

Ordinance amending Chapter 19, Code of Ordinances, City of Corpus Christi, regarding farmer’s markets and the accompanying vendor fee; providing for penalties; providing for severance; and providing for publication.

Whereas, farmer’s markets have quickly become a major sales outlet for many agricultural producers, at which fruit, vegetables, eggs and other goods and products are sold;

Whereas, by law certain goods and products are required to be regulated by local health authorities;

Now therefore, be it ordained by the City Council of the City of Corpus Christi, Texas, that:

Section 1. Chapter 19, Code of Ordinances, City of Corpus Christi, entitled, “Food and Food Establishments”, is amended by adding a new definition to Section 19-1 to read as follows:

“Sec. 19-1. Definitions.

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“*Critical violation* means any four- or five-point violation as noted on an inspection report.

“*Farmer’s Market* means a market which has been certified by the Texas Department of Agriculture at which vendors are engaged in the retail sales of fresh fruit, vegetables, eggs and other items as are permitted by local, state and federal laws and regulations.

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Section 2. Chapter 19, Code of Ordinances, City of Corpus Christi, entitled, “Food and Food Establishments”, is amended by adding a new Section 19-17 entitled “Farmer’s Markets”, and redesignating the subsequent section numbers to read as follows:

“Sec. 19-16. Temporary food service establishments.

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“Sec. 19-17. Farmer’s Markets.

“(a). A farmer’s market shall be certified by the Texas Department of Agriculture and shall comply with all local, state and federal laws and regulations.

“(b). It shall be unlawful for any farmer’s market vendor or peddler to sell the goods or products listed at subsection (c) of this section without first obtaining an annual health permit in writing to do so from the health officer; and without complying with all of the requirements of this section as well as the applicable requirements of all the provisions of the city ordinances and Code. The permit fee for a farmer’s market vendor or peddler operating under this section is fifty dollars (\$50.00), which must be paid prior to the issuance of the required permit and will be valid for one (1) year ending December 31, unless sooner revoked or suspended due to violation. The permit issued under this section is valid for the sale of the permitted good or product at multiple farmers’ markets.

“(c) In addition to obtaining a permit in accordance with the standards set out in subsection (b) of this section, a farmers market vendor or peddler engaged in the sale of the following goods or products shall comply with all provisions specific to the sale of said good or product, as follows:

“(1) Eggs. A farmer, egg producer, peddler or vendor that sells eggs directly to the consumer at a farmer’s market shall:

“a. Label the eggs with the farmer’s and/or egg producer’s name and address and label the eggs as “ungraded”;

“b. Provide the following statement on the label:
SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria, keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly;

“c. Maintain the eggs at an ambient air temperature of forty-five (45) degrees Fahrenheit or less, and prevent eggs from contacting ice or water;

“d. Transport the eggs using any mode of transportation that is clean and free of material that may adulterate any food products;

“e. Upon request of the health officer, provide proof of permit at all times in any farmers market location.

“(d) Compliance with the provisions of this section shall not be construed to authorize any activity in violation of any other ordinance of the city.”

“Sec. ~~19-17~~19-18. Mobile and temporary fixed-site food establishments.

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“Sec. ~~19-18~~19-19. Sale of food after warning from health officer.

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“Sec. ~~19-19~~19-20. Interference with health officer.

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“Secs. ~~19-20~~ 19-21-19-27-Reserved.”

Section 3. Chapter 19, Code of Ordinances, City of Corpus Christi, entitled, “Food and Food Establishments”, is amended by adding a new fee to Section 19-33 to read as follows:

“Sec. 19-33. - Issuance; fee.

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“(b) Prior to the issuance of a health permit, the applicant shall pay a fee according to the following schedule:

“Food service or food processing establishments:

“Having one hundred one (101) or more employees\$780.00

“Having fifty-one (51) to one hundred (100) employees630.00

“Having twenty-six (26) to fifty (50) employees480.00

“Having ten (10) to twenty-five (25) employees330.00

“Having one (1) to nine (9) employees205.00

“Temporary food service establishments, initial day35.00

“Temporary food service establishments, each additional day
.....15.00

“Temporary food service establishments, late fee, if application is not filed within five (5) days of an event70.00

“Retail food stores85.00

“Mobile units100.00

“Frozen desserts100.00

“Farmer’s market permit.....50.00

“Late fee25.00”

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Section 4. A violation of this ordinance or requirements implemented under this ordinance constitutes an offense punishable in accordance with Chapter 19, specifically Section 19-58 and any other applicable provision of the Code of Ordinances, City of Corpus Christi.

Section 5. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision of this ordinance be given full force and effect for its purpose.

Section 6. Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2013, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 2013, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

PASSED AND APPROVED, this the _____ day of _____, 2013.

ATTEST:

Armando Chapa
City Secretary

Nelda Martinez
Mayor