

Print

The Dallas City Code

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**ARTICLE I.
PURPOSE, INTERPRETATION, DEFINITION.**

SEC. 29-1. PURPOSE.

The regulations in this chapter have been established to promote the health, safety, and general welfare of the citizens of the city by providing for the licensing of dealers in the city and for the reasonable and safe operation of the municipal produce market. (Ord. Nos. 18252; 20987)

SEC. 29-2. DEFINITIONS.

In this chapter, unless the context requires otherwise:

- (1) DEALER means a farm merchant, floral dealer, merchandise dealer, or produce dealer, whichever is applicable.
- (2) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter, or the director's designated representative.
- (3) ESTABLISHMENT means a place where produce or other products are sold at wholesale or retail, including, but not limited to, a building, freight car, vacant lot, stand, or vehicle.
- (4) FARMER means a person who distributes, offers for sale, or sells fresh produce that the person has raised, grown, or produced on land the person or a member of the person's immediate family owns or leases within the service area.
- (5) FARM MERCHANT means a dealer who distributes, offers for sale, or sells only fresh farm produce:
 - (A) from outside the service area; or
 - (B) purchased from a farmer.
- (6) FLORAL DEALER means a person who distributes, offers for sale, or sells plants.
- (7) LOAD means the amount of produce or other products contained in a vehicle when that vehicle enters the municipal produce market.
- (8) MARKET means the municipal produce market.
- (9) MERCHANDISE DEALER means a dealer not classified as a farm merchant, floral dealer, or produce dealer.
- (10) MUNICIPAL PRODUCE MARKET means a public market place located in the area described in Section 29-3.
- (11) ORGANIC means a type of produce certified by the State of Texas as having been grown without the use of harmful chemicals or pesticides.
- (12) PERSON means an individual, firm, partnership, corporation, association, or other legal entity.
- (13) PLANT means a flower or potted plant.
- (14) PRE-RENT means the rental of a stall or other designated space in the market with an option to conditionally rent the same space for the following day.
- (15) PRODUCE means a fruit or vegetable.
- (16) PRODUCE DEALER means a dealer who distributes, offers for sale, or sells refrigerated produce that has been purchased from another person or a wholesale produce establishment.
- (17) SALE AT WHOLESALE means a transaction in which produce or other products are sold to a retailer for resale or sold to someone other than the ultimate consumer.

- (18) SERVICE AREA means any Texas county completely or partially located within a 150-mile radius of the market.
- (19) SPECIAL EVENT means a market activity:
 - (A) set up by the director to promote public awareness of the market that is not an ordinary market activity; or
 - (B) sponsored by a person other than the city with written permission of the director.
- (20) STALL means an area in the market designated by the director as a place to park a vehicle used to offer produce or other products for sale.
- (21) VEHICLE means a device in, upon, or by which a person or property can be transported, including devices moved by human power.
- (22) VENDOR means a farmer, dealer, or other person who distributes, offers for sale, or sells produce, merchandise, or other products at the market. (Ord. Nos. 18252; 20987; 22026)

**ARTICLE II.
ESTABLISHMENT, ENFORCEMENT, STALL RENTAL.**

SEC. 29-3. MUNICIPAL PRODUCE MARKET - ESTABLISHED.

(a) There is hereby established a municipal produce market, located within the area bounded by the following streets and portions of streets:

STREET	EXTENT
Cadiz Street	Harwood Street to Pearl Expressway
Pearl Expressway	Cadiz Street to Taylor Street
Taylor Street	Pearl Expressway to Central Expressway
Central Expressway	Taylor Street to R.L. Thornton Freeway
R.L. Thornton Freeway	Central Expressway to Harwood Street
Harwood Street	R.L. Thornton Freeway to Cadiz Street

(b) The municipal produce market may also include other land now owned or acquired in the future by the city in the area designated as the municipal produce market area by city council resolution, dated December 10, 1941. (Ord. Nos. 18252; 20987)

SEC. 29-4. ENFORCEMENT.

