

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CITY CODE CHAPTER 10-3 RELATING TO
FEES FOR PERMITS AND SAMPLING FOOD AT FARMERS MARKETS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Findings

- (A) The 86th Legislature passed legislation affecting the City's regulation of farmers markets.
- (B) City Council finds that amendments to Chapter 10-3 of the City Code relating to fees for permits and sampling of food at farmers markets are necessary to ensure consistency with state law.

PART 2. Subsections (C), (D), (F), (O), (P), and (R) of Section 10-3-97 (*Permit Required*) of the City Code are amended to read as follows:

§ 10-3-97 - PERMIT REQUIRED.

- (C) A Class B permit allows a vendor to offer baked goods, bulk food items, beverages that are dispensed from covered urns or other protected vessels available for employee service (including ice service)[~~and sampling~~]. All food operations under a Class A permit are allowed under a Class B permit.
- (D) A Class C permit allows the on-site preparation of foods and open foods [~~and includes but is not limited to the sampling of foods~~]. Vendors may cook, prepare, and assemble a full menu of food items. All food operations under Class A and B permits are allowed under a Class C permit.
- (F) Farmers market vendors operating at multiple markets [~~simultaneously~~] shall obtain [~~a site-specific~~] one permit [~~for each~~] that covers sales at all locations.
- (O) A farmers market or farmers market vendor booth that is conducting a cooking demonstration, or providing samples of food, for a bona fide educational purpose is exempt from applying for a permit under this section and paying permit fees described in Section 10-3-64 (*Permit Fees*).
- (P) Notwithstanding any other provision to the contrary, a farmers market vendor may prepare and distribute samples of farm produce only, at a farmers market, [~~without~~

a permit,] if the farmers market vendor complies with the sanitary conditions in Section 437.020(c) of the Texas Health and Safety Code.

- (R) A person may provide samples, or conduct a cooking demonstration, for a bona fide educational purpose[, only in a defined physical location designated in writing by the market manager].

PART 3. Subsection (D) of Section 10-3-98 (*Sanitary Requirements*) of the City Code is amended to read as follows:

§ 10-3-98 - SANITARY REQUIREMENTS.

- (D) A person operating under a farmers market vendor permit shall comply with the following requirements:

- (1) With the exception of egg vendors, all certified farmers market vendors operating at a farmers market must operate out of a central preparation facility as its base of operation;
- (2) The health authority must approve the preparation, serving, or displaying of potentially hazardous foods at a farmers market in accordance with permit requirements.
- (3) An employee or volunteer of a farmers market vendor shall be a registered food handler if operating under a Class B or Class C permit with the provisions of Section 10-3-34. The registered food handler certificate shall, upon request, be provided to the health authority.
- (4) At least one employee or volunteer of a farmers market vendor shall be a registered food manager if the vendor is operating under a Class C permit with the provisions of Sections 10-3-31 through 10-3-34. The City of Austin food manager certificate shall be prominently posted on the vendor booth.
- (5) A farmers market vendor shall have sufficient potable water from a source approved by the health authority for cleaning foods, equipment and utensils under a Class B or Class C permit.
- (6) A farmers market vendor operating under a Class B or C permit shall provide an approved facility for employee hand washing consisting of warm, free-flowing clean running water at a minimum temperature of 100 degrees Fahrenheit, soap, and individual paper towels or other approved hand-drying device. If the vendor is unable to maintain the water at the above temperature,

the vendor shall provide another control measure, such as a hand sanitizer or single-use gloves, which is approved by the health authority.

(7) A farmers market vendor operating under a Class B or C permit shall provide an approved facility for washing, rinsing, and sanitizing of equipment and utensils used in the preparation and serving of food products. The facility shall consist of at least three containers or compartments, each of adequate size so as to permit the total immersion of all utensils used in a booth at a farmers market.

(8) A farmers market vendor [~~operating under a Class B or C permit~~] must wear disposable plastic gloves when preparing samples of food or produce and must observe proper hand washing techniques immediately before preparing samples of food or produce consistent with the requirements of Section 437.020(c) of the Texas Health and Safety Code.

PART 4. Subsection (F) of Section 10-3-211 (*Offenses and Penalties*) of the City Code is repealed.

PART 5. This ordinance takes effect on _____.

PASSED AND APPROVED

_____, 2019 §
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 § _____
Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk