



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
May 13, 2021

Department Administration

Director Approval *David Cowan*

AGENDA ITEM Consider adopting an ordinance establishing the Independence Farmers & Makers Market.

SUMMARY RECOMMENDATION City Staff recommends the approval of an ordinance establishing the Independence Farmers & Makers Market

BACKGROUND City Staff is requesting the City Commission approve an ordinance establishing the Independence Farmers & Makers Market. By establishing this Ordinance, the City will comply with our Use of Public Property and ROW Ordinance in the downtown historic district and with State regulations for Farmers Markets. City staff has reviewed this with our City Attorney and EMC insurance for their approvals.

SUGGESTED MOTION I move to adopt an ordinance establishing the Independence Farmers & Makers Market.

SUPPORTING DOCUMENTS Proposed Ordinance

ORDINANCE NO. _____

An Ordinance Establishing the Independence Farmers & Makers Market

BE IT ORDAINED by the Governing Body of the City of Independence, Kansas:

Section 1. Name.

There is hereby established an Independence Farmers & Makers Market (“Market”).

Section 2. Governance.

The Market shall be governed by a board consisting of three (3) members. Each member shall serve for a term of four (4) years. One (1) board member shall be appointed by the Mayor subject to confirmation by a majority vote of the governing body of the City. One (1) board member shall be appointed by the executive director of Independence Main Street, Inc. to serve as a representative from that organization. One (1) board member shall be appointed by the executive director of Independence Chamber of Commerce, Inc. to serve as a representative from that organization. The normal policy of limiting terms of board members as set by resolution of the governing body shall not apply to the board of the Market for the reason that board members devote considerable uncompensated time and effort to performance of duties.

Section 3. Requirements.

The Market shall be subject to the following requirements.

- a. The Market shall be located on city-owned public property located within the Downtown Historic District.
- b. The location of the Market shall be subject to approval by the governing body.
- c. Items offered for sale at the Market shall be personally crafted, homegrown, and shall not be commercially made or created. The purpose of the Market is to allow area persons an opportunity to sell homegrown or homemade items. Whether a particular item meets this requirement shall be left to the discretion of the board.
- d. All vendors participating in the Market shall comply with all laws and regulations of the State of Kansas.

- e. All vendors at the Market are exempt from city ordinances requiring acquisition of a business license or permit.
- f. All vendors participating in the Market must execute an indemnification agreement in which they agree to indemnify the city, its agents and employees, as well as the board of the Market, Independence Main Street, Inc., Independence Chamber of Commerce, Inc., and any employees and volunteers of the above named entities.

Section 4. Powers of Board.

Subject to the requirements established by the governing body as set forth above, the board of the Market shall have the following power and authority:

- a. To oversee the general operation of the Market and to exercise all discretionary authority concerning matters involving the Market which are not reserved to the governing body.
- b. To establish times, dates and locations for the Market.
- c. To establish any desired application process or permit process for vendors.
- d. To adopt additional rules and regulations applicable to vendors at the event.

Section 5. This Ordinance shall take effect upon its publication in the official City newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 13th day of May, 2021.

LOUIS YSUSI, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk