



# Local Government Regulation of Farmers' Markets in Kansas

The growth of farmers' markets in Kansas is closely tied to community efforts to support local producers and grow local economies, while also providing an important source of fresh, local, and healthy foods. Understanding the laws and policies impacting farmers' markets is critical to ensure market success and vitality.

Local governments regulate farmers' markets in different ways, depending on the needs of their communities. Some local governments use very specific language and regulatory provisions to address the unique attributes of farmers' markets, while others include farmers' markets in broader regulatory language, regulating farmers' markets in the same way that other types of food establishments or businesses are regulated. Notably, certain laws and regulations may strengthen and encourage the operation of farmers' markets within a certain community, while others burden or hinder the prosperity of farmers' markets.

## What is this?

This resource provides a guide for those interested in working with local Kansas governments to use local laws to enhance and support the growth and vitality of local farmers' markets. Please consider the questions posed in the guide in order to understand how to

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move forward and develop, refine, and enhance your community's farmers' market.

### Who should use this?

The information provided below is meant as a general guide, recognizing that each community will need to evaluate how best to support its farmers' market based on its unique local and legal context. Use the questions below as a way to gather information about your farmers' market. The chart, below, identifies the relationship between state and local laws and market rules for each issue presented and provides questions to guide an assessment of how local regulation may impact a local farmers' market. The following list shows a range of ways local governments may regulate

farmers' markets. See attached "Farmers' Market Vendor and Market Rules" and "State Laws Impacting Farmers' Markets in Kansas" for further information on any questions regarding state law or internal rules.

### What should happen next?

Please use this resource as a worksheet by answering each question to the best of your ability. The goal is to identify needs and areas of strengths and weaknesses in both your community farmers' market and local regulatory landscape. If you have questions or concerns about the local laws in your community, please see your municipal code. If you are interested in making policy changes in your community, follow up with your local elected representative or planning/zoning department.

## Local Regulations Impacting Farmers' Markets in Kansas

The areas listed below were identified through a review of city and county municipal codes in Kansas. This analysis found that, in addition to local ordinances, state laws impact some issues related to these markets; while other considerations are addressed by the markets' own policies.

Use this key to identify which state and local laws or market rules may impact a market's operation.

	STATE LAW MAY HAVE IMPLICATIONS	LOCAL LAW MAY HAVE IMPLICATIONS	MARKET RULES MAY HAVE IMPLICATIONS
<b>Farmers' market structure and governance</b>			
Who is the operator?			
<ul style="list-style-type: none"> <li>Is it the local government or a private organization?</li> </ul>			
How is the farmers' market governed?			
<ul style="list-style-type: none"> <li>By a board? If so, what are the board's responsibilities?</li> <li>By a market coordinator? If so, what are the market coordinator's responsibilities?</li> </ul>			
Who owns the property on which the farmers' market operates?			
<ul style="list-style-type: none"> <li>Is the land public or private?</li> <li>If the market does not own the land, is there a formal contract between the parties granting the market permission to use the land?                             <ul style="list-style-type: none"> <li>Memorandum of understanding (MOU)? Lease?</li> <li>How long does the contract last?</li> </ul> </li> </ul>			
Is the farmers' market incorporated as a non-profit organization?			
Has the farmers' market been added to the Central Registration of Kansas Farmers' Markets?			

