



**MEETING OF THE
SALADO BOARD OF ALDERMEN**

MUNICIPAL BUILDING - 301 NORTH STAGECOACH

BOARD OF ALDERMAN CHAMBERS

THURSDAY, JANUARY 15, 2015

WORKSHOP AGENDA – IMMEDIATELY FOLLOWING REGULAR AGENDA

1. Financial Services and Payroll Services.
2. International Building Codes.
3. Development and Wastewater Fees.
4. Zoning Ordinance: Non-residential development standards, I-35 overlay, Landscape Ordinance.

**REGULAR MEETING AGENDA
SALADO BOARD OF ALDERMAN**

**THURSDAY, JANUARY 15, 2015 6:30 P.M.
MUNICIPAL BUILDING
301 NORTH STAGECOACH, SALADO TX
BOARD OF ALDERMAN CHAMBERS**

I. CALL TO ORDER

1. Invocation / Moment of Silence
2. Pledge of Allegiance, Texas Pledge of Allegiance
3. ("Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.")

II. REPORTS

Announcements concerning items of community interest. No action will be taken or discussed.

Mayor's Report:

Aldermen Updates:

- Environmental Report – Alderwoman Dankert
- Ordinance Committee Report – Aldermen Fields & Coachman
- Main Street Report – Mayor Pro Tem Brown

III. PROCLAMATIONS – n/a

IV. PUBLIC COMMENTS

4. Citizens who desire to address the Board of Alderman on any matter may sign up to do so prior to this meeting. Public comments on issues not listed on the agenda will be received during this portion of the meeting. Comments related to items on the agenda will be received during consideration of the individual agenda item. Please limit comments to 3 minutes. No discussion or final action will be taken by the Board of Alderman.

V. CONSENT AGENDA

All items listed under this section, Consent Agenda, are considered to be routine by the Board of Alderman and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda at the request of any Alderman and will be considered separately.

5. Consider approving the Consent Agenda items:

Minutes

- (A) December 11, 2014 Regular Meeting.
- (B) December 16, 2014 Special Called Meeting.

VI. REGULAR AGENDA

Resolutions – n/a

Public Hearings / Ordinances

6. Hold a public hearing and consider adopting an ordinance authorizing amendment to Ordinance 2014.08, amending the budget for the Fiscal Year beginning October 1, 2014 and ending September 30, 2015; providing for allocation of funds from Fund Balance for specified projects; providing for additional Funds, and revising the chart of accounts
7. Hold a public hearing and consider adopting an ordinance declaring certain unpermitted solicitations by itinerant vendors to be a nuisance, enacting solicitation regulations, and repealing Solicitation Ordinance 2011.05 and its amendments.

Miscellaneous

8. Presentation, discussion and possible action on a playground canopy donated by the Rotary Club of Salado, for placement covering the primary playground equipment at Pace Park.
9. Presentation, discussion and possible action on a proposed contract with Texas A&M University for Main Street Planning purposes.

VII. EXECUTIVE SESSION

10. Discuss possible appointments to the vacant positions of Village Secretary and Development Services Coordinator/Code Enforcement Officer.

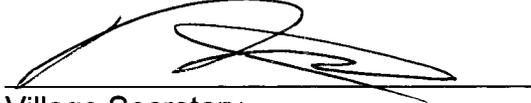
VIII. REGULAR SESSION

11. Ratify appointments to the vacant positions of Village Secretary and Development Services Coordinator/Code Enforcement Officer.

The Village of Salado reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the Village Secretary's office at (254) 947-5060 for further assistance.

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 5:00 p.m., on Friday, January 9, 2015.



Village Secretary

Removed from display: _____

Village Board of Aldermen
Regularly Scheduled Board of Aldermen
Meeting Minutes
Municipal Building, 301 N. Stagecoach Rd.
Thursday, December 11, 2014 6:30pm

Members present: Mayor Skip Blancett, Mayor Pro Tem Fred Brown, Alderman Michael McDougal, Alderwoman Amber Preston Dankert, Alderman Frank Coachman, Alderman Hans Fields

Members Absent: n/a

Staff Present: Kim Foutz - Village Administrator, City Attorney – Alan Bojorquez, Randy Stonerod - Village Secretary, Lyndsey Barrett – Administrative Assistant, Jack Hensley - Chief of Police

I. Call To Order: There being a quorum present, Mayor Blancett called the meeting to order at 6:30pm.

1. Mayor Blancett led the invocation.
2. Pledge of Allegiance and Texas Pledge of Allegiance were recited.
3. Words to “Honor the Texas Flag”

II. Reports:

Mayor's Report: Mayor Blancett stated that the coming year will “monumental.” There will be sewer plans, ordinances, roads, developments and such that must all receive our attention and will require us to make decisions. We’ll re-do the downtown. We can expect long workshops and Board of Aldermen (“BOA”) meetings. We must pay close attention to our budget. Next, Mayor honors the following: Diana Barker – former Village Secretary, for her past dedication and service; Judy Fields and Marian Jordan for Home Tours & Salado on the Rocks. Mayor stated these events bond us together as a Village.

Aldermen Updates:

- **Alderman McDougal:** – Chamber of Commerce – The Chamber’s charge is to mold the working of the Chamber and the Village together. We’re putting together strategies, job descriptions, etc., to move together under a single strategy by early January 2015 and then move forward together.

- **Alderman Coachman:** n/a

- **Mayor Pro Tem Brown:** n/a

- **Alderwoman Dankert:** n/a

- **Alderman Fields:** n/a

Staff Reports:

- **Cpl Bobby McLean escorts lung transplant recipient:** Report given by Kim Foutz. Video shown honoring Cpl McLean for escorting transplant patient around road closures to allow him to get to the hospital in time to receive a lung. All present applauded the noble act of Cpl McLean.

- **Police Report:** Chief Hensley gave the report during which he stated in October 2014 there were 302 calls for police service – 94% inside the Village and 6% outside its limits. The average response time was 3 minutes 46 seconds. There were: 3 arrests; 6 alarm calls; 57 citations issued. Cameras are being installed in vehicles and all vehicular equipment has been ordered. Police will have access to TCIC/NCIC info and training is ongoing.

- **Financial Report:** None given because Dan Nixon was unavailable to attend the meeting.

III. Proclamations: n/a

IV. Public Comments:

4. Judy Fields: Ms. Fields stated that the Christmas Stroll was a phenomenal success and our Village employees, Debbie Charbonneau, Kerry Phillip and Megan Seaton, did a great job assisting with this event. In fact, Ms. Fields opined it may have saved some Salado businesses from closing their doors. Ms. Fields stated that the Army Cavalry even rode their horses during the event. Kay and Tim and so many others really helped out. Thank you to all!

V. Consent Agenda:

5. (A) Consider approving Minutes from November 13, 2014 Regular Meeting. Alderman McDougal moved to approve the minutes. Mayor Pro Tem Brown seconded the motion. Alderman Fields abstained. Minutes approved by a vote of 4 yeas, 0 nays and 1 abstention.

VI. Regular Agenda:

6. PUBLIC HEARING – consider adopting an ordinance authorizing amendment to Zoning Ordinance 2013.08, Section 2.2 Planning and Zoning Commission, and Section 2.3 Zoning Board of Adjustments. Mayor Blancett opened the hearing and Kim Foutz showed a presentation outlining staff's recommendations: change P&Z and ZBA terms from 3 years to 2 years; 2-term limit; staggered terms; meetings canceled if no applications or other business to conduct; added rules, bylaws, activities to include reviewing master plans and land use and development ordinances; and participating in required training in conformance with all laws. Also, recommend that the BOA serve as the ZBA for the Village. Tim Fleischer voiced concern about eliminating the ZBA. Tim viewed the ZBA as a buffer between the applicant and the BOA. City Attorney Alan Bojorquez stated that the BOA can serve as the ZBA in a Type A City. In fact, 70% of Texas cities are Type A and 90% of those Type A cities have their BOA serve cities' ZBA. It's perfectly legal to do so. Whether you have a ZBA or have your BOA serve as ZBA, the only appeal from actions taken therein are is to file a court case in District Court. Accordingly, a secondary layer for appeals does not exist within the Village regardless of whether it has a separate ZBA or the BOA acts as the ZBA. Mayor Blancett closed the public hearing. Alderman Coachman moves to approve the Item with the amendment that the BOA will serve as the ZBA. Mayor Pro Tem Brown seconds the motion. The Board votes unanimously to approve the Item with the amendment that the BOA will serve as the Village ZBA.