(a) Enforcement authority. The director shall administer and enforce the provisions of this chapter. For this purpose, the director has, among others, the following powers and duties:

- (1) to exercise general supervision and control over the market and the conduct of the market's business;
- (2) to assign stalls to the vendors attending the market and to collect the rental fees for the use of these stalls;
- (3) to deposit all fees collected to the city treasurer or a designated assistant;
- (4) to assign parking spaces for all vehicles on the market premises;
- (5) to regulate traffic and enforce order in the market;
- (6) to prescribe rules and regulations governing the conduct of business in the market consistent with the provisions of this chapter;
- (7) to establish the opening and closing hours of the market;
- (8) to remove from the market any person who is violent or disorderly, interferes in any way with the director in the performance of official duties, or disturbs the vendors or buyers in the market.
- (9) to issue citations to appear in municipal court for violations of this chapter or any rule, regulation, or order issued by the director in accordance with this chapter; and
- (10) to represent the city in negotiating and contracting with persons desiring to use the municipal produce market facilities for special events.

(b) Penalty for violation. A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense is punishable by a fine not to exceed:

- (1) \$2,000 for a violation of a provision of this chapter governing public health and sanitation, including dumping of refuse; or
- (2) \$500 for all other violations of this chapter. (Ord. Nos. 18252; 19963; 20987)

SEC. 29-5. ASSISTANTS.

- (a) The director may appoint the following market assistants:
 - (1) a market administrator;
 - (2) a market manager;
 - (3) a market master; and
 - (4) assistant market masters.
- (b) At the director's discretion, the market assistants may perform any duties placed upon the director in this chapter. (Ord. Nos. 18252; 20987)

SEC. 29-6. FEES FOR RENTAL OF STALLS.

- (a) Farmers. Upon application to the director, a farmer desiring to use a stall in the market shall pay to the director a daily stall rental fee of:
 - (1) \$7 for each stall during January and February;
 - (2) \$10 for each stall during every month except January and February; and
 - (3) \$21 for pre-rent during June, July, and August.
- (b) Dealers. Upon application to the director, a dealer, other than a floral dealer, desiring to use a stall in the market shall pay to the director a daily stall rental fee of:
 - (1) \$15 for each stall during January and February;
 - (2) \$21 for each stall during every month except January and February;
 - (3) \$15 for pre-rent during January and February; and
 - (4) \$21 for pre-rent during every month except January and February.
- (c) Floral dealers. Upon application to the director, a floral dealer desiring to use a stall in the market shall pay to the director a daily stall rental fee of:
 - (1) \$10 for each stall during January, February, July, August, and September;
 - (2) \$23 for each stall during every month not listed in Paragraph (1);
 - (3) \$10 for pre-rent during January, February, July, August, and September; and
 - (4) \$23 for pre-rent during every month not listed in Paragraph (3).
- (d) Merchandise dealers. Upon application to the director, a merchandise dealer desiring to use a stall in the market shall pay to the director a daily stall rental fee of \$13.
- (e) Arts and crafts. Arts and crafts may be sold at the market without a license during a special event. A person desiring to use a stall in the market to sell arts and crafts at a special event shall pay to the director a daily stall rental fee of \$25.
- (f) Christmas trees. Christmas trees may be sold at the market without a license. A person desiring to use a stall in the market to sell Christmas trees shall pay to the director a daily stall rental fee of \$10.
- (g) Rental fee entitlement. Upon payment of a daily rental fee, a farmer, dealer, or other authorized vendor is entitled to use a stall for one day or a portion of one day as determined by the director.
- (h) A person commits an offense if he sells or offers to sell any produce or merchandise at the market without first paying to the director all fees required by this chapter. (Ord. Nos. 18252; 19300; 20987; 25754)

SEC. 29-7. RIGHT TO REFUSE STALL RENTAL; EJECTION OF PERSONS RENTING STALLS; OPERATION THROUGH AGENT AFTER REJECTION.

- (a) Director's right to refuse stall rental. The director may refuse to rent a stall to a vendor who has, in the past, violated a provision of this chapter or a regulation promulgated by the director in accordance with the provisions of this chapter.
- (b) Ejection of persons renting stalls. The director may eject from the market a vendor or any other person who refuses to abide by the provisions of this chapter or a regulation promulgated by the director in accordance with the provisions of this chapter. The director may eject a vendor without refunding rental or license fees paid.
- (c) Operation through agent after rejection. A person shall not act as an agent or employee of a vendor who has been barred from the market by the director. Conversely, a vendor shall not hire as an agent or employee a person who has been barred from the market by the director. (Ord. Nos.

