

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING CITY ORDINANCE NO. 1996-3, DATED JUNE 4, 1996, BY AMENDING CHAPTER 64, "PEDDLERS, SOLICITORS AND VENDORS" OF THE CITY CODE OF ORDINANCES; PROVIDING FOR A PENALTY FOR A VIOLATION OF THIS ORDINANCE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVING AND SEVERABILITY CLAUSES; PROVIDING A TEXAS OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION.

WHEREAS, the City Council of the City of Montgomery, Texas ("Council") has investigated and determined that Section 64-2 "Definitions," and Section 64-33 "Special requirements for mobile food units and roadside food vendors," of the City of Montgomery, Texas ("City") should be amended; and

WHEREAS, the City has complied with all notices and public hearings as required by law; and

WHEREAS, the City Council finds that it will be advantageous, beneficial and in the best interest of the citizens of the City to amend Chapter 64 "Peddlers, Solicitors, and Vendors" of the City's Code of Ordinances as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS:

Section 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. "Mobile food unit" and "Roadside food vendor" of Section 64-2 entitled "Definitions" of the City Code of Ordinances, are hereby amended, to reads as follows:

ADDITIONS

~~DELETIONS~~

"Mobile food unit means any business that sells edible goods from a stationary location within the City. The term "mobile food unit" shall include, but not be limited to:

(1) Mobile food trucks. A mobile food truck is a self-contained motorized unit selling items defined as edible goods.

(2) Concession carts. A concession cart is a self-contained unit that is moved by non-motorized means.

(3) Concession trailers. A concession trailer is a self-contained unit that is pulled by a motorized unit and has no power to move on its own.

~~*Roadside food vender has the same meaning as assigned to that term by rules adopted by the state board of health under the Texas Food, Drug and Cosmetic Act, V.T.C.A., Health and Safety Code ch. 431.001.*~~

Sec. 64-33 (d) - Special requirements for mobile food units and roadside food vendors of the City Code of Ordinances, is hereby amended, such that it reads as follows:

~~*“Sec. 64-33 (d) - Special requirements for mobile food units and roadside food vendors of the City Code of Ordinances, is hereby amended, such that it reads as follows:*~~

- d) “Each permit for operation of a mobile food unit shall be conditioned upon continuous compliance with the following:*
- 1) Mobile food units in the Historic Downtown District require a special use permit;*
 - 2) Each driver or operator of a mobile food unit shall maintain financial responsibility as required by the Texas Motor Vehicle Safety Responsibility Act, V.T.C.A., Transportation Code ch. 601;*
 - 3) No sales shall be made on any street or roadway where posted speed limits are in excess of 30 miles per hour;*
 - 4) No mobile food unit shall be parked within 50 feet of any street corner or crosswalk;*
 - 5) No person shall sell or solicit sales of merchandise from a mobile food unit within 1,000 feet of any public or private school between the hours of 9:00 a.m. and 5:00 p.m.;*
 - 6) No person shall sell or solicit sales of merchandise from a mobile food unit except between the hours of 9:00 a.m. and 7:00 p.m.; and*
 - 7) The permit issued pursuant to this article shall at all times be conspicuously posted upon the mobile food unit.”*

Section 3. This amendment to Ordinance No. 1996-3, dated June 4, 1996, as codified in Section 64-2 and Section 64-33 of the Code of Ordinances of the City of Montgomery, Montgomery County, Texas, shall prevail and all other Ordinances in conflict are hereby repealed to the extent of any conflict.

Section 4. If any section, subsection, sentence, clause, provision or part of this Ordinance shall be held invalid for any reason, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

Section 5. It is hereby officially found and determined that the meeting at which this Ordinance was considered 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 Meetings Act, Chapter 551, of the Texas Government Code.

Section 6. This Ordinance shall take effect and be in force after its publication as provided by law.

PASSED AND APPROVED by the City Council of the City of Montgomery, Texas, on the _____ day of _____.

THE CITY OF MONTGOMERY, TEXAS

Sara Countryman, Mayor

ATTEST:

Susan Hensley, City Secretary

APPROVED AS TO FORM:

Alan P. Petrov, City Attorney