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AN ORDINANCE  
of the  
CITY OF  
MINNEAPOLIS

By Gordon

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**Amending Title 10, Chapter 202 of the Minneapolis Code of Ordinances  
relating to Food Code: Municipal Market.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 202.10 of the above-entitled ordinance be amended to read as follows:

**202.10. Definitions.** The terms defined in Section 201.10, as used in this chapter, shall have the meanings provided therein. Additionally, As used in this chapter, the following terms term municipal market shall mean:

~~*Producer:* Any person actually engaged in the business of producing farm products on land owned or leased by such person or which such person has been permitted to use, or a member of the family or agent of such person or an employee working on the farm, orchard or garden of such person.~~

~~*Municipal market:* A a city owned and regulated place together with the buildings thereon designated in this chapter for the selling and buying of farm products and other market related products.~~

Section 2. That Chapter 202 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 202.35 to read as follows:

**202.35. Health requirements.** A food market distributor or food market manufacturer shall meet the following requirements in addition to any requirements prescribed by Chapters 186 and 188:

(1) Completion of an environmental health plan review and payment of the applicable plan review fee as established in Appendix J, License Fee Schedule.

(2) A food market manufacturer shall complete an approved two (2) hour food handler safety class.

Section 3. That Chapter 202 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 202.40 to read as follows:

**202.40. Growers and home processors registration required.** It shall be unlawful for any person to conduct or operate as a grower or home processor without registering as a vendor with the City of Minneapolis.

Section 4. That Section 202.40 of the above-entitled ordinance be amended, and renumbered as Section 202.50 to read as follows:

**202.4050. License application.** Each applicant for a license to operate a municipal market shall file an application with the department of licenses and consumer services on forms provided by the department. The director of licenses and consumer services may require such information on the application as the director considers reasonable and necessary, including:

- (1) The full name, date of birth, and current residence address of the applicant.
- (2) If the applicant is a partnership or firm, the name, place and date of birth, residence address of all partners or persons interested therein; if a corporation, the state of incorporation, the name, place and date of birth, of all persons named in the corporation, and shall state whether or not any person named in the application has ever been convicted of any crime.
- (3) The proposed location of the municipal market and the dates ~~on which and the hours during which the market will be operated~~ and hours of market operations.
- (4) A scaled diagram showing the site plan and layout of the market stalls with an indication of the portion thereof intended to be used in the conduct of such business pursuant to the license.
- (5) A list of all vendors at the municipal market.
- (6) The market manager's and designee's names, residence addresses, and telephone contact numbers.

Section 5. That Section 202.50 of the above-entitled ordinance be amended, and renumbered as Section 202.60 to read as follows:

**202.5060. License fee and when licenses expire.** The licensee of a municipal market shall pay an annual license fee as established in Appendix J, License Fee Schedule. Licenses issued under this chapter shall expire on April first of each year.

Section 6. That Section 202.60 of the above-entitled ordinance be amended, and renumbered as Section 202.70 to read as follows:

**202.6070. License adverse action.** An application or approved license may be denied, revoked, suspended, or not renewed, after notice and an opportunity for a hearing thereon, for any of the following reasons:

- (1) The application contains material omissions or false, fraudulent, or deceptive statements.
- (2) The premises ~~is~~ are operated in such a manner as constituting a municipal nuisance per this Code or Minnesota Statute 609.74 and 609.745.
- (3) The proposed operation is in violation of any federal, state, or local laws including, but not limited to, the provisions of this Code pertaining to building maintenance, fire prevention, and health or safety.

The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.

Section 7. That Section 202.70 of the above-entitled ordinance be amended, and renumbered as Section 202.80 to read as follows:

**202.7080. Established.** (a) That tract of land described as Lot 1, Block 3, Glenwood Renewal Subdivision No. 2, originally acquired by the city in condemnation proceedings No. 27 and No. 28, for a site for a municipal market, with such additions and extensions as may hereafter be made thereto, is designated and established as the municipal market of the city, for the barter and sale of vegetables, fruits, plants, cut flowers and related market products, and any other article of farm produce, subject to all the regulations and provisions of this chapter and to such other rules and regulations adopted in the manner herein provided. The municipal market shall consist of a minimum of seventy-five (75) percent vendors of food products.

