



CITY OF BANDERA

511 Main St. • PO Box 896 • Bandera, Texas 78003 • P: (830) 796-3765 • F: (830) 796-4247

Temporary Vendor Permit Application

THE APPLICATION DEADLINE IS THE WEDNESDAY BEFORE THE EVENT AT 5:00 PM

Applications received after the deadline are subject to a \$50 late fee. Permits are required. Any vendor found selling without a permit issued by the City of Bandera will incur a \$250.00 fine for the 1st offense.

Applications can be submitted either in person, by mail to PO Box 896 or by email to:

stephanie.biggs@banderatx.gov

YOU CANNOT APPLY FOR A PERMIT OVER THE PHONE

Permit fees are non-refundable & can be paid in person with cash, check or card. Checks can be mailed to PO Box 896. Online payments can be made @ <https://www.municipalonlinepayments.com/banderatx>

- Daily \$20.00
- Weekend/72 Hours \$50.00
- Monthly \$60.00
- Annual Bandera Business Ass'n Market Days \$175.00
- Annual Chamber of Commerce Events \$125.00
- Annual BBA / Chamber Combo \$300.00
- Non-profit – FREE

Only fill out the section that pertains to the items you sell. If you are selling in both Trade & Food categories fill in section 1 completely and then list the items sold in any other applicable section. Applications received without the required documents will be considered incomplete and a permit will not be issued.

Section 1: Trades Vendor (Includes pre-packaged food items)

Section 2: Food Vendor

Section 3: Cottage Law Vendor*

Required documents for Section 1 Trades Vendor:

- A valid driver's license
- State sales tax certificate
- proof of non-profit status (if applicable)

Section 1 Trades Vendor Information:

Name: _____

Business or organization: _____

Address: _____

Phone number: _____ Email: _____

List of items to be sold: _____

If you are not a Food or Cottage Law vendor, skip to page 3

Required documents for Section 2 Food Vendor:

- A valid driver's license
- State Sales tax certificate
- Proof of non-profit status (if applicable)
- Certificate of Insurance
- Texas State Health Permit (Food vendors operating at a fixed location for more than 14 days) **OR**
- Food Handler's Certificate & a DSHS Temporary Food Establishment Event Permit (Food vendors operating at an event for 14 days or less)

Section 2 Food Vendor Information:

Name: _____

Business or organization: _____

Address: _____

Phone number: _____ Email: _____

List of food items to be sold: _____

Required documents for Section 3 Cottage Law Vendor:

- A valid driver's license
- State Sales tax certificate
- Food Handler's Card (required by State of Texas)
- Certificate of Insurance
- Proof of non-profit status (if applicable)

Section 3 Cottage Law Vendor Information:

Name: _____

Business or organization: _____

Address: _____

Phone number: _____ Email: _____

List of cottage law food items to be sold: _____

*Refer to the Food Vendor information sheet for a list of allowable items under Cottage Law.

Location:

Every event requires its own application and fee. Bandera Business Ass'n & Chamber of Commerce organized events:

- Market Days ____
- Riverfest ____
- National Day of the American Cowboy ____
- Cowboy Mardi Gras ____
- Stampede Market Day ____
- Round Up Market Day ____
- Other ____

Non-organized Events are allowed in areas P4, P5 & P6 of the City. Requirements for these areas:

- ❖ **Place Types P4 & P5 – Submit a letter of permission from the business/private property owner with this application**
- ❖ **Place Type P6 – Approval from the City of Bandera**
- ❖ **Permits are site and date specific**

LEAVE THIS SECTION BLANK IF YOU ARE PART OF AN ORGANIZED EVENT

Private Property Set-up Info:

Business name where you are setting up: _____

Name of Owner: _____

Address: _____ Phone number: _____

Place Type / Character District _____

Start Date: _____

End Date: _____

Vendor Signature: _____

Date: _____

FOR CITY USE ONLY	
Permit Number: _____	Date Received: _____
Approved by: _____	Notes: _____

Chapter 4. Business Regulations

ARTICLE 4.03. PEDDLERS AND SOLICITORS

Division 1. In General

§ 4.03.001. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aggressive manner. Other than actions that would violate existing state law, actions or behaviors described as "aggressive manner" include, but are not to be limited to:

- (1) Touching, tapping or hitting any part of a motor vehicle occupied by a person being solicited, unless such touching is with the express permission of the occupant.
- (2) Blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle to take evasive action to avoid physical contact with the person making the solicitation.
- (3) Approaching or following the person being solicited in a manner that is:
 - (A) Hostile or forceful and likely to cause a reasonable person to fear imminent bodily harm to a person or their property.
 - (B) Reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.
- (4) Continuing to solicit a person after the person has made a negative response.

