

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LAKE DALLAS, TEXAS, AMENDING CHAPTER 26 "BUSINESSES," OF THE LAKE DALLAS MUNICIPAL CODE BY ADDING ARTICLE V TITLED "LAKE DALLAS FARMERS MARKET" ESTABLISHING CERTAIN REGULATIONS RELATING TO OPERATION OF A FARMERS MARKET ON CITY PROPERTY; PROVIDING FOR ISSUANCE OF A FARMERS MARKET VENDOR PERMIT; PROVIDING FOR A PERMIT FEE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE OF \$500.00 PER OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lake Dallas, Texas, desires to provide an opportunity of the operation of a seasonal farmers market within the City of Lake Dallas and finds it to be in the public interest to amend the Code of Ordinances to establish

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, THAT:

SECTION 1. Lake Dallas Municipal Code Chapter 26, "Businesses" is amended by adding Article V titled "Lake Dallas Farmers Market" to read as follows:

ARTICLE V. LAKE DALLAS FARMERS MARKET

Sec. 26-175. Definitions

For purposes of this Article V, the following words and phrases shall have the following meanings:

Farmers Market means a designated location used primarily for the distribution and sale directly to consumers of food by farmers and other producers. A farmers market is not a food establishment and operates on a seasonal basis.

Farmers Market Vendor means a person who operates, offers, or sells food typically known as "farm grown", "farm originating", or "farm obtained" from a location approved on private or public property. Foods included in "farm grown" are whole produce, plants, nuts, certain meats, honey, egg, and pasteurized dairy products.

Sec. 26-176. Establishment.

Farmers Market means a designated location used primarily for the distribution and/or sale directly to consumers of food, crafts, handmade goods, and processed and/or pre-packaged food meant to be consumed off-premises. A farmers market is not a food establishment and operates

on a seasonal basis.

Farmers Market Vendor means a person who:

- (a) offers or sells food typically known as "farm grown", "farm originating", or "farm obtained" such as whole produce, plants, nuts, certain meats, honey, egg, and pasteurized dairy products;
- (b) offers or sells crafts typically known as "handmade" and originating from a trade or occupation of the sort requiring skill and training, particularly manual skill combined with a knowledge of the principles of the art;
- (c) offers or sells prepared food for off-premises consumption in compliance with all applicable federal, state, and local laws and regulations; and/or
- (d) conducts a performance at no charge to the general public, including performing arts such as dance, music, opera, theatre and musical theatre, magic, illusion, mime, spoken word, puppetry, and circus arts; or
- (e) free information, products, or services from an entity that has received a determination letter from the Internal Revenue Service stating that the organization has been determined to be an exempt organization pursuant to 26 U.S.C. § 501(c)(3) (i.e. §501(c)(3) of the Internal Revenue Code of 1984), which determination letter has not been revoked.

Sec. 26-177. Permit Required.

- (a) No person shall be permitted to set up a table or booth and act as a Farmers Market Vendor at the Lake Dallas Farmers Market until first having received a permit issued pursuant to this Section 26-177.
- (b) Permits issued pursuant to this Section may only be issued to a person or entity operating as a farmers market vendor at the Lake Dallas Farmers Market.
- (c) Application for a Lake Dallas Farmers Market permit shall be submitted on a form provided by the City containing such information as required by the City Manager, but which shall contain at least the following:
 - (1) The name, address, and telephone number of the farmers market vendor. If the farmers market vendor is a business entity and not an

individual person, the name of the entity and the responsible person authorized to obligate the entity to contractual agreements;

(2) Dates on which the farmers market vendor desires to conduct business at the Lake Dallas Farmers Market;

(3) The permit fee in the amount established in accordance with Section 26-178; and

(4) A certificate of insurance showing the applicant maintains commercial general liability insurance written by a carrier licensed in the State of Texas in the amount of not less than five hundred thousand dollars (\$500,000.00) per person, and one million dollars (\$1,000,000.00) per accident or injury incurred.

(d) Prior to issuance of the permit required by this Section, the farmers market vendor shall deliver to the City a certificate of insurance indicating the insurance described in subsection (c)(4) above has been purchased and endorsed to (i) name the City as an additional insured and (ii) waive subrogation against the City.

(e) In addition to setting forth the dates and times the farmers market vendor will be authorized to conduct business at the Lake Dallas Farmers Market, the permit issued pursuant to this Section may set forth such additional terms and conditions as determined by the City Manager with which the farmers market vendor must comply including, but not limited to:

(1) The area on the City's property on which the farmers market vendor must operate;

(2) Requirements relating to the provision of electrical power; and

(3) The placement and removal of signs promoting the farmers market vendor; and

(4) A requirement for the farmers market vendor to dispose of all trash and debris generated by the operation of the farmers market vendor at the end of each day of operation.

(f) The City Manager shall be authorized to determine the completeness of each farmers market vendor permit application and to issue a permit based on said application.

(g) The City Manager shall be authorized to revoke a farmers market

vendor permit upon a determination that the farmers market vendor has failed to comply with the provisions of the permit and/or the Farmers Market Code of Conduct.

Sec. 26-178. Permit Fee

The City Council may from time to time establish by resolution the permit fee to be charged to farmers market vendors to operate at the Lake Dallas Farmers, which fee shall be included in the City's Master Fee Schedule. The permit fee required by this Section shall be non-refundable once paid.

SECTION 2. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 3. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense as set forth in Section 1-16 of the Code of Ordinances.

SECTION 4. This ordinance shall take effect on the first day of the calendar month following its passage and publication in accordance with the provisions of the state law and the Charter of the City of Lake Dallas.

PASSED AND APPROVED this the 10th day of May, 2018.
AMENDED AND APPROVED this the 27th day of February, 2020.

Michael Barnhart, Mayor

ATTEST:

Codi Delcambre, TRMC, City Secretary

APPROVED AS TO FORM:

Kevin B. Laughlin, City Attorney
(kbl:5/6/18:99038)