

RESOLUTION NO.: R-2014-062

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Authorizing tastings only of locally produced wine and beer only provided by market vendors and operation of the North Columbia Business Association Farmers Market, an open-air market featuring farmers and food on Thursdays from May 1, 2014 to November 27, 2014 in the vacant parcel located at the 2800 block of North Main Street and Newman Street excluding the sidewalk areas, without closing North Main Street, Newman Street, Drayton Street or Anthony Avenue, and authorizing City staff to require vendors to remove items City staff deems not to be in compliance

WHEREAS, North Columbia Business Association ("Organizer") is organizing an open air market to be held in the vacant parcel located at the 2800 block of North Main Street and Newman Street, excluding the sidewalk areas, and without closing North Main Street, Newman Street, Drayton Street or Anthony Avenue, on Thursdays from May 1, 2014 to November 27, 2014; and,

WHEREAS, Organizer has requested permission for the temporary closing and use of the in the vacant parcel located at the 2800 block of North Main Street and Newman Street from 1:00 p.m. and 8:00 p.m. for set up, clean up, and staging of the event to be held in in the vacant parcel located at the 2800 block of North Main Street and Newman Street only from 2:00 p.m. until 7:00 p.m. or dusk, whichever comes first, on Thursdays from May 1, 2014 through November 27, 2014, for patrons to taste locally produced wine and beer beverages only provided by market vendors at the event during the operating hours of 2:00 p.m. until 7:00 p.m. or dusk, whichever comes first; and for crowd control and overflow; and,

WHEREAS, the City of Columbia has the right, in its sole and exclusive discretion, to require a vendor to remove any items that City staff deems not to be in compliance with is resolution; and,

WHEREAS, the City of Columbia ("City") has agreed to sponsor the said event; and,

WHEREAS, Organizer shall:

1. Bear all costs associated with all market events, including police officers on duty from 1:30 p.m. to 8 p.m. and a fire marshal as required by the City of Columbia Fire Department, and will not seek any financial assistance from the City of Columbia.
2. Be responsible for vendors' tents and tables. All equipment shall be set up in the vacant parcel located at the 2800 block of North Main Street and Newman Street. Tents and tent tie down materials and food trucks are prohibited on the sidewalk areas. All vendor activities shall be in compliance with applicable fire codes. Vendor tents and food trucks shall be placed and installed in compliance with fire codes. The number of vendor tents and food trucks allowed in the event area shall be limited by and in compliance with fire codes.
3. Provide a certificate of insurance as evidence of general liability insurance with at least the minimum amount of \$600,000.00 for personal injury and property damage and naming the City as an insured, as required by Chapter 11, Licenses, Permits, Business Regulations, Article III, Contractors, Sec. 11-71, 1998 Code of Ordinances of the City of Columbia, South Carolina;
4. Vendors must have current permits, licenses and certifications required by local, state and/or federal laws and regulations, including but not limited to those permits, licenses and certifications described in Exhibit "A" attached hereto and incorporated herein;
5. Vendors must comply with the South Carolina Department of Agriculture's Food Safety and Compliance Guidelines, a copy of which is attached hereto and incorporated herein as Exhibit "B";
6. Insure that all items sold are LOCALLY grown, produced, processed and crafted within one hundred (100) miles of Columbia, South Carolina. Special exceptions will be made on products not available within one hundred (100) miles of Columbia, South Carolina, i.e. fresh coastal seafood, citrus, coffee, out-of-season and exotic produce, etc.
7. Insure vendors offering tastings of locally produced wines and beers have obtained all necessary permits and/or licenses which are required by SCDOR for wine and beer tastings.
8. Adopt appropriate Rules and Regulations for the conduct and control of the market.
9. Require all vendors to execute an indemnification and hold harmless agreement in favor of the City of Columbia prior to their participation in the event, a copy of which is attached hereto and incorporated herein as Exhibit "C".

WHEREAS, it has been determined that such an event would be in the public interest; NOW, THEREFORE,

BE IT RESOLVED by the Mayor and Council this 15th day of July, 2014, that tastings of locally produced wine and beer only provided by market vendors is authorized at the event between the hours of 2:00 p.m. until 7:00 p.m. or dusk, whichever comes first; and,

BE IT FURTHER RESOLVED the City of Columbia has the right, in its sole and exclusive discretion, to require a vendor to remove any items that City staff deems not to be in compliance with this resolution; and,

BE IT FURTHER RESOLVED that possession and consumption of alcoholic liquors or alcoholic beverages within either event area location is prohibited; and,

BE IT FURTHER RESOLVED that VIP tents or VIP areas for the possession and consumption of alcoholic liquors or alcoholic beverages within either event area location are prohibited; and,