7. PUBLIC HEARING – consider adopting an ordinance authorizing amendment to Ordinance 2009.09, Rules of Procedure for Board of Aldermen Meetings, Section 4C(5), Ordinances in General. Mayor Blancett opened the public hearing and Kim Foutz gave a presentation in which she stated that the main point of the ordinance change is to do away with the requirement that all ordinances must be read twice – once at two separate meetings – prior to being approved. Tim Fleischer asked whether Item 6 will be read twice before its approval. Alan Bojorquez stated that the Board can take up Item 6 again, out of order and during this same meeting, so that it does not need to be read twice before approval. The Mayor closed the public hearing. Alderman Coachman moved to approve Item 7 as presented. Mayor Pro Tem Brown seconded the motion. The Board voted unanimously to approve the Item.

8. Consideration and possible action on a Chapter 380 Grant Agreement between the Village of Salado and JES Development Corporation for a residential senior housing project at the intersection of Mary Lane and Vanessa Drive. Kim Foutz gave a presentation during which Kim stated per TDHCA requirements, this Item includes a financial commitment by the Village for \$13,950 with \$930 annual payments for 15 years. JES pledged to purchase locally in Salado whenever feasible. Alderman McDougal asked when payment of property taxes begins. Kim stated JES will begin paying property taxes at a rate controlled by law when

construction of the project commences. Alderman McDougal asked when the Village's obligations begin. Kim responded May 15th. Alderman McDougal stated JES seems to be a good and upstanding firm with which to conduct business – very timely and professional. Mayor Pro Tem Brown moved to approve the Item as presented. Alderwoman Dankert seconded the motion. The Board voted 4-1 to approve the Item. Alderman Fields voted no on the Item. Item passed.

9. Consideration and possible action on an Interlocal Cooperation Agreement with Bell County for the construction of road improvements in the amount of \$60,230; acquisition of rejuvenated cold mix (RAP) in the amount of \$3,441; and pavement striping. Kim Foutz gave a presentation during which she stated the streets affected will be Royal, Baines and Chisolm. Kim and Alderman McDougal stated that no street will be repaired if scheduled to be torn up to accommodate the new sewer system. Rather, it will be repaired after all sewer lines have been installed. Alderman McDougal moved to approve the Item as presented. Alderwoman Dankert seconded the motion. The Board voted unanimously to approve the Item. The Mayor thanked Kim Foutz and staff for all of the work that they put into the meeting preparation and presentations.

VII. Executive Session:

Mayor Blancett closed the regular meeting at 7:32 p.m. The building was cleared and the Mayor opened an executive Session from 7:35 p.m. to 7:45 p.m. to discuss the following:

10. Discuss the proposed Sanctuary Development and related economic development incentives.

11. Discuss the appointment of an Associate Judge.

12 Consultation with Village Attorney regarding legal considerations involving comprehensive plan updates, strategic planning for the extraterritorial jurisdiction, and capital improvement plan.

VIII. Regular Session:

13. Consider approving appointment of an Associate Judge. Alderman Fields moved to approve James J. Crowley as Associate Judge for the Village of Salado, to be compensated at the same rate of pay as Judge Engleking on such dates that Mr. Crowley fills in for Judge Engleking. Alderman McDougal seconded the motion. The Board voted unanimously to approve the Item as presented.

Announcements:

Mayor Blancett announced that the next Scheduled Board of Aldermen meeting is January 8, 2015 at 6:30 p.m. The Board went back into Executive Session at 8:00 p.m. until 9:27 p.m. to finish discussing Items 10 and 12.

There being no further business, the meeting was adjourned at 9:28 p.m.

APPROVED:

SKIP BLANCETT, Mayor of the Village of Salado, Texas

ATTEST:



RANDY A. STONEROAD, Village Secretary

Village Board of Aldermen
Special Called Board of Aldermen
Meeting Minutes
Municipal Building, 301 N. Stagecoach Rd.
Tuesday, December 16, 2014 6:30pm

Members present: Skip Blancett, Fred Brown, Michael McDougal, Amber Preston Dankert, Frank Coachman, Hans Fields

Members Absent: n/a

Others Present: Kim Foutz - Village Administrator, Randy Stonerod - Village Secretary, Christina Lee - Administrative Assistant, Jack Hensley - Chief of Police, Debbie Charbonneau - Executive Director, Chamber of Commerce & Tourism Bureau

I. Call To Order : Mayor Blancett called the meeting to order at 6:30pm, quorum present.

1. Mayor Blancett lead the invocation.
2. Pledge of Allegiance and Texas Pledge of Allegiance were recited.

II. Reports:

Mayor's Report: n/a

Aldermen Updates: n/a

Staff Reports:

- Financial Report – Kim Foutz covered highlights of the Village’s Financial Report from FY 2013-2014 to include: Sales Tax was projected at \$330,000 but came in at over \$362,000; overall income was projected at \$845,549 but came in at \$901,734.57; the Village maintains approximately \$10,000 to \$20,000 in its checking account from month to month; we only spent approximately \$13,000 of the \$200,000 budgeted for roads. The remainder (approx. \$187,000) will carry forward to FY 2014-2015; our budget amount for professional fees was insufficient - \$51, 696 budgeted but \$80, 112.90 actually spent. Mayor Pro Tem Brown asked whether we paid for 3 or 4 engineering reviews per project. Kim replied that she will use checklists, only accept completed applications, and insist that all applications be delivered personally to her. Those steps will preclude unnecessary engineering reviews. Kim provided a detailed report to the Mayor and Aldermen.

III. Public Comments: n/a

IV. Regular Agenda:

5. Presentation, discussion and possible action on professional services agreement with Brockway, Gersbach, Franklin and Neimeier to perform accounting services. Kim Foutz gave the presentation. Kim stated that the Village needs to contract for the following: get desktop version of QuickBooks and stop using the web-based version because our current (web-based) version is very slow, not user-friendly and inefficient; update the Village’s Chart of Accounts to reflect the business we actually do; establish new funds such as a grant fund, profit/special revenue fund for the Chamber of Commerce, enterprise funds, debt service sinking fund & fiduciary fund; update our security policy and records keeping policy; and we need a separation of duties regarding bill paying and managing books, making reports and managing accounts payable. The need for the above service is immediate so that the Village can take on managing financials for the Chamber of Commerce on January 1, 2015. Other reasons for hiring the consultant are new Village activities such as its partnership with the Chamber of Commerce and

issuing debt for the sewer fund. Kim stated that Brockway would work on an hourly basis and she would provide immediate supervision over their activities. Kim selected Brockway based upon strong recommendations from other cities after local City Financial Officers declined to help us with our issues, which are too complicated for present staff to handle. The agreement will not exceed \$7,500 and will be paid under fund balance. Alderman Coachman moved to approve the item as presented. Mayor Pro Tem Brown seconded the motion. The Board voted unanimously to approve the item.

6. Presentation, discussion and possible action on authorizing renovations to two municipal buildings on Stagecoach Road and associated furniture, fixtures and equipment in an amount not to exceed \$25,000. Kim Foutz gave the presentation and stated that the submittals were the same as discussed during the Board Workshop. Kim stated the Village would ask for donations and volunteers to help meet its renovations goal. Mayor Pro Tem Brown moved to approve the item as presented. Alderman McDougal seconded the motion. The Board voted unanimously to approve the item.

7. Consider and take action on the Construction/Final Plat of Mill Creek Meadows, a ± 5.939 acre, 7-lot residential subdivision located at/near the intersection of Mackie Drive and Marie Lane in the extraterritorial jurisdiction of Salado. Kim Foutz gave the presentation and stated that this plat application: encompassed two processes at once – construction *and* final plat, as allowed by our ordinance. Kim further stated that the plat site has a 12” water line, an existing roadway which the County will maintain and a 50’ Right-of-Way. This plat application falls just above a “minor plat” which can be approved administratively and, therefore, requires Board action. Mayor Pro Tem Brown asked whether our collected application fees covered our costs. Kim stated that she is reviewing our current fees and will revamp them to put them more in line with other similarly situated local cities. Alderman McDougal asked whether Salado includes language about voluntary annexation when a plat is located in its ETJ. Kim replied that we will begin including such voluntary annexation language in our application process in the future. Alderman Coachman asked whether staff recommends waiver of the park fees. Kim stated that Salado has not made a past practice of enforcing the park fees but could do so under existing ordinance. Kim explained that the park fee is \$200 per lot, captured for 10 years or a donation of a 1-acre park space that meets our ordinance’s criteria. Mayor Pro Tem Brown inquired whether Salado could use the park fees to construct a playground. Kim replied “yes” if the park were to be built in the close proximity of the plat. Alderman McDougal moved to approve the item as presented. Alderwoman Dankert seconded the motion. The Board voted 4 to 1 to approve the item. Alderman Fields voted no. Motion passed.

