

## TOWN OF FLOWER MOUND, TEXAS

### ORDINANCE NO. 23-16

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING APPENDIX A “FEE SCHEDULE” SECTION 18-123(A) “FOOD ESTABLISHMENT PERMIT FEES” OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND TO ADD ANNUAL PERMIT FEES FOR FARMERS’ MARKETS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Flower Mound is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the Town of Flower Mound possesses all the rights, powers, and authorities possessed by all home rule municipalities to regulate the fees for services provided; and,

**WHEREAS**, the Town of Flower Mound has determined that it needs to establish a fee to cover administrative costs associated with farmers’ market permits and inspections;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:**

#### **SECTION 1**

Section 18-123(a) of Appendix A “Fee Schedule” of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended to read as follows:

- (a) *Food establishment permit fees.* Each separate food establishment operating within the corporate limits of the Town of Flower Mound, shall pay the following fees:

Food establishment (annually).....\$300.00

Temporary food establishment (per booth/per event).....40.00

Mobile food establishment (annually).....300.00

Snow cone-type seasonal refreshment stand (six months).....50.00

Deposit to ensure removal of refreshment stand.....350.00

Farmers’ market permit (annually) ... 1 – 30 vendors = \$200.00  
31 – 60 vendors = \$300.00  
60+ vendors = \$400.00

#### **SECTION 2**

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the Town of Flower Mound, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

**SECTION 3**

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

**SECTION 4**

The Town Secretary of the Town of Flower Mound is hereby directed to publish the caption in the official newspaper of the Town of Flower Mound as required by Section 3.07 of the Charter of the Town of Flower Mound.

**SECTION 5**

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 5 TO 0, ON THIS THE 2ND DAY OF MAY, 2016.**

**APPROVED:**

\_\_\_\_\_  
**Thomas E. Hayden, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**Theresa Scott, TOWN SECRETARY**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**Bryn Meredith, TOWN ATTORNEY**