BE IT FURTHER RESOLVED that organizer is responsible or shall make arrangements for the clean-up and recycling of all trash and debris within either event area location and shall place same in the roll carts provided by the City. Any overflow of trash, debris and/or recyclables shall be placed in garbage bags with the top securely closed and placed beside the City roll carts. The number of roll carts needed for the event shall be determined by organizer and the City Solid Waste Division prior to the event and placed throughout the event area to ensure that trash, debris and/or recyclables are well contained. Roll carts and bagged trash and debris, as well as recyclables, shall be returned to the collection point designated by the City in a timely manner. If the organizer has not opted to use City services to clean up the event area, any costs incurred by the City in removing loose trash, debris and/or recyclables within either event area location, which the organizer has failed to clean up, shall be billed to and paid by the organizer; and,

BE IT FURTHER RESOLVED that all vendors be restricted to a stationary location; and,

BE IT FURTHER RESOLVED that food trucks within the vacant parcel located at the 2800 block of North Main Street and Newman Street, shall be limited to three (3) trucks and restricted to a stationary location; and,

BE IT FURTHER RESOLVED that only pedestrian traffic will be allowed within either event area location. All other traffic, including, but not limited to, automobiles, trucks, motorcycles, mopeds, bicycles, skate boards, and horses, except police horses, is prohibited, except for such times as the Organizer permits loading before the event and unloading after the closing of the event. Canines and felines are allowed, provided that current leash laws are observed as are set out in the 1998 Code of Ordinances of the City of Columbia, as amended. Coolers, glass bottles, breakable glasses and/or cups and backpacks shall be prohibited. Shopping bags shall be allowed; and,

BE IT FURTHER RESOLVED that during the designated time the closed portion of the vacant parcel located at the 2800 block of North Main Street and Newman Street, with the exception of the parking areas, adjacent off-street parking areas and other areas posted as to not allow alcoholic beverages, shall be declared to be a Public Park and provisions of Chapter 15, Parks and Recreation, Sec. 15-1, 15-2 and 15-3, Code of Ordinances of the City of Columbia, South Carolina are in effect. Pursuant to Chapter 14, Offenses and Miscellaneous Provisions, Article IV, Offenses Against the Public Peace and Order, Sec. 14-99, 1998 Code of Ordinances of the City of Columbia, South Carolina, the vacant parcel located at the 2800 block of North Main Street and Newman Street, with the exception of the parking areas, adjacent off-street parking areas and any other areas posted as to not allow alcoholic beverages, is deemed to be the site of a public festival at which the tasting only of locally produced wine and beer beverages only provided by market vendors may be consumed and the prohibition against possession or consumption of wine and beer beverages only set forth in Sec. 14-99 shall not apply. Possession and tastings only of locally produced wine and beer beverages only which are provided by market vendors only shall be permitted only in plastic cups provided by vendors within the areas designated.

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PROVIDED, FURTHER, that the event organizer shall provide the names and cell phone numbers of a least two contact persons who can receive complaints during the event, including any set up and breakdown times. The cell phones shall remain on at all times during the event and during any set up and breakdown time.

PROVIDED, FURTHER, that failure of the event organizer to strictly comply with the time frames and other requirements and responsibilities set forth in this resolution may result in a denial of subsequent requests to allow the event.

PROVIDED, HOWEVER, that no solicitation or transactions be made in violation of Sec. 14-32, 1998 Code of Ordinances of the City of Columbia, South Carolina.

Requested by:

North Columbia Business Association

Approved by:

Cherese Wilson
City Manager

Approved as to form:

[Signature]
City Attorney

Introduced: 7/15/2014
Final Reading: 7/15/2014

[Signature]
Mayor

ATTEST:

[Signature]
City Clerk

EXHIBIT "A"

A. Vendors must be licensed to conduct business in the State of South Carolina. The State requires all vendors (including resellers), with the exception of farmers, to secure a South Carolina retail license and post it at their booth each week for the entire event.

B. Vendors must have a current City of Columbia business license and are to be responsible for the collection and remittance of hospitality taxes to the City of Columbia.

C. Vendors are responsible for their own taxes (including sales tax), necessary permits, inspections (food, agricultural & nursery plants), and license liabilities.

D. All vendors planning to sell any food product see the South Carolina Department of Agriculture's Food Safety and Compliance Guidelines, a copy of which is attached hereto as Exhibit "B" and incorporated herein.

E. The state of South Carolina **does not allow any food items for public sale to be manufactured in a home kitchen, except for those food items being sold pursuant to and in compliance with the South Carolina Cottage Food Bill.** Any process where exposed food is mixed, repacked, packaged and/or cooked is considered food manufacturing and falls under SCDA/FDA jurisdiction. Any sauce, pickled food, bottled product and/or canned food must be sent to a **Process Authority** (Clemson University of N.C. State) for analysis prior to sale.