8. Discussion and possible action on appointing Board of Aldermen Committees to make recommendations and negotiate various agreements related to the Sanctuary residential and commercial development. Kim Foutz gave the presentation during which she stated that we need to set up a system to accommodate the development process and she recommends setting up the following Board of Aldermen subcommittees: (a) Development Agreement and Planned Development District Committee; (b) Wastewater Services Agreement Committee; (c) Economic Development Agreement Committee; and (ETJ Committee. Mayor Pro Tem Brown moved to approve the item as presented. Alderman McDougal seconded the motion. Alderman Coachman moved to amend the motion to provide for giving the Mayor the authority to appoint all committee members. Mayor Pro Tem Brown seconded Alderman Coachman’s motion. The Board voted to unanimously approve the item as presented with the amendment that the Mayor is authorized to appoint all committee members.

V. Executive Session: n/a

Announcements:

Next Scheduled Board of Aldermen meeting is January 15, 2015 at 6:30 p.m.

There being no further business, the meeting was adjourned at 7:27 p.m.

APPROVED:

SKIP BLANCETT, Mayor of the Village of Salado, Texas

ATTEST:



RANDY A. STONEROAD, Village Secretary

For copies of all handouts, please contact the Village office at 947-5060.

BOARD OF ALDERMAN

AGENDA ITEM MEMORANDUM

01/15/14
Item #6
Regular Agenda
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DEPT/DIVISION REVIEW: Kim Foutz, Village Administrator

ITEM DESCRIPTION: Hold a public hearing and consider adopting an ordinance authorizing amendment to Ordinance 2014.08, amending the budget for the Fiscal Year beginning October 1, 2014 and ending September 30, 2015; providing for allocation of funds from Fund Balance for specified projects; providing for additional Funds, and revising the chart of accounts

STAFF RECOMMENDATION: Staff recommends approval

ITEM SUMMARY AND ANALYSIS: Information and detail is forthcoming

COMPREHENSIVE PLAN/MASTER PLANS: n/a

FISCAL IMPACT: Details will be provided

ATTACHMENTS:

BOARD OF ALDERMAN

AGENDA ITEM MEMORANDUM

1/15/15
Item #7
Regular Agenda
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DEPT/DIVISION REVIEW: Kim Foutz, Village Administrator

ITEM DESCRIPTION: Hold a public hearing and consider adopting an ordinance declaring certain unpermitted solicitations by itinerant vendors to be a nuisance, enacting solicitation regulations, and repealing Solicitation Ordinance 2011.05 and its amendments.

STAFF RECOMMENDATION: Staff recommends approval.

ITEM SUMMARY AND ANALYSIS: At the November 13, 2014 Board of Aldermen workshop, the BOA and staff discussed various possible changes to the itinerant vendor ordinance. As a result, staff has drafted revisions to reflect that discussion. Legal has performed its own review of the changes. Highlights of the changes are as follows:

- Added a definition for Special Event and Applicant
- Deleted reference to vending machines and newspaper stands
- No person shall display or sell goods within 10 feet of any public street or roadway
- Separated operational hours for residences from business operational hours
- Itinerant vendors shall obtain the consent of the owner of the property on which they operate
- No person shall display or sell goods within required parking spaces of commercial businesses
- No person shall display or sell goods within a zoning district that does not permit such land use
- Deleted interstate commerce paragraph
- Clarified fee applies to a permit (not each application which may include multiple applicants)
- Private property owner special events require an event permit
- Removed requirement for applications to be made in person
- Written consent by the owner of the property at the location of sale is required
- Added authority for Village Administrator
- Clarified revocation language

- Itinerant vendors may apply for 3-day or 7-day permits. Mobile Food Unit/Vendors may also apply for a six-month permit. The fee for a three-day permit will be fifty (\$50) dollars. The fee for a seven-day permit will be seventy-five (\$75) dollars. The fee for a Mobile Food Unit/Vendor will be five hundred (\$500) dollars
- No person may apply for more than four (4) permits per year.
- This ordinance will not apply to Village-sponsored fairs and festivals, private fairs and festivals permitted by the Village, or charitable solicitations by incorporated charitable, fraternal, educational, or religious institutions

COMPREHENSIVE PLAN/MASTER PLANS: n/a

FISCAL IMPACT: n/a

ATTACHMENTS:

Proposed ordinance

Ordinance No.
2015.01~~2011.05~~ Village
of Salado County of
Bell
State of Texas
~~October 20,~~
2011January 15, 2015

SOLICITATION ITINERANT VENDOR ORDINANCE

AN ORDINANCE OF THE VILLAGE OF SALADO DECLARING CERTAIN UNPERMITTED SOLICITATIONS BY ITINERANT VENDORS TO BE A NUISANCE, ENACTING SOLICITATION REGULATIONS, AND REPEALING SOLICITATION ORDINANCE NO. 2008.03~~2011.05~~ AND ITS AMENDMENTS AND REPLACING WITH THIS ORDINANCE, AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; A POPULAR NAME; PURPOSE; DEFINITIONS; GENERAL PROHIBITIONS; LICENSING REQUIREMENTS; A SEVERABILITY CLAUSE; EFFECTIVE DATE; ENFORCEMENT INCLUDING CRIMINAL FINES NOT TO EXCEED \$500 AND CIVIL PENALTIES NOT TO EXCEED \$100 PER OFFENSE AND INJUNCTIVE RELIEF; AND PROPER NOTICE AND OPEN MEETING

WHEREAS, the Board of Aldermen of the Village of Salado is committed to protecting Village citizens from the harassment, annoyance, shabby merchandise and questionable services commonly associated with certain itinerant vendors and vagrant merchants; and

WHEREAS, the Board of Aldermen seeks to keep the public rights-of-way free of clutter and the visual distractions that often accompany certain merchants soliciting customers along streets and roadways; and

WHEREAS, the Board of Aldermen finds that certain itinerant vendors constitute a public nuisance worthy of government regulation; and

WHEREAS, the Board of Aldermen has the general statutory authority, pursuant to Texas Local Government Code Chapter 514, to adopt an ordinance, rule or police regulation that is for the good government, peace, and order of the Village; and

WHEREAS, the Board of Aldermen has the specific statutory authority, pursuant to Texas Local Government Code Chapter 217, to prevent and punish a person engaging in a breach of the peace and to suppress and prevent any noise or disturbance in any public or private place in the Village; and

WHEREAS, the Village of Salado has the authority to permit, tax, suppress, prevent, or otherwise regulate hawkers, and peddlers pursuant to its general police powers and Section 215.031 of the Texas Local Government Code; and

NOW THEREFORE, be it ordained by the Board of Aldermen of the Village of Salado, Texas:

1. INTRODUCTION

A. POPULAR NAME

This Ordinance shall commonly be referred to as the "~~Solicitation~~ Itinerant Vendor Ordinance."

B. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the Board of Aldermen of the Village of Salado and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

C. PURPOSE

It is the intent and purpose of this Ordinance to protect residents and other citizens of Salado from unscrupulous transient merchants.

D. SCOPE

This ~~Ordinance~~ provides regulatory standards throughout the Village's incorporated municipal boundaries (i.e., city limits).

E. DEFINITIONS

Words and phrases used in this Ordinance shall have the meanings set forth in this section. Words and phrases which are not defined in this Ordinance but are defined in other ordinances of the Village of Salado shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this Ordinance.

1. **Applicant**: Any itinerant vendor or person authorized by an itinerant vendor seeking an approval from the City to sell goods or foods of any type or solicit business.

