

FARMERS MARKETS AND "FLEA" MARKETS

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House Bill 5525 (Substitute H-1)

Sponsor: Rep. Marie Donigan

Committee: Intergovernmental and Regional Affairs

First Analysis (10-27-09)

BRIEF SUMMARY: The bill would authorize a county board of commissioners to establish a farmers market or a "flea" market, and entrust its operation to a county board of commissioners, or in certain counties, to the county executive or chief administrator.

FISCAL IMPACT: The bill is permissive and does not create any new state or local mandates. The bill appears to have no direct state or local fiscal impacts.

THE APPARENT PROBLEM:

Some Michigan counties have established farmers markets and "flea" markets within their jurisdictions that have operated for many years. There, local citizens buy and sell their produce or wares, earn welcomed income, strengthen their regional agricultural communities, and support local and sometimes struggling economies.

For example, Oakland County has operated a combination farmers market and "flea" market for nearly 50 years, since the farmers market was established by board resolution in 1952. The county farmers market offers fresh farm, garden, orchard, and greenhouse produce. The county "flea" market offers booths selling antiques, collectibles, household items, furniture, books, records, tools, and new items.

The market, located at 2350 Pontiac Lake Road, is operated as a farmers market three days a week (Tuesdays, Thursdays, and Saturdays) from May through Christmas, and once a week the rest of the year (Saturdays). A flea market is held there every Sunday year-round. See *Background Information*.

On October 25, 2009, the Oakland County "Flea" Market closed its doors. It did so because the attorneys for the Oakland County Board of Commissioners advised, following an investigation spurred by a complaint from a nearby competing "flea" market, that the county board had no authority under state statute to operate the market. In their research, the county's attorneys discovered that the Michigan legislature, in a comprehensive re-write of the laws governing municipal borrowing (Public Act 299 of 2002) repealed a 1923 statute which granted to counties the authority to construct, equip, or purchase buildings to be used as a public market. (Oakland County Resolution 09240).

Legislation has been introduced to authorize, but not require, the county boards of commissioners in all of Michigan's 83 counties to establish farmers markets or "flea" markets.

THE CONTENT OF THE BILL:

The bill would create a new act that would authorize a county board of commissioners to establish a farmers market or a "flea" market.

The bill specifies that if a county board of commissioners established a farmers market or a "flea" market, then the county board would have control of the market, and could issue regulations for the use and operation of the market.

However, the bill also specifies that if a county board of commissioners of a county that has adopted an optional unified form of county government (under Public Act 139 of 1973) established a market, then the county executive or county manager of that county would have control of the market, and could issue regulations for the use and operation of the market. Further, if a county board of commissioners of a county that has adopted a charter (under Public Act 293 of 1966) established a market, then the county executive or chief administrative officer of that county would have control of the market, and could issue regulations for the use and operation of the market.

BACKGROUND INFORMATION:

For more information about the Oakland County Farmers' Market and Flea Market visit <http://www.oakgov.com/cmarket>

ARGUMENTS:

For:

The Oakland County flea market is, for many, a weekend tradition that supports the local economy and builds a sense of community. Market vendors--some of whom have sold their wares at the market for 25 years--report that the money they earn from flea market sales supplements their families' incomes during the economic downturn. County officials have testified that if this bill is enacted, it will allow them to continue a vital service to area residents.

Against:

No arguments against the bill were advanced.

POSITIONS:

The Oakland Board of Commissioners supports the bill. (10-27-09)

The Oakland County Flea Market supports the bill. (10-27-09)

The Oakland County Flea Market Vendors support the bill. (10-27-09)

The Oakland County Executive supports the bill. (10-27-09)

The Michigan Association of Counties supports the bill. (10-27-09)

The Michigan Department of Agriculture is neutral on the bill. (10-27-09)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.