

**ORDINANCE NO. 2009- 19**

**An ordinance amending Section 14-62(e) of the Victoria City Code to expand the type of “home-grown” products offered for sale at the Victoria Farmer’s Market, repealing conflicting ordinances, providing for severability, providing for codification and savings, and declaring an effective date.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

Subsection (e) of Section 14-62 of the Victoria City Code is amended to read as follows:

~~(e) It shall be unlawful for any person to sell any goods other than fruits, vegetables, eggs, honey, or other produce, at a farmers market.~~ It shall be unlawful for any person to sell any goods for purposes of resale at a farmers market. Fruits and vegetables shall be sold ~~only~~ in a fresh, unprocessed or canned/preserved state. ~~and Honey and syrup shall be sold~~ must be acquired only from ~~the~~ an approved source in a container bearing an approved label. Additional items that may be sold include container plants, fruit and nut trees, vegetable plants, agricultural commodities of ornamental nature (dried and ornamental gourds, ornamental corn, dried flowers) homemade soaps, eggs, honey, syrup, herbs, and nuts. Only canned, preserved and baked items that have been prepared in a certified kitchen and labeled according to regulatory requirements of the state of Texas may be sold. Egg producers selling ungraded eggs to consumers at the farmers market are exempt from licensing by the Texas Department of Agriculture, but must be permitted by the local retail food authority. The eggs must be stored at a temperature of 45 degrees or less, and meet labeling requirements specified in applicable Texas Food Establishments Rules Section 229.

2.

All parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

3.

If any provision of this ordinance, or the application thereof to any person or circumstances, shall be held invalid or unconstitutional by a Court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

4.

It is the intention of the City Council that this ordinance shall become a part of the Code of the City of Victoria, Texas, and it may be renumbered and codified therein accordingly. The Code of the City of Victoria, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

5.

This ordinance shall become effective 10 days after final passage and approval by the City Council of the City of Victoria, Texas.

PASSED FIRST READING, this the 7<sup>th</sup> day of July, 2009.

AYES: 7  
NAYS: 0  
ABSTENTIONS: 0

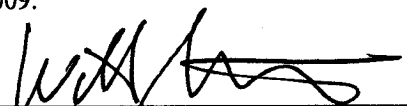
PASSED SECOND READING, this the 21ST day of JULY, 2009.

AYES: 7  
NAYS: 0  
ABSTENTIONS: 0

PASSED THIRD READING, this the 21ST day of JULY, 2009.

AYES: 7  
NAYS: 0  
ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 21ST day of JULY, 2009.

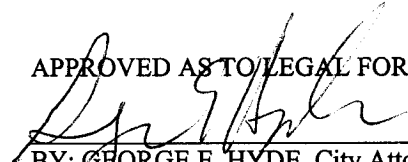
  
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WILL ARMSTRONG, Mayor of the  
City of Victoria, Texas



ATTEST:

  
SCARLET SWOBODA, City Secretary

APPROVED AS TO LEGAL FORM:

  
BY: GEORGE E. HYDE, City Attorney  
Denton, Navarro, Rocha & Bernal, P.C.

Distribution:    Legal Department  
                      City Secretary  
                      Victoria County Health Department

Copies Sent:        **JULY 22, 2009**