~~1.2.~~ **Itinerant vendor**: means a retailer who does not operate any "place of business" as defined by the Texas Administrative Code. The term expressly includes the following:

- a. *Commercial traveler* – a person who is employed by or who represents a manufacturer, wholesaler, or importer who sells or exhibits goods to parties who engage in the business of purchasing such goods for the purpose of resale to the general public.
- b. *Itinerant merchant* – a person who moves stocks of goods or samples of goods into the Village for the purpose of selling or offering for sale or taking orders for the sale of such goods with the intention of removing such samples or the unsold portion of goods away from the Village before the expiration of one

month and who has no fixed place of business within the Village or county for which definite arrangements have been made for the use, occupancy, hire, rental or lease of such place for a term of at least one month. -

- c. *Peddler* – a person who carries goods upon a truck or other vehicle on the streets of the Village for the purpose of exhibiting, selling, or offering for sale such goods from such truck or other vehicle or who within the Village goes from door to door of residences, public facilities, or businesses to display, sell, offer for sale, or take orders for the sale of goods or to exhibit brochures, sales literature or price lists for the purpose of taking orders for the sale of goods or who within the Village exhibits, sells, offers for sale or takes orders for the sale of goods from a vacant lot, parking lot, tent, boat, storage bin, stall or unenclosed structure.
- d. *Transient Vendor* – a person who within the Village engages in the temporary business of exhibiting, delivering, selling or offering for sale any goods or exhibiting brochures, sales literature, or price lists for the purpose of taking orders for the sale of goods and who has no fixed place of business within the Village or county that is used, occupied, hired, rented, or leased for a period of at least one month for the purpose of operating or conducting such business thereon.
- e. *Mobile Food Unit/Vendor*: Any person who sells food products or takes food product orders from house to house, from place to place, or in a stationary location in the Village limits, and who sells such food out of a vehicle, wagon, cart or other conveyance used in the transportation of such food. All mobile food units must conform to the Bell County Health Districts mobile food unit regulation/specifications. Mobile Food Unit/Vendors may only sell consumable food or beverages. (Also see Zoning Ordinance definitions and Use Chart.) For purposes of this Ordinance, the term “itinerant vendor” does not include the following: persons who make such sales sporadically for the purposes of raising funds for an incorporated charitable, fraternal, educational or religious institutions; street musicians who play free of charge but accept donations; garage sales; produce stands where vendors sell fruits and/or vegetables grown in Bell County.

2.3. **Garage Sale:** includes the sale of anything of value on any premises not considered a retail business establishment and permitted to do business in the Village of Salado, and/or the State of Texas. For purposes of this Ordinance, the term includes and is synonymous with estate sales, patio sales, rummage sales, and yard sales.

3.4. **Goods:** means tangible chattels of every kind and character.

4.5. **Person:** means an individual, corporation, organization, government agency, business, trust, partnership, association, or any other legal entity.

5.6. **Place of business:** means an established outlet, office, or location operated by a retailer, the retailer's agent, or the retailer's employee for the purpose of receiving orders for taxable items. The term "place of business" includes any location at which three or more orders are received by the retailer in a calendar year. A location such as

a warehouse, storage yard, or manufacturing plant is not a "place of business," unless

at least three orders for taxable items are received by the retailer at the location during a calendar year.

~~6.7.~~ **Retailer:** means a person who sells tangible goods by small quantities, in broken lots or parcels (e.g., not in bulk) directly to the consumer, in contrast to a sale for further sale or processing.

8. **Special Event:** means a temporary event, gathering or organized activity, on city-owned or private property including but not limited to parades, bike races, marathons, walk-a-thons, fireworks displays, concerts, carnivals, or other types of races, festivals or gatherings, involving fifty (50) or more persons not related by consanguinity (blood/adoption) or affinity (marriage).

7.9. **Village:** means the Village of Salado, an incorporated municipality located in Bell County, Texas. The term may also refer to employees, agents or other designee of the Board of Aldermen of the Village of Salado.

2. GENERAL PROHIBITIONS

A. Rights of Way

No person shall display, sell, or solicit orders for any goods within ten six (610) feet of any state, federal or local public street or roadway. ~~state, federal or local.~~

~~This section does not apply to vending machines or newspaper stands that are secured to ensure the safety of pedestrians and do not obscure the line of sight or otherwise hinder operators of motor vehicles~~

B. Hours of Operation

No person may make solicitations to private residences, public facilities, and businesses except between the hours of 9:00 a.m. and 7:00 p.m., unless otherwise posted by the private property owner, or by someone with apparent authority to act for the owner. ~~This section does not apply where the person is on the property by express prior invitation of the person residing on the premises.~~

No person may make solicitations to public facilities and businesses except between the hours of 9:00 a.m and 10:00 p.m. unless otherwise posted by the private property owner. ~~or by someone with apparent authority to act for the owner.~~

C. Property Owners

No property owner shall knowingly allow the owner's property to be used or occupied by an itinerant vendor who conducts thereon a business operation or who exhibits or offers for sale goods without first obtaining a permit as required by the provisions of this ordinance.

D. No person shall display, sell, or solicit orders for any goods or foods within required parking spaces of commercial businesses.

E. No person shall display, sell or solicit orders for any goods or foods within a zoning district that does not permit such land use.

3. PERMITS

A. Permit Required

No itinerant vendor, Peddler or Food Trailer shall operate within the Village without first applying for and receiving a permit from the Village. Permits are nontransferable and may not be assigned or conveyed to other persons. This section shall NOT APPLY to any of the following:

1. Sales or exhibits at fairs, festivals, rodeos, conventions, or special events on private or public property sponsored by the property owner or by the Village or one (1) or more Village civic organization, school, church or the chamber of commerce.
2. Sales or exhibits at fairs, festivals, rodeos, conventions, or special events on private or public property sponsored by the property owner and the property owner has obtained an special event permit from the Village.
- ~~3. Charitable solicitations by incorporated charitable, fraternal, educational or religious institutions.~~

~~B. Interstate Commerce~~

~~This division does apply to transient vendors, itinerant merchants and peddlers involved in interstate commerce, as the Board finds the permit procedure and fee does not unduly burden interstate commerce.~~

~~C.B. Application~~

~~An application for a permit required by this ordinance shall be made in person by the persons requesting such permit upon forms available through the office of the Village Secretary. Applications must be submitted at least 72 hours prior to date of vending. Applications must be submitted to the Village Secretary or Municipal Inspector. A separate permit and application shall be required for each person who engages in the activities of an itinerant vendor, including each employee, agent, or consignee who engages in such activity. Such application form shall provide a space for the following information which must be furnished by the applicant:~~

1. The name, current and former residence and business address, current residence and business telephone number, and occupation of applicant. If applicable, the local address and telephone number where the applicant may be reached.
2. the social security number (if does not possess a valid Driver's License) and birth date of the applicant, valid driver's license number, expiration date and state issuing it.
3. a physical description of the applicant which includes race, gender, height, weight, hair and eye color.
4. two recent photographic likenesses of the applicant's face, which photographs shall not be less than one inch square or larger than two inches square in size. One photograph shall be kept with the application and one photograph shall be attached to the permit.
5. a valid state driver's license. Only non-drivers may submit other positive identification

- issued to the applicant by a governmental agency and the state issuing it.
6. a description of the goods to be sold, including brand name, if any. If the goods are to be shipped, the name, address and telephone number of the manufacturing location and/or shipping location.
 7. the address of the location from which such goods shall be displayed to the public or offered for sale or a statement that the applicant will travel from door-to-door for the purpose of exhibiting or offering goods for sale. If the activity is to be located at a specific address, a site plan must be submitted demonstrating the location in which the display/sale will occur, and depicting compliance with sections 2A and 2D of this ordinance.
 8. the name, address and telephone number of the owner of the property at such location.
 - 8.9. written consent by the owner or the duly authorized agent of the owner of the property at the location from which the applicant proposes to offer the goods for sale;
 - 9.10. if the goods to be sold are transported in or displayed from a vehicle, the vehicle owner's name, address and telephone number and the vehicle's make, model color, description, identification number/license plate number, and permit number.
 - 10.11. statement that the applicant has not been convicted within the last five years of a felony offense.
 - 11.12. such other information as may be required to complete an investigation as to the fitness of the applicant to conduct such business operation.
 - 12.13. Mobile Food Units/Vendors must submit: 1) a plan, description, and photo of the unit, 2) a site plan as required herein, 3) a copy of the permit issued by the from Health Department or Texas Department of State Health Services, 4) a list of

Foods and beverages to be served on the unit, 5) a statement indicating the source of the item and when and where it will be prepared, a copy of Fire Chief/Marshall inspection and 6) a copy of the state sales tax certificate.

