

ORDINANCE NO. 2021-00

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING CHAPTER 64 "PEDDLERS, SOLICITORS, AND VENDORS" OF THE CITY OF MONTGOMERY CODE OF ORDINANCES TO ADD SEC. 64-6 "STREET FESTIVALS"; PROVIDING FOR FEES AND PENALTIES; REPEALING ALL OTHER CONFLICTING ORDINANCE PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION

WHEREAS, the City Council of the City of Montgomery, Texas, ("City"), has determined that it is necessary to amend Chapter 64 "Peddlers, Solicitors, and Vendors" to add Section 64 – 6 "Street Festivals" in the interests of the City and its citizens;

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

Section 1. The City Council adopts the findings and recitals above as true and correct.

Section 2. The City Code of Ordinances Chapter 64 "PEDDLERS, SOLICITORS, AND VENDORS", is hereby amended to add Section 64-6 "Street Festivals" and read as follows:

CHAPTER 64 – PEDDLERS, SOLICITORS, AND VENDORS

"Sec. 64-6. STREET FESTIVALS

Street festivals must obtain a permit from the City prior to the use of any public street or upon any property owned or leased by the City. In addition to the requirements of Section 64-31, street festival organizers are required to provide a Certificate of Insurance listing the City of Montgomery as Additional Insured in an amount established by the City. The organizer of the street festival must maintain and provide to the City a list of all vendors at the event that includes sufficient information for each vendor to comply with the permit application requirements of this chapter.

- a) *Each applicant for a street festival shall be required to file for a permit application, 30-days prior to the event, with the City Secretary.*
- b) *The fee for street festival permits shall be \$50.00 with a clean-up deposit of \$200.00 that shall be paid prior to the permit issuance.*
- c) *The street festival permit applicant shall provide detailed application information including, but not limited to:*
 - i. *identify organization conducting the event and event coordinator contact information;*

- ii. *include any authorization(s) for use of private property, street locations and/or street closure requests;*
 - iii. *list all activities to be conducted at the event;*
 - iv. *provide detailed site plan showing how event will be set up;*
 - v. *provide date and time of on-site preparation and clean-up after the event;*
 - vi. *if alcohol will be sold, a TABC Permit and proof of host liquor liability insurance shall be provided;*
 - vii. *if animals or livestock are to be used in conjunction with the event, a handwashing station shall be provided, and the location shown on the site plan; and*
 - viii. *Certificate of Insurance listing the City of Montgomery as additional insured.*
- d) *Individual vendors operating under a street festival permit are allowed to operate during festival hours.*
 - e) *The event coordinator shall provide a detailed list of all participating vendors including contact information, except food vendors. Food vendors and food trucks shall be required to obtain a separate food vendor permit from the City of Montgomery.*
 - f) *The issuance of the street festival permit shall be approved by the City Administrator and coordinated with the Police Chief.*
 - g) *The street festival permit upon approval of the City Administrator shall be issued by the City Secretary.*

Secs. 64-7-64-28. - RESERVED. ”

Section 3. This amendment to Ordinance No. 1996-3, Chapter 64 “Peddlers, Solicitors, and Vendors”, shall prevail and all other Ordinances in conflict are hereby repealed to the extent of any conflict.

Section 4. Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

Section 5. The provisions of this Ordinance will become effective immediately upon adoption by the City Council and publication as provided by law.

Section 6. 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.

PASSED AND APPROVED this the ____ day of _____, 2021.

Sara Countryman, Mayor

ATTEST:

Susan Hensley, City Secretary

APPROVED AS TO FORM:

Alan P. Petrov, City Attorney