



Recommendation for Action

File #: 19-2815, **Agenda Item #:** 42.

9/19/2019

Posting Language

Approve an ordinance amending City Code Chapter 10-3 related to the regulation of farmers markets in compliance with House Bill 1694 and Senate Bill 932 of the 86th Legislature.

Lead Department

Austin Public Health.

Fiscal Note

This item has no fiscal impact.

Prior Council Action:

April 29, 2010 - Council approved Ordinance No. 20100429-028 amending Chapter 10-3, Article 2 of the City Code relating to temporary food establishments and sampling of food products at certified farmers' markets, on a 7-0 vote.

October 8, 2015 - Council approved Ordinance No. 20151008-011 amending City Code Chapter 10-3 related to food handlers, on a 10-1 vote with Council Member Pool absent.

August 8, 2019 - Council approved Ordinance No. 20190808-039 amending the Fiscal Year 2018-2019 Schedule of Fees, Fines, and Other Charges to be set or charged by the City (Ordinance No. 20180911-002) by reducing all Farmers Market Fees (Class A, B and C), in compliance with Senate Bill 932 of the 86th Legislature, on an 11-0 vote.

For More Information:

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Additional Backup Information:

During the 86th Legislature, two food-related bills were passed and signed by the Governor that necessitate amendments to Chapter 10-3 (Food and Food Handlers) of the City Code at this time. Those needed Code amendments are summarized below and detailed in the attached draft Ordinance.

H.B. 1694

House Bill 1694 (H.B. 1694) amends current State law relating to limitations on food regulations at farms, farmers markets, and cottage food production operations. The primary impact of H.B. 1694 on Chapter 10-3 of the City Code is to remove the permit requirement for farmers markets providing samples, as found in Subsections (c) and (d) of 10-3-97 of the City Code, which require the issuance of a Class B or Class C Farmers Market permit and payment of related fees for markets providing samples.

S.B. 932

Senate Bill 932 (S.B. 932) amends current State law relating to the regulation of certain direct sales of food to consumers and limits the fee amount for certain permits. Specifically, S.B. 932 requires farmers market permits to be valid for at least one year, limits the permit fee to an amount not to exceed \$100 for issuance or renewal, and requires one permit to apply to sales by the permittee at all locations within the jurisdiction of the permitting authority.

Consistent with S.B. 932, Section 10-3-65 (Permit Expiration) already provides for a one-year term for farmers market permits. On August 8, 2019, Council approved an ordinance reducing all farmers market fees to \$100 as required by S.B. 932. The only remaining required amendment affects Section 10-3-97(F) of the City Code, which must be amended to state a permit applies to all farmers market locations operated by the permittee within the jurisdiction.