

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/4/11

A Bill

HOUSE BILL 1455

5 By: Representative Gillam
6

For An Act To Be Entitled

8 AN ACT CONCERNING MUNICIPAL REGULATION OF FARMERS'
9 MARKETS; AND FOR OTHER PURPOSES.

Subtitle

10 CONCERNING MUNICIPAL REGULATION OF
11 FARMERS' MARKETS.
12

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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16 SECTION 1. Arkansas Code § 14-140-101 is amended to read as follows:
17 14-140-101. Maintenance and regulation of markets.

18 ~~(a)(1)(A)(a)~~ The governing body may erect,
19 establish, and regulate the markets and marketplaces for the sale of
20 vegetables and other articles necessary for the sustenance, convenience, and
21 comfort of the city and the inhabitants thereof.

22 ~~(B) They~~ (b) The governing body shall have power to
23 prescribe:
24

25 ~~(i)(1)~~ (1) The times of opening and closing the markets
26 or marketplaces;

27 ~~(ii)(2)~~ (2) The kind and description of articles that
28 may be sold therein; and

29 ~~(iii)(3)~~ (3) The stands or places to be occupied by the
30 vendors.

31 ~~(C) They~~ (c) The governing body may have full power to:

32 ~~(i)(1)~~ (1) Prevent forestalling;

33 ~~(ii)(2)~~ (2) Prohibit or regulate huckstering in the
34 markets; and
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1 ~~(iii)~~(3) Adopt such rules and regulations as are
2 necessary to prevent fraud ~~and~~, to preserve order in the market, and to
3 ensure the health and safety of the citizens.

4 ~~(D)~~—They (d)(1) The governing body may authorize the
5 immediate seizure, arrest, or removal from any market of any person violating
6 its regulations, as established by ordinance, together with any article in
7 that person's possession, and the immediate seizure and destruction of
8 tainted or unsound meat, seafood, poultry, vegetable, fruit, or other
9 *provisions.*

10 (2) Under § 20-57-101 et seq., the Department of Health is the
11 entity authorized to regulate food safety.

12 ~~(2) No charge or assessment of any kind shall be made or levied~~
13 ~~in any manner against any farmer or producer of vegetables or provisions in~~
14 ~~bringing them to any market in any city, for standing in or occupying a~~
15 ~~place, with or without horses and wagon used in bringing the produce to the~~
16 ~~market, in any of the market spaces of the city, or in the streets contiguous~~
17 ~~thereto, on market days and evenings previous thereto.~~

18 ~~(b) Nothing contained in this section shall be so construed as to~~
19 ~~authorize the city council of any city to pass an ordinance for the purpose~~
20 ~~of assessing or imposing any fine or punishment whatever upon any farmer or~~
21 ~~producer for selling at any time, within the city, any article of provision~~
22 ~~or vegetables to any person in any street or streets or market spaces during~~
23 ~~market hours.~~

24 (e) A charge or an assessment, other than those essential for
25 operations and maintenance, shall not be made or levied against any farmer or
26 producer that is selling items grown or produced on the farmer's or
27 producer's land or property.

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29 SECTION 2. Arkansas Code § 14-140-102 is repealed.

30 ~~14-140-102. Hindering or taxing sale of farm products unlawful.~~

31 ~~(a) It shall be unlawful for any city council, member of an~~
32 ~~incorporation, corporation, city officer, or any other person, either in an~~
33 ~~incorporated city or elsewhere, to hinder, or to interfere, or to impose a~~
34 ~~tax or a license, or to obstruct in any manner whatsoever any person in the~~
35 ~~selling or the offering for sale of any fruits, vegetables, or any products~~
36 ~~of the farm, including meats from domestic animals or livestock.~~