D.C. Consent from Property Owner

If the applicant proposes to display goods to the public or to offer such goods or foods for sale from a designated location, the application shall be accompanied by a written permittsion signed by the owner or the duly authorized agent of the owner of the property at the location from which the applicant proposes to display or to offer for sale any goods. Such permit shall state that said owner consents that the applicant may use and occupy such property for the purpose of selling or offering for sale such goods.

E.D. Tax Collection

If state law and/or Village regulations require that sales tax must be paid upon the purchase of such goods as the applicant proposes to offer for sale, the applicant shall possess a valid sales tax permit issued by the office of the comptroller of accounts of the State. Failure to display this permit will be cause to remove vendor from the Village. The local sponsor/organizer of a fair, festival, rodeo, convention, or event sponsored by the property owner, Village or civic organization is required to furnish the following information, listed on the Texas Sales Tax and Use Permit of each vendor to the Village Secretary within five (5) working days after conclusion of the event/permit

- a. Taxpayer name
- b. Business Location Name
- c. Taxpayer number

F.E. Other Authorities

Each applicant who proposes to sell or offer for sale goods consisting in whole or in part for human consumption shall secure on the application form for permit hereunder the signature of the public health officer of the county and/or Village indicating that such goods meet minimum food standards of the state.

All applicants who propose to sell or offer for sale goods consisting in whole or in part for human consumption shall acquire and provide to the city a food handlers permit from a county health department.

G.F. Grounds to revoke or deny

The Village Administrator or Village Secretary ~~Secretary or the Board of Aldermen's designated representative~~ may deny or revoke a permit for an itinerant vendor for any of the following reasons:

- 1. the applicant does not present a valid state driver's license or, if allowed, other positive identification by a governmental agency;
- 2. the applicant does not complete the application form and procedure;
- 3. the applicant or the proposed activity of the applicant does not comply with applicable Village ordinances and codes, including building codes and the county or state health codes;
- 4. the applicant makes false or fraudulent statements on the application form;

5. the applicant or permit is found after investigation to be misrepresenting or making false statements in regard to his authority to sell such goods;
6. within the last five years the applicant has been convicted of a felony;
7. within the last five years the applicant or permittee has been convicted in a court of proper jurisdiction of violating this ordinance at any time;
8. upon recommendation from the Chief of Police or Code Officer that the permit be revoked because the conduct of the permittee or the manner in which the permittee is conducting his business operation endangers the health or safety of a citizen of the Village or a visitor within the Village.
9. The applicant does not comply with the representations made in the application or with the terms of the permit.
- 8-10. The applicant fails to comply with any provision of this ordinance.

H.G. Appeal

If the applicant for a permit under this ordinance or the holder of such a permit is dissatisfied with any holding or finding of the Village Administrator, Village Secretary or the Code Officer he shall have the right to appeal to the Board of Aldermen by filing a written notice of such appeal with the Village Secretary within ten (10) days from the decision by the Village Administrator, Village Secretary or Code Officer. Upon the filing of such notice of appeal, the application for the permit and all papers possessed by the Village Secretary in connection with such application and such permit may be delivered to the Board of Aldermen. The appeal shall be heard by the Board at the next regular meeting after the filing of the notice of appeal that allows compliance with the Texas Open Meetings Act.

I.H. Fees and Terms

Any person who is required to obtain a permit by the provisions of this ordinance may apply for a three dayone-day, or 7 daythirty-day permit. Any person who is required to obtain a permit and is a Mobile Food Unit/Vendor, may also apply for a or a six-month permit. No person may apply for more than four (4) permits per year.

- (1) When a onethree-day permit is issued to any such person, the applicant shall pay, at the time the application is submitted, to the Village Secretary a permit fee of fifty (\$50.00) dollars.
- (2) When a seventhirty-day permit is issued to any such person, the applicant shall pay, at the time the application is submitted, to the Village Secretary a permit fee of seventy-five (\$75.00) dollars.
- (3) When a six-month permit is issued to any such person, such person shall pay, at the time the application is submitted, to the Village Secretary a permit fee of one hundred (\$100.00) dollars. No permit, except a Mobile Food Unit/Vendor permit, issued under the provisions of this ordinance shall be issued for a longer period than six months.
- (3) When a Mobile Food Unit/Vendor permit is issued to any such person, such person shall pay, at the time the application is submitted, to the Village Secretary a permit fee of fivetwo hundred (\$5200.00) dollars.
- (5)(4) Not later than three (3) business days after a completed application is filed, the applicant shall be notified in writing of the decision of the issuance or denial of the permit unless the day filed is a Thursday or Friday. Then the applicant shall be notified not later than six (6) business days after a completed application is filed.

J.I. Display of Permit

Any person issued a permit pursuant to the provisions of this ordinance must exhibit in plain view to all present the permit and the photo identification.

K.J. Records

The Village Secretary shall keep a record of each permit issued for a minimum of twelve months after issue date.

L.K. Warranties and Claims

Any person required to obtain a permit under the provisions of the ordinance must display at all times during which such person is doing business, a sign lettered in two-inch letters and visible to all present specifying the type and duration of any warranties made on such goods and the address where any purchaser may make a claim for breach thereof.

M.L. Trespass

No person, including the holder of any permit issued under this ordinance, shall to enter upon the land or premises of another after receiving notice from the owner and/or resident that such entry is forbidden. A sign on the premises stating approximately “No Solicitors Commercial or Charitable” or “No Solicitors Except for Non-Profit Organizations”, shall constitute notice. A conviction for the violation of this section shall result in the automatic revocation of such convicted person’s peddler’s and solicitor’s permit.

4. ENFORCEMENT

A. Nuisance

The Village shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

B. Criminal Prosecution

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00) per offense. Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

C. Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the Village’s right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

1. injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
2. a civil penalty up to one hundred dollars (\$100.00) a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
3. other available relief.

5. RELATION TO OTHER ORDINANCES

This ordinance is enacted in addition to other regulations adopted by the Village. When possible, ordinances addressing the same topic shall be read together in harmony. When Village regulations conflict, the most stringent shall govern unless a variance is granted.

6. REPEALER

This ordinance, upon its enactment and effective date, shall repeal all conflicting provisions that may be contained in other Village ordinances or regulations. This ordinance, upon its enactment, replaces Ordinance No. 2008.03 and its amendments in their entirety.

7. SEVERABILITY

It is hereby declared to be the intention of the Board of Aldermen that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, and the remainder of this ordinance shall be enforced as written.

8. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

8.9. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this ordinance was 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 Texas Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED on this the 2015th day of January~~October~~, 2014~~5~~, by a vote of _____ ayes, _____ nays, and _____ abstentions of the Board of Aldermen.

THE VILLAGE OF SALADO

Merle Staley~~up~~Skip Blancett, Mayor

ATTEST:

Dianna Zulauf, Village Secretary

Village of Salado

Ordinance No. 2015.01
Village of Salado
County of Bell
State of Texas
January 15, 2015

ITINERANT VENDOR ORDINANCE

AN ORDINANCE OF THE VILLAGE OF SALADO DECLARING CERTAIN UNPERMITTED SOLICITATIONS BY ITINERANT VENDORS TO BE A NUISANCE, ENACTING SOLICITATION REGULATIONS, AND REPEALING SOLICITATION ORDINANCE NO. 2011.05 AND ITS AMENDMENTS AND REPLACING WITH THIS ORDINANCE, AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; A POPULAR NAME; PURPOSE; DEFINITIONS; GENERAL PROHIBITIONS; LICENSING REQUIREMENTS; SEVERABILITY; EFFECTIVE DATE; ENFORCEMENT INCLUDING CRIMINAL FINES NOT TO EXCEED \$500 AND CIVIL PENALTIES NOT TO EXCEED \$100 PER OFFENSE AND INJUNCTIVE RELIEF; AND PROPER NOTICE AND MEETING

WHEREAS, the Board of Aldermen of the Village of Salado is committed to protecting Village citizens from the harassment, annoyance, and questionable services commonly associated with certain itinerant vendors and vagrant merchants; and

WHEREAS, the Board of Aldermen seeks to keep the public rights-of-way free of clutter and the visual distractions that often accompany certain merchants soliciting customers along streets and roadways; and

WHEREAS, the Board of Aldermen finds that certain itinerant vendors constitute a public nuisance worthy of government regulation; and

WHEREAS, the Board of Aldermen has the general statutory authority, pursuant to Texas Local Government Code Chapter 51, to adopt an ordinance, rule or police regulation that is for the good government, peace, and order of the Village; and

WHEREAS, the Board of Aldermen has the specific statutory authority, pursuant to Texas Local Government Code Chapter 217, to prevent and punish a person engaging in a breach of the peace and to suppress and prevent any noise or disturbance in any public or private place in the Village; and

WHEREAS, the Village of Salado has the authority to permit, tax, suppress, prevent, or otherwise regulate hawkers, and peddlers pursuant to its general police powers and Section 215.031 of the Texas Local Government Code; and

NOW THEREFORE, be it ordained by the Board of Aldermen of the Village of Salado, Texas:

1. INTRODUCTION

A. POPULAR NAME

This Ordinance shall commonly be referred to as the "Itinerant Vendor Ordinance."

B. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the Board of Aldermen of the Village of Salado and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

C. PURPOSE

It is the intent and purpose of this Ordinance to protect residents and other citizens of Salado from unscrupulous transient merchants.

D. SCOPE

This Ordinance provides regulatory standards throughout the Village's incorporated municipal boundaries (i.e., city limits).

E. DEFINITIONS

Words and phrases used in this Ordinance shall have the meanings set forth in this section. Words and phrases which are not defined in this Ordinance but are defined in other ordinances of the Village of Salado shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this Ordinance.

1. **Applicant:** Any itinerant vendor or person authorized by an itinerant vendor seeking an approval from the City to sell goods or foods of any type or solicit business.
2. **Itinerant vendor:** means a retailer who does not operate any "place of business" as defined by the Texas Administrative Code. The term expressly includes the following:
 - a. *Commercial traveler* – a person who is employed by or who represents a manufacturer, wholesaler, or importer who sells or exhibits goods to parties who engage in the business of purchasing such goods for the purpose of resale to the general public.
 - b. *Itinerant merchant* – a person who moves stocks of goods or samples of goods into the Village for the purpose of selling or offering for sale or taking orders for the sale of such goods with the intention of removing such samples or the unsold portion of goods away from the Village before the expiration of one month and who has no fixed place of business within the Village or county for

which definite arrangements have been made for the use, occupancy, hire, rental or lease of such place for a term of at least one month.

- c. *Peddler* – a person who carries goods upon a truck or other vehicle on the streets of the Village for the purpose of exhibiting, selling, or offering for sale such goods from such truck or other vehicle or who within the Village goes from door to door of residences, public facilities, or businesses to display, sell, offer for sale, or take orders for the sale of goods or to exhibit brochures, sales literature or price lists for the purpose of taking orders for the sale of goods or who within the Village exhibits, sells, offers for sale or takes orders for the sale of goods from a vacant lot, parking lot, tent, boat, storage bin, stall or unenclosed structure.
 - d. *Transient Vendor* – a person who within the Village engages in the temporary business of exhibiting, delivering, selling or offering for sale any goods or exhibiting brochures, sales literature, or price lists for the purpose of taking orders for the sale of goods and who has no fixed place of business within the Village or county that is used, occupied, hired, rented, or leased for a period of at least one month for the purpose of operating or conducting such business thereon.
 - e. *Mobile Food Unit/Vendor*: Any person who sells food products or takes food product orders from house to house, from place to place, or in a stationary location in the Village limits, and who sells such food out of a vehicle, wagon, cart or other conveyance used in the transportation of such food. All mobile food units must conform to the Bell County Health Districts mobile food unit regulation/specifications. Mobile Food Unit/Vendors may only sell consumable food or beverages. (Also see Zoning Ordinance definitions and Use Chart.) For purposes of this Ordinance, the term “itinerant vendor” does not include the following: persons who make such sales sporadically for the purposes of raising funds for an incorporated charitable, fraternal, educational or religious institutions; street musicians who play free of charge but accept donations; garage sales; produce stands where vendors sell fruits and/or vegetables grown in Bell County.
- 3. **Garage Sale**: includes the sale of anything of value on any premises not considered a retail business establishment and permitted to do business in the Village of Salado, and/or the State of Texas. For purposes of this Ordinance, the term includes and is synonymous with estate sales, patio sales, rummage sales, and yard sales.
 - 4. **Goods**: means tangible chattels of every kind and character.
 - 5. **Person**: means an individual, corporation, organization, government agency, business, trust, partnership, association, or any other legal entity.
 - 6. **Place of business**: means an established outlet, office, or location operated by a retailer, the retailer's agent, or the retailer's employee for the purpose of receiving orders for taxable items. The term "place of business" includes any location at which

three or more orders are received by the retailer in a calendar year. A location such as a warehouse, storage yard, or manufacturing plant is not a "place of business," unless at least three orders for taxable items are received by the retailer at the location during a calendar year.

7. **Retailer:** means a person who sells tangible goods by small quantities, in broken lots or parcels (e.g., not in bulk) directly to the consumer, in contrast to a sale for further sale or processing.
8. **Special Event:** means a temporary event, gathering or organized activity, on city-owned or private property including but not limited to parades, bike races, marathons, walk-a-thons, fireworks displays, concerts, carnivals, or other types of races, festivals or gatherings, involving fifty (50) or more persons not related by consanguinity (blood/adoption) or affinity (marriage).
9. **Village:** means the Village of Salado, an incorporated municipality located in Bell County, Texas. The term may also refer to employees, agents or other designee of the Board of Aldermen of the Village of Salado.

2. GENERAL PROHIBITIONS

A. Rights of Way

No person shall display, sell, or solicit orders for any goods within ten (10) feet of any state, federal or local public street or roadway.

B. Hours of Operation

No person may make solicitations to private residences except between the hours of 9:00 a.m. and 7:00 p.m., unless otherwise posted by the private property owner.

No person may make solicitations to public facilities and businesses except between the hours of 9:00 a.m. and 10:00 p.m. unless otherwise posted by the private property owner.

C. Property Owners

No property owner shall knowingly allow the owner's property to be used or occupied by an itinerant vendor who conducts thereon a business operation or who exhibits or offers for sale goods without first obtaining a permit as required by the provisions of this ordinance.

D. No person shall display, sell, or solicit orders for any goods or foods within required parking spaces of commercial businesses.

E. No person shall display, sell or solicit orders for any goods or foods within a zoning district that does not permit such land use.

3. PERMITS

A. Permit Required

No itinerant vendor, Peddler or Food Trailer shall operate within the Village without first applying for and receiving a permit from the Village. Permits are nontransferable and may

not be assigned or conveyed to other persons. This section shall NOT APPLY to any of the following:

1. Sales or exhibits at fairs, festivals, rodeos, conventions, or special events on private or public property sponsored by the Village or one (1) or more Village civic organization, school, church or the chamber of commerce.
2. Sales or exhibits at fairs, festivals, rodeos, conventions, or special events on private or public property sponsored by the property owner and the property owner has obtained a special event permit from the Village.
3. Charitable solicitations by incorporated charitable, fraternal, educational, or religious institutions.

B. Application

An application for a permit required by this ordinance shall be made by the persons requesting such permit upon forms available through the office of the Village Secretary. Applications must be submitted at least 72 hours prior to date of vending. Applications must be submitted to the Village Secretary. A separate application shall be required for each person who engages in the activities of an itinerant vendor, including each employee, agent, or consignee who engages in such activity. Such application form shall provide a space for the following information which must be furnished by the applicant:

1. The name, current and former residence and business address, current residence and business telephone number, and occupation of applicant. If applicable, the local address and telephone number where the applicant may be reached.
2. The social security number (if does not possess a valid Driver's License) and birth date of the applicant, valid driver's license number, expiration date and state issuing it.
3. A physical description of the applicant which includes race, gender, height, weight, hair and eye color.
4. Two recent photographic likenesses of the applicant's face, which photographs shall not be less than one inch square or larger than two inches square in size. One photograph shall be kept with the application and one photograph shall be attached to the permit.
5. A valid state driver's license. Only non-drivers may submit other positive identification issued to the applicant by a governmental agency and the state issuing it.
6. A description of the goods to be sold, including brand name, if any. If the goods are to be shipped, the name, address and telephone number of the manufacturing location and/or shipping location.
7. The address of the location from which such goods shall be displayed to the public or offered for sale or a statement that the applicant will travel from door-to-door for the purpose of exhibiting or offering goods for sale. If the activity is to be located at a specific address, a site plan must be submitted demonstrating the location in which the display/sale will occur, and depicting compliance with sections 2A and 2D of this ordinance.
8. The name, address and telephone number of the owner of the property at such location.
9. Written consent by the owner or the duly authorized agent of the owner of the property at the location from which the applicant proposes to offer the goods for sale;

10. If the goods to be sold are transported in or displayed from a vehicle, the vehicle owner's name, address and telephone number and the vehicle make, model, color, description, identification number/license plate number, and permit number.
11. Statement that the applicant has not been convicted within the last five years of a felony offense.
12. Such other information as may be required to complete an investigation as to the fitness of the applicant to conduct such business operation.
13. Mobile Food Units/Vendors must submit: 1) a description, and photo of the unit, 2) a site plan as required herein, 3) a copy of the permit issued by the Health Department or Texas Department of State Health Services, 4) a list of foods and beverages to be served on the unit, 5) a statement indicating the source of the item and when and where it will be prepared, and 6) a copy of the state sales tax certificate.

