

ORDINANCE NO. 2014-07

AN ORDINANCE PROVIDING REGULATIONS FOR ITINERANT VENDORS; PROVIDING FOR FEES, PERMITS, SUSPENSION AND REVOCATION OF PERMITS; PROVIDING FOR ADMINISTRATIVE MATTERS; PROVIDING FOR FINES AND PENALTIES; AND PROVIDING A SEVERABILITY AND OPEN MEETING PROVISIONS.

Whereas, the ordinances of the City of Uvalde providing regulations regarding itinerant vendors should be amended and updated;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UVALDE, TEXAS, THAT:

Section 5.12 of the Code of Ordinances of the City of Uvalde, and any and all ordinances of the City in conflict with any provision of this ordinance are hereby amended to read as follows:

Title 5.12 Itinerant Vendors

ARTICLE I GENERALLY

5.12.010 Definitions

5.12.020 Itinerant vendors: special regulations.

5.12.030 Permit requirements.

5.12.040 Duration, fees and seasonal permits.

5.12.050 Renewals and relocation.

5.12.060 Planning director to issue permit.

5.12.070 Health permits required for food and beverage businesses.

5.12.080 Enforcement.

5.12.090 Revocation of permit.

5.12.100 Penalty.

5.12.010 Definitions.

As used in this article, the following definitions shall apply:

- (1) *Business* shall mean any marketing activity conducted for the sale or rental of goods or services for private profit on any public or private premises in this city.
- (2) *City* shall mean the City of Uvalde, Texas, or where the context indicates, the city manager or his designated representative or other authorized representative of the city.
- (3) *Itinerant vendor* or *vendor* shall mean any person who engages, outside of a permanent established building, in the business of selling, offering for sale, renting or offering for rent and delivering from stock at or near the time of sale or rental any goods or services from any vehicle, cart, stand, or other equipment or device or fixture or from his person, from, in or upon any public or private premises. Excluded from the definition of itinerant vendor are: flea markets; fruit and produce vendors; garage sales; the sale of goods or services for non-commercial purposes or causes, whether community service, charitable, civic, religious, or educational; and the sale of goods or merchandise by a public officer in the course and scope of his duties acting in accordance with the law.
- (4) *Private premises* shall mean any privately owned real property.

5.12.020 Itinerant vendors; special regulations.

- (a) No vendor shall engage in, or attempt to engage in, any sales transaction or product display on any public right-of-way, street, median or other publicly-owned property, except as provided herein.
 - (1) This section shall not apply to a mobile food vendor who stops his motor vehicle on a public street, in immediate response to a direct request from a potential consumer, for a period not to exceed fifteen (15) minutes.
 - (2) This section shall not apply to an itinerant vendor operating pursuant to specific authorization of the city council, including, but not limited to, sales operations at public parks, municipal buildings and facilities, municipal golf courses, and municipal airports.
- (b) No itinerant vendor's permit shall be issued to any vendor as defined in subsection 5.12.010 (3) and no such vendor shall vend from or upon any private premises except subject to the following restrictions and regulations:
 - (1) All animal sales are strictly prohibited.
 - (2) Itinerant vendors are prohibited in residential zones, except that seasonal permits may be allowed in all zones and mobile food vendors who sell individually packaged frozen dessert.
 - (3) Vendors may not set up within twenty-five (25) feet of the street corner or within ten (ten) feet of a driveway or alley.
 - (4) Vendors may not obstruct or hinder the movement of pedestrian traffic. Vendors shall maintain a clear path with a minimum width of four (4) feet at all times.
 - (5) Parking must be available on site. Pavement optional.
 - (6) The premises shall have on-site refuse collectors to be emptied daily.

- (7) Verification of available restroom facilities within three hundred (300) feet of the vendor's location.
 - (8) Prior to issuance or renewal of a permit under this article, evidence of permission by the owner or leaseholder of the premises proposed to be used by the vendor authorizing such use by the vendor, must be filed with the permit officer. In instances where the vendor is the owner or tenant of the premises proposed to be used, a copy of a deed or lease must be provided.
 - (9) Tax-ID permit must be visibly displayed.
 - (10) Vendor must prominently display original permit.
 - (11) No vendor who operates in residential areas shall be a sex offender registered with the state department of public safety or shall have been convicted of any sexual offense or any offense against a child as defined by applicable law.
- (c) No person or company may occupy public property for the purposes of selling goods or services unless specifically authorized by City ordinance.

5.12.030 Permit requirements.

Every application for an itinerant vendors permit shall contain the following information:

- (1) The name of the applicant and, if applicable, a certified copy of any assumed name certificate and/or corporate or other legal organization charter of record, together with proof of the individual's authority to act in behalf of such entity.
- (2) The business and private addresses and phone numbers of the applicant.
- (3) The name, home address and phone number of any individuals who will engage in business under the permit in addition to the applicant.
- (4) A description of the type of goods or services to be offered for sale or rental.
- (5) A description of the proposed location of the business for which the permit application is filed, including the street address and lot or block number.

5.12.040. Duration, fees and seasonal permits.

- (1) The maximum time for which a permit may be issued shall be for a period not to exceed six (6) months.
- (2) The applicant shall pay an application fee of one hundred dollars (\$100.00).
- (3) Seasonal permits may be issued with an application fee of fifteen dollars (\$15.00). These permits will allow vending to occur during the one (1) week prior to and including the day of each of the following holiday celebrations: high school homecoming, Valentine's Day, Easter, Mother's Day, Father's Day, Veteran's Day, All Saints Day, and Christmas. The parking requirement is excluded for seasonal permits on any lot not adjacent to an arterial or collector identified on the city thoroughfare plan.

5.12.050. Renewals and relocation.

Renewals and relocations may be approved for permits issued to vendors on private premises. The cost of a renewal application is seventy-five dollars (\$75.00) for an additional six-month renewal. (Permits that have been expired for more than 30 days will need to submit a new Permit Application). The cost of a relocations application is twenty-five dollars (\$25.00) approved for the remainder of the current permit. The permit will be deemed nonrenewable if the permit holder has a citation pending.

5.12.060. Planning director to issue permit.

The planning director or his/her designee, shall issue to any applicant applying therefor, who has complied with all the requirements of sections 5.12.020 and 5.12.030, a permit authorizing the itinerant vendor to operate at the location specified in his application. Such permit is not transferable and shall only be applicable to the person or entity applying and receiving such permit.

5.12.070. Health permits required for food and beverage businesses.

In addition to the permit required by this chapter [article], any person who sells or offers for sale any food or beverages must also obtain all health permits, certificates and inspections required by the city health code for the particular type of business required by the health department.

5.12.080. Enforcement.

The duly constituted authorities of the city, including the police department, planning department and others having the duty of enforcing the ordinances of the city, shall enforce the provisions of this article and allow no vendor to conduct his business without full compliance with the terms of this article.

5.12.090. Revocation of permit.


Any permit issued hereunder shall be revoked by the director of planning if the permit holder is convicted of a violation of any of the provisions of this article or has knowingly made a false material statement in the application or otherwise becomes disqualified for the permit under the terms of this article.

5.12.100. Penalty.

Any person who shall knowingly violate any provision of this article shall be deemed guilty of a misdemeanor and shall upon conviction be punished by a fine of not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00).

PASSED AND APPROVED on this the 11 day of March, 2014.

The City of Uvalde, Texas



J. Allen Carnes, Mayor

ATTEST:



Susan Conley, City Secretary