

ORDINANCE NO. 2010- 9

An ordinance amending Sections 14-50 and 24-22 of the Victoria City Code to define Farmers Market and establish a permit fee for the sale of ungraded eggs at the Farmers 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.

Section 14-50 of the Victoria City Code is amended to read as follows:

Section 14-50. Definitions

The following terms shall have the following meanings when used within this article:

Business location: Ownership and occupancy of a commercial building in direct connection with sales of goods or services, or the lease of such a building for such use for at least ninety (90) days.

Farmers Market: An organization designated by resolution from City Council consisting of persons who sell home-grown unprocessed or canned/preserved products in accordance with Section 14-62 herein.

Goods: Any form of tangible personal property.

Interstate commerce: The sale of goods for subsequent delivery by mail or common carrier shipment from a location outside of the State of Texas.

Itinerant vendor: A person engaged in the sale of goods or services who does not reside in, or operate, and is not employed by a person operating from a fixed residence or business location within Victoria County, Texas.

Residence location: Ownership and occupancy of a building for residential purposes, or the prior continuous occupancy of a leased or rented building for residential purposes for at least ninety (90) days.

Sale or selling: Any exchange of money for goods or services, including orders involving future payment or delivery.

Service or services: The performance of work or labor, including work or labor furnished in connection with the sale or repair of goods.

2.

Section 24-22 of the Victoria City Code is amended to read as follows:

Section 24-22. Health Department Administered.

The following fees for permits and licenses pertaining to animal control and food establishments are established:

Dog and cat registration--First registration (expires one year) . . . \$5.00

Subsequent registration (expires in three years) . . . \$15.00

Boarding (per day per animal) . . . \$10.00

Impoundment:

Livestock (extra labor costs additional): \$100.00 plus actual cost

Dogs and cats:

If sterilized and vaccinated previously or at time of retrieval . . . \$10.00

Unsterilized or unvaccinated . . . \$50.00

Quarantine (per animal) . . . \$25.00

Rabies testing . . . \$50.00

Retail food establishment permit fees:

1--4 employees . . . \$100.00

5--10 employees . . . \$125.00

11--19 employees . . . \$150.00

More than 19 employees . . . \$175.00

Late fee:

1--30 days past due . . . \$25.00

Each 30 days thereafter . . . \$25.00

Permit replacement fee . . . \$5.00

Retail food establishment reinspection fee (if more than 30 demerits, more than one re-inspection or requested by inspectee) . . . \$50.00

Temporary food establishment:

Individual . . . \$50.00

Organization/sponsor with two or more for-profit food vendors . . . \$125.00

Mobile food unit, per unit . . . \$100.00

Farmers Market permit fees:

Each producer selling ungraded eggs -- \$15.00 annually (producer must be compliant with the Texas Food Establishment Rules, Section 229)

3.

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

4.

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.

5.

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.

6.

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 18th day of May, 2010.

AYES: 7

NAYS: 0

ABSTENTIONS: 0

PASSED SECOND READING, this the 1ST day of JUNE, 2010.

AYES: 7

NAYS: 0

ABSTENTIONS: 0

PASSED THIRD READING, this the 1ST day of JUNE, 2010.

AYES: 7

NAYS: 0

ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 1ST day of JUNE, 2010.



Will Armstrong

WILL ARMSTRONG, Mayor of the City of Victoria, Texas

APPROVED AS TO LEGAL FORM:

Thomas A. Gwosdz

THOMAS A. GWOSDZ, City Attorney

ATTEST:

Scarlet Swoboda
SCARLET SWOBODA, City Secretary

Distribution: Legal Department
City Secretary
Victoria County Health Department

Copies Sent: JUNE 2, 2010