F. Farms and nurseries are required to fulfill the South Carolina Department of Agriculture's "SC Certified" application process. Nursery growers are required to comply with South Carolina's Nursery Regulations.

G. Weights and measures are expected to be in accordance with local, state and federal laws and regulations.

Agricultural Sellers

- Corn Meal and Grits – corn checked by SCDA, Grist Mill Inspection SCDA, Inspection Report/Registration Number SCDA, approved SCDA labeling
- Dairy – SCDHEC Dairy regulations
- Cheese – contact SCDA
- Eggs – SCDA wholesale license, approved USDA labeling / washing / inspection / grading
- Honey – Honey House inspection SCDA, approved SCDA labeling
- Meat (poultry, beef, pork, and lamb) – SC Meat & Poultry registration, inspection, become Registered Meat Handler, inspection mark of SCMPID or USDA on meat, liability insurance
- Meat (rabbit, quail, alligator) – SCDA certification
- **Certified SC Grown – SCDA registration

Non-Agricultural Sellers

- Ocean Fish (whole and unprocessed) – contact DNR, Wholesaler License
- Ocean Fish (processed, dressed) – course/plan HACCP FDA, facility inspection/registration SCDA, wholesaler or commercial fisherman license, liability insurance
- Boiled Peanuts (off-sight) -- SCDA or SCDHEC inspected and registered facility, approved SCDA labeling
- Baked Goods, Candy, Nuts -- SCDHEC or SCDA registration, approved SCDA labeling
- Owners of DHEC approved bakery / restaurant: SCDHEC catering or retail food license, retail Grade "A" permit
- Canned, Jarred, Bottled Foods – required analysis at Clemson or NC State, SCDHEC or SCDA approved and registered manufacturing facility

EXHIBIT "B"
SOUTH CAROLINA DEPARTMENT OF AGRICULTURE
Food Safety and Compliance Guidelines

All vendors must follow the following guidelines and provide documentation at the booths to sell any items listed below.

Corn Meal and Grits

Corn checked for aflatoxins by SCDA Lab 803-737-9700

Grist Mill Inspection by SCDA 803-737-9690

Provide copy of current SCDA Inspection Report/Registration Number.

Proper labeling with name of product, ingredient list, name and address of manufacturer and net weight that has been reviewed by SCDA for compliance.

Dairy

SC DHEC Dairy Division handles all regulations and requirements regarding fluid milk products. 803-896-0644

SCDA handles cheese and cheese products. 803-737-9690

All products crossing the state line will be under the jurisdiction of the Food and Drug Administration and/or US Dept of Agriculture/Food Safety Inspection Service.

Keep at 45 degrees or lower at market. Label samples, "Display only".

Provide copy of current liability insurance.

Eggs

Provide copy of SCDA current wholesale license

Provide copy of current liability insurance

Keep eggs at 45 degrees or lower at market.

Label your *sample* carton, "Display only-Not for Sale."

Eggs must be washed, properly labeled, inspected and graded according to USDA Standards. 803-737-9690

A "packed on" or expiration date must be printed on all cartons/labels.

Fish and Seafood

Whole and unprocessed fish and seafood are under the Dept. of Natural Resources (DNR). 803-734-3886

Commercial Fisherman License and/or a Wholesaler's License is required to sell to public, including Farmers Market (call 843-953-9036 to apply).

Processed, dressed, gutted, scaled Fish

Complete a seafood HACCP course provided by FDA and have a HACCP plan.

Provide copy evidence of completion of HACCP course/plan

Use of an inspected and registered facility (fish house) by SCDA.

Provide inspection report for your DHEC or SCDA approved facility or letter giving you permission to use another facility and copy of inspection report.

Provide copy of commercial fisherman's license.

Provide copy of current liability insurance.

Honey

___ Honey is a processed food and must be cut, extracted and packaged in an SCDA approved (inspected) and registered Honey House.

___ Provide copy of current Inspection Report for your facility and letter from shared honey house verifying use.

___ Honey must be properly labeled with Name of product, name and address of manufacturer, and net weight. Label must be in compliance with SCDA laws.

___ Honey exemption (sales to end consumer, less than 150 gal/Yr, complete exemption form); Must be labeled.

Meat

Poultry, beef, pork and lamb is regulated by SC Meat and Poultry Inspection Division, Clemson Livestock, Poultry and Health, 500 Clemson Road, Columbia, SC. All products crossing the state line will be under the jurisdiction of the Food and Drug Administration and/or US Dept of Agriculture/Food Safety Inspection Service.