18252; 20987)

SEC. 29-8. MISCELLANEOUS SERVICE FEES.

A vendor desiring to use the municipal produce market shall, in addition to other fees required by this chapter, pay the following fees for the following services:

- (1) \$2 for 110 electrical service when used after 7 p.m.;
- (2) \$4 for 220 electrical service when used after 7 p.m.;
- (3) \$2 a day for each vehicle parked in excess of those allowed each vendor per space;
- (4) \$10 a night for each vehicle used overnight for sleeping or lodging; and
- (5) \$5 late charge a day for any stall rental fee not received by the director by 1:00 p.m. of the day incurred. (Ord. 20987)

**ARTICLE III.
GENERAL REGULATIONS.**

SEC. 29-9. USE OF DESIGNATED MARKET AREAS.

- (a) A person commits an offense if he uses or occupies any area of the market not designated for such use by the director.
- (b) A vendor or market customer may use the driveways and parking areas of the market, with permission from the director. (Ord. Nos. 18252; 20987)

SEC. 29-10. DEPOSITING RUBBISH.

A person commits an offense if he throws, places, or permits to be thrown or placed within the market area, or on any adjacent public property, any rubbish of any kind, or any vegetables or produce that are likely to become dangerous or offensive to the public. (Ord. Nos. 18252; 20987)

SEC. 29-11. USE OF MARKET AFTER CLOSING.

- (a) A person commits an offense if he enters or occupies the market at any time after closing, without the permission of the director.
- (b) A person commits an offense if he leaves any type of personal property, including, but not limited to, any produce, commodity, container, crate, basket, or motor vehicle, within the limits of the market at any time after closing, without the permission of the director. (Ord. Nos. 18252; 20987)

SEC. 29-12. UNATTENDED PRODUCTS.

If produce or other products are left unattended in a stall for two hours or more, the director may forfeit the renter's right to the stall and dispose of the products. (Ord. Nos. 18252; 20987)

SEC. 29-13. RESTRICTIONS ON TYPES OF PRODUCTS.

The director may determine the types of products that may not be sold in the market. A person may not offer for sale any product which the director has determined may not be sold in the market. (Ord. Nos. 18252; 20987)

SEC. 29-14. POSSESSION OF ALCOHOL.

A person commits an offense if he possesses an alcoholic beverage in the market that is not contained in a paper cup or paper container. A vendor commits an offense if he possesses an alcoholic beverage in the market while distributing, offering for sale, or selling produce, merchandise or other products. (Ord. Nos. 18252; 20987)

SEC. 29-15. PRICE FIXING.

A vendor commits an offense if he agrees with another vendor to fix or raise prices of products. (Ord. Nos. 18252; 20987)

SEC. 29-16. ANIMALS PROHIBITED.

- (a) A person commits an offense if he allows any animal under his ownership, custody, or control to enter into the market.
- (b) It is a defense to prosecution under Subsection (a) that the animal was being used as:
 - (1) a guide for a blind person;

- (2) an animal for the auditorily impaired; or
- (3) a support service animal for a person with a disability. (Ord. Nos. 18252; 20987)

SEC. 29-17. SALE OF PRODUCE.

- (a) Designated area. A person commits an offense if he sells produce on public property not located within the boundaries of the market.
- (b) Quality of produce. A person commits an offense if he sells produce unfit for human consumption or otherwise unsuitable for sale because of age, disease, damage, or other condition affecting the wholesomeness of the produce.
- (c) Fraudulent sale. A person commits an offense if, with intent to deceive or to defraud, he sells, offers for sale, exposes for sale, or possesses for sale any box, basket, crate, bag, or other container of produce, merchandise, or other commodity of a quality inferior to or of a lesser quantity than that with which the container is apparently filled.
- (d) Farmers.
 - (1) A farmer commits an offense if he sells produce that:
 - (A) has been in cold storage;
 - (B) has been artificially ripened; or
 - (C) is unfit for human consumption as described in Subsection (b) of this section.
 - (2) It is a defense to prosecution under Paragraph (1) of this subsection that the produce was highly perishable and was placed in cold storage for a period no longer than 12 hours to reduce field heat.
- (e) Inspection. The director may inspect at any time produce offered for sale at the market. Any person who refuses to permit such an inspection shall forfeit all rights to a stall. The decision of the director is final in determining quality, condition, and wholesomeness of all produce at the market. (Ord. 20987)

SEC. 29-18. PROLONGING STALL POSSESSION.