Camp. To reside temporarily in a place, with shelter.

Canvasser. Any person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, or in the public right-of-way for the primary purpose of:

- (1) Attempting to enlist support for or against a particular religion, philosophy, ideology, even if incidental to such purpose the canvasser accepts the donation for money for or against such cause;
- (2) Distributing a handbill or flyer advertising a noncommercial event or service; or
- (3) Attempting to enlist support for or against a particular political party, issue, or candidate.

Charitable organization. An incorporated or nonincorporated tax exempt body which is created and operated for charitable purposes, employs all its resources to those charitable activities that are under its direct control, does not distribute any part of the income generated for the benefit of any trustee,

trustor, member, or other private individual, and does not contribute to or associate with political organizations.

Handbill/flyer. A printed advertisement or announcement that is intended for wide distribution.

Panhandle. To solicit by spoken, written or by other means of communication an immediate donation or transfer of money or another thing of value from another person, regardless of the panhandler's purpose or intended use of the money or other thing of value, and regardless of whether consideration is offered.

Peddle. And any form of the word, means all activities ordinarily performed by a peddler.

Peddler. Any person who goes upon the premises of any private residence in the city, not having been invited by the occupant thereof, or upon the public right-of-way or in a public area, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale. Peddler does include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good, or service that is offered to a resident for purchase at a different location or time.

Public area. An area to which the public has access and includes, but is not limited to, a sidewalk, street, highway, park, parking lot, alleyway, pedestrian way, or the common area of a school, hospital, apartment house, office building, transportation facility or shop.

Roadway. Includes the roadbed, shoulder, median, curbs, traffic island, sidewalks, and utility easements located adjacent to or near the roadway.

Shelter. Includes a tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of temporary, semipermanent, or permanent shelter, other than clothing or any handheld device, designed to protect a person from weather conditions that threaten personal health and safety.

Solicitation, soliciting, solicited, or any form of the word solicit. Any activities ordinarily performed by a solicitor.

Solicitor.

- (1) Any person who goes upon the premises of any private residence in the city, not having been invited by the occupant thereof, or upon the public right-of-way or in a public area for the purpose of taking or attempting to take orders for the sale of goods, merchandise, wares, or other personal property of any nature for future delivery, or for services to be performed in the future. This definition includes any person who, without invitation, goes upon private property, or in the public right-of-way to:
 - (A) Request contribution of funds or anything of value; or
 - (B) Sell goods or services for educational, political, charitable, religious, or other noncommercial purposes.
- (2) This definition does not include any person who serves as nothing more than an advertisement for a legal enterprise, does not accept or solicit anything of value, and does not enter into the roadbed, median, curbs or traffic island of a roadway.

(Ordinance 427 adopted 5/16/2023)

§ 4.03.002. Purpose.

This article shall be deemed an exercise of the police power of the state and of the city for the public safety, comfort, welfare, convenience and protection of the city and citizens of the city, and all of the provisions hereof shall be construed for the accomplishment of that purpose.

(Ordinance 427 adopted 5/16/2023)

§ 4.03.003. General prohibitions.

- (a) It shall be unlawful for any peddler or solicitor to solicit to sell, offer to sale, take orders for, or offer to take orders for any goods, wares, merchandise, magazines or other things of value without first making application for and obtaining a peddlers' and solicitors' permit from the city marshal's department.
- (b) No peddler, solicitor, canvasser or panhandler shall allow rubbish or litter to accumulate in or around the area in which they are conducting business.
- (c) No peddler, solicitor, canvasser or panhandler shall conduct any business in such a way that would restrict or interfere with the ingress or egress of private property, public areas, or create or become a public nuisance that would increase traffic congestion or delay or constitute a hazard to traffic, life or property, or an obstruction to marshals, fire, EMS or any other emergency services and their related vehicles and equipment.
- (d) No peddler, solicitor, canvasser or panhandler shall utilize flashing or strobe lights, whistles, air horns, megaphones, amplifiers, loud noise devices or any other devices that may be used to attract attention to the merchant, yet would have a demonstrable negative impact on the health, safety, and welfare of the community.
- (e) No person shall panhandle in an aggressive manner in the following public areas:
 - (1) Within 25 feet of:
 - (A) An automated teller facility, including one located within a store;
 - (B) The entrance or exit of a bank; or
 - (C) The entrance or exit of a check cashing business;
 - (2) On either side of the street on a block where a school attended by minors or a childcare facility has an entrance or exit;
 - (3) On the sidewalk outside of or the patio area of a bar or restaurant; or [sic]

(Ordinance 427 adopted 5/16/2023)

§ 4.03.004. Exclusions from applicability of this article.