C. Consent from Property Owner

If the applicant proposes to display goods to the public or to offer such goods or foods for sale from a designated location, the application shall be accompanied by written permission signed by the owner or the duly authorized agent of the owner of the property at the location from which the applicant proposes to display or to offer for sale any goods. Such permit shall state that said owner consents that the applicant may use and occupy such property for the purpose of selling or offering for sale such goods.

D. Tax Collection

If state law and/or Village regulations require that sales tax must be paid upon the purchase of such goods as the applicant proposes to offer for sale, the applicant shall possess a valid sales tax permit issued by the office of the comptroller of accounts of the State. Failure to display this permit will be cause to remove vendor from the Village. The local sponsor/organizer of a fair, festival, rodeo, convention, or event sponsored by the property owner, Village or civic organization is required to furnish the following information, listed on the Texas Sales Tax and Use Permit of each vendor to the Village Secretary within five (5) working days after conclusion of the event/permit

- a. Taxpayer name
- b. Business Location Name
- c. Taxpayer number

E. Other Authorities

Each applicant who proposes to sell or offer for sale goods consisting in whole or in part for human consumption shall secure on the application form for permit hereunder the signature of the public health officer of the county and/or Village indicating that such goods meet minimum food standards of the state.

All applicants who propose to sell or offer for sale goods consisting in whole or in part for human consumption shall acquire and provide to the city a food handlers permit from a county health department.

F. Grounds to revoke or deny

The Village Administrator may deny or revoke a permit for an itinerant vendor for any of the following reasons:

1. The applicant does not present a valid state driver's license or, if allowed, other positive identification by a governmental agency;
2. The applicant does not complete the application form and procedure;
3. The applicant or the proposed activity of the applicant does not comply with applicable Village ordinances and codes, including building codes and the county or state health codes;
4. The applicant makes false or fraudulent statements on the application form;
5. The applicant or permit is found after investigation to be misrepresenting or making false statements in regard to his authority to sell such goods;
6. Within the last five years the applicant has been convicted of a felony;
7. Within the last five years the applicant or permit has been convicted in a court of proper jurisdiction of violating this ordinance at any time;
8. Upon recommendation from the Chief of Police or Code Officer that the permit be revoked because the conduct of the permittee or the manner in which the permittee is conducting his business operation endangers the health or safety of a citizen of the Village or a visitor within the Village.
9. The applicant does not comply with the representations made in the application or with the terms of the permit.
10. The applicant fails to comply with any provision of this ordinance.

G. Appeal

If the applicant for a permit under this ordinance or the holder of such a permit is dissatisfied with any holding or finding of the Village Administrator, Village Secretary or the Code Officer he shall have the right to appeal to the Board of Aldermen by filing a written notice of such appeal with the Village Secretary within ten (10) days from the decision by the Village Administrator, Village Secretary or Code Officer. Upon the filing of such notice of appeal, the application for the permit and all papers possessed by the Village Secretary in connection with such application and such permit may be delivered to the Board of Aldermen. The appeal shall be heard by the Board at the next regular meeting after the filing of the notice of appeal that allows compliance with the Texas Open Meetings Act.

H. Fees and Terms

Any person who is required to obtain a permit by the provisions of this ordinance may apply for a three (3) day or seven (7) day permit. Any person who is required to obtain a permit and is a Mobile Food Unit/Vendor, may also apply for a six-month permit. No person may apply for more than four (4) permits per year.

- (1) When a three-day permit is issued to any such person, the applicant shall pay, at the time the application is submitted, to the Village Secretary a permit fee of fifty (\$50.00) dollars.
- (2) When a seven-day permit is issued to any such person, the applicant shall pay, at the time the application is submitted, to the Village Secretary a permit fee of seventy-five (\$75.00) dollars. renewal
- (3) When a Mobile Food Unit/Vendor permit is issued to any such person, such person shall pay, at the time the application is submitted, to the Village Secretary a permit fee of five hundred (\$500.00) dollars.
- (4) Not later than three (3) business days after a completed application is filed, the applicant shall be notified in writing of the decision of the issuance or denial of the permit.

Any person issued a permit pursuant to the provisions of this ordinance must exhibit in plain view to all present the permit and the photo identification.

J. Records

The Village Secretary shall keep a record of each permit issued for a minimum of twelve months after issue date.

K. Warranties and Claims

Any person required to obtain a permit under the provisions of the ordinance must display at all times during which such person is doing business, a sign lettered in two-inch letters and visible to all present specifying the type and duration of any warranties made on such goods and the address where any purchaser may make a claim for breach thereof.

L. Trespass

No person, including the holder of any permit issued under this ordinance, shall to enter upon the land or premises of another after receiving notice from the owner and/or resident that such entry is forbidden. A sign on the premises stating approximately “No Solicitors Commercial or Charitable” or “No Solicitors Except for Non-Profit Organizations”, shall constitute notice. A conviction for the violation of this section shall result in the automatic revocation of such convicted person’s peddler’s and solicitor’s permit.

4. ENFORCEMENT

A. Nuisance

The Village shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

B. Criminal Prosecution

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00) per offense. Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

C. Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the Village’s right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

1. Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
2. A civil penalty up to one hundred dollars (\$100.00) a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
3. Other available relief

5. RELATION TO OTHER ORDINANCES

This ordinance is enacted in addition to other regulations adopted by the Village. When possible, ordinances addressing the same topic shall be read together in harmony. When Village regulations conflict, the most stringent shall govern unless a variance is granted.

6. REPEALER

This ordinance, upon its enactment and effective date, shall repeal all conflicting provisions that may be contained in other Village ordinances or regulations. This ordinance, upon its enactment, replaces Ordinance No. 2011.05 and its amendments in their entirety.

7. SEVERABILITY

It is hereby declared to be the intention of the Board of Aldermen that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, and the remainder of this ordinance shall be enforced as written.

8. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

9. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this ordinance was 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 Texas Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED on this the 15th day of January, 2015, by a vote of _____ ayes, _____ nays, and _____ abstentions of the Board of Aldermen.

THE VILLAGE OF SALADO

Skip Blancett, Mayor

ATTEST:

Village Secretary

BOARD OF ALDERMAN

AGENDA ITEM MEMORANDUM

01/15/14
Item #8
Regular Agenda
Page 1 of 1

DEPT/DIVISION REVIEW: Kim Foutz, Village Administrator

ITEM DESCRIPTION: Presentation, discussion and possible action on a playground canopy donated by the Rotary Club of Salado, for placement covering the primary playground equipment at Pace Park.

STAFF RECOMMENDATION: Staff recommends approval

ITEM SUMMARY AND ANALYSIS: The Rotary Club has proposed donating a metal canopy to cover existing playground equipment located at Pace Park. The canopy is 24'x36'x12' in size and will be installed by Rotary volunteers. The roofing is colored metal with a 40 year warranty and is 28 gauge. As directed, staff has been assured that the Village would not be responsible for any installation costs ie footings etc.

COMPREHENSIVE PLAN/MASTER PLANS: Ensure that adequate parks and open spaces are provided as the Village continues to grow. The Action items did not address playground infrastructure.

FISCAL IMPACT: This is a donated structure therefore the only fiscal impact is on-going maintenance.

