



## Recommendation for Action

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**File #:** 22-2967, **Agenda Item #:** 29.

10/13/2022

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### **Posting Language**

Approve an ordinance amending City Code Chapter 10-3 Food and Food Handlers, relating to permits for farmers market vendors.

### **Lead Department**

Austin Public Health.

### **Fiscal Note**

This item has no fiscal impact.

### **Prior Council Action:**

September 19, 2019 - Council approved Ordinance No. 20190919-042 to amend Chapter 10-3-97 and 10-3-98 on a 11-0 vote, to update language in the City's regulation of farmers markets to comply with legislation passed by the 86<sup>th</sup> Legislature.

August 12, 2020 - Council approved Ordinance No. 20200812-002 authorizing fees, fines and other charges to be set or charged by the City for Fiscal Year 2020-2021, on an 11-0 vote, in which Farmers Market Class A and B, but not Class C, permits were included.

### **For More Information:**

Adrienne Sturup, Director, 512-972-5010; Marcel Elizondo, Interim Assistant Director, Environmental Health Services Division, 512-978-0308; Todd Mers, Interim Program Manager II, Environmental Health Services Division, 512-978-0358; Juanita Jackson, Business Process Consultant, 512-972-6163.

### **Council Committee, Boards and Commission Action:**

April 18, 2022 - Austin/Travis County Food Policy Board gave verbal support for ordinance change via Chairwoman Sharon Mays.

### **Additional Backup Information:**

Approval of the proposed amendments will align the City Code related to farmers market vendor permits with state law requirements and existing City fees. Previously, the City had three categories of farmers market vendor permits. Due to Texas 86th Legislature actions, the Austin Public Health Department reduced the number of categories of farmers market permits to two categories. Current City code still reflects three categories of farmers market permits. The Austin Public Health Department is recommending these changes:

- **City Code Section 10-3-1:** Eliminate reference to Class C permit in definition of Farmers Market Vendor.
- **City Code Section 10-3-97-** change from three to two types of farmers market permits to better align with state law. The changes include:

- Eliminating all references to Class C permits and changing them to Class B permits where appropriate;
  - Eliminating subsection C (Class B sampling and similar permit description) and subsection P that discusses out of date sampling restrictions; and
  - Changing subsection D (Class C full preparation permit) to become the new Class B permit.
- **City Code Section 10-3-98-** change references from three to two types of farmers market permits to better align with state law. The changes include:
    - Eliminate all references to Class C permits and change references to Class B permits where appropriate and removing reference to subsection P of Section 10-3-97; and
    - Eliminating subsection H to remove sampling language.
    - Correct transposed words in cottage food production operation to match term as used in state statute.

**Strategic Outcome(s):**

Health and Environment.