The provisions of this article shall not apply to the following:

- (1) Commercial agents dealing with local business establishments in the usual course of their business;
- (2) Insurance salesman, real estate agents, and others permitted by the state;
- (3) Vendors of farm produce or agricultural products when the vendor himself produces such produce or products;
- (4) Persons engaged in religious or political speech, which does not include the sale of any item or the solicitation of contributions;
- (5) Persons engaged in the distribution of handbills or flyers for services, commercial goods, wares, merchandise, subscriptions, or publications to be delivered at some future date, who do not engage in face-to-face contact with prospective customers or clients.

(Ordinance 427 adopted 5/16/2023)

§ 4.03.005. Distribution of handbills and commercial flyers.

In addition to the other regulations contained herein, a solicitor, peddler or canvasser leaving handbills or commercial flyers about the community shall observe the following regulations:

- (1) No handbill or flyer shall be left at, or attached to any sign, utility pole, transit shelter or other structure within the public right-of-way. The marshal and code enforcement officers are authorized to remove any handbill or flyer found within the right-of-way.
- (2) No handbill or flyer shall be left at, or attached to any privately owned property in a manner that causes damage or inconvenience to the owner of such privately owned property.

(Ordinance 427 adopted 5/16/2023)

§ 4.03.006. Underage solicitors.

No person under the age of 18 may solicit or peddle in the city unless a permit is obtained by a sponsoring adult that is 18 years of age or older, who shall also be responsible for the conduct of any underage person while peddling or soliciting.

(Ordinance 427 adopted 5/16/2023)

§ 4.03.007. Camping prohibited.

A person commits an offense if the person intentionally or knowingly camps in a public place without the effective consent of the officer or agency having the legal duty or authority to manage the public place.

(Ordinance 427 adopted 5/16/2023)

§ 4.03.008. Penalty and violations.

Any person who violates any of the provisions of this article shall be deemed guilty of a class C misdemeanor and upon conviction thereof shall be punished by a fine not to exceed more than \$200.00. Each day any violation of the article shall continue shall constitute a separate offense.

(Ordinance 427 adopted 5/16/2023)

§ 4.03.009. through § 4.03.030. (Reserved)

Division 2. Door-to-Door Soliciting

§ 4.03.031. Hours of canvassing, solicitation and peddling at private residences.

It shall be unlawful for persons, permitted or unpermitted, to canvass, solicit or peddle at private residences between the hours of 8:00 p.m. and 8:00 a.m., unless otherwise posted by the private property owner or by someone with apparent authority to act for the owner. This provision does not apply where the canvasser, solicitor or peddler is on the property by prior invitation of the owner of the property or a person residing on the premises.

(Ordinance 427 adopted 5/16/2023)

§ 4.03.032. Entry upon premises or property unlawful.

- (a) It shall be unlawful for any person to solicit, peddle or canvass upon any private property in the city where the owner, occupant, or person legally in charge of the premises has posted within five feet of the front door to the premises or main structure, or within five feet of the main entry point of the property or within five feet of the entry to the principal building on the premises, a sign bearing the words "no solicitation" or other similar sign bearing the words "no peddlers," "no canvassing," "no solicitors" or words of similar importance.
- (b) It shall be unlawful for any person to solicit, peddle or canvass at any entrance to a residence or private property other than through the use of the front door or primary entrance to the residence or private property.
- (c) It shall be unlawful for any person to solicit, peddle or canvass in a gated community or subdivision owned in common and maintained by a restrictive covenant property or homeowners association when a sign bearing the words "no solicitation" or other words of similar importance is clearly posted at each entrance of the property and is visible from the public right-of-way.
- (d) It shall be unlawful for any person to continue to solicit, peddle or canvass upon any private property in the city where the owner, occupant, or person legally in charge of the premises has advised the solicitor, peddler or canvasser to leave the property.

