

ORDINANCE NO. 2003-75

AN ORDINANCE OF THE TOWN OF TALTY, TEXAS, PROHIBITING STREET VENDORS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF TALTY, TEXAS:

SECTION 1. That the general ordinances of the Town of Talty, Texas, be and are hereby amended to prohibit street vendors and itinerant merchants under the conditions and circumstances set forth as follows:

- (a) It shall be unlawful for any person to peddle, solicit, sell, offer for sale, or exhibit for sale any merchandise upon any public sidewalk, street, street right-of-way, parkway, or other public right-of-way, except that it shall be lawful for any person to engage in mobile vending operation involving food products upon any street, public street, street right-of-way, provided such person has previously obtained a permit from the Town and submitted the appropriate permit fee.
- (b) No person shall engage in or attempt to engage in any mobile vending operation involving food products on any public street which is not residential in character, on any street which includes four (4) or more marked traffic lanes, or within the limits of any Town park. No person shall have any exclusive right to any location in the public streets or rights-of-way, or alleys, nor shall any person be permitted to operate in any area where such operations might impede or inconvenience the public. For purposes of this ordinance, the judgment of a police officer or the Town Marshal, exercised in good faith, shall be prima facia evidence as to whether the public is impeded or inconvenienced.

(c) Any person engaged in or who attempts to engage in mobile vending operations involving food products shall stop his motor vehicle only in immediate response to a direct request from a potential customer and for a period not to exceed fifteen (15) minutes. All persons engaged in mobile vending operations involving food products shall comply with all traffic laws and parking regulations. Sales and deliveries of products shall not be made from any part of the vehicle away from the curbside.

SECTION 2. That all provisions of the ordinances of the Town of Talty in conflict with the provisions of this ordinance be and the same are hereby repealed, and all other provisions of the ordinances of the Town of Talty not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That 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 Comprehensive Zoning Ordinance as a whole.

SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall upon conviction be punished by a fine not to exceed the sum of Five Hundred (\$500.00) Dollars for each offense.

SECTION 5. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED by the Board of Aldermen of the Town of Talty, Texas, on the 9th day of December, 2003.

APPROVED:

Allison Weaver, MAYOR

ATTEST:

Carla Milligan, TOWN SECRETARY

APPROVED AS TO FORM:

TOWN ATTORNEY

(60979)

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