

ORDINANCE NO. 2017- 12

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, AMENDING ORDINANCE NO. 2015.01 REGULATING ITINERANT VENDORS TO MODIFY THE LICENSE AND FEE PROVISIONS FOR MOBILE FOOD UNITS; PROVIDING THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PRPOVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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 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, in July 2003, the Board of Aldermen adopted Ordinance No. 2003.10 regulating solicitation and itinerant vendor activity within the Village of Salado which was subsequently amended in October 2011 with Ordinance No. 2011-05 which was repealed and replaced in January 2015 with Ordinance No. 2015-01 which established more comprehensive regulations for such activity.

WHEREAS, the Board of Alderman has determined there is a need to clarify the mobile food unit permit requirements for special events and establish a short-term permit for mobile food units.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, BELL COUNTY, TEXAS

Section 1. Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. Amendments.

(A) That Section 3 (A) "Permit Required" of Ordinance No. 2015.01 is hereby amended to read as follows:

"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 approved by the Board of Aldermen.
3. Charitable solicitations by incorporated charitable, fraternal educational, or religious institutions."

(B) That Section 3 (H) "Fees and Terms" of Ordinance No. 2015.01 is hereby amended to read as follows:

"B. Fees and Terms

With the exception of Mobile Food Unit/Vendors, 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 one-year permit or a three (3) day permit. No person, other than Mobile Food Unit/Vendors, may apply for more than four (4) permits per year.

Permit Fees (Mobile Food Unit/Vendors)

- (1) When a three-day Mobile Food Unit/Vendor 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 one-year 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 two hundred fifty (\$250.00) dollars.

- (3) 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."

Permit Fees (Non-Mobile Food Unit/Vendors)

- (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.
- (3) 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."

Section 4. Except as expressly amended herein, the Ordinance No. 2015.01 shall remain in full force and effect.

Section 5. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

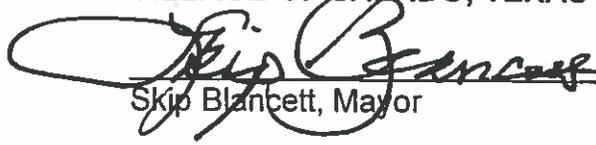
Section 6. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

Section 7. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

Section 8. Open Meetings. That 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 Meeting Act, Capt. 551, Loc. Gov't. Code.

5 PASSED AND APPROVED this 9th day of November 16, 2017, by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain) vote of the Board of Aldermen of the Village of Salado, Texas.

VILLAGE OF SALADO, TEXAS


Skip Blancett, Mayor

ATTEST:


Cara McPartland, City Secretary

