

3-25-15

ORDINANCE NO. 29691

An ordinance amending Chapter 29A, "Neighborhood Farmers Markets," of the Dallas City Code by amending Sections 29A-5, 29A-6, 29A-8, and 29A-11; increasing application fees; allowing an applicant to apply for more than one neighborhood farmers market annually; allowing 40 neighborhood farmers markets at each location annually; allowing 70 vendors at each neighborhood farmers market; allowing stalls to be a maximum 10 feet by 15 feet; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Subsection (a) of Section 29A-5, "Application; Issuance," of Article II, "Neighborhood Farmers Markets Permits," of Chapter 29A, "Neighborhood Farmers Markets," of the Dallas City Code is amended to read as follows:

"(a) A person desiring to hold a neighborhood farmers market shall apply for a neighborhood farmers market permit by filing with the director a written application upon a form provided for that purpose. [~~Only one permit for a neighborhood farmers market will be issued to the same applicant within a calendar year, and that permit will only allow the market to be operated at the single location designated in the permit application.~~] Each application must be accompanied by the required application fee. An application must be filed not less than 30 days before the neighborhood farmers market is to begin. The director may waive the 30-day filing requirement if the application can be processed in less than 30 days, taking into consideration the number and types of permits required to be issued in conjunction with the neighborhood farmers market."

SECTION 2. That Subsection (e) of Section 29A-5, "Application; Issuance," of Article II, "Neighborhood Farmers Markets Permits," of Chapter 29A, "Neighborhood Farmers Markets," of the Dallas City Code is amended to read as follows:

“(e) After reviewing the application and comments, the director shall issue the neighborhood farmers market permit unless denial is required by Section 29A-8. A neighborhood farmers market permit expires one year after issuance [~~January 1 of each year~~] and may be renewed by applying in accordance with this section.”

SECTION 3. That Paragraph (1) of Section 29A-6, “Fees,” of Article II, “Neighborhood Farmers Markets Permits,” of Chapter 29A, “Neighborhood Farmers Markets,” of the Dallas City Code is amended to read as follows:

**“SEC. 29A-6. FEES.**

An applicant for a neighborhood farmers market permit shall pay the following fees to conduct the market:

(1) A nonrefundable application fee of:

(A) \$250 [~~\$200~~] for a neighborhood farmers market in which the estimated number of vendors does not exceed 35 [~~25~~];

(B) \$350 [~~\$300~~] for a neighborhood farmers market in which the estimated number of vendors is more than 35 [~~25~~] but does not exceed 70 [~~50~~]; or

(C) \$400 for the Dallas Farmers Market.

(2) All fees for permits and licenses required by other city ordinances to conduct specific activities in conjunction with or as part of the neighborhood farmers market.”

SECTION 4. That Subsection (a) of Section 29A-8, “Denial or Revocation,” of Article II, “Neighborhood Farmers Markets Permits,” of Chapter 29A, “Neighborhood Farmers Markets,” of the Dallas City Code is amended to read as follows:

(a) The director shall deny a neighborhood farmers market permit if:

(1) a neighborhood farmers market permit has been previously granted in the calendar year to another neighborhood farmers market that is located within one mile of the proposed market and has the same or overlapping operating dates and times as the proposed market, except that this restriction does not apply when the proposed market is the Dallas Farmers Market;

(2) the proposed neighborhood farmers market will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;

- (3) the applicant fails to adequately provide for:
- (A) the protection of the vendors and attendees at the neighborhood farmers market;
  - (B) maintenance of public order in and around the neighborhood farmers market location;
  - (C) crowd security, taking into consideration the size of the market; or
  - (D) emergency vehicle access.
- (4) the applicant fails to comply with or the proposed neighborhood farmers market will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this chapter;
- (5) the applicant makes a false statement of material fact on an application for a neighborhood farmers market permit or fails to properly complete an application for a neighborhood farmers market permit;
- (6) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the neighborhood farmers market;
- (7) the applicant has had a neighborhood farmers market permit revoked within the preceding 14 months;
- (8) the applicant or a vendor at the applicant's market has committed, within the preceding 14 months, two or more violations of a provision of a neighborhood farmers market permit or this chapter;
- (9) the applicant fails to pay any outstanding fees assessed under Section 29A-6 of this chapter for the proposed neighborhood farmers market or for a past neighborhood farmers market;
- (10) ~~[the applicant has conducted or sponsored another neighborhood farmers market during the same calendar year in which the proposed neighborhood farmers market is to be held, except that this restriction does not apply to the Dallas Farmers Market;~~
- (11) a neighborhood farmers market has been conducted at the location of the proposed neighborhood farmers market on at least 40 [28] days during the same calendar year in which the proposed market is to be conducted, except that this restriction does not apply to the Dallas Farmers Market;

(~~11~~[~~12~~]) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood farmers market would pose a serious threat to the public health, safety, or welfare;

(~~12~~[~~13~~]) the applicant or any other person responsible for the conduct or sponsorship of the neighborhood farmers market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;

(~~13~~[~~14~~]) the applicant has a history of conducting or sponsoring a neighborhood farmers market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner; or

(~~14~~[~~15~~]) the applicant, if it is a corporation, fails to provide copies of a current certificate of account status and current certificate of existence as required by Section 29A-5(b)(10).”

SECTION 5. That Subsection (a) of Section 29A-11, “Operation of a Neighborhood Farmers Market,” of Article III, “Miscellaneous Provisions,” of Chapter 29A, “Neighborhood Farmers Markets,” of the Dallas City Code is amended to read as follows:

“(a) A neighborhood farmers market may not be operated more than ~~40~~ [~~28~~] days at the same location in a calendar year and may not be operated on consecutive days.”

SECTION 6. That Subsection (d) of Section 29A-11, “Operation of a Neighborhood Farmers Market,” of Article III, “Miscellaneous Provisions,” of Chapter 29A, “Neighborhood Farmers Markets,” of the Dallas City Code is amended to read as follows:

“(d) No more than ~~70~~ [~~50~~] vendors may participate in a neighborhood farmers market. Each stall area used by a vendor may not exceed 10 feet by ~~15~~ [~~10~~] feet.”

SECTION 7. That application fees for neighborhood farmers markets at new locations are waived until March 25, 2016. A new location is one where a neighborhood farmers market permit has never before been issued.

SECTION 8. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.


SECTION 9. That Chapter 29A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 10. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 11. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By   
Assistant City Attorney

Passed MAR 25 2015



## PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL MAR 25 2015

ORDINANCE NUMBER 29691

DATE PUBLISHED MAR 28 2015

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "Rose A. Sims".