

ORDINANCE NO. 120114

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CRANDALL, TEXAS; PROVIDING FOR THE REGULATION OF ITINERANT MERCHANTS WITHIN THE CITY AMENDING CHAPTER 4 SECTION 4.03.001 OF THE CITY OF CRANDALL CODE OF ORDINANCES; PROVIDING CRIMINAL PENALTIES; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRANDALL AS FOLLOWS:

PART 1 Enacted.

THAT, the following regulations regarding Itinerant Merchants are hereby adopted and as adopted shall read as follows:

**CHAPTER 4
BUSINESS REGULATIONS**

ARTICLE 4.03

ITINERANT MERCHANTS

Sec. 4.03 Purposes and Definitions

(a) The purpose of this article is regulatory so as to generally require registration and identification of persons conducting commercial solicitation; and to protect the health, life, property and welfare of the citizens of the city against unwarranted and unreasonable solicitations.

(b) The term "Itinerant Merchant," as used in this article shall mean and include all peddlers, solicitors, hawkers, canvassers, itinerant merchants or vendors and transient merchants or vendors of goods, wares, merchandise, services or any other articles. Shall also include any persons, partnerships, firms, or corporations soliciting, exhibiting, selling, taking orders for, or offering to sell or take orders for such goods, wares, merchandise, meat, fish, publications, or services upon or from a truck or other vehicle.

Permit ~ It shall be unlawful for any Itinerant Merchant to engage in the business of selling, displaying, offering for sale of any food, beverages, goods, services, or merchandise within the City of Crandall without first obtaining a permit from City Hall. Itinerant Merchants, vendors and their associates will be issued a permit ID card by the Permit Clerk after review by the Chief of Police, showing the individual's name, the address wherein the vending

business is to be conducted, the individual's driver's license number and the effective period of the permit and shall display the permit ID card on their person at all times.

Permitted Hours of Operation ~ Vendors shall be allowed to engage in the business of vending only between the hours of 7:00 am and 7:00 pm or as approved by the City Manager or his/her designee. All stands and other vending operations must be removed during non-operating hours.

Signage ~ Itinerant Merchants shall be allowed a single temporary detached sign to advertise the business, subject to the following standards:

- A vendor may have a maximum of two signs upon the vehicle or vendor structure. A third sign is allowed upon the vehicle/structure; however the third sign shall constitute the allowed single detached sign. If two signs or less are utilized on the vehicle structure, then the vendor shall be allowed the single temporary detached sign subject to standards below.
- The sign must remain temporary and no permanent installation shall be allowed unless permitted under the City of Crandall Sign Ordinance. The sign should be anchored or stabilized to prevent wind damage.
- Height of the sign shall not exceed six feet from the surface of the ground.
- Overall sign dimensions shall not exceed 24 square feet. Sign may be dual sided.
- Sign must be a minimum of 5 feet from the property line or curb, whichever is greater.
- Signs may not:
 - Block a sidewalk or other pedestrian path.
 - Impede access to/from a mail box.
 - block a driveway or be located in the turning radius of a driveway
 - be set up in an area where the visual triangle of a driveway would be affected
 - Be within 10 feet of a fire hydrant.
- All Peddler/Vendor signs may not be electronic or have any flashing component(s) upon the sign surface. Battery operated internally lighted signs are allowed.
- All signs must be constructed of weatherproof materials and shall not be constructed of any of the following: Paper, canvas, cloth, cardboard, Styrofoam, or sheet metal.

Stands ~ Vendor stands and/or motor vehicles shall not:

- Exceed 25 feet in total length, 10 feet in width or 13 feet in height;
- Impede access to the entrance or driveway of an adjacent building.
- Must be on an improved surface such as concrete.

Fire Hydrants – Must be 20 feet from fire hydrants.

Handicapped Areas ~ No vendor shall conduct business within 20 feet of any handicapped parking space or access ramp.

Prohibited Areas ~ A vending permit issued pursuant to this ordinance is not valid in public ways or in public places of the City of Crandall. Vendor stands and motor vehicles are

prohibited within 20 feet of a fire hydrant, fire escape, loading zone or driveway of a fire station, police station or hospital.

It shall be unlawful for any vendor to engage in business on any state highway within the City. Furthermore, it shall be unlawful for any vendor to park on any state highway within the City.

Exceptions: Vendors may engage in business or park on a state highway in connection with a special event approved by City Council.

Vendor must have permission to be on private property and must show that permission in writing to City Hall.

Removal of Trash ~ all trash or debris accumulating within 50 feet of any vending stand shall be collected by the vendor and deposited in an authorized trash container. All vendors selling food or beverages must provide at least one trash receptacle adjacent to or as a part of their stand.

Noise ~ No vendor may sound any device, which produces a loud and raucous noise, or use or operate any loudspeaker, public address system, radio sound amplifier, or similar device to attract public attention.

Quarterly Sales and Use Tax Reports ~All vendors shall provide a copy of their quarterly report of sales and use tax receipts to the City Secretary within 30 days of completing such reports.

Motor Vehicles ~ No vendor vending from a motor vehicle shall:

- Stop, stand or park within 20 feet of any intersection;
- Conduct business in such a way as would increase traffic congestion or delay, constitute a hazard to life or property, interfere with an abutting property owner or obstruct access to emergency vehicles.

Application/Permit Fee~ there shall be charged a \$100.00 non-refundable application fee to cover the cost of reviewing the application. The application and permit fee shall be paid to the Permit Tech.

Duration of Permit~ All permits issued under the provisions of this chapter shall be, except as provided specifically otherwise, for a period of (60) days from the date of issuance.

ANY PERMIT ISSUED UNDER THIS ORDINANCE MAY BE SUSPENDED OR REVOKED FOR ANY OF THE FOLLOWING REASONS:

- Fraud or misrepresentation in the application.
- Fraud or misrepresentation in the course of conducting the business of vending.
- Conducting the business of vending in any way contrary to the provisions of this ordinance.

- Conducting the business of vending in such a manner as to create a public nuisance or constitute a danger to the public health, safety or welfare.
- Conviction of any felony offense or any misdemeanor offense involving moral turpitude while holding a vendor/peddler permit from the City of Crandall.
- Suspension or cancellation of any license issued by the Texas Department of Health Services.
- Arrears (90 days or more) of sales and use tax due the State Comptroller.
- Failure to submit quarterly sales tax report to the City Secretary.
- Violation of any city ordinance or law of the state in connection with any Itinerant Merchant.

Part 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Part 5. Penalty

Any person, firm or corporation violating any provisions of this ordinance or failing to observe and provisions hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$500.00 and each and every day or fraction of a day during which this ordinance or any part thereof, shall be violated, shall be deemed a separate offense and punishable as such.

Part 4. Publication

The City Secretary is authorized and direct to publish the caption and penalty prescribed by this ordinance in accordance with State Law

Part 5. Effective Date.

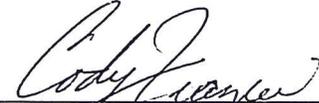
This ordinance shall be in force and effect from and after its publication.

Effective date.

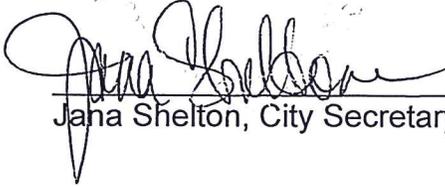
This ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the 5th of January 2015

CITY OF CRANDALL


Cody Frazier, Mayor

ATTEST:



Jana Shelton, City Secretary