	STATE LAW MAY HAVE IMPLICATIONS	LOCAL LAW MAY HAVE IMPLICATIONS	MARKET RULES MAY HAVE IMPLICATIONS
<b>Farmers' market structure and governance</b> <i>(continued)</i>			
Does the farmers' market have formal vendor laws? By-laws? Articles of incorporation?			
Who can be a vendor?			
<ul style="list-style-type: none"> <li>■ How are vendors chosen?</li> </ul>			
<ul style="list-style-type: none"> <li>– Are there geographic limitations, i.e., distance from the market?</li> </ul>			
<b>Food safety</b>			
Does the local law reference the Kansas Food Code?			
<ul style="list-style-type: none"> <li>■ Does the local law reference a specific Kansas Food Code (1999 or 2012)?</li> </ul>			
<ul style="list-style-type: none"> <li>■ Is there a mechanism in place to ensure the local laws are updated as the state Food Code is updated?</li> </ul>			
Can farmers' market vendors sell prepared/processed foods? Beverages?			
<ul style="list-style-type: none"> <li>■ Do all the vendors selling processed foods and/or meat use a certified kitchen?</li> </ul>			
<ul style="list-style-type: none"> <li>■ May vendors sell wine? Alcohol?</li> </ul>			
Any restrictions on the products available for sale? I.e., creams, meats, eggs?			
<ul style="list-style-type: none"> <li>■ Does the local government reiterate the state law that prohibits sale of home-made goods that are potentially hazardous without a food license?</li> </ul>			
Food safety and cleanliness requirements? Possible considerations include:			
<ul style="list-style-type: none"> <li>■ Hand washing stations?</li> </ul>			
<ul style="list-style-type: none"> <li>■ Food sampling?</li> </ul>			
<ul style="list-style-type: none"> <li>■ Prohibition on pets in market?</li> </ul>			
<b>Local licensing, zoning, and operation</b>			
How is "farmers' market" defined by local law?			
<ul style="list-style-type: none"> <li>■ Is it a special event? A seasonal, temporary business? Other designated business?</li> </ul>			
<ul style="list-style-type: none"> <li>■ Are there special laws applicable to that categorization?</li> </ul>			
<ul style="list-style-type: none"> <li>– Limitations on how many days the farmers' market may operate?</li> </ul>			
<ul style="list-style-type: none"> <li>– Restrictions regarding permanent structures or vendor stand construction?</li> </ul>			
Are there zoning and licensing laws?			
<ul style="list-style-type: none"> <li>■ Signage requirements or laws?</li> </ul>			
<ul style="list-style-type: none"> <li>■ Limitations on operating markets in certain zones?</li> </ul>			
<ul style="list-style-type: none"> <li>■ Fees?</li> </ul>			
<ul style="list-style-type: none"> <li>■ Insurance?</li> </ul>			
<ul style="list-style-type: none"> <li>– Does the farmers' market have liability insurance?</li> </ul>			
<ul style="list-style-type: none"> <li>– Does the local government require liability insurance?</li> </ul>			
<ul style="list-style-type: none"> <li>– For the farmers' market? For vendors?</li> </ul>			

	STATE LAW MAY HAVE IMPLICATIONS	LOCAL LAW MAY HAVE IMPLICATIONS	MARKET RULES MAY HAVE IMPLICATIONS
<b>Local licensing, zoning, and operation (continued)</b>			
– Indemnification of the government for injuries resulting from market activities?			
■ Hours of operation?			
■ Odors, pollution requirements?			
■ Parking requirements?			
■ Emergency and public safety planning?			
■ Do the vendors need licenses to operate?			
■ A restriction on where the farmers' market can be held — indoors or outdoors?			
Is there a specified application or application process for approval of a farmers' market?			
■ Is there a public approval/comment process for reviewing farmers' market applications?			
■ Is there any appeal process if an application is denied?			
■ Background check required?			
Who is responsible for issuing licenses?			
■ License to operate — City clerk? Planning department?			
Who is responsible for inspecting the site? Possible considerations include:			
■ Sanitation and safety?			
■ Accessibility? Possible considerations include:			
– Can a wheelchair use the space?			
– Can an emergency vehicle access the space?			
Smoke-free and tobacco-free considerations:			
■ Restrict the use of tobacco at farmers' markets			
■ Restrict smoking at market (see sample ordinance language from <a href="#">Americans for Nonsmokers' Rights</a> )			
■ Restrict the sale of tobacco products at farmers' markets			

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