

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

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

12 CONCERNING MUNICIPAL REGULATION OF
13 FARMERS' MARKETS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 14-140-101 is amended to read as follows:
20 14-140-101. Maintenance and regulation of markets.

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

25 ~~(B) They~~ (b) The governing body shall have power to
26 prescribe:

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

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

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

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

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

35 ~~(ii)~~(2) Prohibit or regulate huckstering in the
36 markets; and



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

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

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 Arkansas Code § 14-140-102 is repealed.

24 ~~14-140-102. Hindering or taxing sale of farm products unlawful.~~

25 ~~(a)~~—It shall be unlawful for any city council, member of an
26 incorporation, corporation, city officer, or any other person, either in an
27 incorporated city or elsewhere, to hinder, or to interfere, or to impose a
28 tax or a license, or to obstruct in any manner whatsoever any person in the
29 selling or the offering for sale of any fruits, vegetables, or any products
30 of the farm, including meats from domestic animals or livestock.

31 ~~(b)~~—The benefits of this section shall accrue only to those who
32 produce the articles mentioned in subsection (a) of this section or who
33 produce and offer them for sale, either in person or through a legally
34 authorized agent.