(b) The public market that exists as of the date of adoption of this subsection, located in the geographic area bounded by Third Avenue North to the north, Border Avenue North to the east, East Lyndale Avenue North to the west, and the property line between 200 East Lyndale Avenue North and 188 ½ Glenwood Avenue to the south, may be continued in existence as a licensed adjunct market to the municipal market. The adjunct market shall consist of a minimum of seventy-five (75) percent vendors of food products and the licensee shall designate a market manager responsible for the supervision, management, and control of the market. The adjunct market shall make application for license in the manner provided by section 202.50 and shall be subject to adverse license action as provided by section 202.70, and in all other respects shall be subject to the requirements of the food code and the requirements imposed upon a

municipal market by this chapter. The licensee may be a person, nonprofit or for-profit organization, or other legal entity and shall pay an annual license fee as established in Appendix J, License Fee Schedule.

Section 8. That Section 202.80 of the above-entitled ordinance be amended, and renumbered as Section 202.90 to read as follows:

**202.8090. Sale of items other than foodstuffs.** Sale of handicraft and works of art shall be permitted in surplus space in the municipal market during the hours established for the operation of the market, if the space needs of the aforementioned commodities have been satisfied. Such space shall be allocated in the order of making application therefor.

Section 9. That Section 202.90 of the above-entitled ordinance be amended, and renumbered as Section 202.100 to read as follows:

**202.90100. Position of market manager created; supervision duties.** (a) There shall be a market manager who shall, under the direction of the city finance officer, have the supervision, management and control of said municipal market. The market manager may be appointed a special police officer by the mayor to exercise police powers within the municipal market and the territory adjoining and surrounding said market, as may be defined in the order of appointment under Section 3 of Chapter VI of the Charter.

(b) If the city shall enter into a contract with any individual, corporation or association, for the operation of the market for the city, the market manager shall be appointed by and be an employee of said individual, corporation or association; but the appointment must be approved by the city finance officer who will hold the individual, corporation or association together with their appointed market manager responsible for the orderly operation of the market in conformity with the said contract and this Code.

Section 10. That Chapter 202 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 202.110 to read as follows:

**202.110. Duties of market manager.** The municipal market shall designate a market manager who is responsible for the supervision, management and control of that market. The market manager shall prepare rules and regulations relative to the care and conduct of the market and the placing of vehicles therein, preservation of order, prevention and removal of obstructions and nuisances, removal of vagrants and disorderly persons or persons found loitering therein, and the seizure of unhealthy, unwholesome or noxious substances. The market manager or designee is responsible for the operation of the municipal market and must be present when the market is open to the public. The market manager shall:

- (1) Complete an environmental health plan review and pay the applicable plan review fee as indicated in Appendix J.
- (2) Provide fully operational and stocked toilet facilities to all market customers and market vendors.
- (3) Provide sufficient potable water to meet the needs of each market vendor.
- (4) Ensure that all market vendors of immediately consumable foods are operating from a hard, smooth and easily cleanable surface.
- (5) Ensure prompt removal of all trash and debris from the market and areas of public right of way within one hundred (100) feet of the municipal market and in accordance with the Code of Ordinances.
- (6) Ensure that all food market manufacturers and food market distributors are licensed prior to vending. Food market manufacturer and food market distributor licenses must be renewed yearly.
- (7) Ensure all agricultural and home processors who may be exempt from licensure under Minn. Statute Section 28A.15 have received approval to operate at the markets. Approval shall be granted by the director of environmental Health or the director's designee. Such market vendors must renew their registration documentation annually.
- (8) Ensure a current list of all food market vendors selling or sampling food at the markets is available to city staff to review at all times in which the markets are open and operating.
- (9) Ensure that the market complies with the percentages stipulated to in this chapter for the number of food to non-food market vendors and/or agricultural producers to other market vendor types.
- (10) Ensure all market vendors comply with the Minnesota Food Code (Minnesota Rules, Chapter 4626) and all applicable ordinances.

Section 11. That Chapter 202 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 202.120 to read as follows:

**202.120. Market Manager, Records.** The market manager must maintain a record, on site and easily accessible to health inspectors and other officials, of all market vendors who qualify for exemption under MN State Statute 28A.15, Subd. 9 & 10. Each individual vendor record must contain at minimum the following data: applicant name, home number, business name, phone number, mailing address, email, name of farm/garden, name of owner of the farm/garden, address of farm/garden, telephone of farm/garden owner, approximate total acres of farm/garden, percent

cultivated by vendor, list of farm products sold, Minneapolis location(s) where products are sold, and list vehicles used for delivery of farm products. This data must be available upon request by city staff.

