

Mayor and Council Communication

DATE: 01/14/20

M&C FILE NUMBER: M&C 20-0027

LOG NAME: 23CONSHEALTHAMENDCH16

SUBJECT

Adopt Ordinance Amending Chapter 16 "Health and Sanitation," Article IV "Food Establishments," Section 16-135 "Farmers Markets" of the Code of the City of Fort Worth, Texas (2015), as Amended, to Change Permitting Requirements and Fees for Farmers Markets (ALL COUNCIL DISTRICTS)

RECOMMENDATION:

It is recommended that the City Council adopt the attached ordinance amending Chapter 16 "Health and Sanitation," Article IV "Food Establishments," Section 16-135 "Farmers Markets" of the Code of the City of Fort Worth, Texas (2015), as amended, to change permitting requirements and fees for farmers markets.

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to revise the requirements for farmers market food vendor permits to promote the availability of healthy and fresh food options, to align with new state laws and to authorize changes to the farmers market food vendor permit fees.

Chapter 16 "Health and Sanitation," Article IV "Food Establishments," Section 16-135 "Farmers Markets" of the Code of the City of Fort Worth, Texas (2015), as amended, contains the general provisions and regulations related to the operation of farmers markets in the City. Likewise, the Texas Health and Safety Code contains general provisions for the regulation of farmers markets. During the last legislative session – 2019, the state legislature passed two bills that address the City's ability to regulate farmers markets. Specifically, Senate Bill 932 amends the Texas Health and Safety Code to require certain permits issued by the Code Compliance Department to a farmer for the sale of food directly to consumers at a farmers' market, a farm stand, or the farmer's farm and issued to an individual who prepares food for sale at a farmers' market to be valid for a term of not less than one year. Additionally, whereas the city currently charges a separate permit fee for each farmers market location, now this separate permit fee will be eliminated; benefiting the establishment of new farmers market locations; especially where the accessibility to healthy foods is scarce in the city. Senate Bill 932 also caps at \$100 the maximum annual fee that may be imposed by the Code Compliance Department for the issuance or renewal of an applicable farmers market food vendor permit. In addition, House Bill 1694 amends the Texas Health and Safety Code to prohibit the Code Compliance Department from requiring a person providing food samples at a farm or farmers' market to obtain a farmers market food vendor permit.

The following is a table of the proposed changes to the fee schedule:

Example of Farmers Market Permit	Current Fee per Market	Proposed Fee throughout City
Farmers Market Organizer's Permit	\$285	\$0
Raw meat, cheese and eggs	\$175	\$100
Agricultural food prepared at the market	\$175	\$100
Honey with sampling	\$175	\$0
Cottage food with sampling	\$175	\$0
Fruits and vegetable with sampling	\$175	\$0

Cooking Demonstration and samples	\$175	\$0

The proposed changes to the fee schedule are needed to comply with state law and to create an incentive to allow the emergence of new enterprises that are willing to provide access and enhance the availability of healthy food options at local farmers markets in Fort Worths underserved areas.

The proposed changes to the ordinance would also allow for portable toilet and handwashing facilities at temporary, "pop-up," or short-term farmers markets.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that this action will have no material impact on City funds.

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