- (a) A vendor occupying a stall in the market commits an offense if he attempts to prolong possession of the stall by any method, including, but not limited to:
 - (1) asking prices that are unreasonably high when compared to prices asked for similar products at that time;
 - (2) refusing to sell products;
 - (3) operating in a pre-rent capacity without paying rental fees at the time established by the director; or
 - (4) preventing use of a stall by blocking the parking, loading, or dock area with a trailer, goods, or any other object.
- (b) The director may eject from the market a vendor who attempts to prolong possession of a stall. The director may also forfeit the rights of that vendor to participate in the market, including all fees paid. (Ord. Nos. 18252; 20987)

SEC. 29-19. SIGNS.

Every person conducting business in the market shall display appropriate signs conforming to all requirements specified by the director. (Ord. Nos. 18252; 20987)

SEC. 29-20. VEHICLES.

- (a) Blocking driveways. A person commits an offense if he parks or stops a vehicle on any driveway in the market that blocks or prevents the passing of other vehicles.
- (b) Speed limit. A person commits an offense if he operates a vehicle in the market at a speed greater than five miles per hour.
- (c) Limited parking. A person commits an offense if he parks a vehicle for more than two hours on that portion of the market reserved for customers only. (Ord. Nos. 18252; 20987)

SEC. 29-21. DISPLAY OF BROKEN OR SLICED MELONS OR FRUIT.

A person commits an offense if he displays sliced, cut, or broken melons or fruits in an unsanitary manner within the market. (Ord. Nos. 18252; 20987)

SEC. 29-22. OBSTRUCTING SIDEWALKS.

A person commits an offense if he obstructs passage along a sidewalk or any part of a sidewalk within the market without written permission from

the director. (Ord. Nos. 18252; 20987)

SEC. 29-23. CLEANLINESS OF WET FABRIC USED TO COVER PRODUCE.

A vendor shall thoroughly clean and launder all burlap bags, sacks, or other fabric used while wet to protect produce. The director's decision determining the cleanliness of the fabric used is final. (Ord. Nos. 18252; 20987)

SEC. 29-24. STRUCTURES, BARRIERS, COVERINGS, AND TENTS.

A person commits an offense if he:

- (1) erects, hangs, or builds any structure, barrier, covering, or tent on any area of the market without written permission from the director; or
- (2) fails to remove such a structure, barrier, covering, or tent when requested by the director. (Ord. 20987)

**ARTICLE IV.
DEALERS - REQUIREMENTS FOR PARTICIPATION.**

SEC. 29-25. LICENSE - REQUIRED; FEE; EXEMPTIONS.

- (a) Required. A dealer shall obtain a dealer's license from the director before participating in the market.
- (b) Fee. The annual fee for a dealer's license is \$250. A farm merchant, merchandise dealer, or floral dealer may obtain a semiannual dealer's license for a fee of \$125. A dealer shall pay the fee to the director upon issuance of a dealer's license. The director may not refund license fees.
- (c) Exemptions. The following persons are exempted from obtaining a dealer's license:
 - (1) a wood vendor possessing appropriate city licenses;
 - (2) a special event participant who offers any item for sale; and
 - (3) a farmer. (Ord. Nos. 18252; 19300; 20987)

SEC. 29-26. APPLICATION FOR LICENSE.

An applicant for a dealer's license shall file a written application with the director upon a form provided by the director. The application shall include the following:

- (1) name of applicant;
- (2) address and telephone number of applicant's establishment;
- (3) nature of applicant's business and applicant's method of distributing products; and
- (4) any additional information the director determines necessary to assist or promote the implementation or enforcement of this chapter. (Ord. Nos. 18252; 20987)

SEC. 29-27. PROCESSING THE APPLICATION.