Section 12. That Section 202.100 of the above-entitled ordinance be amended, and renumbered as Section 202.130 to read as follows:

**202.100130. Applications for stalls.** Forms of applications for the right to lease any stall or stalls, or for a permit to use any stall or stalls, shall include a clause by which the applicant for said lease or permit agrees to abide by each and all of the provisions of this chapter and all rules and regulations promulgated as provided herein, to furnish under oath, if desired, such information with reference to applicant's address, character, nature and extent and location of applicant's business, the names and amounts of the products that the applicant produces, or which the applicant sells on the municipal market, the period when the applicant comes to the municipal market, and such other data as may be deemed necessary for the protection of the public welfare and the proper administration of the municipal market; and to consent to immediate cancellation of any lease or permit by the market manager and to summary ejection by the market manager within twenty-four (24) hours after such cancellation of any lease or permit. No person shall use or occupy any stall or other space in said municipal market without first paying the rental herein provided.

Section 13. That Section 202.110 of the above-entitled ordinance be amended, and renumbered as Section 202.140 to read as follows:

**202.110140. Rentals.** (a) Upon recommendation of the city finance officer, the city council shall fix from year to year the length of the market season, the market fees and stall rentals, service charges, and any market concession rentals. When the market is operated under contract with an individual, corporation or association, the market season and market fees shall be fixed by the individual, corporation, or association subject to the approval of the city finance officer and review of the council from time to time. The market manager shall assess and collect such fees and rentals from all persons who occupy such stall spaces on the municipal market for selling purposes. In recommending stall rentals, the city finance officer may classify the stall spaces, both underneath and outside of market sheds, according to desirability of location and other factors affecting their value, and different charges may be made for such different classes of stalls. In order to better utilize the selling spaces on the market, the market manager may rent a single stall to two (2) or more persons under adequate rules and regulations, and in such case a fixed scale of reduced rentals may be made to apply. Each year the city finance officer shall create and maintain a file listing the classes of stalls on the municipal market and the stall numbers which make up such class, together with the rental charges for the stalls, service charges and concession rentals which have been fixed by the city council.

(b) In assigning market stalls on a seasonal basis, the market manager may separate vendors into classes according to the kinds of products which they sell or the

periods during which they come to the municipal market, or both, and assign certain market sheds or certain sections of such sheds to certain classes of vendors, in such a way that the best interests of the market will be served. Unless it is desirable to transfer a person from one (1) stall to another, in order to place the person with the proper class, a person who rents a stall one (1) year shall have the renewal of that stall for the next year provided the person has complied with the provisions of this chapter and the market rules a regulation.

Section 14. That Section 202.120 of the above-entitled ordinance be amended, and renumbered as Section 202.150 to read as follows:

**202.120150. Market available to producers.** (a) All farm producers and market gardeners who raise their own produce shall have first priority to the use of the municipal market on terms of equality and without discrimination, and subject to the provisions of this chapter. They shall be allowed to sell on the municipal market wholesome fresh, canned, dried or prepared food products of their own production or preparation; also certain other products of their farm, garden, greenhouse, apiary, or of the forest, such as flowers, plants, nuts, herbs, hay, straw, Christmas trees and greens; provided, that in so doing they comply with all of the provisions of this Code and other applicable laws covering the handling and distribution of edible food products.

(b) When a producer is unable temporarily to come to market, or when the quantity of the marketable products is too small to warrant the producer to come, the producer may send the products to municipal market by a neighboring producer; provided, that the latter acts only in the capacity of an agent of the first producer and does not purchase the products involved and provided further, that the producer involved secure from the market manager a permit covering such action. Before issuing such permit, the market manager may require, under oath, such information from the applicant as may be deemed necessary.

Section 15. That Section 202.130 of the above-entitled ordinance be amended, and renumbered as Section 202.160 to read as follows:

**202.130160. Open hours.** The municipal market shall be open for business during such hours as shall be determined by the market manager with the approval of the city finance officer, so as to best serve the reasonable needs of the farmers, market gardeners and the public.

Section 16. That Section 202.140 of the above-entitled ordinance be amended, and renumbered as Section 202.170 to read as follows:

**202.140170. Hours for vehicles.** In order that the market may be properly cleaned, the market manager may fix in the market rules and regulations the hours during which all or part of the municipal market shall be cleared of vehicles, and during such prescribed hours no person shall drive a vehicle into the municipal market in

violation of such rules, or refuse to remove his vehicle from the market promptly upon the order of a market employee.

Section 17. That Section 202.150 of the above-entitled ordinance be amended, and renumbered as Section 202.180 to read as follows:

**202.150180. Display of produce; removal of unwholesome produce.** All vegetables, provisions or produce offered for sale in the municipal market shall be placed in such manner as the market manager may direct. If any such vegetables, provisions or produce shall be deemed by the market manager to be unwholesome or unfit to be consumed or used, the market manager shall order the owners thereof to remove same immediately from the municipal market; and if such owner shall neglect or refuse to obey such order, the market manager shall remove same without delay. Failure to obey is just cause for revocation of permit.

