

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MONTGOMERY, TEXAS IMPLEMENTING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR PERMITS GRANTED UNDER CHAPTER 64 OF THE CODE OF ORDINANCES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, Chapter 64 of the Montgomery, Texas Code of Ordinances ("City Code"), regulates peddlers, solicitors, vendors and similar businesses operating within the City of Montgomery, Texas ("City"); and

WHEREAS, the City currently issues permits to any person engaged in the business of peddling, hawking, soliciting, providing donation and/or recycling services of textiles and household goods, transient dealing, roadside food vending or operation of a mobile food unit within the City; and

WHEREAS, the existing provisions of City Code are inadequate, and time is needed to review, study, and revise City Code to fully take into account the impacts related to the timing, location, and manner of operation of peddlers, solicitors and vendors and to adopt reasonable regulations regarding permitting; and

WHEREAS, Chapter 64 of City Code is in need of updating to protect the public against the potential health, safety, welfare, and orderly operation of peddlers, solicitors and vendors throughout the City; and

WHEREAS, the absence of revisions to Chapter 64 of City Code will impair the orderly and effective implementation of contemplated amendments and any further action to issue permits

under Chapter 64 within the City during the period of this temporary moratorium may be in conflict with, or may frustrate the contemplated updates and revisions to City Code; and

WHEREAS, the City Council of Montgomery, Texas ("City Council"), further finds that this temporary moratorium is a matter of local and City-wide importance and is not directed towards any particular peddler, solicitor or vendor that currently seeks to operate under Chapter 64, but is necessary to ensure that such operations are addressed in a uniform and non-discriminatory manner; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City to implement a temporary moratorium on the submission, acceptance, authorization, and approval of any new or pending applications or permits to operate under Chapter 64 within the City.

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

Section 1. The findings and recitations set out in the recitals to this Resolution are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

Section 2. The City Council of the City of Montgomery, Texas hereby implements a temporary moratorium on the submission, acceptance, authorization and approval of any new or pending applications or permits to operate as a peddler, solicitor or vendor, under Chapter 64, effective immediately upon passage of this Resolution, for a period of thirty (30) days or as may be extended by action of City Council, or until the adoption and implementation of regulations as described in the above recitals, whichever may occur earlier.

Section 3. This temporary moratorium applies to all public and private property located within the City.

Section 4. In the case of any conflict between the provisions of this Resolution and any existing resolutions of the City the provision of this Resolution will control during the temporary moratorium period.

Section 5. If any section, paragraph, sentence, clause, phrase or word of this Resolution is declared unconstitutional or invalid for any purpose, the remainder of this Resolution shall not be affected thereby and to this end the provisions of this Resolution are declared to be severable.

Section 6. It is hereby found and determined that the meetings at which this Resolution was passed were open to the public, as required by Section 551.001, et seq., of the Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given, pursuant to all applicable law.

Section 7. That this Resolution shall take effect immediately upon approval and passage.

PASSED, APPROVED, AND ADOPTED this 24th day of May 2022.

THE CITY OF MONTGOMERY, TEXAS

Byron Sanford, Mayor

ATTEST

Nicola Browe, City Secretary

Alan P. Petrov, City Attorney