

CITY OF PORT LAVACA
PART II – CODE OF ORDINANCES

EXHIBIT “A”

**CHAPTER 34 - PEDDLERS, SOLICITORS, ITINERANT VENDORS, GARAGE SALES,
~~AND~~ MOBILE FOOD UNITS AND STREET VENDORS**

Sec. 34-1. – Definitions.

Itinerant vendor (*Mobile Food Units and Street Vendors*) means all persons or their representatives who engage in temporary or transient business in the city, by offering for sale goods or merchandise or taking orders for merchandise from a vehicle or temporary stand set up on streets, rights-of-way or other publicly owned property, on a vacant lot, or in/on the parking lot of a permanent business.

ARTICLE II. – PERMIT

Sec. 34-22. – Required; fees.

- c) The fee for ~~itinerant and~~ transient vendors shall be as established in appendix A to this Code. The permits shall be good for 14 days from the date of issuance.

ARTICLE III. – ITINERANT VENDORS: MOBILE FOOD UNITS AND STREET VENDORS

Sec. 34-50. – Regulations.

Mobile food units are subject to the following regulations:

(a) Location:

- (1) All mobile food units must be located on a private parcel with at least annual written permission from the property owner, which is appropriately zoned for commercial development, if any. If there is no zoning, then the mobile food units must be located in areas not designated as single family, townhomes, two-family, multi-family or manufactured home in the land plan adopted by the city in its comprehensive plan. The location must be approved in writing by the city. Units shall not be allowed on a driveway, fire lane or obscure traffic sight visibility.
- (2) The location must also provide for adequate parking pursuant to Code of Ordinance requirements.
- (3) No mobile food units operating under this regulation shall be allowed to sell or service food on any public street, sidewalk, or other public right-of-way unless approved in writing by the City of Port Lavaca.
- (4) Mobile food units shall be ready and able to be removed from the parcel daily.

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- (5) All mobile food units shall have a valid vehicle registration, motor vehicle operator's license, proof of vehicle liability insurance, and a Texas Sales Tax Permit and shall display secure a current mobile food unit permit and any document required by the Victoria County Department of Health.

(b) Operational issues.

- (1) A drive-through is not permitted in conjunction with the mobile food unit and shall not provide a drive-through service of any kind.
- (2) All mobile food units shall be equipped with a self-closing lidded trash receptacle. The trash receptacle must be placed outside next to the mobile food units for use by the patrons of the unit. The area around the mobile food units shall be kept clean and free from litter, garbage, and debris
- (3) Temporary connections to potable water are prohibited. Water shall be from an internal tank, and electricity shall be from a generator or an electrical outlet via a portable cord that is in conformance with the Electrical Code as adopted by the City of Port Lavaca.
- (4) No mobile food unit shall operate before first obtaining a permit from the City of Port Lavaca.
- (5) Mobile food units are not a "food establishment" and are not subject to art. IX, div. 4 of the City's Code of Ordinances.
- (6) All mobile food units are subject to inspection by the City of Port Lavaca fire department for compliance with all rules and codes.

Street vendors are subject to the following regulations:

- (a) It shall be unlawful for any person to sell or offer for sale a snow cone or any prepackaged food including, but not limited to candy, beverages, and ice cream, from a vehicle upon a public street without first obtaining a Street Vendor Permit from the city permit department. The term of permits shall be from January 1 to December 31 of the year of issuance.
- (b) Applications for Street Vendor Permits shall be made on a form provided by the city permit department including at least the following information:
 - (1) The name, date of birth, driver's license number, home address, business address, and business telephone number of the applicant.
 - (2) A description of each vehicle to be used including the make, model, vehicle identification number and license number.

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- (3) A description of the products or services to be sold.
- (4) Each completed application shall be accompanied by the following:
- a. a fee for each vehicle as established in appendix A to this Code;
 - b. a certificate of liability insurance for each vehicle, naming the City as an additional insured, in amounts of not less than three hundred thousand dollars (\$300,000.00) for claims of injury to or death of one person, five hundred thousand dollars (\$500,000.00) for all claims for injury to or death of persons arising from a single accident, and one hundred thousand dollars (\$100,000.00) for claims for damage to property; and
 - c. *Criminal history check of applicant.* Persons applying for a Street Vendors Permit shall provide a state department of public safety criminal history check. Persons who have been convicted of any crime other than a minor traffic violation shall not be issued a Street Vendor Permit. Provided the applicant passes the background check, the permit department shall issue a permit for each vehicle proposed to be operated by the applicant upon compliance with the provisions of (b) above and with other applicable ordinances, and upon certification that each vehicle complies with the following equipment requirements:
 - (c) Vehicles shall be identified on the front and rear thereof by reflective lettering at least eight (8) inches in height stating "CAUTION-STREET VENDOR."
 - (d) Vehicles shall be equipped with amber flashing lights at the front and rear thereof visible from at least five hundred (500) feet in normal daylight.
 - (e) All vehicles conducting sales of goods that generate litter shall be equipped with containers for the deposit of such litter, accessible from the outside of the vehicle.
 - (f) Audible devices used on vehicles shall not be capable of being heard more than three hundred (300) feet from the vehicle.
 - (g) It shall be unlawful for any person to sell or offer for sale any goods or services from any street vending vehicle contrary to the following operating requirements:
 - (1) Vehicles shall pull as far as practicable to the right-hand curb or edge of the roadway, and shall come to a complete stop, before conducting any sale and during all times when sales are conducted.
 - (2) All sales from vehicles shall be conducted in such a manner that persons do not enter or leave the sales vehicle in order to conduct sales.
 - (3) No sales shall be conducted within any of the following areas:

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- a. Upon any street designated as a collector or an arterial thoroughfare as designated on the adopted thoroughfare master plan.
 - b. Upon any street within a public park.
- (4) Sales from vehicles shall be made only from the curbside of such vehicles.
- (5) Amber flashing lights shall be activated each time, and only when a vehicle stops to conduct a sale.
- (6) Sales shall be conducted only during the time between thirty (30) minutes before sunrise and thirty minutes after sunset.
- (7) No vendor or vending unit shall restrict, obstruct or interfere with the access of any person to or from a private driveway or in any way create an obstruction to adequate access to property.
- (8) Vendors shall yield the right-of-way to all other types of traffic and shall not block the reasonable flow of traffic when stopped to conduct sales.
- (h) Upon the first conviction of an operator of a permitted vehicle for a violation of the requirements of (c) or (d) above, the permit of such vehicle shall be suspended for a period of thirty (30) days. Upon the second such conviction, the permit of the vehicle shall be revoked for the duration of its term.
- (i) Each person conducting sales from vehicles upon streets shall comply with applicable permit or registration requirements of this article, and with applicable health department permit requirements and regulations.

Sec. 34-51. – Permit and fee.

A Mobile food unit shall be required to obtain a permit and a Street Vendor shall be required to obtain a permit. Permit fees are located in app. A "Schedule of Fees" of the City of Port Lavaca Code of Ordinances.