Section 18. That Section 202.160 of the above-entitled ordinance be amended, and renumbered as Section 202.190 to read as follows:

**202.160190. Removal from market; disposal of refuse.** The occupant of such stall or space in the municipal market, within a half hour after the time for the closing of the market, shall cause his produce, wares, and vehicle to be removed from the market and shall cause his stall to be thoroughly cleaned and all refuse or vegetable rubbish to be removed from the market and disposed of in accordance with directions of the market manager, unless, in case of emergency, the market manager shall otherwise direct.

Section 19. That Section 202.170 of the above-entitled ordinance be amended, and renumbered as Section 202.200 to read as follows:

**202.170200. Receipts to be given; identification of sellers.** In order that business conducted on the municipal market may be facilitated, and disputes, mistakes, dishonesty and fraud eliminated so far as possible, the market manager may and shall for all nonfarm products, require, through market rules and regulations, that sellers deliver to buyers approved sales slips, receipts and contracts for future delivery covering any or all business transactions involving goods displayed for sale, offered for sale or sold on the municipal market, or covering goods offered by sellers on the municipal market for future delivery. The market manager may also require through market rules and regulations that every person who sells on the municipal market display an approved sign in an approved space in connection with the seller's stall space or on the seller's truck, giving the name and address and other identification of the producer or dealer operating in the stall space.

Section 20. That Section 202.180 of the above-entitled ordinance be amended, and renumbered as Section 202.210 to read as follows:

**202.180210. Eating facilities.** (a) The city council may conduct on the market, eating places which will provide the buyers and sellers on the market with suitable accommodations of this nature; or, in its discretion, it may rent such facilities, under such rules and regulations as it may prescribe, to a private party. When such action is made effective, thereafter no other person shall display, offer for sale on the market grounds or in buildings thereon any prepared foods or beverages designed for the immediate consumption of the buyers and sellers on the market. It shall be understood that the refectory privileges on the market, whether operated by the city or by a private party, carry with them the exclusive right to sell such foods and beverages on the market.

(b) Provided, that the city council may permit any duly licensed caterer to vend his goods, wares and merchandise in a place or stall properly assigned to such caterer by the city finance officer acting through the market manager and upon such conditions and regulations as the city finance officer shall impose and direct. Any person desiring to so operate shall make application to the market manager for such a permit and shall pay an appropriate fee for such permit.

Section 21. That Section 202.190 of the above-entitled ordinance be amended, and renumbered as Section 202.220 to read as follows:

**202.190220. Shoplifting.** No person shall remove any products, containers for products, or any other property from the truck of, or the display space allotted to, any person who sells on the municipal market without previously having purchased and paid for, or without previously having made arrangements satisfactory to the seller for the purchase or transfer of such products, containers or other property.

Section 22. That Section 202.200 of the above-entitled ordinance be amended, and renumbered as Section 202.230 to read as follows:

**202.200230. Acts prohibited generally.** No person shall willfully deface or damage the buildings, pavement or other physical equipment of the municipal market. No person shall deposit unsold merchandise, vegetable refuse or other garbage, broken crates, boxes, barrels or pieces thereof, paper or other rubbish on the municipal market, nor burn any such garbage or rubbish on said market except in places which may be provided for the specific purposes. No person shall slaughter or draw any animal or fowl within the municipal market. No person shall distribute, scatter about, or post on the municipal market any advertising pamphlet, card, handbill or other printed matter, nor shall any person beg, loiter, solicit patronage for any business, or sell or attempt to sell real estate, animals, meat, butter, junk, or vehicles on the municipal market. No person shall make any public outcry, do hawking or give any musical or other entertainment for the purpose of drawing customers or to attract attention. The market manager, however, may arrange for or otherwise procure such entertainment, music, displays, or other forms of promotion for the purpose of encouraging public patronage of the market provided, however, no such display, promotion or other device may be used in any way to promote any political party, candidate, or any proposal subject to a vote of the people

of Minneapolis or any segment of the population whether said vote be subject to official election laws or rules or fall under some other jurisdiction, official or unofficial, and further such entertainment, music, or display shall first be approved by the city engineer.

Section 23. That Section 202.210 of the above-entitled ordinance be amended, and renumbered as Section 202.240 to read as follows:

**202.210240. Parking.** No person shall park his vehicle on the municipal market grounds during market hours except while he is transacting legitimate market business in the market.

Section 24. That Section 202.220 of the above-entitled ordinance be amended, and renumbered as Section 202.250 to read as follows:

**202.220250. Inspections.** All products sold or bought on the municipal market shall be open to the inspection of duly authorized city or state health officials and the officials of the municipal market.

