

ORDINANCE NO. 2018-05

**AN ORDINANCE OF THE CITY OF UVALDE AMENDING CHAPTER 5.12.020 ITINERANT VENDOR AND CHAPTER 6.10.020 KEEPING OF LIVESTOCK, UVALDE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING ENFORCEMENT AND PENALTY CLAUSES; PROVIDING OPEN MEETINGS, SEVERABILITY, AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.**

WHEREAS, the City Council of the City of Uvalde find that selling eggs, meat and other animal products is regulated by the State of Texas, and;

WHEREAS, the sale of animals and animal products that are locally raised benefits the health of Uvalde's citizens and provides a source of income for the seller;

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

**Section 1. Findings of Fact.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment of Chapter 5.12.010 Definitions.**

Add:

"Agricultural products" shall mean: agricultural, horticultural, viticultural and dairy products and the products thereof, the products of poultry and bee raising, the edible products of forestry, and any and all products raised or produced on farms.

**Section 3. Amendment of Chapter 5.12.020 Itinerant Vendor.**

Amend:

1. All animal sales are strictly prohibited except for those animals that are considered agricultural products.

Add:

16. All vendors must follow state and federal regulations regarding sale of products.

**Section 4. Amendment of Chapter 5.12.040 Duration, fees and seasonal permits.**

Add:

D. Permits for the sale of agricultural products may be issued with an application fee of \$25.00. These permits will be issued for a period of one year.

**Section 5. Amendment of Chapter 6.10.020 Keeping of Livestock.**

Repeal:

H. No animals or fowl of any kind shall be kept or raised in such districts for the purpose of sale, or resale, or for the purpose of producing meat, eggs, or other animal products for sale, or for producing offspring for sale, or for any other commercial purpose or purposes.

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**Section 6. Penalty Clause.** Any person who shall violate any of the provisions of this ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum set out in Section 1.12.010 of this Code. Each day the violation exists shall constitute a separate offense. Proof of a culpable mental state shall not be required to establish a violation of this ordinance. Such penalty shall be in addition to all the other remedies provided herein.

**Section 7. Savings Clause.** All rights and remedies of the City of Uvalde are expressly saved as to any and all violations of the provisions of any ordinances affecting the sale of animals which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**Section 8. Effective Date.** This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

**Section 9. Severability.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation into this Ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

**Section 10. Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this the 24 day of April, 2018.

The City of Uvalde, Texas



Don McLaughlin, Jr., Mayor

ATTEST:

  
Sorayda Sanchez, City Secretary