- (a) Upon receipt of an application for a dealer's license, the director may take any action necessary to insure that the applicant is in compliance with this chapter and state laws concerning the sale and distribution of produce and other products. The director's actions may include an investigation and inspection of the applicant's establishment and method of doing business.
- (b) After processing an application, the director shall approve or deny the application. If denied, the director shall send to the applicant by certified mail, return receipt requested, a written statement setting forth the reasons for the denial. (Ord. Nos. 18252; 20987)

SEC. 29-28. SUSPENSION OF LICENSE.

- (a) The director may suspend a license issued under this chapter for not more than one year if the director determines that:
 - (1) a violation of this chapter or any other law concerning the sale or distribution of produce or other products by the licensee or an employee or agent of the licensee has occurred; or
 - (2) the licensee or a representative has failed to establish policy and take action to discourage, prevent, or correct violations of this chapter by employees or agents.
- (b) The director shall send to the licensee by certified mail, return receipt requested, a written statement setting forth the reasons for the suspension and notifying the licensee of a right to appeal. A timely request for appeal by the licensee stays the effect of the suspension unless the director determines that an emergency exists.

(c) For the purposes of this section, an emergency exists if the director determines that a violation has occurred and constitutes an imminent and serious threat to the public health or safety. In case of an emergency, the director may order the licensee or a representative of the licensee to correct the violation immediately or cease business operations at the market to the extent the director determines is necessary to abate the threat until the violation is corrected. (Ord. Nos. 18252; 20987)

SEC. 29-29. REVOCATION OF LICENSE.

(a) The director shall revoke a license issued under this chapter if the director determines that:

(1) the licensee or an employee or agent of the licensee, individually or cumulatively, has been convicted in any court of two violations of this chapter, or of any other law concerning the sale or distribution of produce or other products, within a 24-month period; the fact that a conviction is being appealed shall have no effect;

(2) the licensee has given false or misleading information or has withheld vital information in the material submitted to the director during the application process;

(3) the licensee, or an employee or agent of the licensee, has intentionally or knowingly impeded a lawful inspection by the director, an authorized representative of the director, or any representative of another department who has the authority to inspect the licensee and the licensee's business procedure; or

(4) a cause for suspension under Section 29-28 occurs and the license has been suspended within the preceding 12 months.

(b) The director shall send to the licensee by certified mail, return receipt requested, a written statement of the reasons for the revocation and of the licensee's right to appeal. (Ord. 20987)

SEC. 29-30. APPEAL OF DIRECTOR'S ACTION.

If the director denies the issuance of a license, suspends or revokes a license, or orders the cessation of any part of the business operation conducted under the license, the aggrieved party may appeal the decision of the director to a permit and license appeal board in accordance with Section 2-96 of this code. The filing of an appeal stays the action of the director in suspending or revoking a license or any part of the business operation being conducted under the license until the permit and license appeal board makes a final decision, unless the director determines that operation of the business in violation of the suspension or revocation constitutes an imminent and serious threat to the public health or safety, in which case, the director shall take or cause to be taken such action as is necessary to immediately enforce the suspension, revocation, or order. (Ord. Nos. 18252; 20987)

**ARTICLE V.
FARMERS - REQUIREMENTS FOR PARTICIPATION.**

SEC. 29-31. GROWER'S STATEMENT.

Before participation in the market, a farmer shall provide to the director a written grower's statement containing evidence satisfactory to the director that:

(1) all produce to be sold by the farmer was raised, grown, or produced on land that the farmer or a member of the farmer's immediate family owns or leases within the service area; and

(2) sales of produce in the market will be made by the farmer or a member of the farmer's immediate family. (Ord. Nos. 18252; 20987)

SEC. 29-32. INSPECTION OF CROP LAND.

The director may at any time inspect crop land identified by a farmer as the land on which the farmer's produce sold or to be sold at the market was grown. Any farmer who refuses to permit such an inspection shall forfeit all rights to participate in the market. (Ord. Nos. 18252; 20987)

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