

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

ARTICLE III. - MOBILE FOOD UNITS VENDORS AND STREET VENDORS

Sec. 34-53. - Street vendors.

- (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.
 - (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:

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- (1) Vehicles shall be identified on the front and rear thereof by reflective lettering at least eight (8) inches in height stating "CAUTION-STREET VENDOR."
 - (2) 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.
 - (3) 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.
 - (4) Audible devices used on vehicles shall not be capable of being heard more than three hundred (300) feet from the vehicle.
- (d) 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:
 - 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.

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- (e) 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.

- (f) 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.