

## **ORDINANCE NO. #13-06**

### **AN ORDINANCE OF THE CITY OF DE LEON, TEXAS, ESTABLISHING RESTRICTIONS ON VENDOR ACTIVITIES ON PUBLIC STREETS WITHIN THE CITY OF DE LEON, TEXAS; ESTABLISHING AN AREA WHERE VENDOR ACTIVITIES SHALL BE PERMITTED; PROVIDING FOR A PENALTY AND EFFECTIVE DATE; AND PROVIDING A SEVERABILITY CLAUSE.**

**WHEREAS**, vendors at times park vehicles and trailers on City streets and operate in locations on public streets where operation may impede or inconvenience the public or affect private property or access to private property along City streets; and

**WHEREAS**, specifically, the parking of vendor trailers and vehicles on the west side of North Houston Street, between Gonzales and Reynosa Streets, has at times in the past created such conditions along those streets; and

**WHEREAS**, the City Council of the City of De Leon, wishing to encourage commercial activity in the City, has now secured property which shall be designated specifically as the area where vendor parking and selling shall be permitted within the City;

### **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS:**

**SECTION 1. FINDINGS.** 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. VENDOR.** The word "vendor," as used in this Ordinance, shall mean any person, whether a resident of this City or not, parked or located within the City for the purpose of selling or soliciting the sale of goods, wares, merchandise, or agricultural products to the public, other than a bona fide permanent retail business.

**SECTION 3. RESTRICTIONS ON LOCATION; ESTABLISHMENT OF VENDOR AREA.** No vendor shall park or locate for the purpose of conducting vending activities within the City unless parked or located in that area designated by the City for vendor activities, the area so designated being the area under the sheds on West Alamante Street between Cato Street and Texas Street and north of the railroad tracks. No vendor shall have an exclusive right to any specific location in the vendor area or be permitted to store or leave merchandise or any vehicle or trailer in the vendor area unattended or overnight. No vendor shall be permitted to operate in any way that extends into or encroaches on the public streets adjacent to the vendor area. Failure to comply with the restrictions in this Section 3 shall be considered a violation of this Ordinance.

**SECTION 4. EXCEPTIONS.** Section 3 shall not apply to the following:

- a. Residential garage sales located at the residence of the vendor.
- b. Sales of goods, wares and merchandise donated by the owners thereof, the proceeds of which are to be used and applied to some charitable, religious or philanthropic purpose.
- c. Sales of goods, wares and merchandise by sheriffs, constables or other public officers, or to bona fide assignees or auctioneers, or trustees or receivers regularly appointed.
- d. Vendors participating in special events sponsored by the City and approved by the City Council.

**SECTION 5. PENALTY.** Any person violating any of the provisions of this Ordinance shall be deemed guilty of a Class C misdemeanor, and, upon conviction, shall be subject to a fine of not more than five hundred dollars (\$500.00). Each transaction in violation of any of the provisions hereof shall be deemed a separate offense.

**SECTION 6. SEVERABILITY.** If any provision of this Ordinance is held invalid, the invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

**SECTION 7. OPEN MEETINGS.** That it is hereby officially found and determined that the meeting at which this Ordinance was passed, approved and adopted were 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, Chapter 551, Loc. Govt. Code.*

**SECTION 8. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the Local Government Code and the City Charter.

**PASSED AND APPROVED ON FIRST READING on this 29<sup>th</sup> day of November , 2006.**

**PASSED, APPROVED AND ADOPTED ON THE SECOND READING this the 18<sup>TH</sup> day of December, 2006.**

TEXAS

CITY OF DE LEON,

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Danny Owen, Mayor

**ATTEST:**

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**Karen Wilkerson, City Secretary**