ATTACHMENTS:

Resolution accepting gift

Rotary Club cost estimate/proposal



VILLAGE OF SALADO
RESOLUTION

Resolution No. R-2015-109

**A RESOLUTION OF THE BOARD OF ALDERMEN ACCEPTING A
PLAYGROUND CANOPY DONATED BY THE ROTARY CLUB OF
SALADO, TO BE LOCATED AT PACE PARK**

WHEREAS, the Board of Aldermen finds that the Village of Salado strives to provide excellent outdoor recreational facilities for its citizens and guests; and

WHEREAS, the Board of Aldermen finds that the primary playground equipment at Pace Park is not covered by a playground canopy; and

WHEREAS, the Board of Aldermen finds that the outdoor recreational facilities at Pace Park would be improved and enhanced by a canopy covering its primary playground equipment; and

WHEREAS, the Board of Aldermen finds that the Rotary Club of Salado, being a good and philanthropic organization, wishes to donate and erect a playground canopy over the primary playground equipment at Pace Park, at no cost to the Village of Salado.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE
VILLAGE OF SALADO THAT:**

1. The Village of Salado herein and hereby accepts the Rotary Club of Salado's very generous donation of a playground shelter, to be erected at no cost to the Village of Salado and to be erected covering the primary playground equipment at Pace Park.
2. The Rotary Club of Salado shall ensure that the playground canopy comports with all construction requirements.
3. The Village of Salado shall be responsible for the long-term care and upkeep of said canopy upon completion of its construction.

APPROVED AND PASSED this, the 15th day of January, 2015

VILLAGE OF SALADO, TEXAS

Skip Blancett, Mayor

ATTEST:

Village Secretary

Centerline Welding
Curtis Howard
8324 FM 2484
Salado, Texas 76571
254-899-5338

Proposal

DATE	PROPSAL #
11/4/2014	1300

BILL TO
Rotary Club of Salado

ITEM	DESCRIPTION	QTY	RATE	AMOUNT
Materials	Project: Pace Park Playground Canopy Provide materials, labor, equipment, and erection of steel cover over primary playground structures Materials: Columns, 4" Schedule 40 I Beam Trusses, W8 x 10 Purlins, 6" 40 year metal color roof panels, 28 gauge All welds cleaned and entire structure primed.	1		0.00
				7,000.00
	**Preparation of site not included			0.00
		Subtotal		7,000.00
		0% Tax		
		Total		7,000.00

BOARD OF ALDERMAN

AGENDA ITEM MEMORANDUM

1/15/15
Item # 9
Regular Agenda
Page 1 of 2

DEPT/DIVISION REVIEW: Kim Foutz, Village Administrator

ITEM DESCRIPTION: Presentation, discussion and possible action on an agreement with Texas A&M University, Texas Target Communities (TTC) Program to provide planning services for Main Street

STAFF/ALDERMEN RECOMMENDATION: Staff and Alderman Brown recommend approval of this agreement.

ITEM SUMMARY AND ANALYSIS: In the FY 2014-15 budget, the Board of Aldermen approved \$50,000 per year in funding dedicated for Main Street improvements. Based upon this initiative, it has been recommended that the Village bring in subject matter experts to develop a Master Plan that can be followed. A Master Plan is necessary to achieve the following:

- Create a vision for the corridor
- Achieve cohesiveness of the improvements
- Invest in the improvements with a prioritized approach
- Obtain the necessary design concepts required for applying for grants

Highlights of the scope of services include:

- Faculty and project managers will oversee the project which will be accomplished by third year architecture students
- Students and faculty will develop conceptual drawings, renderings, and preliminary design solutions
- Evaluation and recommendations on pedestrian and multi-modal infrastructure, inventory park spaces and community facilities
- Determine connections between destinations and the community.
- Recommendations on streetscape, parks and recreation, community facilities, urban design strategies, and infrastructure
- The original Scope of Services is still under negotiation. Staff is attempting to add the following: public input process, priorities list, and parking evaluation.
- Note: the scope does not include cost estimates for the projects which will be needed for execution of the plan and for grant applications

Please see the attached Scope of Services for consideration.

COMPREHENSIVE PLAN/MASTER PLANS: This item supports Principle 6 – Corridor Design: Ensure

that a positive image of the Village is projected within its major corridors

FISCAL IMPACT: The total agreement cost is \$9,676.11. Funds are available in the Main Street Improvements line item for the FY 14-15 budget year. To date, approximately \$12,000 of the \$50,000 has been spent on Christmas lighting.

ATTACHMENTS:

Texas Target Communities Program of A&M - Scope of Services

Director, John T. Cooper, Jr.
Program Coordinator, Jaimie Hicks Masterson

General Scope of Collaboration between Salado, TX and the Texas Target Communities (TTC) Program at Texas A&M University (TAMU)

Work Plan/ Course Sequence

The development of deliverables is to be incorporated into undergraduate level academic courses under the supervision of faculty members. The Landscape Architecture Studio Course 319, LAND 319, includes approximately 30-40 Bachelor of Landscape Architecture students in their third year of study instructed by Russell W. Reid and Michael Teal within the Department of Landscape Architecture and Urban Planning. The Salado project will be the final project for LAND 319 and will begin on March 23, 2015.

Students and faculty will develop conceptual drawings, renderings, and preliminary design solutions for the study area, approximately one (1) mile along Main St. or FM 2268. Students and faculty will complete a wind shield survey of street conditions; evaluate current status of pedestrian and multi-modal infrastructure; inventory park spaces and other community facilities; and determine connections between destinations within the community. Students and faculty may provide recommendations on a range of subjects including but not limited to streetscape, parks and recreation, community facilities, urban design strategies, and infrastructure. It is important to note that deliverables do not come with construction drawings and are not considered final design solutions. All work and deliverables produced are expected to inspire city staff and residents and should be used to better communicate needs and desires to professional consultants.

Students and faculty will visit the study area on-site on or around Friday, March 27th and/or Saturday, March 28th. The final presentation will be held at the City for city staff and community members between May 5-12, to be determined by the City and course faculty. The following describes the anticipated cost of the project.

Budget & Narrative

- **Personnel Salaries:**
 - Total personnel costs are \$3,806 over 1.5 months, beginning March 2015 through May 2015. This includes \$2,260 for additional time of course faculty, \$750 for the project coordinator, and \$780 for the director and faculty advisor who will meet regularly with the coordinator and course faculty to

Langford Building C 110
3137 TAMU
College Station, TX 77843

Tel. 979.862.1414 Cell. 281.748.5872 Fax 979.845.5121
jmasterson@arch.tamu.edu
www.ttc.arch.tamu.edu

ensure the work is completed on time and to the satisfaction of the City. Estimated salaries include fringe benefits.

- **Travel:**
 - TTC representatives expect to make two formal trips to Salado over the spring of 2015. The first visit will be a day long exploration of city conditions and data collection. The second formal visit will be at the conclusion of the design to present student work to city representatives. One additional trip is budgeted to provide students an additional opportunity to visit on-site and collect any further data. Travel is estimated at \$2,790. Estimated travel costs are based on the standard federal reimbursement for mileage to and from Salado, van rentals, and meals at \$15 per person.

- **Supplies:**
 - One academic course is expected to contribute to achieving project outcomes, including at least 1 faculty and 30-40 students per course. The budget provides each course with a stipend of \$2,000 to cover supplies, prints, copies, site visits and any other costs associated with course deliverables benefiting Salado.

- **Final Production:**
 - Upon completion of the final deliverable, Salado will receive one (1) hard copy report of design solutions and recommendations and one (1) digital copy of final report, including presentations, posters, and other material produced. This is estimated at \$200.

- **Indirect costs (TAMU):**
 - The standard College of Architecture policy to cover overhead and indirect costs for projects of this nature is 10% of the total amount, totaling \$880.

Institution Name	Texas A&M University
Program	
	Texas Target Communities
Partner	City of Salado
Invoicing Period	

	Total
Personnel (Salaries)	\$3,806.46
Personnel (Hourly)	\$0.00
SUB-TOTAL PERSONNEL & BENEFITS	\$3,806.46
Travel	\$2,790.00
Supplies	\$2,000.00
Final production	\$200.00
Contractual (or Consultant Services)	\$0.00
Construction	\$0.00
Other	\$0.00
TOTAL DIRECT COSTS	\$8,796.46
INDIRECT COSTS (overhead/burden)	\$879.65
TOTAL DIRECT & INDIRECT COSTS (Project Total Costs)	\$9,676.11