(Ordinance 427 adopted 5/16/2023)

§ 4.03.033. through § 4.03.060. (Reserved)

Division 3. Soliciting in Roadways

§ 4.03.061. Solicitation in public roadways.

- (a) Pursuant to Texas Transportation Code section 552.007, "solicitation by pedestrians," a person may not stand in a roadway to solicit a ride, contribution, employment, or business from an occupant of a vehicle, except that a person may stand in a roadway to solicit a charitable contribution if authorized to do so by the local authority having jurisdiction over the roadway.
- (b) Pursuant to Texas Transportation Code section 552.0071, "local authorization for solicitation by pedestrian," a local authority shall grant authorization for a person to stand in a roadway to solicit a charitable contribution as provided by Texas Transportation Code section 552.007.
 - (1) If the persons to be engaged in the solicitation are employees or agents of the local authority and the other requirements of this section are met.
 - (2) A person seeking authorization under this section shall file a written application with the local authority not later than the 11th day before the date the solicitation is to begin. The application must include:
 - (A) The date or dates and times when the solicitation is to occur;
 - (B) Each location at which solicitation is to occur; and
 - (C) The number of solicitors to be involved in solicitation at each location.

(Ordinance 427 adopted 5/16/2023)

§ 4.03.062. through § 4.03.090. (Reserved)

Division 4. Permits

§ 4.03.091. Application for permit.

Any person subject to the provisions of this article shall file a written application with the city marshal department. Permits are issued for individuals and not companies or organizations as a whole. Permits are not transferable. The application form is furnished by the city and shall include the following information:

- (1) Each applicant's name, current address, driver's permit number, or state-issued identification number, telephone number, birth date and physical description.
- (2) A photocopy of a government issued identification card of the applicant that includes a photograph.
- (3) If the applicant is peddling or soliciting for a commercial organization, the applicant must provide the organization's name, address, telephone number and name of the organization's owner or chief operating officer.
- (4) If the applicant is peddling or soliciting for a commercial organization, the applicant must provide the name, title, address, driver's permit number, or state issued identification number, date of birth, telephone number and e-mail address of their immediate supervisor.
- (5) A full and complete list of goods to be sold and/or services to be rendered and a copy of the sales contract/agreement and cancellation clause that complies with Texas Business and Commerce Code chapter 601.
- (6) Description (year, make, model, color) and the issuing state and permit plate number for any and all vehicles to be used in soliciting and peddling.
- (7) Whether the applicant has ever been convicted of a felony or misdemeanor involving moral turpitude, fraud, theft or assault of any kind.
- (8) The period of time during which the applicant wishes to solicit or sell in the city.

(Ordinance 427 adopted 5/16/2023)

§ 4.03.092. Investigation.

- (a) Each applicant shall submit the information required, together with an investigation fee as determined from time-to-time by ordinance, which will be used to help defray the expense of investigating the applicant to verify the statements on the application and shall not be refundable.
- (b) It shall be the duty of the city marshal or their designee to investigate each applicant.

(Ordinance 427 adopted 5/16/2023)

§ 4.03.093. Issuance or denial.

- (a) It shall be the duty of the city marshal or their designee to issue or refuse to issue a peddler's and solicitor's permit applied for under this article no later than two weeks from the time a complete application is filed. A peddler's and solicitor's permit shall be in the form as established by the city.

- (b) An application for permit may be denied due to a person's conviction of a felony or misdemeanor if the crime directly relates to the conduct of a peddler's or solicitor's business or results from an assault against another person. In determining whether a criminal conviction directly relates to the occupation, the marshal department shall consider:
- (1) The nature and seriousness of the crime;
 - (2) The relationship of the crime to the purposes for requiring a permit to engage in the occupation;
 - (3) The extent to which a permit might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; and
 - (4) The relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the permitted occupation.
- (c) An application for permit may be denied if:
- (1) An investigation reveals that the applicant falsified or omitted information on the application.
 - (2) The applicant is a registered sex offender.
 - (3) The applicant has had a permit revoked for any reason within the past three years.
 - (4) The applicant has failed to provide all required documentation with the application.
- (d) A peddler's and solicitor's permit issued hereunder shall be valid for 90 days, after which the holder thereof must reapply pursuant to section **4.03.091** if the holder desires to continue to peddle or solicit in the city.

(Ordinance 427 adopted 5/16/2023)

§ 4.03.094. Fees.