___ Must become a Registered Meat Handler to sell meat at farmers market (no cost) Door-to-door Meat firms must comply with SC Weights and Measure Laws. 803-737-9690

___ Inspection mark on meat (either SCMPID establishment # or USDA #) 803-788-8747

Meat must be kept frozen at 0* F or less/ kept refrigerated at 45*F or less

___ Provide copy of current liability insurance.

Peanuts

Boiled peanuts must be boiled, kept hot and bagged on site. No label required. (See exception)

Other types of peanuts and nuts that are prepackaged must be prepared in an **inspected and registered off site facility by SCDA**. Approved kitchen and labeled with name of product, ingredient list, name and address of manufacturer and net weight.

___ Provide inspection report for your DHEC or SCDA approved facility or letter giving you permission to use another facility and copy of inspection report.

Baked Goods, Candy, Covered nuts

Baked goods, candy, covered nuts must be prepared in an inspected facility.

___ Provide inspection report for your DHEC or SCDA approved and registered facility and letter giving you permission to use another facility and copy of inspection report.

___ Use an approved label (State and federal law)! Derek Underwood, 803-737-9690, SCDA will work with you.

___ Vendors who are **owner operators** of a DHEC approved bakery or restaurant can sell certain foods at the farmers market under their catering license or retail food license issued by SCDHEC 803-896-0640. Must post or provide retail Grade "A" permit at point of sale.

___ Provide current Inspection report for bakery or restaurant

Canned/jarred/bottled Foods

___ Canned/jarred/bottled Foods (jams, jellies, sauces, chow-chow and pickled foods) must be sent to Clemson University or NC State Univ. for analysis.

___ Attendance required at Better Process Control School, FDA and SCDA registration, etc, for pickled foods.

___ **Illegal home canned foods are hazardous and cannot be sold.** DHEC or SCDA registered facility must be used. Derek Underwood will work with you on how to manufacture canned foods.

___ Provide documentation from SCDA that foods are approved for market

Organic Products

Organic Certification is required to advertise that you are selling organic products. Certificate should be displayed.

___ Provide copy of certificate

Clemson University's Department of Plant Industry is a USDA approved Accredited Certifying Agent. This accreditation allows DPI (Department of Plant Industry) to certify organic operations in the three major categories of certification. Those three categories are crops, livestock and processing. For more information concerning organic certification, please send an email Kyle Stephens, rstphns@clermson.edu or call 864-646-2140.

Certified SC Grown

Membership in the Certified South Carolina Program is made by application to and acceptance by the South Carolina Department of Agriculture. All farm producers, food manufacturers, specialty food producers, packing facilities and others engaged in the production or manufacture of agricultural products in South Carolina are eligible to apply. Applications are on the web <http://agriculture.sc.gov> or call Ansley Rast Turnblad at arast@scda.sc.gov or call 803-734-2210. Members should display **Certified South Carolina Grown logo.**

Derek Underwood, 803-737-9690, SCDA will work with you on any requirements where SC Department of Agriculture must give approval. SCDA regulates farmers markets in South Carolina.

Nursery Stock

To sell nursery stock at the North Columbia Business Association Farmers Market certified producers must adhere to the following standards:

1. Possess a valid nursery license or dealer license from the state of South Carolina, whether fee exempt or commercial.
2. Comply with pest cleanliness quality and patent regulations (ie. knock out roses).
3. Possess verification that the nursery stock they sell is of their own production. Records must be kept for a period of not less than 12 months, and include the date and source of materials. Production shall mean:
 - a. Plants are in the possession and control of the certified producer for not less than 90 days from purchase or from the date of first planting in the case of sexual (seeds) and vegetative-asexual (cuttings, grafting, etc.)

For more information contact:

Eric Hitzler, State Plant Inspector; (864)646-2140; ejhtzlr@clermson.edu; Clemson University, Department of Plant Industry, 511 Westinghouse Road, Pendleton, SC 29670; <http://dpi.clemson.edu>

Disclaimer: The guidelines contained in Exhibit "A" and "B" are meant for educational purposes only. Please contact State Compliance Manager, Derek Underwood [or appropriate contact], regarding your individual food safety and compliance issue.

EXHIBIT "C"
INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

In consideration of being permitted to participate as a vendor in the North Columbia Association Farmers Market ("Market") sponsored by the City of Columbia and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned, does hereby agree to **INDEMNIFY AND HOLD THE CITY OF COLUMBIA**, its employees, officers, agents and/or contractors **HARMLESS** from and against any and all claims, demands, actions, liens, judgments, claims for property damage or personal injury or other liability of any nature whatsoever and without limitation, arising from, out of or a result of my participation as a vendor in the Market sponsored by the City of Columbia.

I acknowledge that I have read and understand this Indemnification and Hold Harmless Agreement, and I agree to be legally bound by it.

Vendor's Signature

Date

Vendor's Name (Please Print)