Section 25. That Section 202.230 of the above-entitled ordinance be amended, and renumbered as Section 202.260 to read as follows:

**202.230260. Unwholesome products prohibited.** No food product shall be offered for sale, displayed or sold on the municipal market which is unwholesome or unfit for food.

Section 26. That Chapter 202 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 202.270 to read as follows:

**202.270. Food sampling, demonstrations and surfaces.** (a) Market vendors may provide food samples in accordance with the requirements of the Minnesota Food Code as referenced, and Chapters 186 and 188 of this Code. Samples shall only be offered in individual portions and served only by the market vendor with individual paper napkins, soufflé cups or toothpicks. Samples shall be dispensed with a clean and sanitized utensil or a person wearing disposable gloves.

(b) Market-sponsored food and cooking demonstrations that include distribution of samples to market patrons shall be permitted, provided that the market has a trained and certified food manager on site who shall be responsible for ensuring compliance with all requirements of the food code. The manager shall be responsible for maintaining a log of each cooking demonstration that contains information identifying the person conducting the demonstration, the products sampled, and the demonstrator's contact information including home or business address, telephone number and electronic mail address if applicable. Records of the required log shall be maintained on file for one (1) year and provided to city staff upon request.

(c) Non-food market vendors and agricultural producers shall be permitted to vend from an unpaved surface provided the market and market vendors comply with all requirements of the food code.

Section 27. That Section 202.240 of the above-entitled ordinance be and is hereby repealed.

~~**202.240. Ready-to-eat foods prohibited.** No ready-to-eat foods or foods available for immediate consumption shall be offered for sale, displayed, or sold on the Nicollet Mall extension of the municipal market bounded by the area on Nicollet Avenue from Washington Avenue to South Thirteenth Street.~~

Section 28. That Section 202.250 of the above-entitled ordinance be amended, and renumbered as Section 202.280 to read as follows:

**202.250280. Removal of violators.** The market manager shall have the authority to order and remove any person from the municipal market who is guilty therein of any violation of this chapter, or who shall fail to obey any lawful orders of the market manager.

Section 29. That Section 202.260 of the above-entitled ordinance be amended, and renumbered as Section 202.290 to read as follows:

**202.260290. Forfeiture of space.** Any lessee of any stall, or any person having a license or permit to occupy any stall or space in the municipal market, who shall be twice convicted of any violation of this chapter or of any rule relating to his conduct or the conduct of any of his officers or agents on the municipal market, shall upon his second conviction automatically forfeit his lease or permit. Any lessee who shall use or attempt to use any stall or space for any purpose other than that for which it was specifically rented, or other than is permitted by the provisions of this chapter, shall forthwith forfeit his lease to said stall or space.

Section 30. That Section 202.270 of the above-entitled ordinance be amended, and renumbered as Section 202.300 to read as follows:

**202.270300. Alcoholic beverages prohibited.** No person shall have in his possession, or use, sell or give away in the municipal market, any wines, or spirituous, intoxicating, mixed or fermented liquors or beer.

Section 31. That Section 202.280 of the above-entitled ordinance be amended, and renumbered as Section 202.310 to read as follows:

**202.280310. Resisting market manager.** No person shall resist the market manager in the lawful discharge of his duties.

Section 32. That Section 202.290 of the above-entitled ordinance be amended, and renumbered as Section 202.320 to read as follows:

**202.290320. Use of proceeds from market.** All receipts from the operation of the market shall be credited to the market operation fund, and all expenditures incident to the administration, operation and maintenance of said market shall be charged against said market operation fund. The city council may from time to time transfer any balances in said market operation fund not needed for the administration, operation and maintenance of the market to the sinking fund for the purpose of retiring bonds sold for the construction of the market.

Section 33. That Chapter 202 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 202.330 to read as follows:

**202.330. Insurance.** A license for a municipal market, any part of which is on a street, sidewalk or other public right-of-way, may be granted only after the applicant has filed with the division of licenses a liability insurance policy, or evidence thereof, which policy shall provide coverage in the amount of two hundred thousand dollars (\$200,000.00) for one claimant and six hundred thousand dollars (\$600,000.00) for any number of claimants, and shall specifically provide for the payment by the insurance company on behalf of the insureds of all which the insureds shall become obligated to pay by reason of liability, imposed upon them by law for injuries or damages to persons or properties arising out of the activities and operations of the insureds occurring on any public right-of-way pursuant to the provisions of this chapter. The applicant and the city shall be named as joint insureds on the liability policy.