If the city marshal or their designee approves an application, the applicant shall pay a fee as determined from time-to-time by ordinance upon issuance of the peddler's and solicitor's permit. No permit shall be issued for more than 90 days or before all fees as required by this article have been paid.

(Ordinance 427 adopted 5/16/2023)

§ 4.03.095. Appeal of denial.

If the city marshal or their designee denies a peddler's and solicitor's permit to any applicant, the applicant may appeal such denial by written request to reconsider filed with the city administrator within seven days of such denial, providing such additional information as the applicant believes is pertinent to the city administrator reconsideration of such denial. The city administrator shall deny the appeal or issue the permit within seven days of receiving a request to reconsider.

(Ordinance 427 adopted 5/16/2023)

§ 4.03.096. Exhibition of permit required.

A solicitor or peddler must possess their city-issued permit at all times when soliciting within the city. If requested in the course of soliciting in the city, the person soliciting must produce the permit for inspection.

(Ordinance 427 adopted 5/16/2023)

§ 4.03.097. Revocation of permit.

- (a) Any permit issued hereunder may be revoked if the permit holder is convicted of a violation of any provisions of this article or has knowingly made a false material statement in the application or otherwise becomes disqualified for the issuance of a permit under the terms of this article.
- (b) If more than one (1) complaint of misconduct by a permit holder or group of permit holders working for the same company is received, the permit(s) may be immediately revoked by the city.

(Ordinance 427 adopted 5/16/2023)

ARTICLE 4.04. TEMPORARY OR SEASONAL BUSINESSES

§ 4.04.001. Definitions.

Public view. Being located at a site that is easily visible by the general public from public property and private businesses.

Seasonal business. A business or commercial activity that operates no more than eight (8) months in any calendar year, typically in connection with a certain season or seasons of the year, often in connection with tourist activities, which may or may not have a fixed, year-round location in the city, and includes but is not limited to such activities as food and refreshment vending, souvenir vending, and recreational equipment vending.

Temporary business. A commercial activity conducted for no more than thirty consecutive days without reference to a fixed year-round location in the city and which includes but is not limited to such activities as door-to-door selling, selling produce from vehicles, making and taking orders for photographs at a temporary location, and the renting of a motel room for taking or soliciting orders for products such as clothing.

Western motif. Having an appearance that is consistent with the master plan, including a historical, Old West setting and which enhances the western, cowboy image of the city. Such appearance must be enduring in nature, as opposed to superficial or decorative, and shall be modeled on familiar, western vehicles or structures, including but not limited to chuck wagons, stagecoaches, covered wagons, teepees, carriages, bunk houses, saloons, forts, log cabins, and similar symbols of an American western frontier character.

(Ordinance 238, sec. 10-211, adopted 5/20/04; Ordinance 301, sec. 2.03, adopted 2/13/14; 2009 Code, sec. 4.04.001)

§ 4.04.002. License required.

Anyone conducting temporary or seasonal business operations for the purpose of selling any goods, services, or any other thing to the public shall, before engaging in such operations, apply to the city and be granted a temporary or seasonal business operations license, as appropriate. The applicant shall be responsible for obtaining authorization or permission to locate the business at a particular site from the owner or operator of the site. Issuance of a temporary or seasonal business license by the city does not authorize the licensee to locate the business at any particular site.

(Ordinance 238, sec. 10-212, adopted 5/20/04; 2009 Code, sec. 4.04.002)

§ 4.04.003. Application for license; fee.

- (a) The application for each type of license shall be upon such form as may be designated by the mayor and shall show the date of its issuance and identity of each applicant by name, driver's license, telephone number, and permanent address.
- (b) A temporary business license shall be valid for a period of not more than thirty (30) days from the date of issuance. The application fee is on file in the office of the city secretary and is subject to periodic revision by the city.
- (c) A seasonal business license shall be valid for a period of not to exceed eight months out of any calendar year. The fee is on file in the office of the city secretary and is subject to periodic revision by the city.
- (d) The license shall specify the type of temporary or seasonal business in which the licensee is authorized to engage in the city.

(Ordinance 238, sec. 10-213, adopted 5/20/04; Ordinance adopting 2009 Code; 2009 Code, sec. 4.04.003)

§ 4.04.004. Operation from portable building; removal of portable building during periods of non-operation.

