

ORDINANCE NO. 20221013-029

AN ORDINANCE AMENDING CITY CODE CHAPTER 10-3 (*FOOD AND FOOD HANDLERS*) RELATING TO PERMITS FOR FARMERS MARKET VENDORS.

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

PART 1. City Code Section 10-3-1 (*Definitions*) Subsection B definition “Farmers Market Vendor” is amended to read as follows:

§ 10-3-1 DEFINITIONS.

(B) In this chapter:

- (9) FARMERS MARKET VENDOR means a vendor operating an individual booth at a certified farmers' market with a Class A~~[5]~~ or B~~[5-or-€]~~ permit described in Section 10-3-97 of this chapter.

PART 2. Subsections (C) and (P) of City Code Section 10-3-97 (*Permit Required*) are repealed and the remaining subsections are renumbered accordingly. Subsections (A) and former Subsection (D) of Section 10-3-97 (*Permit Required*) are amended to read as follows:

§ 10-3-97 PERMIT REQUIRED.

- (A) It shall be unlawful for any person to operate as a farmers market vendor within the city limits at a certified farmers market without first having obtained a Class A~~[5]~~ or B~~[5-or-€]~~ permit as required by this section.

- (C) ~~(D)~~ A Class B ~~[€]~~ permit allows the on-site preparation of foods and open foods. Vendors may cook, prepare, and assemble a full menu of food items. All food operations under a Class A ~~[and-B]~~ permit[s] are allowed under a Class B ~~[€]~~ permit.

PART 3. Subsection (H) of City Code Section 10-3-98 (*Sanitary Requirements*) is repealed and the remaining subsections are renumbered accordingly. Subsections (D), (F) and (G) of Section 10-3-98 (*Sanitary Requirements*) are 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) Each ~~[An]~~ employee or volunteer of a farmers market vendor shall be a registered food handler under Section 10-3-34 (*Food Handler Training Certification Required*) if the farmers market vendor is 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 under City Code Chapter 10-3 Article 2 (*Food Manager Certificate and Food Handler Registration*) Sections 10-3-31 through 10-3-34 if the farmers market vendor is operating under a Class B ~~[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.

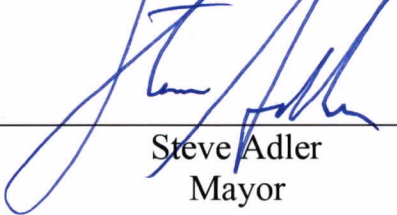
- (7) A farmers market vendor operating under a Class B [~~or C~~] permit shall provide an approved facility for washing, rinsing, and sanitizing of equipment and utensils used in the preparation and serving of food products. The facility shall consist of at least three containers or compartments, each 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 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.
- (F) The market manager of a certified farmers market shall be responsible for ensuring compliance with the provisions of Sections 10-3-97(H) [(H)] and 10-3-31 through 10-3-34 and for ensuring that all shared or common facilities and operations comply with this chapter. In the case of repeated violations of this section, the health authority may impose restrictions on the preparation of food products at a farmers market vendor booth under a Class B [~~or Class C~~] permit.
- (G) The market manager shall obtain from the operator of a cottage food [~~cottage~~] production operation [~~and from a vendor exempt under Section 10-3-97(P)~~] the operator's or vendor's name, address, date of birth, and a copy of the person's government-issued identification. The market manager shall provide this information to the Health Authority upon request.

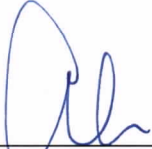
PART 4. This ordinance takes effect on October 24, 2022.

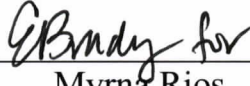
PASSED AND APPROVED

October 13, 2022

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Steve Adler
Mayor

APPROVED: 
Anne L. Morgan
City Attorney

ATTEST: 
Myrna Rios
City Clerk