

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 18 (“PEDDLERS AND SOLICITORS”), ARTICLE 2 (FARMERS’ MARKET”), SECTION 18-2-7 (“ASSIGNMENT OF SPACES”) OF THE OAK PARK VILLAGE CODE REGARDING THE FARMERS’ MARKET VENDOR SPACE ASSIGNMENTS

WHEREAS, the Village of Oak Park (“Village”) as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit, the Village of Oak Park’s powers shall be construed liberally as held by the Illinois Supreme Court in the case of *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992); and

WHEREAS, the Village conducts a farmers’ market pursuant to the Farm Products Marketing Act, 505 ILCS 70/1 *et seq.*, and its home rule authority; and

WHEREAS, at a special meeting on December 20, 2022, the Farmers’ Market Commission unanimously voted to recommend that the Village adopt this Ordinance regarding the assignment of vendor space at the Farmers’ Market; and

WHEREAS, the Village Board agrees with the Farmers’ Market Commission’s recommendation and has determined to adopt this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein by reference as though fully set forth.

Section 2. Village Code Amended. Chapter 18 (“Peddlers and Solicitors”), Article 2 (“Farmers’ Market”), Section 18-2-7 (“Assignment of Spaces”) of the Oak Park Village Code is amended by deleting the overstricken language and adding the underlined language to read as follows:

18-2-7: ASSIGNMENT OF SPACES:

Except as otherwise provided in section 18-2-3 or 18-2-5 of this article, spaces shall be assigned to ~~all applicants who leased permanent space in the market for the preceding market season who were in compliance with this article and any rules and regulations promulgated pursuant to this article before spaces may be assigned to new applicants~~ as determined by the Market Manager. Fees shall be paid in advance of occupancy. ~~For new applicants, priority will be given to~~

~~applicants who are growers/producers of farm products.~~ The Village has discretion to make operational changes to the market layout to accommodate special events or changes to market participation. Permittees' vehicle displays and employees must remain within their assigned space.

Section 3. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

ADOPTED this 20th day of February, 2024, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Buchanan				
Trustee Enyia				
Trustee Parakkat				
Trustee Robinson				
Trustee Straw				
Trustee Wesley				

APPROVED this 20th day of February, 2024.

Vicki Scaman, Village President

ATTEST

Christina M. Waters, Village Clerk

Published in pamphlet form this 20th day of February, 2024.

Christina M. Waters, Village Clerk