- (a) Temporary business. A licensee for a temporary business shall be allowed to operate from a portable building, provided that the portable building is removed from public view when the business is not in actual operation. Failure to remove a portable building from public view during hours of non-operation of a temporary business shall be grounds for revocation of the temporary business license and forfeiture of the license fee.
- (b) Seasonal business. A licensee for a seasonal business shall be allowed to operate from a portable building, and such portable building shall be allowed to remain in place and in public view during periods of non-operation, including months of a calendar year for which the business is not licensed, only if the portable building has and maintains a western motif appearance.

(Ordinance 238, sec. 10-214, adopted 5/20/04; 2009 Code, sec. 4.04.004)

§ 4.04.005. Western motif for portable building used by seasonal business.

- (a) An applicant for a seasonal business license who intends to operate from a portable building and to leave such building in place and in public view during periods of non-operation shall provide photographs of the portable building's western motif along with the application for the license. It shall be the duty of the city administrator or other person designated by the city council, with such advice from other city officers, employees, or citizens as he or she requests, to determine whether the portable building's western motif meets the definition contained in section **4.04.001**.
- (b) If the western motif does not meet the definition contained in section **4.04.001**, the seasonal business license may not be issued unless the western motif is modified to meet the definition or the applicant agrees to remove the portable building from public view during hours of non-operation.
- (c) Failure of a licensee to maintain the western motif after receipt of a seasonal business license, or failure to remove a portable building that does not have a western motif during hours of non-operation, shall be grounds for revocation of the license and forfeiture of the license fee.
- (d) The portable building shall be removed at the owner's or licensee's expense upon expiration of the license. If the portable building is not removed within thirty days after expiration of the license, it will be removed by the city police department at the city's expense. If not redeemed by the owner by

payment to the city of all of the city's costs of removal and storage within thirty days after removal, the portable building shall be considered abandoned property and may be sold or otherwise disposed of by the city as provided by law.

(Ordinance 238, sec. 10-215, adopted 5/20/04; 2009 Code, sec. 4.04.005)

§ 4.04.006. Bond.

Those applicants desiring to engage in the kind of temporary or seasonal business operations in which the customer orders something and pays in advance therefor before the receipt of the purchased item shall, in addition to the license fee, pay the sum of five hundred dollars (\$500.00) in cash bond to protect the citizens from any loss on account of such temporary or seasonal business operation. Thirty (30) days after the end of the license period, if there have been no complaints regarding the licensee, than such amount shall be refunded to the licensee.

(Ordinance 238, sec. 10-216, adopted 5/20/04; 2009 Code, sec. 4.04.006)

§ 4.04.007. Operations with more than one employee.

If a business entity desires to conduct temporary or seasonal business operations with more than one employee, one license may be issued to the business entity that names all the persons who are licensed thereunder. In such event, the application fee shall be increased per employee per license. The application fee is on file in the office of the city secretary and is subject to periodic revision by the city.

(Ordinance 238, sec. 10-217, adopted 5/20/04; Ordinance adopting 2009 Code; 2009 Code, sec. 4.04.007)

§ 4.04.008. Exceptions.

The following are exempt from the provisions hereof:

- (1) Charitable organizations recognized as such by the Internal Revenue laws of the United States and recognized service clubs such as Rotary, Kiwanis, Lions, Optimist, Elks, and the like;
- (2) Governmental subdivisions, including school districts, the chamber of commerce and the junior chamber of commerce;
- (3) Arts and crafts fairs; and
- (4) A traveling salesman or solicitor calling only on commercial businesses in the city.

(Ordinance 238, sec. 10-218, adopted 5/20/04; 2009 Code, sec. 4.04.008)

§ 4.04.009. Prohibited businesses.

- (a) Except in connection with a temporary business duly licensed by the city, the following is prohibited in any district within the city limits:
 - (1) A person, corporation, or other entity is prohibited from conducting business in wheeled vehicles or trailers, whether the wheels are on or off.
 - (2) A person, corporation, or other entity is prohibited from conducting business in a portable building.

- (b) "Portable building" is defined as a temporary building that was not designed to have a foundation and is transportable. Portable buildings typically cover less than 100 square feet and are intended for use as storage buildings, sheds, barns, kennels, greenhouses, construction site offices, guardhouses, playhouses, gazebos, and similar purposes. The term includes cargo containers, cargo boxes, and tractor-trailer containers, but does not include a mobile home, a HUD-code manufactured home, a recreational park trailer, or an industrialized or modular building as those terms are defined by state law.

(Ordinance 238, sec. 10-217, adopted 5/20/04; 2009 Code, sec. 4.04.009)